Agenda

Special Council Meeting
Garth Homer Society Auditorium, 813 Darwin Avenue
SATURDAY, MAY 13, 2017 AT 10:00 AM

NOTICE OF PUBLIC HEARING MAY 13, 2017

1. "OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2017, NO. 9421"
   PROPOSED AMENDMENTS TO THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA ATLAS

a) 2785, 2801, 2811, 2821, 2825 & 2831 Tudor Avenue and 2766 & 2810 Sea View Road (Removal of the Terrestrial Herbaceous Environmentally Sensitive Areas):	
REPORTS: Report from the Director of Planning dated February 15, 2016, attached thereto are: ▪ the assessment reports from the Registered Biologist in regard to 2766 & 2810 Sea View Road and 2785, 2801, 2811, 2821, 2825 & 2831 Tudor Avenue; and ▪ the Sensitive Ecosystem Inventory Assessment by Moraia Grau MSc.	Pg. 4
MINUTES: Excerpt from the Committee of the Whole meeting held March 6, 2017.	Pg. 57
CORRESPONDENCE: ▪ Additional submission(s) from the Registered Biologist; and ▪ 30 Letters from owners, applicants and / or residents.	Pg. 66 Pg. 98
b) 2893 Sea View Road (Removal of the Marine Backshore Environmentally Sensitive Area):	
REPORTS: Supplemental report 2 from the Director of Planning dated March 13, 2017. Supplemental report from the Director of Planning dated February 15, 2017. Report from the Director of Planning dated October 27, 2016, attached thereto is the assessment report from the Registered Biologist in regard to 2893 Sea View Road.	Pg. 143 Pg. 148 Pg. 152
MINUTES: Excerpts from the Committee of the Whole meetings held March 27, 2017 and November 14, 2016.	Pg. 166
CORRESPONDENCE: ▪ Additional submission(s) from the Registered Biologist; and ▪ 13 Letters from owners, applicants and / or residents.	Pg. 176 Pg. 201

c) 4015 & 4033 Braefoot Road and 4004, 4010, 4024 & 4032 Malton Avenue (Removal of the Woodland Environmentally Sensitive Areas):	
REPORTS: Report from the Director of Planning dated February 15, 2017, attached thereto is: ▪ the assessment report from the Registered Biologist in regard to 4015 & 4033 Braefoot Road and 4004, 4010 & 4024 Malton Avenue; and ▪ the Plant Transplantation Guidelines dated June 29, 2010.	Pg. 236
MINUTES: Excerpt from the Committee of the Whole meeting held April 5, 2017.	Pg. 273
CORRESPONDENCE: ▪ Additional submission(s) from the Registered Biologist. ▪ 4 Letters from owners, applicants and / or residents.	Pg. 275 Pg. 280
d) 1515 & 1517 Cedarglen Road and 4141, 4157, 4181 & 4185 Glendenning Road and 4173 Lynnfield Crescent (Removal of the Woodland Environmentally Sensitive Areas):	
REPORTS: Report from the Director of Planning dated February 15, 2017, attached thereto is: ▪ the assessment report from the Registered Biologist in regard to 1515 & 1517 Cedarglen Road; 4141, 4157, 4181 & 4185 Glendenning Road; and 4173 Lynnfield Crescent.	Pg. 290
MINUTES: Excerpt from the Committee of the Whole meeting held March 13, 2017.	Pg. 323
CORRESPONDENCE: ▪ Additional submission(s) from the Registered Biologist; and ▪ 5 Letters from owners, applicants and / or residents.	Pg. 328 Pg. 333

e) 4727, 4731, 4735, 4739 & 4740 Treetop Heights and 4755 & 4769 Cordova Bay Road (Removal of the Terrestrial Herbaceous Environmentally Sensitive Areas):	
REPORTS: Report from the Director of Planning dated February 15, 2017, attached thereto is: ▪ the assessment report from the Registered Biologist in regard to 4727, 4731, 4735, 4739 & 4740 Treetop Heights and 4755 & 4769 Cordova Bay Road; and ▪ the Sensitive Ecosystem Inventory Assessment by Moraia Grau MSc.	Pg. 340
MINUTES: Excerpt from the Committee of the Whole meeting held March 27, 2017.	Pg. 394
CORRESPONDENCE: ▪ Additional Submission(s) from the Registered Biologist; and ▪ 9 Letters from owners, applicants and / or residents.	 Pg. 398 Pg. 400

2. "OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2017, NO. 9422"
   PROPOSED TEMPORARY EXEMPTION OF SINGLE FAMILY DWELLING (RS) ZONED PROPERTIES FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA ATLAS

REPORTS: Supplemental report from the Director of Planning dated April 27, 2017. Report from the Director of Planning dated April 18, 2017.	 Pg. 416 Pg. 418
MINUTES: Excerpts from the Committee of the Whole meetings held May 1 and April 24, 2017	Pg. 425
CORRESPONDENCE: ▪ 15 Letters from residents.	 Pg. 428

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

PROPOSED AMENDMENTS TO THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA ATLAS

PH 1

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9421

TO AMEND BYLAW NO. 8940,
BEING THE "OFFICIAL COMMUNITY PLAN BYLAW, 2008"

The Municipal Council of The Corporation of the District of Saanich enacts as follows:

1) Bylaw No. 8940, being the "Official Community Plan Bylaw, 2008" is hereby amended as follows:

   a) By deleting Plate 13 from Schedule 3 of Appendix “N” (Development Permit Areas Justification and Guidelines) of the Environmental Development Permit Area Atlas and substituting therefor a new Plate 13, attached hereto as “Schedule “A” and dated April 13, 2017.

      (For the removal of:
      i. The Terrestrial Herbaceous Environmentally Sensitive Areas and associated buffer at 2785, 2801, 2811, 2821, 2825 and 2831 Tudor Avenue; and 2766 and 2810 Sea View Road from the Environmental Development Permit Area Atlas.

      ii. The Marine Backshore Unit at 2893 Sea View Road from the Environmental Development Permit Area.)

   b) By deleting Plate 20 from Schedule 3 of Appendix “N” (Development Permit Areas Justification and Guidelines) of the Environmental Development Permit Area Atlas and substituting therefor a new Plate 20, attached hereto as “Schedule “B” and dated April 13, 2017

      (For the removal of the Woodland Environmentally Sensitive Areas at 4015 and 4033 Braefoot Road; 4004, 4010, 4024 and 4032 Malton Avenue from the Environmental Development Permit Area Atlas.)

   c) By deleting Plate 28 from Schedule 3 of Appendix “N” (Development Permit Areas Justification and Guidelines) of the Environmental Development Permit Area Atlas and substituting therefor a new Plate 28, attached hereto as “Schedule “C” and dated April 13, 2017.

      (For the removal of the Woodland Environmentally Sensitive Areas at 1515 and 1517 Cedarglen Road; 4141, 4157, 4181 and 4185 Glendenning Road; and 4173 Lynnfield Crescent from the Environmental Development Permit Area Atlas.)

d) By deleting Plate 41 from Schedule 3 of Appendix “N” (Development Permit Areas Justification and Guidelines) of the Environmental Development Permit Area Atlas and substituting therefor a new Plate 41, attached hereto as “Schedule “D” and dated April 13, 2017.

(For the removal of the Terrestrial Herbaceous Environmentally Sensitive Areas and associated buffer at 4727, 4731, 4735, 4739 and 4740 Treetop Heights; and 4755 and 4769 Cordova Bay Road from the Environmental Development Permit Area Atlas.)

2) This Bylaw may be cited for all purposes as the "**OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2017, NO. 9421**".

Read a first time this 24th day of April, 2017.

Public Hearing held at the Municipal Hall on the ___ day of _____, 2017.

Read a second time this ___ day of _____, 2017.

Read a third time this ___ day of _____, 2017.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of The Corporation on the ___ day of _____, 2017.

Municipal Clerk

Mayor

1410-04
xref: 2860-25

Saanich

The Corporation of the District of Saanich

Mayor
Councillors
Administrator
Council
Administrator
Media

Report

To: Mayor and Council

From: Sharon Hvozdanski, Director of Planning

Date: February 15, 2017

Subject: Request for Removal from the Environmental Development Permit Area (EDPA)
File: 2860-25 • 2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue, and 2766, 2810 Sea View Road

PROJECT DETAILS

Project Proposal:

The applicant is requesting that the subject properties be removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA). These properties were originally included in the EDPA to provide enhanced protection to the Terrestrial Herbaceous Sensitive Ecosystem type.

The request is based on the submission of a biologist report which states there is no sensitive ecosystem present.

If Council supports this request, the EDPA Atlas would need to be amended.

Addresses:

2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue and 2766, 2810 Sea View Road.

Legal Description:

Lot 1, Section 44, Victoria District, Plan 4290.
Lot 2, Section 44, Victoria District, Plan 4290.
Lot A, Section 44, Victoria District, Plan 16822.
Lot 1, Section 44, Victoria District, Plan VIP69137.
Parcel A (DD 39811W) of Block G, Section 44, Victoria District, Plan 501.
Block G, Section 44, Victoria District, Plan 501 except the Northerly 5.23 Chains; the land the title to which is hereby registered having a frontage of 5.62 chains more or less, on Cadboro View Road.
Lot B, Section 44, Victoria District, VIP71709.
Lot 2, Section 44, Victoria District, Plan 4841, Except that part commencing at the most easterly corner of said Lot; thence north westerly along the north easterly boundary of said Lot a distance of 60 feet; thence south westerly and parallel to the south easterly boundary of said Lot a distance of 100 feet; thence south 70

	degrees 37 minutes west a distance of 66 feet; thence south easterly along a straight boundary to a point on the said south easterly boundary distant 192.6 feet from the said most easterly corner; thence north easterly along the said south easterly boundary to the point of commencement, and except part in Plan VIP62177.
Owner(s):	Ian and Daphne Izard, Cynthia Henry, James and Gail Evans, Leslie Glazier, Will and Katy Maxwell, Walter Jackson, Kevin Cuddihy and Erica Kjekstad.
Applicant:	Kevin Cuddihy
Application(s) Received:	August 10 to 16, 2016
Parcel Size(s):	Between 0.1972 and 1.0798 hectares each
Existing Use of Parcel(s):	Single Family Dwellings
Existing Use of Adjacent Parcels:	See Figure 1
Current Zoning:	RS-16 (Single Family Dwelling) Zone
Minimum Lot Size:	N/A
Proposed Zoning:	No change proposed
Proposed Minimum Lot Size:	N/A
Local Area Plan:	Cadboro Bay
LAP Designation:	Residential

PROPOSAL

The applicant is requesting that the subject properties be removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA). These properties were originally included in the EDPA to provide enhanced protection to the Terrestrial Herbaceous Sensitive Ecosystem type.

The request is based on the submission of a biologist report which states there is no sensitive ecosystem present.

PLANNING POLICY

Official Community Plan (2008)

4.1.2.1 "Continue to use and update the 'Saanich Environmentally Significant Areas Atlas' and other relevant documents to inform land use decisions."

4.1.2.3 "Continue to protect and restore habitats that support native species of plants, animals and address threats to biodiversity such as invasive species."

4.1.2.4 "Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems."

4.1.2.5 "Preserve 'micro-ecosystems' as part of proposed development applications, where possible."

4.1.2.7 "Link environmentally sensitive areas and green spaces, where appropriate, using 'greenways', and design them to maintain biodiversity and reduce wildlife conflicts."

Cadboro Bay Local Area Plan (2008)

6.4 "Seek opportunities to preserve and restore ecosystems, which include indigenous trees, shrubs, plants and rock outcrops within open space, parks, boulevards, unconstructed road rights-of-way, and other public lands, as well as on private land."

General Development Permit Area Guidelines (1995)

1. "Major or significant wooded areas and native vegetation should be retained wherever possible."

Environmental Development Permit Area Guidelines (2012)

1.b.i) and iv) "Development within the ESA shall not proceed except for the following: Proposals that protect the environmental values of the ESA including:

- the habitat of rare and endangered plants, animals and sensitive ecosystems"

2. "In order to minimize negative impacts on the ESA, development within the buffer of the ESA shall be designed to:
   - Avoid the removal/modification of native vegetation;
   - Avoid the introduction of non-native invasive vegetation;
   - Avoid impacts to the protected root zones of trees within the ESA;
   - Avoid disturbance to wildlife and habitat;
   - Minimize the use of fill;
   - Minimize soil disturbance;
   - Minimize blasting;
   - Minimize changes in hydrology; and
   - Avoid run-off of sediments and construction-related contaminants."

3. "No alteration of the ESA will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment. Prior to the issuance of a development permit, the following information may be required:
   - A sediment and erosion control plan;
   - An arborist report according to the "Requirements For Plan Submission and Review of Development or Building Related Permits" (Saanich Parks);
   - A biologist report;
   - A surveyed plan; and/or
   - A bond."

4. "The following measures may be required to prevent and mitigate any damage to the ESA:
   - Temporary or permanent fencing;
   - Environmental monitoring during construction;
   - Demarcation of wildlife corridors, wildlife trees, and significant trees;
   - Restricting development activities during sensitive life-cycle times; and
   - Registration of a natural state covenant."

5. "Revegetation and restoration may be required as mitigation or compensation regardless of when the damage or degradation occurred."

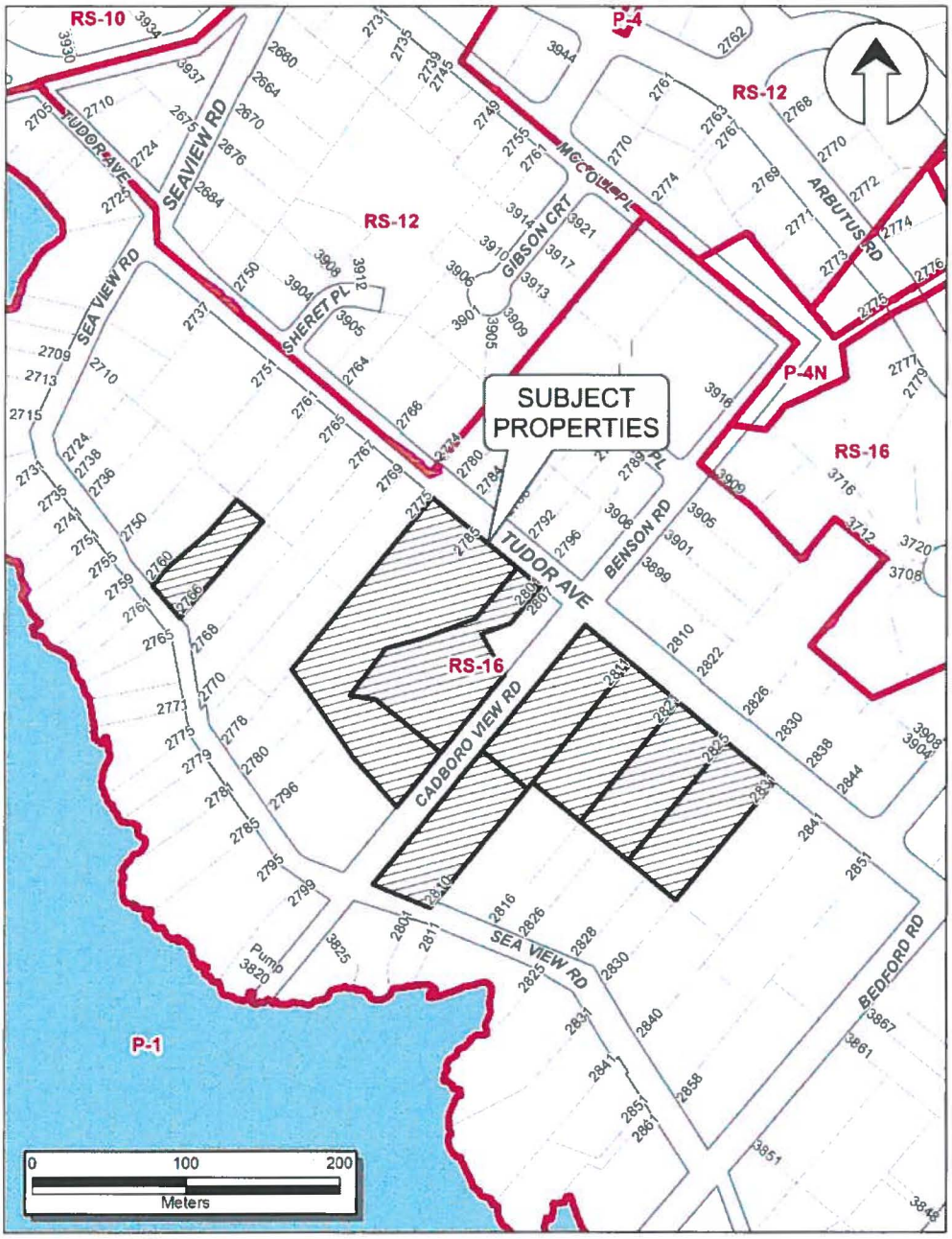


Figure 1: Context Map

BACKGROUND

Environmental Development Permit Area

The Environmental Development Permit Area (EDPA) was adopted by Council in 2012. Part of the EDPA Bylaw is the EDPA Atlas which illustrates the location of five Environmentally Significant Area inventories and associated buffers on properties in Saanich. As with the Streamside Development Permit Area (SDPA), it is acknowledged that the EDPA Atlas will need to be maintained and updated over time.

There are four ways mapping inaccuracies can be approached according to the EDPA Guidelines:

1. Exemption #14 allows for a professional to refine boundaries of an Environmentally Significant Area and potentially proceed without an Environmental Development Permit if a development proposal is shown to be outside of the Environmentally Sensitive Areas. This exemption was designed to avoid undue process or delays for applicants where mapping could be improved.

2. Exemption #15 allows for intrusions into the EDPA where covenants are used to secure comparable natural features which were not previously mapped.

3. As with the SDPA, staff collate proposed EDPA mapping changes as property owners note inaccuracies (which are documented by staff) or biologists hired during the development application process do a more detailed assessment. These changes are brought forward in batches to Council as recommended amendments.

4. Where a proposed mapping amendment is outside of the scope of these provisions, Council approval is required.

The applicants are seeking Council approval to remove the EDPA designation (both Environmentally Sensitive Areas and buffer zone) from the properties (Option 4, above).

As such, this report has been prepared for Council's review and consideration. If Council believes the removal request has merit, a Public Hearing on the matter would need to be called.

Council adopted a motion on May 9, 2016 to endorse Terms of Reference for the hiring of a consultant to develop potential solutions in relation to the application of the/an EDPA in Saanich. The Terms of Reference include a public consultation component as part of the development of potential solutions. It is possible that the outcomes of the review may impact the EDPA on these properties.

The Environment and Natural Areas Committee has not considered this request.

Existing EDPA Mapping

The EDPA on the subject properties is in reference to one Environmentally Significant Area (ESA): Terrestrial Herbaceous (see Figure 4).

The Terrestrial Herbaceous ecosystem is part of the Provincial/Federal Sensitive Ecosystem Inventory (SEI). The Ministry of Environment states that Sensitive Ecosystem Inventory areas are often ecosystem remnants and have many values because they:

- Provide critical habitat for species at risk and include ecosystems at risk;
- Are biologically diverse;
- Provide wildlife corridors and linkages;
- Bring nature into communities;
- Provide recreational opportunities;
- Support learning environments;
- Create economic benefits; and
- Are a legacy for future generations.

Specifically, Terrestrial Herbaceous is described as:

- Occurring in very small patches;
- Dominated by grasses and mosses;
- Thin-soiled with exposed bedrock;
- Containing introduced grasses and threatened by Scotch Broom;
- Supporting sparse tree and shrub growth;
- High bird and butterfly use, and very high invertebrate production; and
- Found in only 1.5% of the land base within the Capital Region.

The EDPA includes a 10 m buffer for the Terrestrial Herbaceous Environmentally Sensitive Areas. Property owners can apply for a permit to develop within the buffer area.

Terrestrial Herbaceous ecosystems are considered part of the rare Garry Oak and associated ecosystems mosaic.

This same area has been mapped by the Provincial Government as part of the Coastal Douglas-fir Terrestrial Ecosystem Mapping produced in 2008. It is classified as Garry Oak-Brome/mixed grasses (note that Brome refers to a native grass) and is slightly larger in area than shown by the Sensitive Ecosystem Inventory mapping.

As part of the Environmentally Sensitive Areas Mapping Initiative in 2012, the public land within this Terrestrial Herbaceous mapped area was assessed by a biologist who recommended that Saanich develop an invasive species management plan in order to protect the adjacent Terrestrial Herbaceous ecosystem. The biologist evaluated the Terrestrial Herbaceous ecosystem as being in fair to good condition despite the presence of Scotch Broom. The inventory was completed in early April, which is an appropriate time to survey this type of ecosystem, and a variety of breeding birds were noted including songbirds, raptors, and cavity-nesters.

The same biologist was requested by Saanich to revisit the site to comment on its condition and if the mapped area is still viable Terrestrial Herbaceous. Her findings were that there has been some expansion of invasive species from the Benson Road Right-of-way but that the integrity of the Terrestrial Herbaceous ecosystem is in a relatively natural state. She concludes that the mapped area meets the Sensitive Ecosystem Inventory criteria and is Terrestrial Herbaceous, and notes that it is the largest one in the area. Recommendations include working with the neighbourhood to manage invasive species on public and private land. The report was peer-reviewed by Richard Hebda, Ph D.

Three current or retired Federal and Provincial staff who were responsible during the establishment of the Sensitive Ecosystem Inventory inventory have provided general comments:

- This Terrestrial Herbaceous mapped area is a mosaic of Terrestrial Herbaceous, rock outcrop and Garry Oak Woodland;
- From aerial photo analysis and photographs, this area is a Sensitive Ecosystem;
- An evaluation of an Terrestrial Herbaceous area needs to be completed in the early spring as percent cover of invasive versus native species can be substantially different at this time.
- Application of the Sensitive Ecosystem Inventory methodology can be subjective when it comes to determining what is "relatively natural".
- The EDPA did not adopt Sensitive Ecosystem Inventory standards and does include goals for restoration.

The applicant did not give authorization for Saanich staff to visit any of the properties. However, there is a public right-of-way intersecting the Terrestrial Herbaceous area. Staff observed that the Terrestrial Herbaceous ecosystem definitely does exist and supports more Garry Oak trees than normally represented. However, there are patches of dense invasive species cover near the public land, and small broom plants scattered in many sections. More importantly, the core area is still intact and supports wildlife habitat and the moss cover consistent with Terrestrial Herbaceous. The ecosystem would benefit from regular broom cutting/pulling. Figures 2 and 3 are photographs taken by staff of the core Terrestrial Herbaceous polygon from public land.

Figures 2 & 3: Photographs of the core Terrestrial Herbaceous Ecosystem

Other Environmentally Sensitive Areas located within or adjacent to the Terrestrial Herbaceous are: Sheep Cove Creek, an active Bald Eagle nesting site, the marine backshore, natural parks, and two occurrences of a rare plant species (Twisted Oak Moss). The mapping for the moss is approximate however, the CDC notes that "relative to others in B.C., this is a large population over a large area" with "good estimated viability". The location of the rare moss is within the subject Terrestrial Herbaceous mapped area.

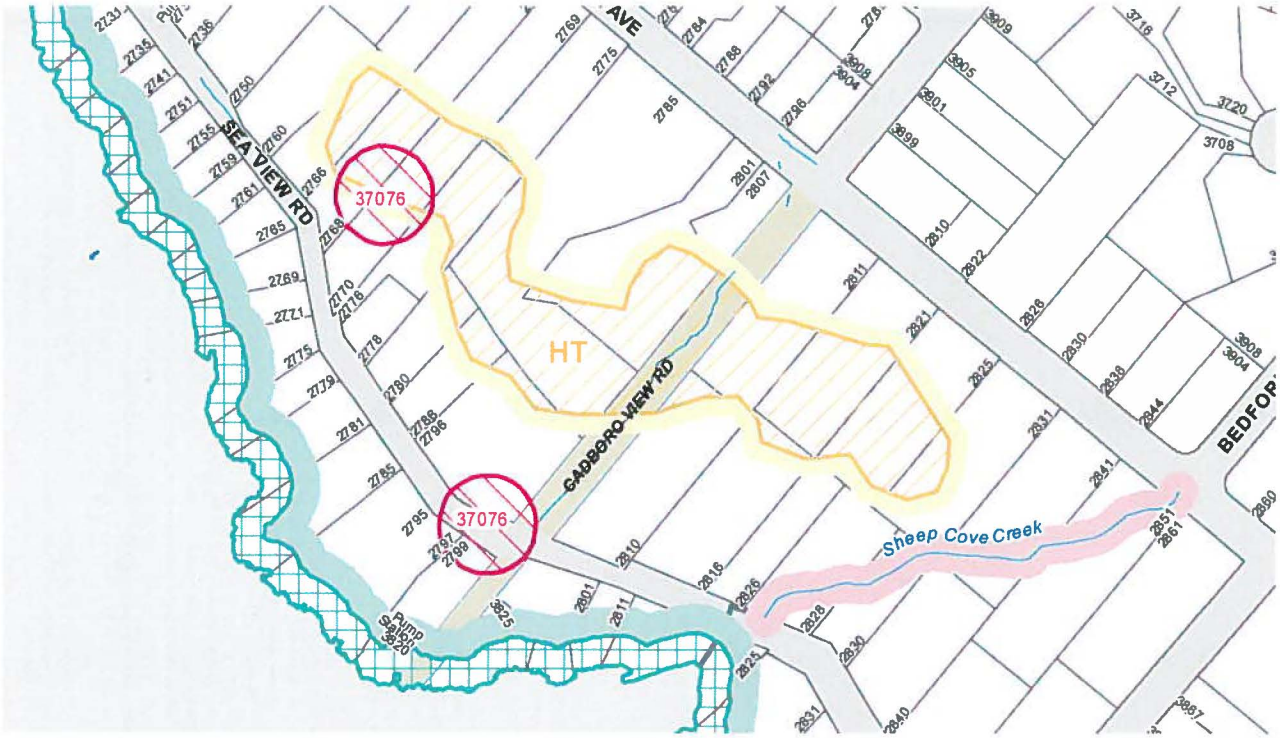
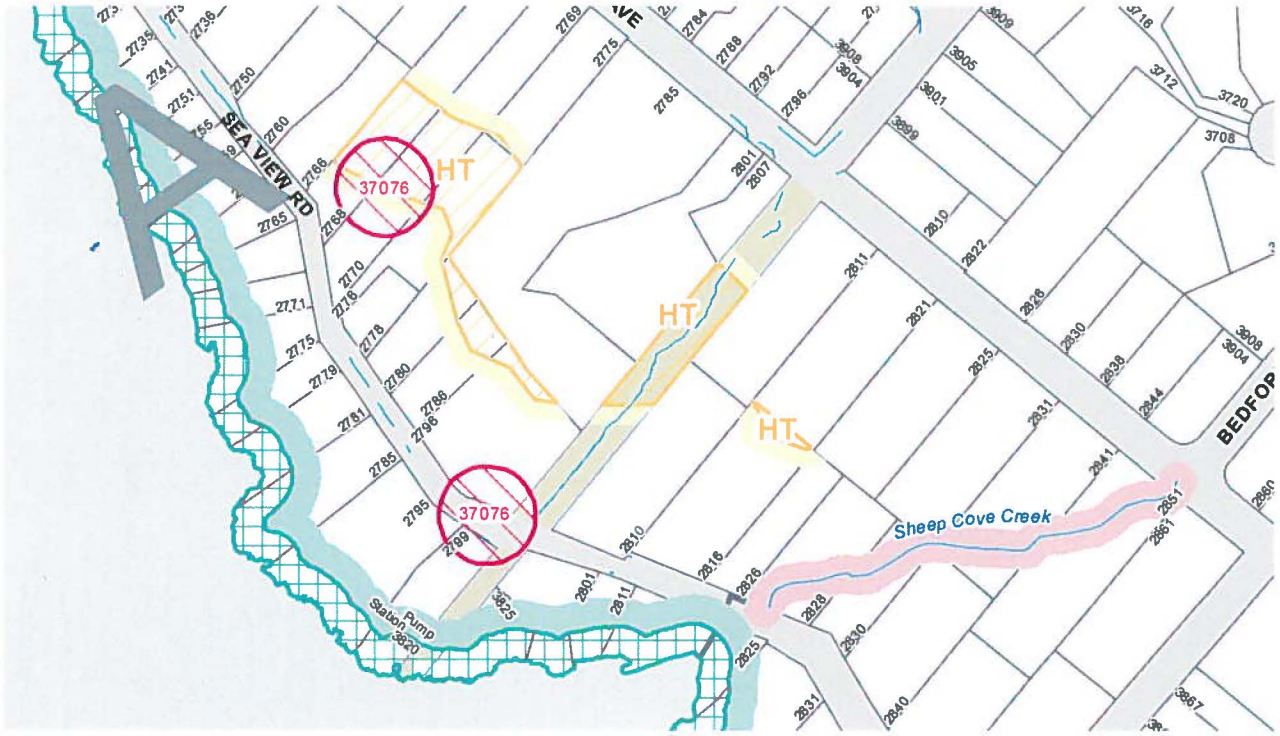


Figure 4: Existing Terrestrial Herbaceous EDPA Mapping



Figures 5: Proposed EDPA Mapping

Removal Request
The applicant has requested the Environmentally Sensitive Areas and associated buffer be removed from their property based on the opinion of their consulting biologist that there is no sensitive ecosystem on the properties. Figure 5 illustrates the EDPA mapping should Council remove the Terrestrial Herbaceous Environmentally Sensitive Areas and buffer from the properties.

The letter report by Mr. Lea describes the map unit marked as Terrestrial Herbaceous which falls on the properties in question. His site visit took place in late May/early June 2016. Native species which he found present within the polygon included Camas, Hooker's onion, Blue Wildrye, and native mosses. Invasive species which were found included Scotch Broom, Himalayan Blackberry, Periwinkle, English Ivy and invasive grasses. The property at 2766 Sea View Road was found to have a more dense Garry Oak cover than the other properties but all had at least a sparse cover of Garry Oak.

According to Mr. Lea, the properties do not meet the definition of an Environmentally Significant Area because they are dominated by invasive species and there are few native species. In addition he states that the property "does not support an ecological community that can be considered provincially at risk by the BC Conservation Data Center." Mr. Lea also states that restoration would be very difficult. In the letter report by Ted Lea, it is stated that some of the landowners have endeavoured to control invasive species over the years.

Staff biologists do not agree with the report by Ted Lea due to the inappropriate time of year that the work was completed, the focus on the presence of invasive plants, the lack of an assessment of habitat, the lack of a complete inventory, and the lack of acknowledgement of the known rare species in the mapped area. "Annual brome grasses" are stated to dominate throughout the area in the report, but they are not identified to show if any are native or invasive. Mr. Lea's letter report generalizes about the map unit but he has not visited all of the properties. Mr. Lea confuses Biogeoclimatic Ecosystem Classification standards in his report as being the relevant standard and that the Provincial Conservation Data Centre at-risk ecological communities are also a Sensitive Ecosystem Inventory determinant, which they are not. Inventory methods are not consistent with the Best Management Practices for Garry Oak & Associated Ecosystems produced by the Garry Oak Ecosystems Recovery Team.

Ted Lea states that "...some of the very shallow areas have a dense cover of native moss species that are still in good condition..." but does not identify the mosses or comment that rare mosses are known to this Terrestrial Herbaceous area according to the Provincial Conservation Data Centre.

It should be noted that an active Subdivision application for a boundary adjustment is being considered by the Approving Officer for 2801 and 2785 Tudor Avenue. While the current owners have not expressed a desire to further subdivide either new proposed parcel, the proposed new 2801 Tudor would have the area to create an additional lot. An additional lot would result in the loss of many Garry Oak trees and Terrestrial Herbaceous ecosystem in both the public right-of-way and on private property. The owners have not offered to covenant the core Terrestrial Herbaceous ecosystem. Without the EDPA, there would be no protection for the ecosystem or trees if developed.

OPTIONS

1) Do not support the request to remove the properties from the Environmental Development Permit Area.

2) Support the request to remove the Environmental Development Permit Area on the properties from the EDPA Atlas.

3) Postpone a decision on this application pending the outcome of the final phase of the EDPA "check-in" which would be undertaken by the independent consultant.

Staff recommend Option 1 for the following reasons:

- Saanich Official Community Plan policies support the protection and restoration of Environmentally Sensitive Areas in this area;
- There is a known rare species documented in the mapped area;
- Biologists have mapped and confirmed the Terrestrial Herbaceous ecosystem;
- The owners are able to continue to maintain and use their property as they are accustomed;
- Improvements as a result of the EDPA consultant review may help to address some of the concerns of the owners.

SUMMARY

The owners of eight properties on Tudor Avenue and Sea View Road have requested removal of the EDPA from their properties. The properties all contain some portion that falls within the Terrestrial Herbaceous Environmentally Sensitive Areas as mapped in the EDPA atlas. The request is based mainly on the presence of invasive species.

Staff biologists believe that the core of the ecosystem is intact and providing habitat. The same area has been mapped by the Provincial Government in 2008 and was evaluated as in fair to good condition in 2012. A rare species is known to occur in the mapped area. Any rare species in the mapped area would no longer be protected if the EDPA was removed as they have been since approximately 1998. A peer-reviewed biologist report confirms that the mapped area meets the criteria of Sensitive Ecosystem Inventory and is an Terrestrial Herbaceous ecosystem.

RECOMMENDATION

That Council support Option 1.

Note: If Council wishes to support the removal request at this time, the motion would be as follows:

That staff be requested to prepare an amendment to Plate of Schedule 3 to Appendix N of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Terrestrial Herbaceous Environmentally Sensitive Areas and associated buffer at 2785, 2801, 2811, 2821, 2825, 2831 Tudor Ave and 2766, 2810 Sea View Road from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment.

Report prepared by:

Adriane Pollard, Manager of Environmental Services

Report reviewed by:

Sharon Hvozdanski, Director of Planning

AP/ads
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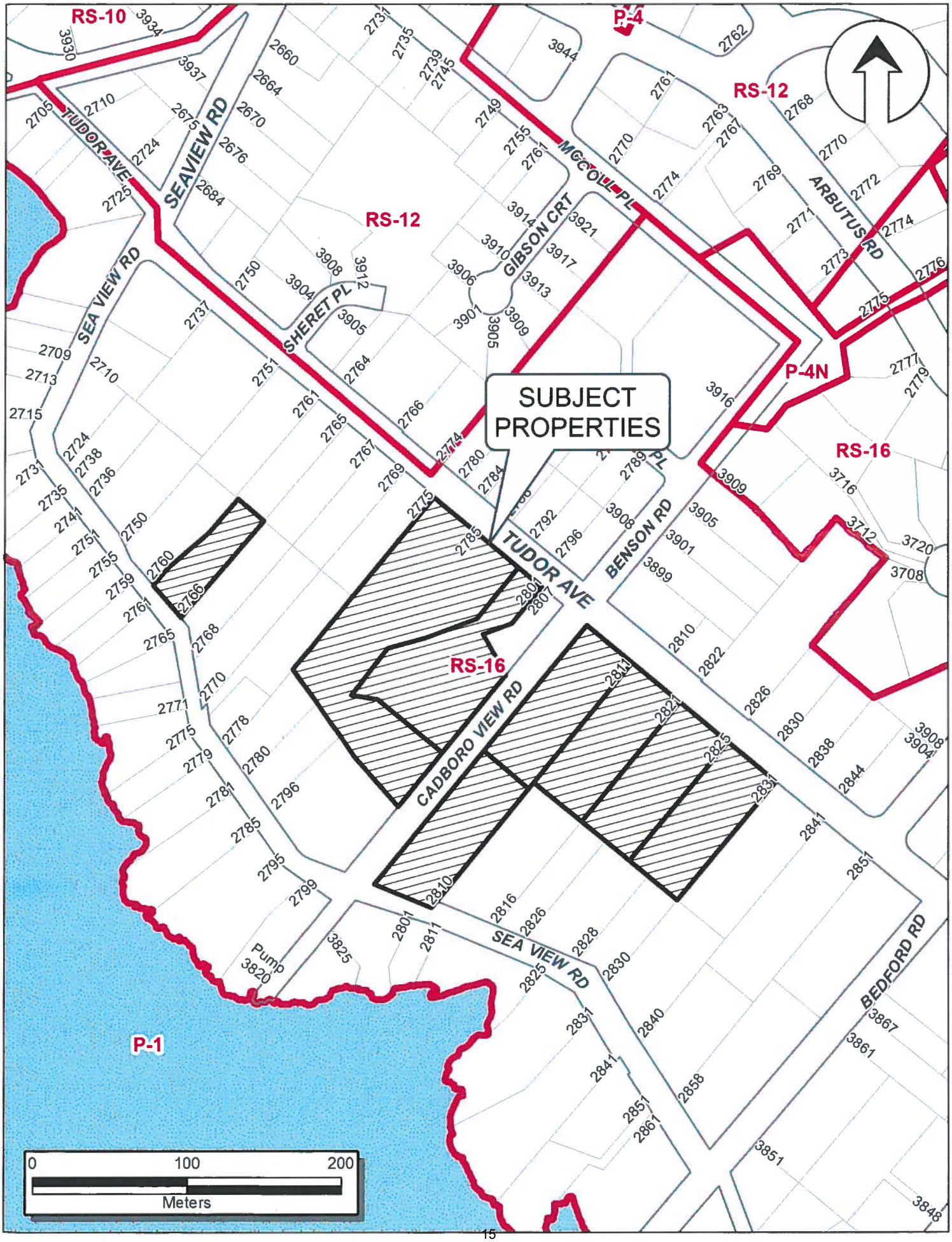
Attachments

cc: P. Thorkelsson, CAO

CAO'S COMMENTS:

I endorse the recommendation of the Director of Planning

Paul Thorkelsson, CAO


SUBJECT PROPERTIES
RS-10
RS-12
RS-16
P-1
P-4
P-4N
TUDOR AVE
SEAVIEW RD
SEA VIEW RD
SHERET PL
GIBSON CRT
MCCOLL PL
ARBUTUS RD
BENSON RD
CADBORO VIEW RD
BEDFORD RD
Pump
0
100
200
Meters

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 4th, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 2766 Seaview Road – Property of Cynthia Henry**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Tudor Avenue and Seaview Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is gentle to moderately sloping and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. Over time, landowners have removed Scotch broom, English ivy and blackberry, where possible. Other invasive species commonly found are sweet vernal grass, spurge laurel, cotoneaster, privet and hairy cat's-ear, Native species occur as scattered individuals or in small patches. They include camas, Hooker's onion, and blue wildrye in very small amounts. Some of the very shallow areas have a dense cover of native moss species that are still in good condition however, the majority of these areas have a dense invasive grass cover intermixed with the moss cover. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom, English ivy and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers would consume significant resources including time and costs for landowners.

The property at 2766 Seaview Road, within the SEI polygon is dominated by invasive grasses as indicated above, including dense orchard grass in deeper soil areas. Some Scotch broom occurs. No wildflowers were seen. A small amount of blue wildrye occurs. The north end of the property has dense Himalayan blackberry, and English ivy with some native Nootka rose. This property has a more dense Garry oak cover than most of this Terrestrial Herbaceous unit.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping*

Ecosystems at Risk and Other Sensitive Ecosystems, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

I have consulted the two standards recommended by Saanich's 2013 Guidelines document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries

of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Justin Henry

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 4th, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 2810 Seaview Road – Property of Ian and Daphne Izard**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Tudor Avenue and Seaview Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is gentle to moderately sloping and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. Over time, landowners have removed Scotch broom, English ivy and blackberry, where possible. Other invasive species commonly found are sweet vernal grass, spurge laurel, cotoneaster, privet and hairy cat's-ear, Native species occur as scattered individuals or in small patches. They include camas, Hooker's onion, and blue wildrye in very small amounts. Some of the very shallow areas have a dense cover of native moss species that are still in good condition however, the majority of these areas have a dense invasive grass cover intermixed with the moss cover. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom, English ivy and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers would consume significant resources including time and costs for landowners.

The property at 2810 Seaview Road, within the SEI polygon is mostly dominated by a dense cover of invasive shrubs including English ivy, hawthorn, spurge-laurel and periwinkle. There is significant cover of snowberry and scattered individuals of camas, blue wildrye and California brome. A patch of Nootka rose occurs, along with individual oceanspray. The eastern portion has a patch of privet. The northern portion of the property has invasive annual brome grasses as indicated above, including dense orchard grass in deeper soil areas.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

I have consulted the two standards recommended by Saanich's 2013 Guidelines document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association.** The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Ian and Daphne Izard

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 4th, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 2785 Tudor Avenue – Property of Will and Katie Maxwell**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Tudor Avenue and Seaview Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is gentle to moderately sloping and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. Over time, landowners have removed Scotch broom, English ivy and blackberry, where possible. Other invasive species commonly found are sweet vernal grass, spurge laurel, cotoneaster, privet and hairy cat's-ear, Native species occur as scattered individuals or in small patches. They include camas, Hooker's onion, and blue wildrye in very small amounts. Some of the very shallow areas have a dense cover of native moss species that are still in good condition however, the majority of these areas have a dense invasive grass cover intermixed with the moss cover. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom, English ivy and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers would consume significant resources including time and costs for landowners.

The lower and eastern portion of the property at 2785 Tudor Avenue, within the SEI polygon is dominated by invasive grasses as indicated above, including dense orchard grass in deeper soil areas. There is a significant cover of Scotch broom in the shrub layer. Few wildflowers are present. Moss areas occur in the very shallow areas and have a significant cover of invasive grasses associated with them. At the northwest end there is an area of dense shrub dominated cover of Scotch broom, English ivy, privet, spurge-laurel, periwinkle and orchard grass. Some oceanspray and tall Oregon-grape occur.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

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2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Will and Katie Maxwell

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 4th, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 2801 Tudor Avenue – Property of Will and Katie Maxwell**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Tudor Avenue and Seaview Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is gentle to moderately sloping and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. Over time, landowners have removed Scotch broom, English ivy and blackberry, where possible. Other invasive species commonly found are sweet vernal grass, spurge laurel, cotoneaster, privet and hairy cat's-ear, Native species occur as scattered individuals or in small patches. They include camas, Hooker's onion, and blue wildrye in very small amounts. Some of the very shallow areas have a dense cover of native moss species that are still in good condition however, the majority of these areas have a dense invasive grass cover intermixed with the moss cover. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom, English ivy and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers would consume significant resources including time and costs for landowners.

The property at 2801 Tudor Avenue, within the SEI polygon is mostly dominated by a dense cover of invasive shrubs including Himalayan blackberry, English ivy, Scotch broom, hawthorn, golden chain, Portuguese laurel and periwinkle along with orchard grass and other invasive herbs. A patch of Nootka rose occurs. The northeast portion of the property has invasive grasses as indicated above, including dense orchard grass in deeper soil areas.

This property does not support a Sensitive Ecosystem, following the provincial *Standard*

for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

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According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries

of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Will and Katie Maxwell

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 4th, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 2811 Tudor Avenue – Property of Leslie Glazier**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Tudor Avenue and Seaview Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is gentle to moderately sloping and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. Over time, landowners have removed Scotch broom, English ivy and blackberry, where possible. Other invasive species commonly found are sweet vernal grass, spurge laurel, cotoneaster, privet and hairy cat's-ear, Native species occur as scattered individuals or in small patches. They include camas, Hooker's onion, and blue wildrye in very small amounts. Some of the very shallow areas have a dense cover of native moss species that are still in good condition however, the majority of these areas have a dense invasive grass cover intermixed with the moss cover. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom, English ivy and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers would consume significant resources including time and costs for landowners.

The property at 2811 Tudor Avenue, within the SEI polygon is dominated by invasive grasses as indicated above, including dense orchard grass in deeper soil areas. Sweet vernal grass is prominent. There is a significant cover of Scotch broom in the shrub layer. Few wildflowers are present. Moss areas occur in the very shallow areas and have a significant cover of invasive grasses associated with them, as well as hairy cat's-ear. There is a dense cover of blackberry at the north end of the property within the SEI unit. At the south end there is an area of dense Scotch broom, English ivy and orchard grass. Some snowberry and tall Oregon-grape occur.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

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2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Leslie Glazier

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 4th, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 2821 Tudor Avenue – Property of Jim and Gail Evans**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Tudor Avenue and Seaview Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is gentle to moderately sloping and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. Over time, landowners have removed Scotch broom, English ivy and blackberry, where possible. Other invasive species commonly found are sweet vernal grass, spurge laurel, cotoneaster, privet and hairy cat's-ear, Native species occur as scattered individuals or in small patches. They include camas, Hooker's onion, and blue wildrye in very small amounts. Some of the very shallow areas have a dense cover of native moss species that are still in good condition however, the majority of these areas have a dense invasive grass cover intermixed with the moss cover. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom, English ivy and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers would consume significant resources including time and costs for landowners.

The property at 2821 Tudor Avenue, within the SEI polygon is dominated by invasive grasses as indicated above, including dense orchard grass in deeper soil areas. Sweet vernal grass is prominent. There is a significant cover of Scotch broom in the shrub layer, and patches of Himalayan blackberry. Few wildflowers are present. Moss areas occur in the very shallow areas and have a significant cover of invasive grasses associated with them. The oak grove just south of the house has a dense cover of orchard grass.

This property does not support a Sensitive Ecosystem, following the provincial *Standard*

for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

I have consulted the two standards recommended by Saanich's 2013 Guidelines document:

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2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries

of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Jim and Gail Evans

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 4th, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 2825 Tudor Avenue – Property of Kevin Cuddihy and Erica Kjekstad**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Tudor Avenue and Seaview Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is gentle to moderately sloping and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. Over time, landowners have removed Scotch broom, English ivy and blackberry, where possible. Other invasive species commonly found are sweet vernal grass, spurge laurel, cotoneaster, privet and hairy cat's-ear, Native species occur as scattered individuals or in small patches. They include camas, Hooker's onion, and blue wildrye in very small amounts. Some of the very shallow areas have a dense cover of native moss species that are still in good condition however, the majority of these areas have a dense invasive grass cover intermixed with the moss cover. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom, English ivy and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers would consume significant resources including time and costs for landowners.

The property at 2825 Tudor Avenue, within the SEI polygon is dominated by invasive grasses as indicated above, including dense orchard grass in deeper soil areas. Broom and periwinkle are significant in some areas. Few wildflowers remain. Significant amounts of Scotch broom, blackberry and English ivy have been removed by the landowner.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping*

Ecosystems at Risk and Other Sensitive Ecosystems, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

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1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries

of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Kevin Cuddihy and Erica Kjekstad

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 4th, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 2831 Tudor Avenue – Property of Walter Jackson**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Tudor Avenue and Seaview Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is gentle to moderately sloping and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. Over time, landowners have removed Scotch broom, English ivy and blackberry, where possible. Other invasive species commonly found are sweet vernal grass, spurge laurel, cotoneaster, privet and hairy cat's-ear, Native species occur as scattered individuals or in small patches. They include camas, Hooker's onion, and blue wildrye in very small amounts. Some of the very shallow areas have a dense cover of native moss species that are still in good condition however, the majority of these areas have a dense invasive grass cover intermixed with the moss cover. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom, English ivy and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers would consume significant resources including time and costs for landowners.

The property at 2831 Tudor Avenue, within the SEI polygon is dominated by invasive grasses as indicated above, including dense orchard grass in deeper soil areas. Scotch broom, cotoneaster and blackberry dominate the shrub layer. A significant area of St. John's wort occurs. No wildflowers were seen. Moss areas occur in the very shallow areas.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information

Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

I have consulted the two standards recommended by Saanich's 2013 Guidelines document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc.

Visual field assessment of Sensitive Ecosystem Inventory Herbaceous Terrestrial polygon extending along Seaview Rd and Tudor Ave properties

Submitted to:

Adriane Pollard
Environmental Services Manager
The Corporation of the District of Saanich

Prepared by

Moraia Grau MSc

PO Box 118
Silverton, B.C. V0G 2B0

Oct. 29, 2016

TABLE OF CONTENTS

1. Introduction

The "Sensitive Ecosystem Inventory (SEI): East Vancouver Island and the Gulf Islands" was a joint classification and mapping project coordinated and carried out by representatives of the Canadian Wildlife Service, BC Ministry of Environment, Lands and Parks, Nanaimo and the B.C. Conservation Data Centre. The objective of the SEI was to classify, identify, and map **terrestrial ecosystems and other habitats of high biodiversity, which still remained relatively unmodified** despite intense development pressure in these regions, with the objective of supporting management decisions and promoting ecological conservation and land stewardship" (Ward *et al.*, 1998). The inventory was finalized in 1998. A review and mapping update was carried out in 2004. Since that time the municipalities included in the SEI mapping have been charged with the task of preserving the sites under their respective jurisdictions.

My involvement with the SEI started in 1998, when I helped review and redefine polygon sites on aerial photos and carried out field reconnaissance of sites in the summer of 2000. In recent years I have worked for the District of Saanich on the Environmentally Significant Areas project, and I have been a Registered Professional Biologist (RPBio) from 2003 to 2015.

2. Objective

The purpose of this report is to describe and provide feedback on the condition of the Herbaceous Terrestrial (HT) SEI site occurring on properties 2766, 2768, 2770, 2776, 2780, 2786, 2796, 2810 and 2816 Seaview Rd. and 2785, 2801, 2811, 2821, 2825 and 2831 Tudor Ave., and the Benson Rd. undeveloped right-of-way (fig.1).

3. Method

The site includes portions of fifteen private properties and the District of Saanich undeveloped right-of-way at Benson Rd. (figure 1). I visited this site on April 9, 2012, while working on the Environmentally Significant Areas project. At that time the main objective of the assessment was the ecological condition of the Benson Rd. trail allowance (20m wide).

The Benson Rd. footpath crosses and divides the mapped SEI site approximately in half, to the East and to the West of the trail, and provides a vantage point to the central part of the site. As I had visited and assessed the area four years ago, and asking permission to enter private properties would have taken time and delay the visit, I decided to compare my previous notes and assessment with a visual evaluation from the footpath.

4. Results

On April 9, 2012, the impact of invasive species was evident along the trail´s allowance. Periwinkle (a thick patch) and Scotch broom were the most abundant species. The tree and shrub layer was represented by approximately equal cover of Garry oak, ocean spray and Nootka rose, and a lesser presence of Himalayan blackberry, common privet and daphne laurel. A cotoneaster thicket was also observed nearby. The most abundant herbaceous species were orchard grass, common camas, and Spanish bluebells, followed by henbit dead-nettle, cleavers, and minor presence of dandelion,

daffodils, and creeping buttercup. In addition, a heavy infestation of English ivy was noted along the path and on the neighboring property (2801 Tudor Ave) around some dead and dying Garry oak trees (Qg). Drainage works observed along the trail may have disturbed subsurface flow and affected the Garry oaks. Blackberry bushes and other invasive species were mostly on the storm drain and along the foot path (photos 1-4).

The properties on both sides of the trail showed grassy areas interspaced with moss covered rock outcrops. Large and stunted Garry oaks, patches of ocean spray, wild rose, snowberry and camas, could be seen from the footpath throughout the grass meadows (photos 5-10). The main exotic species was orchard grass, as Scotch broom was sparse and did not have as much cover. Other species found along the path such as daffodils were noticed on the private properties. Mosses included roadside rock moss, hoary rock moss and Oregon beaked moss.

Many bird species were also noted in the relatively short time of the visit: spotted towhees, chesnut-backed chicadees, yellow-rumped warbler, a downy woodpecker on a dead Garry oak, and a bald eagle, which had its nest on a large Douglas-fir nearby.

Under the direction of the Saanich Advisory Committee, the assessment method used to evaluate these urban sites was a modified version of the CDC Conservation Evaluation Form, in which the Evaluation Summary field "Ecological Integrity" was replaced by "Restoration Potential." In a four degree scale of Conservation Value (Excellent, Good, Fair and Poor), the evaluation of the undeveloped r-o-w allowance together with adjacent nearby areas was determined to be **Fair** (50% of the surrounding landscape fragmented, 40-75% cover of exotic species but moderate internal fragmentation, and several years of restoration work needed). Appendix I shows the Conservation Value criteria applied.

The second visit on September 27th consisted of a visual reconaissance of the properties to the east and west of the foot path allowance. Given the timing of the assessment, when most of the herbaceous vegetation had dried up, the main objective was to assess the condition of the HT site compared to the previous visit, particularly in reference to the invasive species periwinkle, English ivy, Himalayan blackberry, and Scotch broom.

The periwinkle and English ivy infestations noted on the path allowance four years ago have expanded and extended into the properties adjacent to the path. However, only two sections of two properties within the HT site were seen affected by the expansion:

- at 2801 Tudor Ave., the periwinkle infestation has expanded over the south corner of the property under Garry oaks; and
- a large patch of English ivy at 2796 Seaview Rd. (south of the site) may be affecting a portion of the HT at 2785 Tudor Ave. (southeast corner).

Similarly, blackberry bushes were found on the ditch along the sides of the foot path as before, but in some areas the patches have extended into neighboring properties. Scotch broom did not seem to have increased in abundance from the previous visit, isolated plants remaining interspaced throughout the grassy areas.

The meadows and rock outcrops on both sides of the trail (2785, 2801, 2811, and 2821 Tudor Ave.) seem to have maintained similar characteristics as before: moss covered rock outcrops and grassy areas with an obvious component of orchard grass and scattered Garry oaks, ocean spray, wild rose, and Scotch broom bushes. Licorice fern new fronds were evident on shallow soil and rock crevices. Moss covered rocks included broom moss, awned haircap moss and roadside rock moss. Exotic early

hairgrass was noted on the moss cover. Due to the time of the year and the visual restrictions, the species named do not stand for a comprehensive species list of the HT site.

In addition to the visit, a search on the GIS Saanich Atlas showed the presence of Conservation Data Centre (CDC) at Risk Element Occurrence Code 37076 -Twisted Oak Moss, on properties 2668 and 2770 Seaview Rd. both within the HT site. Photos 1 through 6 show vegetation and physical characteristcs of the HT site on the properties visually accessible from Benson Rd. foot path.

5. Discussion

The Sensitive Ecosystem Inventory describes HT ecosystems as sites where "the predominantly herbaceous vegetation is continuous except where interspaced with bare rock outcrops. The low tree and shrub cover characteristic of this ecosystem type is a result of shallow and rapidly draining conditions. Summer heat and light create drying conditions (Mc Phee *et al.* 2000)." In addition, SEI recognized three types of HT:

a) HT; less than 10% tree cover and less than 20% shrub cover

b) HT:ro; grass-forb areas interspaced with rocky outcrops

c) HT:sh; grass-forb areas with more than 20% shrub cover

The physical attributes of these sites are described as: gentle to moderately sloped (<30% slope), exposed and open, dry sites, typically thin soiled, with pockets of deeper soil which may support sparse trees, with bedrock exposed as rock outcrops, located outside the salt spray zone, near shorelines to the summits of local hills in the study area (South and Eastern Vancouver Island and the Gulf Islands). All these characteristics apply to the site between Tudor Ave. and Seaview Rd. and would identify it as a HT:ro.

The SEI notes the importance of this type of ecosystem due to its fragility (thin soils are easily disturbed and herbaceous plants are easily trampled), high biodiversity and the occurrence of specialised microhabitats. Typical species of these sites are various species of snakes (Garter and the at risk Sharp-tailed Snake), birds (Lincoln´s, Savannah and Song sparrows, and potentially Vesper Sparrow and Streaked Horned Lark), mammals (voles, mice, shrews), which in turn attract predators such as raptors. They are also important habitats for invertebrate production, such as butterflies, including Anise Swallowtail and the endangered species Zerene fritillary, and other insects which attract aerial insectivores such as swallows, flycatchers and bats to these sites (Mc Phee *et al.* 2000).

It is important to mention that the SEI classification does not use defined vegetation or physical parameters as other Provincial ecological classifications, such as CDC Ecological Communities at Risk or Terrestrial Ecosystem Mapping (TEM) units. These latter classification and mapping systems are based on the Biogeoclimatic Ecosystem Classification (BEC) of British Columbia, which uses elevation, soil nutrient and soil moisture regimes, as well as vegetation, as defining parameters. However, CDC Ecological Communities at Risk and TEM units are not equivalent. The CDC Ecological Communities at Risk are mapped according to "plant association", whereas the TEM polygons are based on "site series" (or sometimes map units are created specifically for TEM projects).

SEI sites are often a grouping of ecosystems not defined by a fixed vegetation species cover criteria. The reason behind the SEI classification was the recognition and flagging of specific habitat types threatened specifically by development, be it urban, industrial, agricultural, or recreational. Therefore sites may occur in a relatively natural or in a relatively more disturbed state. The SEI site between Tudor Ave. and Seaview Rd. falls within the description of "a relatively natural" HT site; i.e. an HT site

affected by a certain degree of invasive species, yet an HT site nevertheless.

We could reflect on other HT sites which at one time were affected by invasive species in larger amounts than they are now, and those areas were always considered SEI HT sites, even prior to the restoration programs. For example, Mount Tolmie had a higher cover of Scotch broom and Himalayan blackberry, than the Seaview-Tudor site, and a much higher deterioration on meadows and rock outcrops because of trampling by walkers and dogs. In a less than pristine condition were many other important HT sites in the Victoria area such as Government House. However, the ecological condition of Mount Tolmie, Goverment House, and other Saanich and Victoria Parks, was improved by ecological restoration activities, which often did not involve plantings. The removal of invasive species allowed the re-emergence of native species typical of these ecosystems such as camas, shooting stars, lilies, and others. As has been discovered in various sites around Victoria, control and removal of invasive species leads to widespread emergence of native species. Just because some species are not visible, it does not mean they are not there.

In addition, it´s important to note that plants are just a reflection of other biological diversity, such as invertebrates, fungi, micro.organisms, and others. These HT communities are the template for all this other biological diversity. If these spaces are not available, then there are no opportuniies for this natural heritage to persist. As can be seen in figure 2, this site because of its size is a focal point in the context of Ten Mile Point´s sensitive ecosystems (Coastal Bluffs around the coast) Other HT sites exist in Ten Mile Point although they are not mapped possibly because of their smaller size. At the landscape level, maintaining these relatively larger sites of natural habitat is important. The large bird activity observed at the Benson Rd. HT site and the CDC mapped Element Occurrence are also indicative of the ecological value of the site.

6. Recommendations

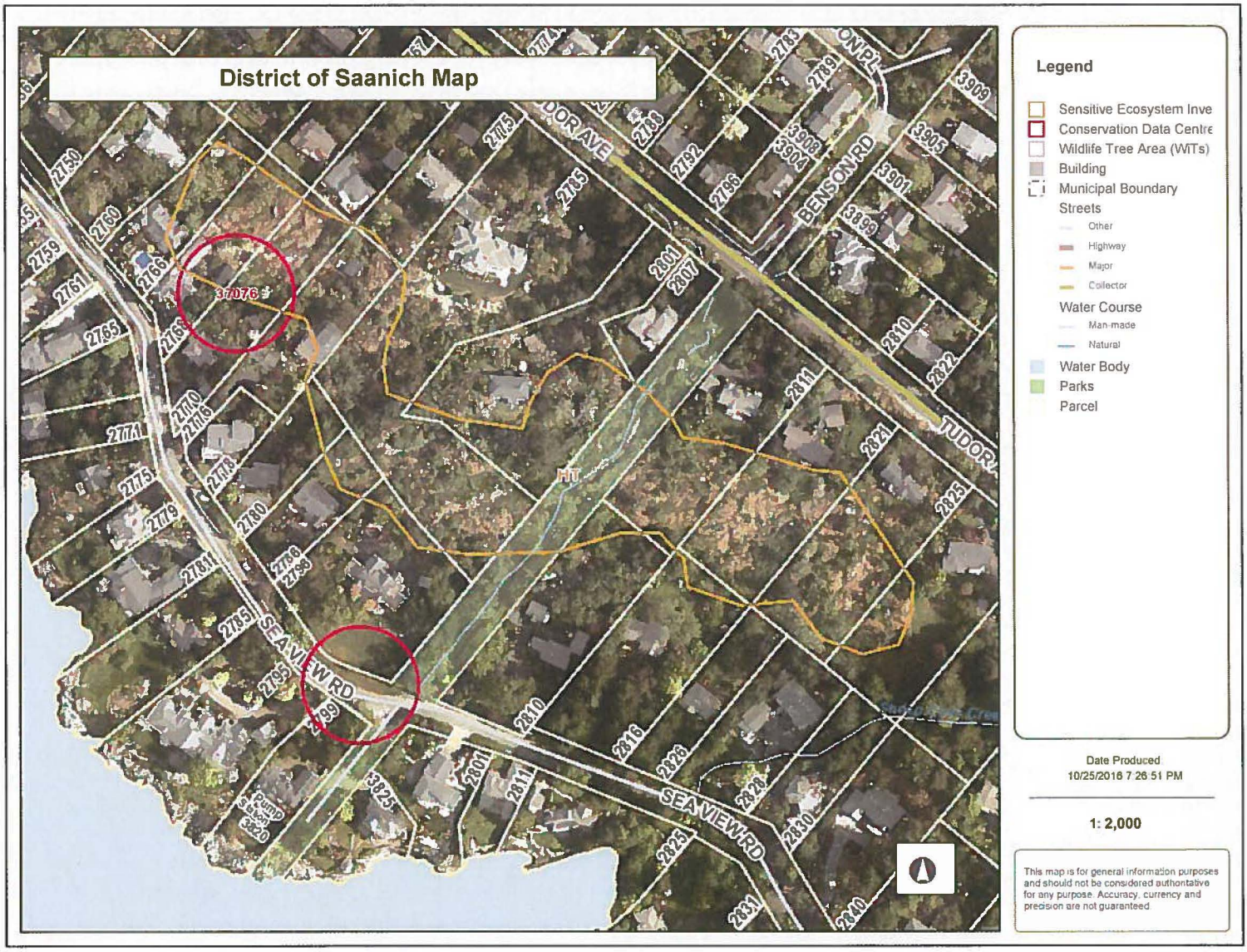
My recommendation to Saanich council is that the District of Saanich provide help to property owners to preserve these valuable SEI sites, through covenants, tax relief and/or grants to help with restoration/maintenance costs, similarly to the help provided to care for Significant Trees. Also, it is recommended that the District of Saanich consistently uses natural restoration practices in areas under the District´s jurisdiction, in particular those affecting SEI sites such as Benson Rd. r-o-w. In addition, the restoration activities should be used to promote the involvement of neighboring property owners in the project, for example, with the use of education leaflets, and/or other means, previous to the restoration work.

7. Literature cited

McPhee, M., P. Ward, L. Kirkby, L. Wolfe, N. Page, K. Dunster, N.K. Dawe and I. Nykwist. 2000. Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands, 1993-1997. Vol. 2: Conservation Manual. Technical Report Series No. 345. Canadian Wildlife Service, Pacific and Yukon Region, British Columbia.

Ward, P., G. Radcliffe, J. Kirkby, J. Illingworth and C. Cadrin. 1998. Sensitive Ecosystems Inventory: East Vanocuver Island and Gulf Islands, 1993 - 1997. Volume 1: Methodology, Ecological Descriptions and Results. Technical Report Series No. 320. Canadian Wildlife Service, Pacific and Yukon Region, British Columbia.

List of Figures


District of Saanich Map
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Sensitive Ecosystem Inve
Conservation Data Centre
Wildlife Tree Area (WITs)
Building
Municipal Boundary
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SEA VIEW RD
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BENSON RD


District of Saanich Map
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Sensitive Ecosystem Inve
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Wildlife Tree Area (WiTs)
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Photographs

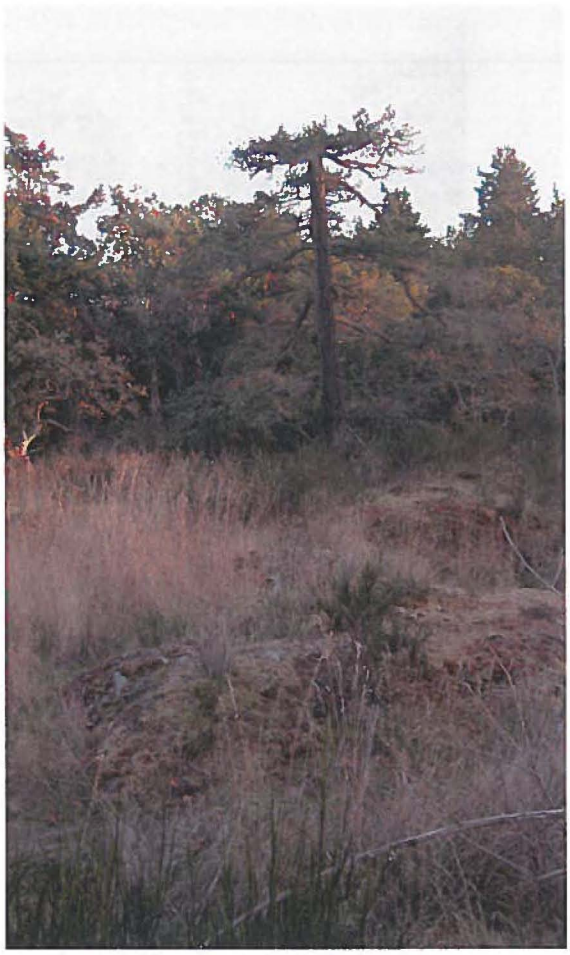
Photos 1-2. April 9, 2012. View of the SEI herbaceous terrestrial ecosystem from the Benson Rd. foot path. Drainage ditch with blackberry bushes and moss covered rock in foreground; rock outcrops, grass meadows and Garry oaks on the background.

Photos 3 and 4. Old Garry oak drying out covered with English ivy and with Downy wood pecker activity.

Photo 5. View of Benson Rd. undeveloped right of way. Sides of path with exotic species: periwinkle, English ivy and Himalayan blackberry.

Foto 6. View of the HT site east of foot path: interspaced rock outcrops and meadows, with orchard grass, some Scotch broom and scattered Garry oaks.

Foto 7. View of the HT site west of foot path: rock outcrop, grass meadow, Garry oaks and Scotch broom.



Photos 8 and 9. View of the site to the east of foot path: rock outcrops and grass meadow, with black hawthorn and Scotch broom shoots on foreground; Douglas fir and Garry oaks.on backgroud.

Foto 10. Moss covered rock: broom moss and rock roadside moss.

Foto 11. New fronds of licorice fern next to path.

Appendix I
Conservation Value Criteria

Conservation Value Assessment

Landscape context	
Excellent – Score 4	The surrounding landscape has <25% fragmentation due to roads, urban areas, and rural settlements, and no recent industrial activity. Site occurs within a larger landscape with some formal protection status or protected by conservation covenants.
Good – Score 3	Up to 50% of the surrounding landscape is fragmented. The larger landscape context provides some protection from anthropogenic disturbance, although changes to natural disturbance regimes exist (fire suppression; flooding control).
Fair – Score 2	More than 50% of the surrounding landscape is fragmented and affected by anthropogenic influences. Development may currently affect the ecosystem's existence.
Poor – Score 1	Less than 15% of the surrounding landscape consists of natural or semi-natural vegetation, or the ecosystem is completely isolated from natural areas and protected areas.
Condition (C)	
Excellent – Score 4	Minor cover of exotic species occur in the site (<10%). Forested ecological communities are climax vegetation. The community may have minor internal fragmentation (<5%). Wetland and riparian communities have natural hydrology regimes. No artificial structures occur at the site.
Good– Score 3	Some cover of exotic species (10 - 40%). Forested ecological communities may be late seral vegetation. Wetland and riparian communities have largely natural hydrology regimes. There could be moderate internal fragmentation (<25%).
Fair– Score 2	Significant cover of exotic species (40 - 75%). Forested ecological communities typically are young seral vegetation after anthropogenic disturbance. There may be significant alterations of hydrology regime in wetlands and riparian ecological communities. There is moderate internal fragmentation (<25%).
Poor– Score 1	Exotic species dominate a vegetation layer or may total >75%. Significant anthropogenic disturbance, such as removal of soil material or vegetation. There are significant alterations to the hydrology regime in wetlands and riparian ecosystems. High internal fragmentation (>25%), presence of artificial structures or barriers.
Restoration potential (R)	
Excellent– Score 4	The natural species, soils and disturbance regime are mostly intact, only a minor control of invasive species is needed.
Good– Score 3	The natural species, soils and disturbance regime are present, but sustained invasive species work is needed to achieve restoration.
Fair– Score 2	Alterations to the natural disturbance regime require major work. The removal of invasive species will leave major portions of exposed soil, requiring plantings. Many years of work will be needed, to achieve a complete natural appearance.
Poor– Score 1	Soils and vegetation were removed, and site is dominated by alien invasive species. Site may be affected permanently.

1410-04
Report - Planning

xref: 2860-25
Tudor Avenue/Sea View Road

2785, 2801, 2811, 2821, 2825, 2831 TUDOR AVENUE AND 2766, 2810 SEA VIEW ROAD

Report of the Director of Planning dated February 15, 2017 recommending that Council endorse Option 1 to not support the request to remove the properties from the Environmental Development Permit Area (EDPA) for the reasons outlined in the report.

In response to questions from Council, the Manager of Environmental Services stated:

- Saanich has one registered professional biologist and two biologists who are not registered professionals on staff.
- An external biologist provided a report to staff in relation to this application.
- The EDPA guidelines and the draft guidelines for consulting biologists have been made available when requested.

APPLICANT:

K. Cuddihy, Tudor Avenue, presented to Council and highlighted:

- Protecting biodiversity is important; it is also important to work to improve the EDPA Bylaw through the review process and get it right.
- The application to remove the properties from the EDPA is not about challenging the EDPA; it is a request to update the mapping in the EDPA Atlas.
- The biologist that attended the properties advised that there are no longer terrestrial herbaceous on the properties because they are overrun by invasive species.
- Any restoration attempts would take many years and many plantings to cover the portions of exposed soil that would result from the removal of invasive species.
- Although there are some instances of native species on the properties, it is absurd to think that the properties could be restored; the financial impact would be insurmountable.
- The EDPA has a financial impact on property values and is dividing the community; protecting the environment should bring the community together.

T. Lea, on behalf of the applicant, stated:

- Almost all properties in Saanich have restoration potential; field verification and assessments confirm that terrestrial herbaceous sensitive ecosystems no longer exists on the properties although one property has a small amount of Twisted Oak Moss.

- There are very few individual native species remaining on the properties; invasive species dominate both the shrub and herb layers.
- Native species occur as scattered individuals or in small amounts, and some spots have a dense cover of native moss that are still in good condition; the majority of these areas have a fairly dense invasive grass cover intermixed with the moss cover.
- The vegetation on the properties is similar to the Coastal Bluff except there are less native wildflowers.
- Historically, the property was used for sheep; sheep are one of the biggest destroyers of ecosystems.

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Councillor Plant entered the meeting at 8:07 p.m.

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- Based on the EDPA guidelines, the Provincial standards for Ecosystems at Risk and Federal Sensitive Ecosystems Inventory standards, it is his opinion that there are no sensitive or at risk ecosystems on the properties.
- Saanich should consider providing incentives to property owners for restoration and to preserve these valuable sites.
- Saanich should consider using natural restoration practices on municipal properties; this may promote the involvement of neighbouring property owners.

In response to questions from Council, Mr. Lea stated:
- Ms. Grau's report states that there may be a terrestrial herbaceous that has restoration potential but a considerable amount of work would be needed for restoration; the properties are covered with invasive species and are in poor ecological condition.
- In order to see the progression of species, three or four site visits should take place starting in the early part of the year.
- It is his choice not to charge for his assessments as he feels strongly that the EDPA is not being applied correctly.
- There was a small patch of native grasses on one property on Sea View Road.
- The mapping was done through aerial photos; field verification was not done.

PUBLIC INPUT:

J. Evans, Tudor Avenue, stated:
- Restoration could be very costly and could take many years of work to return it to its natural state; the removal of invasive species would result in exposed soil which would require plantings.
- There is no intention to subdivide these properties; it is important to have a responsible and fair EDPA.

I. Izard, Sea View Road, stated:
- The buffer zone on their property goes through their flower bed and swimming pool; this needs to be corrected.
- There are invasive species on the public pathway adjacent to their property; Saanich needs to maintain its own properties in terms of removal of invasive species.

E. Dahli, on behalf of the Cadboro Bay Residents Association, stated:
- The Association supports the intent of the EDPA but have the following concerns: insufficient public consultation, loss of property owners' rights, reduced property values, the bylaw does not address the damage being done to sensitive ecosystems by deer, lawns and gardens adjacent to Garry oak trees should not be classified as sensitive ecosystems, there is a need for field verification, the responsibility for preserving sensitive ecosystems should not be borne by property owners, and the EDPA Atlas and mapping are incomplete, inaccurate and out of date; more Planning staff are needed to address these issues.
- A registered professional biologist did a field verification of the properties; no

sensitive ecosystems were observed.
- Removing the properties from the EDPA is supportable.

G. Tripp, Cordova Bay Road, stated:
- The EDPA financially impacts property owners; there is a need to protect the truly sensitive areas.
- It is important not to utilize the limited resources available on marginal properties.

J. Barrand, Treetop Heights, stated:
- The property owners went through the proper steps to apply to remove their properties from the EDPA; there are no sensitive ecosystems on the properties.

Y. Zanatta, High Street, stated:
- She questioned the name of the biologist that Saanich hired and if that person was a registered professional biologist; it is concerning that Saanich would challenge the expertise of the registered professional biologist who provided the report on behalf of the property owners.
- It is also concerning that Saanich is accepting recommendations from a non-registered biologist and who has not done field verification.

M. Mitchell, Kentwood Terrace, stated:
- There is concern with the EDPA process; it has been advertised that if a property does not have a sensitive ecosystem on it, property owners can apply to have it removed from the EDPA.
- Now, staff are advising that if there is a potential for restoration, the property would not be eligible for removal.
- There is potential that any property in Saanich could be restored.
- Selected home owners appear to be paying to protect the environment; Saanich could look at ways to provide relief to home owners.

T. Bijold, Rainbow Road, stated:
- Staff's recommendations are based on information from non-professional biologists who have never set foot on the properties; the property owners have submitted a report from a registered professional biologist as required by the EDPA Bylaw.
- The properties were included in the Bylaw in error and without field verification; without field verification, there may be areas that have sensitive ecosystems that are not being protected.
- The property owners have followed the proper application process.

J. Kushner, Tudor Avenue, stated:
- The application process for removal from the EDPA is unclear and unreliable; it needs to be improved.
- This application could provide the means for clarification of the process in a manner that could be applied fairly to all property owners in Saanich.

K. Harper, Bonair Place, stated:
- There have been no changes to the subject properties over the last 50 years.
- The EDPA states that properties can be removed if there are no sensitive ecosystems on them; mapping can be amended if corrections are needed.

C. Thomson, Prospect Lake Road, stated:
- Development of the EDPA is similar to what occurred with riparian zones; riparian lands are protected even if they are on private land in order to maintain stream ecosystems and the species that live in them.
- Council should wait to receive the research and reports currently underway before they consider removing properties from the EDPA except in cases where there is hardship or where there are mapping errors.
- This has been a challenging and divisive process; the EDPA has not negatively affected property values.
- It would be ideal to remove invasive species from parks but it would be costly to do so.
- Incentives for property owners should be considered; it is the hope that the consultant's report will guide Saanich in making decisions for the greater good for future generations.

B. Morrison, Woodhall Drive, stated:
- Professionals should not be criticized for providing free services; codes of ethics require that professionals be responsible for their work.

L. Husted, Cyril Owen Place, stated:
- Restoration is a lengthy process; removing properties from the EDPA while the review process is being undertaken is not supportable.
- Exemption 14 is not applicable unless development is being considered; staff must do their due diligence when reviewing biologists' reports.

A. Bull, Wilkinson Road, stated:
- The EDPA does not state that restoration is required; the *Local Government Act* states that there is only a requirement if there is an existing natural environment that is damaged during development.
- It is troubling that staff are not supporting reports from registered professional biologists; the property owners have followed Saanich's application process for removal of the properties from the EDPA.
- There is a need to treat all property owners fairly and consistently; the EDPA has created conflict within the community.

P. Haddon, James Heights, stated:
- It is hoped that the consultant's recommendations will guide Saanich in terms of best practices for an effective and fair EDPA.
- The properties may have adequate ecological value to remain in the EDPA; it is appropriate to keep the properties in the EDPA until after the consultant's report is received.
- Reasonable efforts in removing invasive species results in native plants growing back.

B. Kerr, Ireland Court, stated:
- The EDPA has divided the community; there has been no information provided that shows the presence of any native species on the properties.
- The report from the applicant does provide sufficient information to evaluate.

P. Foreman, Parker Avenue, stated:
- Removing the properties from the EDPA is supportable; the current EDPA is arbitrary, discriminatory and unfair.

COUNCIL DELIBERATIONS:

In response to questions, the Manager of Environmental Services, stated:
- The biologist that prepared the report on the subject properties for the municipality is Moraia Grau; she was a registered professional biologist but let her professional standing lapse because she was anticipating retirement.
- Standard practice would be that biologists would provide field notes and species lists; Mr. Lea did not provide maps, notes or species lists because he believes they are not necessary if the biologist determines there is no sensitive ecosystems on the properties.

In response to questions, the Chief Administrative Officer stated:
- The EDPA is a schedule within the Official Community Plan (OCP) Bylaw in relation to a development permit area.
- Removal from the EDPA is not a professional reliance process.
- The application for removal of the properties on Tudor and Sea View do not meet the requirements of Exemption 14 of the EDPA Bylaw, therefore the request to remove the properties is considered an amendment to the OCP Bylaw.
- There is a legislative statutory process that must be adhered to when considering amendments to bylaws; that process requires staff to do their due diligence and provide information to Council to make a decision.
- There was a statement in the staff report that property owners did not allow staff to attend the property; in actual fact, there was no opportunity for staff to attend the property.
- The applications are requests to remove the properties from the EDPA Atlas, not about correcting mapping errors; mapping errors have been corrected on a regular basis by staff through field verification.
- Previously, Council directed staff to produce an application form for residents who wished to have their properties removed from the EDPA Bylaw; it is available on the website.
- Professionals may not provide field notes and species lists because they may feel that their reports address their conclusion clearly.
- There may be some confusion between the processes for exemptions under the EDPA and applications for removal of properties which require an amendment to the OCP Bylaw.
- Staff are no longer comfortable providing recommendations in relation to the EDPA therefore external consultants have been engaged.

- Staff are trying to provide Council with the best possible analysis and information to make decisions.

Mayor Atwell stated:
- The process is subjective; it may be helpful to have a format that would assist Council with making a decision.

Councillor Plant stated:
- Although the intent of the EDPA is supportable, it is confusing.
- Temporarily removing all single family zoned properties from the EDPA until the

consultant's report is received may be appropriate.

In response to questions from Council, the Chief Administrative Officer stated:
- The correct terminology would be to suspend the application of the EDPA; there would be no change to the mapping or the bylaw until such time as the recommendations from the consultant are received and Council would have to direct staff how they wished to move forward at that time.
- The EDPA is a development permit area; there is no impact on single family zoned properties within the EDPA where development is not being proposed.
- Suspending application of the EDPA may relieve the concerns of residents in relation to the impact of the EDPA on their properties.

Councillor Haynes stated:
- The process has been divisive and time consuming and the intent of the EDPA is confusing.

Councillor Derman stated:
- There is concern that the public were not notified that Council would be considering suspending the EDPA or not be considering future applications for removal from the EDPA; the public should be given an opportunity to provide feedback.
- It is unclear what a temporary suspension would do for home owners; if a property owner comes forward with a development proposal, there would be no protection for sensitive ecosystems.

Councillor Wergeland stated:
- The process has been divisive and confusing; the EDPA should clearly state what needs to be preserved and why and outline the responsibilities of property owners to maintain and restore their properties.

Councillor Brice stated:
- Suspending the EDPA temporarily may give some measure of relief to property owners.

Councillor Sanders stated:
- Suspending the EDPA would mean that there would be no environmental protection; development has always been looked at through an environmental lens.

Councillor Murdock stated:
- It is concerning that the public has not been given the opportunity to provide input regarding the temporary suspension of the EDPA; there is also concern about how the EDPA would be reinstated.

In response to questions from Council, the Chief Administrative Officer stated:
- A suspension of the application of the EDPA would include all aspects of the development permit area including exemptions and mapping changes.

Councillor Brownoff stated:
- The consultant's report may include incentives and should bring comfort to

property owners; she understands the concern about the amount of time spent reviewing EDPA applications where development is not being considered.
- Council has directed staff to review development applications through an environmental lens.

Motion: **MOVED by Councillor Plant and Seconded by Councillor Haynes: "That all single family zoned properties be exempted from the Environmental Development Permit Area (EDPA), and notwithstanding this exemption, if an application is received to rezone or subdivide a single family dwelling zoned property, the EDPA Guidelines would still apply."**

In response to questions from Council, the Chief Administrative Officer stated:
- The motion does not address the application for removal for the properties on Tudor and Sea View or the applications that are in process.

Councillor Plant stated:
- Adequate public notification has taken place; removal of the properties on Tudor and Sea View must be addressed.

Mayor Atwell stated:
- Property owners have made application to have their properties removed from the EDPA; the motion protects Environmentally Sensitive Areas.
- Further discussion in relation to the EDPA will take place once the consultant's report is received.

Motion: **MOVED by Councillor Derman and Seconded by Councillor Haynes: "That the motion be amended to add "temporarily" and further add "until Council receives the report from Diamond Head Consulting and makes a decision on the future of the Environmental Development Permit Area (EDPA)"."**

In response to questions from Council, the Chief Administrative Officer stated:
- The motion may provide relief to property owners as to the application of the EDPA; applications for removal from the EDPA may still come forward.
- If a property owner came forward with an application to rezone or subdivide within the EDPA on the basis of the motion, the EDPA would still apply; if the application was not based on rezoning or subdivision, the EDPA would temporarily not apply.

The Amendment to the Motion was then Put and CARRIED

Amended Motion:
"That all single family zoned properties be temporarily exempted from the Environmental Development Permit Area (EDPA), until Council receives the report from Diamond Head Consulting and makes a decision on the future of the EDPA, and notwithstanding this exemption, if an application is received to rezone or subdivide a single family dwelling zoned property, the EDPA Guidelines would apply."

Councillor Murdock stated:

- Removing the development permit from consideration would leave a gap in the intent of the application of the EDPA; the EDPA would only apply to rezoning or subdivision.

In response to questions from Council, the Acting Director of Planning stated:
- Development permits for form and character do not apply to single family dwellings; if a rezoning application comes forward, only the rezoning aspect of the application is considered; subdivision applications are the responsibility of the Approving Officer.

In response to questions from Council, the Chief Administrative Officer stated:
- The EDPA would not apply for other applications for development on a property such as deck permits, renovation permits, or building permits; the EDPA would still apply for significant development applications.

Councillor Derman stated:
- The EDPA protects properties during the smaller type of permit applications such as for decks and sheds; approval of the motion would mean there would be no protections in these cases and the possibility of sensitive ecosystems being damaged.

Councillor Wergeland stated:
- It is not likely that property owners would destroy sensitive ecosystems on their properties should this motion be approved.

Councillor Murdock stated:
- There are possible implications to sensitive ecosystems; it may be appropriate for staff to prepare a report looking at the pros and cons of temporary removal and have a meeting where the public can provide input on the item.

Councillor Derman stated:
- Prior to the creation of the Tree Bylaw, properties were clear cut; there is the potential that sensitive ecosystems would be destroyed.

Councillor Brownoff stated:
- The staff report from March 2016 in relation to removing properties from the EDPA states that there is the potential risk of properties being legally cleared of natural features before development permit applications are received making the EDPA ineffectual.

Mayor Atwell stated:
- It would be appropriate to rescind the bylaw.
- The municipality is still in the learning phase in terms of what is in our environment and how to address it during development.
- The municipality relies on the public to maintain its own properties.
- The motion addresses the need to rebuild the public trust.

The Main Motion, as Amended, was then Put and CARRIED with Councillors Brownoff, Derman, Murdock and Sanders OPPOSED

MOVED by Councillor Haynes and Seconded by Councillor Brice: "That staff be requested to prepare an amendment to Plate of Schedule 3 to Appendix "N" of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Terrestrial Herbaceous Environmentally Sensitive Areas and associated buffer at 2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue and 2766, 2810 Sea View Road from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment."

Councillor Derman stated:
- A case has not been made that the properties should be removed from the EDPA.

MOVED by Councillor Plant and Seconded by Councillor Murdock: "That the meeting continue past 11:00 p.m."

CARRIED

Councillor Brice stated:
- The applicants have made the case to remove the properties from the EDPA; efforts should be made to protect the properties that are the highest priority; there may be the potential to lose the public confidence if the EDPA is not addressed.

Councillor Haynes stated:
- There is the possibility that there are mapping errors in the EDPA Atlas; it is important that field verification takes place to correct mapping errors.

In response to questions from Council, the Chief Administrative Officer stated:
- The motion to temporarily exempt single family zoned properties does not affect the motion to amend the Official Community Plan Bylaw.

Councillor Sanders stated:
- It may be premature to make decisions before the consultant's report has been received; it is unclear whether there are ESAs on the properties.

Mayor Atwell stated:
- There is a difference of opinion on whether or not ESAs are on properties; it is difficult to make a decision when field verification has not taken place.
- The process is flawed; it may have been helpful to see the report that outlined the reason why these properties were put into the EDPA Atlas originally.

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

2860-25 Tudor / Sea Views

Clerksec - EDPA Response to Staff Report for eight properties on Tudor Ave. and Sea View Rd.

From: "Ted Lea" [redacted]
To: <mayor@saanich.ca>, "Susan Brice" <Susan.Brice@saanich.ca>, "Dean Murdoc...
Date: 3/3/2017 5:04 PM
Subject: EDPA Response to Staff Report for eight properties on Tudor Ave. and Sea View Rd.
CC: "Paul Thorkelsson" <Paul.Thorkelsson@saanich.ca>, [redacted]
Attachments: scan0138.pdf; Guidelines for Verifying and Defining Boundaries 3rd draft.doc; Summary Response to Staff Report for March 6_2017.doc; Detailed Response to Staff Report for March 6_2017.doc

Mayor Atwell and Council

I have attached a Detailed Response and a Summary response to the Staff Report for the Tudor Avenue and Sea View Road properties that will be addressed in the Committee of the Whole meeting on March 6, 2017. I have also attached two other documents that are mentioned in the Summary Response, the scan of Ursula Jupp's Book 2nd to last paragraph.

Please contact me if you have any questions.

Ted Lea, RPBio.

CADBORO

1842-1958

Ursula Jupp

"Cable all O.K. Take a drink." The message was also signed by Sir James Douglas and leading businessmen from the city, among them E. B. Marvin, C. C. Pendergast, D. N. Higgins and J. Boscowitz.

The telegraph wire that connected the underseas cable with the city had been waiting in the city since 1864. This was a day that had been long delayed and now the city rejoiced. Next day a string of flags hung across the street outside the telegraph office, others flew from private homes.

Were there any houses in Cadboro Bay itself to join in this rejoicing or, earlier, to watch with interest as the poles (possibly contrived from trees along the route) carried the line on towards the little bay beyond the thick forests to the North?

So now we have in 1866, Telegraph Bay Road marking off the treed peninsula to the south east of it, the entity long since known as Ten Mile Point. The name came from the ten nautical miles (each 6080 feet) between the entrance to Esquimalt Harbour and Cadboro Point.

This was far from Victoria and so chosen for the deposit of dynamite. Up to that date it had been shipped north by the Giant Powder Company of California to Victoria, before being shipped on for use in mining or cutting roads through the mountains of the mainland. The rapidly growing city became increasingly wary of such dangerous supplies near it. Thus remote, unpopulated Ten Mile Point must have seemed the ideal spot for a transfer depot.

The magazine was built on the peninsula's southern coast at about the level of Sea View Road's 2900 block today. It was in use for about ten years, perhaps more. Somewhere near was the house of the manager — site now unclear, but it and those of one or two other key personnel at the magazine were long traceable by the gnarled trees of the fruit orchards which such men planted near their homes.

A valuable record of those earliest on Ten Mile Point was given me by Amelia Jobson (much later to be Mrs. Midgley, dignified retired divisional commissioner of Girl Guides) who came to live in Cadboro Bay in about 1885. Her uncle, Ira Wilson, (who built still inhabited 3930 Telegraph Bay Road) pastured his sheep on Ten Mile Point. Amelia remembers living in a small house across the road while Ira built his two story one.

With him little Amelia roamed their trails and carried messages to the Powder Works Depot. The date of the first establishment of

this is unclear; it must have been several years, perhaps a decade before that unfortunate day in the later 1880s when A. E. Morris, (later of the Cigar Shop on Government Street) the only person out at the Powder Works, was experimenting and was injured. He was carried to St. Joseph's hospital in Ira Wilson's hay wagon and though badly burned, he recovered.

Perhaps even before the coming of the Powder Works employees, there had been hidden here and there in the Point's deep woods, rough hunting shacks built by young bloods of the city who could stay overnight there. Sometimes, naughty rumours had it, there could even have been a damsel daring, hardy and unconventional enough to share a night there. Who can say. . . ? Perhaps here we may find a clue to Telegraph Bay's earlier name of Whiskey Cove? Was it some very devastating beauty that saw one young hunter have a one hundred and twenty foot deep well cut down through the rock?

But to return to Amelia Jobson's memories of the Point, that while not including memories of cattle once said to have swum ashore to Cadboro Bay beach, she does write "I remember well when the S.S. *Enterprise* was wrecked". This vessel collided with the *R. P. Rithet* off Ten Mile Point in July, 1885. The collision was also seen by the S.S. *Western Slope*, which was taking on cargo at the Powder Magazine and she churned off to offer help. The beach was littered with broken crates, bales of hay, tables, chairs and shattered woodwork. Two Chinese, with much money (one had two thousand dollars) were drowned below deck. A day later an excited party of Chinese came out from Victoria to claim the corpses. They would have liked the money, but authorities would not allow it. The next day, the body of an Oriental was found in the bushes near the beach. Mystery!

Saanich
PLANNING
Environmental Services

Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)

Background

In order to qualify for an exemptions 13, 14, and/or 15; or to assist in meeting the Environmental Development Permit Area (EDPA) guidelines, a report should be completed by a Registered Professional Biologist or other appropriate professional approved by Saanich. This document provides guidelines to assist in completing reports that meet expectations, as well as identifying key publications that should be used. Biologists are encouraged to contact Saanich Environmental Services before undertaking any work.

The EDPA Atlas includes the Sensitive Ecosystem Inventory (SEI), Conservation Data Centre at risk element occurrences, the marine backshore, isolated wetlands and watercourses, and wildlife trees. These guidelines address SEI mapping only. To see the atlas, guidelines and other useful information, please see http://www.saanich.ca/living/natural/planning/edpa.html.

The SEI inventory is a Provincial/Federal initiative produced in 1998. It is recognized that the inventory is incomplete and accuracy can be improved in some locations, either due to changes in the landscape or errors in aerial photo interpretation. The Disturbance Mapping product updated many SEI polygons and identified areas of disturbance between the time of initial mapping and 2002.

When SEI mapping was first produced, standards and criteria were under development. However, the 2006 Standard for Mapping Ecosystems at Risk in British Columbia included applicable mapping and reporting standards used in Terrestrial and Predictive Ecosystem, and added many more Sensitive Ecosystems Classes and Subclasses. In order to recommend changing a SEI boundary or potentially eliminating/adding an SEI polygon, the same standards must be met.

Reference Documents

Understanding which standards, forms, and other factors to use may be confusing. The best documents to use to understand the standards are:

1. Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0

This document describes the following steps for the biologist:

- Compile existing known information (e.g. CDC element occurrences, CDF TEM products, SEI mapping, etc)
- Aerial Photo Interpretation utilizing the most current imagery
- Field Sampling using the following forms:
  - Site Visit Form (FS1333) http://www.for.gov.bc.ca/hre/becweb/Downloads/Downloads_Forms/FS1333_2011.pdf
  - Conservation Evaluation Form (condition, landscape context which is still natural; http://www.env.gov.bc.ca/cdc/documents/Cons_Eval_Form_Aug09.pdf
- Identification of ecosystem type (based on field sampling)
- Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any.

- Reporting (as per 1-6 of section 2.11 of document #1)

2. Field manual for describing terrestrial ecosystems. -- 2nd ed. (Land management handbook, 0229-1622; 25) BC Ministry of Forests and Range, B.C. Ministry of Environment, 2010.

3. Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993 – 1997, Volume 2: Conservation Manual, Pacific and Yukon Region 2000, Canadian Wildlife Service Technical Report Series Number 345, 2000. For More information: http://www.env.gov.bc.ca/sei/

This document describes the ecosystems for identification (see page 4). Please see the original document for complete information.

Secondary Assessment

While most local terrestrial ecologists will be familiar with the SEI types, difficulties arise when ecosystems are small, disturbed, or urbanized. A methodology and documentation is needed in order to validate recommended changes. If an area is considered an SEI polygon, a secondary assessment is needed to determine a practical, long-term conservation value for Saanich. Within the scope of SEI, Saanich's ecosystems are disturbed by a variety of factors and located within a densely populated region. The biologist must consider and report on the criteria (page 3) which have been adapted from the CDC's Conservation Evaluation Form (found in *Standard for Mapping Ecosystems at Risk in British Columbia*) in consultation with provincial and federal representatives. The methodology was further developed by our consultant while working on our ESA Mapping project in 2012. Any suggestions for improvements to the methodology are welcome.

Reporting

A report can be submitted to the Manager of Environmental Services for consideration. The report should include completed forms, field notes, and a sketch map if changes are proposed. The final recommendation of the biologist should be based on the methodology plus any other ecological factors that the biologist feels are significant, such as wildlife habitat. Please note that Saanich Council has adopted the EDPA atlas and any proposed changes must be scientifically supportable yet sensitive to the context of urban ecology and community values.

Contact Information

If you have any questions, please contact Adriane Pollard, Manager of Environmental Services
Planning Department, District of Saanich, 770 Vernon Avenue, Victoria, BC V8X 2W7
Adriane.pollard@saanich.ca
Phone: 475-5494, ext 3556 Fax: 475-5430

Conservation Value Assessment

Landscape context (L) [1]	
Excellent – Score 4	The surrounding landscape has <25% fragmentation due to roads, urban areas, and rural settlements, and no recent industrial activity. Site occurs within a larger landscape with some formal protection status or protected by conservation covenants.
Good – Score 3	Up to 50% of the surrounding landscape is fragmented. The larger landscape context provides some protection from anthropogenic disturbance, although changes to natural disturbance regimes exist (fire suppression; flooding control).
Fair – Score 2	More than 50% of the surrounding landscape is fragmented and affected by anthropogenic influences. Development may affect the ecosystem's existence.
Poor – Score 1	Less than 15% of the surrounding landscape consists of natural or semi-natural vegetation, or the ecosystem is completely isolated from natural areas and protected areas.
Condition (C) [2]	
Excellent – Score 4	Minor cover of exotic species occur in the site (<10%). Forested ecological communities are climax vegetation. The community may have minor internal fragmentation (<5%). Wetland and riparian communities have natural hydrology regimes. No artificial structures occur at the site.
Good– Score 3	Some cover of exotic species (10 - 40%). Forested ecological communities may be late seral vegetation. Wetland and riparian communities have largely natural hydrology regimes. There could be moderate internal fragmentation (<25%).
Fair– Score 2	Significant cover of exotic species (40 - 75%). Forested ecological communities typically are young seral vegetation after anthropogenic disturbance. There may be significant alterations of hydrology regime in wetlands and riparian ecological communities. There is moderate internal fragmentation (<25%).
Poor– Score 1	Exotic species dominate a vegetation layer or may total >75%. Significant anthropogenic disturbance, such as removal of soil material or vegetation. There are significant alterations to the hydrology regime in wetlands and riparian ecosystems. High internal fragmentation (>25%), and/or presence of artificial structures or barriers.
Restoration potential (R)	
Excellent – Score 4	The natural species, soils and disturbance regime are mostly intact, only a minor control of invasive species is needed.
Good– Score 3	The natural species, soils and disturbance regime are present, but sustained invasive species work is needed to achieve restoration.
Fair– Score 2	Alterations to the natural disturbance regime require major work. The removal of invasive species will leave major portions of exposed soil, requiring plantings. Many years of work will be needed, to achieve a complete natural appearance.
Poor– Score 1	Soils and vegetation were removed, and site is dominated by alien invasive species. Site may be affected permanently.

1 The area considered in Landscape Context takes varies depending on the size of the site and the type of ecosystem:

- For streams and wetlands: the local catchment.
- For smaller terrestrial sites (<1 ha): 100 ha
- For larger forested sites: 500ha

2 Condition evaluation criteria primarily takes into account the structural integrity of the site or how intact the components of the ecosystem are (typical species). In other words, how close the site resembles the description of the ecosystem type it represents.

Summary of Sensitive Ecosystem Inventory Classifications for Saanich

CB Coastal Bluff
General Description: rocky shorelines with grasslands, rocky shorelines with mosses, vegetated rocky islets that are dominated by grasses, forbs, mosses and lichens; beginning at the water's edge to the lands above the high tide mark.
Types: CB and CB:cl (coastal cliffs)
Soils: Thin to no soils. Glacial outwash deposits. Usually sand to sandy-loam, often with high salinity
Vegetation: Adapted to hostile environmental conditions such as salt-spray from crashing waves, winds, storms and heat. CB lack continuous vegetation cover over their entire landforms; the remainder is exposed bedrock. May be interspersed with other SEI ecosystems such as HT, WD, OF, and SV.
Common Plants: Garry Oak, Arbutus, Douglas-fir, native roses, Oceanspray, Salal, Stonecrops, licorice fern, native onions, Harvest Brodiaea, moses, lichens, Scotch Broom.

SV Sparsely Vegetated
General Description: Discontinuous vegetation interspersed with bare sand, gravel, or exposed bedrock. Landforms are often in a dynamic state of change due to factors such as water level changes, sediment deposition, sediment erosion and mass wasting.
Types: SV:sd (coastal sand dunes); SV:sp (coastal sand and gravel spits); SV:cl (inland cliffs and bluffs)
Soils: in formative years, a lack of distinct soil horizons and organic layers; shallow soils, well drained
Vegetation: newly- and slowly-developing plant communities that are formed by species adapted to hostile environmental conditions, low diversity but specialized, often stunted. Usually interspersed with other SEI ecosystems such as HT: ro and OF.
Common Plants: Dune Grass, Beach Pea, Common Strawberry, Yellow Sand Verbena, Grasses and Mosses. Cliffs can have trees and shrubs such as Garry Oak, Arbutus, Douglas-fir, native roses, kinnikinnick, and ferns.

HT Terrestrial Herbaceous
General Description: open wildflower meadows and grassy hilltops with herbs–grasses and forbs—and mosses and lichens; outside the salt spray zone near shorelines; summits of local hills and mountains.
Types: HT (grass-forb dominated areas with less than 10% tree cover and less than 20% shrub cover); HT:ro (grass-forb areas interspersed with rocky outcrops); and HT:sh (grass-forb areas with more than 20% shrub cover).
Soils: shallow and rapidly draining
Vegetation: predominantly herbaceous vegetation, continuous except where interspersed with bare rock outcrops, minimal tree and shrub cover. When found near shorelines, there may be an overlap with species common to the coastal bluff ecosystem, or may be interspersed with other SEI ecosystems such as WD, OF, and older second growth forest. May also include moisture-loving species in seepage areas and vernal pools.
Common Plants: Garry Oak, Arbutus, Douglas-fir, Shore Pine, Oceanspray, Snowberry, Stonecrop, Sea Blush, Fawn Lily, Satin Flower, Camas, Miner's Lettuce, grasses, and many mosses.

WN Wetland
General Description: Characterized by daily, seasonal, or year-round water, either at or above the surface, or within the root zone of plants. Wetlands are mosaics of several wetland classes, and many are transitional between more than one wetland class.
Types: WN:bg (bog), WN:fn (fen), WN:ms (marsh, including coastal salt and estuarine marshes), WN: sp (swamp), WN:sw (shallow water), and WN:wm (wet meadow).

Soils: Wetlands are generally divided into peatlands (bog, fen) and mineral wetlands.
Vegetation: Plant communities are adapted to wet conditions; some are tolerant of complete submergence whereas others depend on drier conditions during the summer growing season.
Common Plants (peat): Shore Pine, Western Hemlock, Western Red Cedar, Labrador Tea, Hardhack, Salal, Sedges, Mosses.
Common Plants (mineral): Western Red Cedar, Alder, Pacific Crabapple, Willows, Red-osier Dogwood, Salmonberry, Skunk Cabbage, ferns, sedges, cattail, reed canary grass, pondweeds, mosses

RI Riparian
General Description: Adjacent to lakes, streams, and rivers, where increased soil moisture supports plant communities and soils distinct from surrounding terrestrial areas. Commonly linear corridors. Includes gullies which may not be associated with surface water flow, but maintain moist soil conditions. Width may vary from a few metres to greater than 100 metres. Narrow bands of streamside forest surrounded by agricultural fields and disturbed urban stream corridors were not typically included as riparian ecosystems.
Types:
RI:1 (Sparse/bryoid—moss and lichen dominated, <10% treed, <20% shrub/herb)
RI:2 (Herb—herb dominated, <20% shrub, <10% treed)
RI:3 (Shrub/herb—>20% shrub, <10% treed)
Pole/sapling RI:4 (Trees >10m tall, densely stocked; shaded understorey) ,
Young forest RI:5 (Uniform aged trees, generally less than 80 years old, dense understorey)
Mature forest RI:6 (Layered canopy, generally 80 to more than 200 years old, well developed understorey)
Old Forest RI:7 (Trees >250 years old, structurally complex, snags, coarse woody debris)
Soils: Gravel, silt, cobble bars, rocky, to rich organic soils.
Common Plants: Red Alder, Western Redcedar, Bigleaf Maple, Western Hemlock, willows, Red-osier Dogwood, Salmonberry, Indian Plum, ferns, mosses,

WD Woodland
General Description: Open deciduous forests of Garry oak, mixed stands of Arbutus and Douglas-fir, or pure stands of Trembling Aspen. Most occur on rocky knolls, south facing slopes, and ridges where summer soil moisture is low and shallow soils are common. Trembling Aspen woodlands are an exception, and are typically associated with moist, rich sites. Mature big-leaf maple may also be the dominant tree species. Typically interspersed with other SEI ecosystems such as CB and HT.
Types:
Garry Oak Woodlands (open oak woodlands and meadows, as well as more densely forested oak/conifer plant associations)
Common Plants: Garry Oak, Douglas-fir, Arbutus, Oceanspray, Snowberry, Camas, Spring Gold, Satin-flower, ferns, mosses, grasses.
Arbutus—Douglas-fir Woodlands (dry sites with rocky, nutrient-poor soils; typically arbutus with Garry oak and Douglas-fir)
Common Plants: Arbutus, Douglas-fir, Garry Oak, Dull Oregon Grape, Salal, Snowberry, mosses.
Trembling Aspen Woodlands (common on disturbed sites with moist soils)
Common Plants: Trembling Aspen, Black Hawthorne, Hardhack, Indian-plum, Snowberry.

OF Older Forest

General Description: Conifer-dominated forests with an average tree age of 100 years or greater.
Types: OF:co (coniferous stands with less than 15 percent deciduous trees); OF: mx (mixed coniferous-deciduous stands in which deciduous trees occupied more than 15 percent of the canopy). OF has three prominent characteristics: large live trees, large standing dead trees, and large fallen trees. In Saanich, the biogeoclimatic subzone is the Coastal Douglas-fir, moist maritime subzone (CDFmm).
Soils: varied
Vegetation. Douglas-fir is the dominant tree on drier sites. On sites with higher precipitation and moister soil conditions, western redcedar is more common
Common Plants: Douglas-fir, grand fir, and western redcedar, seedlings, Ocean Spray, Salal, Sword Fern, lichens, mosses.

Summary Response to Saanich Staff Report: *Request for Removal from the Environmental Development Permit Area (EDPA) 2801, 2785, 2811, 2821, 2825, 2831 Tudor Avenue, and 2766, 2810 Sea View Road*

I would like to provide a summary of my comments regarding the Staff Report for the Tudor Avenue/Sea View Road applications for removal from the EDPA. I have viewed all of the eight subject properties in May and June of 2016. At that time, I have also viewed all other properties that have the Terrestrial Herbaceous Sensitive Ecosystem ESA mapped. Two other property assessments that I have done at the same time have not yet been submitted by the landowners, but this has allowed me to view all properties in the map unit. All of these assessments have been done without any charge to landowners.

On all of these properties invasive species completely dominate both the shrub and herb layers present. Many of the landowners have removed invasive shrubs on their properties for many years. Very few individuals of wildflower species remain on these properties. These properties are all considered to be in poor ecological condition, following both the **provincial and the municipal standards**.

When I viewed these properties on the Saanich GIS, before doing a ground assessment, I was expecting to find wildflower meadows, similar to what occurs on Mount Tolmie, or Knockan Hill. However, as I pointed out above, very few individual native plant remain on these properties. Many landowners on Ten Mile Point talk about the significant agriculture that occurred on Ten Mile Point for over 100 years. With a little research on the history of this area, it was determined that domestic sheep were run on this area, hence the Sheep Creek running to the east of the map unit and the Sheep Cove south of the map unit. This is described by Ursula Jupp in her book on the Cadboro Bay area (document attached). Domestic sheep are well known to have devastating impacts on the ecology of natural grassland and meadow ecosystems.

The Staff Report provides a report by Ms. Moraia Grau, entitled "*Visual field assessment of the Sensitive Ecosystem Inventory Herbaceous Terrestrial polygon extending along Seaview Rd and Tudor Ave properties*", which appears to have been commissioned by the District of Saanich.

The Staff Report, the assessment report provided by biologist Moraia Grau and the letter provided by Dr. Richard Hebda, all ignore the fact that Saanich Staff have provided a Guideline Document to consulting biologists, that clearly states to follow the Provincial Ecosystems at Risk and Sensitive Ecosystem standards. It is titled "***Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)***". There is no mention of this Guideline Document in any of the material provided for Council, yet that is what staff have provided to consulting biologists to assess properties with Sensitive Ecosystems. The three documents also ignore the statement within the District of Saanich Environmentally Significant Area (ESA) Atlas that indicates: ***"to be included in the ESA atlas, data must be from a comprehensive environmental***

inventory using technically acceptable standards.*"** The ESA Atlas also states that "this atlas should be used as a flagging tool and should not be used in place of individual site assessments*".** Clearly, appropriate standards are to be followed for the EDPA ESA categories. Councillor Derman asked the Manager of Environmental Services, at a Council meeting in 2016, if the above Guideline document is the appropriate document for biologists to use to assess properties and she answered in the affirmative.

It appears that neither Ms. Grau, nor Dr. Hebda has been on any of the eight properties. Ms. Grau did view a few of the properties from the Saanich public land on the Benson Road right-of-way. However, she viewed these in late September of 2016. It is pointed out in the staff report that my viewing of the properties in May and June was an inappropriate time of year, yet the September 26 visit and assessment was not determined to be inappropriate by the Staff Report.

The Staff Report, the report provided by Ms. Grau and the letter provided by Dr. Hebda all mention Restoration Potential. Restoration potential is not mentioned in the EDPA Bylaw. In January 25, 2011, at an Environment Advisory Committee meeting, Saanich's Manager of Environmental Services stated that "***The Local Government Act does not allow us to require areas already destroyed be restored*".** Similarly, the staff report indicates that the area provides habitat for wildlife. Again, wildlife habitat is not mentioned in the EDPA Bylaw. Almost all properties in Saanich have restoration potential and almost all properties provide habitat for some kinds of wildlife species. Many actions can be taken to encourage landowners to plant native species and provide wildlife habitat.

In my professional opinion there no longer is a Sensitive Ecosystem on these properties. I have assessed these eight properties following the Saanich Staff document entitled *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, (which are attached) it is stated that: "***When SEI mapping was first produced, standards and criteria were under development. However, the 2006 Standard for Mapping Ecosystems of Risk in British Columbia included applicable mapping and reporting standards***". It goes on to say that: "***In order to recommend changing a SEI boundary or potentially eliminating/adding an SEI polygon, the same standards must be met.*"** The Saanich staff guidelines recommend for a biologist to: **"Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."**

I believe that the most important statement from Ms. Grau's report is her recommendations section on page 5 of her report that states that: **"the District of Saanich provide help to property owners to preserve these valuable SEI sites, through covenants, tax relief and/or grants to help with restoration/maintenance costs**." It goes on to say that the District of Saanich needs to act by saying that "**it is recommended that the District of Saanich consistently uses natural restoration**

practices in areas under the District's jurisdiction..." and that these "**restoration activities should be used to promote the involvement of neighbouring property owners in the project**...".I strongly agree with this kind of approach for trying to improve biodiversity in the District of Saanich. It needs to be a cooperative, encouraging approach that educates and provide information, plant materials, incentives and knowledge. This is strongly supported in Saanich's OCP, with statements that are not provided in the present Staff Report.

Two other assessments that I have done, at 2786 and 2770 Sea View Road, have not yet been submitted by the landowners. One of these properties supports a moss species at risk, which is addressed in that report. We have contacted a moss expert, Wynne Miles, who has not yet been able to visit the property. However, the assessment of the moss species that occurs on a lone Garry oak tree has no implication as to whether there is a Terrestrial Herbaceous Sensitive Ecosystem on that property or on any other of these properties.

I have also attached a more detailed response to the Staff Report which addresses many of the issues brought forward by the Staff Report, Mr. Moraia Grau's commissioned report, and an e-mail (not a peer review) by Dr. Richard Hebda. Many comments made by these three documents are misleading and erroneous.

Respectfully submitted,

Ted Lea, RPBio.

Detailed **Response to Saanich Staff Report:** ***Request for Removal from the Environmental Development Permit Area (EDPA) 2801, 2785, 2811, 2821, 2825, 2831 Tudor Avenue, and 2766, 2810 Sea View Road***

Black – Staff Report
Green – My Response

Below, I have provided a response to the Staff Report regarding the Tudor Avenue and Sea View Road properties. The Staff Report does not provide any evidence that these properties do not have herb layers and shrub layers significantly dominated by invasive species. I have viewed these properties in the spring, at a time was very appropriate for assessing whether native wildflowers and native shrubs are present on these properties. Before I went on these properties, I expected to find a well established native understory of native species such as camas, shooting stars and other meadow species. I was surprised to find that only very few individuals of a typical Terrestrial Herbaceous native herb layer remained on each property. It is clear that these properties are quite degraded. To restore these properties would take significant resources and many years of removing invasive species and planting native species. The staff report tries to paint a very different picture of these properties, implying that

they are still natural and full of native species. The truth is very different than presented in the staff report.

I have followed the Guidelines that Saanich Staff have provided to landowners to have biologists assess their properties for whether they have Sensitive Ecosystems or not. These staff Guidelines are not mentioned in the Staff Report to Council regarding these properties, and are not mentioned in Ms. Grau's report assessing these properties. The Provincial Standards on Ecosystems at Risk and Sensitive Ecosystems are not mentioned in the staff report, nor are they referenced in Ms. Grau's report. Councillor Derman asked the Manager of Environmental Services at a Council meeting in 2016 whether this Guideline document is the document that staff have provided Biologists to assess properties. The Manager applied in the affirmative (but they are just a draft).

The Staff Report indicates that staff biologists do not agree with my report "*due to the inappropriate time of year that the work was completed, the focus of the presence of invasive plants, the lack of an assessment of habitat, the lack of a complete inventory, and the lack of acknowledgement of the known rare species in the mapped area*". It goes on to say that "Annual brome grasses" are stated to dominate throughout the area in the report, but they are not identified to show if any are native or invasive. Mr. Lea's letter report generalizes about the map unit but he has not visited all the properties. Mr. Lea confuses Biogeoclimatic Ecosystem Classification standards in his report as being the relevant standard and that the Provincial Conservation Data Centre at-risk ecological communities are also a Sensitive Ecosystem Inventory determinant, which they are not. Inventory methods are not consistent with the Best Management Practices for Garry Oak & Associated Ecosystems produced by the Garry oak Ecosystems Recovery Team.

No where in the statement above does staff indicate that they disagree with my report due to a flawed assessment of whether there is a Sensitive Ecosystem on these properties, following the Staff Guidelines provided to consulting biologists. All issues noted above are extraneous as to whether there is a Sensitive Ecosystem ESA on these properties. I will address the rest of these concerns.

The Staff Report indicates that staff biologists do not agree with my report "*due to the inappropriate time of year that the work was completed,*

I viewed these properties in May and June. Many of the wildflower species typically associated with these kinds of ecosystems were flowering at that time. However, very few of each of these species were seen on each property. Ms. Grau's report provides information on the right-of-way from April 2012. Her role was not to assess the adjacent properties during this site visit, but rather to assess the right-of-way. Ms. Grau has noted camas on one of the adjacent properties in 2012. I agree that 2810 Sea View Road has more camas than any of the other properties. This is stated in my report. I saw only a few individuals or no individuals of camas on most of these properties. Other native species seen included very small amounts of Hooker's onion, and blue wildrye. Ms. Grau did assess the adjacent properties in September 27, 2016. Although my visit

of these properties in May and June was not considered appropriate by the Staff Report, Ms. Grau's visit and assessments in September were not indicated in the Staff Report as being inappropriate.

The Staff Report indicates that staff biologists do not agree with my report on "*the focus of the presence of invasive plants*"

My Response: According to the Guidelines document and the Standard for Mapping Ecosystems at Risk in British Columbia, invasive species are an important attribute to determine whether a Sensitive Ecosystem still remains. These properties all are considered in poor ecological condition as invasive species dominate both the herb layer and the shrub layer. This removes the area from being considered Sensitive Ecosystems. Very minimal native herb layer and shrub layer species occur on these properties. There is information indicating that there were domestic sheep in this area, in Ursula Jupp's book regarding the Cadboro Bay area (I have attached the quote).

The Staff Report indicates that staff biologists do not agree with my report *the lack of an assessment of habitat,*

My Response: Habitat occurs on all properties in Saanich, whether they are dominated by native species or non-native species. Habitat is not one of the five inventories that are addressed in the EDPA. Much of my career was mapping wildlife habitat and providing recommendations to improve it. I strongly believe that landowners should be encouraged to protect and enhance areas of wildlife habitat on their properties. This needs to be done with education, encouragement and resources. However, this issue is not one of the five inventories that are within the EDPA.

The Staff Report indicates that staff biologists do not agree with my report *the lack of a complete inventory,*

I do not believe that landowners should be required to pay for a complete inventory, when a careful look of the properties that I have provided for found a very degraded ecosystem dominated by invasive shrubs and dense invasive grasses. Very few wildflowers or other native species remain on these properties. These sites clearly are in poor ecological condition and as such, do not meet the criteria for Sensitive Ecosystems.

The Staff Report indicates that staff biologists do not agree with my report *and the lack of acknowledgement of the known rare species in the mapped area*".

The location of the rare moss species is at 2770 Sea View Road. I have seen the tree where the rare moss occurs. I have done an SEI assessment of 2770 Sea View Road. The landowner has not submitted this report to Saanich yet. Within my original report for this property, I make the comment: "According to the Saanich GIS map, the property also supports a rare moss species which occurs on Garry oak trees. This occurrence should be confirmed, its viability assessed and then requirements on how to conserve

the species by the landowner made clear by Saanich." We have been in touch with the local moss expert Wynne Miles and have asked her to become involved in an assessment.

The Staff Report indicates that staff biologists do not agree with my report that "Annual brome grasses" are stated to dominate throughout the area in the report, but they are not identified to show if any are native or invasive.

My Response: My report actually states that: "The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. I have stated that the bromes are invasive. The Garry Oak Ecosystem Recovery Team (GOERT) combines the invasive annual grasses together, that is rigid brome and barren brome, due to difficulty of identification and similar ecological results – see **http://www.goert.ca/documents/B.rigidus+sterilis.pdf**

The Staff Report indicates that staff biologists do not agree with my report by saying: "Mr. Lea confuses Biogeoclimatic Ecosystem Classification standards in his report as being the relevant standard and that the Provincial Conservation Data Centre at-risk ecological communities are also a Sensitive Ecosystem Inventory determinant, which they are not.

Below are comments from the Provincial Standard: **Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems**, Ministry of Environment. This report is the provincial standard for Ecosystems at Risk and Sensitive Ecosystems. This report is the one that Saanich Staff has told consulting biologist to follow, to do assessments for Sensitive Ecosystems. The implication is that sites believed to support a Sensitive Ecosystem need to be self-sustaining to be considered a viable occurrence.

- Sensitive Ecosystems are those that are **at-risk** or are ecologically fragile (from Abstract) Ecosystems at risk are those that can support **ecological communities** which are considered to be provincially at risk as designated by the B.C. Conservation Data Center (page 1) – (this statement refutes the Staff Report claim above)
- *"Viability is the likelihood that if current conditions remain unchanged, an occurrence (of an Ecosystem at Risk or Sensitive Ecosystem) will persist for a defined period of time, generally 20-100 years. Viability is defined in terms of species populations. For ecological communities, viability is more appropriately termed ecological integrity. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value. Each occurrence of a Sensitive Ecosystem must be assessed for practical conservation value* (Pages 39 - 40).

- Occurrences with the **highest *ecological integrity*** can be prioritized for conservation measures. (page 1)
- The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association (or Sensitive Ecosystem)**. (page 5)

The Staff Report indicates that staff biologists do not agree with my report saying that: "Inventory methods are not consistent with the Best Management Practices for Garry Oak & Associated Ecosystems produced by the Garry oak Ecosystems Recovery Team.

This document is not provided as a reference in the Guidelines that staff have provided to consulting Biologists. However, it indicates that "The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement. These properties do not support this definition. Due to the predominance of invasive species, ecological processes and communities have been replaced by non-natural influences. The document provides many good suggestions for inventory for a variety of species and species groups. I have only provided an assessment of whether there is a Sensitive Ecosystem on the properties, following the guidelines provide by Saanich staff.

From Staff Report: "Mr. Lea's letter report generalizes about the map unit but he has not visited all the properties."

I have actually carefully assessed all of the properties within this map unit, sometimes from adjacent properties, as I have had to determine the need for buffers, if there is a Sensitive Ecosystem on an adjacent property. I have done assessment on two additional properties at 2766 and 2770 Sea View. However, these landowners have yet to submit their applications for removal. However, it appears that staff are willing to accept the findings of Ms. Grau, who has only viewed 5 of the affected properties and only from the Right-of-way. Staff are also willing to accept Dr. Hebda's comments, although it is unclear if he has even seen these properties.

From Staff Report – Summary: "Staff biologists believe that the core of the ecosystem is intact and providing habitat". "The same area ....was evaluated as in fair to good condition in 2012."

My response: It is unclear what is meant by the term "core of the ecosystem". As mentioned earlier, all properties in Saanich provide habitat; it is not an EDPA requirement. The same area was not evaluated in 2012 by Ms. Grau. As she points out in her report, she only evaluated the Saanich trail allowance in 2012 (page 2 under method). She definitely did not indicate that either the trail allowance or the adjacent properties were in fair to good condition. Ms; Grau implied that the ecological condition on the trail allowance was fair condition (40 – 75% invasive species – see page 3,

paragraph 4). Nowhere did she provide an assessment of the condition of the subject properties, and she did not use the term 'good condition' anywhere that I can find in her report.

From the Staff Report: "Staff observed that the Terrestrial Herbaceous ecosystem definitely does exist".

My Response: It is unclear at what time of year that staff viewed this property. I assume that it was after the application date for these properties (August 10 to 16, 2016). Despite indicating that the date that I did my assessment was inappropriate, staff did not indicate that the date that they made this observation and conclusion was inappropriate.

From Staff Report – Summary: "A peer-reviewed biologist report confirms that the area meets the criteria of Sensitive Ecosystem Inventory and is an Terrestrial Herbaceous ecosystem".

My Response: Ms. Grau's report provides information on the right-of-way from April 2012. **She did not assess the adjacent properties at the time. She did however, make some comments about adjacent properties.** She did assess the adjacent properties in September 27, 2016. Although my visit of these properties in May and June was not considered appropriate, Ms. Grau's visit and assessments in September were not indicated in the Staff Report as being inappropriate. Dr. Hebda's short e-mail cannot be considered a peer review, and I would be surprised if the would consider it to be one. It appears that neither Ms. Grau nor Dr. Hebda have been on any of the subject properties at an appropriate time of year.

I will address a few statements from Ms. Grau's report below.

Ms. Grau indicated on page 3 of her report that "the main objective was to assess the condition of the HT (Terrestrial Herbaceous) site compared to the previous visit, particularly in reference to the invasive species periwinkle, English ivy, Himalayan blackberry and Scotch broom". She indicates that she was unable to assess herbaceous vegetation, as it has "dried up". She goes on to say that the "periwinkle and English ivy infestations noted on the path allowance four years ago have expanded and extended into the properties adjacent to the path".

My response: In these statements, Ms. Grau has provided an honest assessment of what she has been able to see at that time of the year. The expansion of the invasive species from public land on to private land is concerning. However, Ms. Grau provides a solution in her recommendations in her report, on page 5.

Ms. Grau indicates on page 3 of her report that "the assessment method used to evaluate these urban sites was a modified version of the CDC Conservation Evaluation Form".

My response: These methods are different than the Saanich Staff Guidelines that have been provided to consulting Biologists to assess landowners' properties in Saanich. The results are not comparable. Ms. Grau does not even mention the provincial ecosystem at risk and Sensitive Ecosystem standards that the Saanich Staff guidelines say to follow.

Ms. Grau, in her report on the bottom of page 4 comes to the conclusion that "The Tudor Ave. and Seaview Rd. falls within the description of "a relatively natural" HT site; ie. An HT site affected by a certain degree of invasive species, yet an HT site nevertheless".

My response: Ms. Grau comes to this conclusion by having assessed the trail allowance in the spring of 2012, and assessing from a fence line for all of these properties in late September, 2016. She has not been on any of these properties at an appropriate time of the year. She implies that there have significant amounts of native wildflower species underneath the dense cover of invasive grasses, with no evidence. She assumes that what she believes, despite indicating that the herb layer is "dried up" that these sites are still relatively natural. The Conservation Manual for the Sensitive Ecosystem Inventory (SEI) describes 47 different native herb species that could be found in these ecosystems. When I assessed these properties I found that there was a very dense invasive grass cover throughout these properties. The shrub layer was dominated by invasive species and also had very few native shrubs. Many landowners have removed significant amount of Scotch broom and other invasive species over time.

The Staff Report, the report provided by Ms. Grau and the letter provided by Dr. Hebda all mention Restoration Potential on the properties in question.

Restoration Potential is not mentioned in the EDPA Bylaw as a legal requirement by individual landowners, nor a reason the EDPA is on any particular property. There is no Restoration Potential ESA within the EDPA Bylaw. Restoration Potential is not one of the five inventories within the EDPA. It could be added, but it would cover almost all properties in Saanich. What would the expectation be for landowners who would have this on their properties?

In January 25, 2011, at an Environment Advisory Committee meeting, Saanich's **Manager of Environmental Services stated that "*The Local Government Act does not allow us to require areas already destroyed be restored*".** See link below.

http://www.saanich.ca/living/mayor/boards/pdf/2011/EAC/jan25minutes.pdf (appears to be removed from Saanich website – available from Leg. Services)

The Staff Report indicates that Dr. Richard Hebda has provided a "peer report" of Ms. Grau's report.

My Response: I have a lot of respect for Dr. Richard Hebda. However, the definition *of peer review* for English Language Learners. : a process by which a scholarly work (such as a paper or a research proposal) is checked by a group of experts in the same field to make sure it meets the necessary standards before it is published or accepted. I do not believe that his short letter is a peer review of the Grau report. I would assume that Dr. Hebda would not call this a peer review. As well, it appears that neither Ms. Grau nor Dr. Hebda have been on any or all of the properties that they are implying are Terrestrial Herbaceous Sensitive Ecosystems. More troubling, is that neither of these individuals reference the use of the Guidelines that Saanich Staff have provided to Consulting Biologists to assess Sensitive Ecosystems in Saanich.

Restoration Potential

Ms. Grau indicates that in other areas around Victoria that "The removal of invasive species allowed the re-emergence of native species typical of these ecosystems such as camas, shooting stars, lilies and others" and that "as has been discovered in various sites around Victoria, control and removal of invasive species leads to widespread emergence of native species" and that "Just because some species are not visible, it does not mean that they are not there."

This is a commonly held premise for all Garry oak and associated ecosystems, but there are many locations where this just is not true. This same claim was made about the Alberg Family property and adjacent properties, where it was clearly untrue with absolutely no evidence at all. There is no evidence of very many native wildflower species on the Tudor Avenue/Seaview Road properties, let alone lying dormant underneath the invasive grasses. More camas plants, flowers and more seed heads would have been present when I assessed these properties. Even if they were present, the restoration cost and resources required would be significant, in the $100,000 plus range for each of the larger properties, similar to the costs at Playfair Park, where the camas and yellow montane violet were known to exist under the invasive grasses. Grass specific herbicides would be required to remove the heavy infestations of invasive grasses on these properties, followed by a massive planting program of native wildflowers and grasses. This must be considered an unreasonable burden for landowners, however, the District of Saanich working cooperatively with landowners may provide some success.

Two comments from Richard Hebda's letter need to be refuted.

Dr. Hebda indicates that in his opinion, Ms. Grau's classification of this area "as Herbaceous Terrestrial unit having restoration potential under the SEI classification is appropriate."

Again, the importance of restoration potential is being discussed; this is not part of the EDPA Bylaw. It is to protect areas with existing ESAs, not potential ESAs.

Dr. Hebda goes on to say that "A good indicator of this is the presence of camas, but also the general conditions of shallow soils in rocky outcrops and the widespread occurrence of Garry oaks and native shrubs.

My response: There are only a few camas individuals on each property, or in some cases, no camas. There is widespread occurrence of Garry oaks, but there is not a widespread occurrence of native shrubs. There are some native shrubs in the right-of-way, but only at the bottom of properties that occur off Tudor Avenue, in areas that cannot be considered part of the Terrestrial Herbaceous Sensitive Ecosystem.

Dr. Hebda further indicates that in his experience elsewhere that "if keystone species such as camas and native shrubs persist the restoration potential is very high and achievable despite the apparent occurrence of invasive shrubs and grasses" and goes on to say "in these cases removal of invasives is the key action and little replanting is necessary".

My response: Again I point out two things. Firstly, restoration potential is not the reason for having an ESA on a property; it is not part of the EDPA Bylaw. Secondly, there are no widespread occurrences of native shrubs, nor camas. Significant amounts of replanting would be necessary to return these properties to true Terrestrial Herbaceous ecosystems. This would include native wildflower species and native grasses. Is this what Saanich Council expects from private landowners? Remember that Colleen O'Brien, working in Playfair Park has been working for 5 years as a volunteer with approximately 5000 hours (estimated $100,000 cost) to begin restoring an area that truly did have significant amounts of camas and the endangered species yellow montane violet.

The recommendations (on page 5) that Ms. Grau's report states is that: "the District of Saanich provide help to property owners to preserve these valuable SEI sites, through covenants, tax relief and/or grants to help with restoration/maintenance costs." It goes on to say that the District of Saanich needs to act by saying that "it is recommended that the District of Saanich consistently uses natural restoration practices in areas under the District's jurisdiction…" and that these "restoration activities should be used to promote the involvement of neighbouring property owners in the project…".

I strongly agree with this stewardship approach and as I have pointed out to Council more than once, this will probably be the most successful means of conserving Biodiversity in the district, particularly in areas where former, special Sensitive Ecosystems that no longer exist due to degradation by invasive species, such as these properties. This approach also echoes the sentiments of Saanich's OCP which recommends raising public awareness, gaining support, and encouraging citizens to conserve natural resources and restore the natural environment; foster and support public awareness, engagement, and participation in community environmental stewardship; work with private land owners to encourage stewardship that protects, preserves, and enhances natural systems; provide incentives to protect environmentally

significant areas.

I would again like to point out the amazing work that Colleen O'Brien has done at Playfair Park, that despite having significant amounts of camas and the endangered yellow montane violet occurring suppressed by dense invasive grasses, that it has taken 5 years of volunteer work (approximately 5000 hours) to restore a quarter hectare of Garry oak meadow, and that she needs about another 5 years to create more complexity. This is basically $100,000 cost to date. However, the present Tudor Avenue/Sea View Road properties do not even have the native species below the invasives to begin this kind of work. Massive planting of native wildflowers and native grasses would be required.

Restoration to a natural environment would be extremely time consuming and expensive. As other biologists have pointed out, this is an unreasonable burden to expect landowners to do. The EDPA Bylaw is silent on restoration potential or the requirement to restore natural ecosystems on private properties (unless there is an active development and despite ambiguous wording seems to apply to areas damaged during development).

If the District of Saanich staff continues to argue that these type of properties are still Sensitive Ecosystems, which they are not, they will be dooming these properties to even further degradation and dominance by invasive species if they expect properties owners to protect them. However, if they nurture the landowners to want to improve ecological conditions and native components on their properties, and work with them cooperatively, in the manner that Ms. Grau has recommended, and many others have recommended, we are much more likely to see successful improvement in biodiversity in the District.

Respectfully submitted,

Ted Lea, RPBio.

Detailed Response to Saanich Staff Report: *Request for Removal from the Environmental Development Permit Area (EDPA) 2801, 2785, 2811, 2821, 2825, 2831 Tudor Avenue, and 2766, 2810 Sea View Road*

Black – Staff Report
Green – My Response

Below, I have provided a detailed response to the Staff Report regarding the Tudor Avenue and Sea View Road properties. The Staff Report does not provide any evidence that these properties are true Terrestrial Herbaceous Sensitive Ecosystems. They have both herb layers and shrub layers significantly dominated by invasive species. I have viewed these properties in the spring, at a time that was appropriate for assessing whether native wildflowers and native shrubs are present on these properties. Before I went on these properties, I expected to find a well established native understory of native species such as camas, shooting stars and other meadow species. I was surprised to find that only very few individuals of a typical Terrestrial Herbaceous native herb layer remained on each property. It is clear that these properties are quite degraded. To restore these properties would take significant resources and many years of removing invasive species and significant plantings of native species. The Staff Report tries to paint a very different picture of these properties, implying that they are still natural and full of native species. The truth is very different than presented in the Staff Report.

I have followed the Guidelines that Saanich Staff have provided to landowners to have biologists assess their properties for whether they have Sensitive Ecosystems or not. These staff Guidelines are not mentioned in the Staff Report to Council regarding these properties, and are not mentioned in Ms. Grau's report assessing these properties. The Provincial Standards on Ecosystems at Risk and Sensitive Ecosystems are not mentioned in the Staff Report, nor are they referenced in Ms. Grau's report. Councillor Derman asked the Manager of Environmental Services at a Council meeting in 2016 whether this Guideline document is the document that staff have provided Biologists to assess properties. The Manager applied in the affirmative (but they are just a draft).

The Staff Report indicates that staff biologists do not agree with my report "*due to the inappropriate time of year that the work was completed, the focus of the presence of invasive plants, the lack of an assessment of habitat, the lack of a complete inventory, and the lack of acknowledgement of the known rare species in the mapped area*". It goes on to say that "Annual brome grasses" are stated to dominate throughout the area in the report, but they are not identified to show if any are native or invasive. Mr. Lea's letter report generalizes about the map unit but he has not visited all the properties. Mr. Lea confuses Biogeoclimatic Ecosystem Classification standards in his report as being the relevant standard and that the Provincial Conservation Data Centre at-risk ecological communities are also a Sensitive Ecosystem Inventory determinant, which they are not. Inventory methods are not consistent with the Best Management Practices for Garry Oak & Associated Ecosystems produced by the Garry oak Ecosystems Recovery Team.

No where in the statement above does staff indicate that they disagree with my report due to a flawed assessment of whether there is a Terrestrial Herbaceous Sensitive Ecosystem on these properties, following the Staff Guidelines provided to consulting biologists. All issues noted above are extraneous as to whether there is a Sensitive Ecosystem ESA on these properties. I will address the rest of these concerns.

The Staff Report indicates that staff biologists do not agree with my report "*due to the inappropriate time of year that the work was completed,*

I viewed these properties in May and June. Many of the wildflower species typically associated with these kinds of ecosystems were flowering at that time. However, very few of each of these species were seen on each property. Ms. Grau's report provides information on the right-of-way from April 2012. Her role was not to assess the adjacent properties during this site visit, but rather to assess the right-of-way. Ms. Grau has noted camas on one of the adjacent properties in 2012. I agree that 2810 Sea View Road has more camas than any of the other properties. This is stated in my report. I saw only a few individuals or no individuals of camas on most of these properties. Other native species seen included very small amounts of Hooker's onion, and blue wildrye. Ms. Grau did assess the adjacent properties in September 27, 2016. Although my visit of these properties in May and June was not considered appropriate by the Staff Report, Ms. Grau's visit and assessments in September were not indicated in the Staff Report as being inappropriate.

The Staff Report indicates that staff biologists do not agree with my report on "*the focus of the presence of invasive plants*"

My Response: According to the Saanich staff Guidelines document and the Standard for Mapping Ecosystems at Risk in British Columbia, invasive species are an important attribute to determine whether a Sensitive Ecosystem still remains. These properties all are considered in poor ecological condition, as invasive species dominate both the herb layer and the shrub layers. This removes the area from being considered Sensitive Ecosystems. Very minimal native herb layer and shrub layer species occur on these properties. There is information indicating that there were domestic sheep in this area, in Ursula Jupp's book regarding the Cadboro Bay area (I have attached the quote).

The Staff Report indicates that staff biologists do not agree with my report *the lack of an assessment of habitat,*

My Response: Habitat occurs on all properties in Saanich, whether they are dominated by native species or non-native species. Habitat is not one of the five inventories that are addressed in the EDPA. Much of my career was mapping wildlife habitat and providing recommendations to improve it. I strongly believe that landowners should be encouraged to protect and enhance areas of wildlife habitat on their properties. This needs to be done with education, encouragement and resources. However, wildlife habitat is not one of the five inventories that are within the EDPA.

The Staff Report indicates that staff biologists do not agree with my report *the lack of a complete inventory,*

I do not believe that landowners should be required to pay for a complete inventory, when a careful look of the properties that I have provided found a very degraded ecosystem dominated by invasive shrubs and dense invasive grasses. Very few wildflowers or other native species remain on these properties. These sites clearly are in poor ecological condition and as such, do not meet the criteria for Sensitive Ecosystems.

The Staff Report indicates that staff biologists do not agree with my report *and the lack of acknowledgement of the known rare species in the mapped area*".

The location of the rare moss species is at 2770 Sea View Road. I have seen the lone tree where the rare moss occurs on private property. I have done an SEI assessment of 2770 Sea View Road. The landowner has not submitted this report to Saanich yet. Within my original report for this property, I make the comment: "According to the Saanich GIS map, the property also supports a rare moss species which occurs on Garry oak trees. This occurrence should be confirmed, its viability assessed and then requirements on how to conserve the species by the landowner made clear by Saanich." We have been in touch with the local moss expert Wynne Miles and have asked her to become involved in an assessment.

The Staff Report indicates that staff biologists do not agree with my report that "Annual brome grasses" are stated to dominate throughout the area in the report, but they are not identified to show if any are native or invasive.

My Response: My report actually states that: "The dominant invasive species include a dense cover of annual brome grasses, orchard grass, Scotch broom, and dense patches of Himalayan blackberry, periwinkle and English ivy. I have stated that the bromes are invasive. The Garry Oak Ecosystem Recovery Team (GOERT) combines the invasive annual bromes together, that is rigid brome and barren brome, due to difficulty of identification and similar ecological conditions – see **http://www.goert.ca/documents/B.rigidus+sterilis.pdf**

The Staff Report indicates that staff biologists do not agree with my report by saying: "Mr. Lea confuses Biogeoclimatic Ecosystem Classification standards in his report as being the relevant standard and that the Provincial Conservation Data Centre at-risk ecological communities are also a Sensitive Ecosystem Inventory determinant, which they are not.

Below are comments from the Provincial Standard: **Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems**, Ministry of Environment. This report is the provincial standard for Ecosystems at Risk and Sensitive Ecosystems. This report is the one that Saanich Staff have told consulting biologist to follow, to do assessments for

Sensitive Ecosystems. The implication is that sites believed to support a Sensitive Ecosystem need to be self-sustaining to be considered a viable occurrence.

- Sensitive Ecosystems are those that are **at-risk** or are ecologically fragile (from Abstract) Ecosystems at risk are those that can support **ecological communities** which are considered to be provincially at risk as designated by the B.C. Conservation Data Center (page 1) – (this statement refutes the Staff Report claim above)
- *"Viability is the likelihood that if current conditions remain unchanged, an occurrence (of an Ecosystem at Risk or Sensitive Ecosystem) will persist for a defined period of time, generally 20-100 years. Viability is defined in terms of species populations. For ecological communities, viability is more appropriately termed ecological integrity. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value. Each occurrence of a Sensitive Ecosystem must be assessed for practical conservation value* (Pages 39 - 40).
- Occurrences with the **highest *ecological integrity*** can be prioritized for conservation measures. (page 1)
- The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association** (or Sensitive Ecosystem). (page 5)

The Staff Report indicates that staff biologists do not agree with my report saying that: "Inventory methods are not consistent with the Best Management Practices for Garry Oak & Associated Ecosystems produced by the Garry oak Ecosystems Recovery Team.

This document is not provided as a reference in the Guidelines that staff have provided to consulting Biologists. However, it this report indicates that "The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement. These properties do not support this definition of ecosystems. Due to the predominance of invasive species, ecological processes and communities have been replaced by non-natural influences. The document provides many good suggestions for inventory for a variety of species and species groups. I have only provided an assessment of whether there is a Sensitive Ecosystem on the properties, following the guidelines provided by Saanich staff.

From Staff Report: "Mr. Lea's letter report generalizes about the map unit but he has not visited all the properties."

I have actually carefully assessed all of the properties within this map unit, sometimes from adjacent properties, as I have had to determine the need for buffers, if there is a

Sensitive Ecosystem on an adjacent property. I have done assessment on two additional properties at 2766 and 2770 Sea View. However, these landowners have yet to submit their applications for removal. However, it appears that staff are willing to accept the findings of Ms. Grau, who has only viewed 5 of the affected properties and only from the Right-of-way. Staff are also willing to accept Dr. Hebda's comments, although it is unclear if he has even seen these properties.

From Staff Report – Summary: "Staff biologists believe that the core of the ecosystem is intact and providing habitat". "The same area ….was evaluated as in fair to good condition in 2012."

My response: It is unclear what is meant by the term "core of the ecosystem". As mentioned earlier, all properties in Saanich provide habitat; it is not an EDPA requirement. The same area was not evaluated in 2012 by Ms. Grau. As she points out in her report, she only evaluated the Saanich trail allowance in 2012 (page 2 under method). She definitely did not indicate that either the trail allowance or the adjacent properties were in fair to good condition. Ms; Grau implied that the ecological condition on the trail allowance was fair condition (40 – 75% invasive species – see page 3, paragraph 4). Nowhere did she provide an assessment of the condition of the subject properties, and she did not use the term 'good condition' anywhere that I can find in her report.

From the Staff Report: "Staff observed that the Terrestrial Herbaceous ecosystem definitely does exist".

My Response: It is unclear at what time of year that staff viewed this property. I assume that it was after the application date for these properties (August 10 to 16, 2016). Despite indicating that the date that I did my assessment was inappropriate, staff did not indicate that the date that they made this observation and conclusion was inappropriate.

From Staff Report – Summary: "A peer-reviewed biologist report confirms that the area meets the criteria of Sensitive Ecosystem Inventory and is a Terrestrial Herbaceous ecosystem".

My Response: Ms. Grau's report provides information on the right-of-way from April 2012. She did not assess the adjacent properties at the time. She did however, make some comments about adjacent properties. She did assess the adjacent properties in September 27, 2016. Although my visit of these properties in May and June was not considered appropriate, Ms. Grau's visit and assessments in September were not indicated in the Staff Report as being inappropriate. Dr. Hebda's short e-mail cannot be considered a peer review, and I would be surprised if he would consider it to be one. It appears that neither Ms. Grau nor Dr. Hebda have been on any of the subject properties at an appropriate time of year.

I will address a few statements from Ms. Grau's report below.

Ms. Grau indicated on page 3 of her report that "the main objective was to assess the condition of the HT (Terrestrial Herbaceous) site compared to the previous visit, particularly in reference to the invasive species periwinkle, English ivy, Himalayan blackberry and Scotch broom". She indicates that she was unable to assess herbaceous vegetation, as it has "dried up". She goes on to say that the "periwinkle and English ivy infestations noted on the path allowance four years ago have expanded and extended into the properties adjacent to the path".

My response: In these statements, Ms. Grau has provided an honest assessment of what she has been able to see at that time of the year. The expansion of the invasive species from public land on to private land is concerning. However, Ms. Grau provides a solution in her recommendations in her report, on page 5.

Ms. Grau indicates on page 3 of her report that "the assessment method used to evaluate these urban sites was a modified version of the CDC Conservation Evaluation Form".

My response: These methods are different than the Saanich Staff Guidelines that have been provided to consulting Biologists to assess landowners' properties in Saanich. The results are not comparable. Ms. Grau does not even mention the provincial ecosystem at risk and Sensitive Ecosystem standards that the Saanich Staff guidelines say to follow.

Ms. Grau, in her report on the bottom of page 4 comes to the conclusion that "The Tudor Ave. and Seaview Rd. falls within the description of "a relatively natural" HT site; ie. An HT site affected by a certain degree of invasive species, yet an HT site nevertheless".

My response: Ms. Grau comes to this conclusion by having assessed the trail allowance in the spring of 2012, and seeing approximately 5 properties of the over 20 in this map unit from a fence line for all of these properties in late September, 2016. The Staff Report did not indicate that Ms. Grau's "report generalizes about the map unit but she has not visited all the properties" as it did about my report. Ms. Grau has not been on any of these properties at an appropriate time of the year. She implies that they have significant amounts of native wildflower species underneath the dense cover of invasive grasses, with absolutely no evidence. She assumes that what she believes, despite indicating that the herb layer is "dried up", is that these sites are still relatively natural. The Conservation Manual for the Sensitive Ecosystem Inventory (SEI) describes 47 different native herb species that could be found in these ecosystems when in a natural condition. When I assessed these properties I found that there was a very dense invasive grass cover throughout these properties. The shrub layer was dominated by invasive species and also had very few native shrubs. Many landowners have removed significant amount of Scotch broom and other invasive species over time.

The Staff Report, the report provided by Ms. Grau and the letter provided by Dr. Hebda all mention Restoration Potential on the properties in question.

Restoration Potential is not mentioned in the EDPA Bylaw as a legal requirement by individual landowners, nor a reason the EDPA is on any particular property. There is no Restoration Potential ESA within the EDPA Bylaw. Restoration Potential is not one of the five inventories within the EDPA. It could be added, but it would cover almost all properties in Saanich. What would the expectation be for landowners who would have a Restoration Potential ESA on their properties?

In January 25, 2011, at an Environment Advisory Committee meeting, Saanich's **Manager of Environmental Services stated that "*The Local Government Act does not allow us to require areas already destroyed be restored*".** See link below.

http://www.saanich.ca/living/mayor/boards/pdf/2011/EAC/jan25minutes.pdf (appears to be removed from Saanich website – available from Leg. Services)

The Staff Report indicates that Dr. Richard Hebda has provided a "peer report" of Ms. Grau's report.

My Response: I have a lot of respect for Dr. Richard Hebda. However, the definition of peer *review* for English Language Learners is *: a process by which a scholarly work (such as a paper or a research proposal) is checked by a group of experts in the same field to make sure it meets the necessary standards before it is published or accepted.* I do not believe that his short letter is a peer review of the Grau report. I would assume that Dr. Hebda would not call this a peer review. As well, it appears that neither Ms. Grau nor Dr. Hebda have been on any or all of the properties that they are implying are Terrestrial Herbaceous Sensitive Ecosystems. More troubling, is that neither of these individuals reference the use of the Guidelines that Saanich Staff have provided to Consulting Biologists to assess Sensitive Ecosystems in Saanich.

Ms. Grau indicates that in other areas around Victoria that "The removal of invasive species allowed the re-emergence of native species typical of these ecosystems such as camas, shooting stars, lilies and others" and that "as has been discovered in various sites around Victoria, control and removal of invasive species leads to widespread emergence of native species" and that "Just because some species are not visible, it does not mean that they are not there."

This is a commonly held premise for many Garry oak and associated ecosystems, but there are many locations where this just is not true. This same claim was made about the Alberg Family property and adjacent properties, where it was clearly untrue with no evidence at all. There is no evidence of very many native wildflower species on the Tudor Avenue/Seaview Road properties, let alone lying dormant underneath the invasive grasses. More camas plants, flowers and more seed heads would have been present when I assessed these properties. Even if they were present, the restoration

cost and resources required would be significant, in the $100,000 plus range for each of the larger properties, similar to the costs at Playfair Park, where the camas and yellow montane violet were **known to exist** under the invasive grasses. Grass specific herbicides would be required to remove the heavy infestations of invasive grasses on these properties, followed by a massive planting program of native wildflowers and grasses. I believe that this is an unreasonable burden for landowners, however, the District of Saanich working cooperatively with landowners may provide some success.

Two comments from Richard Hebda's letter need to be refuted.

Dr. Hebda indicates that in his opinion, Ms. Grau's classification of this area "as Herbaceous Terrestrial unit having restoration potential under the SEI classification is appropriate."

Again, the importance of restoration potential is being discussed; this is not part of the EDPA Bylaw. It is to protect areas with existing ESAs, not potential ESAs.

Dr. Hebda goes on to say that "A good indicator of this is the presence of camas, but also the general conditions of shallow soils in rocky outcrops and the widespread occurrence of Garry oaks and native shrubs.

My response: There are only a few camas individuals on each property, or in some cases, no camas. There is widespread occurrence of Garry oaks, but there is not a widespread occurrence of native shrubs. There are some native shrubs in the right-of-way, and at the bottom (south end) of properties that occur off Tudor Avenue, in areas that cannot be considered part of the Terrestrial Herbaceous Sensitive Ecosystem.

Dr. Hebda further indicates that in his experience elsewhere that "if keystone species such as camas and native shrubs persist the restoration potential is very high and achievable despite the apparent occurrence of invasive shrubs and grasses" and goes on to say "in these cases removal of invasives is the key action and little replanting is necessary".

My response: Again I point out two things. Firstly, restoration potential is not the reason for having an ESA on a property; it is not part of the EDPA Bylaw. Secondly, there are no widespread occurrences of native shrubs, nor camas. Significant amounts of replanting **would be necessary** to return these properties to true Terrestrial Herbaceous ecosystems. This would include native wildflower species and native grasses. Is this what Saanich Council expects from private landowners? Remember that Colleen O'Brien, working in Playfair Park has been working for 5 years as a volunteer with approximately 5000 hours (estimated $100,000 cost) to begin restoring an area that truly did have significant amounts of camas and the endangered species yellow montane violet.

The recommendations (on page 5) that Ms. Grau's report states is that: "**the District of Saanich provide help to property owners to preserve these valuable SEI sites,**

through covenants, tax relief and/or grants to help with restoration/maintenance costs." It goes on to say that the District of Saanich needs to act by saying that "**it is recommended that the District of Saanich consistently uses natural restoration practices in areas under the District's jurisdiction**..." **and that these "restoration activities should be used to promote the involvement of neighbouring property owners in the project...**".

I strongly agree with this stewardship approach and as I have pointed out to Council more than once, this will probably be the most successful means of conserving or enhancing Biodiversity in the district, particularly in areas where former, special Sensitive Ecosystems that no longer exist due to degradation by invasive species, such as these properties. This approach also echoes the sentiments of **Saanich's OCP which recommends raising public awareness, gaining support, and encouraging citizens to conserve natural resources and restore the natural environment; foster and support public awareness, engagement, and participation in community environmental stewardship; work with private land owners to encourage stewardship that protects, preserves, and enhances natural systems; provide incentives to protect environmentally significant areas.**

If the District of Saanich continues to argue that these types of properties are still Sensitive Ecosystems, which they are not, they will be dooming these properties to even further degradation and dominance by invasive species if they expect properties owners to protect them. However, if they nurture the landowners to want to improve ecological conditions and native components on their properties, and work with them cooperatively, in the manner that Ms. Grau has recommended, and many others have recommended, we are much more likely to see successful improvement of biological diversity in the District.

Respectfully submitted,

Ted Lea, RPBio.

2860-25 Sea Views Tudor.

From: TONY GAGE [redacted]
To: <clerksec@saanich.ca>
Date: 2/28/2017 2:48 PM
Subject: Re application to remove eight properties from EDPA

I would like to register my view that the eight properties asking for removal from the EDPA be granted. I would also like to object to what I perceive as the substantial overreach of the Saanich staff.

Yours truly,

Tony Gage
[redacted] Tudor Avenue,
[redacted]

Sent from my iPad

2860-25 Tudor / Sea View

Clerksec - EDPA - Support for removal of properties from the EDPA on Ten Mile Point

From: Michael Newson [redacted]
To: <clerksec@saanich.ca>
Date: 2/28/2017 10:25 AM
Subject: EDPA - Support for removal of properties from the EDPA on Ten Mile Point

To Whom it may concern:

RE:
"Request for Removal from the EDPA (2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue; 2766 and 2810 Sea View Road)"

I am adding my name and property to the group of Ten Mile Point residents applying for removal from the EDPA.

Regardless, as an owner who is also impacted - I support their application.

Michael Newson
[redacted] Seaview Road
Victoria, [redacted]

2860-25 Tudor/Sea Views

Clerksec - Fw: COUNCIL MEETING DATE CONFIRMATION - Request for Removal from the EDPA (2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue; 2766 and 2810 Sea View Road)

From: Kevin Cuddihy [redacted]
To: Mayor <mayor@saanich.ca>, Fred Haynes <fred.haynes@saanich.ca>, Colin Pl...
Date: 2/24/2017 5:34 PM
Subject: Fw: COUNCIL MEETING DATE CONFIRMATION - Request for Removal from the EDPA (2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue; 2766 and 2810 Sea View Road)
CC: Susan Brice <susan.brice@saanich.ca>, Dean Murdock <dean.murdock@saanich...
Attachments: Sea View Road and Tudor Avenue.pdf; blob.jpg

Hello,

For any of you who would like to visit my property regarding my EDPA removal application, I would like to re-extend the invitation from last year now that we have a confirmed date of March 6th to go before Council. My schedule is quite flexible, though some notice would be helpful so I can try and have my biologist on site as well.

I would like to highlight one factual inconsistency in the Staff report which states, "The applicant did not give authorization for Saanich staff to visit any of the properties." In fact, every form said to contact the owner to discuss. In the seven months Staff has had the application, I am not aware of any contact.

Reason for removal request:

Based on the biologist's report, there is no ESA on the property.

Note - if staff wish to access the property, they can contact the owner to discuss.

101

Do you authorize staff to access the property:

☐ YES ☒ NO

2860-25 Tudor/Sea View

March 6, 2017

Council Administrator Media

Dear Mayor and Council,

Re: Removal of Tudor and Seaview properties from the EDPA

The community of Saanich has expressed interest in continuing to protect and restore habitats that support native species of plants, animals and addressing threats to biodiversity such as invasive plants; and protecting and restoring rare and endangered species habitats and ecosystems, particularly those associated with Garry Oak ecosystems (OCP 2008). According to the 2015 annual report, the number of volunteer hours (13,652) for invasive plant removal in Parks is much higher than any other volunteer activity including Block Watch (1061 hours) or Emergency Planning (3579 hours).

In making past decisions on removing properties from the EDPA, while a review of this bylaw is conducted, Mayor and Council have provided their thoughts prior to voting. Factors that have been considered include impact of the EDPA on property values, financial legacies, peace of mind for property owners and making decisions consistent with the way the EDPA is currently written. These factors appear to outweigh the public interest expressed in the OPC and various LAPs to protect and restore habitats, particularly those associated with Garry Oak ecosystems.

The lower weight given to the public interest in rare and endangered ecosystems, plants and wildlife has been given support by a series of reports prepared by one Registered Professional Biologist (RPBio) who is assessing the properties for the landowners under exemption #14. It has become easy to default to the rationale "Well the EDPA has an exemption which says if a property owner hires a consultant and they say it is not a significant ecosystem, then it should not be in. That's the way the EDPA is written now and we have to make decisions on how it is written now and not how it may change in the future."

However the EDPA is not written that way. It says:

Exemption #14 allows for a professional ***to refine boundaries*** *of an Environmentally Significant Area and potentially proceed without and Environmental Development Permit* ***if a development proposal*** *is shown to be outside of the Environmentally Sensitive Areas.*

Exemption #14 only applies if the applicant has requested a development permit. The applicant has not requested a development permit.

I hope that you will give serious consideration to the detailed peer-reviewed report prepared by Moraia Grau MSc on these properties, the opportunities for restoring the Terrestrial Herbaceous Sensitive Ecosystem and the Conservation Data Centre's (CDC) records of a rare plant species (Twisted Oak Moss) within the mapped Terrestrial Herbaceous area. The CDC notes "that relative to others in BC, this is a large population over a large area "with good estimated viability".

The consultant for the applicant did not acknowledge known rare species in the area even though it is one of the requirements as per the Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006. This document describes the following steps for the biologist, which includes this important first step:

- **Compile existing known information (e.g. CDC element occurrences, CDF TEM products, SEI mapping, etc.).**

On January 9th, I attended a delegation presentation by Domenico Lannidinardo, MBA, RPF, RPBio,PEng, the president of the Association of Professional Biologists. The purpose of his presentation was to outline what Council should expect from RPBios.

To do this, he presented an overview of the College's Principles of Stewardship. The College of Applied Biology defines stewardship as: the management of impacts on ecological systems and their components with the goal of maintaining resilient ecosystems into the future. He emphasized into the future for the wellbeing of future generations. He highlighted three Stewardship principles:

- **Minimize harm, improve and enhance**
  Harm to the ecosystem is minimized when opportunities are sought to maintain, improve or enhance ecosystem function
- **Assess alternatives**
  Alternate management strategies are weighed over a range of spatial and temporal scales by considering reasonably foreseeable outcomes, consequences, combined incremental effects of environmental change or disturbance, and risks and uncertainties
- **Maintain future options**
  Future options are maintained for managing ecosystem values over a range of spatial and temporal scales

The 2009 document *Managing Species at Risk in British Columbia Guidance for Resource Professionals* is a Memorandum of Understanding prepared by the College of Applied Biologists and Registered Professional Foresters. With respect to public interest the document states:

A resource professional should attempt to factor in the public interest, although it will often be more ***practical and pragmatic to assume public interest supports sound stewardship of land and resources, particularly species at risk.*** *That assumption is supported by the laws that regulate resource professions. It is a legislated purpose of the College of Applied Biology to uphold the principles of stewardship of aquatic and terrestrial ecosystems and biological resources.*

Based on Domenico Lannidinardo's presentation, are you receiving what you might expect from a consulting RPBio for the property owners? Other well- qualified professionals are providing detailed information on the properties. I hope you will take it into consideration. Exemption #14 does not apply without a development permit.

In conclusion, I urge you to consider Option (1) and if not Option (3). There don't seem to be any negative impacts for the owners with respect to property values or financial legacies (as per Rollo report) nor any restrictions on their current use of the property. There is a significant risk for an endangered plant and a sensitive ecosystem if Option 2 is chosen.

Regards,

Lynn Husted

2860-25 Tudor/Sea View

From: Manwale [redacted]
To: <clerksec@saanich.ca>
CC: <council@saanich.ca>
Date: 3/6/2017 2:38 PM
Subject: Regarding the application to remove the EDPA from the properties at 2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue 2766, 2810 Sea View Road coming before Council on March 6th"

Hello,
I live at [redacted] Tudor Avenue and am interested in the application to remove the above properties from the EDPA. I am very familiar with these properties from my daily walks and can confirm that they are over-run with invasive species that would not be amenable to removal in any practical sense.
As such I do not feel that they warrant staying in the EDPA and I support the motion to remove them from the EDPA.

Dr. Jason Wale
[redacted] Tudor Ave.
Victoria, BC
[redacted]

Clerksec - Meeting tonight

Council Administrator Media

From: Adams Gordon [redacted]
To: <mayor@saanich.ca>
Date: 3/6/2017 11:23 AM
Subject: Meeting tonight

Dear Mayor Attwell and all Saanich councillors

Please deliver and read before tonight's meeting

Re: Public Hearing -March 6th 2017

How easy is it to grow Oak Trees

Really easy

After having a sandwich on the golf course in September,

I decided to pick up a couple of hands full of acorns and see if it was easy to grow Oak Trees.

I planted about 6 at first and four of them grew. In November I realized that several of the acorns were rooting in the bag which I had thrown in the garage. (the cracked ones the best)

I planted about seven of them and so far five have grown.

Out of approximately 13 to 15 acorns I now have 9 baby trees.

One was injured in transplanting but is still growing.

I will donate these to Saanich in about 6 months or earlier if need be. You can put them in one of your hundreds of parks.

Maybe you could grow your own instead of Maple trees!! After all Saanich Oaks are "not" going to live forever!!! I would willing to collect some of the acorns next fall.

My point is, support the families wanting to be removed from the stringent rules of the EDPA and start your own Audubon's in the hundreds of parks in Saanich. It is time to listen to the

constituents that voted for you. It is nice to be nice

From Pam Adams

[redacted] Shore Way

Saanich

[redacted]

Please excuse the bold letters. Not sure how that happened

RECEIVED
MAR 06 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

2860-26 Tudor / Sea View

Clerksec - FW: Re Edpa Application for 2810 Sea View Rd.

From: "Ian Izard" [redacted]
To: "Dean Murdoch" <Dean.Murdock@saanich.ca>, "Fred Haynes" <Haynes@saanich....
Date: 3/4/2017 4:54 PM
Subject: FW: Re Edpa Application for 2810 Sea View Rd.
Attachments: P1040715.JPG; P1040714.JPG

My wife Daphne and I have applied to cancel the EDPA designation and associated buffer as it applies to our property. We have applied through the appropriate process and engaged a professional to do a report all of which is on file. The report recommends removal.

We have lived here for 34 years and have taken pains to improve the cultivated area of our property and also acted as stewards for the unplanted area.

A major consideration for us is the problem of invasive species being allowed to thrive on the municipal road allowance of Cadboro View Rd. alongside our westerly boundary. We are under constant assault from Ivy, Vinca, Broom and Privet. Several years ago we bought a heavy duty broom puller and were able to remove the broom from our property, only to have it return from seed transfer from the road allowance. We removed 5 trailer loads of Privet but it is also reseeded from the grove on the road allowance. The Vinca and Ivy cannot be kept out as they crawl through and over our fence.

I have attached 2 photos taken on Feb. 28 2017, which speak louder than words and also show beyond the fence the area which is EDPA and buffer. The species in the picture are a mixture of Vinca, Ivy and Privet. You will note also the dead oak trees of which I counted 7 which appear to be on the road allowance in the adjacent area. This is not a pristine habitat.

2860-25 Tudor/Sea View

GARY MORRISON
[redacted] McAnally Rd
Victoria, BC [redacted]

March 6, 2017

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

Re. Application of 8 properties on Tudor and Sea View for removal of EDPA

I support the removal of these properties from the EDPA and I would like to know why staff is pushing Council to revisit the Screech application even though on November 14, 2016 Council approved sending it to a Public Hearing.

If the Municipality, as represented by you, truly wants to achieve the environmental objectives then it needs to stop alienating property owners and needs to seek collaboration. I, too, as a property owner and as a Lifetime Member of the Sierra Club for close to 50 years and a contributor to the Nature Conservancy, would like to maintain a healthy environment but the EDPA is not going to perpetuate the flora the municipality seeks to preserve. The affected property owners who perceive the EDPA restrictions will negatively impact property values and who fear more restrictions in the future are not likely to encourage growth of native species by either cultivating those plants or even saving the volunteer seedlings of Garry Oaks. Those volunteer seedlings will likely be treated as weeds and removed. The result will ultimately be that the native species will not be able to regenerate or propagate to replace older or dying generations. The EDPA is a disincentive, not an incentive, to property owners to assist environmental protection. You need the property owners on-side.

By imposing arbitrary buffer zones without scientific justification, which has reduced the buildable area of properties, by applying the rules inconsistently, particularly in denying the professional opinions of registered biologists while accepting opinions of non-registered biologists who have never attended the properties, and by allowing staff to attend meetings with and to influence what are supposed to be independent consultants, you assail what constitutes good governance. Will the Municipality now reject professional opinions of architects, engineers, lawyers, financiers, or doctors to suit its wishes in both the public and private arena? To be successful you need to take a balanced approach to regain the trust of property owners and to encourage them to collaborate with the Municipality to achieve the stated environmental goals. Environmental stewardship is important but you cannot be so myopic as to ignore the social and economic needs of property owners. It is time for Council to develop some empathy for the affected property owners.

The uncertainty these circumstances create for the real estate market will at some point have an impact on valuations when enough potential buyers understand and realize the implications, contrary to what staff represents in its jawboning and in its attempts to down-play the potential impacts on the market. Market prices for any assets, including real estate, are set at the margins where uncertainty and perceptions play a substantial role. Prices are not set at the mean or the median. This is elementary

economics, unless you plan on discrediting centuries of academic work in that field. The huge inflation in property values recently has disguised the pricing impact but if you analyze the effect on real inflation-adjusted opportunity costs that the EDPA has on Saanich properties compared to similar properties in other municipalities that have not imposed similarly onerous conditions, you may find some statistical impact, if not now, then certainly in the future when people become more aware of the situation. Furthermore, inflation may fool new buyers for a short period of time because they do not have complete information but in the long run those buyers will learn the real impact and will more than likely choose to avoid the market. This is also classic economic analysis. The Rollo report took a pass on the subject and simply stated that there was insufficient data to make a conclusion about the effect on property values. It even failed to mention the unique EDPA restrictions that Saanich instituted with its large buffer zones, which are unlike the other municipalities it cited. The Rollo report did note that Saanich's EDPA differs from other jurisdictions in that it applies to long established neighbourhoods, whereas other jurisdictions apply their EDPAs to new development.

Governments have never been particularly effective at regulating or controlling environmental conditions. Saanich has done an unremarkable job dealing with the safety hazard produced by the overpopulation of deer that are so malnourished that they try to fill their guts with box hedges that take more energy to digest than they provide. Saanich has also done an unremarkable job maintaining the parks and their native species. Why would the EDPA be any more effective in Saanich's dealings with property owners?

At the November 14, 2016 Council Meeting I distinctly heard the assertion from Council that the Municipality was trying to establish corridors to assist environmental preservation. Although the theory may be scientifically sound, any restrictions or laws, such as the EDPA, used to establish those corridors imply the creation of a right of way, which has a cost. That is a real cost which is being imposed upon and borne by the affected property owners for the benefit of the Municipality and the rest of the residents. Many affected property owners view that as a taking and certainly not tenable under any Doctrine of Fairness.

A number of property owners have accepted the opinions and statements of staff and the populist environmental position, which are based more on wishful thinking than on critical thought. From my observations at various council meetings dealing with the EDPA, it would appear that there are more affected owners who object to the imposition of the EDPA. I think that most of those property owners who object to the EDPA do have similar interests in preserving the environment and already act as conscientious stewards in order to preserve their lifestyles and the values of their properties. It would be more productive if the municipality provided incentives and education so that the property owners can voluntarily contribute to a collaborative effort.

It is instructive to note that B.C.'s neighbour to the south, Washington, has never had a bottle or container deposit, unlike B.C., but the state and Seattle have consistently ranked in the top two or three for recycling in the U.S. for decades as a result of education and incentives. Are the residents of Saanich so much less environmentally aware than the residents of Seattle that the local government needs to impose its heavy hand and the associated costs?

Sincerely,
Gary Morrison

2860-25 Tudor / Sea View

Council - RE: Support

Council Administrator Media

From: "Tarmax" [redacted]
To: <mayor@saanich.ca>
Date: 3/6/2017 12:45 PM
Subject: RE: Support

I totally support the 8 EDPA applications to opt out of the program as, in accordance with expert appraisal, there are no Ecological Sensitive Areas on the properties.

Walter Jackson

Deo Volente

Council - EDPA review

Council
Administration
Media

From: Ben Kerr [redacted]
To: <mayor@saanich.ca>, <Dean.Murdock@saanich.ca>, <Vicki.Sanders@saanich.ca...
Date: 3/6/2017 12:25 PM
Subject: EDPA review
Attachments: Draft Guidelines for Verifying and Defining Boundaries (yellow) (1).doc; EDPA removal March 6.docx

Dear Mayor and Council,

Please find attached a letter concerning the EDPA removal applications you will be considering tonight.

Thank you,

Ben

--

Ben Kerr, P.Ag.

CEO and Senior Water Scientist

Direct [redacted]

Email [redacted]

FOUNDRY SPATIAL

March 6, 2017

Dear Mayor and Council,

I do not support the removal application for the properties on Tudor and Seaview Rd. on the following basis:

1. Saanich has provided a document, 'Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons in the Environmental Development Permit Area (#29)'. In this document, guidance is provided including describing steps for the biologist:
   "This document describes the following steps for the biologist:
   - Compile existing known information (e.g. CDC element occurrences, CDF TEM products, SEI mapping, etc)
   - Aerial photo interpretation utilizing the most current imagery
   - Field sampling using the following forms:
     - Site Visit Form (FS 1333)
     - Conservation Evaluation Form (condition, landscape context which is still natural
   - Identification of ecosystem type (based on field sampling)"

   The biologist report does not include any of the above information

2. The guidelines also specify the need for a Secondary Assessment, as follows:

   "While most local terrestrial ecologists will be familiar with the SEI types, difficulties arise when ecosystems are small, disturbed, or urbanized. A methodlology and documentation is needed in order to validate recommended changes. If an area is considered an SEI polygon, a secondary assessment is needed to determine a practical, long-term conservation value for Saanich. Within the scope of SEI, Saanich's ecosystems are disturbed by a variety of factors and located within a densely populated region. The biologist must consider and report on the criteria (page 3) which have been adapted from the CDC's Conservation Evaluation Form (found in *Standard for Mapping Ecosystems at Risk in British Columbia)* in consultation with provincial and federal representatives. The methodology was further developed by our consultant wile working on our ESA Mapping project in 2012. Any suggestions for improvement are welcome.

   <u>Reporting</u>

   A report can be submitted to the Manager of Environmental Services for consideration. The report should include completed forms, field notes, and a sketch map if changes are proposed. The final recommendation of the biologist should be based on the methodology plus any ofther ecological factors that the biologist feels are significant, such as wildlife habitat. Please note that Saanich Council has adopted the EDPA atlas and any proposed changes must be scientifically supportable yet sensitive to the context of urban ecology and community values."

   The biologist has not considered and reported on the required criteria as described in the Conservation Value Assessment.

   The biologist has not submitted forms, field notes or sketch maps to support any proposed changes.

It is impossible to comment on the scientific validity of the biologist report in the absence of any supporting information such as field notes, sketch maps or other information.

Saanich has enacted a bylaw and provided guidance concerning its implementation, including guidelines for verifying and defining boundaries of sensitive ecosystems as referenced in this letter. The bylaw and guidance are ostensibly made in the interest of Saanich as a whole.

The manner in which Council is approaching the professional reliance model is very concerning. Statements have been made by several councillors in the consideration of previous EDPA removal requests indicating that they believed they had no right to question a biologist's report.

The professional reliance model employed elsewhere by governments always include the capability for the government to review and evaluate material submitted by a QEP. The BC Ombudsperson provides a review of the challenges of using a professional reliance model in environmental protection in a 2014 review (https://bcombudsperson.ca/sites/default/files/Public%20Report%20No%20-%2050%20Striking%20a%20Balance.pdf).

This document provides substantial insight into the issue before you. You will find that the role of public servants in the professional reliance model is to monitor compliance by professionals with statutory or regulatory requirements. If you are pressed for time you may find the introduction from the ombudsperson, the executive summary, and the recommendations sufficient.

Saanich should receive objective review of submitted reports by QEPs, to determine whether they meet the requirements as prescribed. I have, at the start of this letter, demonstrated clear and concrete deficiencies in these reports compared to the guidance provided by Saanich. If Council is to make a decision based on the material submitted by the consulting biologist for this evenings application, I believe that such a decision would be made in bad faith.

To take Saanich out of the context, if this were a provincial government decision regarding a pipeline application, and the province decided to accept a proponent's QEP report as opposed to a similarly qualified public servant's, would that be a decision made in the best interest of the province?

I urge you to support staff and the recommended option 1.

Yours truly,

(original signed)

Ben Kerr, P.Ag.

[redacted] Ireland Court

Attachment: Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons in the Environmental Development Permit Area (#29)

Saanich
PLANNING
Environmental Services

Guidelines for Verifying and Defining Boundaries of
Sensitive Ecosystem Inventory Polygons
In the Environmental Development Permit Area (#29)

Background

In order to qualify for an exemptions 13, 14, and/or 15; or to assist in meeting the Environmental Development Permit Area (EDPA) guidelines, a report should be completed by a Registered Professional Biologist or other appropriate professional approved by Saanich. This document provides guidelines to assist in completing reports that meet expectations, as well as identifying key publications that should be used. Biologists are encouraged to contact Saanich Environmental Services before undertaking any work.

The EDPA Atlas includes the Sensitive Ecosystem Inventory (SEI), Conservation Data Centre at risk element occurrences, the marine backshore, isolated wetlands and watercourses, and wildlife trees. These guidelines address SEI mapping only. To see the atlas, guidelines and other useful information, please see http://www.saanich.ca/living/natural/planning/edpa.html.

The SEI inventory is a Provincial/Federal initiative produced in 1998. It is recognized that the inventory is incomplete and accuracy can be improved in some locations, either due to changes in the landscape or errors in aerial photo interpretation. The Disturbance Mapping product updated many SEI polygons and identified areas of disturbance between the time of initial mapping and 2002.

When SEI mapping was first produced, standards and criteria were under development. However, the 2006 Standard for Mapping Ecosystems at Risk in British Columbia included applicable mapping and reporting standards used in Terrestrial and Predictive Ecosystem, and added many more Sensitive Ecosystems Classes and Subclasses. In order to recommend changing a SEI boundary or potentially eliminating/adding an SEI polygon, the same standards must be met.

Reference Documents

Understanding which standards, forms, and other factors to use may be confusing. The best documents to use to understand the standards are:

1. Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0

This document describes the following steps for the biologist:

- Compile existing known information (e.g. CDC element occurrences, CDF TEM products, SEI mapping, etc)
- Aerial Photo Interpretation utilizing the most current imagery
- Field Sampling using the following forms:
  - Site Visit Form (FS1333) http://www.for.gov.bc.ca/hre/becweb/Downloads/Downloads_Forms/FS1333_2011.pdf
  - Conservation Evaluation Form (condition, landscape context which is still natural; http://www.env.gov.bc.ca/cdc/documents/Cons_Eval_Form_Aug09.pdf
- Identification of ecosystem type (based on field sampling)
- Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any.

- Reporting (as per 1-6 of section 2.11 of document #1)

2. Field manual for describing terrestrial ecosystems. -- 2nd ed. (Land management handbook, 0229-1622; 25) BC Ministry of Forests and Range, B.C. Ministry of Environment, 2010.

3. Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993 – 1997, Volume 2: Conservation Manual, Pacific and Yukon Region 2000, Canadian Wildlife Service Technical Report Series Number 345, 2000. For More information: http://www.env.gov.bc.ca/sei/

This document describes the ecosystems for identification (see page 4). Please see the original document for complete information.

Secondary Assessment

While most local terrestrial ecologists will be familiar with the SEI types, difficulties arise when ecosystems are small, disturbed, or urbanized. A methodology and documentation is needed in order to validate recommended changes. If an area is considered an SEI polygon, a secondary assessment is needed to determine a practical, long-term conservation value for Saanich. Within the scope of SEI, Saanich's ecosystems are disturbed by a variety of factors and located within a densely populated region. The biologist must consider and report on the criteria (page 3) which have been adapted from the CDC's Conservation Evaluation Form (found in *Standard for Mapping Ecosystems at Risk in British Columbia*) in consultation with provincial and federal representatives. The methodology was further developed by our consultant while working on our ESA Mapping project in 2012. Any suggestions for improvements to the methodology are welcome.

Reporting

A report can be submitted to the Manager of Environmental Services for consideration. The report should include completed forms, field notes, and a sketch map if changes are proposed. The final recommendation of the biologist should be based on the methodology plus any other ecological factors that the biologist feels are significant, such as wildlife habitat. Please note that Saanich Council has adopted the EDPA atlas and any proposed changes must be scientifically supportable yet sensitive to the context of urban ecology and community values.

Contact Information

If you have any questions, please contact Adriane Pollard, Manager of Environmental Services
Planning Department, District of Saanich, 770 Vernon Avenue, Victoria, BC V8X 2W7
Adriane.pollard@saanich.ca
Phone: 475-5494, ext 3556 Fax: 475-5430

Conservation Value Assessment

Landscape context	
Excellent – Score 4	The surrounding landscape has <25% fragmentation due to roads, urban areas, and rural settlements, and no recent industrial activity. Site occurs within a larger landscape with some formal protection status or protected by conservation covenants.
Good – Score 3	Up to 50% of the surrounding landscape is fragmented. The larger landscape context provides some protection from anthropogenic disturbance, although changes to natural disturbance regimes exist (fire suppression; flooding control).
Fair – Score 2	More than 50% of the surrounding landscape is fragmented and affected by anthropogenic influences. Development may currently affect the ecosystem's existence.
Poor – Score 1	Less than 15% of the surrounding landscape consists of natural or semi-natural vegetation, or the ecosystem is completely isolated from natural areas and protected areas.
Condition (C)	
Excellent – Score 4	Minor cover of exotic species occur in the site (<10%). Forested ecological communities are climax vegetation. The community may have minor internal fragmentation (<5%). Wetland and riparian communities have natural hydrology regimes. No artificial structures occur at the site.
Good– Score 3	Some cover of exotic species (10 - 40%). Forested ecological communities may be late seral vegetation. Wetland and riparian communities have largely natural hydrology regimes. There could be moderate internal fragmentation (<25%).
Fair– Score 2	Significant cover of exotic species (40 - 75%). Forested ecological communities typically are young seral vegetation after anthropogenic disturbance. There may be significant alterations of hydrology regime in wetlands and riparian ecological communities. There is moderate internal fragmentation (<25%).
Poor– Score 1	Exotic species dominate a vegetation layer or may total >75%. Significant anthropogenic disturbance, such as removal of soil material or vegetation. There are significant alterations to the hydrology regime in wetlands and riparian ecosystems. High internal fragmentation (>25%), presence of artificial structures or barriers.
Restoration potential (R)	
Excellent– Score 4	The natural species, soils and disturbance regime are mostly intact, only a minor control of invasive species is needed.
Good– Score 3	The natural species, soils and disturbance regime are present, but sustained invasive species work is needed to achieve restoration.
Fair– Score 2	Alterations to the natural disturbance regime require major work. The removal of invasive species will leave major portions of exposed soil, requiring plantings. Many years of work will be needed, to achieve a complete natural appearance.
Poor– Score 1	Soils and vegetation were removed, and site is dominated by alien invasive species. Site may be affected permanently.

Summary of Sensitive Ecosystem Inventory Classifications for Saanich

CB Coastal Bluff

General Description: rocky shorelines with grasslands, rocky shorelines with mosses, vegetated rocky islets that are dominated by grasses, forbs, mosses and lichens; beginning at the water's edge to the lands above the high tide mark.
Types: CB and CB:cl (coastal cliffs)
Soils: Thin to no soils. Glacial outwash deposits. Usually sand to sandy-loam, often with high salinity
Vegetation: Adapted to hostile environmental conditions such as salt-spray from crashing waves, winds, storms and heat. CB lack continuous vegetation cover over their entire landforms; the remainder is exposed bedrock. May be interspersed with other SEI ecosystems such as HT, WD, OF, and SV.
Common Plants: Garry Oak, Arbutus, Douglas-fir, native roses, Oceanspray, Salal, Stonecrops, licorice fern, native onions, Harvest Brodiaea, moses, lichens, Scotch Broom.

SV Sparsely Vegetated

General Description: Discontinuous vegetation interspersed with bare sand, gravel, or exposed bedrock. Landforms are often in a dynamic state of change due to factors such as water level changes, sediment deposition, sediment erosion and mass wasting.
Types: SV:sd (coastal sand dunes); SV:sp (coastal sand and gravel spits); SV:cl (inland cliffs and bluffs)
Soils: in formative years, a lack of distinct soil horizons and organic layers; shallow soils, well drained
Vegetation: newly- and slowly-developing plant communities that are formed by species adapted to hostile environmental conditions, low diversity but specialized, often stunted. Usually interspersed with other SEI ecosystems such as HT: ro and OF.
Common Plants: Dune Grass, Beach Pea, Common Strawberry, Yellow Sand Verbena, Grasses and Mosses. Cliffs can have trees and shrubs such as Garry Oak, Arbutus, Douglas-fir, native roses, kinnikinnick, and ferns.

HT Terrestrial Herbaceous

General Description: open wildflower meadows and grassy hilltops with herbs–grasses and forbs—and mosses and lichens; outside the salt spray zone near shorelines; summits of local hills and mountains.
Types: HT (grass-forb dominated areas with less than 10% tree cover and less than 20% shrub cover); HT:ro (grass-forb areas interspersed with rocky outcrops); and HT:sh (grass-forb areas with more than 20% shrub cover).
Soils: shallow and rapidly draining
Vegetation: predominantly herbaceous vegetation, continuous except where interspersed with bare rock outcrops, minimal tree and shrub cover. When found near shorelines, there may be an overlap with species common to the coastal bluff ecosystem, or may be interspersed with other SEI ecosystems such as WD, OF, and older second growth forest. May also include moisture-loving species in seepage areas and vernal pools.
Common Plants: Garry Oak, Arbutus, Douglas-fir, Shore Pine, Oceanspray, Snowberry, Stonecrop, Sea Blush, Fawn Lily, Satin Flower, Camas, Miner's Lettuce, grasses, and many mosses.

WN Wetland

General Description: Characterized by daily, seasonal, or year-round water, either at or above the surface, or within the root zone of plants. Wetlands are mosaics of several wetland classes, and many are transitional between more than one wetland class.
Types: WN:bg (bog), WN:fn (fen), WN:ms (marsh, including coastal salt and estuarine marshes), WN: sp (swamp), WN:sw (shallow water), and WN:wm (wet meadow).

Soils: Wetlands are generally divided into peatlands (bog, fen) and mineral wetlands.
Vegetation: Plant communities are adapted to wet conditions; some are tolerant of complete submergence whereas others depend on drier conditions during the summer growing season.
Common Plants (peat): Shore Pine, Western Hemlock, Western Red Cedar, Labrador Tea, Hardhack, Salal, Sedges, Mosses.
Common Plants (mineral): Western Red Cedar, Alder, Pacific Crabapple, Willows, Red-osier Dogwood, Salmonberry, Skunk Cabbage, ferns, sedges, cattail, reed canary grass, pondweeds, mosses

RI Riparian
General Description: Adjacent to lakes, streams, and rivers, where increased soil moisture supports plant communities and soils distinct from surrounding terrestrial areas. Commonly linear corridors. Includes gullies which may not be associated with surface water flow, but maintain moist soil conditions. Width may vary from a few metres to greater than 100 metres. Narrow bands of streamside forest surrounded by agricultural fields and disturbed urban stream corridors were not typically included as riparian ecosystems.
Types:
RI:1 (Sparse/bryoid—moss and lichen dominated, <10% treed, <20% shrub/herb)
RI:2 (Herb—herb dominated, <20% shrub, <10% treed)
RI:3 (Shrub/herb—>20% shrub, <10% treed)
Pole/sapling RI:4 (Trees >10m tall, densely stocked; shaded understorey) ,
Young forest RI:5 (Uniform aged trees, generally less than 80 years old, dense understorey)
Mature forest RI:6 (Layered canopy, generally 80 to more than 200 years old, well developed understorey)
Old Forest RI:7 (Trees >250 years old, structurally complex, snags, coarse woody debris)
Soils: Gravel, silt, cobble bars, rocky, to rich organic soils.
Common Plants: Red Alder, Western Redcedar, Bigleaf Maple, Western Hemlock, willows, Red-osier Dogwood, Salmonberry, Indian Plum, ferns, mosses,

WD Woodland
General Description: Open deciduous forests of Garry oak, mixed stands of Arbutus and Douglas-fir, or pure stands of Trembling Aspen. Most occur on rocky knolls, south facing slopes, and ridges where summer soil moisture is low and shallow soils are common. Trembling Aspen woodlands are an exception, and are typically associated with moist, rich sites. Mature big-leaf maple may also be the dominant tree species. Typically interspersed with other SEI ecosystems such as CB and HT.
Types:
Garry Oak Woodlands (open oak woodlands and meadows, as well as more densely forested oak/conifer plant associations)
Common Plants: Garry Oak, Douglas-fir, Arbutus, Oceanspray, Snowberry, Camas, Spring Gold, Satin-flower, ferns, mosses, grasses.
Arbutus—Douglas-fir Woodlands (dry sites with rocky, nutrient-poor soils; typically arbutus with Garry oak and Douglas-fir)
Common Plants: Arbutus, Douglas-fir, Garry Oak, Dull Oregon Grape, Salal, Snowberry, mosses.
Trembling Aspen Woodlands (common on disturbed sites with moist soils)
Common Plants: Trembling Aspen, Black Hawthorne, Hardhack, Indian-plum, Snowberry.

OF Older Forest

General Description: Conifer-dominated forests with an average tree age of 100 years or greater.
Types: OF:co (coniferous stands with less than 15 percent deciduous trees); OF: mx (mixed coniferous-deciduous stands in which deciduous trees occupied more than 15 percent of the canopy). OF has three prominent characteristics: large live trees, large standing dead trees, and large fallen trees. In Saanich, the biogeoclimatic subzone is the Coastal Douglas-fir, moist maritime subzone (CDFmm).
Soils: varied
Vegetation. Douglas-fir is the dominant tree on drier sites. On sites with higher precipitation and moister soil conditions, western redcedar is more common
Common Plants: Douglas-fir, grand fir, and western redcedar, seedlings, Ocean Spray, Salal, Sword Fern, lichens, mosses.

2860-25 Tudor / Sea View

Council Administrator Media

From: Kate [redacted]
To: <mayor@saanich.ca>, <Dean.Murdock@saanich.ca>, <Vicki.Sanders@saanich.ca...
CC: Saanich EDPA [redacted]
Date: 3/6/2017 10:59 AM
Subject: Applications for removal from EDPA

I will attend the Council of the Whole tonight in support of the properties that are requesting to be removed from the EDPA bylaw as it is being interpreted and implemented. However, I think it is an outrage that so much time (over 3 years) has been taken up by Council and Staff and property owners on this subject and it still seems be no closer to resolution. Get with it! Do we have to wait for the next municipal election???
Sincerely, Kate Insley, Saanich resident

Clerksec - Fwd: EDPA REMINDER: MONDAY, MARCH 6TH, 7:00PM - COMMITTEE OF THE WHOLE

Council Administrator Media

From: Carol Ludgate [redacted]
To: <mayor@saanich.ca>, <Dean.Murdock@saanich.ca>, <Vicki.Sanders@saanich.ca...
Date: 3/6/2017 10:19 AM
Subject: Fwd: EDPA REMINDER: MONDAY, MARCH 6TH, 7:00PM - COMMITTEE OF THE WHOLE
CC: [redacted]

Dear Mayor and Council,

We are unable to attend the March 6th Council meeting and would like to voice our strong support for the eight applications for removal from the EDPA from the eight properties on Tudor and Seaview.

Yours sincerely,

Carol and Charles Ludgate
[redacted] Vantreight Drive, Victoria

2860-25 Tudor / Sea View

Council
Administrator
Media

From: cddexter [redacted]
To: <mayor@saanich.ca>
Date: 3/6/2017 9:41 AM
Subject: EDPA removal applications, CotW, March 6th

Dear Mr. Atwell:

I wish to support the applications to remove the Tudor/Seaview properties from the EDPA atlas.

Carol Davidson.

2860-25 Tudor/SeaView

Council
Administrator
Media

POST TO | POSTED
COPY TO
INFORMATION ☐
REPLY TO WRITER ☐
COPY RESPONSE TO LEGISLATIVE DIVISION
REPORT ☐
FOR
ACKNOWLEDGED:

From: Art [redacted]
To: <council@saanich.ca>
Date: 3/6/2017 8:07 AM
Subject: In Support Of EDPA Removal

Hello:
I support the removal of the 8 properties requesting removal from the EDPA.
Thank you. Art Bickerton

Sent from my iPad

RECEIVED
MAR 06 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

2860-25 Tudor/Sea View.

From: SUE JOHNSTON [redacted]
To: <mayor@saanich.ca>, <Dean.Murdock@saanich.ca>, <Vicki.Sanders@saanich.ca...
CC: [redacted]
Date: 3/6/2017 6:07 AM
Subject: Applications for Removal of 8 Properties on Tudor Road and Sea View Road from EDPA

Dear Sirs and Mesdames:

We reside at [redacted] Sea View Road and write to advise that we fully support the above 8 Applications which will be coming before Council tonight. We would very much like to be at the meeting in person and express our views before Council, [redacted] and unable to attend.

Yours truly,

Richard Taylor and Susan Johnston

2860-2671udor/Sea Views

From: Bill Morrison [redacted]
To: Richard Atwell <mayor@saanich.ca>, Susan Brice <susan.brice@saanich.ca>
CC: Saanich Citizens For A Responsible EDPA [redacted]com>, Diamond...
Date: 3/5/2017 5:40 PM
Subject: Council Meeting-March 6, 2017-EDPA Removal-2785,2801,2811,2821,2825,2831Tudor Avenue & 2810 Sea View Road

Good Afternoon:

I am supporting the Application for Removal of the above properties from the EDPA. The residents of the properties have fulfilled all the requirements for exemption under Clause 14 of the EDPA Bylaw.They have performed, with due diligence, absolutely every stipulation that the Municipality of Saanich has prescribed as necessary under the EDPA Bylaw.

Based on these circumstances to not remove these properties Saanich would be violating the parameters that Saanich, themselves, have deemed necessary. Also to not comply with their own Bylaw raises the question "Why have the EDPA Bylaw if Saanich does not observe their own EDPA Bylaw??" Saanich would not be satisfying their own legal requirements. Further, those members of Council who do not comply with the Bylaw as prescribed, would project the APPEARANCE that they will only observe a Bylaw if it fulfills their own biases/purpose(s). Thus rendering the EDPA Bylaw as a weak manipulative tool from a municipal governance perspective.

Thank you.

Bill Morrison
B.Comm.; CPA; CMA

2860-25 Tudor / Seaview

Council - Fw: EDPA March 6th, 8 Tudor and Seaview properties

From: "Dr. Michael Ross" [redacted]
To: <Susan.Bryce@saanich.ca>
Date: 3/5/2017 11:35 AM
Subject: Fw: EDPA March 6th, 8 Tudor and Seaview properties
CC: <Judy.Brownoff@saanich.ca>, <Fred.Haynes@saanich.ca>, <Colin.Plant@saani...

From: Dr. Michael Ross
Sent: Sunday, March 5, 2017 11:23 AM
To: mayor@saanich.ca ; Dean.Murdock@saanich.ca ; Vicki.Sanders@saanich.ca ; Vic.Derman@saanich.ca ; Leif.Wergeland@saanich.ca
Subject: EDPA March 6th, 8 Tudor and Seaview properties

On a black and white issue a professional biologist's opinion must be judged as such. Unfortunately, with good intentions, Saanich staff frequently give the impression of pursuing a mandate rather than a black and white issue. This is a major concern for 2,200 Saanich homesteaders. Truly, Michael A.Ross.

2660-25 Tudor / Sea Views

Council - Re: EDPA

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FOR
ACKNOWLEDGED:

From: paul sobkin [redacted]
To: <council@saanich.ca>
Date: 3/5/2017 6:24 PM
Subject: Re: EDPA

Dear Mayor and Council,

Regarding the application to remove the EDPA from the properties at 2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue 2766, 2810 Sea View Road coming before Council on March 6th, I would like to support their application and suggest that you follow option 2 in the Staff report to remove EDPA on the properties in the EDPA atlas.

We are neighbours of the properties in question, and some of the buffer covers our own property [redacted] Sea View Rd). It is obvious that invasive species have overrun the property negating any existing ESA and making restoration impractical.

It is only reasonable to adjust the mapping to remove these properties from the EDPA atlas.

Regards,
Dr. Paul Sobkin and Jennifer Letham

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re: 2860-25 Tudor/SeaView

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Council - Re: EDPA Ten Mile Point

From: mark havin [redacted]
To: <mayor@saanich.ca>, Dean Murdock <Dean.Murdock@saanich.ca> <Vicki.Sande...
Date: 3/5/2017 9:23 PM
Subject: Re: EDPA Ten Mile Point

afternoon

apology re my curt word 'demand'

please allow me to replace with 'request'

regards
mark havin

On Mon, Mar 6, 2017 at 9:09 AM, mark havin [redacted] wrote:

> Dear Sirs/Madames,
>
> we write kin respect to the biased approach your staff are making in respect to challenging reports from the professional registered biologist.
>
> your staff to our knowledge have no formal speciality training or knowledge.
>
> further to this your staff appear to be taking it upon themselves to rely on information provided by a non-professional who did not do a thorough tour or investigation of the areas.
>
> as a Tax payer in Saanich we demand that your staff act in a professional manner in all respects. that they follow the law and do not bring biases to the table in any recommendation to the Mayors office and Council
>
> we suggest that should you as Councillors allow for this to continue you also are acting in a manner that is not befitting of your Office.
>
> as a property owner rest assured we only want the best for our property in all manners and therefore had this EDPA been of value we would not be so opposed to it.
>
> we thank you for your time and approaching this is a professional manner is appreciated
>
> sincerely
>
> mark havin

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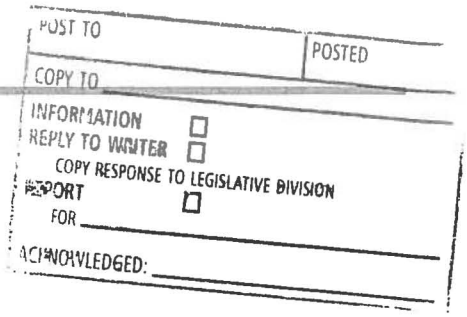
Council - EDPA Ten Mile Point



From: mark havin [redacted]
To: <mayor@saanich.ca>, <Dean.Murdock@saanich.ca>, <Vicki.Sanders@saanich.ca...
Date: 3/5/2017 2:09 PM
Subject: EDPA Ten Mile Point

Dear Sirs/Madames,

we write kin respect to the biased approach your staff are making in respect to challenging reports from the professional registered biologist.

your staff to our knowledge have no formal speciality training or knowledge.

further to this your staff appear to be taking it upon themselves to rely on information provided by a non-professional who did not do a thorough tour or investigation of the areas.

as a Tax payer in Saanich we demand that your staff act in a professional manner in all respects. that they follow the law and do not bring biases to the table in any recommendation to the Mayors office and Council

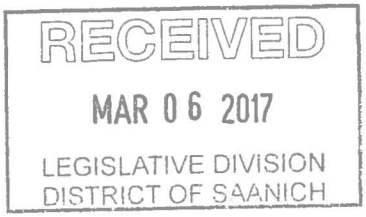
we suggest that should you as Councillors allow for this to continue you also are acting in a manner that is not befitting of your Office.

as a property owner rest assured we only want the best for our property in all manners and therefore had this EDPA been of value we would not be so opposed to it.

we thank you for your time and approaching this is a professional manner is appreciated

sincerely

mark havin



2860-25 Tudor/Sea Views

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Council - On Behalf of the Appletons -EDPA Meeting March 6

From: Diane Ponte [redacted]
To: "mayor@saanich.ca" <mayor@saanich.ca>, "Judy.Brownoff@saanich.ca" <Judy....
Date: 3/5/2017 10:26 PM
Subject: On Behalf of the Appletons -EDPA Meeting March 6

Dear Mayor and Counsel

We are sorry but we are unable to attend the meeting but support the removal of these properties from the EDPA based on the evidence given!

Doreen and IAN Appleton, at [redacted] Cordova Bay Rd.

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0860-25 Tudor/Sea View

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3rd March 2017

Douglas and Brenda MacAskill
[redacted] Llandaff Place
Victoria, B.C.
[redacted]

Saanich Municipal Hall
770 Vernon Avenue
Victoria, B.C.
V8X 2W7

Subject: Committee of the Whole Meeting – 6th March 2017

Dear Mayor, Council and CAO,

My wife and I own a property on Gordon Head Road which is severely compromised by the EDPA mapping. We have had the property ground-truthed and inspected by a Registered Biologist over a period of time. The Registered Biologist has concluded in a Report that there is no sensitive eco-system present on our property. We subsequently applied in September 2016 to have our property removed from the EDPA and are awaiting Saanich's response.

We understand there are a number of similar applications for removal from the EDPA coming before Mayor and Council at a Committee of the Whole meeting on 6th March 2017 at 7:00pm. My wife and I wanted to attend this meeting to offer our support to the applicants, unfortunately however, we are out of town and unable to attend.

The purpose of this letter is to formally offer our support to the applications and state that we recommend Mayor and Council "**ACCEPT/APPROVE**" the applications.

Yours Truly,

[redacted]

Douglas & Brenda MacAskill

[redacted]

cc.
mayor@saanich.ca; Dean.Murdock@saanich.ca; Vicki.Sanders@saanich.ca; Vic.Derman@saanich.ca; Leif.Wergeland@saanich.ca; Judy.Brownoff@saanich.ca; Colin.Plant@saanich.ca; Fred.Haynes@saanich.ca; Susan.Brice@saanich.ca; paul.thorkelsson@saanich.ca; council@saanich.ca

2860-25 Tudor/Seaview

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REPORT ☐
FOR
ACKNOWLEDGED:

From: Renee Porter [redacted]
To: <clerksec@saanich.ca>
CC: <council@saanich.ca>
Date: 3/3/2017 11:14 AM
Subject: Regarding Application to remove the EDPA from properties on Tudor Avenue and Sea View Road - coming before Council March 6th

We are sending this email in support of the application regarding removal of the EDPA from the properties at 2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue 2766, 2810 Sea View Road coming before Council on March 6th. My husband and I have been to the house at 2831 Tudor Avenue on several occasions and it is clear that this property is overrun with invasive species and is not worthy of special environmental protection.

Regards,
Renée and Ross Porter

[redacted]

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DISTRICT OF SAANICH

2860-25 Tudor/Sea View
1220-20 EDPA

Council
Administrator
Media

From: Paul Thorkelsson <paul.thorkelsson@saanich.ca>
To: [redacted]
CC: Susan.Brice@saanich.ca, Judy.Brownoff@saanich.ca, Vic.Derman@saanich.ca,...
Date: 3/2/2017 5:00 PM
Subject: Re: EDPA appeals

Thank you for your email. I will forward your comments to our Legislative Services Department such that they are part of the record for Council's consideration of the removal requests before them next week.

Given your interest in environmental protection, as stated in your email, I do hope that you will productively participate in the review process underway that Saanich Council has established to review the EDPA and consider changes.

Thanks again for your interest in this particular matter.

Paul Thorkelsson
Chief Administrative Officer
District of Saanich
Sent from my iPhone

> On Mar 2, 2017, at 4:07 PM, Paul Gareau [redacted] wrote:
>
> Dear Paul Thorkelsson:
>
> On March 6 next, apparently several applicants are appealing to have their properties removed from the somewhat draconian Environmental Development Permit Area. I support them and their right to maintain their properties without reduction in value of their property.
>
> I am very much in favour of protecting our environment, preserving as much as possible, our native trees, shrubs, flowers and habitat for all the creatures that survive our invasion. But I don't believe this type of legislation is the way to do it. Surely your staff have much more imagination allowing them to develop a more sensitive approach which will not impair home owners (to call their homes their castle). A concerted effort on the part of Saanich to request home owners to remove invading species of plants and the planting of native varieties would do more to attain the staff objectives than this terribly dictatorial legislation will accomplish.
>
> I appeal to council to give the Environment much more thought and soul searching and have staff come forward with modified plans to accommodate what they hope to accomplish.
>
> Paul Gareau MD

Clerksec - March 6 Council Meeting

From: "Winona Pugh" [redacted]
To: <mayor@saanich.ca>
Date: 3/6/2017 4:21 PM
Subject: March 6 Council Meeting

Council Administration Media

To Mayor and Council

Re: Request to remove Tudor Ave and Seaview Road properties from Environmental Development Permit Area

I regret that I am unable to attend the March 6 Council meeting but I must express my support of the staff recommendation to not support the request for removal from the Environmental Development Permit Area. I am distrubed by the number of properties that are being considered for removal and cannot comprehend how these properties cannot be identified as critical environmentally sensitive areas. I cannot help but compare the staff report, the comprehensive survey by M Grau and the letter of support from Dr Richard Hebda to the two page template letters submitted in defense of the removal requests.

Removal of these properties will compromise the intent of the bylaw by allowing loopholes in semantics to determine the protection of valuable ecosystems. The bylaw was created with respect for the consulting professionals and this expectation is confirmed the 2014 Ombudsperson report *Striking A Balance*, in which the reporting from contracted professionals is described as 'based on expectations that such professionals will apply correct methodology, produce consistent results and provide the best advice available for protecting the environment". Staff at federal, provincial and municipal levels provide direction and guidance based on trust in that professional reliance model. Throughout the past year we have seen that trust manipulated as wording within the EDPA bylaw is used against the original intent of identifying environmentally sensitive areas to allow unrestricted development. This activity contravenes the Official Plan and the best interests of the residents of Saanich. Allowing piecemeal exclusions without considering the community and the municipality as a whole is premature.

Saanich taxpayers have made a significant investment in time, consultant reports, research and public input. With a full review and potential to revise areas within the bylaw that require more intensive interpretation and stronger criteria for professional reporting any action at this time is not in the best interest of Saanich.

Sincerely

Winona Pugh

[redacted] Prospect Lake Road

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MAR 06 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

Dear Mayor and Councillors, March 6th 2017

Re: Removal of Tudor and Seaview properties from the EDPA

I believe the all members of the community attend tonight's Committee of the Whole meeting in the hope of a better long term outcome for the local environment and for a fair and progressive framework for property owners.

Many have found the EDPA debate a long, bruising, acrimonious and intimidating process. It created adversaries, undermined friendships and trust, consumed time and resources. It is the source of anxiety for many and others choose to avoid the EDPA discussion entirely.

I believe the nature of the debate could have been improved with more timely research and better information before and during the discussion process. The Rollo Report is one example of how research contributed critical EDPA property valuation information.

We are now a few months away from receiving the independent review report you commissioned from Diamondhead. I remain hopefully the report recommendations will guide Saanich and other municipalities in the best practices for effective and fair EDPA bylaw.

I have reviewed the agenda package for the removal of the Tudor and Seaview Properties, including the property surveys by Ted Lea for the applicants and Moraia Grau for the Municipality. As a member of the public I conclude that the area in question has sufficient ecological value to remain in the EDPA. I respectfully encourage Council to weigh all information from both sets of surveys in reaching their decision.

I think it reasonable to ask that you reject the applications per option 1 and wait for the EDPA review report to be completed before allowing more properties to be removed from EDPA. I remain confident that the revised bylaw will provide an adequate framework for property appeals and other measures to help the property owner while providing important protections for our remarkable local environment.

I thank you for your consideration.

Yours truly,

Peter Haddon

Council - EDPA March 6 Meeting

From: "Meira Mathison" <[redacted]>
To: <mayor@saanich.ca>, <Dean.Murdock@saanich.ca>, <Vicki.Sanders@saanich.ca...
Date: 3/6/2017 6:13 PM
Subject: EDPA March 6 Meeting

I strongly suggest that Mayor and Council accept the report from a QUALIFIED biologist with regard to the properties on Tudor, Sea View and other properties that have come under the EDPA.

On the 8 Tudor and Sea View properties, the staff report does not accept the biology reports from the Registered Professional Biologist accompanying the applications. The staff report provides argument against the applicant's Registered Professional Biologist based on information they obtained from a non- registered biologist that never set foot on the eight properties.

The 8 applicants have followed the proper process for making application. Nowhere in the application process documents or in the bylaw does it say Saanich staff can challenge the report of the Registered Professional biologist? If a person submits a certified statement/opinion from a qualified professional that there is no ESA, the property should be EXEMPT. There should be no staff discretion. This is the "professional reliance" concept, used in many other regulatory settings, including the Saanich building dept., who rely on professional assurance letters from engineers etc. all the time.

Council should accept the Qualified biologist's report and stop causing undue expenses to property owners.

Meira Mathison, Saanich Property Owner, Saanich Business Owner

2860-25. Tudor/Seaview

From: Merie Beauchamp <[redacted]>
To: <mayor@saanich.ca>
CC: <dean.murdock@saanich.ca>, <vicki.sanders@saanich.ca>, <vic.derman@saani...
Date: 3/6/2017 6:11 PM
Subject: EDPA Review

Dear Mayor and Council,

I am writing you in my support of the staff recommendation of Option 1, which is to reject the application to remove Tudor and Seaview from the EDPA. It appears the staff made some very clear and sound reasons for why they do not support the application. The obvious ones being the quality of the biologist report from the proponent, the absence of hardship which was recently addressed in the Rollo report and that there IS sensitive ecosystems present.

At this stage in the EDPA saga within Saanich, council has seen several professional reports from QEP's and experts regarding various properties that do not agree with the proponents' biologist who claims there is no valuable ecosystem on those properties. I don't think anyone can ignore any longer the stark difference in the 15-20 page average reports submitted by the professionals which include field notes, species inventories and photos to the 1-2 page reports, without any of those being, submitted by Mr Lea. Even a layman can see they are not of the same thoroughness and quality of the others. If you are making a decision for the whole of our community, I would hope that you would be requiring much more than what we have seen so far. It is encouraging that your experienced staff, who are equally qualified as a RPBIO, at least do.

What was also pointed out in the staff report there is nothing preventing the current owners now from enjoying the use of their property as it sits within the EDPA. I am homeowner with most of my property in the EDPA and have not had any change at all to the use and enjoyment of my property. Like the proponents, we have no future development plans so there is no issue that it remains in the EDPA. Also, as the Rollo report has also pointed out, there is relatively no decrease in property values due to the EDPA. I know this as my neighbours have recently sold their house more than 250k over assessed value and within 5 days of listing. We have also seen a substantial increase in our property values.

I'm also wondering if there was areas of significance worth preserving on some of the properties in 1998, 2008 and 2012... what happened to them? Did they really just disappear when Mr Lea visited the property? Is that not worth investigating? The biggest issue I have in reading the proponent's application is that they ignore the potential for restoration. As a volunteer for the Pulling Together program in Saanich (the program has logged 13,000 volunteer hours) and also a steward for Leed's park, I have seen how significant a few hours of work pulling invasive species in overgrown areas can be. When we first purchased our property it was overgrown with bramble, ivy and daphne and we had spent years thinking there was nothing underneath it. After clearing our property of the invasive's, we were surprised at how many beautiful camas and wildflowers came back the following spring. And each year, more and more return. I feel certain that if there was significant species on the property in 2008 and 2012 they are likely still there just waiting for some love and care. How is it that Saanich has reached a point where having unique environmental features on one's property is now seen as a liability when at one time it was purchased for that very reason? Is the Public's interests being considered when you are deciding to remove it from protection?

In closing, I had hoped to speak at the meeting tonight, but due to childcare issues I have had to submit a late letter to you all instead. It was also noticed that the report on the website had a few pages missing from it and I was waiting for staff on Monday to deal with that mistake.I hope you all caught that mistake and have asked for the complete report to actually make a decision on comprehensive evidence and facts. Please support your staff's recommendation for Option 1.

Thanks for your consideration,

Merie Beauchamp
[redacted] Ireland Crt

2860-25 Tudor/Seaview

Sarah Litzenberger - re: EDPA applications

From: Steve Sran <[redacted]
To: <mayor@saanich.ca>, <Dean.Murdock@saanich.ca>, <Vicki.Sanders@saanich.ca...
Date: 3/6/2017 5:28 PM
Subject: re: EDPA applications

Greetings Mayor and Saanich councillors.

I am writing to support the approval for the 8 applications you will be discussing tonight. There may be
some intricacies regarding each of the individual applications that I am not aware of. My suggestion for providing
approval to the applicants is based upon the following rationale:

If the applicants have followed the EDPA guidelines and hired professionals at their own expense to mitigate concerns
in regards to the loss of native species and/or other environmental concerns, the recommendations of these professionals should
be followed and the applications should be approved. "Changing the goalposts" after residents have played by the rules and followed
the guidelines put forth by the Municipality of Saanich would be a poor way of conducting business and send the general message that
council itself does not respect the process that currently exists. Thank-you.

Mr. Steve Sran (Saanich resident)

2860-25 Tudor / Sea View

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REPORT ☐
FOR
ACKNOWLEDGED: ✓

Clerksec - EDPA

From: Manwale <[redacted]>
To: <clerksec@saanich.ca>, <council@saanich.ca>
Date: 3/6/2017 4:47 PM
Subject: EDPA

Re: the application to remove the EDPA from the properties at 2785, 2801, 2811, 2821, 2825, 2831 Tudor Avenue 2766, 2810 Sea View Road coming before Council on March 6th

To whom it may concern,

As a supportive neighbour, I thought I would write to you to extend my agreement with these properties being removed from the EDPA in Saanich.

Many thanks,

Drs. Margaret Manville and Jason Wale

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DISTRICT OF SAANICH

The Corporation of the District of Saanich

Supplemental Report 2

To: Mayor and Council

From: Sharon Hvozdanski, Director of Planning

Date: March 13, 2017

Subject: Request for Removal from the Environmental Development Permit Area (EDPA)
File: 2860-25 • 2893 Sea View Road

BACKGROUND

At the November 14, 2016 Committee of the Whole meeting, Council made the following motion:

> "That staff be directed to prepare a recommendation for Council's consideration in relation to including the existing 15 metre buffer as an option for this property."

At the same meeting Council asked questions regarding: the potential implications of the Victoria Harbour Migratory Bird Sanctuary on the subject application and property; and the regulation of impervious surfaces on the single family lot.

These three issues are the subject matter of this supplemental report. In addition, staff have legal advice and recommend that the definition of Marine Backshore be expanded should Council approve the mapping proposed by Ted Lea.

ADDITIONAL INFORMATION

1. Buffer Areas

Buffers areas are widely used to protect ecologically significant areas from adjacent development. The Environmental Development Permit Area (EDPA) Marine Backshore has a 15 m buffer. The proposal does not include a buffer and therefore does not meet the prescribed 15 m buffer. Without the EDPA Marine Backshore buffer, there would be:

- A lack of control on development adjacent to the Marine Backshore potentially resulting in ecological impacts from changes to hydrology, native vegetation, soils, and protected root zones;
- No process to enhance the Marine Backshore; and
- No requirement for an Environmental Development Permit.

When comparing Saanich's EDPA to ten other coastal Vancouver Island municipalities, Saanich is in the vast majority that has a 30 m wide marine EDPA. In other municipalities, a professional biologist is required to determine a buffer and mitigation measures. In Saanich, the pre-

determined buffer and guidelines for sensitive development negates the need for a consulting professional biologist in most cases.

At 2893 Sea View Road, a buffer would allow for a review of development proposals within 15 m of the natural boundary. A 15 m buffer would not reach the existing home. A 15 m buffer would offer some protection of the Marine Backshore, but to a lesser degree than currently existing.

Figure 1 illustrates how a 15 m buffer would be represented in the EDPA Atlas. The Marine Backshore would be based on mapping provided by Ted Lea.

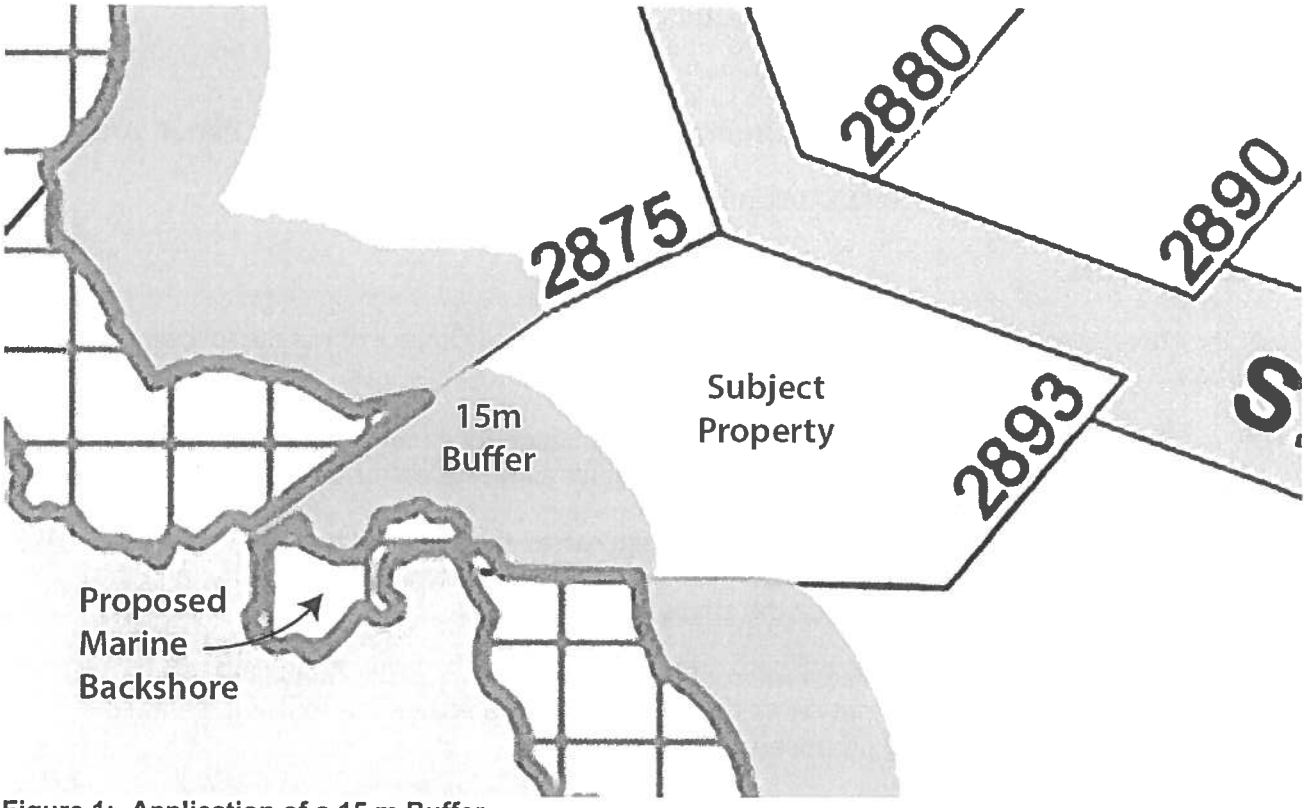

Figure 1: Application of a 15 m Buffer

Figure 2 illustrates the positioning of a 15 m buffer in relation to the "marine backshore" proposed by Ted Lea and the existing house.

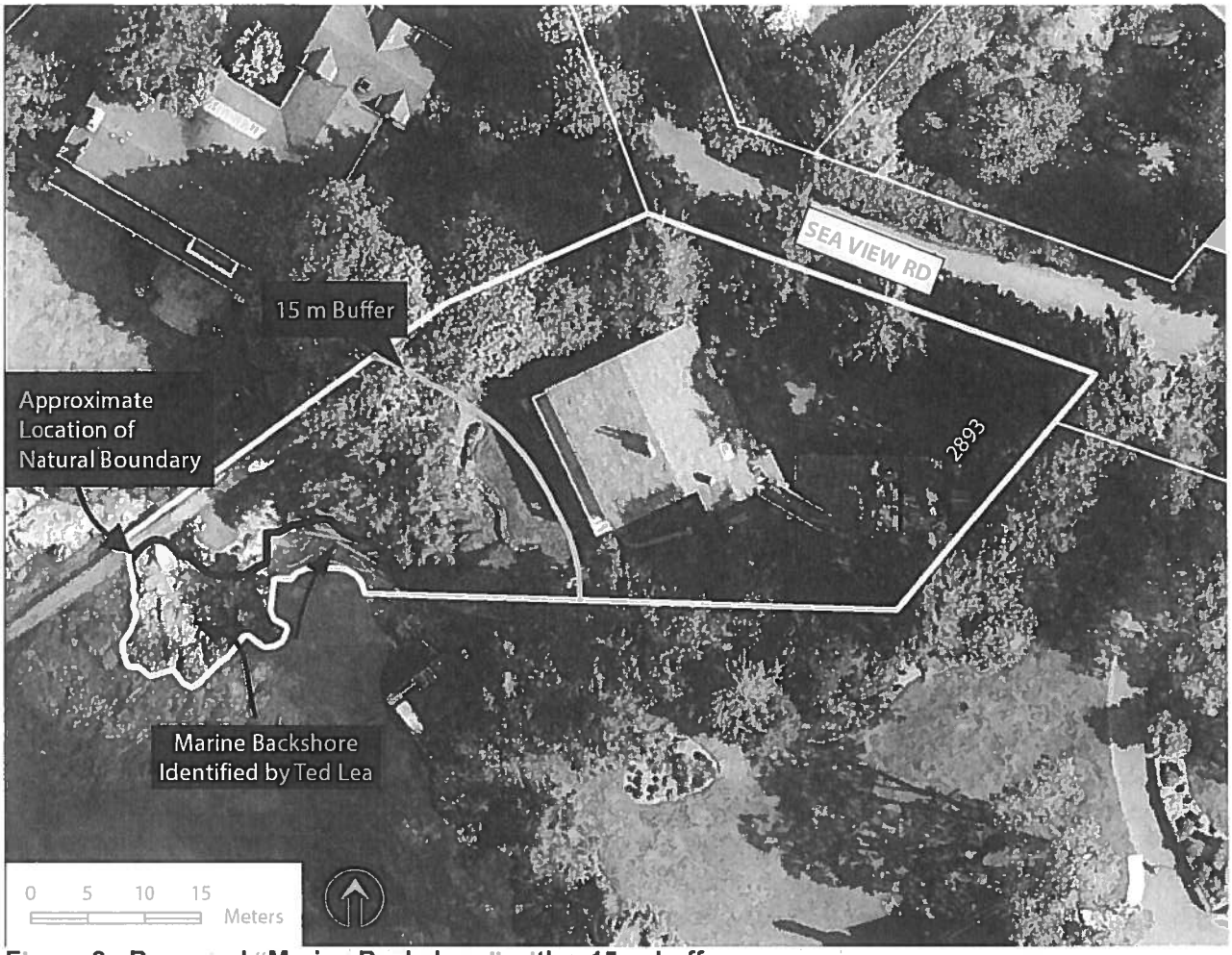

Figure 2: Proposed "Marine Backshore" with a 15 m buffer

2. Migratory Bird Sanctuary

The Victoria Harbour Migratory Bird Sanctuary extends from Portage Inlet to the tip of Ten Mile Point and is a Federal designation. The area is mostly open water but also includes rocky seashore (20%) and the adjacent upland areas are also attributed to attracting the large diversity and abundance of bird life. Activities that could harm migratory birds, their nests, or their eggs are prohibited.

Saanich's EDPA works in concert with the Victoria Harbour Migratory Bird Sanctuary as it: protects and enhances the adjacent upland upon which some bird species rely; and buffers the rocky shoreline of the Sanctuary.

3. The Zoning Bylaw

The Zoning Bylaw does not regulate the amount of impervious surface on a property. The Zoning Bylaw only regulates lot coverage as it relates to buildings and structures.

4. Marine Backshore Definition

The Environmental Development Permit Area (EDPA) Marine Backshore is defined as "the upland area of 15 m measured from the natural boundary of the marine environment". The Marine Backshore area proposed by Ted Lea does not meet the EDPA definition of Marine Backshore because it is located below the natural boundary.

To address the discrepancy, following legal advice, the definition of Marine Backshore should be amended as bolded below:

> "Marine Backshore means the upland area of 15 m measured from the natural boundary of the marine environment including the Gorge and Portage Inlet."
> **For the purposes of 2893 Sea View Road, the Marine Backshore shall be as shown in the EDPA Atlas.**

RECOMMENDATION

That the request to remove the Environmental Development Permit Area from the subject property not be supported for the following reasons:

- Saanich Official Community Plan policies support the protection and restoration of the Marine Backshore in this area;
- There is no issue of mapping accuracy;
- The proposed mapping by the applicant's biologist does not meet the Environmental Development Permit Area (EDPA) definition of the Marine Backshore;
- The owners are able to continue to maintain and use their property as they are accustomed (eg. lawn mowing, gardening, moving lawn furniture);
- Any property on the Gorge, Portage Inlet, or Saanich's outer coast could similarly seek removal; and
- Improvements as a result of the Environmental Development Permit Area (EDPA) consultant review may help to address some of the concerns of the owner.

Note: If Council wishes to support the removal request at this time, the motion would be as follows:

> That staff be requested to prepare an amendment to Plate 13 of Schedule 3 to Appendix N of the Official Community Plan Bylaw, 2008, No. 8940 for the partial removal of the Marine Backshore Unit at 2893 Sea View Road from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment.
>
> Further, should Council support that a 15 m buffer be required in order to reduce the impacts near the shoreline, this will be added to the amendment of Plate 13 of the Environmental Development Permit Area (EDPA) Atlas.

Further, the definition of Marine Backshore be amended in Appendix N of the Official Community Plan Bylaw, 2008, No. 8940 as bolded below:

"Marine Backshore means the upland area of 15 m measured from the natural boundary of the marine environment including the Gorge and Portage Inlet." **For the purposes of 2893 Sea View Road, the Marine Backshore shall be as shown in the EDPA Atlas.**

Report prepared by:

Adriane Pollard, Manager of Environmental Services

Report reviewed by:

Sharon Hvozdanski, Director of Planning

AP/ads
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Attachment

cc: Paul Thorklesson, CAO

CAO'S COMMENTS:

I endorse the recommendation of the Director of Planning.

Paul Thorklesson, CAO

1410-64 Seaview
xref: 2860-25

The Corporation of the District of Saanich

Supplemental Report

To: **Mayor and Council**

From: **Sharon Hvozdanski, Director of Planning**

Date: **February 15, 2017**

Subject: **Request for Removal from the Environmental Development Permit Area (EDPA)**
File: 2860-25 • 2893 Sea View Road

BACKGROUND

At the November 14, 2016 Committee of the Whole meeting, Council made the following motion:

> "That staff be directed to prepare a recommendation for Council's consideration in relation to including the existing 15 metre buffer as an option for this property."

At the same meeting Council asked questions regarding: the potential implications of the Victoria Harbour Migratory Bird Sanctuary on the subject application and property; and the regulation of impervious surfaces on the single family lot.

These three issues are the subject matter of this supplemental report.

ADDITIONAL INFORMATION

1. **Buffer Areas**
   The Environmental Development Permit Area (EDPA) Marine Backshore is defined as "the upland area of 15 m measured from the natural boundary of the marine environment". The Marine Backshore area proposed does not meet the EDPA definition of Marine Backshore because it is located below the natural boundary (and could be considered unregulated by the EDPA as Crown Land).

   Buffers areas are widely used to protect ecologically significant areas from adjacent development. The EDPA Marine Backshore has a 15 m buffer. The proposal does not include a buffer and therefore does not meet the prescribed 15 m buffer. Without the EDPA Marine Backshore buffer, there would be:

   - A lack of control on development adjacent to the Marine Backshore potentially resulting in ecological impacts from changes to hydrology, native vegetation, soils, and protected root zones;
   - No process to enhance the Marine Backshore; and
   - No requirement for an Environmental Development Permit.

When comparing Saanich's EDPA to ten other coastal Vancouver Island municipalities, Saanich is in the vast majority that has a 30 m wide marine EDPA. In other municipalities, a professional biologist is required to determine a buffer and mitigation measures. In Saanich, the pre-determined buffer and guidelines for sensitive development negates the need for a consulting professional biologist in most cases.

At 2893 Sea View Road, a buffer would allow for a review of development proposals within 15 m of the natural boundary. A 15 m buffer would not reach the existing home. A 15 m buffer would offer some protection of the Marine Backshore, but to a lesser degree than currently existing.

Figure 1 illustrates how a 15 m buffer would be represented in the EDPA Atlas. The Marine Backshore would be based on mapping provided by Ted Lea.

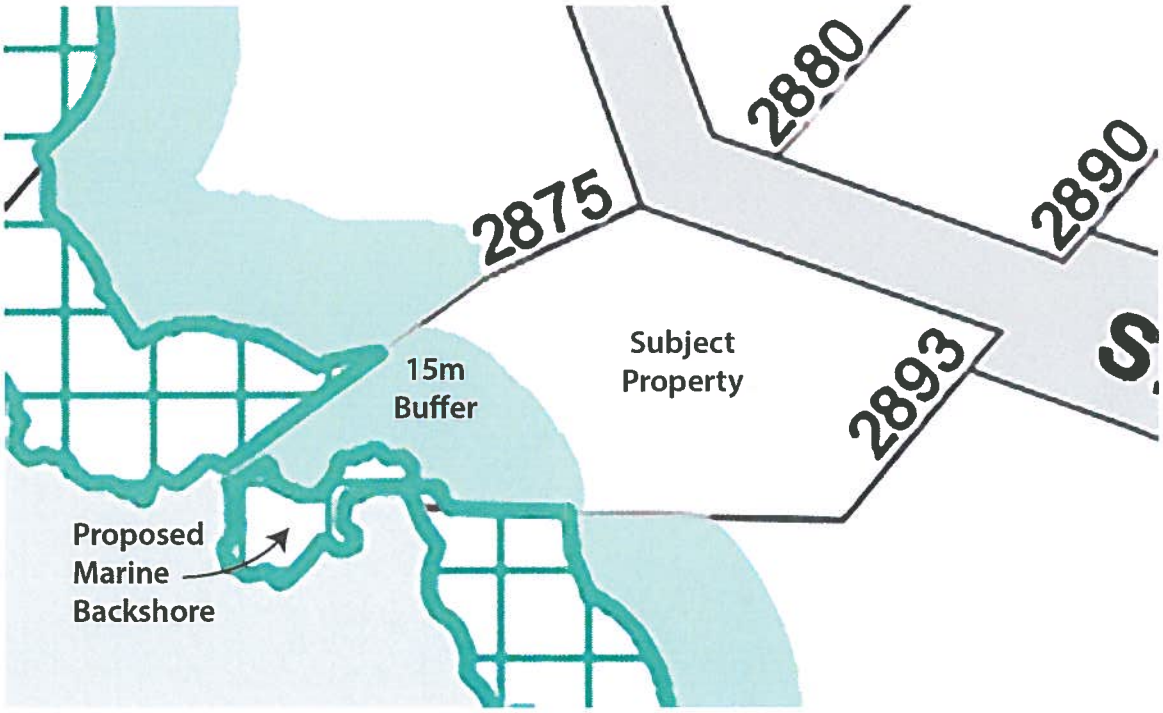

Figure 1: Application of a 15 m Buffer

Figure 2 illustrates the positioning of a 15 m buffer in relation to the "marine backshore" proposed by Ted Lea and the existing house.

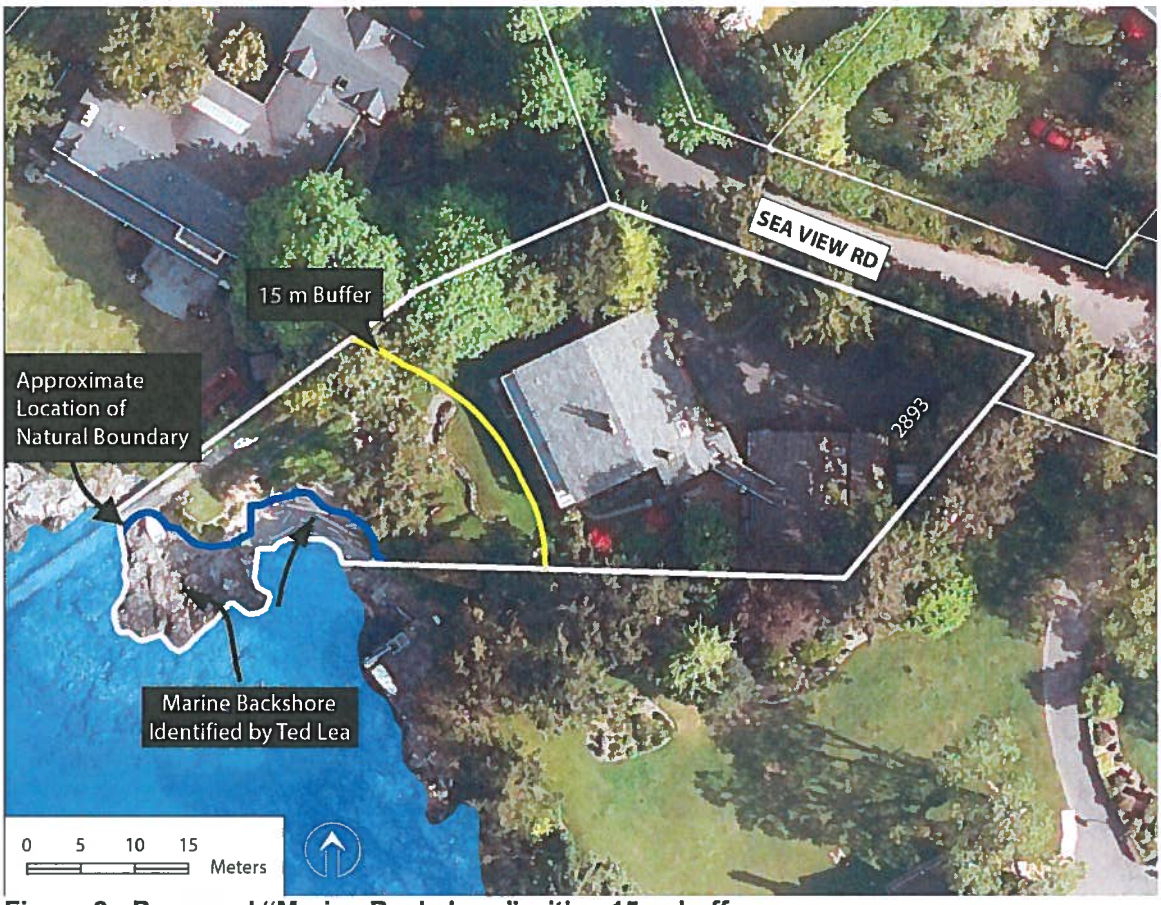

Figure 2: Proposed "Marine Backshore" with a 15 m buffer

2. Migratory Bird Sanctuary

The Victoria Harbour Migratory Bird Sanctuary extends from Portage Inlet to the tip of Ten Mile Point and is a Federal designation. The area is mostly open water but also includes rocky seashore (20%) and the adjacent upland areas are also attributed to attracting the large diversity and abundance of bird life. Activities that could harm migratory birds, their nests, or their eggs are prohibited.

Saanich's EDPA works in concert with the Victoria Harbour Migratory Bird Sanctuary as it: protects and enhances the adjacent upland upon which some bird species rely; and buffers the rocky shoreline of the Sanctuary.

3. The Zoning Bylaw

The Zoning Bylaw does not regulate the amount of impervious surface on a property. The Zoning Bylaw only regulates lot coverage as it relates to buildings and structures.

RECOMMENDATION

That the request to remove the Environmental Development Permit Area from the subject property not be supported for the following reasons:

- Saanich Official Community Plan policies support the protection and restoration of the Marine Backshore in this area;
- There is no issue of mapping accuracy;
- The proposed mapping by the applicant's biologist does not meet the Environmental Development Permit Area (EDPA) definition of the Marine Backshore;
- The owners are able to continue to maintain and use their property as they are accustomed (eg. lawn mowing, gardening, moving lawn furniture);
- Any property on the Gorge, Portage Inlet, or Saanich's outer coast could similarly seek removal; and
- Improvements as a result of the Environmental Development Permit Area (EDPA) consultant review may help to address some of the concerns of the owner.

Note: If Council wishes to support the removal request at this time, the motion would be as follows:

That staff be requested to prepare an amendment to Plate 13 of Schedule 3 to Appendix N of the Official Community Plan Bylaw, 2008, No. 8940 for the partial removal of the Marine Backshore Unit at 2893 Sea View Road from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment.

Further, should Council support that a 15 m buffer be required in order to reduce the impacts near the shoreline, this will be added to the amendment of Plate 13 of the Environmental Development Permit Area (EDPA) Atlas.

Report prepared by;

Adriane Pollard, Manager of Environmental Services

Report reviewed by:

Sharon Hvozdanski, Director of Planning

AP/ads
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cc: Paul Thorklesson, CAO

CAO'S COMMENTS:

I endorse the recommendation of the Director of Planning.

Paul Thorklesson, CAO

CW Nov 14 16

2860-25
Sea View

The Corporation of the District of Saanich

Mayor
Councillors
Administrator

Council
Administrator
Media

Report

To: Mayor and Council

From: Sharon Hvozdanski, Director of Planning

Date: October 27, 2016

Subject: Request for Removal from the Environmental Development Permit Area (EDPA)
File: 2860-25 • 2893 Sea View Road

PROJECT DETAILS

Project Proposal:

The applicant requests that the subject property be partially removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA). The property was originally included in the EDPA to provide enhanced protection to the Marine Backshore.

The request is based on the owner's desire to not have to obtain approval for maintenance and the owner notes that the property does not contain any Garry Oak trees.

A subsequent biologist report was received stating that only a small portion of the Marine Backshore should remain.

If Council supports this request, the EDPA Atlas would need to be amended.

Address: 2893 Sea View Road

Legal Description: Lot 2, Section 44, Victoria District, Plan 6197

Owner: Guy and Sandra Screech

Applicant: Guy and Sandra Screech

Application Received: July 6, 2016

Parcel Size: 1971 m^2

Existing Use of Parcel: Single Family Dwelling

Existing Use of Adjacent Parcels: North: (RS-16) Single Family Dwelling Zone
South: Ocean

	East: (RS-16) Single Family Dwelling Zone West: (RS-16) Single Family Dwelling Zone
Current Zoning:	(RS-16) Single Family Dwelling Zone
Minimum Lot Size:	N/A
Proposed Zoning:	No change proposed
Proposed Minimum Lot Size:	N/A
Local Area Plan:	Cadboro Bay
LAP Designation:	Residential

PROPOSAL

The applicant requests that the subject property be partially removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA). The property was originally included in the EDPA to provide enhanced protection to the Marine Backshore.

The request is based on: the owner's perception that routine activities such as lawn mowing, gardening, or moving lawn furniture cannot be carried out without approvals; there are no Garry Oaks on the property; and the large area of the property covered by the EDPA. A biologist report was not provided as part of the original submission.

A letter report from Ted Lea, RPBio was received after the application was made. The letter report states that since there are no known rare plant species and no native vegetative cover, that there is no Marine Backhsore Enviornmentally Sensitive Area on the property. A subsequent letter report by Mr. Lea was received which states that a small area should be retained in the EDPA and that no buffer should be applied.

PLANNING POLICY

Official Community Plan (2008)

4.1.2.1 "Continue to use and update the "Saanich Environmentally Significant Areas Atlas" and other relevant documents to inform land use decisions."

4.1.2.18 "Encourage the retention or planting of native vegetation in the coastal riparian zone."

Cadboro Bay Local Area Plan (2008)

6.2 "Continue to support the strategies of the Saanich Shore Protection Analysis, 1978 when dealing with development applications affecting the shorelines of Cadboro Bay and Haro Strait."

6.4 "Seek opportunities to preserve and restore ecosystems, which include indigenous trees, shrubs, plants and rock outcrops within open space, parks, boulevards, unconstructed road rights-of-way, and other public lands, as well as on private land."

General Development Permit Area Guidelines (1995)

1. "Major or significant wooded areas and native vegetation should be retained wherever possible."

Environmental Development Permit Area Guidelines (2012)

1. b.i) and iv) "Development within the ESA shall not proceed except for the following: Proposals that protect the environmental values of the ESA including:
   - the marine backshore."

2. "In order to minimize negative impacts on the ESA, development within the buffer of the ESA shall be designed to:
   - Avoid the removal/modification of *native vegetation*;
   - Avoid the introduction of *non-native invasive vegetation*;
   - Avoid impacts to the *protected root zones* of *trees* within the *ESA*;
   - Avoid disturbance to wildlife and habitat;
   - Minimize the use of *fill*;
   - Minimize soil disturbance;
   - Minimize blasting;
   - Minimize changes in hydrology; and
   - Avoid run-off of sediments and construction-related contaminants."

3. "No alteration of the *ESA* will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment. Prior to the issuance of a development permit, the following information may be required:
   - A sediment and erosion control plan;
   - An arborist report according to the "Requirements For Plan Submission and Review Of Development or Building Related Permits" (Saanich Parks);
   - A biologist report;
   - A surveyed plan; and/or
   - A bond."

4. "The following measures may be required to prevent and mitigate any damage to the *ESA*:
   - Temporary or permanent fencing;
   - Environmental monitoring during construction;
   - Demarcation of wildlife corridors, *wildlife trees*, and significant trees;
   - Restricting *development* activities during sensitive life-cycle times; and
   - Registration of a natural state covenant."

5. "Revegetation and restoration may be required as mitigation or compensation regardless of when the damage or degradation occurred."

BACKGROUND

Environmental Development Permit Area

The Environmental Development Permit Area (EDPA) was adopted by Council in 2012. Part of the EDPA Bylaw is the EDPA Atlas which illustrates the location of five Environmentally Significant Area inventories and associated buffers on properties in Saanich. As with the Streamside Development Permit Area (SDPA), it is acknowledged that the EDPA Atlas will need to be maintained and updated over time.

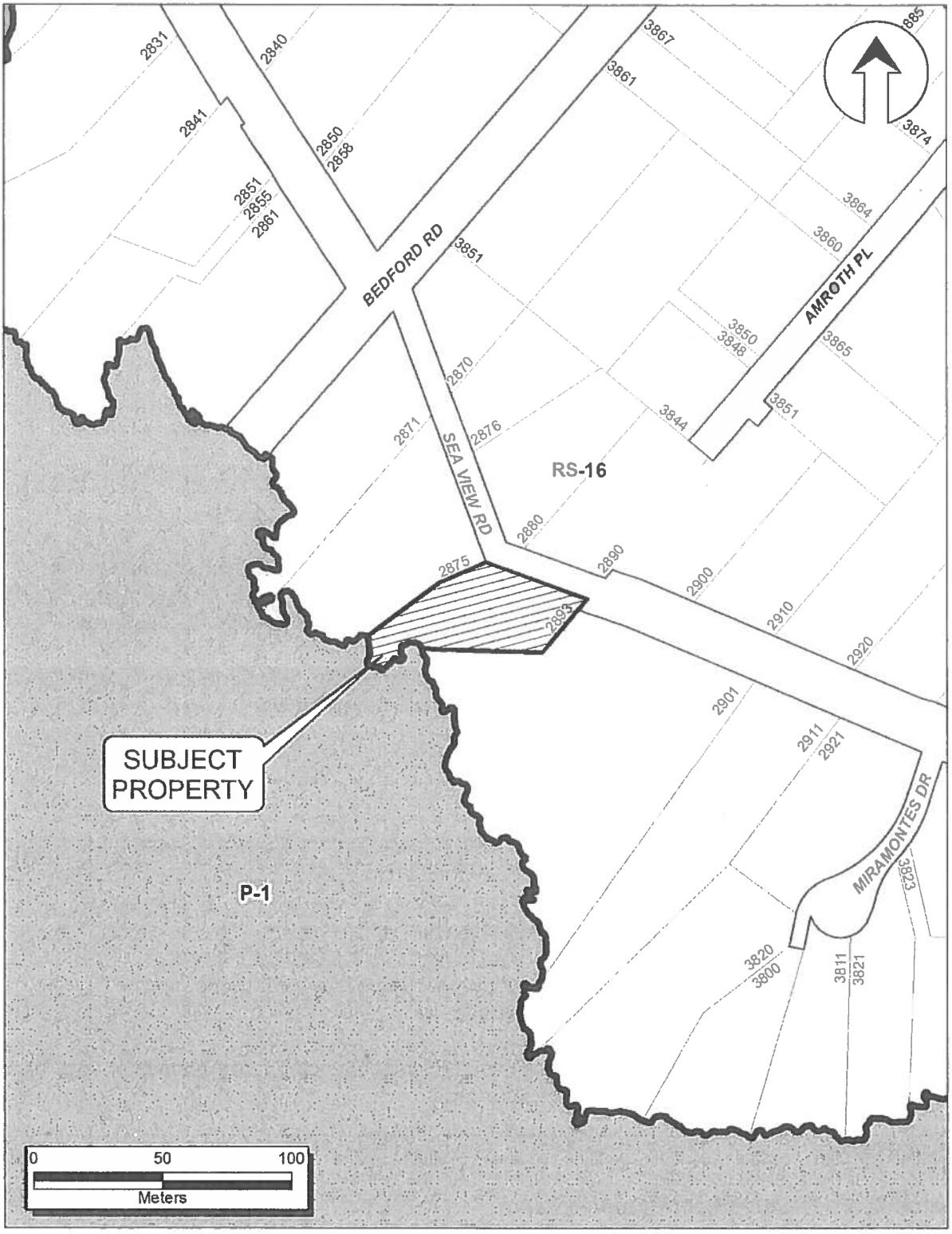

Figure 1: Context Map

There are four ways mapping inaccuracies can be approached according to the EDPA Guidelines:

1. Exemption #14 allows for a professional to refine boundaries of an Environmentally Significant Area (ESA) and potentially proceed without an Environmental Development Permit (EDP) if a development proposal is shown to be outside of the ESA. This exemption was designed to avoid undue process or delays for applicants where mapping could be improved.

2. Exemption #15 allows for intrusions into the EDPA where covenants are used to secure comparable natural features which were not previously mapped.

3. As with the SDPA, staff collate proposed EDPA mapping changes as property owners note inaccuracies (which are documented by staff) or biologists hired during the development application process do a more detailed assessment. These changes are brought forward in batches to Council as recommended amendments.

4. Where a proposed mapping amendment is outside of the scope of these provisions, Council approval is required.

In the case of 2893 Sea View Road, the property owners are seeking Council approval (option 4, above). Staff are of the opinion that the request goes beyond delegated authority in that the Marine Backshore is not an ecosystem boundary that can be refined and there is no development proposal. As such, this report has been prepared for Council's review and consideration. If Council believes the removal request has merit, a Public Hearing on the matter would need to be called.

It should be noted that partial removal of this property from the EDPA would, in theory, allow for the successful removal requests of any property along the Gorge, Portage Inlet, and outer coast of Saanich from the EDPA.

Council adopted a motion on May 9, 2016 to endorse Terms of Reference for the hiring of a consultant to develop potential solutions in relation to the application of the/an EDPA in Saanich. The Terms of Reference include a public consultation component as part of the development of potential solutions. It is possible that the outcome of the review may impact the EDPA on this property.

The Environment and Natural Areas Committee has not considered this request.

Existing EDPA Mapping

The EDPA on the subject property is in reference to one Environmentally Significant Area (ESA): the Marine Backshore (see Figure 2).

The Marine Backshore is based on a measurement, not an ecosystem boundary. The Marine Backshore is the area as measured 15 m from the natural boundary of the ocean. This approach is similar to the Riparian Areas Regulation which identifies standardized setbacks based on the space needed for an existing or potential healthy riparian area, rather than only protecting areas that are currently dominated by native vegetation. The principle is to reserve the space needed for the future rather than allowing new permanent structures, surfacing, etc.

The EDPA adds a 15 m buffer to the Marine Backshore for a total of 30 m. Property owners can apply for a permit to develop within the buffer area. Fifteen metres is the most common width designated by local governments to protect the marine backshore. Saanich has produced several studies and inventories to verify 15 m as an appropriate marine setback for an EDPA. The Marine Backshore was produced from a comprehensive environmental inventory, contrary to statements in the report submitted by Ted Lea.

The applicant granted staff access to the property. A staff biologist found that the area was lawn and garden with mature Douglas-fir, Cedar, and Maple trees. The slope to the water is dominated by invasive species.

REMOVAL REQUEST

The owners have requested the Marine Backshore and associated buffer be removed from their property based on three reasons:

- The owners have tended the property for 30 years and while they support the EDPA in principal, they do not feel it should be necessary to obtain permission to cut the grass, move garden furniture, etc.;
- There are no Garry Oaks on the property; and
- The extensive coverage of the EDPA on the property.

In a letter report (attached) submitted at a later date by Ted Lea, the Marine Backshore is described as completely unnatural with lawn, garden, structures, an area dominated by invasive species, and three large Douglas-fir trees. The rationale provided for removal is:

- No known rare plant species; and
- No native vegetative cover that promotes stable and biologically diverse areas.

In a subsequent report by Mr Lea (attached), a small area was identified as meeting the ecological criteria provided in the EDPA Bylaw and that there is no need for a buffer. Staff note that the area identified by Mr Lea does not meet the EDPA definition of Marine Backshore in that it is almost entirely below the natural boundary of the ocean as determined by a registered survey plan. In effect, the proposed partial removal is a complete removal of the Marine Backshore because it lies below the natural boundary.

Figure 3 illustrates the EDPA mapping should Council partially remove the Marine Backshore and buffer from the property.

Figure 2: Existing EDPA Mapping

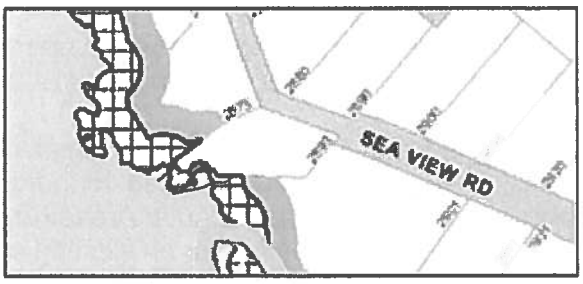

Figure 3: Proposed EDPA Mapping

Further to the reports submitted by Ted Lea, a commentary was submitted by Jonathan Secter. Mr. Secter states that Saanich's use of the term "marine backshore" is erroneous because it should be defined as the area between the high-water line and the area effected only during storms based on references that can be found on Wikipedia and Dictionary.com (including US Army references).

At the time the EDPA was adopted, there was widespread discussion about terminology in BC about the upland area that follows the marine coastline. Marine "riparian" was gaining favour and is sometimes used interchangeably with marine backshore. The CRD, Department of Fisheries and Oceans, Victoria and Esquimalt Harbours Environmental Action Program, Green Shores, Shore Keepers, and Saanich use the term "marine backshore".

Regardless of the terminology, it is clear from the EDPA that the Marine Backshore is defined and identified as the area immediately above the natural boundary of the ocean. This is the area where the municipality has clear jurisdiction and senior governments have very limited regulatory control.

OPTIONS

1. Do not support the request to partially remove the property from the Environmental Development Permit Area.

2. Support the request to partially remove the Environmental Development Permit Area on the property from the EDPA Atlas.

3. Postpone a decision on this application pending the outcome of the final phase of the EDPA "check-in" which would be undertaken by the independent consultant.

SUMMARY

The owners of 2893 Sea View Road have requested partial removal of the EDPA from their property. The owners are not planning on building any structures on-site in the near future and wish to continue landscaping and gardening etc. on their property. These activities are exempted from permit requirements under the EDPA bylaw. A supporting biologist report states the property should be partially removed from the Marine Backshore designation. Staff biologists believe that the existing designation is appropriate and in-keeping with the intent of the EDPA.

RECOMMENDATION

That the request to remove the Environmental Development Permit Area from the subject property not be supported (Option 1) for the following reasons:

- Saanich Official Community Plan policies support the protection and restoration of the Marine Backshore in this area;
- There is no issue of mapping accuracy;
- The proposed mapping by the applicant's biologist does not meet the EDPA definition of the Marine Backshore;
- The owners are able to continue to maintain and use their property as they are accustomed (eg. Lawn mowing, gardening, moving lawn furniture);
- Any property on the Gorge, Portage Inlet, or Saanich's outer coast could similarly seek removal; and
- Improvements as a result of the EDPA consultant review may help to address some of the concerns of the owner.

Note: If Council wishes to support the removal request at this time, the motion would be as follows:

That staff be requested to prepare an amendment to Plate 13 of Schedule 3 to Appendix N of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Marine Backshore Unit at 2893 Sea View Road from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment.

Report prepared by: Adriane Pollard, Manager Environmental Services

Report reviewed by: Sharon Hvozdanski, Director of Planning

AP/ads
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Attachment

cc: Paul Thorkelsson, CAO

CAO'S COMMENTS:

I endorse the recommendation of the Director of Planning.

Paul Thorkelsson, CAO

To Adriane Pollard
Manager of Environmental Services
District of Saanich

August 10, 2016

Re: **Report – Field Assessment of a Marine Backshore ESA – 2893 Seaview Road – Property of Guy and Vicki Screech**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem and field notes are all covered by the information below, where necessary. I have visited the above property in early August, 2016 and walked the whole property.

A Backshore Marine Environmentally Significant Areas (ESA) is mapped on the property. All of the property within this ESA is completely unnatural. No native vegetation community remains. The property within the mapped ESA consists of mowed lawn, ornamental gardens, paved or rock pathways, a boat ramp, a stairway and a rock wall next to the ocean. Three large Douglas-fir trees occur within the ESA. A steeper area just above the rock wall and the ocean occurs along the whole waterfront. It is dominated by a dense cover of English ivy, or dense cover of periwinkle and other non-native species. The ivy and periwinkle appears to be important in preventing soil erosion on this steeper slope.

The Marine Backshore ESA is defined in the EDPA Bylaw, in the definition section, which states that the "***Marine Backshore means the upland area of 15 m measured from the natural boundary of the marine environment***". However, the EDPA Bylaw on page 116 states that: "***The marine backshore (the Gorge, Portage Inlet, and the outermarine coast) is a critical environment that supports many rare species that rely on the specialized habitats found on the coast. Native vegetative cover promotes stable and biologically diverse areas that extend ecological support into the marine environment.***" No known rare species and no native vegetative cover occurs on the property at 2893 Seaview Road. Almost all vegetation is non-native, mostly in the form of lawn and gardens and much of the rest of the property rock work or paved. Table 1 of the EDPA Bylaw, on page 115 indicates in the 'Guidelines that Apply' column that Guidelines 1-5 apply to the Marine Backshore. Guideline # 3 indicates that ***No alteration of the ESA will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment.***
As well, Clause # 14 of the EDPA Bylaw states that **"Where field verification by a Registered Professional Biologist, ... , reveals the boundaries can be refined and the proposed development is shown to be outside the ESA."** Clause #14 does not exempt the Marine Backshore, and the Bylaw specifically indicates that Guideline # 3 applies to the Marine Backshore. The District of Saanich Environmentally Significant Area (ESA) Atlas indicates that: "***to be included in the ESA atlas, data must be from a comprehensive environmental inventory using technically acceptable standards***." The

Marine Backshore ESA does not come from a 'comprehensive environmental inventory' and there are no 'technically acceptable standards'.

Since there are no known rare plant species and no native vegetative cover that promotes stable and biologically diverse areas, this property should be removed from the Marine Backshore ESA. **There is no Marine Backshore ESA on this property that meets the ecological criteria provided in the EDPA Bylaw**.

In following the EDPA bylaw, clause # 14 and Guideline # 3 of the EDPA Bylaw: there should be no EDPA required on this property. The ESA should be removed from the mapping. There should be no need for an EDPA buffer from any adjacent property. The District of Saanich should remove the EDPA requirements.

Ted Lea, R.P.Bio.

cc Guy and Vicki Screech

To Adriane Pollard
Manager of Environmental Services
District of Saanich

Revised September 24, 2016

Re: **Revised Report – Field Assessment of a Marine Backshore ESA – 2893 Seaview Road – Property of Guy and Vicki Screech**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem on the upland portion of this property and field notes are all covered by the information below, where necessary. I have visited the above property in early August, 2016 and walked the whole property.

A Backshore Marine Environmentally Significant Areas (ESA) is mapped on the property. Most of the property within this ESA is completely unnatural. There is a small area that would meet the definition from the EDPA Bylaw as being a Marine Backshore ESA. The property has been divided into two areas (see accompanying maps).

<u>Area A</u> (see attached map)

This is the area that would meet the EDPA Bylaw definition of a Marine Backshore, that is, "***Native vegetative cover promotes stable and biologically diverse areas that extend ecological support into the marine environment.***" This is mostly rocky areas within the splash zone of the ocean, and either is rock outcrop or beach deposits. Vegetation consists of native moss and lichen species on rocky outcroppings. This is the type of area that the Marine Backshore ESA is trying to conserve, for its ecological function that impacts the marine environment. This area could be left in the EDPA.

The rest of the area of Marine Backshore ESA mapped on this property should be removed from the ESA and EDPA, as it does not meet the description of Marine Backshore provided in the EDPA Bylaw.

All of the property within this portion of the mapped ESA is completely unnatural. No native vegetation community remains. The property within this portion of mapped ESA consists of mowed lawn, ornamental gardens, paved or rock pathways, a boat ramp, a stairway and a rock wall next to the ocean. Three large Douglas-fir trees occur within the ESA. A steeper area just above the rock wall and the ocean occurs along the whole waterfront. It is dominated by a dense cover of English ivy, or dense cover of periwinkle and other non-native species. The ivy and periwinkle appear to be important in preventing soil erosion on this steeper slope.

The Marine Backshore ESA is defined in the EDPA Bylaw, in the definition section, which states that the "***Marine Backshore means the upland area of 15***

m measured from the natural boundary of the marine environment". However, the EDPA Bylaw on page 116 states that: "***The marine backshore (the Gorge, Portage Inlet, and the outermarine coast) is a critical environment that supports many rare species that rely on the specialized habitats found on the coast. Native vegetative cover promotes stable and biologically diverse areas that extend ecological support into the marine environment.***" No known rare species and no native vegetative cover occur on the property at 2893 Seaview Road. Almost all vegetation is non-native, mostly in the form of lawn and gardens and much of the rest of the property is rock work or paved. Table 1 of the EDPA Bylaw, on page 115 indicates in the 'Guidelines that Apply' column that Guidelines 1-5 apply to the Marine Backshore. Guideline # 3 indicates that "***No alteration of the ESA will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment".***

As well, Clause # 14 of the EDPA Bylaw states that **"Where field verification by a Registered Professional Biologist, ... , reveals the boundaries can be refined and the proposed development is shown to be outside the ESA."** Clause #14 does not exempt the Marine Backshore ESA, and the Bylaw specifically indicates that Guideline # 3 applies to the Marine Backshore. The District of Saanich Environmentally Significant Area (ESA) Atlas indicates that: "***to be included in the ESA atlas, data must be from a comprehensive environmental inventory using technically acceptable standards***." The Marine Backshore ESA does not come from a 'comprehensive environmental inventory using technically acceptable standards'. No standards have been provided.

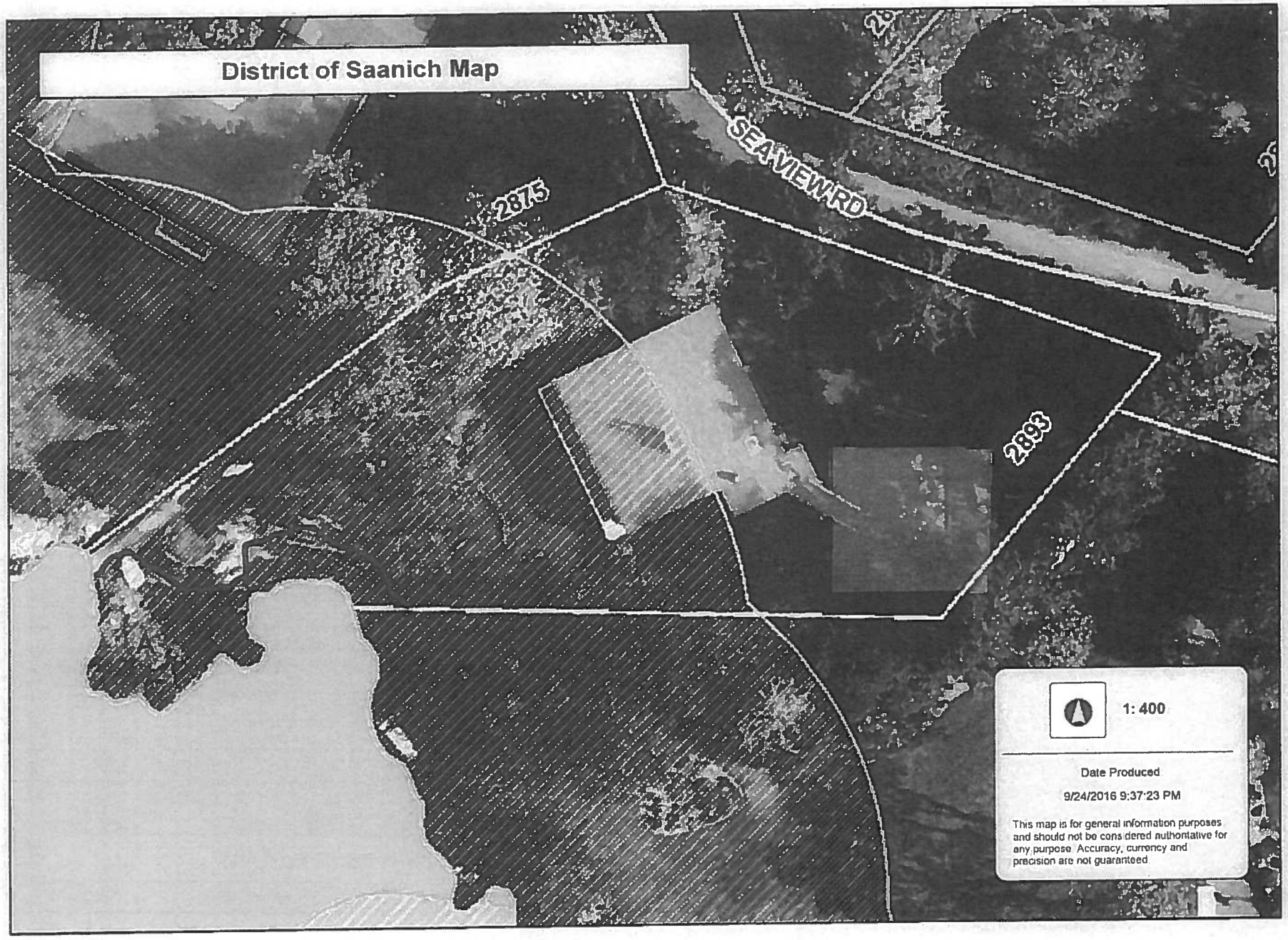
Area A can remain in the Marine Backshore ESA. However, the rest of the Marine Backshore area should be removed. Since there are no known rare plant species and no native vegetative cover that promotes stable and biologically diverse areas, these areas of the property should be removed from the Marine Backshore ESA.

Except for Area 'A', there is no Marine Backshore ESA on this property that meets the ecological criteria provided in the EDPA Bylaw.

In following the EDPA bylaw, clause # 14 and Guideline # 3 of the EDPA Bylaw: there should be no EDPA required for the rest of the property. This portion of the ESA should be removed from the mapping. There should be no need for an EDPA buffer on this property. The District of Saanich should remove the EDPA requirements, except for Area 'A' as delineated in the two maps provided.

Ted Lea, R.P.Bio.

cc Guy and Vicki Screech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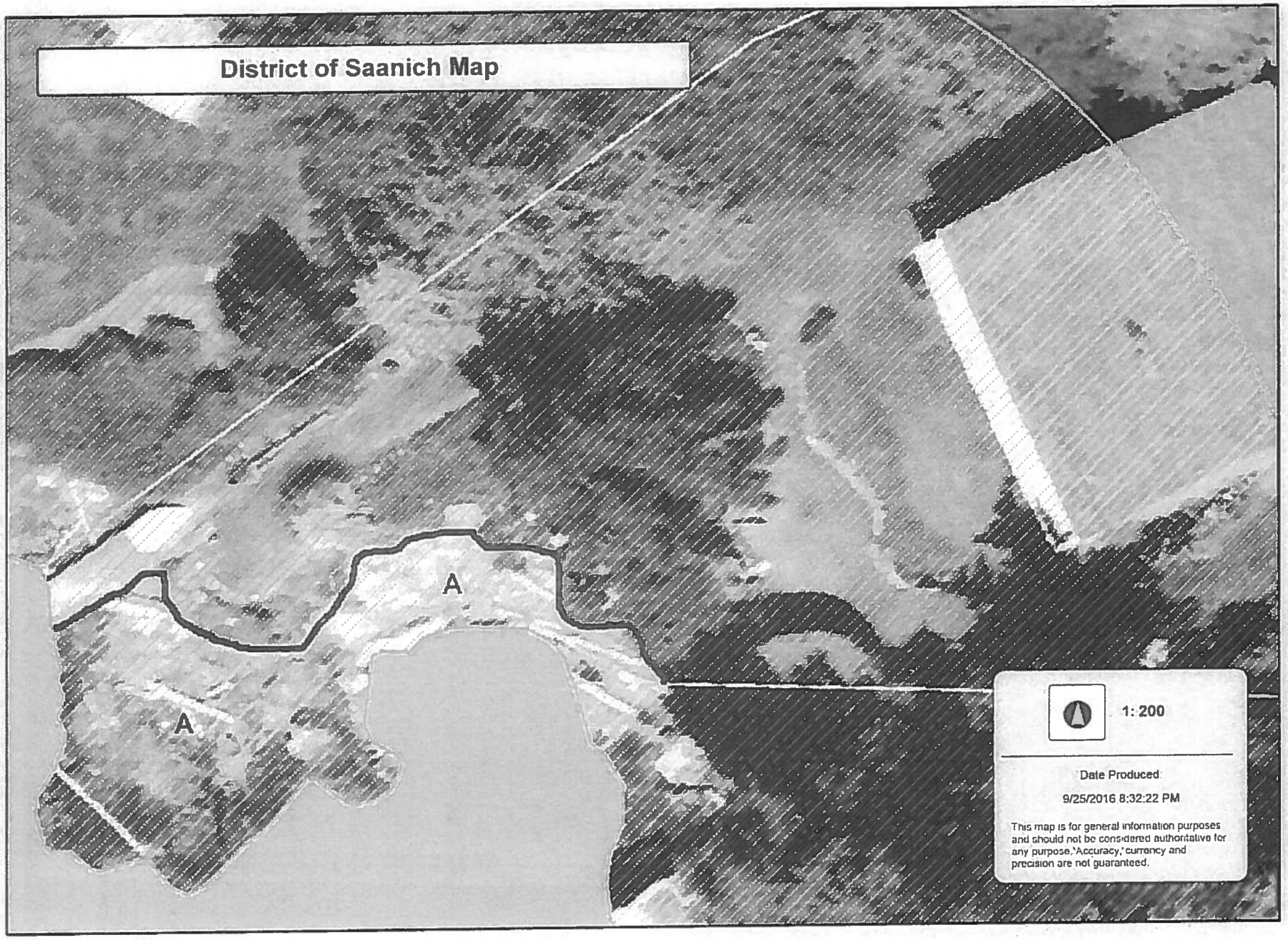
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1410-04
Report - Planning

xref: 2860-25
Sea View Road

2893 SEA VIEW ROAD – REQUEST FOR REMOVAL FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA)

From the November 14, 2016 Committee of the Whole meeting where a Public Hearing was called. Supplemental report of the Director of Planning dated March 13, 2017 to provide a recommendation in relation to including the existing 15 meter buffer as an option for this property.

APPLICANT:

T. Luchies, on behalf of the owners of Sea View Road, presented to Council and highlighted:

- The definitions in the EDPA Guidelines of the Marine Backshore and the Buffer are the same; the 15 meter Marine Backshore ESA is measured from the natural boundary and is the same area on the ground as defined for the Buffer; no additional buffer is required for the Marine Backshore Environmentally Sensitive Areas (ESA).
- No ecological justification has been provided for the Marine Backshore Buffer; buffers restrict property owners' rights.
- Other jurisdictions have 15 meter buffers above the natural boundary and most do not have buffers for marine shoreline areas; there is no scientific evidence that a 15 meter Marine Backshore ESA is necessary.
- There is other legislation that protects and restricts development with 11 meters of the marine backshore.
- A buffer should not be required on this property.

In response to questions from Council, the applicant stated:

- The buffer places restrictions on the property and is not appropriate; other jurisdictions do not have buffers.

PUBLIC INPUT:

T. Lea, Cedarglen Road, stated:

- Buffers are important if there are ecological reasons for them; a buffer could be considered on land that is above a wetland area in order to ensure that the wetland continues to receive moisture.
- In this case, the land above the natural area would not have an impact on the natural area below.

K. Harper, Bonair Place, stated:

- The Official Community Plan (OCP) is a statement of policy and cannot directly regulate the use of private property; the rules of the EDPA bylaw should be applied and it does not include buffers.
- Residents are in favour of good environmental practices.

COUNCIL DELIBERATIONS:

In response to questions from Council, the Manager of Environmental Services stated:

- The definition of the Marine Backshore in the EDPA Guidelines is the upland area 15 meters measured from the natural boundary of the marine environment;

Table 1 of the staff report measures the buffer at 15 meters from the natural boundary as well; they are both parallel to the natural boundary.
- The EDPA Atlas shows the 15 meter marine backshore and a 15 meter marine backshore buffer, both measured from the natural boundary.
- Every municipality uses different terminology, measurements and techniques in relation to Shoreline ESA's and buffers and it is difficult to compare; Saanich defines a buffer so that it is clear to property owners what is required for a permit and so that a biologist would not have to be hired to determine the buffer.
- A predetermined buffer allows property owners to more easily prepare plans for development.
- Central Saanich, North Saanich and Oak Bay all have 15 meter setbacks and Central Saanich and Oak Bay also have 15 meters below the natural boundary added onto their marine backshore areas.
- The Migratory Bird Sanctuary is mostly open water but 20% of it is land based; it is unclear if this property has Migratory Bird Sanctuary attributes on it.

In response to questions from Council, the Chief Administrative Officer stated:
- Exclusion of the buffer from this property may have implications for other applications.

Councillor Plant stated:
- Future applications for removal of buffers would be considered on a case-by-case basis; it is not logical to remove buffers from all marine backshore areas.

Motion: **MOVED by Councillor Plant and Seconded by Councillor Haynes: "That the proposed bylaw amendment for the removal of the Marine Backshore on the property at 2893 Sea View Road from the EDPA, include the removal of the associated 15 meter buffer."**

In response to questions from Council, the Manager of Environmental Services stated:
- Without a buffer, this property would be an exception to the definition of Marine Backshore; because the Marine Backshore as defined is measured upland from the natural boundary, the area Mr. Lea is suggesting be protected is below the natural boundary; as such to be legal the definition in the bylaw would need to be amended so that this request can be accommodated.

In response to questions from Council, the Director of Planning stated:
- If this property does not have a buffer, the only portion of the property that would be protected is the area outlined in the mapping provided Mr. Lea.

In response to questions from Council, the Chief Administrative Officer stated:
- The definition of Marine Backshore must be amended to specifically exclude this property from the definition.

Councillor Murdock stated:
- Exclusion of specific properties is not good public policy and may have implications for future applications.

Councillor Haynes stated:
- Council made a commitment to review applications on a case-by-case basis.

Councillor Wergeland stated:
- It is important to consider how the buffer will contribute to protection of the marine backshore; it may be appropriate to clarify how other municipalities apply the buffers.

The Motion was then Put and CARRIED

1410-04
Report – Planning

xref: 2860-25
Sea View Road

2893 SEA VIEW ROAD – REQUEST FOR REMOVAL FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA)

Report of the Director of Planning dated October 27, 2016 recommending that Council not support the request to remove the property from the Environmental Development Permit Area (EDPA) for the reasons outlined in the report.

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

- Council can approve exclusion of the property from the EDPA, decline exclusion of the property from the EDPA or make a motion to postpone consideration until further information is received.
- Based on RS-16 zoning, construction of a house would need to be set back 11 metres from the rear property line determined by the high water mark; construction of a studio or shed would need to be set back 7.5 metres from the property line.
- Federal bird sanctuary legislation runs in parallel to the EDPA, but the EDPA is not impacted by it.
- More information on the Federal bird sanctuary legislation and any protection of the foreshore could be provided in a subsequent report if Council so wished.
- Staff have ground truthed the property and confirmed that a majority of the property is manicured grass, garden beds and some invasive species on the bank; the bank should be considered for future restoration.
- Erosion and potential storm events should be taken into account when waterfront properties are being considered for removal from the EDPA and/or restoration work is being undertaken.

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

- As per legislative requirements, there was significant public consultation done over a two-year period when the EDPA Bylaw was being created.
- The request is to exclude the property from the bylaw; Council can choose to exclude the property from the EDPA, refuse exclusion or postpone consideration.
- As part of the EDPA review process, there may be changes to the EDPA bylaw that could affect properties; Council would have to make decisions on how to proceed should the EDPA bylaw change.

APPLICANT:

T. Luchies and T. Lea on behalf of the owners, presented to Council and highlighted:

- A Registered Professional Biologist's report was provided as part of the application; staff attended the property and confirmed that there are no native species on the portion of the property that the applicants are requesting to be removed from the EDPA.
- The applicants agree that Area "A" is an environmentally sensitive area that ought to remain in the EDPA.
- The area that the applicant wishes to remove from the EDPA contains ornamental rock work, grass, a retaining wall and slope that includes invasive species; the EDPA is not appropriate for this part of the property.

- It is unknown how long the review of the EDPA process would take.
- The EDPA results in a restriction on the applicants' property which is not appropriate.
- The 30 metre buffer zone encompasses the house; there is no environmental or scientific justification for a buffer on the property.
- The objective of the EDPA bylaw is to protect the areas of highest biodiversity.
- Area "A" meets the bylaw description of a marine backshore and should remain in the EDPA; field verification has shown that the rest of the property is not an area of highest diversity therefore it should be removed from the EDPA.
- There may be a need for buffers on properties that contain wetlands.

PUBLIC INPUT:

M. Mitchell, Kentwood Terrace, stated:
- The applicants have completed the requirements to apply for a removal of their property from the EDPA; the possibility of future applications requesting removal from the EDPA should not hinder a decision on this application.

J. Kushner, Tudor Avenue, stated:
- The application is based on good science; Council is encouraged to approve the request to remove the property from the EDPA.

J. Ball, Cordova Bay Road, stated:
- Saanich residents have been looking to Council for a transparent decision on the EDPA, the science and mapping; although a review is being undertaken, it is unknown how long the review will take and it is unclear if the review will address concerns.

- This is a reasonable and well substantiated application based on sound and substantiated material.

J. Barrand, Treetop Heights, stated:
- The delay for reviewing applications for removal is frustrating; the EDPA is a covenant on a property that is not appropriate.
- The biologist's report shows that the EDPA bylaw should not apply on the property.

E. Sawatsky, Miramontes Drive, stated:
- The applicant has followed Saanich's process for removal of the property from the EDPA.
- At other meetings, Council had indicated that if the professional evidence showed that the property should not be in the EDPA, it would be removed.

W. Pugh, Prospect Lake Road, stated:
- Protection of the marine backshore is supportable; the EDPA permits mowing lawns and moving lawn furniture.
- The absence of Garry oak trees on the property is not the only criteria for exclusion from the EDPA; there may be a lack of understanding of the EDPA bylaw and the processes required.
- Removal of waterfront properties could threaten the marine backshore and riparian areas; no decisions for removal of properties from the EDPA should be

made until after the review is completed and the recommendations analyzed.

K. Harper, Bonair Place, stated:
- The request to remove the portion of the property from the EDPA bylaw is supportable; the owners have followed the process as set out in the bylaw.
- Council made a commitment to hear applications and make decisions on a case-by-case basis; Council also has the responsibility of enforcing the bylaw as written.
- The fact that more applications may come forward is irrelevant to this application.

M. Beauchamp, San Marino Crescent, stated:
- A Suzuki Foundation publication mentions Saanich's Environmentally Sensitive Area (ESA) Atlas as an example for other communities; the activities listed as concerns by the owner are exempted from the bylaw.
- The application for removal should be rejected at this time; there is no proposed development for the property.
- With sea level rise expected, the biggest challenges that Saanich will face are beyond the lifetime of current home owners; Saanich is the only stakeholder today that can reliably be expected to be interested in these matters in 50 years.

P. Haddon, James Heights, stated:
- There is reasonable and flexible criteria through the EDPA bylaw to preserve environmentally sensitive areas when development is proposed; the owner is not intending to develop their property at this time.
- Property values have not been impacted by EDPA designation; the proposed activities are permitted under the bylaw.

- Removal of the property from the EDPA bylaw is not justified; Council is encourage to wait for the review to be completed before considering removal of properties from the EDPA.

B. Morrison, Woodhall Drive, stated:
- The applicants have complied with the requirements of the application process; a report from a Registered Professional Biologist has been submitted.

C. Phillips, Gordon Head Road, stated:
- Council is to be commended for honouring their pledge to review applications for removal on a case-by-case basis; it is important that residents see that Saanich is abiding by its own bylaw.
- He supports the removal of the property based on the Registered Professional Biologist's report.

B. Von Schulmann, NFA, stated:
- There is concern with the application as it goes against good planning and governance; by removing properties from the EDPA, the future ability to decide what is an appropriate development in this area is lost.
- The EDPA does not impact property values and does not impact what an owner can do on their property on a day-by-day basis; the intent of the inclusion of the marine backshore in the EDPA is to restore what is already there.
- The EDPA does not limit development; property owners would work with

Saanich staff to ensure that development is appropriate.

L. Husted, Cyril Owen Place, stated:
- The EDPA ensures development is done responsibly and respects the environment; other municipalities request that Registered Professional Biologists have coastal experience and be active in that area.
- It may be appropriate to have the Department of Oceans and Fisheries consult on changes to the marine backshore.
- Saanich needs to consider sea level rise; decisions to remove properties from the EDPA should be postponed until after the review is completed.

MOVED by Councillor Derman and Seconded by Councillor Sanders: "That the meeting continue past 11:00 p.m."

CARRIED

A. Wortmann, Phyllis Street, stated:
- The applicants have met the requirements of the EDPA bylaw and provided a Registered Professional Biologist's report.

G. Morrison, McAnally Road, stated:
- The application is supportable.

W. Wright, Sea View Road, stated:
- It is reasonable to assume that there are some properties that do not contain sensitive ecosystems; the bylaw was derived by photos taken from the air; properties should be ground truthed.

- New development does allow for removal of significant and protected trees; the property does not contain sensitive ecosystems.
- Decisions on removing properties from the EDPA should include consultation of the property owners.

A. Bull, Wilkinson Road, stated:
- Council previously adopted a motion to hear applications on a case-by-case basis; the applicants have met the requirements of the bylaw.
- Two Registered Professional Biologists have been to the property and provided reports; there is no requirement for the Environment and Natural Areas Advisory Committee to review the application.
- There is no scientific or technical justification to protect all but a small piece of shorefront on this property.
- Property owners should be encouraged to protect sensitive ecosystems.

COUNCIL DELIBERATIONS:

In response to questions from Council, the Director of Planning stated:
- Another property owner recently applied for removal from the EDPA, the property had two environmentally sensitive areas; coastal bluff and marine backshore. The marine backshore portion was retained in the EDPA.
- The municipality has confirmed its legal authority to include restoration and buffers in the EDPA.

Motion: **MOVED by Councillor Derman and Seconded by Councillor Sanders: "That it be recommended that Council not support the request to partially remove the property at 2893 Sea View Road from the Environmental Development Permit Area."**

Councillor Derman stated:
- Moving lawn furniture and mowing grass is permitted under the EDPA and therefore removal is not required.
- There are parts of the property where there appears to be no sensitive ecosystem; restoration and buffers are also part of the bylaw.
- The larger goals need to be considered when reviewing applications for removal from the EDPA.

Councillor Brice stated:
- A review process is being undertaken to see if the EDPA can be improved; Council committed to reviewing applications for removal on a case-by-case basis.
- The property owner wants some peace of mind; the services of a Registered Professional Biologist was obtained.
- The owner met the requirements of the EDPA bylaw.

Councillor Wergeland stated:
- Reports from Registered Professional Biologists should be accepted; the applicant has met the requirements of the EDPA process.

Councillor Haynes stated:
- The Registered Professional Biologists have ground truthed the property; it may be appropriate to leave the existing ivy on the slope to protect against sea level rise.

Councillor Sanders stated:
- She would like to see the results of the review of the EDPA bylaw before consideration is given to removing properties; sea level rise is a serious consideration for this property.
- The reasons why the applicant wants the property removed are not defensible.

Councillor Murdock stated:
- The EDPA was created to protect sensitive ecosystems during development; it may be possible to have a more defined boundary with a buffer that may give the owner peace of mind while still protecting the marine backshore.

Councillor Brownoff stated:
- There may need to review the buffer as it goes through the house; the review of the EDPA bylaw may result in incentives being provided for properties in the EDPA.
- The mapping done by the Capital Regional District in relation to sea level rise is a concern.

Councillor Plant stated:
- Defining hardship is subjective; there may be other laws that would protect the marine backshore.

Mayor Atwell stated:
- There is a process in place to review applications for removal from the EDPA.
- The applicant has provided a report by a Registered Professional Biologist.

The Motion was then Put and DEFEATED
With Mayor Atwell and Councillors Brice, Haynes, Murdock, Plant and Wergeland OPPOSED

MOVED by Councillor Brice and Seconded by Councillor Haynes: "That a Public Hearing be called to consider the request to remove the Environmental Development Permit Area from the property at Lot 2, Section 44, Victoria District, Plan 6197 (2893 Sea View Road) from the Environmental Development Permit Area Atlas, except Area "A" as outlined in the report of T. Lea, Registered Professional Biologist."

In response to questions from Council, the Director of Planning stated:
- Clarification in relation to the buffer would likely be needed before a Public Hearing is advertised; a buffer would not be added to the property unless Council directed staff to do so.
- The portion of the property that the owner is requesting be removed from the EDPA bylaw is Area "B", outlined in the report of the Registered Professional Biologist, Mr. Ted Lea, dated September 24, 2016.

In response to questions from Council, the Chief Administrative Officer stated:
- When the item comes to Council for First Reading of the bylaw, further information, including for a buffer, could be provided to Council; the recommendation for the buffer could be modified at the Public Hearing if need be.

Councillor Plant stated:
- If a buffer is not placed on this property, it will be the only property in the EDPA that does not have a buffer.

MOVED by Councillor Plant and Seconded by Councillor Derman: "That the motion be amended to include: that staff be directed to prepare a recommendation for Council's consideration in relation to including the existing 15 metre buffer as an option for this property."

In response to questions from Council, the Director of Planning stated:
- A supplemental report could be provided in regard to options related to provision of a buffer along with a staff recommendation.

Mayor Atwell stated:
- When the recommendation for a buffer is deliberated, the effect on other

properties needs to be considered.

The Amendment to the Motion was then Put and CARRIED

The Main Motion was then Put and CARRIED

Mayor Atwell and Saanich Councillors

I have been asked by my Clients, Guy and Vicki Screech, who live at 2893 Sea View Road to submit an assessment of their property in terms of the wording of the EDPA Bylaw and to provide an assessment of the staff report regarding their request to remove most of their property from the Marine Backshore ESA and EDPA. I have attached a pdf version of the Bylaw, highlighted with relevant sections, and a map showing an Area 'A', that I believe should remain in the EDPA. I believe the rest of the property should be removed from the EDPA.

Green is my wording
Black is bylaw or staff wording

Assessment of Property at 2893 Sea View Road in Terms of EDPA Bylaw Wording

The first statement on page 115 of the EDPA Bylaw, indicates the **CATEGORY "a"protection of the natural environment, its ecosystems and biodiversity**. I assume that this wording mirrors Section 488.1 of the British Columbia *Local Government Act* (LGA) which indicates that (1) An official community plan may designate development permit areas for one or more of the following purposes: "(a)***protection of the natural environment, its ecosystems and biological diversity***".

The upland portion of this property within the mapped Marine Backshore ESA area does not have any natural environment remaining. It consists of lawn, ornamental gardens, brickwork, cement walls, invasive species and pathways. However, Area 'A' would fit the LGA definition provided above, and should be kept as Marine Backshore.

Under JUSTIFICATION (page 116) the first objective of the EDPA Bylaw is to: ***Protect the areas of highest biodiversity within Saanich***.

Although it is not stated, I assume that biodiversity in this sense refers to native or natural biodiversity. It is a somewhat subjective assessment; however, I do not consider this area of developed property (lawn, garden, rock work) to be an area of highest native or natural biodiversity in Saanich.

Table 1 of the EDPA Bylaw, on page 115 indicates in the 'Guidelines that Apply' column that Guidelines 1-5 apply to the Marine Backshore.

Guideline #1 (page 118) indicates that ***Development within the ESA shall not proceed except for the following b) Proposals that protect the environmental values of the ESA including: iv. The marine backshore.***

The property at 2893 Sea View Road has no native or natural environmental values on the property, except for Area 'A' which can be considered Marine Backshore.

Guideline # 3 (page 119) indicates that ***No alteration of the ESA will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment.***

With regard to the property at 2893 Sea View Road, there are no normal landowner activities that could affect the natural environment, except for Area 'A', which should remain in the Marine Backshore. Most of the property is lawn, ornamental gardens and rock work. My professional environmental study confirms this.

The EDPA Bylaw on page 116 states that: "***The marine backshore is a critical environment that supports many rare species that rely on the specialized habitats found on the coast. Native vegetative cover promotes stable and biologically diverse areas that extend ecological support into the marine environment.***"

The upland portion of this property within the mapped Marine Backshore ESA area does not have any known rare species and does not have native vegetative cover remaining. It consists of lawn, ornamental gardens, brickwork, cement walls, invasive species and pathways. However, Area 'A' would fit the description provided above, and should be kept as Marine Backshore.

The definition section of the EDPA Bylaw states that the "***Marine Backshore means the upland area of 15 m measured from the natural boundary of the marine environment***".

- However, the District of Saanich Environmentally Significant Area (ESA) Atlas indicates that: "***to be included in the ESA atlas, data must be from a comprehensive environmental inventory using technically acceptable standards***." The Marine Backshore ESA does not come from a 'comprehensive **environmental** inventory' and there are no 'technically acceptable standards'.
- The ESA Atlas also states that "this atlas should be used as a flagging tool and should not be used in place of individual site assessments".
- The Marine Backshore has not been exempted from the two statements above.
- Mapping a 15 metre area from the high water mark is not considered a comprehensive **environmental** inventory. The 15 metre measurement is just a buffer from high water mark. In my professional opinion, there is no ecological justification for this distance of protection from the ocean for the property at 2893 Sea View Road.

As well, Clause # 14 of the EDPA Bylaw Exemptions (page 118) states that **"Where field verification by a Registered Professional Biologist, … , reveals the boundaries can be refined and the proposed development is shown to be outside the ESA."**

Clause #14 does not exempt the Marine Backshore ESA, and the Bylaw specifically indicates that Guideline # 3 applies to the Marine Backshore.

In my professional opinion, most of the property at 2893 Sea View Road does not meet the requirements above of having a natural environment, highest biodiversity, rare species, or native vegetation cover. Area 'A' as indicated in the attached map would meet these definitions and should be maintained in the Marine Backshore.

Comments on Staff Report Regarding Adjustment of EDPA boundary application at 2893 Sea View Road

Staff Report Page 1 – Proposal

1) The staff report states that the "property was originally included in the EDPA "***to provide enhanced protection to the Marine Backshore***".

It is unclear in this statement what the Marine Backshore is meant to be. This statement seems to imply that the property provides a buffer to the Marine Backshore, yet the EDPA Bylaw describes the Marine Backshore – rare plants, native vegetation cover, etc and the Bylaw defines the Marine Backshore as the area within 15 metres of the natural boundary.

2) The staff report states that my report indicates that there are no known rare plant species and no native vegetative cover.

I have indicated this in my report because the EDPA Bylaw states that "*The marine backshore is a **critical environment that supports many rare species** that rely on the specialized habitats found on the coast. **Native vegetative cover** promotes stable and biologically diverse areas that extend ecological support into the marine environment.*" If the property does not fit this description provided in the Bylaw, then this property should not be considered a Marine Backshore ESA.

Staff Report Page 3

Environmental Development Permit Area Guidelines

Guidelines 1 and 3 have been addressed above. Guidelines 2 and 4 would only apply if there was an ESA.

Staff Report Page 5

The staff report indicates that "*reduction of the EDPA on of this property would, in theory, allow for the successful removal requests of any property along the Gorge, Portage Inlet, and outer coast of Saanich from the EDPA*".

This particular property at 2893 Sea View Road has a small area (area'A') that could be considered Marine Backshore. Each individual property needs to be assessed. Most properties that I have seen have none or very limited natural environment. Many properties have no natural environment and do not meet the description of the Marine Backshore that is provided in the EDPA Bylaw. In my professional opinion, having a 15 metre ESA from the natural boundary on all waterfront properties is just providing a buffer to the ocean and in most cases is not scientifically justifiable. Most other jurisdictions allow development within a Shoreline zone if a Qualified Environmental Professional (QEP) assessment shows no impact on the natural environment. This is similar to the Riparian Areas Regulations (RAR), which allows QEP discretion.

Staff Report Bottom Page 5 and Page 6

Existing EDPA Mapping

The staff report top of page 6 indicates that "*The Marine Backshore is based on a measurement, not an ecosystem boundary. The Marine Backshore is the area as measured 15 m from the natural boundary of the ocean.*"

The EDPA Bylaw describes the Marine Backshore as "*a **critical environment that supports many rare species** that rely on the specialized habitats found on the coast. **Native vegetative cover** promotes stable and biologically diverse areas that extend ecological support into the marine environment.*" The implication is that native vegetation or rare species are part of what is required to fit this description and to be a Marine Backshore. This does not occur on this property, except in Area 'A'. The 15 metre boundary from high water does not contain a true Marine Backshore, but only provides a buffer to the true Marine Backshore (see Area 'A')

The staff report further states that "This approach is similar to the Riparian Areas Regulation which identifies standardized setbacks based on space needed for an existing or potential healthy riparian area, rather than only protecting areas that are currently dominated by native vegetation."

The provincial Riparian Areas Regulation provides flexibility, that if a Qualified Environmental Professional (QEP) indicates development within the setback area

does not impact the riparian feature, then an individual can proceed using this area. That is the approach that the EDPA Guidelines and Clause # 14 of the EDPA Bylaw allow. The Marine Backshore is not exempted from these clauses.

The District of Saanich appears to have exempted itself from the suggested approach presented in the staff report, in recent development of the Lindsay Street trail along the salmon bearing Colquitz River near the Wilkinson Bridge, in which trail development goes within **one metre** of the high water mark of the river. How can a different approach than this be justified for private properties by the District of Saanich?

A 2009 Saanich report "Colquitz River Watershed Proper Functioning Condition Watershed Assessment." indicated that this reach of the Colquitz River should be protected, due to its native vegetation and high level of Proper Functioning Condition.

The staff report goes on to say that "The principle is to reserve the space needed for the future rather than allowing new permanent structures, surfacing, etc."

It is quite unclear what the statement "reserve the space needed for the future" means. If there is no ecological justification for this expectation, it should not be supported. There is no ecological justification for a 15 metre buffer-like delineation from the natural boundary at 2893 Sea View Road. Only Area 'A' has environmental justification for protection, following the Marine Backshore wording in the EDPA Bylaw.

The staff report states "The EDPA adds a 15 m buffer to the Marine Backshore for a total of 30 m. Property owners can apply for a permit to develop within the buffer area. Fifteen metres is the most common width designated by local governments to protect the marine backshore.

No other jurisdiction in the CRD adds an additional 15 metre buffer to Shoreline areas. Other jurisdictions allow development within their Shoreline or Marine Backshore areas, if a Qualified Environmental Professional (QEP) indicates that there would be no impact on the natural environment. For example, Central Saanich in their Shoreline DPA indicates that it would allow "*Development, upon submission to the District of a written statement from a Qualified Environmental Professional with relevant experience confirming the absence of a sensitive ecosystem within the area that would be affected by the proposed work".*

The Staff Report states that Saanich has produced several studies and inventories to verify 15 m as an appropriate marine setback for an EDPA.

I requested copies of these studies within the last two weeks. I received five different reports from Saanich staff.

Not one of these studies discussed or provided any scientific evidence for the 15 metre Marine Backshore chosen by Saanich, nor do they have a discussion of a variety of distances from the ocean that could be considered. It was indicated what some other jurisdictions use for their Shoreline ESA. The only scientific consideration was provided on page 51 of the report "*Review of Saanich Marine Shoreline Resources and Options*" which states that "***The width of the DPA should be based on a scientifically-defensible figure that may differ from freshwater streams, and may vary according to the environmental sensitivity of the site***."

As far as I know, these studies have not been provided to the public for their understanding of this ESA designation. In my opinion, each property, or each type of property needs individual assessment to determine what level of protection may be needed. Some may need no Marine Backshore, while others may need 2 m or 5 m, while some may need a 30 m or greater protected area from high water. This particular property does not need the 15 metre ESA as presently defined in the EDPA mapping. Other jurisdictions allow flexibility in this 15 m area, and allow development within them, if professional studies show there is no impact on a natural environment. It may be best to work cooperatively with property owners and educate them regarding future actions on their properties.

The Staff Report states that the Marine Backshore was produced from a comprehensive environmental inventory, contrary to statements in the report submitted by Ted Lea."

My actual statement was that the District of Saanich's EDPA Atlas states that "***to be included in the ESA atlas, data must be from a comprehensive environmental inventory using technically acceptable standards***." Placing a 15 metre ESA next to all marine areas of Saanich could be considered a comprehensive inventory, however, it is not an **environmental** inventory, and it is only a buffer from high water with no ecological criteria for each special circumstance. Also, there does not appear to be '**technically acceptable standards**' for an environmental inventory for the Marine Backshore.

When I asked the Manager of Environmental Services about standards for Marine Backshore the response in a May 4, 2015 e-mail was: "*The technical standards are really for surveyors because the Marine Backshore is identified by measuring a 15m area parallel to the 'natural boundary' of the ocean.*" The implication of this statement is that there are no technically acceptable **environmental** standards. Remember that the EDPA Bylaw's first objective is "to **protect the areas of highest biodiversity** in Saanich" and that the *Local Government Act* indicates that (1) An official community plan may designate development permit areas for one or more of the following purposes: "(a)***protection of the natural environment, its ecosystems and biological diversity***".

The Staff report states "The applicant granted staff access to the property. A staff biologist found that the area was lawn and garden with mature Douglas-fir, cedar and Maple trees. The slope to the water is dominated by invasive species.

This matches what I found on the ground on the property. Again, this does not fit the EDPA Bylaw description of the Marine Backshore which state that it is: "***a critical environment that supports many rare species*** *that rely on the specialized habitats found on the coast.* ***Native vegetative cover*** *promotes stable and biologically diverse areas that extend ecological support into the marine environment.*" Staff recognize that these criteria do not occur on this property.

Staff Report RECOMMENDATIONS – page 8

The Staff Report recommends that the request to remove any of the Environmental Development Permit Area from 2893 Sea View Road not be supported for the following reasons:

1) The Saanich OCP polices support the protection and restoration of the Marine Backshore.

The EDPA Bylaw describes the Marine Backshore as "*a* ***critical environment that supports many rare species*** *that rely on the specialized habitats found on the coast.* ***Native vegetative cover*** *promotes stable and biologically diverse areas that extend ecological support into the marine environment.*" If these rare plants and native vegetation cover no longer exist, then the property should not be considered a Marine Backshore ESA. As for restoration on these areas, what is expected of these landowners in terms of restoration? Will the District of Saanich require all landowners on the waterfront to restore a natural community to their properties? Will all Saanich Parks in the Marine Backshore be restored to natural plant communities? As an example, this spring, Saanich Parks Department planted 21 different species of trees in the Saanich Gorge Park. **Not one of these planted trees is a native species.** Will a different approach be expected of private landowners?

2) There is no issue of mapping accuracy

I disagree with this statement. The description within the EDPA Bylaw indicates the Marine Backshore as "*a* ***critical environment that supports many rare species*** *that rely on the specialized habitats found on the coast.* ***Native vegetative cover*** *promotes stable and biologically diverse areas that extend ecological support into the marine environment.*" If this natural vegetation does not exist on the property, then an area of lawn, ornamental garden and stonework does not meet this description, and therefore the mapping is incorrect. The EDPA Bylaw provides Clauses that allow for a Biologist to recommend removal of areas that do not meet the Bylaw description. I specifically refer to

Clause # 14, and to Guideline # 3. Clause # 14 is not exempted from use for the Marine Backshore in the EDPA bylaw, and Guideline # 3 is specifically noted in Table 1 of the Bylaw as applying to the Marine Backshore. Again, the EDPA Bylaw has the first objective to "***Protect the areas of highest biodiversity within Saanich***." As well, Section 488.1 of the British Columbia *Local Government Act* (LGA) indicates that (1) An official community plan may designate development permit areas for one or more of the following purposes: "(a)***protection of the natural environment, its ecosystems and biological diversity***". This property does not meet either of these definitions, so the mapping can definitely be considered inaccurate.

3) The proposed mapping by the applicant's biologist does not meet the EDPA definition of the Marine Backshore.

As stated above the description within the EDPA Bylaw indicates the Marine Backshore as "*a* ***critical environment that supports many rare species*** *that rely on the specialized habitats found on the coast.* ***Native vegetative cover*** *promotes stable and biologically diverse areas that extend ecological support into the marine environment.*" If this natural vegetation does not exist on the property, then an area of lawn, ornamental garden and stonework does not meet this description. Guideline # 3 of the EDPA Bylaw states that "***No alteration of the ESA will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment."*** Area 'A' is a natural environment, while the rest of the property is not. Only this Area 'A' meets any ecological definition of Marine Backshore.

4) The owners are able to continue to maintain and use their property as they are accustomed (e.g. Lawn mowing, gardening, moving lawn furniture);

The other concerns are stated in the definition of development in the EDPA Bylaw, which includes: Removal, alteration, disruption or destruction of vegetation; Removal, deposit or disturbance of soils; Construction or erection of buildings and structures; Creation of non-structural impervious or semi-impervious surfaces; Construction of roads, trails, docks, wharves and bridges; Provision and maintenance of sewer and water services. These all require a DP, despite there being no natural environment on most of the property.

5) Any property on the Gorge, Portage Inlet or Saanich's outer coast could similarly seek removal.

If any properties or areas of properties are similar to the subject property, that would only make sense, as they would not meet the description of the Marine Backshore in the EDPA Bylaw. Many of these properties have lawn, gardens and rockwork, and houses within the mapped Marine Backshore ESA and buffer.

Improvements as a result of the EDPA consultant review may help to address some of the concerns of the owner.

A process was put into place by a Saanich Council motion on March 16, 2016 for landowners to bring their properties forward to Council if they believed that they did not meet the criteria outlined in the EDPA Bylaw and other Saanich documents. The owners are following this Council approved process.

Conclusion

In my professional opinion, except for Area 'A', there is no Marine Backshore ESA on this property that meets the ecological criteria provided in the EDPA Bylaw. The rest of the property should be removed from the EDPA.

Area 'A' should be retained in the EDPA. It requires no buffer.

Ted Lea, R.P.Bio.
Vegetation Ecologist

To Adriane Pollard
Manager of Environmental Services
District of Saanich

Revised September 24, 2016

Re: **Revised Report – Field Assessment of a Marine Backshore ESA – 2893 Seaview Road – Property of Guy and Vicki Screech**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem on the upland portion of this property and field notes are all covered by the information below, where necessary. I have visited the above property in early August, 2016 and walked the whole property.

A Backshore Marine Environmentally Significant Areas (ESA) is mapped on the property. Most of the property within this ESA is completely unnatural. There is a small area that would meet the definition from the EDPA Bylaw as being a Marine Backshore ESA. The property has been divided into two areas (see accompanying maps).

Area A (see attached map)

This is the area that would meet the EDPA Bylaw definition of a Marine Backshore, that is, "***Native vegetative cover promotes stable and biologically diverse areas that extend ecological support into the marine environment.***" This is mostly rocky areas within the splash zone of the ocean, and either is rock outcrop or beach deposits. Vegetation consists of native moss and lichen species on rocky outcroppings. This is the type of area that the Marine Backshore ESA is trying to conserve, for its ecological function that impacts the marine environment. This area could be left in the EDPA.

The rest of the area of Marine Backshore ESA mapped on this property should be removed from the ESA and EDPA, as it does not meet the description of Marine Backshore provided in the EDPA Bylaw.

All of the property within this portion of the mapped ESA is completely unnatural. No native vegetation community remains. The property within this portion of mapped ESA consists of mowed lawn, ornamental gardens, paved or rock pathways, a boat ramp, a stairway and a rock wall next to the ocean. Three large Douglas-fir trees occur within the ESA. A steeper area just above the rock wall and the ocean occurs along the whole waterfront. It is dominated by a dense cover of English ivy, or dense cover of periwinkle and other non-native species. The ivy and periwinkle appear to be important in preventing soil erosion on this steeper slope.

The Marine Backshore ESA is defined in the EDPA Bylaw, in the definition section, which states that the "***Marine Backshore means the upland area of 15***

m measured from the natural boundary of the marine environment". However, the EDPA Bylaw on page 116 states that: "***The marine backshore (the Gorge, Portage Inlet, and the outermarine coast) is a critical environment that supports many rare species that rely on the specialized habitats found on the coast. Native vegetative cover promotes stable and biologically diverse areas that extend ecological support into the marine environment.***" No known rare species and no native vegetative cover occur on the property at 2893 Seaview Road. Almost all vegetation is non-native, mostly in the form of lawn and gardens and much of the rest of the property is rock work or paved. Table 1 of the EDPA Bylaw, on page 115 indicates in the 'Guidelines that Apply' column that Guidelines 1-5 apply to the Marine Backshore. Guideline # 3 indicates that "***No alteration of the ESA will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment".***

As well, Clause # 14 of the EDPA Bylaw states that **"Where field verification by a Registered Professional Biologist, ... , reveals the boundaries can be refined and the proposed development is shown to be outside the ESA."** Clause #14 does not exempt the Marine Backshore ESA, and the Bylaw specifically indicates that Guideline # 3 applies to the Marine Backshore. The District of Saanich Environmentally Significant Area (ESA) Atlas indicates that: "***to be included in the ESA atlas, data must be from a comprehensive environmental inventory using technically acceptable standards***." The Marine Backshore ESA does not come from a 'comprehensive environmental inventory using technically acceptable standards'. No standards have been provided.

Area A can remain in the Marine Backshore ESA. However, the rest of the Marine Backshore area should be removed. Since there are no known rare plant species and no native vegetative cover that promotes stable and biologically diverse areas, these areas of the property should be removed from the Marine Backshore ESA.

Except for Area 'A', there is no Marine Backshore ESA on this property that meets the ecological criteria provided in the EDPA Bylaw.

In following the EDPA bylaw, clause # 14 and Guideline # 3 of the EDPA Bylaw: there should be no EDPA required for the rest of the property. This portion of the ESA should be removed from the mapping. There should be no need for an EDPA buffer on this property. The District of Saanich should remove the EDPA requirements, except for Area 'A' as delineated in the two maps provided.

Ted Lea, R.P.Bio.

cc Guy and Vicki Screech

Mayor Atwell and Saanich Councillors

An update to the Staff Report was provided to my Clients, Guy and Vicki Screech, in an e-mail sent at 8:01 pm November 10, 2016.

Green is my wording
Black is bylaw or staff wording

The revision indicates the following:

"Staff note that the area identified by Mr. Lea does not meet the EDPA definition of Marine Backshore in that it is almost entirely below the natural boundary of the ocean as determined by a registered survey plan. In effect, the proposed partial removal is a complete removal of the Marine Backshore because it lies below the natural boundary."

This statement in the Staff Report regarding the natural boundary is partially correct. Slightly more than half of this area (Area 'A') is below the natural boundary; however, **all of this area is mapped as Marine Backshore in the District of Saanich EDPA Atlas and on the Saanich GIS.**

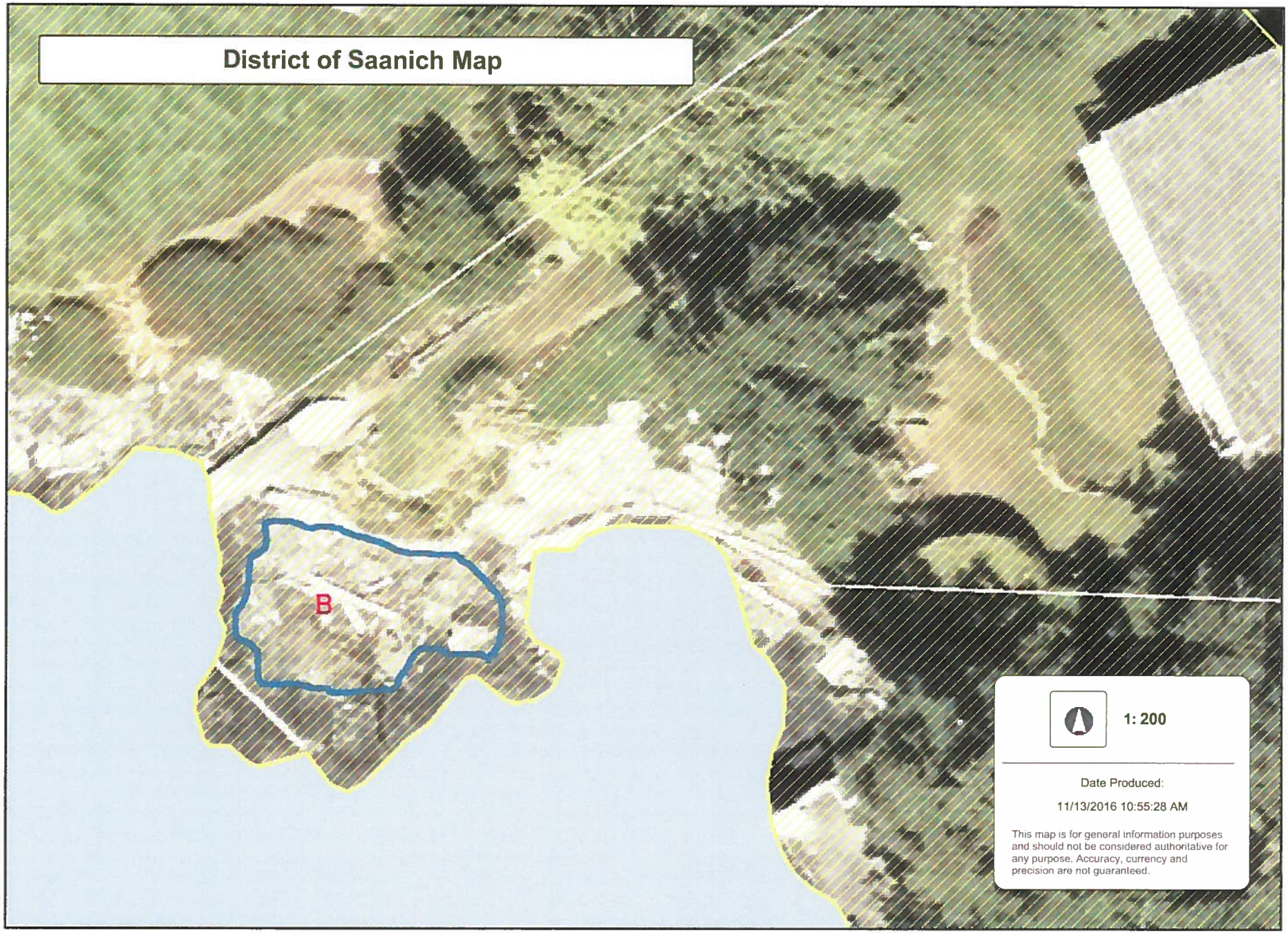
Slightly less than half of Area 'A', a significant portion, is above the natural boundary and is terrestrial in nature, as it has lichens and moss species, and a few grasses, only found in terrestrial situations (see attached photographs). I have mapped this area, as a portion of Area 'A' (see attached – Area 'B').

The rest of the property does not meet the EDPA description of the Marine Backshore, is not a natural environment, and should be removed from the EDPA, as there is no Marine Backshore ESA remaining. Most of Area 'A' can be considered natural and could be left mapped as it is in the EDPA until the legal natural boundary is provided.

Area 'A' should be retained in the EDPA, unless the District updates the mapping to follow the registered survey plan or a legal land survey by a professional surveyor. Some of Area 'A' is below the natural boundary of the ocean.

Area 'B' fits the Marine Backshore description in the Bylaw. At least this area should be maintained in the EDPA, if a survey is ever undertaken in the future. It requires no buffer.

Ted Lea, R.P.Bio.
Vegetation Ecologist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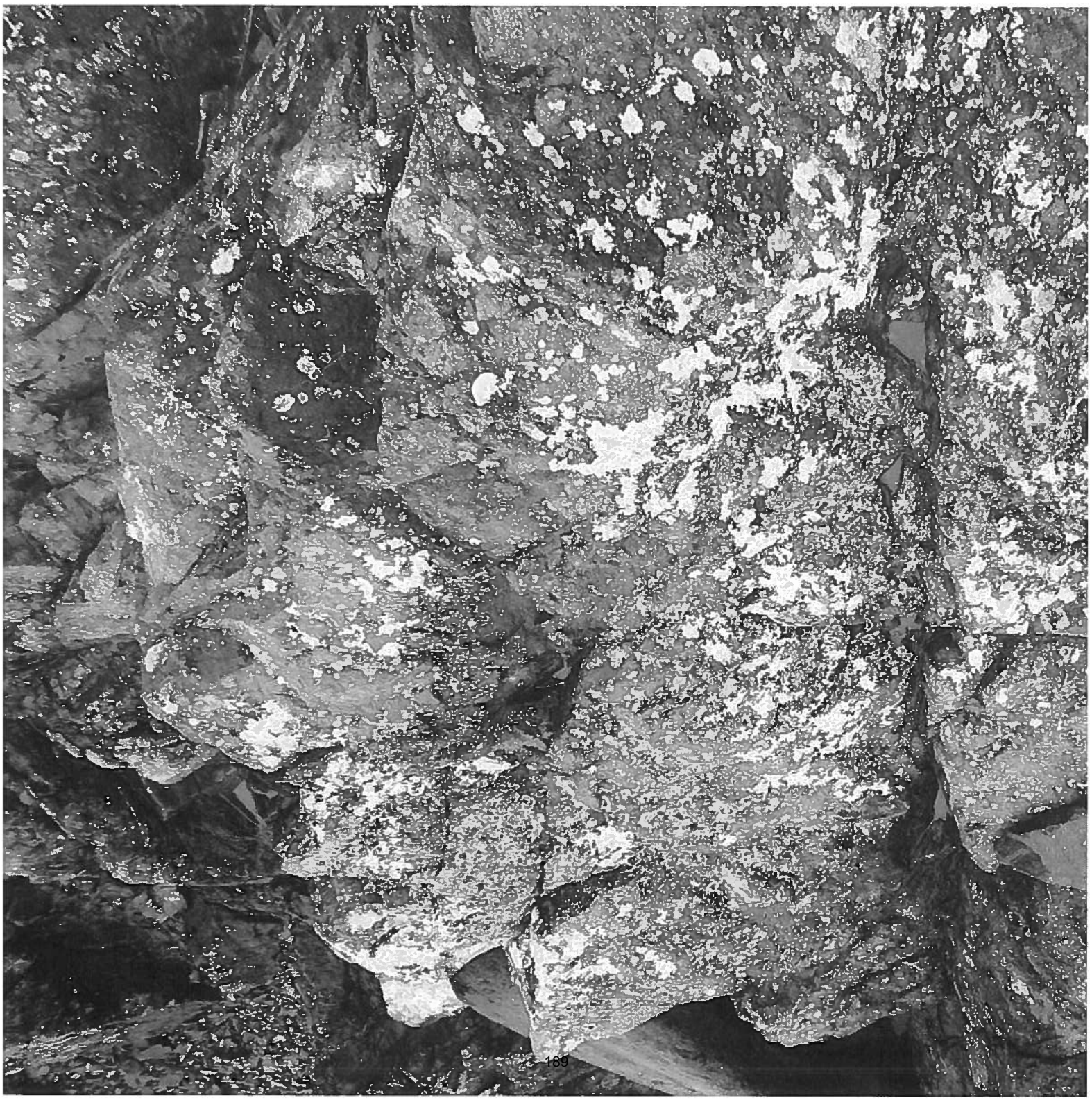

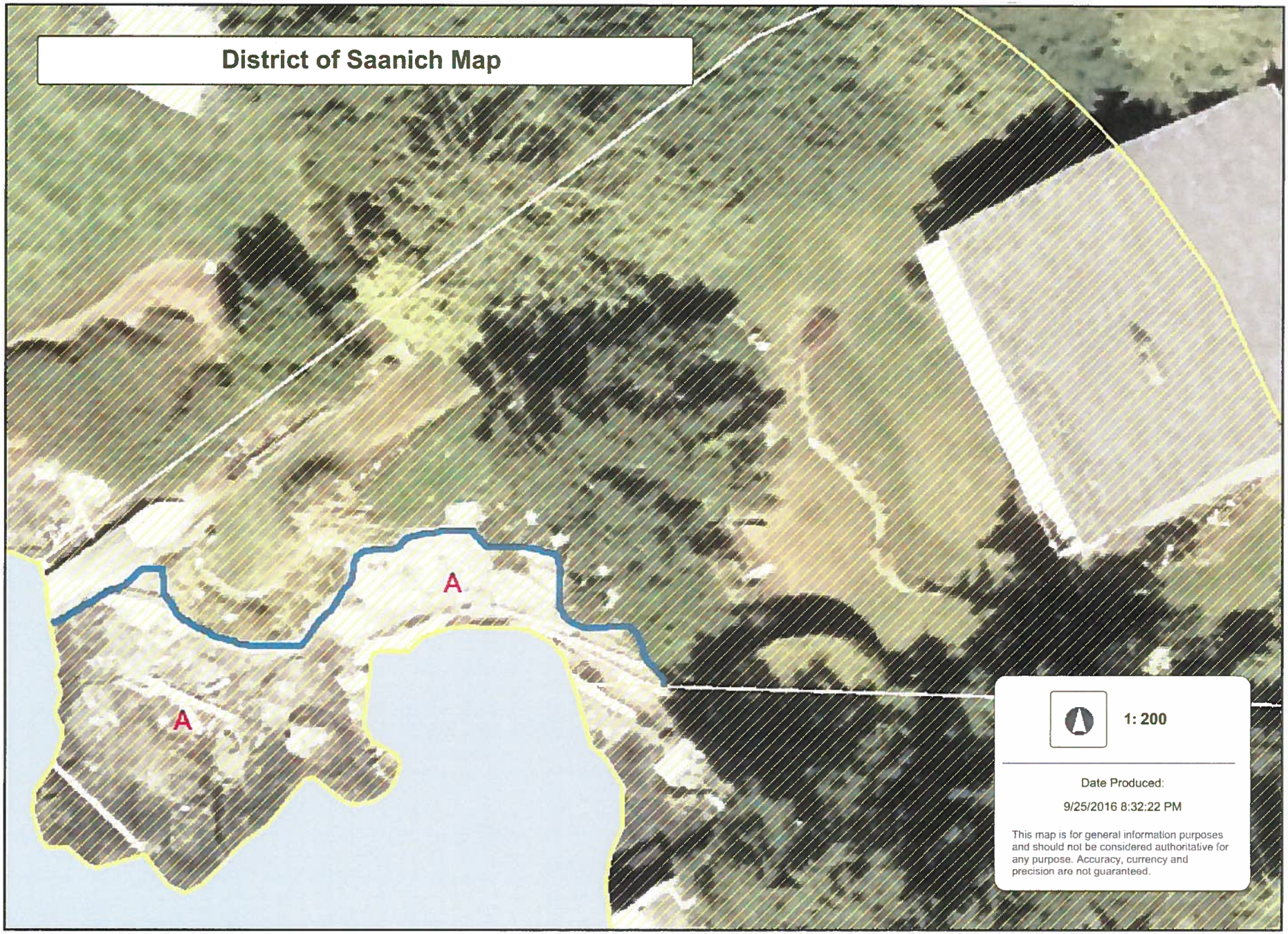
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29. ENVIRONMENTAL DEVELOPMENT PERMIT AREA

CATEGORY

"a" protection of the natural environment, its ecosystems and biodiversity.

The requirement to obtain an environmental development permit is cited in Section 920 (1) of the Local Government Act and includes that, without first obtaining a permit, land must not be subdivided, construction must not be started, and land must not be altered.

DEFINITIONS

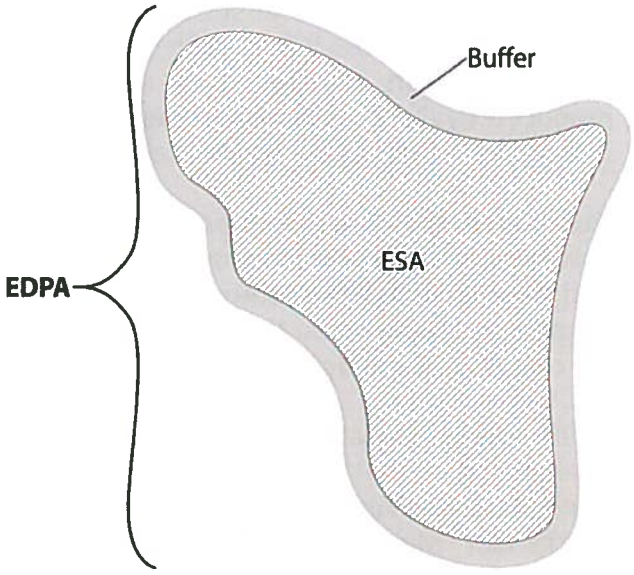
Refer to the definitions section at the end of the Environmental Development Permit Area guidelines for those terms appearing in italics. The definitions are specific to this Development Permit Area.

AREA

The Environmental Development Permit Area (EDPA) consists of *Environmentally Significant Areas* (ESA's) and additional *buffers* (see Figure 1) if indicated in the Environmental Development Permit Areas Atlas (Schedule 3 of Appendix N of the Official Community Plan 2008, Bylaw No. 8940). The content of the atlas will be updated regularly in order to stay current with the inventories.

Some EDPA's do not require additional *buffers* because the *ESA* mapping inherently includes a *buffer*. See Table 1 for an explanation of *buffers* for each *ESA* type.

Figure 1: Environmental Permit Area



Environmental Development Permit Area		Guidelines that Apply
ESA	Buffer	
Sensitive Ecosystems	10 m	1 to 5
Red and blue listed animals, plants and ecological communities	No additional buffer	1, 3-5
Wildlife Trees	No additional buffer	1, 3-5
Isolated wetlands and watercourses	10 m as measured from the natural boundary	1 to 5
Marine Backshore	15 m as measured from the natural boundary	1 to 5

Table 1: ESA's and Buffers

JUSTIFICATION

The District of Saanich has many significant natural areas that support important plants and animal habitat. Some of these areas have been identified by various agencies in the form of inventories and are included in Saanich's Environmental Development Permit Areas Atlas.

The objectives of this Development Permit Area are to:

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

Sensitive ecosystems are fragile remnants of specialized ecosystems with high biodiversity. They are classified as coastal bluffs, herbaceous terrestrial areas, older forest, sparsely vegetated areas, wetlands, riparian areas, and woodlands. These ecosystems are sensitive to *development* due to their vulnerability and rarity. Older second growth forests and seasonally flooded agricultural fields were not included as these are considered information only, and not actual sensitive ecosystems. Sensitive ecosystems were identified using the Sensitive Ecosystems Inventory (2002 version) produced by the Provincial and Federal governments. The inventory does not include *buffers*, so a 10m *buffer* was added to each sensitive ecosystem.

Rare and endangered plant and animal species, and ecological communities are vulnerable due to their limited range and/or abundance. Rare and endangered species and vegetative habitats were identified using the *red and blue lists* produced by the provincial Conservation Data Centre. A *buffer* was not added to these areas because the mapping is not accurate enough and subsequently includes some *buffers*.

Wildlife trees play an important role in forest ecosystems by contributing and maintaining habitat and biological diversity. The *wildlife trees* included in the EDPA are tracked by the Wildlife Tree Stewardship program (WiTS) of the Federation of BC Naturalists. Many of the trees in the inventory are protected under the Wildlife Act but their *buffers* are not. A 60 m *buffer* is included in the mapping as recommended in Ministry of Environment guidelines.

Isolated wetlands and watercourses, while not supporting fish habitat, are high in biodiversity and maintain natural hydrology. *Isolated wetlands and watercourses* are not protected from *development* under the Riparian Areas Regulation. A10 m *buffer* was added to each to protect riparian habitat. The buffer width may be reduced to 5 m as determined by the Manager of Environmental Services.

The *marine backshore* (the Gorge, Portage Inlet, and the outer marine coast) is a critical environment that supports many rare species that rely on the specialized habitats found on the coast. *Native vegetative* cover promotes stable and biologically diverse areas that extend ecological support into the marine environment. A 15 m *buffer* was added to the *marine backshore ESA*'s to protect backshore environmental values. The *marine backshore* (and *buffers*) is based on the Saanich Marine Inventory of 2000, by the District of Saanich and the Veins of Life Watershed Society.

EXEMPTIONS: WHEN NO DEVELOPMENT PERMIT IS REQUIRED
A development permit is not required for the following activities:

1. Ecological restoration and enhancement projects or other projects undertaken or approved by the District of Saanich, Ministry of Environment, or Fisheries and Oceans Canada.

2. Construction, maintenance or operation of municipal works and services undertaken or authorized by the District of Saanich or the Capital Regional District.

3. Emergency responses or works required by the Provincial Emergency Program or the District of Saanich to prevent or control forest fire, flooding, or erosion emergencies.

4. Agricultural use in the Agricultural Land Reserve.

5. Slope stabilization work that is prescribed by a Professional Engineer or Geoscientist, or other appropriate professional approved by the District of Saanich, where no long-term damage to natural features is predicted as a result of the work and approved by the Fisheries and Oceans Canada.

6. Removal of non-native invasive vegetation or the planting of native vegetation.

7. Hazardous tree cutting or modifications approved by a permit issued by District of Saanich staff when the tree is not a wildlife tree and any removed trees are replaced. An independent arborist report may be required.

8. Maintenance of existing gardens, landscaping, and agriculture; or new gardens that adhere to the principles of Naturescape BC and do not damage existing native vegetation.

9. The placement of impermanent structures such as benches, tables, and ornaments.

10. Construction of, or addition to, buildings where there is less than 10 m2 increase in the building footprint, and which do not damage existing native vegetation.

11. Reconstruction, addition, or repair of a permanent structure on its existing foundation.

12. Paths (which are less than 1 m in width) and fencing which do not result in the removal of native vegetation or disruption of wildlife.

13. Where the ESA is protected by a covenant to protect the natural environment registered against the title, under section 219 of the Land Title Act.

14. Where field verification by a Registered Professional Biologist, or other appropriate professional approved by Saanich, reveals the boundaries can be refined and the proposed development is shown to be outside the ESA.

15. Where a minor and inconsequential intrusion is proposed and an equal or greater area of similar ecological value is restored and protected by covenant;

16. Voluntary vegetation management within the Rural Saanich Interface Fire Hazard Development Permit Area when approved in writing by the District of Saanich Manager of Environmental Services.

GUIDELINES

Development Permits issued in these areas shall be in accordance with the following guidelines. Where more than one *ESA* is located within an Environmental Development Permit Area, the exemptions and guidelines must be applied to encompass all protected features.

1. ***Development* within the *ESA* shall not proceed except for the following:**
   a) Proposals on existing vacant lots where a Registered Professional Biologist has identified *mitigation* measures to achieve the least impact to the *ESA*; or
   b) Proposals that protect the environmental values of the *ESA* including:
      i. The habitat of rare and endangered plants, animals and sensitive ecosystems;
      ii. Wildlife trees and their buffers;
      iii. Isolated wetlands and watercourses, and their buffers; and
      iv. The marine backshore.

2. **In order to minimize negative impacts on the *ESA*, *development* within the *buffer* of the *ESA* shall be designed to:**
   a) Avoid the removal/modification of native vegetation;
   b) Avoid the introduction of non-native invasive vegetation;
   c) Avoid impacts to the protected root zones of trees within the ESA;
   d) Avoid disturbance to wildlife and habitat;
   e) Minimize the use of fill;
   f) Minimize soil disturbance;
   g) Minimize blasting;
   h) Minimize changes in hydrology; and
   i) Avoid run-off of sediments and construction-related contaminants.

3. **No alteration of the *ESA* will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment. Prior to the issuance of a development permit, the following information may be required:**
   a) A sediment and erosion control plan;
   b) An arborist report according to the "Requirements For Plan Submission and Review Of Development or Building Related Permits" (Saanich Parks);
   c) A biologist report;
   d) A surveyed plan; and/or
   e) A bond.

4. **The following measures may be required to prevent and mitigate any damage to the *ESA*:**
   a) Temporary or permanent fencing;
   b) Environmental monitoring during construction;
   c) Demarcation of wildlife corridors, *wildlife trees*, and significant trees;
   d) Restricting *development* activities during sensitive life-cycle times; and
   e) Registration of a natural state covenant.

5. **Revegetation and restoration may be required as mitigation or compensation regardless of when the damage or degradation occurred.**

DEFINITIONS

Agricultural use means a "farm operation" conducted in a manner consistent with "normal farm practice" as defined in the Farm Practices Protection (Right to Farm) Act.

Buffer means an area of land that surrounds and protects an environmentally significant area (ESA) from the adverse effects of activities on, or encroachment from, adjacent land. The buffer is part of the EDPA.

Certified Tree Risk Assessor means a person qualified as a Pacific Northwest Chapter of the International Society of Arboriculture (PNW-ISA) Certified Tree Risk Assessor or a Wildlife/Danger Tree Assessor.

Development means any activity referred to in Section 920(1) of the Local Government Act and includes the:

- Removal, alteration, disruption or destruction of vegetation;
- Removal, deposit or disturbance of soils;
- Construction or erection of buildings and structures;
- Creation of non-structural impervious or semi-impervious surfaces;
- Construction of roads, trails, docks, wharves and bridges;
- Provision and maintenance of sewer and water services; and
- Subdivision of land where there is the potential to create conditions for impacts to an *ESA*.

Environmentally Significant Area (ESA) is the focus of each EDPA based upon one of the five ecological inventories shown in the Environmental Development Permit Areas Atlas and does not include *buffers*.

Fill means soil, sand, gravel, rock or other material that can be used to alter the contours of land.

Ecological restoration and enhancement projects means projects that assist in the recovery of an ecosystem that has been degraded, damaged, or destroyed.

Hazardous Tree is a *tree* which, because of its condition and location, has significant potential for personal or property damage, as determined by a *certified tree risk assessor*.

Isolated wetlands and watercourses means watercourses that are not connected to fish habitat, but provide other functions, such as habitat, aquifer recharge, and improving water quality.

Marine Backshore means the upland area of 15 m measured from the *natural boundary* of the marine environment including the Gorge and Portage Inlet.

Minor and inconsequential intrusion means when a small amount of the proposed overall development intrudes into an *ESA* area with inconsequential ecological impact as determined by the Manager of Environmental Services.

Mitigation means action taken to offset environmental damage or protect the environment from damage occurring.

Municipal Works and Services means connected, often linear, infrastructure such as utilities, roads, bridges, weirs, drainages, accesses, major trails, etc.

Native vegetation means an indigenous plant that occurs naturally in the area and is not introduced.

Natural Boundary means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long contained in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from the lands thereof in respect to vegetation as well as in respect to the nature of the soil itself.

Naturescape Principles demonstrate a commitment to stewardship; habitat creation and preservation; biodiversity; and water conservation according to Naturescape BC.

Non-native invasive vegetation means plants that are not indigenous to the geographic area and aggressively out-compete native vegetation resulting in reduced habitat and biodiversity.

Protected Root Zone means the area of land surrounding the trunk of a tree contained within a circle having a radius which is calculated by multiplying the diameter of the tree at breast height by 18; or alternatively, the area of land surrounding the trunk of a tree which has been specifically delineated on a plan as the critical root zone by an arborist certified by the International Society of Arboriculture or such other person as approved by permit issued by the Saanich Manager of Environmental Services.

Red and Blue Listed means rare and endangered species and ecosystems designated by the provincial Conservation Data Centre.

Soil means the soil, sand, gravel rock or other substance of which land is composed.

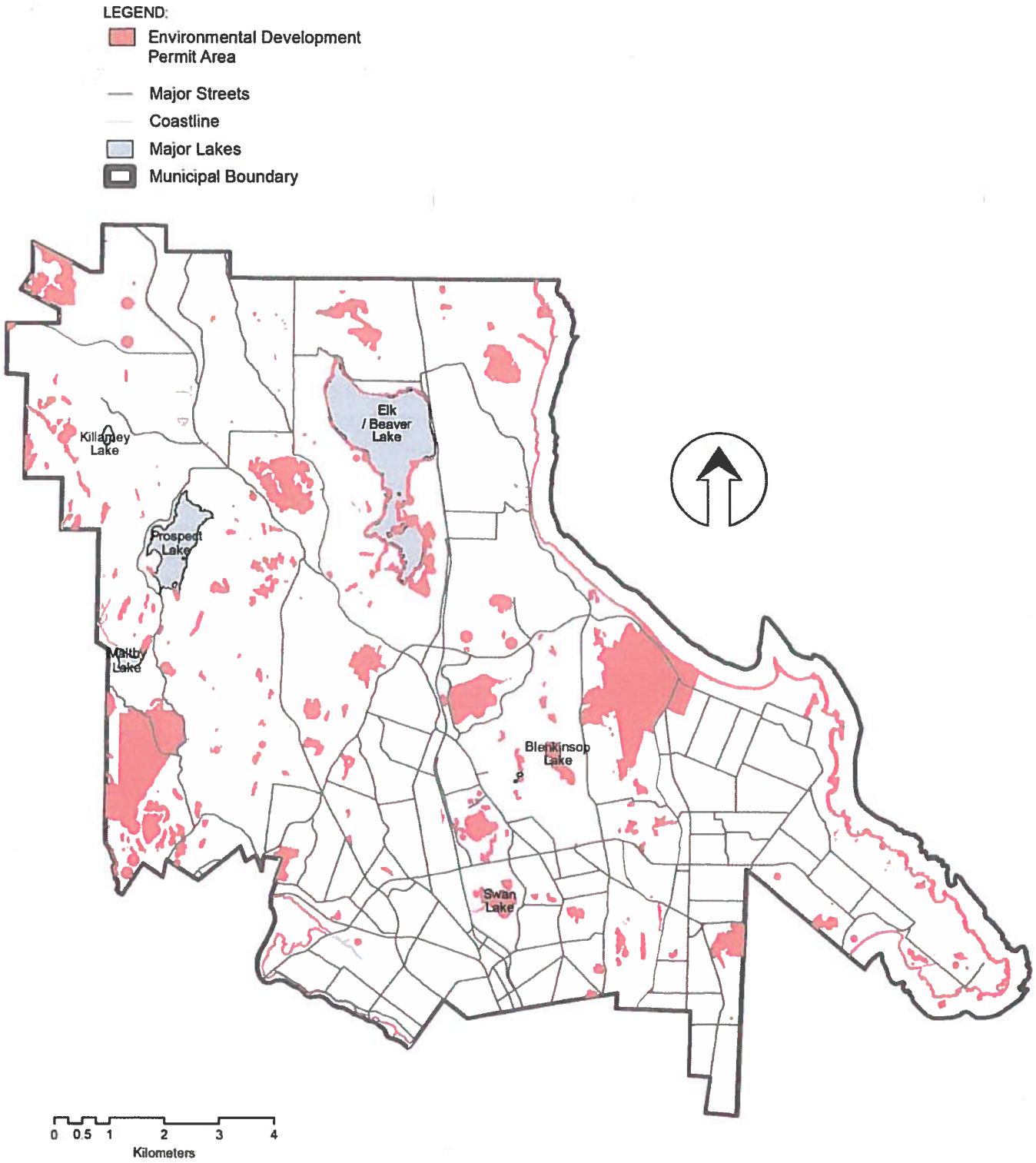
Tree means any living, erect, woody plant that is 5 m or more in height, or 10 cm or more in diameter.

Wetland means an area, not part of the active floodplain of a stream, which is water saturated for a sufficient length of time such that excess water and resulting low soil oxygen levels are the principal determinants of vegetation and soil development.

Wildlife tree means a tree that is identified in the Wildlife Tree Stewardship Program (WiTS) inventory shown in the EDPA atlas.

Vegetation means plants such as mosses, lichens, herbs, grasses, shrubs, and trees.

MAP 29 **Environmental Development Permit Area**



For details refer to Schedule 3 to Appendix N
to the Official Community Plan Bylaw, 2008 No. 8940.

G:\Protect_Adm\Local Area Plans\Dev_Per_Guidelines\maps\Current Maps\DPA Map 29 Feb 2012.ai

2860-25
SeaNiad

POST TO | POSTED
COPY TO
INFORMATION ☐
REPLY TO WRITER ☐
COPY RESPONSE TO LEGISLATIVE DIVISION
REPORT ☐
FOR
ACKNOWLEDGED:

Clerksec - Screech Application materials

From: Tyler Luchies <[redacted]>
To: Paul.Thorkelsson@saanich.ca; Clerksec@saanich.ca; Council@saanich.ca; Su...
Date: 3/23/2017 8:43 PM
Subject: Screech Application materials
CC: tedloralea@shaw.ca; guybc@shaw.ca
Attachments: EDPA_Guidelines_Extracted_Mar2012 Buffer.pdf; Screech Buffer March_27_2017.doc

Mayor Atwell and Saanich Councillors,

Thank you for the opportunity to speak on March 27. Please find attached materials we would like considered.

Thank you in advance.

Tyler Luchies for Guy and Vicki Screech

RECEIVED
MAR 23 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

2860-25
Sea View

Council
Administrator
Media

Mayor Atwell and Saanich Councillors

Re: Staff Report – Supplemental Report 2 – Request for Removal from the Environmental Development Permit Area (EDPA) – 2893 Sea View Road

There are three issues that we would like to provide Council with input.

1) The Marine Backshore Buffer – what is the legal definition in the EDPA Guidelines?

Attached is the EDPA Guidelines or Bylaw. According to Table 1: ESA's and Buffers, the Marine Backshore ESA has a Buffer that is "**15 m as measured from the natural boundary**" (see highlight on first page). **This distance is exactly the same as the definition that is provided for the Marine Backshore ESA, so in fact, they are exactly the same area on the ground**. We have had a legal opinion that indicates that there is no additional 15 m buffer beyond the Marine Backshore ESA DPA, due to this statement in the Bylaw. This Marine Backshore Buffer may have been corrected in all other documentation surrounding the EDPA, but it has not been corrected in the actual legal document. Accordingly, no additional buffer is required for the Marine Backshore. This would be the case for all Marine Backshore properties in the District of Saanich.

2) Ecological Justification for the Marine Backshore Buffer

Even if the legal definition for the Marine Backshore buffer was different, no ecological justification has been provided for an additional Marine Backshore buffer in the Staff Report. The staff report does not provide any scientific background for why a 15 metre buffer was chosen, or why a buffer was used at all, especially when no other nearby jurisdiction uses an additional buffer (see below). The Staff Report states that "buffer areas are widely used to protect ecologically significant areas from adjacent development."

3) Other jurisdictions – Shoreline ESAs and Buffer

The Staff Report states that: "When comparing Saanich's EDPA to ten other coastal Vancouver Island municipalities, Saanich is in the vast majority that has a 30 m wide marine EDPA". We have requested this table, and it indicates that at least 3 of these jurisdictions have 15 metre below the natural boundary included, and two of them are more rural areas. So actually, the majority have 15 metres above the natural boundary as DP areas. Of nearby jurisdictions, most have 15 metres, and no other has buffers. They have the following:

North Saanich 15 metres - no buffer
Central Saanich 15 metres - no buffer

Oak Bay 15 metres - no buffer
City of Victoria - nothing - no buffer
View Royal - 15 metres - no buffer
Nanaimo - 15 metres - no buffer
Colwood 30 metres - no buffer
Esquimault - 30 metres - no buffer

No jurisdiction among these has an automatic 15 metre buffer for Marine Shoreline areas.

The Staff Report states that Saanich has produced several studies and inventories to verify 15 m as an appropriate marine setback for an EDPA. Our Biologist requested copies of these studies from staff and received five different reports. He indicated that not one of these studies discussed or provided any scientific evidence for the 15 metre Marine Backshore chosen by Saanich, nor do they have a discussion of a variety of distances from the ocean that could be considered. It was indicated what some other jurisdictions use for their Shoreline ESA. The only scientific consideration was provided on page 51 of the report "*Review of Saanich Marine Shoreline Resources and Options*" which states that "***The width of the DPA should be based on a scientifically-defensible figure that may differ from freshwater streams, and may vary according to the environmental sensitivity of the site***." Presumably, this information would also apply to any buffer requirements to a true Marine Backshore area. Our biologist does not believe there should be any requirement for a buffer.

There are other issues detailed in the Staff Report about the Migratory Bird Sanctuary and the Zoning Bylaw and issue regarding impervious surfaces. Neither of these has been related within the Staff Report to the need for a Marine Backshore buffer. We do not believe that a buffer should be required for the property at 2893 Sea View Road.

Also, we assume that Item # 4 has already been addressed by Council, in the motion that has sent this property to Public Hearing.

Guy and Vicki Screech
Tyler Luchies

29. ENVIRONMENTAL DEVELOPMENT PERMIT AREA

CATEGORY

"a" protection of the natural environment, its ecosystems and biodiversity.

The requirement to obtain an environmental development permit is cited in Section 920 (1) of the Local Government Act and includes that, without first obtaining a permit, land must not be subdivided, construction must not be started, and land must not be altered.

DEFINITIONS

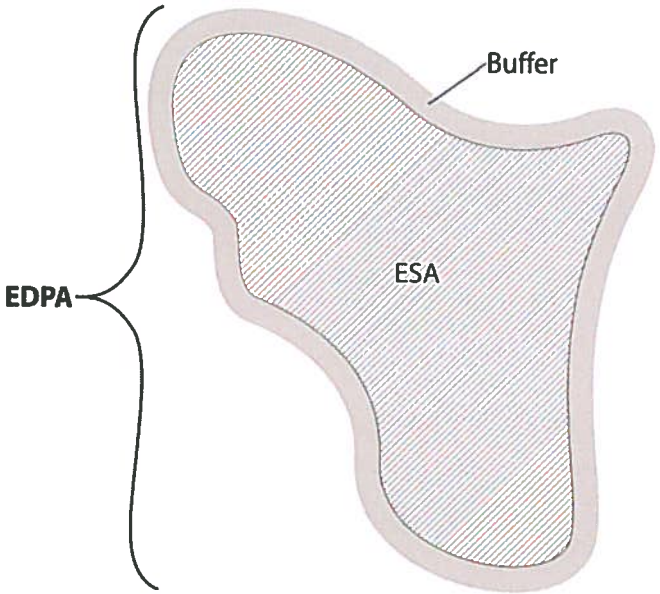
Refer to the definitions section at the end of the Environmental Development Permit Area guidelines for those terms appearing in italics. The definitions are specific to this Development Permit Area.

AREA

The Environmental Development Permit Area (EDPA) consists of *Environmentally Significant Areas* (ESA's) and additional *buffers* (see Figure 1) if indicated in the Environmental Development Permit Areas Atlas (Schedule 3 of Appendix N of the Official Community Plan 2008, Bylaw No. 8940). The content of the atlas will be updated regularly in order to stay current with the inventories.

Some EDPA's do not require additional *buffers* because the *ESA* mapping inherently includes a *buffer*. See Table 1 for an explanation of *buffers* for each *ESA* type.

Figure 1: Environmental Permit Area



Environmental Development Permit Area		Guidelines that Apply
ESA	**Buffer**	
Sensitive Ecosystems	10 m	1 to 5
Red and blue listed animals, plants and ecological communities	No additional buffer	1, 3-5
Wildlife Trees	No additional buffer	1, 3-5
Isolated wetlands and watercourses	10 m as measured from the natural boundary	1 to 5
Marine Backshore	15 m as measured from the natural boundary	1 to 5

Table 1: ESA's and Buffers

JUSTIFICATION

The District of Saanich has many significant natural areas that support important plants and animal habitat. Some of these areas have been identified by various agencies in the form of inventories and are included in Saanich's Environmental Development Permit Areas Atlas.

The objectives of this Development Permit Area are to:

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

Sensitive ecosystems are fragile remnants of specialized ecosystems with high biodiversity. They are classified as coastal bluffs, herbaceous terrestrial areas, older forest, sparsely vegetated areas, wetlands, riparian areas, and woodlands. These ecosystems are sensitive to *development* due to their vulnerability and rarity. Older second growth forests and seasonally flooded agricultural fields were not included as these are considered information only, and not actual sensitive ecosystems. Sensitive ecosystems were identified using the Sensitive Ecosystems Inventory (2002 version) produced by the Provincial and Federal governments. The inventory does not include *buffers*, so a 10m *buffer* was added to each sensitive ecosystem.

Rare and endangered plant and animal species, and ecological communities are vulnerable due to their limited range and/or abundance. Rare and endangered species and vegetative habitats were identified using the *red and blue lists* produced by the provincial Conservation Data Centre. A *buffer* was not added to these areas because the mapping is not accurate enough and subsequently includes some *buffers*.

Wildlife trees play an important role in forest ecosystems by contributing and maintaining habitat and biological diversity. The *wildlife trees* included in the EDPA are tracked by the Wildlife Tree Stewardship program (WiTS) of the Federation of BC Naturalists. Many of the trees in the inventory are protected under the Wildlife Act but their *buffers* are not. A 60 m *buffer* is included in the mapping as recommended in Ministry of Environment guidelines.

Isolated wetlands and watercourses, while not supporting fish habitat, are high in biodiversity and maintain natural hydrology. *Isolated wetlands and watercourses* are not protected from *development* under the Riparian Areas Regulation. A10 m *buffer* was added to each to protect riparian habitat. The buffer width may be reduced to 5 m as determined by the Manager of Environmental Services.

The *marine backshore* (the Gorge, Portage Inlet, and the outer marine coast) is a critical environment that supports many rare species that rely on the specialized habitats found on the coast. *Native vegetative* cover promotes stable and biologically diverse areas that extend ecological support into the marine environment. A 15 m *buffer* was added to the *marine backshore ESA*'s to protect backshore environmental values. The *marine backshore* (and *buffers*) is based on the Saanich Marine Inventory of 2000, by the District of Saanich and the Veins of Life Watershed Society.

EXEMPTIONS: WHEN NO DEVELOPMENT PERMIT IS REQUIRED

A development permit is not required for the following activities:

1. Ecological restoration and enhancement projects or other projects undertaken or approved by the District of Saanich, Ministry of Environment, or Fisheries and Oceans Canada.

2. Construction, maintenance or operation of municipal works and services undertaken or authorized by the District of Saanich or the Capital Regional District.

3. Emergency responses or works required by the Provincial Emergency Program or the District of Saanich to prevent or control forest fire, flooding, or erosion emergencies.

4. Agricultural use in the Agricultural Land Reserve.

5. Slope stabilization work that is prescribed by a Professional Engineer or Geoscientist, or other appropriate professional approved by the District of Saanich, where no long-term damage to natural features is predicted as a result of the work and approved by the Fisheries and Oceans Canada.

6. Removal of non-native invasive vegetation or the planting of native vegetation.

7. Hazardous tree cutting or modifications approved by a permit issued by District of Saanich staff when the tree is not a wildlife tree and any removed trees are replaced. An independent arborist report may be required.

8. Maintenance of existing gardens, landscaping, and agriculture; or new gardens that adhere to the principles of Naturescape BC and do not damage existing native vegetation.

9. The placement of impermanent structures such as benches, tables, and ornaments.

10. Construction of, or addition to, buildings where there is less than 10 m2 increase in the building footprint, and which do not damage existing native vegetation.

11. Reconstruction, addition, or repair of a permanent structure on its existing foundation.

12. Paths (which are less than 1 m in width) and fencing which do not result in the removal of native vegetation or disruption of wildlife.

13. Where the ESA is protected by a covenant to protect the natural environment registered against the title, under section 219 of the Land Title Act.

14. Where field verification by a Registered Professional Biologist, or other appropriate professional approved by Saanich, reveals the boundaries can be refined and the proposed development is shown to be outside the ESA.

15. Where a minor and inconsequential intrusion is proposed and an equal or greater area of similar ecological value is restored and protected by covenant;

16. Voluntary vegetation management within the Rural Saanich Interface Fire Hazard Development Permit Area when approved in writing by the District of Saanich Manager of Environmental Services.

GUIDELINES

Development Permits issued in these areas shall be in accordance with the following guidelines. Where more than one *ESA* is located within an Environmental Development Permit Area, the exemptions and guidelines must be applied to encompass all protected features.

1. ***Development* within the *ESA* shall not proceed except for the following:**
   a) Proposals on existing vacant lots where a Registered Professional Biologist has identified *mitigation* measures to achieve the least impact to the *ESA*; or
   b) Proposals that protect the environmental values of the *ESA* including:
      i. The habitat of rare and endangered plants, animals and sensitive ecosystems;
      ii. Wildlife trees and their buffers;
      iii. Isolated wetlands and watercourses, and their buffers; and
      iv. The marine backshore.

2. **In order to minimize negative impacts on the *ESA*, *development* within the *buffer* of the *ESA* shall be designed to:**
   a) Avoid the removal/modification of native vegetation;
   b) Avoid the introduction of non-native invasive vegetation;
   c) Avoid impacts to the protected root zones of trees within the ESA;
   d) Avoid disturbance to wildlife and habitat;
   e) Minimize the use of fill;
   f) Minimize soil disturbance;
   g) Minimize blasting;
   h) Minimize changes in hydrology; and
   i) Avoid run-off of sediments and construction-related contaminants.

3. **No alteration of the *ESA* will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment. Prior to the issuance of a development permit, the following information may be required:**
   a) A sediment and erosion control plan;
   b) An arborist report according to the "Requirements For Plan Submission and Review Of Development or Building Related Permits" (Saanich Parks);
   c) A biologist report;
   d) A surveyed plan; and/or
   e) A bond.

4. **The following measures may be required to prevent and mitigate any damage to the *ESA*:**
   a) Temporary or permanent fencing;
   b) Environmental monitoring during construction;
   c) Demarcation of wildlife corridors, *wildlife trees*, and significant trees;
   d) Restricting *development* activities during sensitive life-cycle times; and
   e) Registration of a natural state covenant.

5. **Revegetation and restoration may be required as mitigation or compensation regardless of when the damage or degradation occurred.**

DEFINITIONS

Agricultural use means a "farm operation" conducted in a manner consistent with "normal farm practice" as defined in the Farm Practices Protection (Right to Farm) Act.

Buffer means an area of land that surrounds and protects an environmentally significant area (ESA) from the adverse effects of activities on, or encroachment from, adjacent land. The buffer is part of the EDPA.

Certified Tree Risk Assessor means a person qualified as a Pacific Northwest Chapter of the International Society of Arboriculture (PNW-ISA) Certified Tree Risk Assessor or a Wildlife/Danger Tree Assessor.

Development means any activity referred to in Section 920(1) of the Local Government Act and includes the:

- Removal, alteration, disruption or destruction of vegetation;
- Removal, deposit or disturbance of soils;
- Construction or erection of buildings and structures;
- Creation of non-structural impervious or semi-impervious surfaces;
- Construction of roads, trails, docks, wharves and bridges;
- Provision and maintenance of sewer and water services; and
- Subdivision of land where there is the potential to create conditions for impacts to an *ESA*.

Environmentally Significant Area (ESA) is the focus of each EDPA based upon one of the five ecological inventories shown in the Environmental Development Permit Areas Atlas and does not include *buffers*.

Fill means soil, sand, gravel, rock or other material that can be used to alter the contours of land.

Ecological restoration and enhancement projects means projects that assist in the recovery of an ecosystem that has been degraded, damaged, or destroyed.

Hazardous Tree is a *tree* which, because of its condition and location, has significant potential for personal or property damage, as determined by a *certified tree risk assessor*.

Isolated wetlands and watercourses means watercourses that are not connected to fish habitat, but provide other functions, such as habitat, aquifer recharge, and improving water quality.

Marine Backshore means the upland area of 15 m measured from the *natural boundary* of the marine environment including the Gorge and Portage Inlet.

Minor and inconsequential intrusion means when a small amount of the proposed overall development intrudes into an *ESA* area with inconsequential ecological impact as determined by the Manager of Environmental Services.

Mitigation means action taken to offset environmental damage or protect the environment from damage occurring.

Municipal Works and Services means connected, often linear, infrastructure such as utilities, roads, bridges, weirs, drainages, accesses, major trails, etc.

Native vegetation means an indigenous plant that occurs naturally in the area and is not introduced.

Natural Boundary means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long contained in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from the lands thereof in respect to vegetation as well as in respect to the nature of the soil itself.

Naturescape Principles demonstrate a commitment to stewardship; habitat creation and preservation; biodiversity; and water conservation according to Naturescape BC.

Non-native invasive vegetation means plants that are not indigenous to the geographic area and aggressively out-compete native vegetation resulting in reduced habitat and biodiversity.

Protected Root Zone means the area of land surrounding the trunk of a tree contained within a circle having a radius which is calculated by multiplying the diameter of the tree at breast height by 18; or alternatively, the area of land surrounding the trunk of a tree which has been specifically delineated on a plan as the critical root zone by an arborist certified by the International Society of Arboriculture or such other person as approved by permit issued by the Saanich Manager of Environmental Services.

Red and Blue Listed means rare and endangered species and ecosystems designated by the provincial Conservation Data Centre.

Soil means the soil, sand, gravel rock or other substance of which land is composed.

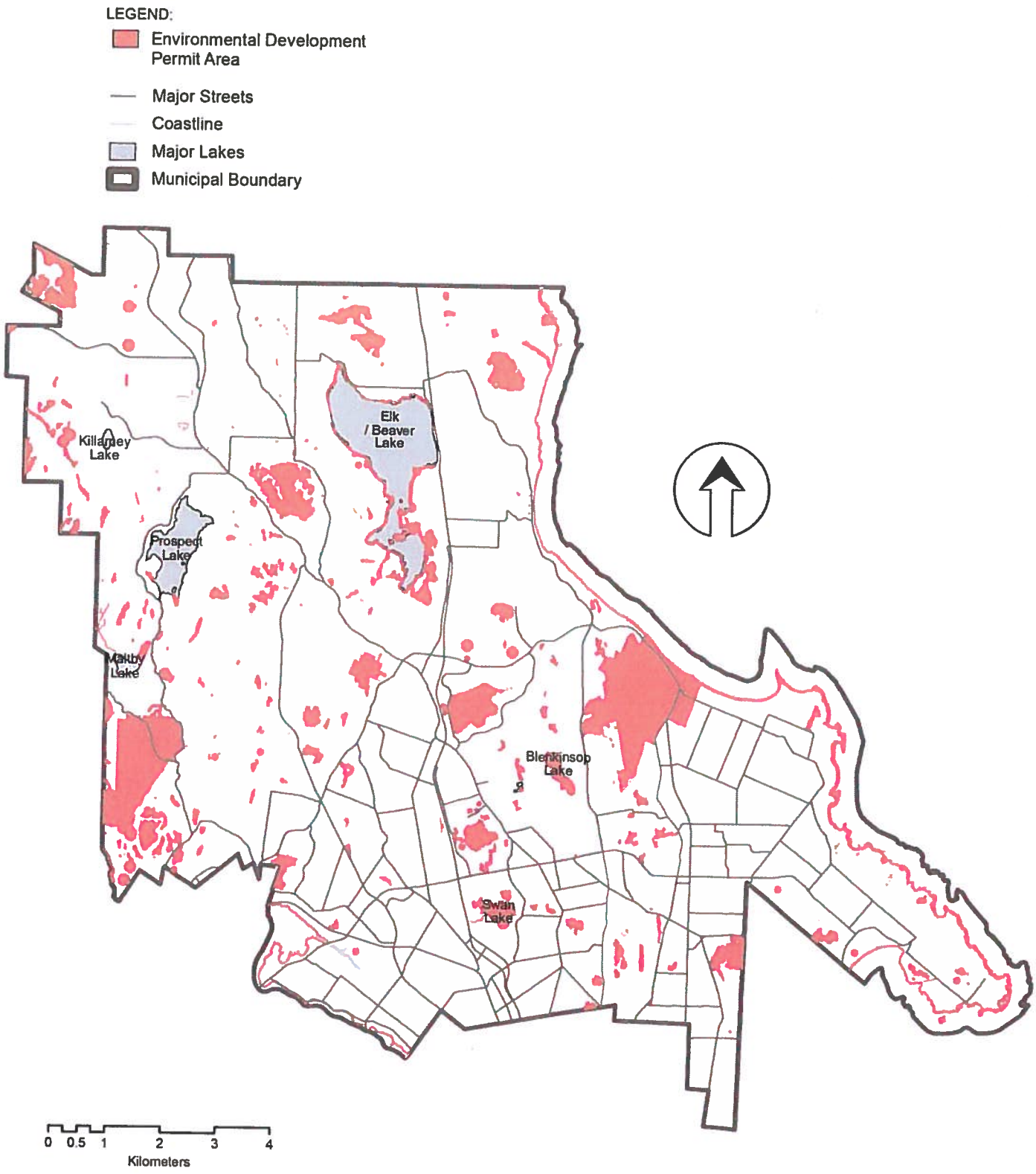
Tree means any living, erect, woody plant that is 5 m or more in height, or 10 cm or more in diameter.

Wetland means an area, not part of the active floodplain of a stream, which is water saturated for a sufficient length of time such that excess water and resulting low soil oxygen levels are the principal determinants of vegetation and soil development.

Wildlife tree means a tree that is identified in the Wildlife Tree Stewardship Program (WiTS) inventory shown in the EDPA atlas.

Vegetation means plants such as mosses, lichens, herbs, grasses, shrubs, and trees.

MAP 29 Environmental Development Permit Area



For details refer to Schedule 3 to Appendix N
to the Official Community Plan Bylaw, 2008 No. 8940.

G:\Protect_Adm\Local Area Plans\Dev_Per_Guidelines\maps\Current Maps\DPA Map 29 Feb 2012.ai

Seaview ✓

From: Jonathan Secter <jpsecter@sercbc.com>
To: <mayor@saanich.ca>, <Susan.Brice@saanich.ca>, <Dean.Murdock@saanich.ca>,...
CC: Chief Administrative Officer <paul.thorkelsson@saanich.ca>, Director of ...
Date: 9/28/2016 8:15 AM
Subject: For the Consideration of Saanich Council
Attachments: 2893 Seaview-Backshore Commentary.docx

Mayor & Councillors:

As a long term resident of Cadboro Bay village, the following report was recently brought to my attention:

/Report of the Saanich Director of Planning to Saanich Mayor and Council //
//on the subject of////
////Request for Removal from the Environmental Development Permit Area (EDPA)- File 2860-25 2893 Seaview Road.//
//September 13,2016

/
Accordingly, the attached commentary is herewith submitted for your consideration in relation to your forthcoming hearing on this issue.

Respectfully,
Jonathan Secter, R.P. Bio.

==========

Jonathan P. Secter, B.S.A., M.S., R.P. Bio.
Systems Ecologist / Natural Resource Planner
*SECTER ENVIRONMENTAL RESOURCE CONSULTING *
**P.O. Box 55054, 3825 Cadboro Bay Road, Victoria, BC V8N 6L8
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COMMENTARY ON

Request for Removal from the Environmental Development Permit Area (EDPA)

File 2860-25 2893 Seaview Road.

Reference is made to the September 13,2016 report of the Saanich Director of Planning to Saanich Mayor and Council on the subject of Request for Removal from the Environmental Development Permit Area (EDPA)- File 2860-25 2893 Seaview Road.

Page 6 of the subject report notes explicitly that:

> *The Marine Backshore* – as a specified Saanich EDPA Environmentally Significant Area (ESA) – *is based on a measurement, not an ecosystem boundary. The Marine Backshore* (per Saanich) *is the area as measured 15 meters from the* (undefined) *natural boundary of the Ocean.*

This in fact is a completely arbitrary and erroneous view of the term, which has led to clearly non – scientific and indefensible restrictions of the use of areas inappropriately designated as such.

(Marine) Backshore is a widely acknowledged well defined geological, physiographic and ecological term referring to:

- That area of a beach extending from the limit of high water foam lines to dunes or extreme inland limit of the beach. It is only affected by waves during exceptional high tides or severe storms. Sediments in this area are well-sorted and well rounded. Its grain sizes are mainly coarse sand and medium sand, which are larger than that in littoral barrier dune. The sedimentary structures include parallel bedding and low-angle cross-bedding.

- The zone of the shore or beach above the high-water line, acted upon only by severe storms or exceptionally high tides. It is that area of shore lying between the average high-tide mark and the vegetation, affected by waves only during severe storms.

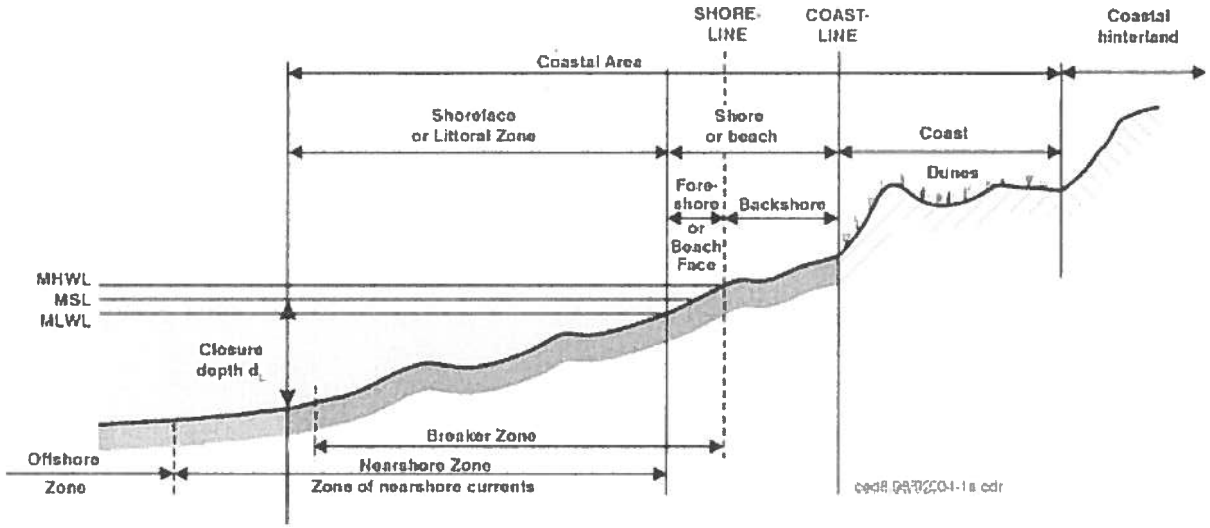
- The part of the seashore between the foreshore and the coastline covered by water only during storms of exceptional severity

- The area of a shore that lies between the average high tide mark and the vegetation. The backshore is affected by waves only during severe storms.

- The backshore as an upper shore zone above high-tide, is that part of the beach lying between the foreshore and coastline. The backshore is dry under normal conditions. It is often

characterised by berms and is often without vegetation. The backshore is only exposed to waves under extreme events with high tide and storm surge.

In lay terms, the backshore is 'the usually dry portion of the Beach'.



Diagrammatic definition of coastal terms.

Coastal Engineering Research Center, Department of the Army, Waterways Experiment Station, 1984. "Shore protection manual".

Accordingly, there is no defensible basis for the adoption and use of the erroneous arbitrary present official Saanich definition of the term "Marine Backshore" as a designated Environmentally Significant Area (ESA) within the EDPA.

With respect to the subject property, its present shore configuration and characterization is such to render the *de facto* backshore portion of the property to an area almost no wider than several meters shoreward of the sea-side property boundary, with its physical and ecological shore process functions long ago severely diminished, if not eliminated by the presence of protective rock placements and the incursion of invasive species.

Landward of that remnant backshore area, there is no scientific or technical justification for considering any of the balance of the subject property to be "Marine Backshore". Furthermore, in that the balance of said property is acknowledged to be characterized by lawn, garden, 3 Douglas firs and an area of invasive species, with no Garry Oaks, rare plant species, or native plant cover present, there clearly is no logical or justifiable basis for retaining any but a small shore-front strip of this property within the EDPA.

Jonathan Secter, R.P. Bio.
September 25, 2016

2860-25 Seaview

Clerksec - For the Further Consideration of Saanich Council re 2893 Seaview Road

From: Jonathan Secter <jpsecter@sercbc.com>
To: <mayor@saanich.ca>, <Susan.Brice@saanich.ca>, <Dean.Murdock@saanich.ca>,...
Date: 11/6/2016 2:28 PM
Subject: For the Further Consideration of Saanich Council re 2893 Seaview Road
CC: Chief Administrative Officer <paul.thorkelsson@saanich.ca>, Director of ...
Attachments: Commentary re Revised Staff Report 2893 Seaview Road -6 Nov2016.pdf

Mayor & Councillors:

The attached commentary on the October 27,2016 revised Report of the *Saanich Director of Planning to Saanich Mayor and Council on the subject of Request for Removal from the Environmental Development Permit Area (EDPA)- File 2860-25 2893 Seaview Road* is herewith submitted for your consideration in relation to your forthcoming dicussion of this issue on November14th .

Respectfully,
Jonathan Secter, R.P. Bio.

==========
Jonathan P. Secter, B.S.A., M.S., R.P. Bio.
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COMMENTARY ON
The October 27, 2016 revised report of
the Saanich Director of Planning to Saanich Mayor and Council
on the subject of
Request for Removal from the Environmental Development Permit Area (EDPA)
File 2860-25 2893 Seaview Road.

November 6,2016

This submission, and my initial commentary of September 25, 2016 on this topic are offered in my capacity as a long term Saanich resident of both Cadboro Bay Village and Gordon Head, with a lengthy career involvement in the fields of applied ecology and coastal zone management (17 years in the public service of Canada and of British Columbia; 28 years as an independent consultant based in Saanich). I have no connection with the owners of the subject property.

A. Corrections to and Commentary on New and Continued Assertions

Page 1 The Proposal states, *"A subsequent biologist report states that only a small portion of the Marine backshore should remain'* . That assertion by staff is incorrect. In fact, my earlier commentary on this issue clearly states that " only a small portion of the subject property can correctly be considered to constitute Marine Backshore, and that there is no technical justification for retaining any more than that portion of the property within the EDPA".

Page 6 Paragraph 2 The subject report continues to assert that that" *Saanich has produced several studies and inventories to verify 15 m as an appropriate marine setback for an EDPA".* The list of titles explicitly provided by Saanich in support of that statement is as follows here:

- District of Saanich Marine Shore Resource Analysis, 1976 (if you wish to view this document, please make an appointment)
- Shore Protection Analysis, 1978
- Saanich Marine Shoreline Survey, 1999 and 2000 (2 Reports attached. If you wish to view the field sheets and photographs, please make an appointment)
- Review of Saanich Marine Shoreline Resources and Options for Protection, 2004
- Regulation Review for Shoreline Protection and Development, 2006 (attached)

Response: Commentary on the 5 immediately available items based on examination and review of the contents thereof are as follows:

Shore Protection Analysis, 1978

No mention or discussion of protective setback and/or buffer widths – either of a blanket or site specific nature - were found anywhere in this document.

Saanich Marine Shoreline Survey, November 29th – December 10th,1999

Nothing was found in this document which referred to setbacks or buffers either in general or of any specific width.

Saanich Marine Shoreline Survey, April 3 – April 28, 2000

Nothing was found in this document which referred to setbacks or buffers either in general or of any specific width.

Review of Saanich Marine Shoreline Resources and Options for Protection, 2004

- A mis-titled Table 2 *Range of Habitat Values for Various Widths of Vegetative Buffers* is presented on page 3 of this document attributed Desbonnet et al 1994 as cited in Desbonnet et al 1995, (Development of Vegetated Buffer Programs Coastal Management 23: 91-109). This table in fact presents a '**range of buffer widths for various habitat types and features meriting protection**'. However, nowhere in the text of the base document are any criteria for the array of buffer widths presented in this table either offered or discussed.
- On Page 51 under **Recommendations**, this document notes that " The width of the DAP or specific by-law review zones for other municipalities has ranged from 15 - 30 meters" , with no discussion as to the derivation of those widths. However ,it goes on to appropriately assert that "The width of the DPA should be based on a scientifically-defensible figure, that may differ from freshwater streams, and may vary according to the environmental sensitivity of the site". The subject paragraph expressly acknowledges that as applying also to the establishment of setback widths from marine shores.
- No specified protective buffer and setback widths or criteria in support thereof were found elsewhere in the text of this document.

Regulation Review for Shoreline Protection and Development, 2006

- Saanich Zoning Bylaw 8200 that regulates setbacks from the natural boundary of the ocean to any structure is presented on Page 5 of this document. No criteria for any of the setback widths prescribed in this by-law are provided or discussed.
- Clause 5 of the Saanich Tree Cutting Bylaw presented on Page 6 states ' 5 streams: no trees to be cut down within 15m of the natural boundary of a watercourse (defined in App.B of Bylaw 7501 Natural Watercourse bylaw)'. No criteria for that setback width are provided or discussed .
- No specified protective buffer and setback widths or criteria in support thereof were found elsewhere in the text of this document.

CONCLUSION: The above findings based upon examination of 5 of the 6 listed documents, clearly show that no such verification is either provided in or possible from any of the referenced documents reviewed.

The sole apparent rationale for selection of protective setback widths of 15-30 meter setback by the Saanich EDPA appears to be that these are used by other municipalities and senior government jurisdictions operative in BC . No objective technical criteria in support of these fixed setback widths on the part of Saanich or any other user recently referenced has been offered.

It is a fact that in a great many situations the area adjacent to a stream or marine shore that links aquatic to terrestrial ecosystems and that contains vegetation that exerts an influence on the stream or shore is often far less in width than the 15 or 30 meters arbitrarily prescribed by other jurisdictions, and borrowed by the Saanich EDPA by-law. It is of course acknowledged that in some locations that area may well be much greater that of 15 or 30 meters in width.

Such an expanse is appropriately determined by the configuration of the adjacent terrain, the physical and ecological character of the stream bank or shorescape, and by the extent of true riparian vegetation present in the case of streams, and the extent of the functional bio-physical backshore and prevailing local sea-states in the case of marine shores. It is areas defined by these factors which merit diligent protection, and similarly those areas which have a potential for realistic enhancement.

Page 7 Paragraph 1 states *that " A commentary submitted.....states that Saanich's use of the term marine backshore is erroneous because it should be defined as ..... based on references found on line in Wikipedia and dictionary.com".*
Correction: My comment in this regard correctly noted that the use and application by Saanich of the term `backshore` has no relationship to the widely accepted geographically and ecologically based definitions of that term. The listed definitions of 'backshore' which I provided at that time are found in the full array of general and scientific dictionaries and throughout the technical coastal management literature.

Page 7 Paragraph 2 refers to the use of the term ."*marine riparian".....with reference to widespread discussion about the terminology in BC about the upland that follows the marine coast"* as *"gaining favour and sometimes being used interchangeably with marine backshore"*
Response: Within the full array of general and scientific dictionaries and throughout the technical ecological, and geographic and legal literature, the term '**riparian'** is defined as " relating to wetlands adjacent to rivers and streams". A **riparian zone** or riparian area is the interface between land and a river or stream. Riparian vegetation are those habitats and plant communities along river & stream margins characterized by hydrophilic plants.

The counterpart technical term applicable to shores in coastal environments is the **"litoral zone**', which refers to the full expanse of the shore system from the upper bounds of the functional backshore outward to beyond the inter-tidal foreshore. And within all that the "**marine backshore**" component is "that zone of the shore or beach above the high-water line, acted upon only by severe storms or exceptionally high tides. It is that area of shore lying between the average high-tide mark and the vegetation, affected by waves only during severe storms.

Page 7 Paragraph 2(more) This paragraph goes on to state that *"The CRD, Department of Fisheries and Oceans , Victoria & Esquimalt Harbours Environmental Action Program, GreenShores, Shorekeepers and Saanich use the term marine backshore".*
Response: The question here is "to mean what?!?".

Page 7 Paragraph 3 emphatically notes that *" it is clear that from the EDPA the marine backshore is defined as the area immediately above the natural boundary of the ocean"*
Response: While seemingly OK semantically, this definition is clearly directionally inadequate. The obvious remaining questions here are a) what is meant by " the natural boundary of the ocean?" and b) what is meant by "immediately above?", and c) what defensible scientific criteria are used to support this? In the absence of clarity on these points, the definition provided

is meaningless as it provides no guidance or defensible criteria for the expanse of a "marine backshore" or for a warranted protective setback therefrom.

The unwarranted persistent mis-use of standard technical terminology is in no way intellectually responsible.

Moreover, the declaration via administrative fiat or via policy edict that something is to be defined and regarded as that which it is not is neither operationally supportable nor administratively defensible. Nor should it be considered to be socially or politically acceptable.

B. On the Recommendations of the Subject Report

Page 8 RECOMMENDATIONS The subject staff report recommends "*that the request to remove the Environmental Development Permit Area from the subject property not be supported*" for 6 reasons, each of which is uniformly specious:

~Bullet 1 states *"Saanich Official Community Plan policies support the protection and restoration of Marine Backshore.*
Response: Acknowledged. But in this regard, it is again noted that most of the subject property in no way constitutes 'marine backshore'.

~Bullet 2 states *"There is no issue of mapping accuracy".*
Response: There in fact is a very real issue of mapping accuracy here. The entire property, most of which in no way physiographically or ecologically constitutes 'marine backshore', is erroneously mapped as 'marine backshore';

~Bullet 3 states *"The proposed mapping by the applicant's biologist does not meet the EDPA definition of marine backshore"*
Response: Of course it doesn't, nor should it be expected to do so! The Saanich EDPA definition of 'marine backshore' is wholly inadequate and has been erroneously applied to the totality of the subject property.

~ Bullet 4 states *"The owners are able to continue to use their lawn as they are accustomed (lawn mowing, gardening, moving lawn furniture)"*
Response: This statement raises the question, 'Why then were the lawn and garden areas of this property placed in the EDPA at all?'.

~ Bullet 5 states *"Any property on the Gorge, Portage Inlet and on Saanich's outer coast could similarly seek removal".*
Response: Of course they could, just as they can now, and as would be their right, based on site specific physiographic and ecological realities.

~ Bullet 6 states " *Improvements as result of the EDPA consultant review may help to reduce some of the concerns of the owner*"

Response: This assertion is wholly conjectural. As well, the implementation of any pertinent improvements derived and adopted therefrom will likely not be in place to correct the present situation for at least another year from now.

There is no way that the facts associated with subject application warrant a recommendation that *'removal of the EDPA area from the subject property not be supported'*

.

Jonathan Secter, R.P. Bio.

Saanich,B.C.

November 14, 2016

Dear Mayor and Council,

Re: Request for Removal from the EDPA – 2893 Sea View Road

I am concerned there continues to be misinformation and fear regarding the intent of the EDPA by-law.

In the referenced situation, the property owners requested the marine backshore and buffer be removed from their property based on what can only be a misunderstanding, specifically that "activities such as lawn mowing and gardening cannot be carried out without approvals," and because "there are no Garry oaks on the property".

I do not have specialized knowledge on the subject of marine backshores and buffers, and do not pretend to understand much of the content in the 22 pages of reports and diagrams, pro and con, included on Council's agenda about the property. Perhaps other Saanich residents might feel the same. But I do believe, much of the confusion and misinformation comes with a human cost: Confused property owners will swamp the municipality asking for clarification, and numbers of property owners will make needless requests to be removed from the EDPA. Time, money and resources might be better spent.

To avoid misinformation and provide clarification, it would be helpful to provide some perspective and balance such grievances with facts.

At past municipal meetings, Mayor and Council said it would offer that perspective and gather the information needed to make informed decisions; that an external review including public input (gathered at open houses and from letters, town halls, etc., related to EDPA) would be shared with Saanich residents; that a consultant has been hired to review Saanich EDPA policy and practices.

Apparently the Sea View Road property owners are not planning to build any structure onsite in the near future. Their only wish is to continue landscaping and gardening, and to enjoy the property they have cherished and managed for over 30 years.

In many ways this situation appears to be a non-issue. Therefore, given the pending review and consultant's EDPA findings, I ask Council to not support the request to partially remove the property from the Environmental Development Permit Area.

Thank you for this opportunity to comment.

Sincerely,

Carmel Thomson
4380 Prospect Lake Road
Saanich, V9E 1J3

2860 - 25 Sea View

From: TONY GAGE [redacted]>
To: <council@saanich.ca>
Date: 11/12/2016 10:34 AM
Subject: EDPA

Unfortunately, I can't make the meeting re above. My wife and I live at 2705 Tudor Avenue which is a property covered by the EDPA Act. I find it distressing that Council and Staff have pursued the strategy of overriding private property rights to the extent covered by this Act.

Yours truly,

Tony Gage

Sent from my iPad

2860-25 sea vie

Council
Administra
Media

November 13, 2016

Dear Mayor and Council,
I am writing with respect to the application to remove the Seaview property from the EDPA. I do not support the application and urge Council to accept the Planning Department's recommended Option 1, to wait until the EDPA study initiated by Council is completed and any proposed changes are made to the bylaw before considering this application

I support Option 1 for the following reasons . . .

1. The applicant has not applied for a development permit. If they are not planning to develop their property, why are they are seeking removal from the EDPA at this point in time?
2. In their submission, the applicant states that one of the reasons for bringing their request forward is that they want to be able to mow their lawn and move garden furniture around. These activities are not forbidden in EDPA areas and information to this effect is readily available on Saanich's website, in printed material and by calling Saanich to enquire. They needn't have their property removed from the EDPA to participate in these activities.
3. A piecemeal approach for dealing with properties such as this will result in:
   a) non-continuous, fragmented areas of marine foreshore, riparian or other environmentally sensitive habitat that will diminish or eliminate the ability to achieve stated environmental goals, and
   b) create precedents that will make it very difficult or impossible to reject similar requests for removal by other landowners.
4. Council initiated a process to review the EDPA bylaw, has hired a consultant to conduct the review and also funded a report looking at claims that property values would be diminished for homes within EDPA areas. Neither of these reports has been concluded and/or made available to the public. If the applicant is not seeking to develop his/her property, and there is no indication that this is the case in their presentation, why not wait for the results of the review and the Rollo report before entertaining removal requests?
5. Lastly, I want to address the process step that requires a property owner seeking to develop in an Environmentally Sensitive Area to seek the services of a Qualified Environmental Professional.

According to the Government of BC's website, "a qualified environmental professional (QEP) is an applied scientist or technologist who is registered and in good standing with an appropriate B.C. professional organization constituted under an Act." The QEP must be acting under that association's code of ethics, and is subject to the organization's disciplinary action.

A qualified environmental professional could be a professional Biologist, Agrologist, Forester, Geoscientist, Engineer, or Technologist. Qualified

environmental professionals "can conduct assessments as individuals or together with other qualified environmental professionals. *They must have an area of expertise that is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report for the particular development proposal that is being assessed. They will only be considered a qualified environmental professional for that portion of the assessment that is within their area of expertise, as identified in the assessment methodology.*"

Registered Professional Biologists are QEPs according to this definition. According to the College of Applied Biology, the organization that grants this designation and enforces the rules of entry and conduct that are legally binding on members of the profession, applied biology professionals are required to stay up-to-date through professional development and can be subject to random audits or in-depth practice reviews to ensure they are practicing competently and ethically.

The College's website lists current members and includes 18 Registered Professional Biologists practicing on Vancouver Island, seventeen of whom are active practitioners including Ms. Pollard, Saanich's Manager of Environmental Services. Only one of the eighteen RPBs registered on Vancouver Island is listed as retired. The properties that have so far sought removal from the EDPA on Rainbow Street, the Phillips' property and the Seaview property being discussed tonight have all used the same RPB, the one Vancouver Island RPB listed as being retired, whose word, whether speaking of coastal bluff, marine backshore or Garry Oak meadow, is being pitted against the staff RPB, Ms. Pollard. It seems inappropriate that Council should be asked to cast the deciding 'vote' to break this tie and to not support the recommendations made by their own qualified staff person.

SAFE has previously recommended that Saanich consider establishing an ecological advisory committee that would have broad representation from knowledgeable citizens in Saanich who can advise staff and Council on ecological decisions pertaining to the EDPA and related issues going forward.

In a previous submission, the Quadra Cedar Hill Community Association recommended considering a refinement to the mandate of the existing Environment and Natural Areas Advisory Committee to enable it to focus primarily on matters of natural areas management, conservation and restoration rather than its current broad scope. They went on to say "the membership of the committee could be enlarged and expanded to include more regional expertise that would provide critical advice to Saanich staff and Council. This is consistent with advisory councils (e.g. Regional Municipality of Waterloo's Environmental and Ecological Advisory Committee) in other municipalities and would go a long way to defusing technical and procedural issues that arise."

I believe the application for removal from EDPA should be tabled until such time as the review, called for by Council, has been completed so that such weighty and consequential decisions can be made with a greater degree of confidence that you are doing the right thing, not only for the citizens of today but for the citizens of tomorrow and the species with which they share the earth.

I urge you to accept Option 1. Thank you.

Sincerely,

Susan Haddon
Member, Saanich Action for the Environment (SAFE)

November 13, 2016

To: Mayor and Council

Corporation of the District of Saanich

RE: Request to remove EDPA designation on 2893 Sea View Road

I have read the request for removal the 2893 Sea View Road from the Marine Backshore EDPA designation, and the support document by Ted Lea R. P. Bio.

I am a biologist with extensive experience on south Vancouver Island ecosystems, restoration of ecosystems and climate change.

Before I provide my ecological view on this request, let me suggest that the owner's concerns for use of property be given fair consideration. From what I can see, there may be reasonable ways of accommodating them without removing the property from the EDPA.

I ask that you consider the following "Big Picture" points when it comes to deciding on this request.

Saanich Council made a thoughtful forward-looking decision when it passed the EDPA by-law. It considered known sensitive ecosystem but also looked toward a future when our diminished and fragmented natural landscapes would recover from their current highly degraded state.

Accordingly, the decision to place in the EDPA the Marine Backshore located 15 m inland from the ocean shoreline was very wise. Ecologically it is well understood that natural features, especially narrow ones like lake shores and stream courses, need natural or semi-natural zones next to them, or such features have little hope of functioning ecologically. Furthermore, it is also well understood that natural features especially linear ones like shorelines need to be continuous for animal species to use, for plants to spread, and ecological processes to persist.

These ecological features are not strictly defined by the presence of a single species such as Garry oaks, or even strictly native species. Trees and shrubs of non-native species can easily give cover and even food providing the opportunity for key ecological processes until native species are re-established. The presence or absence of rare plant species is only one way of defining such areas. Fungi, invertebrates, passing use by vertebrates, soil formation and many other essential attributes of biological diversity are also critical. Many of these are not seen or even well understood. But they establish the vital context, the template, for the rare species. Furthermore, these "unseen" features also hold forth the possibility of restoration.

In my opinion it is essential that the EDPA remain so that further fragmentation and severing of the shoreline does not begin with this request and spread to other shoreline sites. For then the entire idea of a functioning shoreline zone begins to fall part.

There is more to this issue than simply extant or even restored ecosystems. Shoreline ecosystems are at especially high risk because of Climate Change. Sea levels are rising and at a minimum are expected to increase by 1 m within this century and possibly as much as 4-5 metres depending on how quickly the Greenland ice sheet melts (and it is melting quickly). Most of the EDPA Marine Backshore on this property is below 4m (see attached Figure). With a 1 m sea level rise the foreshore and shore will move inland and EPDA buffer be diminished. With much more of a rise shoreline connectivity will be severed.

The Marine Backshore zone provides not only a buffer for the shore zone and a narrow one at that, it provides ecological insurance for an uncertain future.

I am not sure how large Zone A in the Ted Lea proposal is, but my impression is that it is not extensive.

I urge you to keep the 15m EPDA zone and find other ways to meet concerns of the property owner.

[redacted]

Richard Hebda Ph. D.

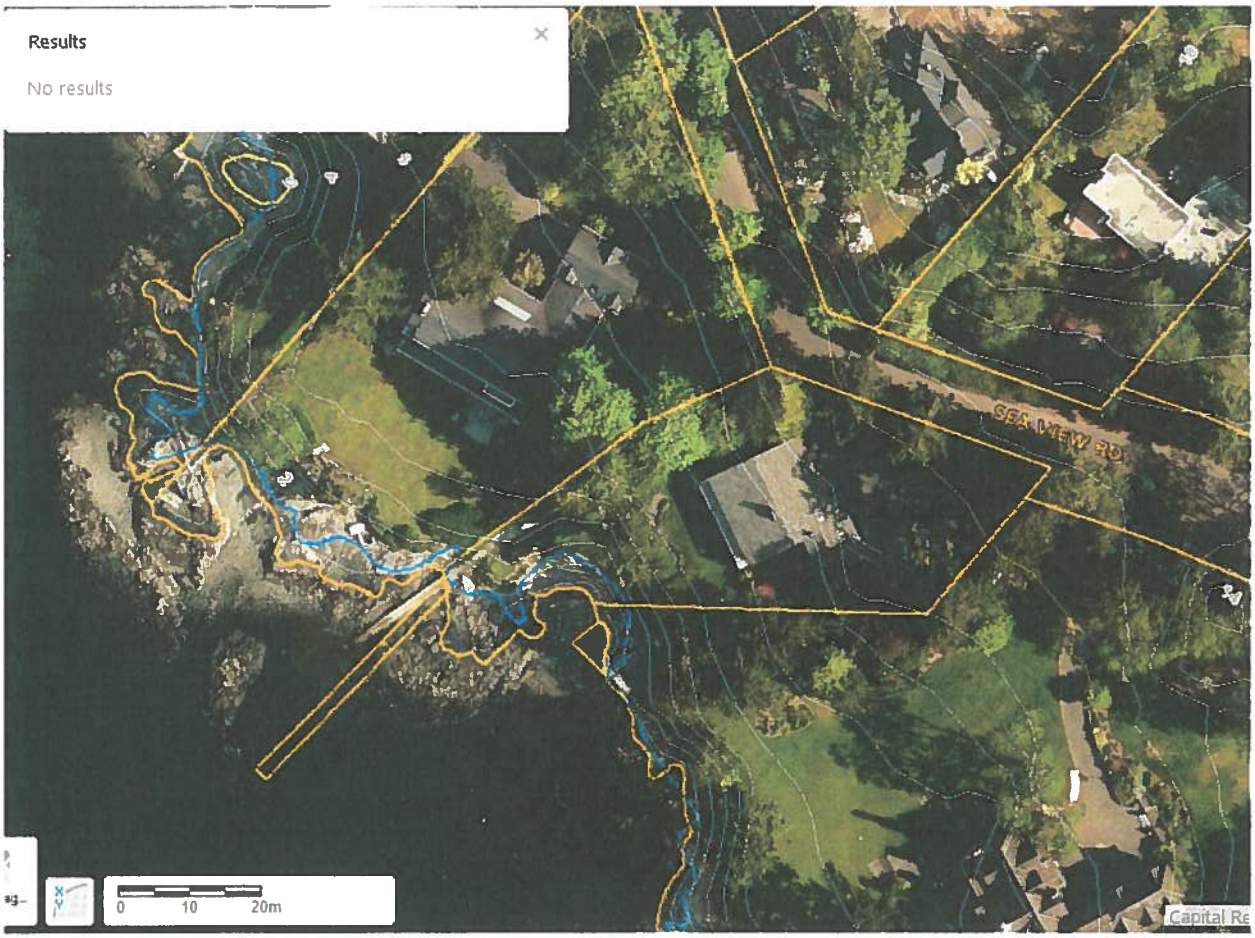
[redacted] Durrance Rd.,

Victoria, BC.

[redacted]

(Saanich Resident)

Figure 1: Aerial image of 2893 Sea View Road at centre of image. Taken from CRD Atlas showing 1 m contour lines.



2760 - 25 Sea View

Clerksec - EDPA - Saanich - Council Meeting November 14, 2016.

From: Bill Morrison <billkymber@shaw.ca>
To: Richard Atwell <mayor@saanich.ca>, Susan Brice <susan.brice@saanich.ca>,...
Date: Wednesday, December 21, 2016 8:56 PM
Subject: EDPA - Saanich - Council Meeting November 14, 2016.
CC: Saanich Citizens For A Responsible EDPA <saanichcrepa@gmail.com>, Diamond...
Attachments: EDPA SEA VIEW ROAD.docx

Good Evening:

As a member of the public I spoke at the above Council Meeting. However the on-line Minutes of The Meeting do not display the content, in full, of my remarks. As a result I have attached a copy of my full remarks for public record.

I also have three remarks with respect to the meeting. Firstly, the EDPA portion of the meeting was with regards to the removal of 2893 Sea View Road from the EDPA. Saanich Staff recommended that the property not be removed from the EDPA and the Director of Planning provided Staff input where requested. I did note that the Manager of Environmental Services was not present. I thought her absence was odd as the issue being discussed was the environment and she is a primary author of the Staff Report recommending the non removal of the above property. I make this remark based upon my 37 1/2 year career in the area of taxation administration. During that period I was, at times, confronted with some very contentious and complex issues where emotions ran high. Yet I always personally defended my position on those issues, even when safeguards had to be taken to protect my physical safety. Consequently, from a professional perspective, I would have thought the Manager of Environmental Services would have been eager to defend her position in person at the meeting of November 14, 2016. Further, on balance, most of those who spoke at the meeting stuck to the issue at hand and behaviour, in general, was courteous and civilized.

Secondly, I was very dismayed at Mr. Dermanâ€™s characterization of the work performed by Ted Lea on behalf of the owners of the Sea View Road property. Mr. Lea is a Registered Professional Biologist and performed his environmental review based on the scientific circumstances of the property at 2893 Sea View Road. I thought Mr. Dermanâ€™s remark(s) was/were an inappropriate use of his position as an elected legislator to make a **personal point(s)**. I do applaud those Council members who reiterated that â€œprofessional opinionsâ€ are needed and relied upon. This is true in many human endeavours, whether it be a building inspector, medical doctor etc. The code of ethics used by professionals are the foundational base that support professional opinions which make society a better place for all citizens.

My third remark pertains to the public hearing that will be held regarding the Sea View Road property. I am of two minds in this regard. On one hand I am disappointed that a public hearing is needed as the owners of the property have met ALL THE REQUIREMENTS of the EDPA Bylaw and as such have complied with the RULE OF LAW. By not immediately removing the property from the EDPA, Saanich have violated the Rule of Law and as such, are breaking the law. On the other hand by dictating that the property now be subject to a

public hearing, Council are self admitting that the EDPA Bylaw as currently written and administered is seriously flawed. This also was highlighted on the Adam Stirling radio show November 17, 2017, in the segment featuring Bernard Von Shulmann, of **no fixed address**. During that segment David Screetch, Mayor of View Royal, phoned in to address his concerns regarding Saanich's EDPA Bylaw.

Thank you for your time.

Bill Morrison
B.Comm.; CPA; CMA

November 14, 2016

My name is Bill Morrison. I reside at 945 Woodhall Drive.

I am supporting the application for the partial removal of 2893 Sea View Road from the EDPA, as has been requested. The applicants have very conscientiously and patiently fully complied with all the requirements of the EDPA Bylaw including the submission of a Biologist Report in support of their request. As such, they have obeyed the law and are completely observing the Rule of Law. Further, by granting this exemption, The Municipality of Saanich would be observing the Rule of Law.

Regards,

Bill Morrison
B.Comm.; CPA; CMA

2860-25 Sea View

Council
Administrat
Media

POSTED
COPY TO
INFORMATION ☐
REPLY TO WRITER ☐
COPY RESPONSE TO LEGISLATIVE DIVISION
REPORT ☐
FOR
ACKNOWLEDGED:

Dear Mayor and Council,

The owners of 2893 Seaview property have requested to have most of their property removed from the Marine Backshore EDPA. The applicant has not applied for a development. This request is based on the owner's desire not to have to obtain approval from Saanich for maintenance of the existing garden. Also the owner notes that the property does not contain any Garry Oak trees.

I am surprised the owner is requesting removal on this basis. The EDPA has numerous exemptions which include the maintenance of existing gardens, landscaping and agriculture; and the placement of impermanent structures such as benches, tables and ornaments.

No approval from Saanich is required for maintenance of existing gardens or moving furniture. Did the owners contact Saanich or read existing material or were they misinformed by other landowners? Why is so much staff, public and Council time being spent on this request?

I suspect the real reason for the request is to set a precedent for the withdrawal of other properties located on the coast, Gorge Waterway and Portage Inlet. The two consultant reports attached to the Council agenda lead me to suspect this is the reason.

I support the staff report and their recommendation, Option 1 i.e. Do not support the request. I also support a review of the Marine Backshore DPA designation and objectives but for different reasons than the two consultants who are supporting removal of the EDPA from the Seaview property.

Here are my reasons:

(#1) Other local governments in the CRD and elsewhere have or are considering shoreline development permit areas. They have done this for ecological, social and economic reasons referring to the Local Government Act sections 919.1 (1) (a) for protection of the natural environment, its ecosystems and biological diversity; and 919 1 (1) (b) for the protection of development from hazardous conditions.

Several local governments including our immediate neighbours, Districts of Oak Bay and Central Saanich have included the foreshore area in their shoreline development permit areas. The foreshore is the area between high and low tides. This approach recognizes the biological and physical connections between the land and sea and also serves to manage the foreshore as a public resource.

For example, the 2014 OCP for Oak Bay (page 169) describes the Shoreline Development Permit Area as follows: All those upland and foreshore areas measured horizontally **above and below and within 15** metres of the natural boundary of the sea, including the entire shoreline forming the south and east boundaries of Oak Bay.

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The objectives of the District of Oak Bay's Shoreline Development Permit Area are:

- To preserve and protect aquatic and shoreline habitat in order to support species biodiversity and natural ecological function, as well as the economic vitality of fisheries
- To guide development to occur in a manner that minimizes environmental impacts upon aquatic and shoreline habitat, fish and wildlife
- To protect the integrity of the foreshore, shoreline and natural coastal and intertidal processes
- To conserve and manage the foreshore as a public resource
- To protect development from flooding associated with sea level rise

(#2) Saanich should be planning for a sea level rise somewhere around one metre by 2100. The new navy docks are being built assuming to withstand a 1.25 rise. With sea level rise there will be higher storm surges, resulting in increased flooding and erosion along the shorelines. A 2015 CRD study assessed the impact of sea level rise combined with a storm surge on 24 focal areas likely to be at risk of flooding . Two of these were in Saanich: the Gorge (District of Saanich jurisdiction) and Cadboro Bay. Based on 2014 BC assessment data the economic value of these two areas were 46.2 and 68.6 million, respectively. Most of this value was in residential properties.

Saanich's shoreline development permit area should consider future sea level rise.

(#3) The District of Central Saanich has guidelines for different types of shorelines. This may be a useful approach for Saanich.

Finally I would like to present some points to counter some of the criticisms raised by the property owner's consultants:

- No native vegetation. Any vegetation, native or non-native, is preferable to no vegetation. Any vegetation will provide some of the benefits associated with land vegetation by the coast, e.g. minimizing erosion, run-off and contamination from pollutants. Impermeable surfaces will not. When the property is developed in the future, there will remain opportunities to increase native vegetation.

- Use of the term "Marine Backshore". In common usage, marine backshore is used to define the land above the high water mark. However many "backshore " definitions state that it is the area extending from the high tide limit to the extreme limit of waves and tides (although this is difficult to determine in some cases). However Saanich's DPA clearly defines the Marine Backshore as extending 15m from the natural boundary. Perhaps Backshore is not the most appropriate term and "Upland Area" as per the Oak Bay DPA may be better. However the intent is very clear.

- Best Available Science for the marine riparian

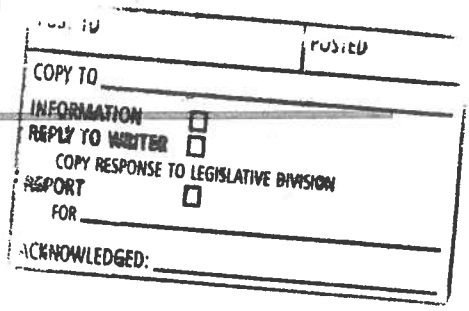
  Through cooperation between Washington State's Puget Sound Action Team (PSAT), and Fisheries and Oceans Canada (DFO), a workshop was convened in February 2004 to address the state of scientific knowledge for managing the riparian areas of marine shorelines. By assembling a group of expert practitioners, the workshop was intended to define current knowledge and management approaches, and solicit interim management advice for these areas pending future study. See 2004, PROCEEDINGS OF THE DFO/PSAT SPONSORED MARINE RIPARIAN EXPERTS WORKSHOP, TSAWWASSEN, BC, FEBRUARY 17-18, 2004 (on-line)
  There may be more recent scientific information available but I have not had a chance to follow-up with DFO.

  In any case, as of 2004, these are some of the key points of consensus:
  - The marine riparian (MR) was recognized as a dynamic ecotone [transition between land and sea] of importance to fisheries.
  - In the highly developed regions of Puget Sound, WA and the Strait of Georgia, BC, city planning guidelines and legislation toward regulating land management practices on private property were of foremost concern. Shoreline armoring and modification as well as upland vegetation removal were the most cited issues in urban areas for which more information was needed.
  - Literature referring specifically to the MR was recognized to be deficient, *though many participants felt that extrapolating from an abundant freshwater riparian literature should provide management guidelines in lieu of better information.* In the absence of scientific advice specific to marine riparian areas the Department of Fisheries and Oceans (DFO) habitat management has borrowed standards from freshwater environments and has modified these based on several biological and socio-economic criteria. Note: these are for fisheries values only.
    - Urban commercial /industrial/high density residential – 30M from high water mark
    - Urban low density residential -15m from HHW
    - Undisturbed crown foreshore adjacent to "sensitive habitats" -100m plus wind firm boundary. Sensitive marine fish habitats used for the purpose of applying a 100 m marine riparian setback standard on crown forest foreshores include the following: estuaries, eelgrass meadows, kelp beds, herring and forage fish spawn areas, salt marshes, mudflats, rocky reefs providing rockfish spawning or rearing habitat, salmon spawning areas, and nursery/rearing and adult holding areas

Thank you for the opportunity to comment.

Sincerely,
Lynn Husted [redacted] Cyril Owen Place

2860-25 Seaview

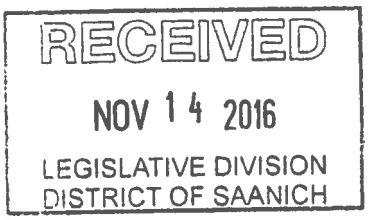


Clerksec - 2893 Seaview Rd EDPA Reduction Application

From: GRIFF TRIPP <[redacted]>
To: <clerksec@saanich.ca>
Date: 11/13/2016 4:17 PM
Subject: 2893 Seaview Rd EDPA Reduction Application

Good evening Mayor and Council;
Thank you for continuing to move this process forward. We are out of town and thus can not attend the meeting on Monday to express our appreciation for your progress on the process.
We would also like to state our support for Dr. Guy Screech and Vicki Screech in their application to have the EDPA reduced on 2893 Seaview Rd. property.
Looking forward to more good work from Mayor and Council.
Respectfully yours
Griff and Pat Tripp
[redacted] Cordova Bay Road
Saanich

Council
Administra...
Media

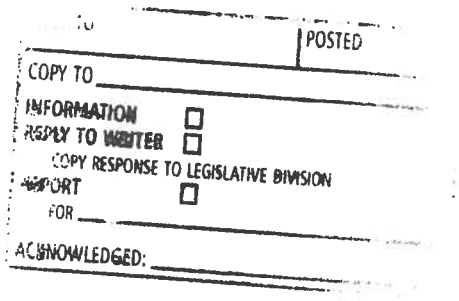


Clerksec - File 2860-25 2893 Seaview Road - Request for Removal from the EDPA

Council
Administration
Media

From: <gvmorrison@aol.com>
To: <ClerkSec@saanich.ca>
Date: 11/14/2016 3:14 PM
Subject: File 2860-25 2893 Seaview Road - Request for Removal from the EDPA

To:
Mayor and Members of Saanich Council
Municipality of Saanich
770 Vernon Ave
Victoria, BC V8X 2W7



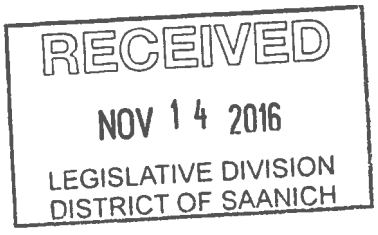
From:
Gary Morrison
3025 McAnally Rd
Victoria, B.C. V8N 1T3

Re. File 2860-25 2893 Seaview Road - Request for Removal from the Environmental Development Permit Area (EDPA)

I support the removal of this property from the EDPA because the report from Jonathan Sector, R.P. Bio. dated September 25, 2016 indicates that there are no rare plant species or native plant cover on the property and the actual backshore is minimal. Furthermore, much of the "Marine Backshore" in Saanich is solid granite that holds no vegetation and is so steep that there is very little horizontal depth to it. These areas have no place in the ESA designated by the EDPA.

Council needs to accept and embrace the independent scientific evidence regarding the ongoing issues surrounding backshore and native species. Ignoring or continuing to deny the data would place council in the same group that denies Greenhouse Gases (GHSs) or global warming.

Be more concerned with doing the right thing than with setting some precedent. Remove this property from the EDP



The Corporation of the District of Saanich

Mayor
Councillors
Administrator
Council
Administrator
Media

Report

To: Mayor and Council

From: Sharon Hvozdanski, Director of Planning

Date: February 15, 2017

Subject: Request for Removal from the Environmental Development Permit Area (EDPA)
File: 2860-25 • 4015 & 4033 Braefoot Road; 4004, 4010 & 4024 Malton Avenue

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PROJECT DETAILS

Project Proposal:

The applicants are requesting that the subject properties be removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA). The properties were originially included in the EDPA to provide enhanced protection to the Woodland ecosystem.

The request is based on the submissions by Ted Lea which indicate that there is no Woodland Sensitive Ecosystem on the properties.

Addresses:

4015 Braefoot Road
4033 Braefoot Road
4004 Malton Avenue
4010 Malton Avenue
4024 Malton Avenue

Legal Descriptions:

Lot 7, Block D, Section 32, Victoria District, Plan 4181
Lot 4, Section 32, Victoria District, VIP88742
Lot 3, Section 32, Victoria Land District, VIP 59612
Lot 1, Section 32, Victoria District, Plan VIP59612
Lot 3, Section 32, Victoria District, Plan 44748

Owners:

Vera M. Beischer
Curt and Karen Shubrook
Colleen Pommelet
Jun Ge and Lin Fang Wang
Lambertus W. Reuten and Herma M. Reuten

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Applicants:	Vera M. Beischer Curt and Karen Shubrook Colleen Pommelet Jun Ge and Lin Fang Wang Lambertus W. Reuten and Herma M. Reuten
Applications Received:	July 29, 2016 to October 21, 2016
Parcel Sizes:	4015 Braefoot Road; 8672 m^2 4033 Braefoot Road; 2326 m^2 4004 Malton Avenue; 729 m^2 4010 Malton Avenue; 728 m^2 4024 Malton Avenue; 723 m^2
Existing Use of Parcels:	Single Family Dwelling
Existing Use of Adjacent Parcels:	See Figure 1 of this report
Current Zoning:	4015 Braefoot Road; A-1 (Rural) Zone 4033 Braefoot Road; RS-14 (Single Family Dwelling) Zone 4004 Malton Avenue; RS-8 (Single Family Dwelling) Zone 4010 Malton Avenue; RS-8 (Single Family Dwelling) Zone 4024 Malton Avenue; RS-8 (Single Family Dwelling) Zone
Minimum Lot Size:	N/A
Proposed Zoning:	No Change proposed
Proposed Minimum Lot Size:	N/A
Local Area Plan:	Gordon Head and Braefoot Action Plan
LAP Designation:	Residential

PROPOSAL

The applicants are requesting that the subject properties be removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA) (see Figure 1). The properties were originially included in the EDPA to provide enhanced protection to the Woodland ecosystem.

The request is based on the submissions by Ted Lea, a Registered Professional Biologist, which indicates that there is no Woodland Sensitive Ecosystem on the properties and if any area is required to be protected on this property, it will develop a dense understorey of invasive plants.

PLANNING POLICY

Official Community Plan (2008)

4.7.1 "Continue to use and update the 'Saanich Environmentally Significant Areas Atlas' and other relevant documents to inform land use decisions."

4.7.3 "Continue to protect and restore habitats that support native species of plants, animals and address threats to biodiversity such as invasive species."

4.7.4 "Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems."

4.7.5 "Preserve 'micro-ecosystems' as part of proposed development applications, where possible."

Gordon Head Local Area Plan (2003)

4.1 "Protect indigenous vegetation, wildlife habitats, and landscapes when considering applications for change in land use."

4.4 "Seek opportunities to vegetate areas with appropriate native species that will support indigenous wildlife."

Braefoot Action Plan (2001)

GP7 "The significance of the Garry oak ecosystem, including the meadow habitat, should be recognized and the ecosystem preserved where possible."

GP9 "To maintain biodiversity, a Naturescape corridor should be retained through the site."

General Development Permit Area Guidelines (1995)

1. "Major or significant wooded areas and native vegetation should be retained wherever possible."

Environmental Development Permit Area Guidelines (2012)

1.b.i) and iv) "Development within the ESA shall not proceed except for the following:
Proposals that protect the environmental values of the ESA including:

- the habitat of rare and endangered plants, animals and sensitive ecosystems."

2. "In order to minimize negative impacts on the ESA, development within the buffer of the ESA shall be designed to:

- Avoid the removal/modification of native vegetation;
- Avoid the introduction of non-native invasive vegetation;
- Avoid impacts to the protected root zones of trees within the ESA;
- Avoid disturbance to wildlife and habitat;
- Minimize the use of fill;
- Minimize soil disturbance;
- Minimize blasting;
- Minimize changes in hydrology; and
- Avoid run-off of sediments and construction-related contaminants."

3. "No alteration of the ESA will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment. Prior to the issuance of a development permit, the following information may be required:
   - A sediment and erosion control plan;
   - An arborist report according to the "Requirements For Plan Submission and Review of Development or Building Related Permits" (Saanich Parks);
   - A biologist report;
   - A surveyed plan; and/or
   - A bond."

4. "The following measures may be required to prevent and mitigate any damage to the ESA:
   - Temporary or permanent fencing;
   - Environmental monitoring during construction;
   - Demarcation of wildlife corridors, wildlife trees, and significant trees;
   - Restricting development activities during sensitive life-cycle times; and
   - Registration of a natural state covenant."

5. "Revegetation and restoration may be required as mitigation or compensation regardless of when the damage or degradation occurred."

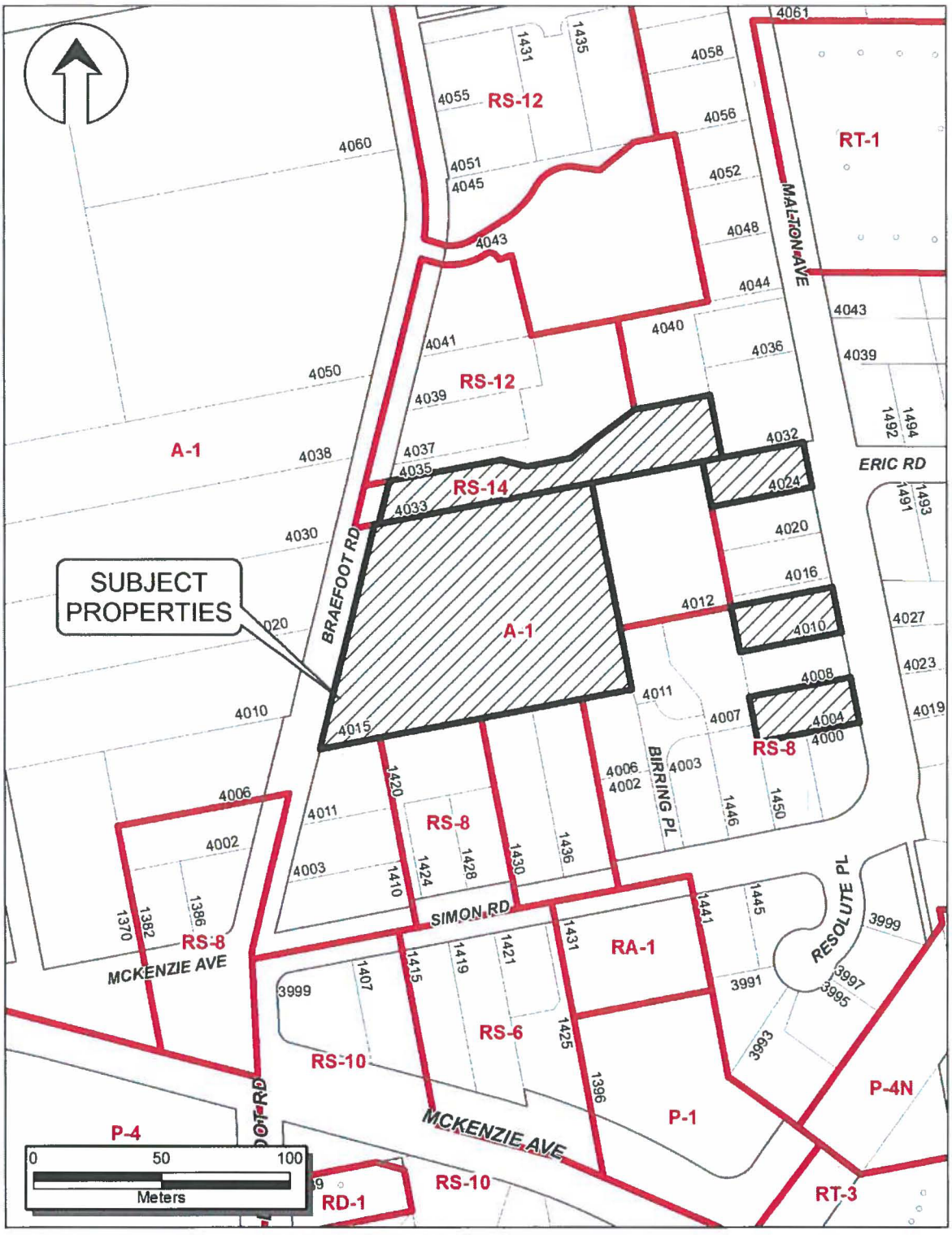


Figure 1: Context Map

BACKGROUND

Environmental Development Permit Area

The Environmental Development Permit Area (EDPA) was adopted by Council in 2012. Part of the EDPA Bylaw is the EDPA Atlas which illustrates the location of five inventories and associated buffers on properties in Saanich. As with the Streamside Development Permit Area (SDPA), it is acknowledged that the EDPA Atlas will never be completely accurate.

There are four ways mapping inaccuracies can be approached according to the EDPA Guidelines:

1. Exemption #14 allows for a professional to refine boundaries of an Environmentally Significant Area (ESA) and potentially proceed without an Environmental Development Permit if a development proposal is shown to be outside of the ESA. This exemption was designed to avoid undue process or delays for applicants where mapping could be improved.

2. Exemption #15 allows for intrusions into the EDPA where covenants are used to secure comparable natural features which were not previously mapped.

3. As with the SDPA, staff collate proposed EDPA mapping changes as property owners note inaccuracies (which are documented by staff) or biologists hired during the development application process do a more detailed assessment. These changes are brought forward in batches to Council as recommended amendments.

4. Where a proposed mapping amendment is outside of the scope of these provisions, Council approval is required.

In the case of this application, the property owners are seeking Council approval (Option 4, above). Staff are of the opinion that the request goes beyond delegated authority in that a change of mapping is requested outside of the development process. As such, this report has been prepared for Council's review and consideration. If Council believes the removal request has merit, a Public Hearing on the matter would need to be called.

Council adopted a motion on May 9, 2016 to endorse Terms of Reference for the hiring of a consultant to develop potential solutions in relation to the application of the/an EDPA in Saanich. The contract includes a public consultation component as part of the development of potential solutions. It is possible that the outcomes of the review may impact the EDPA on this property.

The Environment and Natural Areas Committee has not considered this request.

Existing EDPA Mapping

The EDPA mapping on the subject properties is in reference to one Environmentally Significant Area (ESA): Woodland (see Figure 2).

Figure 2: Existing Woodland EDPA mapping

The Woodland (WD) ecosystem is part of the Provincial/Federal Sensitive Ecosystem Inventory (SEI). In this case, it is a Garry Oak Woodland. The Ministry of Environment states that SEI areas are often ecosystem remnants and have many values because they:

- Provide critical habitat for species at risk and include ecosystems at risk;
- Are biologically diverse;
- Provide wildlife corridors and linkages;
- Bring nature into communities;
- Provide recreational opportunities;
- Support learning environments;
- Create economic benefits; and
- Are a legacy for future generations.

Specifically, Woodland is described as:

- One of the rarest ecosystems in Canada;
- Biologically diverse, with the structure of stands of trees contributing the most;
- Scattered, small fragments often next to forest remnants or rock outcrops;
- Open, with less than 50% canopy cover;
- With wildflowers, grasses, and shrubs;
- On rocky, dry locations;
- Historically thinned by fire; and
- Found in only 1.8% of the land base within the Capital Region (based on SEI mapping).

The EDPA includes a 10 m buffer for the Woodland ESA. Property owners can apply for a permit to develop within the buffer area.

Woodland ecosystems are consider part of the rare Garry Oak and associated ecosystems mosaic. This Woodland mapped area is one of six remnants in the vicinity which is all that is left of a larger, contiguous ecosystem south of Mount Douglas Park. There is a wildlife corridor being established as properties are developed, in accordance with the Braefoot Area Plan, as well as many covenanted areas. This area also connects to Garry Oak and other tree species canopy, floodplain, and agricultural areas.

None of the properties were made accessible to staff, however as a result of previous developments in the same Woodland mapped area there are two reports, one with comprehensive inventories and recommendations.

A report by Susan Blundell, RPBio, ENKON Environmental was submitted in relation to the subdivision of 4035 Braefoot Road (which created one of the subject properties - 4043 Braefoot Road) in 2009. The report classified the area as Garry Oak-Common Snowberry-Nootka Rose plant community but that most of it would be unlikely to meet the criteria of a sensitive ecosystem. A rare plant community was identified in the southwest corner of the property. Restoration and protection of this area was recommended as well as Tree Covenants throughout the property. However, a subsequent plant inventory located several pockets of a rare plant species and a greater variety of plants, including native orchids, which resulted in Natural State Covenants and transplanting of plant material.

An Environmental and Social Statement was submitted by Tom Talbot, Arborist, in support of the subdivision of 4043 Braefoot Road in 2002. The report focussed on tree preservation, creating a wildlife corridor, and Natural State Covenants to protect trees and understorey vegetation.

In the Braefoot Action Plan (2001), it was noted that "some property owners have natural areas (unmowed) flowing from one property to the next. This adds wildlife habitat value and allows Garry Oak parkland wild flowers to survive....the study area stands out as a Garry Oak corridor in excellent condition". The majority of the Woodland mapped area was identified as an "Environmentally significant area of primary importance".

With the adoption of the Braefoot Area Plan, several properties within this Woodland mapped area have been developed just before the EDPA was adopted. In addition, irreversible damage to natural areas (some covenanted) has occurred. These factors have led to changes in the Woodland mapped area and staff recommend that the boundaries should be refined as shown in Figure 3. Staff have visited many of the properties over the past fifteen years.

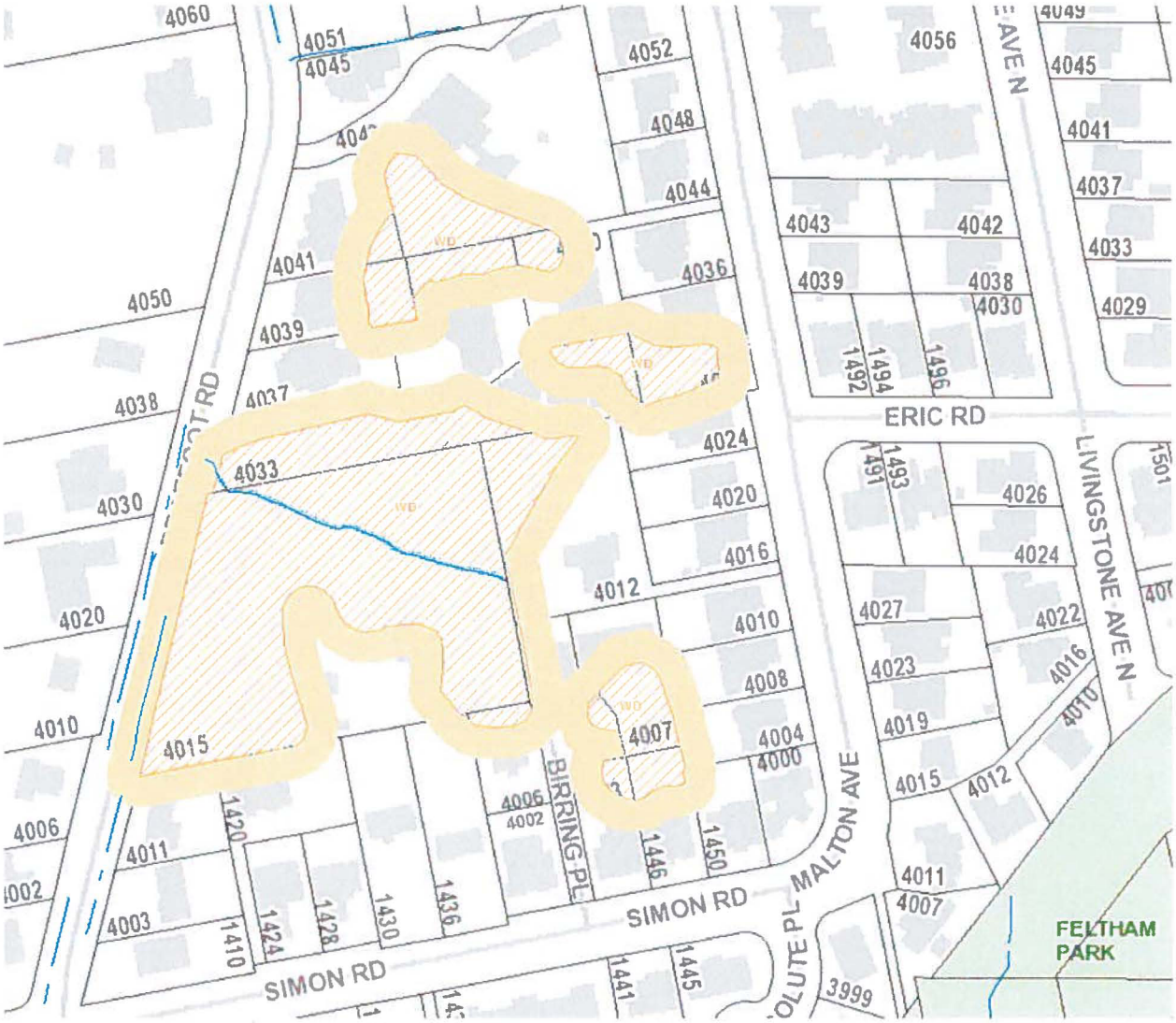


Figure 3: Proposed (by staff) Woodland boundaries

Further refinements can be considered if access is given to the properties at the appropriate time of year (early Spring).

Removal Request

The owners have requested the Environmentally Sensitive Area and associated buffer be removed from their properties based on the opinion of their consulting biologist, Ted Lea, that there is no sensitive ecosystem on the properties based on site visits conducted in May (one property) and June (five properties) 2016. Figure 4 illustrates the proposed EDPA mapping should Council remove the Woodland ESA and buffer from the properties.

Figure 4: Proposed (by T. Lea) mapping

The reports by Mr. Lea indicates that the properties do not meet the definition of an Environmentally Significant Area because of the dominance of invasive species (largely grasses), presence of lawn or ornamental gardens, lack of connectivity, and the significant level of effort required for restoration. The reports note that agriculture has been an influencing factor. Native species were found on the Braefoot properties, but not the Malton properties.

The report by Ted Lea incorrectly identifies a covenant area on 4033 Braefoot Road as a Tree Covenant, however it is a Natural State Covenant. This covenant area includes a rare plant species—Hillside Sedge.

Staff biologists do not agree with the assessment by Mr. Lea, that there is no Woodland Sensitive Ecosystem on the property, due to the time of year that the work was completed, the

focus on the presence of invasive plants, the lack of an assessment of habitat, and the lack of a complete inventory or reference to a rare species in the mapped area. It should be noted that the rare species occurred within previously agricultural areas in the same mapped area in several locations. Inventory methods are not consistent with the Best Management Practices for Garry Oak & Associated Ecosystems produced by the Garry Oak Ecosystems Recovery Team.

OPTIONS

1) Do not support the request to remove the properties from the Environmental Development Permit Area.

2) Support the request to remove the Environmental Development Permit Area on the properties from the EDPA Atlas (see Figure 4).

3) Support the refined mapping proposed by staff (see Figure 3).

4) Postpone a decision on this application pending the outcome of the final phase of the EDPA "check-in" which would be undertaken by the independent consultant.

Staff recommend Option 3, namely that the entire Woodland unit be remapped with respect to recent development, covenants, and irreversible environmental damage for the following reasons:

- Saanich Official Community Plan policies support the protection and restoration of rare and endangered ecosystems in this area;
- Previous work by consulting biologists support the protection and restoration of the Garry Oak Woodlands within the same mapped unit including one of the subject properties;
- A rare plant species occurs within the mapped unit including one of the subject properties;
- The owners are able to continue to maintain and use their property as they are accustomed; and
- Improvements as a result of the EDPA consultant review may help to address some of the concerns of the owners.

SUMMARY

The owners of five properties on Braefoot Road and Malton Avenue have requested removal of the Woodland EDPA mapping from their properties. The request is based mainly on agricultural uses and the presence of invasive species.

Staff biologists believe that the Woodland designation is appropriate for much of the mapped area. Rare species occur within the mapped area. Further refinements can be considered if access is given to the properties at the appropriate time of year (early Spring).

RECOMMENDATION

That Council support Option 3.

Note: If Council wishes to support the removal request at this time, the motion(s) would be as follows:

That staff be requested to prepare an amendment to Plate 20 of Schedule 3 to Appendix N of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Woodland ESA at 4015 & 4033 Braefoot Road, 4004, 4010 & 4024 Malton Avenue from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment.

Report prepared by:

Adriane Pollard, Manager of Environmental Services

Report reviewed by:

Sharon Hvozdanski, Director of Planning

AP/ads
H:\TEMPEST\LAND\106126\Report.docx

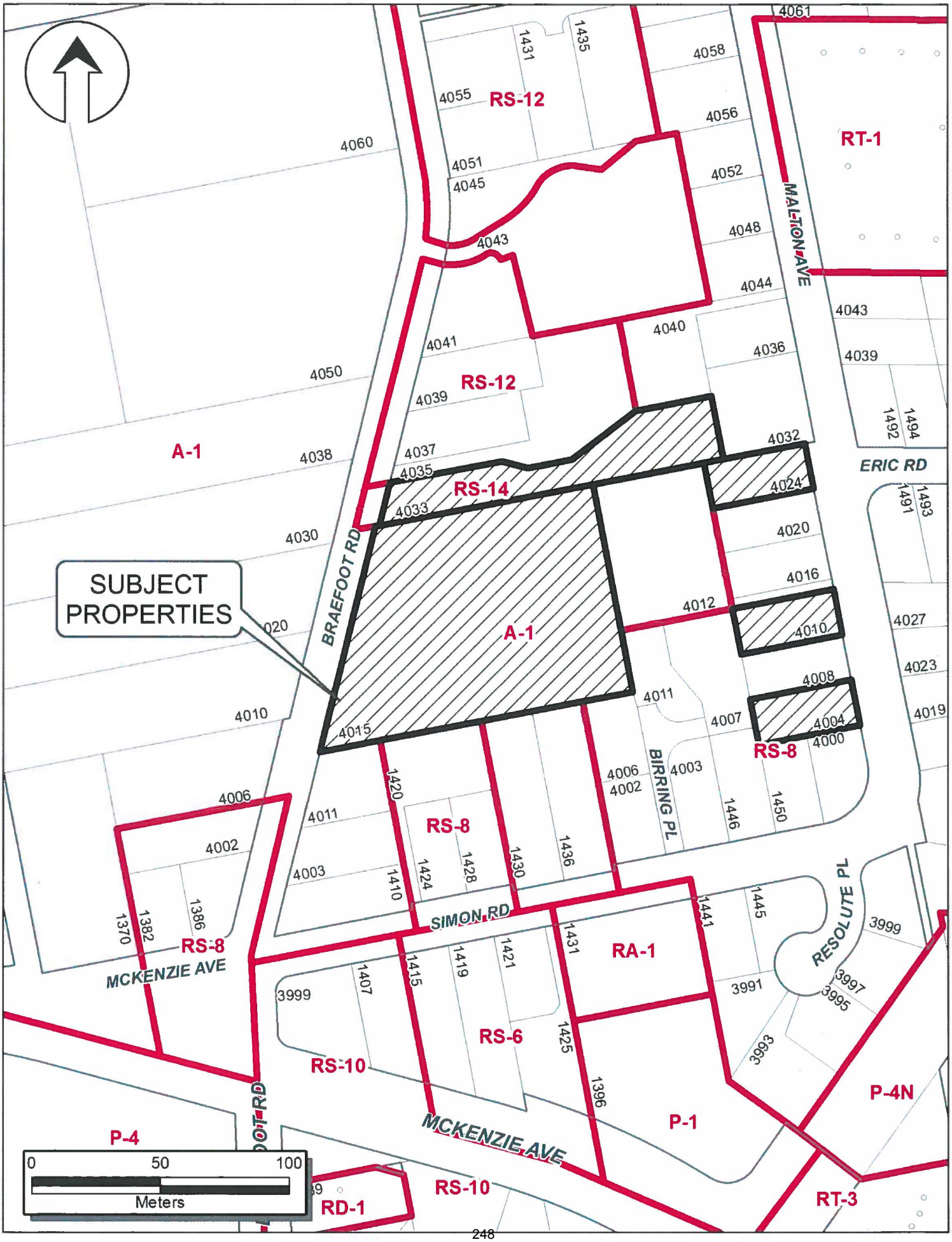
Attachments

cc: P. Thorkelsson, CAO

CAO'S COMMENTS:

I endorse the recommendation of the Director of Planning

Paul Thorkelsson, CAO


SUBJECT PROPERTIES
RS-12
RS-14
RS-8
RS-10
RS-6
RA-1
RT-1
RT-3
A-1
P-1
P-4
P-4N
RD-1
MALTON AVE
BRAEFOOT RD
ERIC RD
BIRRING PL
SIMON RD
MCKENZIE AVE
RESOLUTE PL
0
50
100
Meters

ENVIRONMENTAL AND SOCIAL STATEMENT

RE: REZONING AND SUBDIVISION OF LOT4
PLAN 41356-4043 BRAEFOOT ROAD

INTRODUCTION:

The subject property is 1.63 acres in size,with approximately 230 feet of frontage on Braefoot Road. The existing older residence is situated roughly in the center of the property and is surrounded by trees, many of which are Garry Oaks. The property slopes gently up from the Braefoot frontage east to west,and slightly from the south.The majority of the property has been interfered with over the years and has a variety of introduced non native shrubs and trees.

The parcels to the South,West and North are currently zoned A1, while the parcels to the East fronting Malton Avenue are zoned RS-8.

This area was the subject of an extensive study and consultation process which resulted in the creation of the "Braefoot Action Plan". The plans forming the basis of the rezoning and subdivision applications are considered to embody the principles found within the Action Plan.

PROPOSED DEVELOPMENT:

The original application envisioned the retention of the existing home on a large lot and the creation of 3 new lots. This plan has recently been changed by the applicant and the revised plan calls for only 2 new lots together with the existing home on it`s large lot.

The 2 new lots will front onto Braefoot Road and are to be rezoned from A1 to RS12 while the remaining large lot will be rezoned RS14 to accommodate the large existing home.

The applicant may wish to pursue the creation of the easterly new lot at a later date, perhaps 5 years from now; however he recognizes that a new rezoning and subdivision application would have to be submitted at that time.

The staged nature of the applicants proposed development of this site should be viewed as beneficial to both the community and the natural environment.

ASSESSMENT OF PLANT LIFE:

Mr. Tom Talbot of Mt. View Tree Service, a Consulting Arborist was engaged to review the existing tree inventory and to assess tree health,structure and suitability for preservation, based on the intended development.

With the removal of the most easterly lot from this current application, many of the noted conflicts have been reduced or eliminated. Trees numbered 917,918, ,949,950,951,952,978,989,993,and997, will still be removed as noted due to health and structural concerns, and target potential. The remaining trees reported on will be dealt with at a later date if lot D is to be proceeded with. A copy of Mr. Talbots report dated June 13,2002 is attached hereto for reference. Mr Talbot was subsequently requested to conduct a specific root analysis on proposed lot A, to determine any tree root conflicts with the proposed house siting on this lot. A copy of his analysis datedSeptember 20,2002 is attached.

Through his investigation it is proposed that a tree preservation covenant area be established as shown on the plan attached hereto, and further that the building scheme to be registered on the title to lot A include special foundation and footing requirements within 5 meters of trees 963,964 and 967, and that any excavation works within 5 meters of these trees only be undertaken under the direct supervision

of a consulting arborist.The tree covenant should take the form of a natural state covenant, to protect the understorey vegetation and the wildlife corridor.

No red/blue listed plant communities by the B.C. Conservation Data Centre appear to be present on the site.

WILDLIFE CORRIDOR:

As pointed out within the Braefoot Action Plan, this area, because of it`s tree cover and extensive natural areas, supports an array of birds, deer and small mammals.

The proposed subdivision will not interfere with wildlife movement within the neighbourhood in any significant way since only a limited number of trees will be removed, and the understorey will not be disturbed in any major way.

The existing residence will remain on a very large lot with it`s tree cover left mostly intact ,and should the easterly lot be created in the future, access to it will be confined to the existing driveway thus limiting any impact. Connecting the existing house to the sewer and storm drain may result in a conflict with site trees; however it is anticipated that service routing may be found that will eliminate the need for any tree removals. This work will be under the supervision of the project Arborist.

The applicant has proposed that a portion of the site with the existing residence be included into the Tree Preservation Covenant Area, as shown on the attached plan, to act as a perpetual wildlife corridor.

- To further enhance the wildlife corridor option, the applicant has agreed to control yard fencing within the registered building scheme to permit only open rail fences or planted hedge material as recommended in the Action Plan. .

SITE SERVICING:

With the exception of a storm drain along the southerly boundary to serve the existing residence and intercept overland flow, all services for the new lots will enter the frontage from Braefoot Road.

The drain along the southerly boundary will be kept shallow and any work in proximity to existing site trees will be supervised by the consulting Arborist. Much of the work will be hand excavated and the pipe hand laid.

While it is likely some rock will be encountered, it can be gone around or broken out without extensive blasting, since the pipe requirements are small and the grade permits some flexibility.Any required blasting will be done under the supervision of the consulting Arborist.

Several trees in the drain alignment area have been noted as insignificant because of size,poor health,and/or the wrong species for the location, and may be removed during the drain installation at the direction of the Arborist if such removal protects a more valuable specimen.

It is proposed that the new driveway shown on the plan be a shared use driveway to serve the existing house as well as the two new lots,via a private easement.

It is also proposed that the new portion of the driveway be constructed utilizing decorative interlocking paving stones which will allow water to recycle into the ground, feeding any nearby tree root structures.

On-site drainage is to be stored in enlarged underground piping, for slower dispersal, and some house downspouts may be connected to dispersal pipes for groundwater recharge purposes, based on the project Arborists direction during site excavation works.It is proposed that individual case decisions will be discussed with Parks and Engineering Staff at the time.

SUMMARY:

- The applicant has reduced the number of new parcels in the current application from 3 to 2
- The applicant has offered a tree preservation covenant area on proposed lot A to protect Garry Oak and Fir trees, together with the understorey
- The applicant proposes to register a building scheme on the new lots to ensure the construction of quality homes, and to ensure that any construction in proximity to the tree preservation boundary is undertaken under the direction of a consulting Arborist
- The building scheme will also limit fencing to either open rail type or planted hedge material only
- Any site service work located near trees on site, or within 5 meters of the tree preservation covenant area will only be undertaken under the direct supervision of a consulting Arborist
- The applicant has offered a tree preservation covenant area on the existing homesite (proposed lot C) which will enhance the wildlife corridor concept

To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 02, 2016

Re: **Field Verification and Assessment of Woodland Sensitive Ecosystem ESA Mapping at 4015 Braefoot Road – Property of Vera Beischer**

Please accept this as a letter report assessing whether there is an occurrence of a Woodland Sensitive Ecosystem on this property.

I have visited this property once in late May 2016 and have viewed from surrounding roads in the spring in years past. A significant stand of Garry oak trees occur on the property, along with a few Douglas-fir trees. The property is over 2 acres in size.

There is no Sensitive Ecosystem on this property. The property has been used as a small farm and family property for many decades. Livestock such as cattle, sheep and chickens have been on the property for many decades.

This property does not supports a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, and the recent Guidance document it is clear that **there is no Woodland Sensitive Ecosystem on the property**.

I have viewed all properties within the whole SEI polygon which contains 28 properties mapped within the EDPA and I have not seen one of these areas that would meet the definition of a Woodland Sensitive Ecosystem. Few native species remain. Much of this area has had agriculture on it for many decades and no semblance of natural ecosystem remains. All properties are either dominated by invasive species, or have lawn and ornamental gardens. The SEI polygon is completely surrounded by residential properties and has no connectivity to natural areas. By following the District of Saanich Guidelines' document for assessment of properties, the Restoration Potential of this property and all properties within this SEI polygon would be rated 'Low'.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

I have consulted the three standards recommended by Saanich's 2013 Guidelines and the recent Interim Guidance document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual
3) Best Management Practices for Garry Oak & Associated Ecosystems (GOERT)

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem."

The subject property does not meet the definition of an Environmentally Significant Area for the following reasons. The property is dominated by over 80% cover of invasive species. There are few native species in addition to the Garry oak trees. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. The site has been so altered that it does not represent a viable ecosystem and if the property is left alone, without significant restoration activity, it will become further degraded and even more dominated by invasive plant species. This occurrence does not have sufficient ecological integrity to

be sustained in the foreseeable future, due to the predominance of alien invasive species.

There are two distinct areas on the property in terms of plant community, both which are non-native. Area A consists of the area of the property which is used as a family area which is dominated by mown lawn, gardens and outbuildings. A small patch of shooting star at the south end of the property is all that remains of native species, except for a few snowberry plants along fence lines. Otherwise, this large area is completely non-native dominated.

Area B is the area of the property is presently used for livestock grazing and has been used for this purpose for many decades. This portion of the property is dominated by invasive and agronomic grass species, especially orchard grass and Kentucky bluegrass and other non-native species such as English daisy, white clover, wheatgrass, shepherd's purse, dandelion, chenopodium, Robert's geranium, thistles and smooth brome. The only native species seen were a couple of individuals of Pacific sanicle and fool's onion. A shrub fringe of snowberry, Nootka rose, blackberry and spurge-laurel occur on the fence lines around many areas of the property. Himalayan blackberry is taking over many of these areas.

If this property were to be left alone with no more grazing and invasive shrub removal it would quickly become dominated by a dense cover of Himalayan blackberry, English ivy and spurge-laurel, as is seen on adjacent properties and along the fence lines.

This property could be restored, but only with years of significant invasive species removal and significant native plant re-introductions. The property is not part of a corridor, as natural vegetation does not occur on any side of this map unit that would connect this property to any areas of natural Garry oak ecosystem.

Following these standards and guidelines it is my professional opinion that **there is no Woodland Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

Because of this, the ESA and subsequent EDPA designation should be removed from this property for the Woodland SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc Vera Beischer

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 5, 2016

Re: **Report - Sensitive Ecosystem and EDPA – 4033 Braefoot Road – Property of Curt Shubrook**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem and field notes are all covered by the information below, where necessary.

I have visited the above property in June, 2015 and walked the whole property.

There is no Sensitive Ecosystem Environmentally Significant Area (ESA) on this property. There is also no viable Sensitive Ecosystem on adjacent properties. There is a Garry oak overstory that covers over half of the property. The property has two components within the EDPA. The backyard which covers the eastern portion of the property, which has a tree covenant, is predominantly lawn and garden, with a few out buildings. The western portion of the property, which has a natural state covenant, is dominated by a dense stand of invasive orchard grass, with patches of St. John's wort and English ivy. There are some patches of native snowberry and Nootka rose. According to the landowner, salvage plants such as chocolate lilies and fawn lilies were planted when the development occurred in 2011-12, however, there was no sign of these species. A couple individuals of native fool's onion and a small patch of California brome were seen. The eastern edge of the area has a dense shrub fringe of invasive Himalayan blackberry, St. John's wort and orchard grass with some native snowberry and Indian-plum, where it borders 4012 Malton Avenue. The western edge of this area has a snowberry patch, but it has dense English ivy beneath it.

There is no remnant Garry oak Woodland Sensitive Ecosystem on the property. If any area is required to be protected on this property, it will develop a dense understory of Scotch broom, Himalayan blackberry and English ivy over a few years time. This property will not return to a natural plant community unless significant restoration efforts take place.

This property does not supports a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, and the recent Guidance document it is clear that **there is no Woodland Sensitive Ecosystem on the property**.

I have viewed all properties within the whole SEI polygon which contains 28 properties mapped within the EDPA and I have not seen one of these areas that would meet the definition of a Woodland Sensitive Ecosystem. Few native species remain. Much of this area has had agriculture on it for many decades and no semblance of natural ecosystem remains. All properties are either dominated by invasive species, or have lawn and ornamental gardens. The SEI polygon is completely surrounded by residential properties and has no connectivity to natural areas. By following the District of Saanich Guidelines' document for assessment of properties, the Restoration Potential of this property and all properties within this SEI polygon would be rated 'Low'.

I have consulted the three standards recommended by Saanich's 2013 Guidelines and recent Interim Guidance document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual
3) Best Management Practices for Garry Oak & Associated Ecosystems

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus

garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem. For example, an urban Garry Oak tree that is now surrounded by lawn grasses and daffodils does not have the same plant communities and ecological processes as the original GOE would have had, and is therefore not considered to be a viable GOE."

Nothing on this property fits any of these conditions as there is no natural ecosystem on the property.

In following the EDPA bylaw, clause # 14: there should be no EDPA required on this property. As well, there should be no need for an EDPA buffer from any adjacent property. The District of Saanich should remove the Sensitive Ecosystem designation from this property and remove the EDPA requirement.

Ted Lea, R.P.Bio.

cc Curt Shubrook

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 5, 2016

Re: **Report - Sensitive Ecosystem and EDPA – 4004 Malton Avenue – Property of**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem and field notes are all covered by the information below, where necessary.

I have visited the above property in June, 2015 and walked the whole property.

There is no Sensitive Ecosystem Environmentally Significant Area (ESA) on this property. There is also no viable Sensitive Ecosystem on adjacent properties. There is a Garry oak overstory that covers the back yard of the property, however, the understory of the property is predominantly lawn and garden, with an out building.

There is no remnant Garry oak Woodland Sensitive Ecosystem on the property. If any area is required to be protected on this property, it will develop a dense understory of Scotch broom, Himalayan blackberry and English ivy over a few years time. This property will not return to a natural plant community unless significant restoration efforts take place.

This property does not supports a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, and the recent Guidance document it is clear that **there is no Woodland Sensitive Ecosystem on the property**.

I have viewed all properties within the whole SEI polygon which contains 28 properties mapped within the EDPA and I have not seen one of these areas that would meet the definition of a Woodland Sensitive Ecosystem. Few native species remain. Much of this area has had agriculture on it for many decades and no semblance of natural ecosystem remains. All properties are either dominated by invasive species, or have lawn and ornamental gardens. The SEI polygon is completely surrounded by residential properties and has no connectivity to natural areas. By following the District of Saanich Guidelines' document for assessment of properties, the Restoration Potential of this property and all properties within this SEI polygon would be rated 'Low'.

Secondary Assessment

The District of Saanich document: "*Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*" recommends a secondary Conservation Value Assessment of Landscape Context, Condition and Restoration Potential. However, the document indicates that: "*If an area is considered an SEI polygon, a secondary assessment is needed to determine a practical, long-term conservation value for Saanich.*" Since there is no Sensitive Ecosystem remaining on this property, it cannot be considered an SEI polygon and therefore, no secondary assessment is needed and was not done.

I have consulted the three standards recommended by Saanich's 2013 Guidelines and recent Interim Guidance document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual
3) Best Management Practices for Garry Oak & Associated Ecosystems

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus

garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem. For example, an urban Garry Oak tree that is now surrounded by lawn grasses and daffodils does not have the same plant communities and ecological processes as the original GOE would have had, and is therefore not considered to be a viable GOE."

Nothing on this property fits any of these conditions as there is no natural ecosystem on the property.

In following the EDPA bylaw, clause # 14: there should be no EDPA required on this property. As well, there should be no need for an EDPA buffer from any adjacent property. The District of Saanich should remove the Sensitive Ecosystem designation from this property and remove the EDPA requirement.

Ted Lea, R.P.Bio.

cc

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 5, 2016

Re: **Report - Sensitive Ecosystem and EDPA – 4010 Malton Avenue – Property of**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem and field notes are all covered by the information below, where necessary.

I have visited the above property in June, 2015 and walked the whole property.

There is no Sensitive Ecosystem Environmentally Significant Area (ESA) on this property. There is also no viable Sensitive Ecosystem on adjacent properties. There is a Garry oak overstory that covers the back yard of the property, however, the understory of the property is predominantly lawn and garden, with an out building.

There is no remnant Garry oak Woodland Sensitive Ecosystem on the property. If any area is required to be protected on this property, it will develop a dense understory of Scotch broom, Himalayan blackberry and English ivy over a few years time. This property will not return to a natural plant community unless significant restoration efforts take place.

This property does not supports a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, and the recent Guidance document it is clear that **there is no Woodland Sensitive Ecosystem on the property**.

I have viewed all properties within the whole SEI polygon which contains 28 properties mapped within the EDPA and I have not seen one of these areas that would meet the definition of a Woodland Sensitive Ecosystem. Few native species remain. Much of this area has had agriculture on it for many decades and no semblance of natural ecosystem remains. All properties are either dominated by invasive species, or have lawn and ornamental gardens. The SEI polygon is completely surrounded by residential properties and has no connectivity to natural areas. By following the District of Saanich Guidelines' document for assessment of properties, the Restoration Potential of this property and all properties within this SEI polygon would be rated 'Low'.

Secondary Assessment

The District of Saanich document: "*Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*" recommends a secondary Conservation Value Assessment of Landscape Context, Condition and Restoration Potential. However, the document indicates that: "*If an area is considered an SEI polygon, a secondary assessment is needed to determine a practical, long-term conservation value for Saanich.*" Since there is no Sensitive Ecosystem remaining on this property, it cannot be considered an SEI polygon and therefore, no secondary assessment is needed and was not done.

I have consulted the three standards recommended by Saanich's 2013 Guidelines and recent Interim Guidance document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual
3) Best Management Practices for Garry Oak & Associated Ecosystems

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus

garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem. For example, an urban Garry Oak tree that is now surrounded by lawn grasses and daffodils does not have the same plant communities and ecological processes as the original GOE would have had, and is therefore not considered to be a viable GOE."

Nothing on this property fits any of these conditions as there is no natural ecosystem on the property.

In following the EDPA bylaw, clause # 14: there should be no EDPA required on this property. As well, there should be no need for an EDPA buffer from any adjacent property. The District of Saanich should remove the Sensitive Ecosystem designation from this property and remove the EDPA requirement.

Ted Lea, R.P.Bio.

cc

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 5, 2016

Re: **Report - Sensitive Ecosystem and EDPA – 4024 Malton Avenue – Property of Bill and Herma Reuten**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem and field notes are all covered by the information below, where necessary.

I have visited the above property in June, 2016 and walked the whole property.

There is no Sensitive Ecosystem Environmentally Significant Area (ESA) on this property. There is also no viable Sensitive Ecosystem on adjacent properties. There is a Garry oak overstory that covers about half of the back yard of the property, however, the understory of the property is predominantly ornamental gardens. Only an EDPA Buffer occurs on the property. However, no Garry oak Woodland Sensitive Ecosystem occurs on adjacent properties. They are all lawn and garden with out buildings.

There is no remnant Garry oak Woodland Sensitive Ecosystem on the property. If any area is required to be protected on this property, it will develop a dense understory of Scotch broom, Himalayan blackberry and English ivy over a few years time. This property will not return to a natural plant community unless significant restoration efforts take place.

This property does not supports a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, and the recent Guidance document it is clear that **there is no Woodland Sensitive Ecosystem on the property**.

I have viewed all properties within the whole SEI polygon which contains 28 properties mapped within the EDPA and I have not seen one of these areas that would meet the definition of a Woodland Sensitive Ecosystem. Few native species remain. Much of this area has had agriculture on it for many decades and no semblance of natural ecosystem remains. All properties are either dominated by invasive species, or have lawn and ornamental gardens. The SEI polygon is completely surrounded by residential properties and has no connectivity to natural areas. By following the District of Saanich Guidelines'

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem. For example, an urban Garry Oak tree that is now surrounded by lawn grasses and daffodils does not have the same plant communities and ecological processes as the original GOE would have had, and is therefore not considered to be a viable GOE."

Nothing on this property fits any of these conditions as there is no natural ecosystem on the property.

In following the EDPA bylaw, clause # 14: there should be no EDPA required on this property. As well, there should be no need for an EDPA buffer from any adjacent property. The District of Saanich should remove the Sensitive Ecosystem designation from this property and remove the EDPA requirement.

Ted Lea, R.P.Bio.

cc Bill and Herma Reuten

District of Saanich Map

Legend

Date Produced
8/10/2016 10:14:52 AM

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RECEIVED
AUG 29 2016
PLANNING DEPT.
DISTRICT OF SAANICH

Legend

1:400

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PLANNING DEPT.
DISTRICT OF SAANICH

SUB
4035
BRAEFOOT

BH
JC
MR

ENKON
ENVIRONMENTAL

Suite 310 - 730 View Street
Victoria, B.C., Canada
V8W 3Y7
Phone: (250) 480-7103
Fax: (250) 480-7141
E-mail: enkon@enkon.com

June 29, 2010

Our file No.: 1458-001

Corporation of the District of Saanich
770 Vernon Avenue
Victoria, B.C. V8X 2W7

Attention: Ms. Sharon Hvozdanski, Director of Planning

Dear Ms. Hvozdanski:

RE: GUIDELINES FOR PLANT TRANSPLANTATION AND MAINTENANCE OF NATURAL STATE COVENANTS AT 4035 BRAEFOOT ROAD, SAANICH, B.C.

BACKGROUND

Mamic Developments Ltd. is proposing to develop a seven lot subdivision at 4035 Braefoot Road, District of Saanich, B.C. The property has numerous Garry oaks located on it; many are mature as well as an array of associated forbs, grasses and sedges. The District of Saanich has requested transplantation guidelines for several wildflower species and the red-listed foothill sedge (*Carex tumilicola*) into Natural State Covenant Areas (NSCA) "A" and "C". Also, the District of Saanich requires a management plan to maintain the NSCA's over the long term.

TRANSPLANTATION GUIDELINES

The transplantation guidelines follow the Garry Oak Ecosystem Recovery Team's publication "*The Garry Oak Gardener's Handbook, Second Edition*" (2009).

The District of Saanich requires the salvage and transplantation of the following species from the development areas into NSCA's "A" and "C": Foothill sedge (*Carex tumulicola*), a red-listed species and Elegant rein orchid (*Piperia elegans*), a yellow-listed species. Where encountered during the removal of the sedges and orchids the following species may also be salvaged and transplanted:

- Common camas (*Camas quamash*)
- Great camas (*Camas leichtlinii)*
- White fawn lily (*Erythronium oregonum*)

- Chocolate lily (*Fritillaria affinis*)
- Broad-leaved shootingstar (*Dodecatheon hendersonii*)
- Hooker's onion (*Allium acuminatum*)
- Fool's onion (*Brodiaea hyacinthine*)

The following provides guidance on the timing and methods to transplant the above mentioned plant species.

Foothill sedge

The plant is rhizomatous / stoloniferous, so plants can be divided in early spring or late fall. Alternatively, seeds can be collected in August or September by clipping seed heads and separating seed from seedhead. Seeds can be cleaned by hand stripping and stored in dry, sealed containers. Seed should be sowed in the fall and kept wet to allow for natural stratification.

Elegant rein orchid

Orchid tubers should be excavated when they are least susceptible to damage, which is when they are dormant, between August and October. They should be transplanted immediately to moist soils in partial shade just deep enough to cover the tuber.

Common camas / Great camas

Collect bulbs in early summer to mid-fall after leaves die back. Bulbs are best stored in a dark, cool, dry, well ventilated place in a potting medium such as dry peat moss which will keep the bulbs from completely drying out. Camas bulbs can be planted outdoors in the fall or early winter when soils are moist enough to dig and prevailing soil temperatures are cool. Fall planting allows for better root development. Bulbs should be planted six inches deep and spaced six to 12 inches apart in full sun in dry to moist, well-drained soils.

White fawn lily

Divide bulbs in the summer as the leaves die down. Larger bulbs can be replanted immediately into their permanent positions, but it is best to pot smaller bulbs and grow them on in a shady position in a greenhouse for a year before planting them out when dormant in late summer. White fawn lily requires moist, slightly acid soil conditions. This plant requires semi-shade, preferably provided by trees or shrubs, and a well-drained soil. Bulbs should be planted 3 inches deep.

Chocolate lily

Chocolate lily bulbs can be transplanted in late summer to early fall when the plant is dormant. Bulbs should be planted in well drained, sandy soils that are rich in humus. Bulbs should be spaced six to 12 inches apart at a depth of 4 inches.

Broad-leaved shootingstar

Shootingstar is propagated by offsets, which the roots put out freely when they are in a loose moist soil and a shady situation; the best time to remove the roots, and take away the offsets, is in August, after the leaves and stalks are decayed, that they may be fixed well in their new situation before the frost comes on. Offsets should be placed in pots and overwintered in a greenhouse. Alternately, entire plants can be transplanted directly where the soil is loose and moist, at about eight inches distance from each other, which will be room enough for them to grow one year, by which time they will be strong enough to produce flowers

Hooker's onion

Divide bulb clusters in late summer or early fall after flowering and transplant as soon as possible. Plants prefer dry to moderately dry well drained sandy soil and full sun to light shade conditions.

Fool's onion

Lift dormant plants and separate cormels; air dry and store at 5°C in slightly damp peat moss until spring. Shallow-plant cormels in flats; new plants will form a corm and will bloom after one more year of growth. Alternately, plant directly in shallow ground in coarse-textured, free-draining soils in partial shade to full sun in the fall, two to four inches apart and four inches deep.

The above-mentioned species will be transplanted into the two NSCA's in August, where practical. The areas of transplantation will be mapped out in order for follow-up inspections to take place to determine plant survival and recovery. The transplantation recipient sites will be chosen by matching the soil nutrient and moisture regime as well as site exposure (shade) of that of the donor site. Transplanting will be done by a landscaping crew under the supervision of a native plant specialist. Recipient sites will be cleared of turf and supplemented by soil from the donor areas. All invasive plants species present in the NSCA's will be removed where possible; this does not apply to non-native grass species as they are virtually impossible to eradicate without the use of controlled fires. Newly planted areas will be demarcated using either rock or wood to protect these areas from selective mowing.

It is not anticipated that irrigation will be necessary if plantings are completed in the fall; over-wintering dormancy and matching soil characteristics should be adequate for plants to succeed. If during the spring inspection it is determined that irrigation is necessary a temporary system can be put in place. New plantings should be covered with leaf mulch (preferably oak) to protect them for the first winter.

FOLLOW-UP CONSERVATION AND MAINTENANCE

The following recommendations are based on "*Sensitive Ecosystems Inventory – East Vancouver Island and Gulf Islands, 1993-1997, Volume 2: Conservation Manual*" and the Garry Oak Ecosystem Recovery Team's "*Restoration Compendium*" DRAFT (March 2010).

Quarterly inspections of the NSCA's will be conducted by a professional biologist. The following items will be inspected:

- Integrity of fencing
- Health of transplanted plant materials
- Evidence of human activity

Monitoring of plant transplantation success will be guided using the planting map developed during the transplantation and will be completed by using a combination of photo-point monitoring and plot-based quantification of plant abundance and distribution. It is not anticipated that all plants will perform the first year, in particular, bulbs such as camas, white fawn lily, Hooker's onion and fool's onion may take several years to flower after disturbance.

ENKON will report their findings to the property owner as well as the District of Saanich. Should there be issues arising from the inspection a follow-up inspection will be conducted. Maintenance may include: weeding, eradication of invasive plant species, application of mulch, installation and/or maintenance of a surface irrigation system, maintenance of fencing and removal of domestic refuse.

Activity within the NSCA's should be limited and should not include any recreational activity or access to dogs. Mowing of these areas should not take place between April and mid-July as this would interfere with the natural formation and maturation of native plant seeds. This is of particular concern during the first three years following the transplantation of the red-listed foothill sedge. Consultation with Mr. Dave Polster, Garry oak ecosystem specialist, indicates that mowing in mid to late July is an effective method at keeping

ENKON
ENVIRONMENTAL

invasive grass species from overtaking the area. Mowing within the NSCA's will be selective; those areas that have been newly planted will be demarcated on the ground so that they will not be disturbed.

If you have any questions or require further information please do not hesitate to give me a call at (250) 480-7103.

Yours truly,

Susan Blundell

Susan Blundell, M.Sc., R.P.Bio.
Manager of Environmental Services

1410-04
Report - Planning

xref: 2860-25
Braefoot Road/Malton Avenue

4015 & 4033 BRAEFOOT ROAD; 4004, 4010, & 4024 MALTON AVENUE AND 4032 MALTON AVENUE (LATE ADDITION) – REQUEST FOR REMOVAL FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA)

Report of the Director of Planning dated February 15, 2017 recommending that Council support Option 3 for the refined mapping proposed by staff for the reasons outlined in the report.

****

Councillor Brownoff left the meeting at 7:35 p.m.

****

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

- An application came forward on March 31, 2017 from the property owners of 4032 Malton Avenue requesting removal from the Environmental Development Permit Area; the property is in the general vicinity of the other properties being considered, is covered by the same EDPA area and has similar conditions.
- Therefore, staff are recommending that the property at 4032 Malton Avenue be considered with the other properties in this report.

APPLICANTS:

K. Shubrook, Braefoot Road, stated:

- The property is covered in lawn and garden; there is a tree covenant on the rear yard and natural state covenant on the front lawn.
- They request that the property be removed from the EDPA.

A. Lanni, Malton Avenue, stated:

- There is a tree covenant on much of the property; extensive blasting has been done in the past to level the lot and provide a crawl space.
- The property was graded and much of the natural environment was removed; the trees on the property are maintained.
- Given that there is a tree covenant to protect the property, an EDPA is not required.

H. Reuten, Malton Avenue, stated:

- The buffer area covers half of the total property; two-thirds of the buffer area is covered by paving stones and only one-third of the buffer area has vegetation.
- The grounds consist of trees, flower gardens and Garry oaks.

- A registered professional biologist's report states that there are no native species or Environmentally Sensitive Areas (ESAs) on their or the neighbours' properties; there is no justification for remaining in the EDPA because the buffer area does not meet the criteria in the EDPA bylaw; they request removal from the EDPA.

A. Bull, representing V. Beischer, Braefoot Road, stated:

- The property was formerly used as agricultural land and had cows, pigs and chickens on it; the property owner still keeps a cow and chickens.
- There is no real natural environment on the property besides oak trees.
- The property owner requests removal from the EDPA.

C. Pommelet, Malton Avenue, stated:
- The property consists of grass and oak trees; there is no need for the property to be in the EDPA.

T. Lea, Cedarglen Road, stated:
- Six of the properties have buffers only; he ground truthed the properties.
- They do not meet the standards of a sensitive ecosystem as being relatively unmodified; the inclusion of the properties should be considered mapping errors.
- They consist of lawn and garden only; there is no natural vegetation left on them and they are dominated by invasive grass species.
- There is one area where there is an endangered species but it is protected under the Tree Covenant.
- There is no Garry oak Woodland Sensitive Ecosystem on any of the properties; this recommendation is based on the provincial inventory standards for the Sensitive Ecosystems Inventory (SEI) and Ecosystems at Risk.

In response to questions from Council, the Mr. Lea stated:
- It is possible that cows could eat rare species or species at risk; if the cattle were removed, a rare species inventory could be done to determine if rare species grow on the property.

PUBLIC INPUT:
Nil

COUNCIL DELIBERATIONS:

Motion: **MOVED by Councillor Haynes and Seconded by Councillor Wergeland: "That staff be requested to prepare an amendment to Plate 20 of Schedule 3 to Appendix "N" of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Woodland ESA at 4015 and 4033 Braefoot Road, 4004, 4010, 4024 and 4032 Malton Avenue from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment."**

In response to questions from Council, the Chief Administrative Officer stated:
- The existing application form requires property owners to indicate whether staff are permitted access to their property. Adjustments to the form could be considered so the property owner could indicate if they want to be contacted further by staff in regard to permitting access to their property.

In response to questions from Council, the Manager of Environmental Services stated:
- The properties could be considered for removal from the EDPA individually.

The Motion was then Put and CARRIED with Councillor Sanders OPPOSED

Clerksec - EDPA Response to Staff Report for seven properties on Malton Ave. and Braefoot Rd.

From: "Ted Lea" <tedloralea@shaw.ca>
To: <mayor@saanich.ca>, "Susan Brice" <Susan.Brice@saanich.ca>, "Dean Murdoc...
Date: 4/4/2017 8:55 PM
Subject: EDPA Response to Staff Report for seven properties on Malton Ave. and Braefoot Rd.
CC: "Paul Thorkelsson" <Paul.Thorkelsson@saanich.ca>
Attachments: Response to Staff Report for April 5_2017.doc

Mayor Atwell and Saanich Councillors

I have attached a response to the Staff Report for the Malton Avenue and Braefoot Road properties that will be addressed in the Committee of the Whole meeting on April 5, 2017.

Please contact me if you have any questions.

Ted Lea, RPBio.

2860-25
Braefoot / Malton

Response to Saanich Staff Report: *Request for Removal from the Environmental Development Permit Area (EDPA) 4015 and 4033 Braefoot Road; 4004, 4010 and 4024(buffer only) Malton Avenue*

Council
Administrator
Media

Black – Staff Report
Green – My Response

Summary

Below, I have provided a detailed response to the Staff Report regarding the Malton Avenue and Braefoot Road properties. The EDPA map unit between Braefoot Road and Malton Avenue contains 28 properties. I have viewed each one of these properties, either on the ground or from adjacent properties, in assessing buffers, and not one of these 28 meets the requirements for a Sensitive Ecosystem. The Staff Report does not provide any evidence that these properties are true Garry oak Woodland Sensitive Ecosystems. Many of the properties within the mapped SEI unit no longer contain any native species and are fully developed back yards with lawn, ornamental gardens and backyard structures. The two properties on Braefoot Road, except for small fenceline areas of native shrubs, are mostly dominated by areas of fully develop yards, or invasive species. 4015 Braefoot Road has been farmed for many decades. Approximately half of the property is lawn, ornamental gardens and out buildings. The other half is pasture and is dominated by invasive and agronomic grass species.

Various tree covenants and natural state covenants occur within this SEI map unit. The natural state covenants that I have viewed are dominated by invasive species that appear to be spreading. There does not appear to be any incentives or encouragement for landowners to deal with the invasive species in covenants. I have not done a rare plant survey, but have only assessed whether there are Sensitive Ecosystems on these properties. A rare plant survey is beyond the scope of my present work.

I have followed the Guidelines that Saanich Staff have provided to landowners to have biologists assess their properties for whether they have Sensitive Ecosystems or not. These staff Guidelines are not mentioned in the Staff Report to Council regarding these properties. The Provincial Standards on Ecosystems at Risk and Sensitive Ecosystems are not mentioned in the Staff Report.

Detailed Comments

The Staff Report on page 8, 3rd paragraph that "This Woodland mapped area is one of six remnants in the vicinity which is all that is left of a larger, contiguous ecosystem south of Mount Douglas Park. There is a wildlife corridor being established as properties are developed, in accordance with the Braefoot Area Plan, as well as covenanted areas. This area also connects to Garry oak and other tree species canopy, floodplain and agricultural areas."

My Response: Much of this information is not relevant as to whether there is a Sensitive Ecosystem remaining on the properties. However, the tree canopy corridor as indicated by the statement "six remnants … all that is left" makes it clear that a corridor no longer exists. The wildlife corridor "being established as properties are being developed" is interrupted by fences, paved trails, houses, back yards with lawn, and

major roads. It is unclear what species the corridor will serve for migration. The corridor, as presently being created, is very narrow. Corridors are not part of the EDPA Bylaw.

The Staff Report indicates that in a report by Susan Blundell, RPBio., of ENKON Environmental Consultants, for 4035 Braefoot Road, that most of the area "**would be unlikely to meet the criteria of a sensitive ecosystem**".

My Response: This assessment included the present 4033 Braefoot Road. I completely agree with this assessment from what I have seen for the original 4035 Braefoot Road, and the other areas within this whole map unit. I have viewed all 28 of the properties in this map unit and not one of them would meet the criteria of a Sensitive Ecosystem, following Saanich staff guidelines and provincial Ecosystems at Risk and Sensitive Ecosystem standards. None of these properties are "**relatively unmodified**".

The Staff Report indicates "a rare plant community was identified in the southwest corner of the property and protection of this area was recommended" ... "which resulted in Natural State Covenants and transplanting of plant material.

My Response: This area is now protected by a Natural State Covenant. It has a rare plant, which is considered an endangered species, Foothill sedge (*Carex tumulicola*) and, as indicated, other native species were salvaged and planted within this area. However, this area has become dominated by invasive species and no longer meets the standard for a Sensitive Ecosystem, despite the presence of the endangered sedge species. The endangered species is now protected by a Covenant agreement. It is unclear whether the landowner has been made aware of the endangered species, but it appears that there is no requirement for the landowner to manage this area. The invasive species will continue to expand, if this is the case. Other Natural State Covenants occur within this map unit, however, according to Exemption Clause # 13 of the EDPA Guidelines, an Environmental DP would not be required as they are protected by a Covenant agreement, and therefore, these areas could be removed from the EDPA.

The Staff Report indicates that in the Braefoot Action Plan (2001) "it was noted that "some property owners have natural areas (unmowed) flowing from one property to the next. This adds wildlife habitat value and allows Garry oak parkland wild flowers to survive" and goes on to say that "the study area stands out as a Garry oak corridor in excellent condition" and that the "majority of the Woodland mapped area as an "Environmentally significant area of primary importance."

My Response: The unmowed areas do not make them Sensitive Ecosystems. The Garry oak corridor was at that time and still is confined within this SEI map unit. It was and is surrounded on all sides by residential development, so it does not actually go anywhere. It is unclear whether the "Environmentally significant area of primary importance" refers to a Sensitive Ecosystem as is required by the EDPA, or refers to some other kind of ESA of some other kind, not supported in the EDPA. Since there is presently no Sensitive Ecosystem on any of these properties, this statement is not relevant.

The Staff Report (bottom of page 8 and map on page 9) indicates that staff no longer believe that 4004 and 4010 Malton support an ESA on their properties, however, it

shows that buffers would still be required from the Simon Road, Birring Place properties.

My Response: I support the removal of these two properties. However, none of the Simon Road, or Birring Place properties supports a Sensitive Ecosystem anymore, so that the buffers should also be removed.

The Staff Report on page 10 indicates that "The report by Ted Lea incorrectly identifies a covenant area on 4033 Braefoot Road as a Tree Covenant; however it is a Natural State Covenant. This covenant area includes a rare plant species – Hillside Sedge".

My Response: My statement in the Sensitive Ecosystem ESA assessment for 4033 Braefoot actually states the following: "The backyard which covers the eastern portion of the property, which has a tree covenant, is predominantly lawn and garden, with a few out buildings. The western portion of the property, which has a **natural state covenant** ..." I believe I am correct that one portion of the property has a Tree Covenant and the other portion has a Natural State Covenant.

The rare plant species actually is the endangered species, Foothill sedge (*Carex tumulicola*), which as stated above was salvaged from others sites on that property and placed in this area, where a population already existed.

I have not suggested that any of the covenants be removed, only that the covenants that I have seen do not meet the standard for a Sensitive Ecosystem. There is value in maintaining the endangered sedge species within the covenant, but there needs to be a method determined to maintain these areas over time, as they are quickly becoming dominated by invasive species, with no apparent means to deal with them.

The Staff Report indicates that "Staff biologists do not agree with the assessment by Mr. Lea, that there is no Woodland Sensitive Ecosystem, due to the time of year that the work was completed, the focus on the presence of invasive plants, the lack of assessment of habitat, and the lack of a complete inventory or reference to a rare species in the mapped area. It should be noted that the rare species occurred within previously agricultural areas in the same mapped area in several locations. Inventory methods are not consistent with Best Management Practices for Garry Oak and Associated Ecosystems."

My Response: No where in the statement above does staff indicate that they disagree with my report due to a flawed assessment of whether there is a Garry Oak Woodland Sensitive Ecosystem on these properties, following the Staff Guidelines provided to consulting biologists. All issues noted above are extraneous as to whether there is a Sensitive Ecosystem ESA on these properties. I will address the rest of these concerns.

The Staff Report indicates that "Staff biologists do not agree with the assessment by Mr. Lea, that there is no Woodland Sensitive Ecosystem, due to the time of year that the work was completed.

My Response: I viewed these properties in May and June. Many of the wildflower species typically associated with these kinds of ecosystems would have been flowering

at that time, if they were present. However, very few of each of these species was seen on these properties, and this was only on the Braefoot Road properties.

The Staff Report indicates that "Staff biologists do not agree with the assessment by Mr. Lea, that there is no Woodland Sensitive Ecosystem, due to … the focus on the presence of invasive plants"

My Response: Overall, these two Braefoot Road properties, where they are not lawn and garden, are dominated by invasive grasses. These properties do not support Woodland Sensitive Ecosystems. The dominance of invasive species are key in the assessment by the Saanich Staff Guidance document to consulting Biologists.

The Staff Report indicates that "Staff biologists do not agree with the assessment by Mr. Lea, that there is no Woodland Sensitive Ecosystem, due to …the lack of a complete inventory or reference to a rare species in the mapped area. It should be noted that the rare species occurred within previously agricultural areas in the same mapped area in several locations.

My Response: The location of the rare species, the endangered species, Foothill sedge (*Carex tumulicola*), is not displayed on the Saanich GIS system. The original locations, only indicated for what was 4035 Braefoot, are available on the BC Conservation Data Centre website. This species is now protected in the Natural State Covenant on 4033 Braefoot Road. The fact that a rare species occurs, does not by itself make any of the property a Sensitive Ecosystem. It is important to protect the rare species and maintenance requirements to prevent the species being outcompeted by invasive species needs to be determined, possibly with incentives for the landowner.

The Staff Report indicates that "Staff biologists do not agree with the assessment by Mr. Lea, that there is no Woodland Sensitive Ecosystem, due to … Inventory methods are not consistent with Best Management Practices for Garry Oak and Associated Ecosystems."

My Response: The Saanich Staff Guidance document to consulting Biologists is titled "***Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29).***" It states to follow the "*Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*" and the actual SEI standards. By following these two documents, there is no Sensitive Ecosystem on any of these properties. There is no natural ecosystem in a "relatively unmodified" condition.

Respectfully submitted,

Ted Lea, RPBio.

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REPORT ☐
FOR

ACKNOWLEDGED:

Sarah Litzenberger - Request for Removal from EDPA Buffer area at 4024 Malton Ave

From: Herma Reuten
To: "Sharon.Froud@saanich.ca" <Sharon.Froud@saanich.ca>
Date: 3/27/2017 9:03 PM
Subject: Request for Removal from EDPA Buffer area at 4024 Malton Ave
CC:

To whom it may concern,

I plan to attend the Whole Meeting on Wed. April 5 to address our request for removal from the EDPA in response to your email sent on March 22, 2017. Pictures are included with my power points.

1. Names of Applicants: Herma and Bill Reuten
2. Our primary concerns/ Goal : removal
3. Details of property in question: lot size, house footprint, size of Buffer containing vegetation, percentage of concrete ground cover in Buffer area and type of trees, bushes, flower beds.
4. Assessments and report done by registered biologist and findings. Comparison to next door neighbour's property Assessment and outcome.
5. Conclusion.

Thank you for giving us the opportunity to discuss the EDPA issue based on facts.

Herma

Begin forwarded message:

From: Herma Reuten
Date: March 27, 2017 at 3:09:19 PM PDT
To: Herma Reuten
Subject: EDPA Buffer areas at 4024 Malton Ave

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MAR 28 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH


4024

Herma

2860-25
Braefoot / Malton

Council
Administrator
Media

4th April 2017

Douglas and Brenda MacAskill, Owners of:
[redacted] Llandaff Place &
[redacted] Gordon Head Road
Victoria, B.C.

Saanich Municipal Hall
770 Vernon Avenue
Victoria, B.C.
V8X 2W7

Subject: Committee of the Whole Meeting on 5th April 2017 to Consider Applications for Removal from EDPA

Dear Mayor, Council and CAO,

We understand there are five (5) additional applications for removal from the EDPA being heard by Mayor and Council tomorrow evening.

The subject properties are located at:

4015 Braefoot Road
4033 Braefoot Road
4004 Malton Avenue
4010 Malton Avenue
4024 Malton Avenue

Since my wife (Brenda) and I are currently out of town and unable to attend the meeting in-person, we hereby request that you accept this letter of support for the applicants and that you vote to "**ACCEPT/APPROVE**" the applications.

Yours Truly,

[redacted]

Douglas & Brenda MacAskill

Ph. [redacted]

cc.
mayor@saanich.ca; Dean.Murdock@saanich.ca; Vicki.Sanders@saanich.ca; Leif.Werg eland@saanich.ca; Judy.Brownoff@saanich.ca; Colin.Plant@saanich.ca; Fred.Haynes @saanich.ca; Susan.Brice@saanich.ca; paul.thorkelsson@saanich.ca; council@saanich.ca

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APR 05 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

2860-25 Braefoot/Inglewood Area
1220-20 EDPA

Council - Motion to Remove All Individual Properties from the EDPA

Council Administrator Media

From: "Dianne Maycock" <[redacted]
To: <council@saanich.ca>, <vicki.sanders@saanich.ca>, <dean.murdock@saanich....
Date: 4/5/2017 12:06 PM
Subject: Motion to Remove All Individual Properties from the EDPA

Dear Mayor and Councillors,

We strongly support the motion to remove all individual properties from the EDPA.

Regards,

John Maycock
Dianne Maycock

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FOR
ACKNOWLEDGED:

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DISTRICT OF SAANICH

2860-25 Braefoot/Malton

Coun... Administra... Media

Clerksec - Council Meeting April 5, 2017 - EDPA - Braefoot Road; Malton Avenue

POST TO | POSTED
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INFORMATION
REPLY TO WRITER
COPY RESPONSE TO LEGISLATIVE DIVISION
FOR
ACKNOWLEDGED:

From: Bill Morrison <[redacted]>
To: Richard Atwell <mayor@saanich.ca>, Susan Brice <susan.brice@saanich.ca>,...
Date: 4/4/2017 11:28 PM
Subject: Council Meeting April 5, 2017 - EDPA - Braefoot Road; Malton Avenue
CC: Saanich Citizens For A Responsible EDPA <saanichedpa@gmail.com>, Diamond...

Good Evening:

I am supporting the resident/taxpayers Application for Removal of their properties from the EDPA with respect to the following addresses:

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DISTRICT OF SAANICH

4015 & 4033 Braefoot Road

4004; 4010; 4024 Malton Avenue

In all cases the residents/taxpayers have performed due diligence and have satisfied all requirements for exemption from the EDPA Bylaw.

Further, upon reading the Staff Report (the Report) Saanich have not visited the above properties and as such HAVE NOT GROUND PROOFED the environmental characteristics of the addresses mentioned above. However it is INCUMBENT upon Staff to do just that, GROUND PROOF the properties before commenting on their environmental attributes. Instead Staff, in the Report, have referred to the results of a 2009 review performed by a Registered Professional Biologist. That Report stated that it is unlikely that the above properties meet the criteria of a sensitive eco system.

Staff, in their Report are recommending OPTION 3, refine the mapping with respect to the above properties. However as stated by J Dunster at the Council Meeting of March 27, 2017, **the mapping used by Staff is not correct** (see the Minutes of the Council Meeting). This statement is very credible. I will use my property at 945 Woodhall Drive as an example. My backyard borders on the Christmas Hill Nature Sanctuary. There are no trees and no sensitive eco system in my backyard - just lawn only. Yet the GIS Mapping of my property clearly shows my entire backyard and a significant portion on my home are covered by the EDPA. Now, putting the legislation of the EDPA Bylaw aside for a moment; a logical rationally inclined individual may conclude that a bylaw devoid of common sense is just plain silly. Common Sense is a huge part of PROFESSIONAL ANALYSIS. I am also very confident that Mr. Dunsterâ€™s remark applies to many other properties currently covered by the EDPA. Thus Staffâ€™s recommendation is not based on solid scientific evidence.

Over the last two years (almost) I have only missed one public meeting, including Council Meetings, pertaining to the EDPA and one clear theme, at least to me, is evident. The residents/taxpayers who have requested Removal from the EDPA have satisfied every requirement for exemption YET every single Staff Report, to date, has been negative with respect to the residents/taxpayers submissions. I find this very troubling. Council has many times stated that Staff must be respected. I understand and share that principle. However, based on the Staff recommendations that have been presented, to date, it is clear that Staff are not being respectful of the Biologist Reports, performed by a Registered Professional

Biologist, that are being presented to them pertaining to the properties where Removal from the EDPA has has been requested. Also, Staff have not responded to the Application For Removal Requests in a timely fashion. Staff started receiving the requests the summer of 2016, yet very limited activity occurred on the requests for several months. Again, that is being disrespectful to the residents/ taxpayers. It is also an arrogant way to conduct business. If Saanich had approached the Application for Removals in a timely fashion, from the outset the **â€œStaff feeling overwhelmed by processâ€** as described in the Saanich News, March 31, 2017, would not be an issue.

Thank you for your time.

Bill Morrison
B.Comm.; CPA; CMA

The Corporation of the District of Saanich

Mayor
Councillors
Administrator
Council Administrator
Media

Report

To: Mayor and Council

From: Sharon Hvozdanski, Director of Planning

Date: February 15, 2017

Subject: Request for Removal from the Environmental Development Permit Area (EDPA)
File: 2860-25 • 1515 & 1517 Cedarglen Road; 4141, 4157, 4181 & 4185 Glendenning Road; 4173 Lynnfield Crescent

PROJECT DETAILS

Project Proposal:

The applicants are requesting that their subject properties be removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA). The properties were originially included in the EDPA to provide enhanced protection to the Woodland ecosystem.

The request is based on the submissions by Ted Lea which indicate that there is no Woodland Sensitive Ecosystem on the properties.

If Council supports this request the EDPA Atlas would need to be amended.

Addresses:

1515 & 1517 Cedarglen Road
4141, 4157, 4181 & 4185 Glendenning Road
4173 Lynnfield Crescent

Legal Descriptions:

Lot 8, Section 54, Victoria District, Plan 9479
Lot 9, Section 54, Victoria District, Plan 9479
Lot 1, Section 54, Victoria District, Plan 5307
Lot B, Section 54, Victoria District, Plan 11360
Lots A and B, Section 54, Victoria District, Plan 32211
Lot A, Section 54, Victoria District, Plan 38609

Owners:

Janet and Grant Stark
Timothy and Cynthia Pilkington
Alexander and Lindsey Hoole
Martin and Arlene Winstanley
Joan Johns
Robert Boyd and Gail Mudie

Applicants:	Janet and Grant Stark Timothy and Cynthia Pilkington Martin and Arlene Winstanley Henry Kamphof Robert Boyd and Gail Mudie Bruce Johns
Application Received:	June 30, August 22, November 14 and 28, December 5, 2016
Parcel Sizes:	1607 m^2 to 4035 m^2
Existing Use of Parcels:	Single Family Dwelling
Existing Use of Adjacent Parcels:	See figure 1
Current Zoning:	RS – 10 for 1515 & 1517 Cedarglen Rd and 4173 Lynnfield Crescent RS-18 for 4141, 4157, 4181 & 4185 Glendenning Road
Minimum Lot Size:	N/A
Proposed Zoning:	No change proposed
Proposed Minimum Lot Size:	N/A
Local Area Plan:	Gordon Head
LAP Designation:	Residential

PROPOSAL

The applicants are requesting that their subject properties be removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA). The properties were originially included in the EDPA to provide enhanced protection to the Woodland ecosystem.

The request is based on the submissions by Ted Lea which indicate that there is no Woodland Sensitive Ecosystem on the properties.

PLANNING POLICY

Official Community Plan (2008)

4.1.2.1 "Continue to use and update the "Saanich Environmentally Significant Areas Atlas" and other relevant documents to inform land use decisions."

4.1.2.3 "Continue to protect and restore habitats that support native species of plants, animals and address threats to biodiversity such as invasive species."

4.1.2.4 "Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems."

4.1.2.5 "Preserve "micro-ecosystems" as part of proposed development applications, where possible."

4.1.2.7 "Link environmentally sensitive areas and green spaces, where appropriate, using "greenways", and design them to maintain biodiversity and reduce wildlife conflicts."

Gordon Head Local Area Plan (2003)

4.1 "Protect indigenous vegetation, wildlife habitats, and landscapes when considering applications for change in land use."

4.4 "Seek opportunities to vegetate areas with appropriate native species that will support indigenous wildlife."

General Development Permit Area Guidelines (1995)

1. "Major or significant wooded areas and native vegetation should be retained wherever possible."

Environmental Development Permit Area Guidelines (2012)

1.b.i) and iv) "Development within the ESA shall not proceed except for the following:
Proposals that protect the environmental values of the ESA including:

- the habitat of rare and endangered plants, animals and sensitive ecosystems"

2. "In order to minimize negative impacts on the ESA, development within the buffer of the ESA shall be designed to:

- Avoid the removal/modification of native vegetation;
- Avoid the introduction of non-native invasive vegetation;
- Avoid impacts to the protected root zones of trees within the ESA;
- Avoid disturbance to wildlife and habitat;
- Minimize the use of fill;
- Minimize soil disturbance;
- Minimize blasting;
- Minimize changes in hydrology; and
- Avoid run-off of sediments and construction-related contaminants."

3. "No alteration of the ESA will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment. Prior to the issuance of a development permit, the following information may be required:
   - A sediment and erosion control plan;
   - An arborist report according to the "Requirements For Plan Submission and Review Of Development or Building Related Permits" (Saanich Parks);
   - A biologist report;
   - A surveyed plan; and/or
   - A bond."

4. "The following measures may be required to prevent and mitigate any damage to the ESA:
   - Temporary or permanent fencing;
   - Environmental monitoring during construction;
   - Demarcation of wildlife corridors, wildlife trees, and significant trees;
   - Restricting development activities during sensitive life-cycle times; and
   - Registration of a natural state covenant."

5. "Revegetation and restoration may be required as mitigation or compensation regardless of when the damage or degradation occurred."

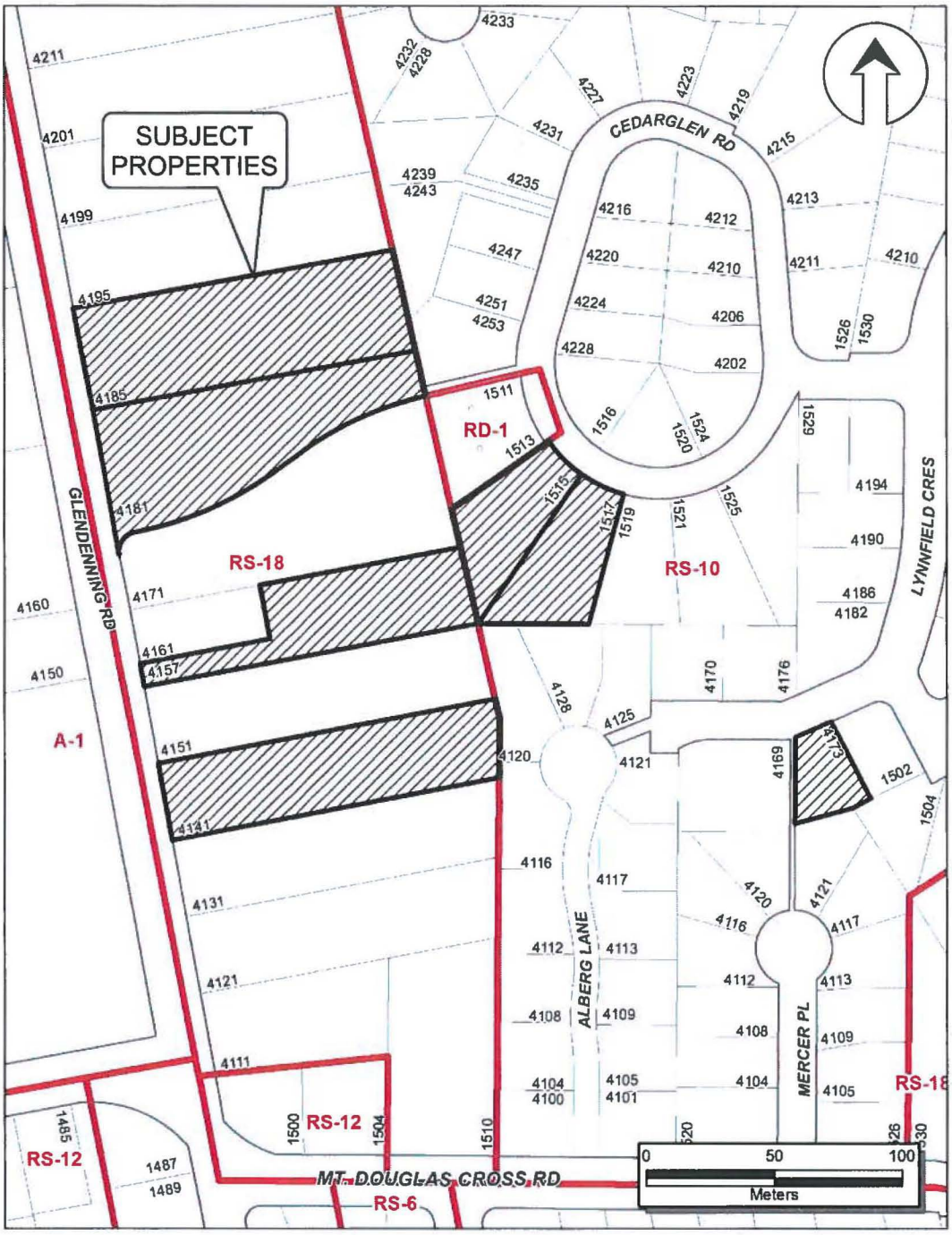


Figure 1: Context Map

BACKGROUND

Environmental Development Permit Area

The Environmental Development Permit Area (EDPA) was adopted by Council in 2012. Part of the EDPA Bylaw is the EDPA Atlas which illustrates the location of five Environmentally Significant Area (ESA) inventories and associated buffers on properties in Saanich. As with the

Streamside Development Permit Area (SDPA), it is acknowledged that the EDPA Atlas will always need to be maintained and updated over time.

There are four ways mapping inaccuracies can be approached according to the EDPA Guidelines:

1. Exemption #14 allows for a professional to refine boundaries of an Environmentally Significant Area and potentially proceed without an Environmental Development Permit if a development proposal is shown to be outside of the ESA. This exemption was designed to avoid undue process or delays for applicants where mapping could be improved.

2. Exemption #15 allows for intrusions into the EDPA where covenants are used to secure comparable natural features which were not previously mapped.

3. As with the SDPA, staff collate proposed EDPA mapping changes as property owners note inaccuracies (which are documented by staff) or biologists hired during the development application process do a more detailed assessment. These changes are brought forward in batches to Council as recommended amendments.

4. Where a proposed mapping amendment is outside of the scope of these provisions, Council approval is required.

In the case of this application, the property owners are seeking Council approval (option 4, above). Staff are of the opinion that the request goes beyond delegated authority in that a change of mapping is requested outside of the development process. As such, this report has been prepared for Council's review and consideration. If Council believes the removal request has merit, a Public Hearing on the matter would need to be called.

Council adopted a motion on May 9, 2016 to endorse Terms of Reference for the hiring of a consultant to develop potential solutions in relation to the application of the/an EDPA in Saanich. The draft Terms of Reference include a public consultation component as part of the development of potential solutions. It is possible that the outcomes of the review may impact the EDPA on this property.

The Environment and Natural Areas Committee has not considered this request.

Existing EDPA Mapping

The EDPA on the subject property is in reference to one Environmentally Significant Area (ESA): Woodland.

The Woodland ecosystem is part of the Provincial/Federal Sensitive Ecosystem Inventory (SEI). The Ministry of Environment states that SEI areas are often ecosystem remnants and have many values because they:

- Provide critical habitat for species at risk and include ecosystems at risk,
- Are biologically diverse;
- Provide wildlife corridors and linkages;
- Bring nature into communities;
- Provide recreational opportunities;
- Support learning environments;
- Create economic benefits, and
- Are a legacy for future generations.

Specifically, Woodland (Garry Oak) is described as:

- Open deciduous forests;
- Favouring shrub, grass and forb species;
- Competitive with coniferous ecosystems where disturbance or soil conditions allow;
- Threatened by invasive species;
- Containing the highest number of species of conservation concern in the SEI;
- Highly vulnerable to development;
- Attracting insects, reptiles, and birds; and
- Found in only 0.6% of the land base within the Capital Region.

The EDPA includes a 10m buffer for the Woodland ESA. Property owners can apply for a permit to develop within the buffer area.

As part of the ESA Mapping Initiative in 2013, the Woodland mapping in this area was assessed by the project biologist who determined that the Woodland was a medium conservation priority and recommended that the mapping area be increased in size (see Figure 3).

Staff visited both Cedarglen properties and determined that there is Garry Oak canopy but no native understorey was noted at the time. The main contribution of these properties to the Woodland is through the canopy connection to other, more natural remnants within the same mapped area. Staff also visited 4141, 4181 and 4185 Glendenning Road and feel the mapping is accurate but could be revisited at the appropriate time of year (early spring). 4173 Lynnfield Crescent is located only in the buffer. Staff were not given access to 4157 Glendenning Road.

Since the time the EDPA was adopted, development has been approved at 1516 Mount Douglas Cross Road. Based on a report from Aqua-tex Scientific Consulting (with Ted Lea as the terrestrial ecologist), the ESA was shown to be only on adjacent properties which allowed for an exemption from the EDPA process with the exception of a small area of buffer. Development of this property will remove the continuous oak canopy and ecosystem remnants and replace it with narrow strips of tree covenant. Of the 158 trees that were inventoried in 2014, only 45 trees will be retained. While replacement trees are proposed, the integrity of the oak canopy will be lost (see Figure 2).

Figure 2 shows the current EDPA mapping along with existing 'no build' and tree covenants, plus proposed tree covenant areas.

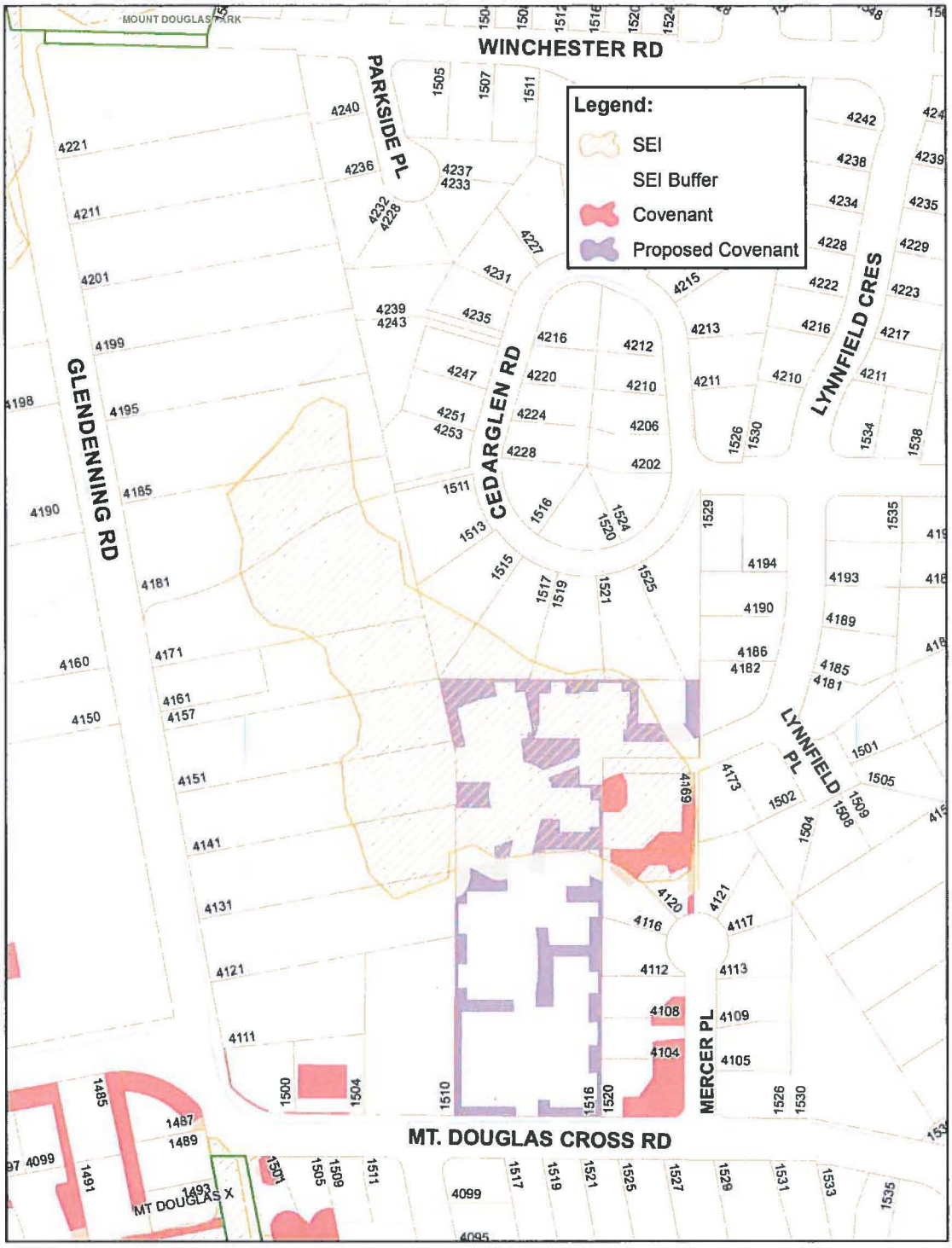


Figure 2: Existing EDPA, existing (red) and proposed (purple) covenants

Figure 3 shows proposed additions to the Woodland polygon by Ted Lea in 2013 (see attached) and as part of the ESA Mapping Initiative, also in 2013. It should be noted that no additions to the mapping are being considered at this time. Any proposed additions to the EDPA Atlas would need separate public engagement. The purpose of providing this figure is to show that biologists have identified the mapping as SEI and have proposed expanding it. One of the reasons that SEI mapping can differ between biologists, as recently explained by Provincial biologists, is that the application of the SEI methodology can be subjective when it comes to determining what is 'relatively natural'.

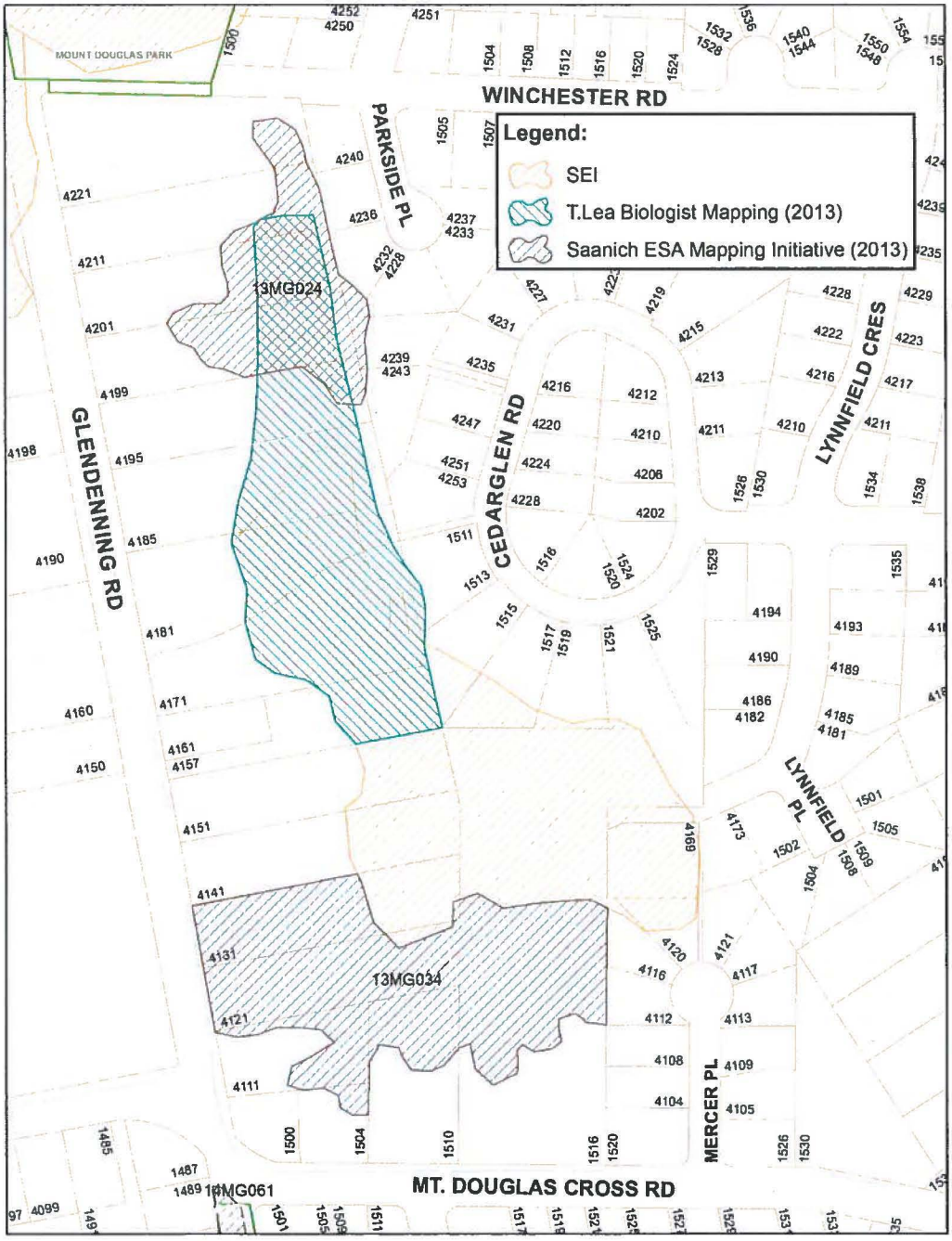


Figure 3: 2013 mapping of the Woodland boundaries.

Figure 4 shows what staff biologists support in recognition of the impacts of upcoming development and the protection offered by covenanted areas. This would result in the Woodland mapping removed from 1515 & 1517 Cedarglen Road, leaving just the buffers from adjacent properities. All Glendenning Road properties would remain in the EDPA. 4173 Lynnfield Crescent would no longer be in the EDPA. There is potential for further refinement of these boundaries if staff is given access to the properties in the spring.

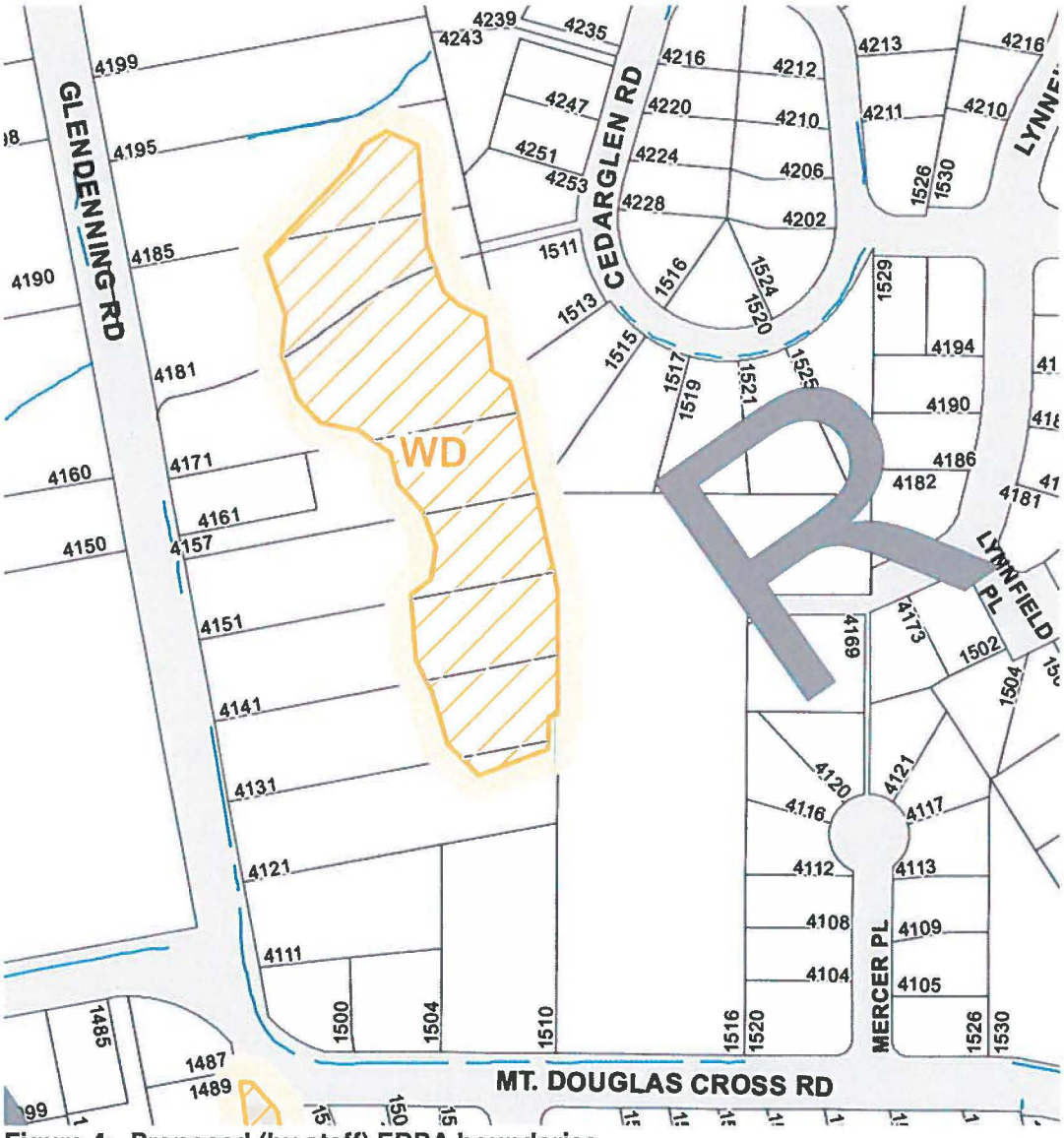


Figure 4: Proposed (by staff) EDPA boundaries

Removal Request

The owners have requested that the Woodland Sensitive Ecosystem "designation" be removed from their property. In support of the request, the owners have submitted letter reports from biologist, Ted Lea. For purposes of transparency, Saanich legal counsel has advised that Council and all parties interested in this application should be made aware that Mr. Lea owns property within the mapped area. Mr. Lea has previously identified this issue himself as part of a separate EDPA application. The report describes the properties as having Garry Oak overstorey, lawns and gardens. In addition, the Glendenning properties have invasive grasses and shrubs as well as native grasses, Camas, and shrubs. As a neighbour, Mr. Lea has

observed the Garry Oak meadow at 4181 and 4185 Glendenning being dominated by invasive species.

Mr. Lea states that there is no Woodland Sensitive Ecosystem on the properties because of the lack of native understorey and/or the need for restoration.

Further, Mr. Lea states that the entire Woodland map unit does not meet Sensitive Ecosystem Standards based on visiting or viewing most of the properties. This contradicts an assessment and map produced by Mr. Lea in 2013 which showed 4151 Glendenning as having a native plant association, plus several properties located from 4157 Glendenning north as being dominant SEI. The mapping proposes adding several more properties to the current mapped area. In 2013, a subsequent report, based on the work of Ted Lea, stated that 4151 Glendenning had a confirmed SEI Garry Oak ecosystem present.

Figure 5 illustrates the EDPA mapping if Council were to remove the Woodland ecosystem from the subject properties.

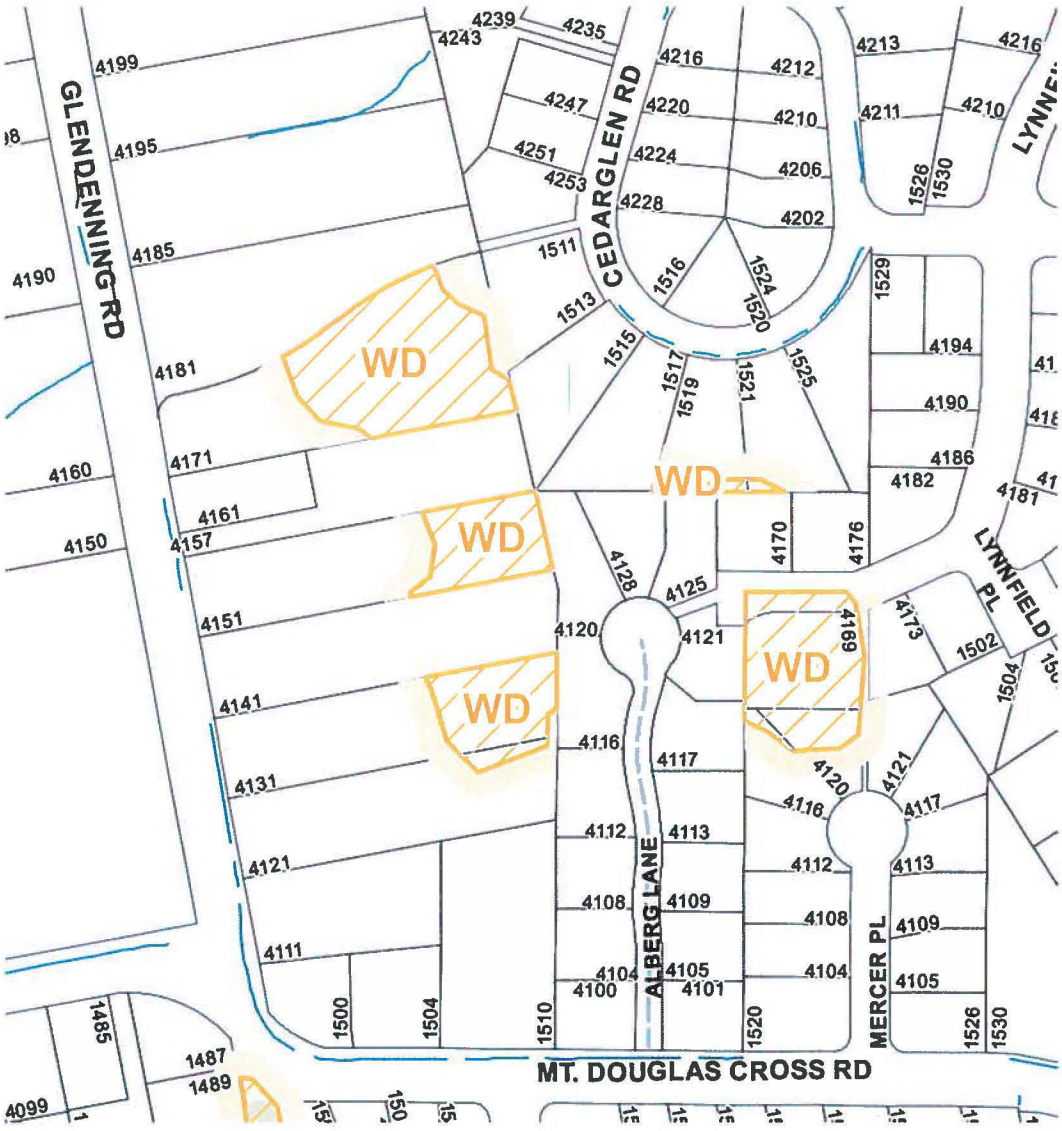


Figure 5: Post Removal Site Considerations, including 1516 Mount Douglas X Road.

OPTIONS

1) Do not support the request to remove the four subject properties from the Woodland Sensitive Ecosystem mapping of the EDPA Atlas based on the findings of the ESA Mapping Initiative findings and earlier findings by Ted Lea.

2) Support the request to remove the Woodland Sensitive Ecosystem mapping from the EDPA Atlas based on the findings of recent letter report prepared by Mr. Ted Lea and illustrated in figure 5.

3) Adopt new mapping of the entire Woodland polygon based on upcoming developments and tree covenant areas as illustrated in figure 4.

4) Postpone a decision on this application pending the outcome of the final phase of the EDPA "check-in" which would be undertaken by the independent consultant.

Staff recommend Option 3, namely that the entire Woodland unit be remapped with respect to upcoming developments and tree covenant areas, for the following reasons:

- Saanich Official Community Plan policies support the protection and restoration of rare and endangered ecosystems in this area;
- Previous work by Ted Lea shows that several properties meet SEI criteria and the mapping could be expanded;
- Previous work by the ESA Mapping Initiative shows that the Woodland has medium conservation value and should be expanded in size; and
- Recognition of upcoming development which will reduce the contiguous canopy joining remnant ecosystem areas.

SUMMARY

The owners of 1515 & 1517 Cedarglen Road; 4141, 4157, 4181 & 4185 Glendenning Road; and 4173 Lynnfield Crescent have requested removal of the Woodland EDPA mapping from their properties based on letter reports by Ted Lea stating that there is no Woodland Sensitive Ecosystem located on the properties.

Staff biologists support updating the mapping in consideration of the impact of upcoming developments and in keeping with previous biologist reports. This would result in the Woodland mapping removed from 1515 & 1517 Cedarglen Road, leaving just the buffers from adjacent properities. All of the subject Glendenning Road properties would remain in the EDPA. 4173 Lynnfield Crescent would no longer be in the EDPA. There is potential for further refinment of the mapping boundaries.

RECOMMENDATION

That Council support Option 3.

Note: If Council supports Option 3, a Public Hearing would still be required. If Council wishes to support the removal request at this time, the motion would be as follows:

a) That staff be requested to prepare an amendment to Plate 28 of Schedule 3 to Appendix N of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Woodland at 1515 & 1517 Cedarglen Road, 4141, 4157, 4181 & 4185 Glendenning Road, and 4173 Lynnfield Crescent from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment.

Report prepared by:

Adriane Pollard, Manager of Environmental Services

Report reviewed by:

for Sharon Hvozdanski, Director of Planning

AP/jp
H:\TEMPEST\LAND\106543\Report_EDPA Removal_Feb 2017.docx

Attachments

cc: P. Thorkelsson, CAO

CAO'S COMMENTS:

I endorse the recommendation of the Director of Planning

Paul Thorkelsson, CAO

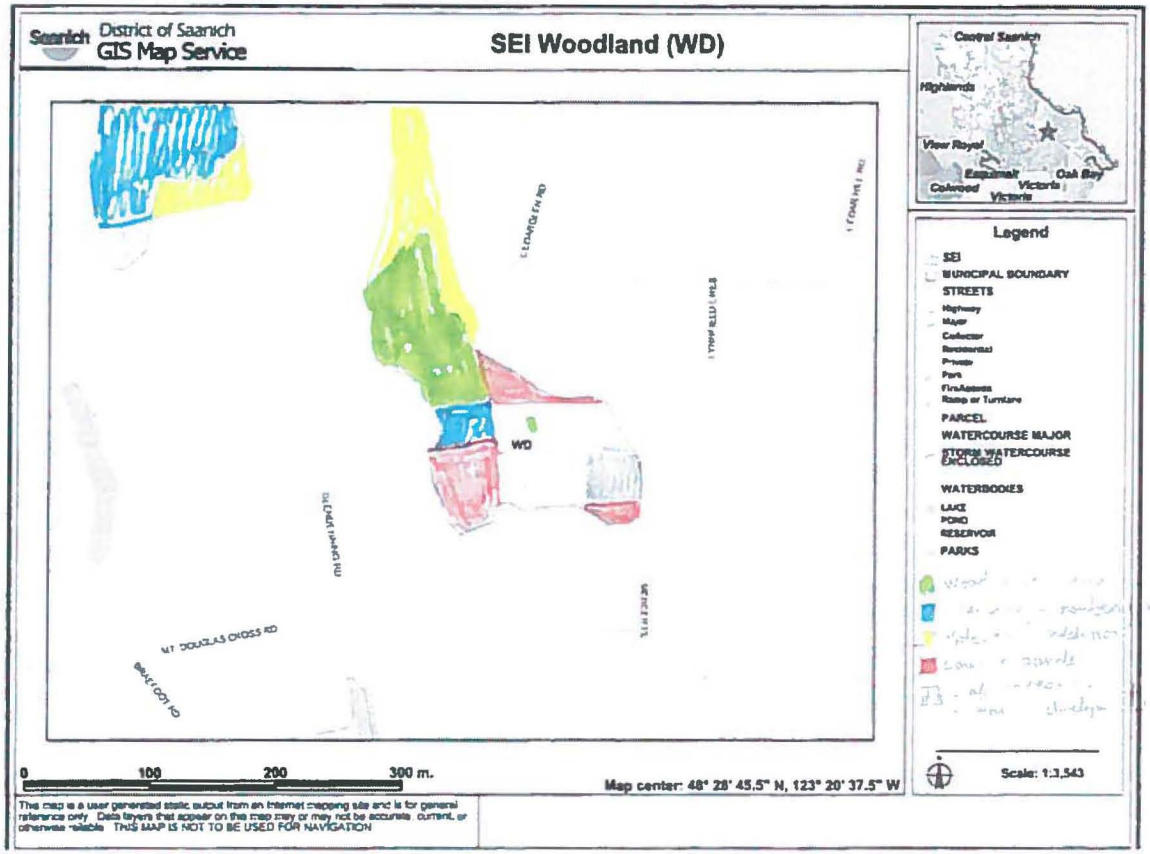


Figure 4. Site assessment of the understory camas community within the SEI polygon. This assessment, based upon site visits, reveals a small camas plots on the property, while the dominant SEI understory plant community lies off-site, to the northwest corner of the polygon. This work was conducted initially by Mr. Ted Lea, and reconfirmed during the April 14th, 2013 site visit. The realigned SEI Polygon should be limited to the large green shaded zone, in the northwest corner of the Polygon. **Legend** – Green: Woodland – camas; Blue: oceanspray – snowberry association; Yellow: potential addition; Red: lawn & garden; Grey: all invasives, awaiting development.

To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 19, 2016

Re: **Report - Sensitive Ecosystem and EDPA – 1515 Cedarglen Road – Property of Janet and Grant Stark**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem and field notes are all covered by the information below, where necessary.

I have visited the above property in June, 2015 and walked the whole property. I have also seen the property at various seasons in the past 20 years. I have confirmed with Jo-Anne Stacey of the BC Conservation Data Center that there was no field inspection of the original SEI mapping.

There is no Sensitive Ecosystem on this property. There is also no viable Sensitive Ecosystem on adjacent properties. This property is not known to have any native understory species, except those that have been planted by the landowners. There is a Garry oak overstory that covers over half of the property, however, the understory of the property is predominantly lawn and garden, with a few out buildings.

In assessing the property to the south from this property at 1516 Mount Douglas Cross Road, I originally thought there was a viable Garry oak – oceanspray – common snowberry association to the west of that property on 4151 Glendenning Road, which could have also created the need for a buffer at 1515 Cedarglen Road. My assumption was that the property to the west at 4157 Glendenning had a Garry oak – common camas – blue wildrye association and there would have been continuous natural vegetation, however, from what I have now seen this property has become dominated by invasive species and now no longer fits the Sensitive Ecosystem definition. I have also recently done assessments at 4181 and 4185 Glendenning. These properties no longer fit the definition of Sensitive Ecosystem, as they are dominated by invasive species. Almost all of the map unit in this area would not fit the Sensitive Ecosystem definition, following the Federal and Provincial standards. As well, the oak - shrub area, when looked at from 1515 Cedarglen, is quickly being overrun by English ivy and Himalayan blackberry, which will eventually take over the whole area. The occurrence of the shrub area is too small to be a viable occurrence and as such does not fit the definition of an ecosystem at risk and therefore a Sensitive Ecosystem. No buffer should be required from this occurrence. I have attached a map of the occurrence – it measures about 5 metres by 15 metres. It is surrounded by lawn, dense invasive species and the former Alberg Family Property. It is acting as a shrub fringe, not as a viable Garry oak - shrub ecosystem.

There is no remnant Garry oak Woodland Sensitive Ecosystem on the property. If any area is required to be protected on this property, it will develop a dense understory of Scotch broom, Himalayan blackberry and English ivy over a few years time. This property will not return to a natural plant community unless significant restoration efforts take place.

Secondary Assessment

The District of Saanich document: "*Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)"* recommends a secondary Conservation Value Assessment of Landscape Context, Condition and Restoration Potential. However, the document indicates that: "*If an area is considered an SEI polygon, a secondary assessment is needed to determine a practical, long-term conservation value for Saanich*." Since there is no Sensitive Ecosystem remaining on this property, it cannot be considered an SEI polygon and therefore, no secondary assessment is needed and was not done.

I have consulted the three standards recommended by Saanich's 2013 Guidelines and recent Interim Guidance document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual
3) Best Management Practices for Garry Oak & Associated Ecosystems

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem. For example, an urban Garry Oak tree that is now surrounded by lawn grasses and daffodils does not have the same plant communities and ecological processes as the original GOE would have had, and is therefore not considered to be a viable GOE."

Nothing on this property fits any of these conditions as there is no natural ecosystem on the property.

In following the EDPA bylaw, clause # 14: there should be no EDPA required on this property. As well, there should be no need for an EDPA buffer from any adjacent property. The District of Saanich should remove the Sensitive Ecosystem designation from this property and remove the EDPA requirement.

Ted Lea, R.P.Bio.

cc Janet and Grant Stark

To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 19, 2016

Re: **Report - Sensitive Ecosystem and EDPA – 1517 Cedarglen Road – Property of Tim and Cynthia Pilkington**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem and field notes are all covered by the information below, where necessary.

I have visited the above property in June, 2015 and walked the whole property. I have also seen the property at various seasons in the past 20 years. I have confirmed with Jo-Anne Stacey of the BC Conservation Data Center that there was no field inspection of the original SEI mapping.

There is no Sensitive Ecosystem on this property. There is also no viable Sensitive Ecosystem on adjacent properties. This property is not known to have any native understory species. There is a Garry oak overstory that covers over half of the property, however, the understory of the property is predominantly lawn and garden, with a few outbuildings.

In assessing the property to the south from this property at 1516 Mount Douglas Cross Road, I originally thought there was a viable Garry oak – oceanspray – common snowberry association to the west of that property on 4151 Glendenning Road, which could have also created the need for a buffer at 1517 Cedarglen Road. My assumption was that the property to the west at 4157 Glendenning had a Garry oak – common camas – blue wildrye association and there would have been continuous natural vegetation, however, from what I have now seen, this property has become dominated by invasive species and now no longer fits the Sensitive Ecosystem definition. I have also recently done assessments at 4181 and 4185 Glendenning. These properties no longer fit the definition of Sensitive Ecosystem, as they are dominated by invasive species. Almost all of the map unit in this area would not fit the Sensitive Ecosystem definition, following the Federal and Provincial standards. As well, the oak - shrub area, when looked at from 1517 Cedarglen, is quickly being overrun by English ivy and Himalayan blackberry, which will eventually take over the whole area. The occurrence of the shrub area is too small to be a viable occurrence and as such does not fit the definition of an ecosystem at risk and therefore a Sensitive Ecosystem. No buffer should be required due to this occurrence. I have attached a map of the occurrence – it measures about 5 metres by 15 metres. It is surrounded by lawn, dense invasive species and the Alberg Family Property. It is acting as a shrub fringe, not as a viable Garry oak - shrub ecosystem.

There is no remnant Garry oak Woodland Sensitive Ecosystem on 1517 Cedarglen Road. If any area is required to be protected on this property, it will

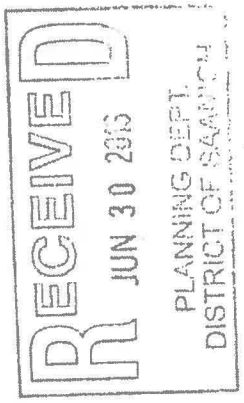
develop a dense understory of Scotch broom, Himalayan blackberry and English ivy over a few years time. This property will not return to a natural plant community unless significant restoration efforts take place.

Secondary Assessment

The District of Saanich document: "*Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)"* recommends a secondary Conservation Value Assessment of Landscape Context, Condition and Restoration Potential. However, the document indicates that: "*If an area is considered an SEI polygon, a secondary assessment is needed to determine a practical, long-term conservation value for Saanich.*" Since there is no Sensitive Ecosystem remaining on this property, it cannot be considered an SEI polygon and therefore, no secondary assessment is needed and was not done.

I have consulted the three standards recommended by Saanich's 2013 Guidelines and recent Interim Guidance document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual
3) Best Management Practices for Garry Oak & Associated Ecosystems



According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem. For example, an urban Garry Oak tree that is now surrounded by lawn grasses and daffodils does not have the same plant communities and ecological processes as the original GOE would have had, and is therefore not considered to be a viable GOE."

Nothing on the subject property fits any of these conditions as there is no natural ecosystem on the property.

In following the EDPA bylaw, clause # 14: there should be no EDPA required on this property. As well, there should be no need for an EDPA buffer from any adjacent property. The District of Saanich should remove the Sensitive Ecosystem designation from this property and remove the EDPA requirement.

Ted Lea, R.P.Bio.

cc Tim and Cynthia Pilkington

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 15, 2016

Re: **Report - Sensitive Ecosystem and EDPA – 4141 Glendenning Road – Property of Alex and Lindsey Hoole**

Please accept this as a letter report for the above noted property. Field forms and sketch maps were not necessary as there is no native ecosystem and field notes are all covered by the information below, where necessary.

I have visited the above property in June, 2016 and walked the whole property. I have confirmed with Jo-Anne Stacey of the BC Conservation Data Center that there was no field inspection of the original SEI mapping.

There is no Sensitive Ecosystem on this property. There is also no viable Sensitive Ecosystem on adjacent properties. There is a Garry oak overstory, with some Douglas-fir and arbutus, that covers almost half of the property, however, the understory of the property within the map unit is predominantly lawn, and has dense invasive shrub areas surrounding the lawn area on the northern, southern and eastern edges of the property. The shrubby areas are dominated by dense Himalayan blackberry and English ivy, with significant cover of orchard grass, and bedstraw, along with English holly, and a large patch of periwinkle. Native species that occur include some snowberry, Indian-plum and black hawthorn. A small rocky outcrop occurs that is dominated by invasive orchard grass and dense annual brome grass species. A few individuals of native blue wildrye and California brome occur here.

All of the entire polygon (map unit) in this area would not fit the Sensitive Ecosystem definition, following the Federal and Provincial standards. I have viewed most of the properties on the ground or from neighbouring properties. The south western portion of this map unit is mostly lawn and garden under oak and Douglas-fir trees, with dense shrub fringes that are significantly covered by invasive species such as Himalayan blackberry and English ivy. The eastern portion that goes through the former Alberg Family property towards Lynnfield Crescent and Mercer Place are old farm areas that have not had natural vegetation for many decades and are presently covered with invasive species. I have recently done an assessment on Lynnfield Crescent that had 3 metre high invasive species removed a year ago and it has returned with many non-native species completely covering the property. No Sensitive Ecosystem remains on any of this area. The north western portion of the map unit has become degraded over the last thirty years that we have lived in this neighbourhood. Originally it was a Garry oak ecosystem with significant native plant cover, with only a few invasive species present, such as Scotch broom. It now is dominated by Scotch broom, Himalayan blackberry and a dense cover of invasive grass species, mainly invasive annual brome species. Scattered patches of camas still remain,

but these are often suppressed by the invasive grasses. A few patches of the native blue wildrye and California brome occur. It no longer meets the Sensitive Ecosystems standard. All of these properties are quite large and restoration of these properties would take significant resources and time. Many of the owners have indicated that they used to remove invasive species such as blackberry and Scotch broom, but are no longer able to do this activity. There is a tree corridor to the north to Mount Douglas Park, with a few gaps, however, there is no natural understory through all of this area, as the properties north of this map unit are mostly lawn and gardens under the trees. There is no tree corridor to the south, into the Livingstone and Malton Avenues area. Much of the map unit is surrounded by residential development. Not one property meets the definition of a Sensitive Ecosystem.

There is no remnant Garry oak Woodland Sensitive Ecosystem on this property. If any area is required to be protected on this property, it will develop a dense understory of Himalayan blackberry, and English ivy over a few years time. This property will not return to a natural plant community unless significant restoration efforts take place.

Secondary Assessment

The District of Saanich document: "*Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)"* recommends a secondary Conservation Value Assessment of Landscape Context, Condition and Restoration Potential. However, the document indicates that: "*If an area is considered an SEI polygon, a secondary assessment is needed to determine a practical, long-term conservation value for Saanich.*" Since there is no Sensitive Ecosystem remaining on this property, it cannot be considered an SEI polygon and therefore, no secondary assessment is needed and was not done.

I have consulted the three standards recommended by Saanich's 2013 Guidelines and recent Interim Guidance document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual
3) Best Management Practices for Garry Oak & Associated Ecosystems

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive

Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem. For example, an urban Garry Oak tree that is now surrounded by lawn grasses and daffodils does not have the same plant communities and ecological processes as the original GOE would have had, and is therefore not considered to be a viable GOE."

Nothing on this property fits any of these conditions as there is no natural ecosystem on the property.

In following the EDPA bylaw, clause # 14: there should be no EDPA required on this property. As well, there should be no need for an EDPA buffer from any adjacent property. The District of Saanich should remove the Sensitive Ecosystem designation from this property and remove the EDPA requirement.

Ted Lea, R.P.Bio.

cc Alex and Lindsey Hoole

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 15, 2016

Re: **Field Verification and Assessment of Woodland Sensitive Ecosystem ESA Mapping at 4157 Glendenning Road – Properties of Arlene Winstanley**

Please accept this as a letter report assessing whether there is an occurrence of a Woodland Sensitive Ecosystem on this property.

I have visited this property once in early June, 2016 and have viewed it from surrounding properties.

There is no Sensitive Ecosystem on this property. The western portion of the map unit on this property is dominated by lawn and gardens. The next portion to the east of this area, near the cottage, was tiered gardens in the 1950s and is now dominated by orchard grass, invasive annual brome species, and weeds. The eastern portion bordering Cedarglen properties is dominated by invasive grasses, including annual bromes and orchard grass. These now dominate the herb layers on all open parts of the property within the Woodland SEI map unit. The owners have removed significant Scotch broom plants for many years. There is a good cover of common camas and small patches of snowberry, Indian-plum and California brome. The area to the south, along the fence line, is dominated by dense blackberry, non-native hawthorn, with some Indian-plum.

There is no Garry oak Woodland Sensitive Ecosystem on this property. If any area is required to be protected on this property, it will develop a dense shrub cover of Scotch broom, Himalayan blackberry, and other invasive species over a few years time. This property will not return to a natural plant community unless significant restoration efforts take place.

All of the entire polygon (map unit) in this area would not fit the Sensitive Ecosystem definition, following the Federal and Provincial standards. I have viewed most of the properties on the ground or from neighbouring properties. The south western portion of this map unit is mostly lawn and garden under oak and Douglas-fir trees, with dense shrub fringes that are significantly covered by invasive species such as Himalayan blackberry and English ivy. The eastern portion that goes through the former Alberg Family property towards Lynnfield Crescent and Mercer Place are old farm areas that have not had natural vegetation for many decades and are presently covered with invasive species. I have recently done an assessment on Lynnfield Crescent that had 3 metre high invasive species removed a year ago and it has returned with many non-native species completely covering the property. No Sensitive Ecosystem remains on any of this area. The north western portion of the map unit has become degraded over the last thirty years that we have lived in this neighbourhood. Originally it was a Garry oak ecosystem with significant native plant cover, with only a few invasive species present, such as Scotch broom. It now is dominated by Scotch broom, Himalayan

blackberry and a dense cover of invasive grasses species, mainly invasive annual brome species. Scattered patches of camas still remain, but these are often suppressed by the invasive grasses. A few patches of the native blue wildrye and California brome occur. It no longer meets the Sensitive Ecosystems standard. All of these properties are quite large and restoration of these properties would take significant resources and time. Many of the owners have indicated that they used to remove invasive species such as blackberry and Scotch broom, but are no longer able to do this activity. There is a tree corridor to the north to Mount Douglas Park, with a few gaps, however, there is no natural understory through all of this area, as the properties north of this map unit are mostly lawn and gardens under the trees. There is no tree corridor to the south, into the Livingstone and Malton Avenues area. Much of the map unit is surrounded by residential development. Not one property meets the definition of a Sensitive Ecosystem.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, and the recent Guidance document it is clear that **there is no Woodland Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

I have consulted the three standards recommended by Saanich's 2013 Guidelines and the recent Interim Guidance document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual
3) Best Management Practices for Garry Oak & Associated Ecosystems (GOERT)

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant**

association. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem."

The subject property does not meet the definition of an Environmentally Significant Area for the following reasons. The property is dominated by over 80% cover of invasive species. There are few native species in addition to the Garry oak trees. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. The site has been so altered that it does not represent a viable ecosystem and if the property is left alone, without significant restoration activity, it will become further degraded and even more dominated by invasive plant species. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

These properties could be restored, but only with years of significant invasive species removal and native plant re-introductions. It would be best to work with the property owner as a stewardship initiative, but only with significant resources provided by outside agencies or the municipality. The properties are not part of a corridor, as natural vegetation does not occur on any side of this map unit that would connect these properties to areas of natural Garry oak ecosystem.

Following these standards and guidelines it is my professional opinion that **there is no Garry oak Woodland Sensitive Ecosystem ESA on this property in a relative natural state.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

Because of this, the ESA and subsequent EDPA designation should be removed from these properties for the Woodland SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc Arlene Winstanley

To Adriane Pollard
Manager of Environmental Services
District of Saanich

July 25, 2015

Re: **Woodland SEI Mapping at 4181 and 4185 Glendenning Road – Properties of Joan Johns**

Please accept this as a letter report assessing whether there is an occurrence of a Woodland Sensitive Ecosystem on this property.

I have visited this property once in early July, 2015. I live above this property and am very aware of the ecological situation over the past three decades.

There is no Sensitive Ecosystem on these properties. Over the last 25 years I have watched this area go from a Garry oak meadow with few invasive species (there was significant broom that the owners removed) to now being dominated by invasive grasses, Scotch broom, Himalayan blackberry and English ivy. Invasive grasses, including annual bromes and orchard grass now dominate the herb layers on all parts of the property within the Woodland SEI map unit., with dense shrub covering much of the eastern portions of the properties. There are scattered individuals of common camas and small patches of blue wildrye and California brome. Both properties are in poor ecological condition.

Neither property is actually a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, and the recent Guidance document it is clear that **there is no Woodland Sensitive Ecosystem on the property.**

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

I have consulted the three standards recommended by Saanich's 2013 Guidelines and the recent Interim Guidance document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

3) Best Management Practices for Garry Oak & Associated Ecosystems (GOERT)

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem."

Following these standards and guidelines it is my professional opinion that **there is no Woodland Sensitive Ecosystem on this property as there is no viable ecosystem remaining.**

Because of this, the ESA and subsequent EDPA designation should be removed from these properties for the Woodland SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc Joan Johns, Bruce Johns

To Adriane Pollard
Manager of Environmental Services
District of Saanich

August 20, 2016

Re: **Field Verification and Assessment of Woodland Sensitive Ecosystem Environmentally Significant Area (ESA) Mapping at 4173 Lynnfield Crescent – Property of Robert Boyd and Gail Mudie**

Please accept this as a letter report assessing whether there is an occurrence of a Woodland Sensitive Ecosystem Environmentally Significant Area (ESA) on adjacent properties that would required an EDPA buffer on this property. Field forms and sketch maps were not necessary as there is no native ecosystem and field notes are all covered by the information below, where necessary.

This property has two oak trees within the EDPA buffer. However, **there is no Sensitive Ecosystem ESA on this property. There is also no remaining Sensitive Ecosystem on adjacent properties.** There is a Garry oak overstory on the property to the west, however, the understory of the property is predominantly a dense cover of invasive shrub and herb species.

The property at 4173 Lynnfield Crescent has a buffer that goes through part of the house, and otherwise is dominated by lawn, ornamental plants and an out building. A couple of snowberry plants and one Indian-plum occurs near the two oak trees on the property. The buffer occurs on the western third of the property

I have visited the adjacent property once in late April, 2016 and once in mid-May 2016. I have viewed the property regularly from the Mercer Place footpath many times in the past few years. Before clearing of invasive species in the fall of 2015 this property was dominated by 2-3 metre high Himalayan blackberry and Scotch broom, with a dense understory and many trees covered by English ivy. The property has an open overstory of Garry oak. At that time, the property was dominated by a very dense, tall cover of invasive species, with blackberry and other species already returning to 2 metres or more in height. The dense shrub has partly been removed again, but the property is still dominated by invasive species. In the spring, this adjacent property was dominated by a very dense cover of the following invasive species: Himalayan blackberry, annual invasive brome species, hedge mustard (*Sisymbrium officiale*), prickly sow thistle (*Sonchus asper*), Robert's geranium, purple dead-nettle (*Lamium purpurea*) and English ivy. Other invasive species include: orchardgrass, Kentucky bluegrass, bluebells, Scotch broom, thistle, burdock, dandelions, bedstraw, shepherds' purse and many other species. Scattered individuals of common snowberry were found on the property and a couple individuals of Indian-plum.

By following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December

2006), and the District of Saanich document (which is provided to biologists for assessing properties in the EDPA: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Sensitive Ecosystem Environmentally Significant Area (ESA) on the property at 4173 Lynnfield Crescent, nor on any adjacent property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any. This property does not fit at-risk status for any Ecological Community, so is not a Sensitive Ecosystem.

I have consulted the three standards recommended by the District of Saanich's 2013 Guidelines and recent Interim Guidance document, which provide directions to biologists:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual
3) Best Management Practices for Garry Oak & Associated Ecosystems (GOERT)

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

According to # 3, "Garry Oak and associated Ecosystems (GOEs) are much more than Garry Oak (*Quercus garryana*) trees. GOEs have a rich diversity of wildflowers, native grasses, insects, reptiles, birds, and microorganisms that are part of the functioning ecosystem."

"The Garry Oak Ecosystems Recovery Team (GOERT) defines a Garry oak ecosystem as one with naturally occurring Garry oak trees (Quercus garryana) and some semblance of the ecological processes and communities that prevailed before European settlement."

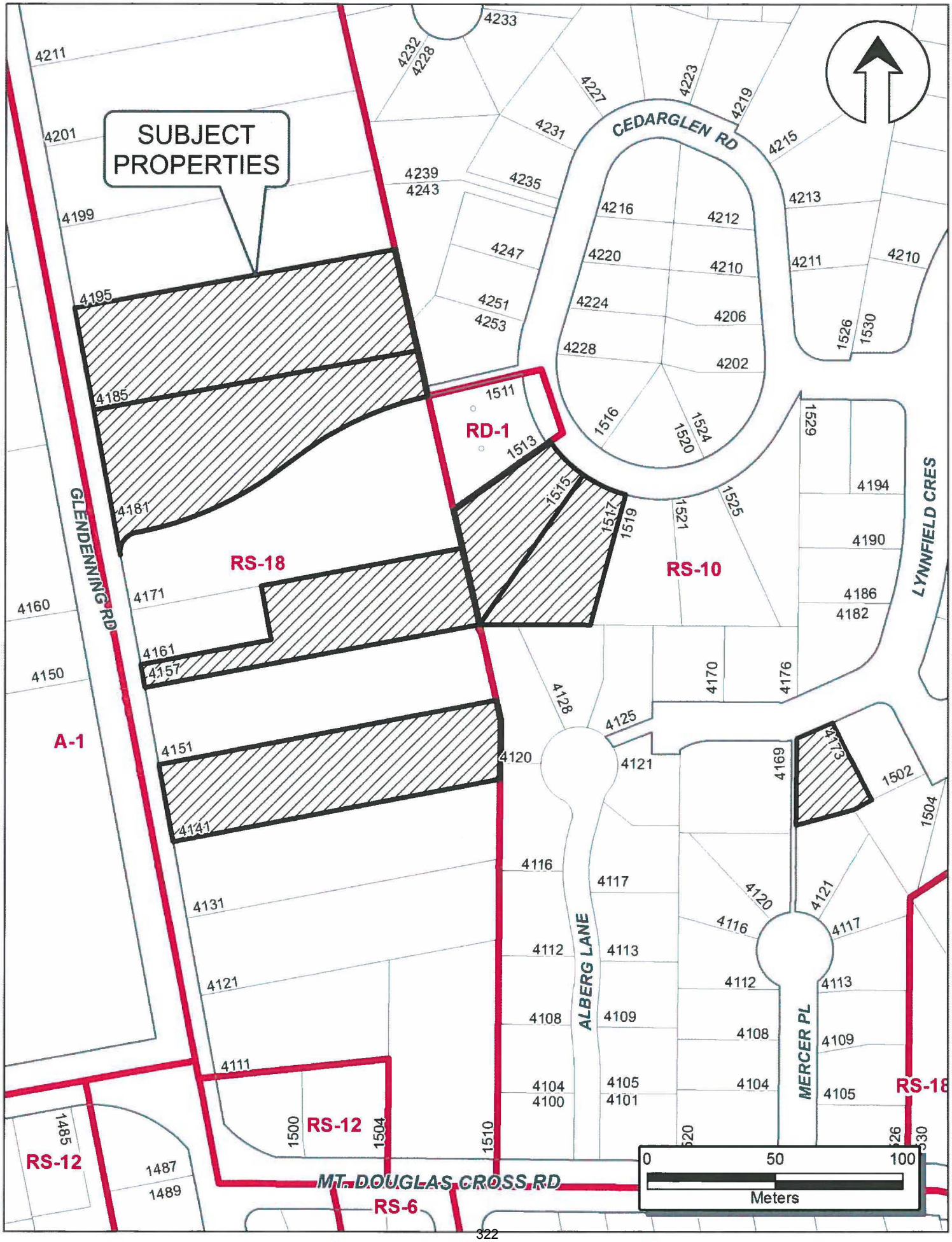
"Although all GOE sites now have been affected to some degree by non-native plant species and loss of natural processes, some are in better condition than others. The presence of Garry Oak trees is a fairly reliable indicator that the area is a Garry Oak ecosystem; however, in some places the site has been so altered that it no longer represents a viable ecosystem."

The adjacent property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by over 80% cover of invasive species. There are very few native species in addition to the Garry oak trees. There is no Sensitive Ecosystem Environmentally Significant Area (ESA) in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. The site has been so altered that it does not represent a viable ecosystem and if the property is left alone, without significant restoration activity, it will become even more dominated by invasive plant species. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Woodland Sensitive Ecosystem Environmentally Significant Area (ESA) on the adjacent property, so no EDPA buffer should be required on the property at 4173 Lynnfield Crescent.** The boundaries of the current Sensitive Ecosystem Environmentally Significant Area (ESA) mapping should be refined, and removed from the property, as the proposed development is outside of the Sensitive Ecosystem Environmentally Significant Area (ESA). There is no Woodland Sensitive Ecosystem ESA on any surrounding property.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Robert Boyd and Gail Mudie


SUBJECT PROPERTIES
CEDARGLEN RD
GLENDENNING RD
LYNNFIELD CRES
ALBERG LANE
MERCER PL
MT. DOUGLAS CROSS RD
RD-1
RS-18
RS-10
RS-12
RS-6
A-1
0
50
100
Meters

1410-04
Report – Planning

xref: 2860-25
Cedarglen/ Glendenning/ Lynnfield

1515 & 1517 CEDARGLEN ROAD; 4141, 4157, 4181 & 4185 GLENDENNING ROAD; 4173 LYNNFIELD CRESCENT – REQUEST FOR REMOVAL FROM THE ENVIRONMENTAL PERMIT DEVELOPMENT AREA

Report of the Director of Planning dated February 15, 2017 recommending that Council endorse Option 3 to adopt new mapping of the entire Woodland polygon based on upcoming developments and tree covenant areas for the reasons outlined in the report.

APPLICANTS:

J. Stark, Cedarglen Road, stated:
- There are approximately 50 Garry oaks on their property, along with lawn and garden; 90% of what is on the property was planted by the owner.

G. Stark, Cedarglen Road, stated:
- The EDPA restricts the use and enjoyment of properties; a dated aerial survey was used to determine the EDPA designations.
- The property consists of garden and lawn and has no sensitive ecosystems; it is appropriate to remove the property from the EDPA.

T. Pilkington, Cedarglen Road, stated:
- Saanich staff have visited the property; there is only lawn, garden, play areas and a shed on the property.
- Having unnecessary restrictions on the property is time consuming and stressful; the EDPA contributes to a decrease in property values.
- He is thankful staff are recommending removal from the EDPA Atlas.

R. Boyd, Lynnfield Crescent, stated:
- The vegetation has been cleared twice for subdivision on neighbouring properties and invasive species continue to grow back and mitigate on their property.
- The biologist report states that there are no environmentally sensitive areas on the neighbouring property therefore there does not need to be a buffer on their property.

B. Johns, Glendenning Road, stated:
- Invasive species are a challenge on the property; over the years, the property was used for vegetable gardens and livestock.

M. Winstanley, Glendenning Road, stated:
- It is an ongoing battle to remove invasive species on the site; there is no intention to develop the property.
- Council are asked to consider the recommendation to remove the property from the EDPA.

H. Kamphof, on behalf of the owners, Lynnfield Crescent, stated:
- Immediately after the home was purchased, the owners started working on the property to remove the many invasive species on it.
- It is requested that the property be removed from the EDPA.

T. Lea, Cedarglen Road, on behalf of the applicants, stated:
- The subject properties are overwhelmingly dominated by invasive grasses;

similar changes have taken place in Mount Douglas Park.
- Removal of invasive species has taken place over many years.
- In 2013, he created a map for the Glendenning properties when he was working on the assessment of a neighbouring property; the map was not based on ground verification.
- Ground verification has now been done and the condition of the properties meet poor ecological conditions following Provincial standards and the guidance document.
- The subject properties on Glendenning Road cannot be considered relatively unmodified rare fragile ecosystems.
- Under the existing EDPA bylaw, the relevant question becomes is there a Garry oak woodland sensitive ecosystem environmentally significant area on these properties; it is his opinion that the Garry oak ecosystem no longer exists.
- The properties on Cedarglen Road consist of manicured lawn, gardens and play structures; there are no sensitive ecosystems on them.
- There is a buffer zone on the property on Lynnfield because the adjacent property was mapped as having a Woodland Sensitive Ecosystem; the buffer runs through the house.
- The properties on Glendenning Road consists of lawn and invasive species; all properties are in poor ecological condition.
- The properties are similar to areas in Mount Douglas Park and would require substantial restoration efforts to return them to a natural state; they are not self-sustaining or viable ecosystems and are already highly degraded.

In response to questions from Council, Mr. Lea stated:
- The map created in 2013 was based on viewing the properties from above; ground verification was not done at the time nor was a guidance document used to verify that sensitive ecosystems existed; ground verification has now been done.
- The map created in 2013 was in relation to an adjacent property.
- Considerable effort would be needed for restoration.

PUBLIC INPUT:

K. Harper, Bonair Place, stated:
- Option 2 is supportable.
- The EDPA bylaw does not call for restoration; restoration is important but should be a community effort.

C. Lowe, Christmas Avenue, stated:
- Option 3 is supportable.
- The motion from the previous Council meeting to temporarily suspend single family zoned properties from the EDPA was disappointing.
- There has yet to be a compelling arguments to remove properties from the EDPA; the properties are not facing hardship nor is development planned.
- The proper process is to review applications for removal when development takes place; the EDPA does not affect property values.
- Aerial photos show that the properties are part of tree corridor that extends from Mount Douglas Park to Cedar Hill Golf Course.
- With some effort, the properties could be restored; if owners let their properties be overgrown with invasive species that provides them with the justification to

apply for removal from the EDPA.
- There needs to be incentives for property owners to maintain and restore native ecosystems; the mapping needs to be updated.
- There is concern with the contradictions between the current mapping and the mapping provided in 2013; an independent review of the properties may be appropriate.

L. Adam, Mountain Road, stated:
- Owners have undertaken a great deal of effort in applying to have their properties removed; there is a need to protect sensitive ecosystems but not to the determent of property owners.

COUNCIL DELIBERATIONS:

In response to questions from Council, the Chief Administrative Officer stated:
- Hundreds of thousands of dollars have not been spent by Saanich on legal fees in relation to the EDPA.
- There are approximately 2,200 Saanich properties in the EDPA and approximately 60 have applied for removal from the EDPA.

In response to questions from Council, the Manager of Environmental Services stated:
- The 2013 report from Aqua-tex Scientific Consulting for the application for 1516 Mt. Douglas Cross Road states that the mapping was re-confirmed during a site visit; Mr. Lea advises that he did not field verify the adjacent properties.
- The staff recommendation was based on sufficient information and data showing the opinions of other biologists.
- Invasive species can grow significantly over time, so there could be a change to the percent coverage of native species.
- Where access was granted, staff visited the properties; however the time of year was not the most desirable for observing native species.
- The staff recommendation to remove properties and refine the mapping was made through a combination of observations including current land use, the residents' knowledge of the property, and pending development.
- There will be a significant break in the tree canopy and ecosystem value due to development; covenants are proposed for the properties for what will remain.
- If there are remnant ecosystems under tree canopy then there is more value in the tree canopy as part of a connection and these areas make the most sense for consideration for restoration; there is the need for a more holistic view of the mapped area.

Motion: **MOVED by Mayor Atwell and Seconded by Councillor Haynes: "That staff be requested to prepare an amendment to Plate 28 of Schedule 3 to Appendix "N" of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Woodland at 1515 and 1517 Cedarglen Road, 4141, 4157, 4181 and 4185 Glendenning Road, and 4173 Lynnfield Crescent from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment."**

Mayor Atwell stated:
- Even after all of the efforts of the property owners to remove invasive species, the environmentally sensitive areas on the properties are degraded; invasive species on adjacent properties continue to spread to these properties.
- There is a need to focus on restoration of municipal parks.

Councillor Brice stated:
- The home owners have followed the proper process and made application for removal from the EDPA; a qualified professional biologist's report states that there are no sensitive ecosystems on the properties.
- Because of the amount of invasive species in the area, it is unlikely that restoration would be successful.

Councillor Haynes stated:
- The biologist's report is a vital part of the decision-making process; the applicants have met the criteria of the application process.
- There are mapping errors on these properties; the applicants have been great stewards of their properties.
- Tree corridors are vital to the environment.

MOVED by Mayor Atwell and Seconded by Councillor Plant: "That the meeting extend past 11:00 p.m."

CARRIED

In response to questions from Council, the Manager of Environmental Services stated:
- If there was a development proposal on properties that have been removed from the EDPA, the Tree Bylaw would not protect trees within the building envelope or service corridor.

Councillor Brownoff stated:
- The EDPA would help in the development stage to protect trees within the building envelope or service corridor; there is no protection at this stage under the Tree Bylaw.

Councillor Sanders stated:
- An environmental development permit would look at issues like tree protection in a building envelope or service corridor; the environmental area is not to stop development, it ensures that there is sensitive development.

Councillor Murdock stated:
- There is concern that there will always be lands with higher ecological value that would be more important to protect than the current application.
- He has the sense that it may be the underlying philosophy of the EDPA and the nature of the property that will continue to be what motivates the discussion and the vote.

Councillor Plant stated:
- He supports the findings of the biologist.

Councillor Wergeland stated:

- There is a need to know what is being protecting, why it should be protected and how it will be protected.

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

2860-25 Glendenning

Mayor Atwell and Saanich Councillors

Response to Staff Report: Request for Removal from the Environmental Development Permit Area (EDPA) – 1515 & 1517 Cedarglen Road, 4141, 4157, 4181 & 4185 Glendenning Road; 4173 Lynnfield Crescent

These properties can be broken into four groups:

The properties at 1515 & 1517 Cedarglen Road consist of lawn, gardens (ornamental and vegetable), outbuildings, and play structures. No natural vegetation remains. No Woodland Sensitive Ecosystem remains.

The property at 4173 Lynnfield Crescent has an EDPA buffer which is caused by a mapped Woodland Sensitive Ecosystem on 4169 Lynnfield Crescent. However, this latter property no longer supports any natural vegetation. Within the last few years this property has supported a very dense, 10 ft high cover of Himalayan blackberry and Scotch broom, with a dense understory of English ivy. Many other invasive species occur. The property was cleared two years ago and came back to 6 ft high cover of the same species within a year. The property has been cleared recently and a dense cover of invasives remains. No buffer is required for the subject property as no ESA on the adjacent property.

The property at 4141 Glendenning Road, within the mapped ESA, consists of mowed lawn with surrounding fringes of dense invasive species including blackberry, ivy, English hawthorn and daphne. A small area presently supports a significant cover of non-native snowdrops, and scattered camas. No native vegetation community remains. No Woodland Sensitive Ecosystem remains.

The properties at 4157, 4181 & 4185 Glendenning Road consist of vegetation in poor ecological condition, similar to the properties on Tudor Avenue and Sea View Road. Invasive species dominate both herb and shrub layers. Scotch broom, Himalayan blackberry and English ivy dominate the shrub layer. The herb layer is dominated by invasive grasses including brome grasses and orchard grass. There are remnant patches of camas on the property growing amongst a dense cover of invasive grasses. The landowners have removed significant amounts of invasive shrubs over the years. These properties are very similar to tens of acres in Mount Douglas Park that have Garry oak ecosystems dominated by invasive shrubs and grasses. All of these areas will require substantial restoration activities and cost to return them to natural communities. There are also portions of each of these properties within the mapped ESA that are lawn and garden. No Woodland Sensitive Ecosystem remains on any of these areas.

A map was provided in the Staff Report which I had created in 2013 when I was assessing the Alberg Family property. At that time, I had not walked on the Glendenning properties to assess them, following the Guidance document

provided by staff. However, I have now walked on them and the condition of all three properties meets poor ecological condition following both the Provincial Standards and the staff Guidelines document. This is a similar situation to what the SEI standards indicate; that is that the map is a flagging tool and needs to be ground verified.

I live above these properties at [redacted] Cedarglen and have lived in this neighbourhood since 1985. I have watched what was once a native species dominated plant community (with Scotch broom common) convert to a very dense invasive species dominated area, with some decent remnants of camas and a few other native species. During the last few years, the camas looks like it will do well, but then the invasive grasses flourish and the camas either does not flower, or does not fruit, due to competition with the invasive grasses.

The Staff Report shows a map on page 9 which shows two new areas of ESA mapping that was done by a consultant for the District. These two areas have not been added to the EDPA. The northern area consists of properties with tree canopy, but underneath are lawn and ornamental/vegetable gardens. These are similar to the two Cedarglen properties. They do not support a Sensitive Ecosystem. The southern portion of this mapping covers 4121 Glendenning and 4131 Glendenning Road. The property at 4131 Glendenning supports a very dense area of invasive species such as blackberry, ivy and English hawthorn, intermixed with native snowberry. The property at 4121 Glendenning is lawn underneath a canopy of trees. Neither of these properties supports a Sensitive Ecosystem. This map unit also covers the southern portion of the former Alberg Family property, where natural vegetation did not exist when this area was mapped as an ESA by the Consultant. A tree corridor may occur to the park from this area, but no ecological corridor exists and most of the properties do not support natural vegetation in the understory. Corridors are not part of the present EDPA Bylaw.

The maps on pages 5 and 14 of the link below which show these properties from air photos used for new ESA mapping.
http://www.saanich.ca/assets/Community/Documents/Phase%202%20Sites%20MG020-TM002%20Smaller.pdf

In my professional opinion none of the seven properties proposed for removal have a Woodland Sensitive Ecosystem following the Saanich Guidance Document to Consultants or the Provincial Ecosystems at Risk and Sensitive Ecosystems standard.

Ted Lea, RPBio.

2860-25 Glendenning

Mayor Atwell and Saanich Councillors

Additional Response to Staff Report: Request for Removal from the Environmental Development Permit Area (EDPA) – 1515 & 1517 Cedarglen Road, 4141, 4157, 4181 & 4185 Glendenning Road; 4173 Lynnfield Crescent

In further reading the Staff Report on these properties, I would like to provide these comments.

The Staff Report says (on page 9): Figure 3 shows proposed additions to the Woodland polygon by Ted Lea in 2013.

My Response: I have provided a response to this statement in my document sent Saturday, March 11th. I repeat it here. "A map was provided in the Staff Report which I had created in 2013 when I was assessing the Alberg Family property. At that time, I had not walked on the Glendenning properties to assess them, following the Guidance document provided by staff. However, I have now walked on them and the condition of all three properties meets poor ecological condition following both the Provincial Standards and the staff Guidelines document. This is a similar situation to what the SEI standards indicate; that is, that the map is a flagging tool and needs to be ground verified."

The Staff Report says (page 9): "One of the reasons that SEI mapping can differ between biologists … is that application of the SEI methodology can be subjective when it comes to determining what is 'relatively natural'.

My Response: I agree that the term 'relatively natural' can only be an opinion based assessment that would have a wide range of results. However, this is not the only term used by the SEI standards. The wording on page 8 of the SEI Conservation Manual and throughout the Technical Report, which is the methodology manual, indicates that "Sensitive ecosystems refer to the seven '**relatively unmodified'**, rare and fragile terrestrial ecosystem types".

The subject properties on Glendenning Road cannot be considered relatively unmodified, as both the shrub and herb layers of these areas are dominated by invasive species. The properties are much modified from what could be found in a true Garry oak woodland ecosystem.

More importantly, Saanich Staff have provided the following document to Landowners for consulting biologists to use when assessing properties: ***"Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)"***. This document states that "*When SEI mapping was first produced, standards and criteria were under development. However, the 2006 Standard for Mapping Ecosystems of Risk in British Columbia included applicable mapping and reporting standards*". It goes on to say that: "***In order to recommend changing a SEI boundary or potentially eliminating/adding an SEI polygon, the same standards must be met.***" The Saanich staff guideline goes on to recommend for a biologist to: **"Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."** The standard manual, titled: *'Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*' states the following:

- **Sensitive Ecosystems are those that are at-risk** or are ecologically fragile.
- **Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk** as designated by the B.C. Conservation Data Center
- "**Viability** is the likelihood that if current conditions remain unchanged; an occurrence (of an Ecosystem at Risk or Sensitive Ecosystem) will persist for a defined period of time, generally 20-100 years.
- Occurrences with the highest ecological integrity can be prioritized for conservation measures.
- The vegetation species composition and structure **must fall within the expected range** of the defined plant association

before it is considered an occurrence of that particular plant association (or Sensitive Ecosystem).

The definitions from this document provide significant clarity compared to calling something 'relatively natural'. I assume this is why Saanich Staff chose to follow this provincial standard. The subject properties, which are in poor ecological condition, due to the predominance of invasive species, do not meet the definition of a Sensitive Ecosystem Following the Staff Guidance document and the Standard for Ecosystems at Risk, these seven properties do not support Sensitive Ecosystems.

The Staff Report says (on page 11): In 2013, a subsequent report, based on the work of Ted Lea, stated that 4151 Glendenning had a confirmed SEI Garry oak ecosystem present.

My Response: I stand corrected on this item. The Staff Report is correct. There is a small area of a Garry oak – Indian-plum – snowberry community in the northeast corner of this lot. There are no Garry oak meadow understory species present here. However, a significant portion of the mapped SEI map unit on this property is incorrect. I have not assessed this property and have not provided a report for the owners. They have allowed me access to their property.

Conclusion

In my professional opinion none of the seven properties proposed for removal have a Woodland Sensitive Ecosystem following the Saanich Guidance Document to Consultants or the Provincial Ecosystems at Risk and Sensitive Ecosystems standard. Areas on these properties do not meet the standard of "relatively unmodified", nor meet the definition of an ecosystem at risk, due to their overwhelming predominance of invasive species in both the shrub and herb layers.

Respectfully,

Ted Lea, RPBio.

Carmel & Woody Thomson
[redacted] Prospect Lake Road
Victoria, BC [redacted]

March 13, 2017

Mayor and Council
District of Saanich
Saanich Municipal Hall
770 Vernon Ave.
Victoria, BC V8X 2W7
Via email

Dear Mayor Atwell and Councillors,

Re: Request for Removal from the Environmental Development Permit Area

I have on occasion spoken at Town Halls and Council meetings regarding concerns I have about removing properties from Environmental Development Permit Areas (EDPA), while a review of the bylaw is underway.

The public interest expressed in the Official Community Plan and various Local Area Plans to protect and restore habitats, particularly those associated with Garry Oak ecosystems is defined. We look to Saanich's OCP to advance initiatives that improve the quality of life for residents through bylaws that manage growth and land use, and provide for the protection of the environment on private and public land.

One might therefore reason that following the OCP and the intent of the EDPA bylaw would likely lead to reasonable conclusions.

Nevertheless, emotion, self-interest, mapping errors, what may be mis-interpretation or inconsistent application of the bylaw, and other factors have understandably driven some to arrive at different conclusions.

Therefore, in recognizing that decisions affecting one of Saanich's key environmental bylaws have pros and cons on both sides, I appreciated Council's early decision to conduct a review of the EDPA bylaw in hopes of determining what might be a rational way to move forward.

Saanich has contracted with an independent third party to review the bylaw. The review is expected to be completed by early summer. Already, factors and fears regarding property values, hardship, mapping errors, and parks have been addressed, and in so doing have generally provided peace of mind for property owners.

The public engagement process has been described as divisive. Still, there have been benefits. For example, overall awareness of the EDPA bylaw has increased, and those who have perhaps been complacent about environmental issues in Saanich have suddenly been confronted with a bylaw that demands their attention.

Of interest is Saanich staff's general observation, that "over the course of the public check-in process, residents became more informed and more supportive of the general goals of the

EDPA ... where participants indicated relief or reassurance that the EDPA guidelines were less restrictive and rigid than first expected." See: EDPA Public Process Report, December 2016, http://www.saanich.ca/assets/Community/Documents/Environment/EDPA%20Public%20Process%20Report%202016%20FINAL.pdf

Saanich's EDPA bylaw is similar to those in other CRD jurisdictions and elsewhere in the province. Yet, on March 6, 2017 Council chose to remove properties from the EDPA saying they will likely again be under the EDPA when the consultant's report is completed. It's unfortunate the public did not hear Council instead explain the vision of the OCP and the intent of EDPA bylaw, and that a decision regarding the removal of properties could be made once the consultant's independent report had been received. Perhaps remind landowners that Saanich wishes to partner with the public to achieve OCP goals and aspirations.

I will not go into detail regarding the efforts my husband and I make every day to protect the environmentally sensitive landscape at Maltby Lake. For over 30 years we have stewarded, lobbied and worked tirelessly for its conservation. It is our hope to leave a substantial environmental legacy.

You can therefore appreciate our distress when on March 6, 2017 Council also moved to temporarily suspend the EDPA bylaw, due to on-going pressure of a single-minded group and without the results of the independent review. Can my husband and I be afforded the same relaxed but effective attention.

In closing, it is my hope Council will not neglect our community's environmental values, failing to heed what is best for the Saanich.

It is my hope that my comments are accepted as intended: In a respectful, responsible and cooperative manner. I support environmental protection bylaws that are not punitive and not self-serving; environmental protection that exists for the greater good. We await the finding of the independent consultant. Let us avoid removing properties from the EDPA, except of course, in cases where there is hardship or a mapping error.

I urge Council to endorse Option 3, for the reasons outlined in the Saanich report.

Sincerely,

Carmel & Woody Thomson

[redacted]

2860-25 Glendenning

Council - I support the removal from the EDPA for 1515 & 1517 CEDARGLEN RD., 4141, 4157, 4181 & 4185 GLENDENNING RD., & 4173 LYNNFIELD CRES.

From: [redacted]
To: <mayor@saanich.ca>, <Susan.Brice@saanich.ca>, <Judy.Brownoff@saanich.ca>...
Date: 3/13/2017 6:23 PM
Subject: I support the removal from the EDPA for 1515 & 1517 CEDARGLEN RD., 4141, 4157, 4181 & 4185 GLENDENNING RD., & 4173 LYNNFIELD CRES.

Regards,
Gary Morrison

3960-25 Glendenning

Clerksec - MARCH 13TH - COMMITTEE OF THE WHOLE REQUEST FOR REMOVAL FROM THE EDPA - 1515 & 1517 CEDARGLEN RD., 4141, 4157, 4181 & 4185 GLENDENNING RD., & 4173 LYNNFIELD CRES.

Council Administrator Media

From: Charles Ludgate <[redacted]>
To: <mayor@saanich.ca>, <Dean.Murdock@saanich.ca>, <Vicki.Sanders@saanich.ca...
Date: 3/13/2017 1:55 PM
Subject: MARCH 13TH - COMMITTEE OF THE WHOLE REQUEST FOR REMOVAL FROM THE EDPA - 1515 & 1517 CEDARGLEN RD., 4141, 4157, 4181 & 4185 GLENDENNING RD., & 4173 LYNNFIELD CRES.

Dear Mayor Atwell and council members, we live at 4629 Vantreight Drive, Gordon Head, Saanich, and will be out of town for this meeting. We strongly support removal from the EDPA of the listed properties,

Yours truly,

Charles & Carol Ludgate,
[redacted] Vantreight Drive.

2860-25 Glendenning

From: Bill Morrison [redacted]>
To: Richard Atwell <mayor@saanich.ca>, Susan Brice <susan.brice@saanich.ca>
CC: Saanich Citizens For A Responsible EDPA <saanichedpa@gmail.com>, Diamond...
Date: 3/12/2017 6:36 PM
Subject: Council Meeting March 13, 2017-EDPA Removal 1515+1517 Cedar Glen Road; 4141, 4157, 4181, 4185 Glendenning Road; 4173 Lynnfield Crescent

Good Evening:

I am supporting the Application for Removal of the above properties from the EDPA. The residents of the properties have fulfilled all the requirements for exemption under Clause 14 of the EDPA Bylaw. They have performed, with due diligence, absolutely every stipulation for Removal that the Municipality of Saanich has determined necessary under the EDPA Bylaw.

Based on these circumstances to not remove these properties, Saanich would be violating the requirements that Saanich, themselves, have prescribed as necessary for removal from the EDPA. Moreover at the Council Meeting March 6, 2017, Council decided to temporarily suspend the EDPA, so it would be contrary to common sense and counter productive not to remove the above properties from the EDPA. Further it would be prudent to apply this reasoning to all Removal Requests received prior to the effective date of the suspension of the EDPA.

I am also very concerned about the dis-jointed discussion that occurred near the end of the Council Meeting of March 6, 2017, relating to terminating review of the many dozen exemption requests, under Clause 14, that Saanich has received. It was suggested that Council has more important issues to resolve. I am very aware that the running of the Municipality presents many challenges. However, I am also aware that Saanich has been receiving these requests sinceJuly/August 2016. Yet for some reason these requests, for the most part, have not been actioned. Based on the many months that have expired, I am baffled that "best business practice procedures" were not initiated in July/August 2016 to reduce the work load such that the many dozen requests would be reviewed on an orderly and timely basis as practiced by the public entities of which I am aware. Also, most importantly, to not review the outstanding exemption requests received to date is a demonstration of disrespect and arrogance towards those residents/taxpayers who have faithfully complied with all the requirements that Saanich has determined paramount for exemption from the EDPA. The residents/taxpayers have performed their due diligence while Saanich has not performed due diligence in a timely manner. It also amplifies the remark made by GP Rollo and Associates that Saanich is difficult and time consuming to work with.

Thank you.

Bill Morrison
B. Comm. CPA; CMA

2860-25 Glendenning

Council Administrator Media

Clerksec - Re: Request for Removal of the following properties from the EDPA (1515, 1517 Cedarglen Rd, 4141,4157,4181,4185 Glendenning and 4173 LynnField Crescent) Our Ref: 12:142

From: PISCES PISCES <[redacted]>
To: Municipal Clerk Saanich <clerksec@saanich.ca>
Date: 3/12/2017 9:41 PM
Subject: Re: Request for Removal of the following properties from the EDPA (1515, 1517 Cedarglen Rd, 4141,4157,4181,4185 Glendenning and 4173 LynnField Crescent) Our Ref: 12:142

POST TO | POSTED
COPY TO
INFORMATION ☐
REPLY TO WRITER ☑
COPY RESPONSE TO LEGISLATIVE DIVISION ☐
FOR
ACKNOWLEDGED:

Portage Inlet Sanctuary Colquitz Estuary Society
1121 Skeena Place, Victoria, B.C. V8Z 1L8
(250) 479 -1877 Email: piscesbc1999@gmail.com
Website: http://www.piscesbc.com

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MAR 13 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

Mayor and Council

On Monday March 6, 2017 Council passed a motion pending the Diamond Consulting Report and EDPA Bylaw Review to "temporarily" remove ALL single-family dwellings from the EDPA, with exception where there is a rezoning or subdivision request.

PISCES is concerned Council continues to make decisions on properties not knowing what the outcome of the EDPA Bylaw will be. We understand the "temporary" motion will go to a public hearing. If this is the case, then even that decision is currently unknown.

What is the urgency. Let's wait and get all the information to make an informed decision including a decision on these and other properties.

We note in reviewing the Saanich Staff Report to Council it indicates the

Biologist, Mr. Lea states the entire Woodland map unit does not meet Sensitive Ecosystem Standards based on visiting or viewing most of the properties. Saanich Staff report further states, "this contradicts an assessment and map produced by Mr. Lea in 2013 which showed 4151 Glendenning as having a native plant association, plus several properties located from 4157 Glendenning north as being dominant SEI." Following a subsequent report in 2013, based on the work of Ted Lea, we note Saanich Staff had recommended expanding the mapping area for some of these properties.

This may suggests there may be a conflict or perceived conflict in the wording between the OCP, Local Area Plan and the EDPA Guidelines as they relate to "protection" and/or "restoration" causing different interpretations and/or opinions.

Removing properties before the EDPA review process is completed may cause further angst to property owners who are removed only to find themselves back in the EDPA later.

We recommend all present and future decisions on removal, expansion and changes be placed on hold until the outcome of the Diamond Consulting Report and the EDPA Review process has been completed and determined by Council.

George Blogg, President
Portage Inlet Sanctuary Colquitz Estuary (PISCES)Society
1121 Skeena Place, Victoria, B.C. V8Z 1L8
Email: piscesbc1999@gmail.com
Website: piscesbc.com

410-04
Xref. 2860-25
Treetop Hgts
3ord. Bay

CW Mar 27/17

The Corporation of the District of Saanich

Mayor Council
Councillors Administrator
Administrator Media

Report

To: **Mayor and Council**

From: **Sharon Hvozdanski, Director of Planning**

Date: **February 15, 2017**

Subject: **Request for Removal from the Environmental Development Permit Area (EDPA)**
File: 2860-25 • 4727, 4731, 4735, 4739, 4740 Treetop Heights and 4755, 4769 Cordova Bay Road

PROJECT DETAILS

Project Proposal: The applicants are requesting that the subject properties be removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA). These properties were originally included in the EDPA to provide enhanced protection to the Terrestrial Herbaceous Sensitive Ecosystem type.

The request is made based biologist reports which states there is no sensitive ecosystem on the properties.

If Council supports this request, the EDPA Atlas would need to be amended.

Address: 4727, 4731, 4735, 4739, 4740 Treetop Heights and 4755, 4769 Cordova Bay Road

Legal Description: Lot A, Sec 25, Plan 19081
Lots 1, 3, 4 and Pt 2, Sec 25, Plan 17826
Lot 1, Sec 25, Plan 48307
Lot B, Sec 25, Plan 84765

Owner(s): John and Julie Barrand, Barbara Winters, Alistair and Isabella Mulholland, Stephen and Rosalie Davis, Chris and Colleen Day, Momcilo and Andja Zukanovic, Robert and Debbie Thom

Applicant(s): As above

Application(s) Received: July 26, 2016 - July 29, 2016

Parcel Size(s): 0.1149 to 0.4017 ha

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FEB 20 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

Existing Use of Parcel(s):	Single Family Dwellings
Current Zoning:	See Figure 1
Minimum Lot Size:	N/A
Proposed Zoning:	No change proposed
Proposed Minimum Lot Size:	N/A
Local Area Plan:	Cordova Bay
LAP Designation:	Residential

PROPOSAL

The applicants are requesting that the subject properties be removed from one Environmentally Significant Area of the Environmental Development Permit Area (EDPA). These properties were originally included in the EDPA to provide enhanced protection to the Terrestrial Herbaceous Sensitive Ecosystem type.

The request is made based on biologist reports which states there is no sensitive ecosystem on the properties.

PLANNING POLICY

Official Community Plan (2008)

4.1.2.1 "Continue to use and update the 'Saanich Environmentally Significant Areas Atlas' and other relevant documents to inform land use decisions."

4.1.2.3 "Continue to protect and restore habitats that support native species of plants, animals and address threats to biodiversity such as invasive species."

4.1.2.4 "Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems."

4.1.2.5 "Preserve 'micro-ecosystems' as part of proposed development applications, where possible."

4.1.2.7 "Link environmentally sensitive areas and green spaces, where appropriate, using 'greenways', and design them to maintain biodiversity and reduce wildlife conflicts."

Cordova Bay Local Area Plan (2008)

5.1 "Encourage protection of indigenous vegetation, wildlife habitats, urban forest landscapes and sensitive marine environments within Cordova Bay when considering applications for change in land use."

General Development Permit Area Guidelines (1995)

1. "Major or significant wooded areas and native vegetation should be retained wherever possible."

Environmental Development Permit Area Guidelines (2012)

1.b.i) and iv) "Development within the ESA shall not proceed except for the following:
Proposals that protect the environmental values of the ESA including:

- the habitat of rare and endangered plants, animals and sensitive ecosystems"

2. "In order to minimize negative impacts on the ESA, development within the buffer of the ESA shall be designed to:
   - Avoid the removal/modification of native vegetation;
   - Avoid the introduction of non-native invasive vegetation;
   - Avoid impacts to the protected root zones of trees within the ESA;
   - Avoid disturbance to wildlife and habitat;
   - Minimize the use of fill;
   - Minimize soil disturbance;
   - Minimize blasting;
   - Minimize changes in hydrology; and
   - Avoid run-off of sediments and construction-related contaminants."

3. "No alteration of the ESA will be permitted unless demonstrated through professional environmental studies that it would not adversely affect the natural environment. Prior to the issuance of a development permit, the following information may be required:
   - A sediment and erosion control plan;
   - An arborist report according to the "Requirements For Plan Submission and Review of Development or Building Related Permits" (Saanich Parks);
   - A biologist report;
   - A surveyed plan; and/or
   - A bond."

4. "The following measures may be required to prevent and mitigate any damage to the ESA:
   - Temporary or permanent fencing;
   - Environmental monitoring during construction;
   - Demarcation of wildlife corridors, wildlife trees, and significant trees;
   - Restricting development activities during sensitive life-cycle times; and
   - Registration of a natural state covenant."

5. "Revegetation and restoration may be required as mitigation or compensation regardless of when the damage or degradation occurred."

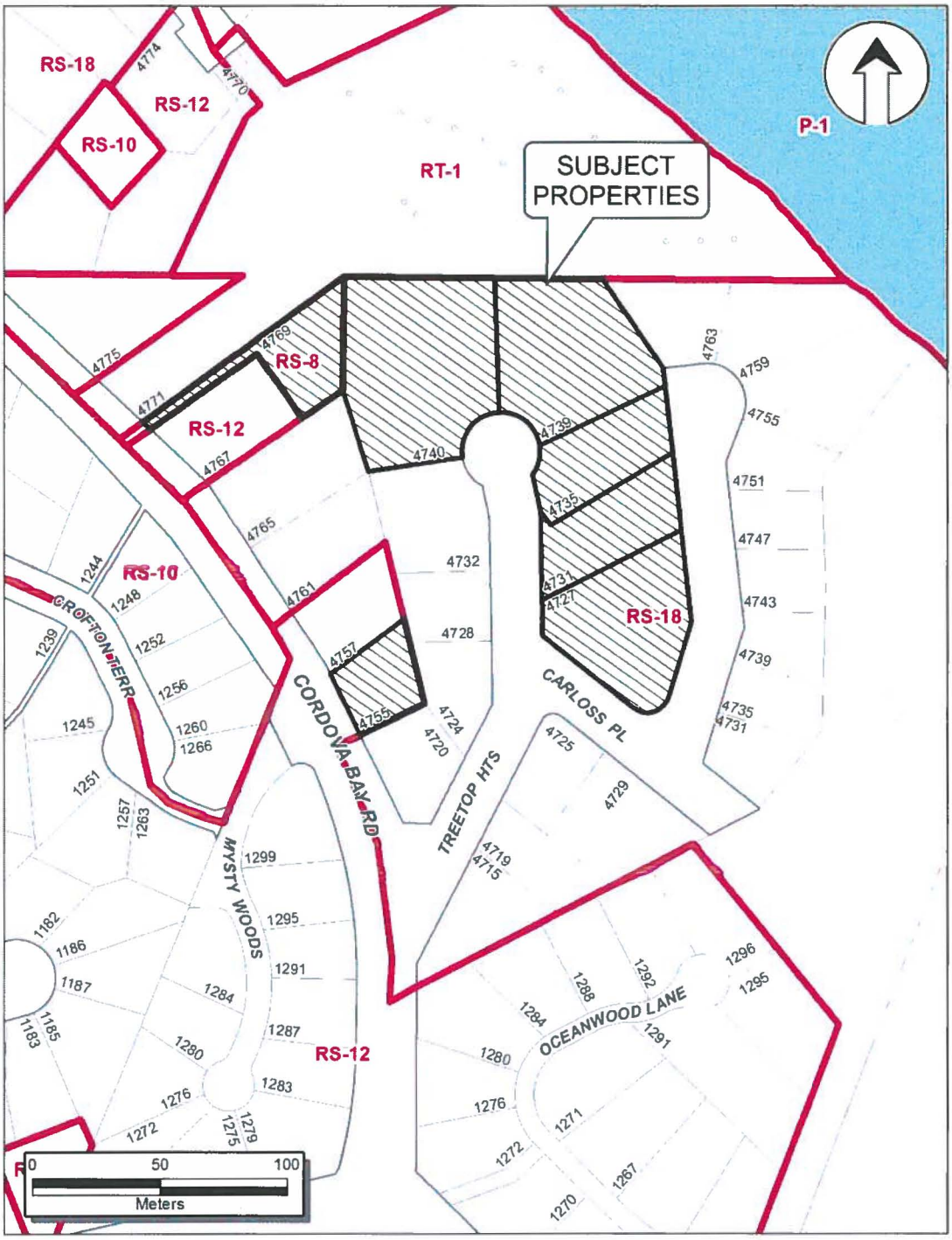


Figure 1: Context Map

BACKGROUND

Environmental Development Permit Area

The Environmental Development Permit Area (EDPA) was adopted by Council in 2012. Part of the Environmental Development Permit Area Bylaw is the Environmental Development Permit Area Atlas which illustrates the location of five Environmentally Significant Area (ESA) inventories and associated buffers on properties in Saanich. As with the Streamside Development Permit Area (SDPA), it is acknowledged that the EDPA Atlas will need to be maintained and updated over time.

There are four ways mapping inaccuracies can be approached according to the Environmental Development Permit Area Guidelines:

1. Exemption #14 allows for a professional to refine boundaries of an Environmentally Significant Area and potentially proceed without an Environmental Development Permit if a development proposal is shown to be outside of the ESA. This exemption was designed to avoid undue process or delays for applicants where mapping could be improved.

2. Exemption #15 allows for intrusions into the EDPA where covenants are used to secure comparable natural features which were not previously mapped.

3. As with the SDPA, staff collate proposed EDPA mapping changes as property owners note inaccuracies (which are documented by staff) or biologists hired during the development application process do a more detailed assessment. These changes are brought forward in batches to Council as recommended amendments.

4. Where a proposed mapping amendment is outside of the scope of these provisions, Council approval is required.

The applicants are seeking Council approval to remove the EDPA designation (both ESA and buffer zone) from the properties as in 4, above.

As such, this report has been prepared for Council's review and consideration. If Council believes the removal request has merit, a Public Hearing on the matter would need to be called.

Council adopted a motion on May 9, 2016 to endorse Terms of Reference for the hiring of a consultant to develop potential solutions in relation to the application of the/an EDPA in Saanich. The Terms of Reference include a public consultation component as part of the development of potential solutions. It is possible that the outcomes of the review may impact the EDPA on these properties.

The Environment and Natural Areas Committee has not considered this request.

Existing EDPA Mapping

The EDPA on the subject properties is in reference to one Environmentally Significant Area (ESA): Terrestrial Herbaceous (see Figure 2).

Figure 2: Current Environmental Development Permit Area mapping on the subject properties

The Terrestrial Herbaceous ecosystem is part of the Provincial/Federal Sensitive Ecosystem Inventory (SEI). The Ministry of Environment states that SEI areas are often ecosystem remnants and have many values because they:

- Provide critical habitat for species at risk and include ecosystems at risk;
- Are biologically diverse;
- Provide wildlife corridors and linkages;
- Bring nature into communities;
- Provide recreational opportunities;
- Support learning environments;
- Create economic benefits; and
- Are a legacy for future generations.

Specifically, Terrestrial Herbaceous is described as:

- Occurring in very small patches;
- Dominated by grasses and mosses;
- Thin-soiled with exposed bedrock;
- Often containing introduced grasses and threatened by Scotch Broom;
- Supporting sparse tree and shrub growth;
- High bird and butterfly use, and very high invertebrate production; and
- Found in only 1.5% of the land base within the Capital Region.

The EDPA includes a 10 m buffer for the Terrestrial Herbaceous Environmentally Sensitive Area. Property owners can apply for a permit to develop within the buffer area. One of the properties (4755 Cordova Bay Road) is only located within the buffer zone. Therefore, it is not currently mapped as having ESA on the property.

Terrestrial Herbaceous ecosystems are consider part of the rare Garry Oak and associated ecosystems mosaic.

Saanich requested a biologist, Moraia Grau, to visit the Terrestrial Herbaceous site and comment on its condition and viability as an ecosystem. Her findings were that the ecosystem is correctly identified as Terrestrial Herbaceous (although the boundary accuracy can be improved) and is one of the largest Terrestrial Herbaceous areas in the vicinity. The full report is attached.

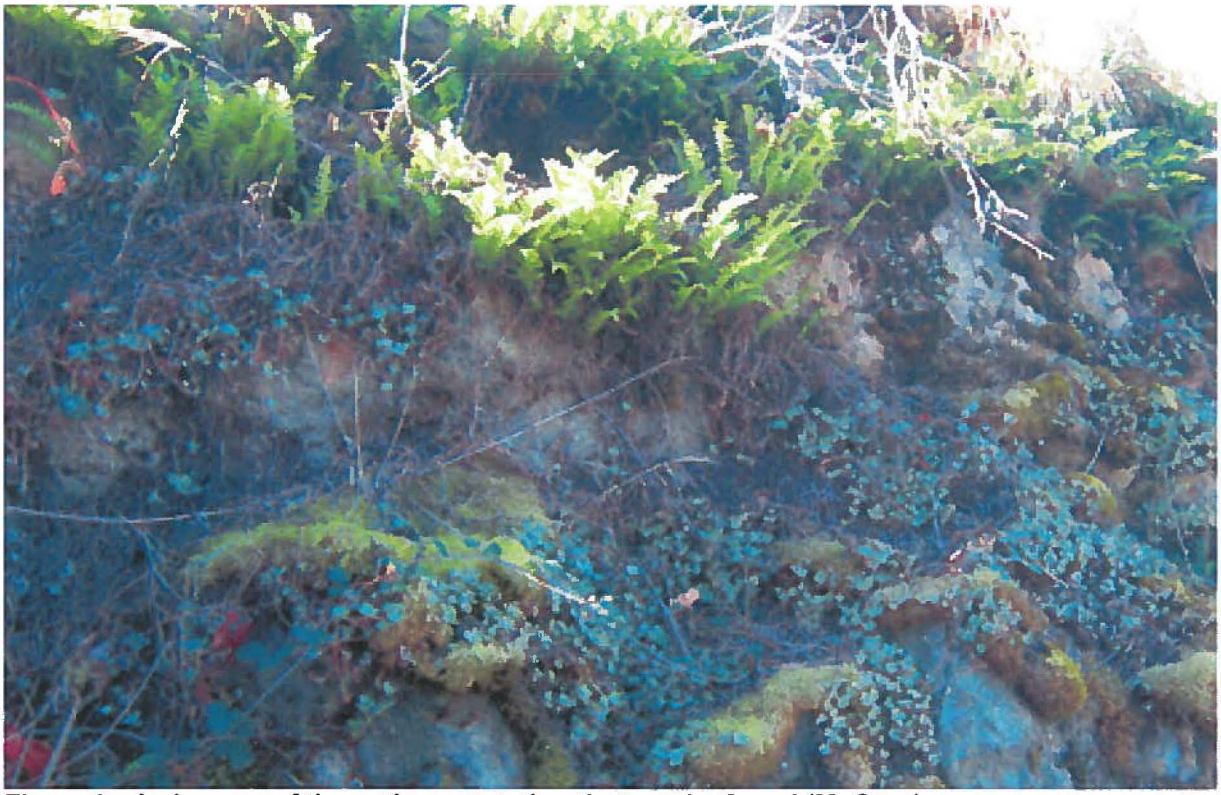


Figure 3: A close up of the native vegetation that can be found (M. Grau)

Figure 4: Garry Oaks, Arbutus, and native mosses (M. Grau)

The applicants did not give authorization for Saanich staff to visit any of the properties however many of these properties were visited by staff in 2015 upon request. Staff observed that the Terrestrial Herbaceous ecosystem definitely does exist and there are relatively few invasive species. Wildlife trees and raptors were observed. Revised mapping was drafted based on site inspections for Council consideration (see Figure 5).

The application of the SEI methodology can be subjective when it comes to determining what is "relatively natural". The Biogeoclimatic Ecosystem Classification and CDC at-risk ecological communities standards should not be confused as being a relevant in the determination of SEI presence. Inventory methods should be consistent with the Best Management Practices for Garry Oak & Associated Ecosystems produced by the Garry Oak Ecosystems Recovery Team.

As well, the College of Applied Biology Principles of Stewardship should be applied:

- Take a comprehensive, holistic view;
- Maintain resilient ecosystems;
- Minimize harm, improve and enhance;
- Assess alternatives;
- Maintain future options; and
- Learn and respond.

Figure 5: Proposed Revised Mapping

Removal Request

The owners have requested the Terrestrial Herbaceous and associated buffer be removed from their property based on the opinion of their consulting biologist that there is no sensitive ecosystem on the properties.

The reports by Mr. Lea indicates that he investigated the entire map unit marked as Terrestrial Herbaceous which falls on the properties in question. His site visit took place in late May/early June 2016. Native species which he found present within the polygon included: Garry Oak, Arbutus, Oceanspray, Camas, Harvest Brodiaea, Blue Wildrye and Tall Oregon-Grape as well as native mosses. Invasive species which were found include: Brome grasses, Scotch Broom, and Himalayan Blackberry.

According to Mr. Lea's reports, the properties do not meet the definition of an Environmentally Significant Area because they are dominated by invasive species and there are few native species.

"There is no Sensitive Ecosystem ESA in a relatively natural state on this property. The property does not support an ecological community that can be considered provincially at risk by the BC Conservation Data Center."

Figure 6 illustrates the EDPA mapping should Council remove the Terrestrial Herbaceous ESA and buffer from the subject properties.

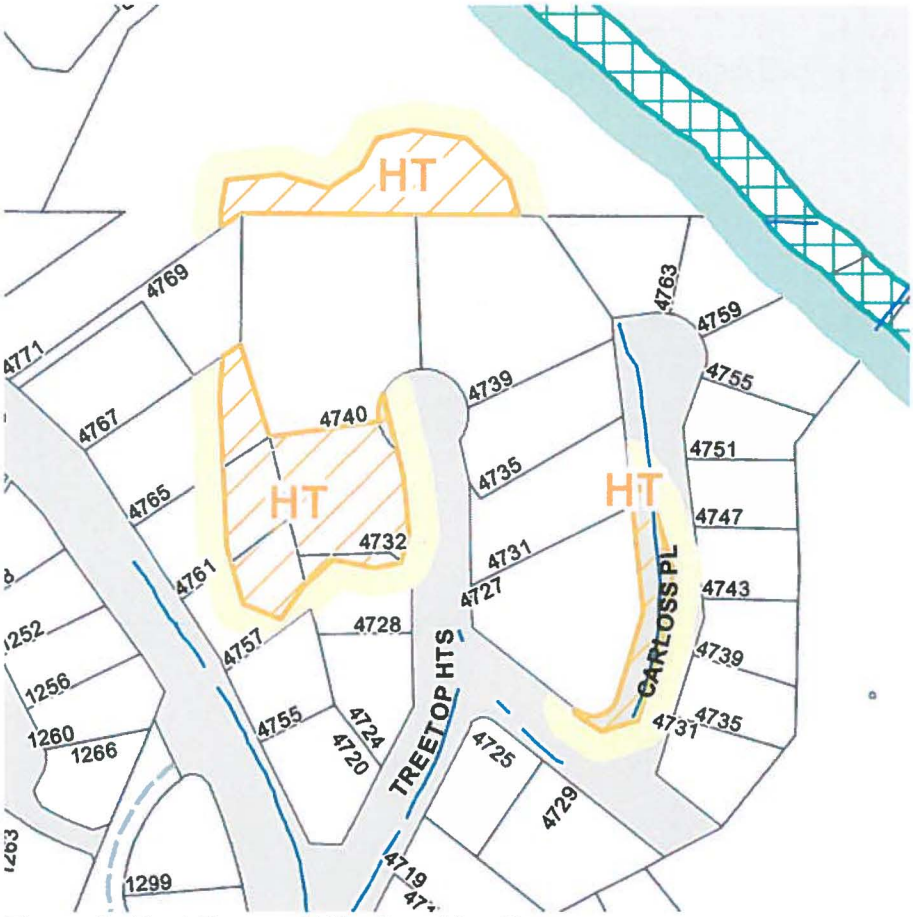


Figure 6: Post Removal Site Considerations

OPTIONS

1) Do not support the request to remove the properties from the Environmental Development Permit Area.

2) Support the request to remove the Environmental Development Permit Area on the properties from the EDPA Atlas (see Figure 6).

3) Support the recommendation to improve the accuracy of the mapping (Figure 5).

4) Postpone a decision on this application pending the outcome of the final phase of the EDPA "check-in" which would be undertaken by a consultant selected by Council.

Staff recommend Option 3, for the following reasons:

- Staff and consulting biologist, Moraia Grau, believe that the rare Terrestrial Herbaceous ecosystem is present and viable but needs refinement in terms of mapped boundaries;
- Saanich Official Community Plan policies support the protection and restoration of Environmentally Sensitive Areas in this area;
- The owners are able to continue to maintain and use their property as they are accustomed; and
- Improvements as a result of the EDPA consultant review may help to address some of the concerns of the owners.

SUMMARY

The owners of seven properties on Treetop Heights and Cordova Bay Road have requested removal of the EDPA from their properties based on a letter by Ted Lea stating there is no Terrestrial Herbaceous Sensitive Ecosystem on the properties. The properties contain some portion that falls within the Terrestrial Herbaceous ESA as mapped in the EDPA atlas, with the exception of one property which is located only within the buffer zone of the ESA.

Staff believe that the rare Terrestrial Herbaceous Sensitive Ecosystem is correctly identified and present on the property and this is corroborated in a report by biologist Moraia Grau. Further, it is noted that this is one of the largest examples in the vicinity and supports a variety of bird life. Staff recommend fine-tuning of the boundaries.

RECOMMENDATION

That Council support Option 3.

Note: If Council supports Option 3, a Public Hearing would still be required. If Council wishes to support the removal request at this time, the motion would be as follows:

a) That staff be requested to prepare an amendment to Plate 41 of Schedule 3 to Appendix N of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Terrestrial Herbaceous ESA and associated buffer at 4727, 4731, 4735, 4739, 4740 Treetop Heights and 4755, 4769 Cordova Bay Road from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment.

Report prepared by:

Adriane Pollard, Manager of Environmental Services

Report reviewed by:

Sharon Hvozdanski, Director of Planning

AP/ads
H:\TEMPEST\LAND\126473\Report.docx

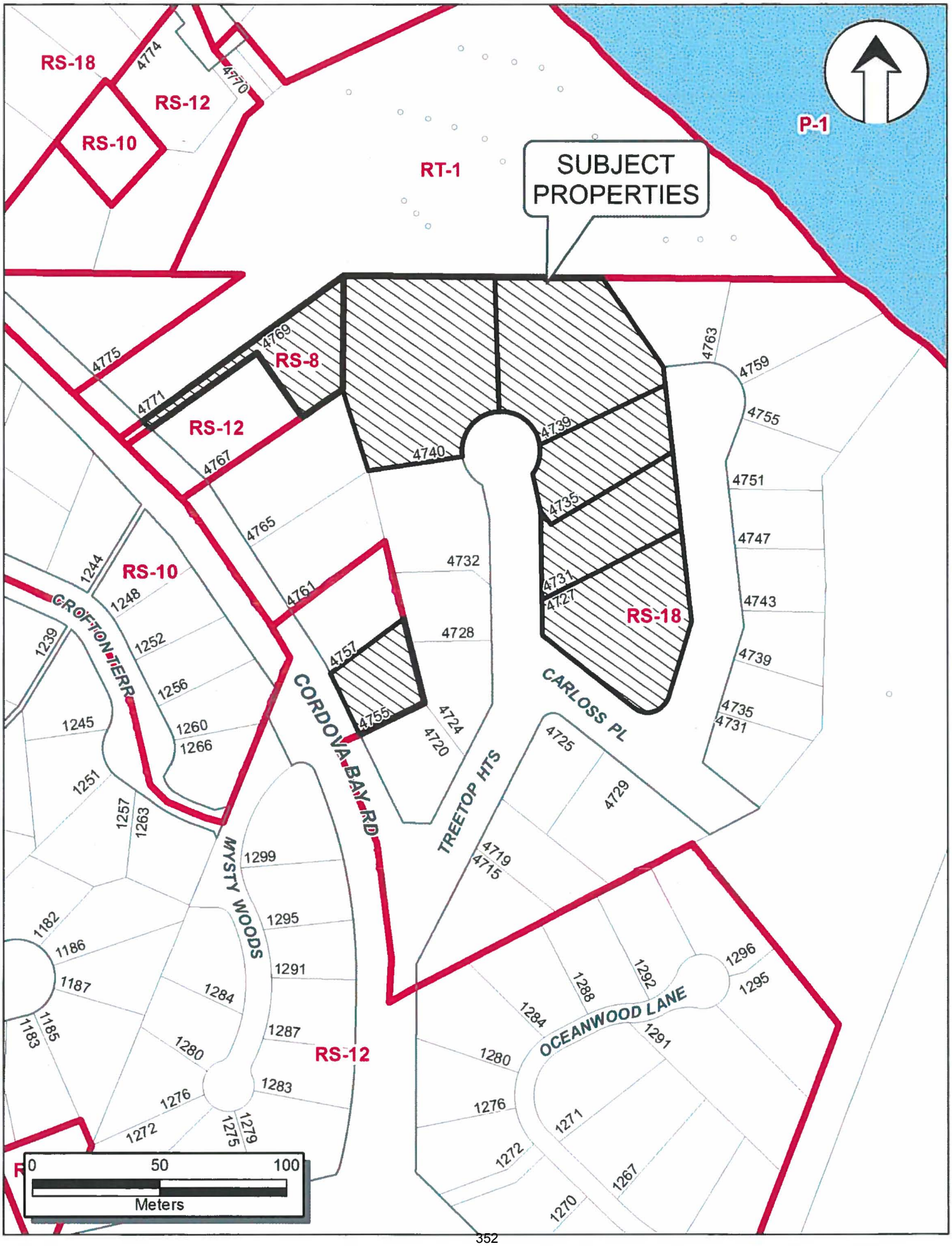
Attachments

cc: P. Thorkelsson, CAO

CAO'S COMMENTS:

I endorse the recommendation of the Director of Planning

Paul Thorkelsson, CAO


SUBJECT PROPERTIES
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RS-12
RS-10
RT-1
P-1
RS-8
RS-12
RS-10
RS-18
RS-12
CROFTON TERR
CORDOVA BAY RD
MYSTY WOODS
TREETOP HTS
CARLOSS PL
OCEANWOOD LANE
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To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 30, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 4755 Cordova Bay Road – Property of**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Treetop Heights and Carloss Place and west towards Cordova Bay Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is very steep and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak and arbutus. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, Scotch broom, and Himalayan blackberry. Over time, landowners have removed Scotch broom and blackberry, where possible. Native species occur as scattered individuals or as small patches. They include camas, harvest brodiaea, blue wildrye and tall Oregon-grape in very small amounts. Many of the very shallow areas have a dense cover of native moss species that are still in good condition. Most of these rocky areas are on very steep slopes where landowner actions are unlikely to occur. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on the steeper slopes of this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers will consume significant resources including time and costs for landowners.

The property at 4755 Cordova Bay Road contains an EDPA buffer area to 4757 Cordova Bay Road, on which no Sensitive Ecosystem remains. This buffer area should be removed from the property.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the*

Environmental Development Permit Area (#29), it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

I have consulted the two standards recommended by Saanich's 2013 Guidelines document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The Buffer area and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc.

To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 30, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 4769 Cordova Bay Road – Property of Debbie and Kent Thom**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Treetop Heights and Carloss Place and west towards Cordova Bay Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is very steep and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak and arbutus. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, Scotch broom, and Himalayan blackberry. Over time, landowners have removed Scotch broom and blackberry, where possible. Native species occur as scattered individuals or as small patches. They include camas, harvest brodiaea, blue wildrye and tall Oregon-grape in very small amounts. Many of the very shallow areas have a dense cover of native moss species that are still in good condition. Most of these rocky areas are on very steep slopes where landowner actions are unlikely to occur. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on the steeper slopes of this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers will consume significant resources including time and costs for landowners.

The property at 4769 Cordova Bay Road is dominated by invasive grasses as indicated above. There are a few patches of blue wildrye on the southeast portion of the property. The property has a Garry oak grove to the south. The landowners have removed significant amounts of Scotch broom and Himalayan blackberry.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these

reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

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According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Debbie and Kent Thom

To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 30, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 4727 Treetop Heights – Property of John and Julie Barrand**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Treetop Heights and Carloss Place and west towards Cordova Bay Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is very steep and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak and arbutus. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, Scotch broom, and Himalayan blackberry. Over time, landowners have removed Scotch broom and blackberry, where possible. Native species occur as scattered individuals or as small patches. They include camas, harvest brodiaea, blue wildrye and tall Oregon-grape in very small amounts. Many of the very shallow areas have a dense cover of native moss species that are still in good condition. Most of these rocky areas are on very steep slopes where landowner actions are unlikely to occur. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on the steeper slopes of this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers will consume significant resources including time and costs for landowners.

The property at 4727 Treetop Heights is dominated by invasive grasses as indicated above, and also has some spurge-laurel and orchard grass. There are some dense patches of Himalayan blackberry, which the owner had reduced in the past. There are a few patches of Oregon-grape and oceanspray, mostly at the bottom of the property. Few wildflowers remain. Significant amounts of Scotch broom have been removed by the landowner. The property has a few arbutus, Garry oak and broad-leaved maple at the top of the property near the house.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping*

Ecosystems at Risk and Other Sensitive Ecosystems, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

The Saanich guidelines recommend for a biologist to: "Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."

I have consulted the two standards recommended by Saanich's 2013 Guidelines document:

1) Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0
2) Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997. Volume 2: Conservation Manual

According to # 1: "Ecosystems at risk are those that can support ecological communities which are considered to be provincially at risk as designated by the B.C. Conservation Data Center. Sensitive Ecosystems are those that are at-risk or are ecologically fragile. The vegetation species composition and structure **must fall within the expected range of the defined plant association before it is considered an occurrence of that particular plant association**. The ecosystem occurrence itself must have sufficient ecological integrity to be sustained in the foreseeable future if it is to have practical conservation value."

According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The

boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. John and Julie Barrand

To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 30, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 4731 Treetop Heights – Property of**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Treetop Heights and Carloss Place and west towards Cordova Bay Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is very steep and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak and arbutus. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, Scotch broom, and Himalayan blackberry. Over time, landowners have removed Scotch broom and blackberry, where possible. Native species occur as scattered individuals or as small patches. They include camas, harvest brodiaea, blue wildrye and tall Oregon-grape in very small amounts. Many of the very shallow areas have a dense cover of native moss species that are still in good condition. Most of these rocky areas are on very steep slopes where landowner actions are unlikely to occur. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on the steeper slopes of this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers will consume significant resources including time and costs for landowners.

The property at 4731 Treetop Heights, where a more gently sloping area occurs within the mapped SEI polygon, east of the house, is mostly ornamental garden and lawn. The rest of the property is dominated by invasive grasses as indicated above, and also has significant dense patches of Himalayan blackberry. There are a few patches of Oregon-grape and oceanspray, mostly at the bottom of the property. Few wildflowers remain. Areas of moss occur on very steep rocky slopes.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive

Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

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Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc.

To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 30, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 4735 Treetop Heights – Property of Christopher and Colleen**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Treetop Heights and Carloss Place and west towards Cordova Bay Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is very steep and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak and arbutus. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, Scotch broom, and Himalayan blackberry. Over time, landowners have removed Scotch broom and blackberry, where possible. Native species occur as scattered individuals or as small patches. They include camas, harvest brodiaea, blue wildrye and tall Oregon-grape in very small amounts. Many of the very shallow areas have a dense cover of native moss species that are still in good condition. Most of these rocky areas are on very steep slopes where landowner actions are unlikely to occur. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on the steeper slopes of this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers will consume significant resources including time and costs for landowners.

The property at 4735 Treetop Heights, where a more gently sloping area occurs within the mapped SEI polygon, east of the house, is mostly ornamental garden and lawn. The rest of the property is dominated by invasive grasses as indicated above, and also has some large dense patches of Himalayan blackberry. Few wildflowers remain. There are some small patches of blue wildrye and areas of moss on steeper rock.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive

Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

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The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc. Christopher and Colleen

District of Saanich Map

To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 30, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 4739 Treetop Heights – Property of**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Treetop Heights and Carloss Place and west towards Cordova Bay Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is very steep and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak and arbutus. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, Scotch broom, and Himalayan blackberry. Over time, landowners have removed Scotch broom and blackberry, where possible. Native species occur as scattered individuals or as small patches. They include camas, harvest brodiaea, blue wildrye and tall Oregon-grape in very small amounts. Many of the very shallow areas have a dense cover of native moss species that are still in good condition. Most of these rocky areas are on very steep slopes where landowner actions are unlikely to occur. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on the steeper slopes of this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers will consume significant resources including time and costs for landowners.

The property at 4739 Treetop Heights, where a more gently sloping area occurs within the mapped SEI polygon, east and south of the house, is mostly ornamental garden and lawn. There is a Douglas-fir grove to the north of the house, which has an understory of saskatoon and dense orchard grass. The rest of the property is very steep and is dominated by invasive grasses as indicated above, with some moss patches. There are some patches of Himalayan blackberry and some Scotch broom. Few native wildflowers remain. There are a few small patches of blue wildrye.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information

Standards Committee (December 2006), nor in accordance with the Sensitive Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

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According to # 2, Sensitive ecosystem guidelines seek to conserve the seven sensitive ecosystems in a **relatively natural state.**

The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc.

To Adriane Pollard
Manager of Environmental Services
District of Saanich

June 30, 2016

Re: **Field Verification and Assessment of Terrestrial Herbaceous Sensitive Ecosystem ESA Mapping at 4740 Treetop Heights – Property of**

Please accept this as a letter report assessing whether there is an occurrence of a Terrestrial Herbaceous (HT) Sensitive Ecosystem on this property.

I have visited this map unit and property in late May 2016 and early June 2016.

The overall Terrestrial Herbaceous map unit occurs between Treetop Heights and Carloss Place and west towards Cordova Bay Road. The map unit is fairly consistent in vegetative cover overall and has individual differences by property. Much of the map unit is very steep and has shallow to very shallow soils. The map unit has a sparse cover of Garry oak and arbutus. Most of the unit is dominated by invasive species and has very few remaining native species on the properties that this unit encompasses. There is no Sensitive Ecosystem remaining on this map unit. The dominant invasive species include a dense cover of annual brome grasses, Scotch broom, and Himalayan blackberry. Over time, landowners have removed Scotch broom and blackberry, where possible. Native species occur as scattered individuals or as small patches. They include camas, harvest brodiaea, blue wildrye and tall Oregon-grape in very small amounts. Many of the very shallow areas have a dense cover of native moss species that are still in good condition. Most of these rocky areas are on very steep slopes where landowner actions are unlikely to occur. The map unit does not link natural communities to any other natural area (i.e. no corridor), and is surrounded by residential properties in all directions. If this map unit were to be left alone with no invasive shrub removal it would quickly become dominated by a dense cover of Scotch broom and Himalayan blackberry, and the invasive grass species would continue to increase and include other invasive species which are already present in smaller amounts. Restoration will be very difficult on the steeper slopes of this map unit and removal of invasive grasses and planting of native species including native grasses and wildflowers will consume significant resources including time and costs for landowners.

The property at 4740 Treetop Heights is dominated by invasive grasses as indicated above. There are some patches of Himalayan blackberry and some Scotch broom. There are a few patches of tall Oregon-grape on the southeast portion of the property and oceanspray at the southwest portion. Few wildflowers remain, except for a few small patches of camas and a few individuals of harvest brodiaea. The property has a Garry oak grove in the lower portion of the property, to the west.

This property does not support a Sensitive Ecosystem, following the provincial *Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems*, BC MOE Resources Information Standards Committee (December 2006), nor in accordance with the Sensitive

Ecosystem standard for Vancouver Island (see below). If the methods from these reports are followed, as recommended by the District of Saanich document: *Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)*, it is clear that **there is no Terrestrial Herbaceous Sensitive Ecosystem on the property**.

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The subject property does not meet the definition of an Environmentally Significant Area (ESA) for the following reasons. The property is dominated by invasive species. There are few native species. There is no Sensitive Ecosystem ESA in **a relatively natural state** on this property. The property does not support **an ecological community that can be considered provincially at risk by the BC Conservation Data Center**. This occurrence does not have sufficient ecological integrity to be sustained in the foreseeable future, due to the predominance of alien invasive species.

Following these standards and guidelines it is my professional opinion that **there is no Terrestrial Herbaceous Sensitive Ecosystem ESA on this property.** The boundaries of the current ESA mapping should be refined, as any development would be outside of the Sensitive Ecosystem Environmentally Significant Area (ESA).

The ESA and subsequent EDPA designation should be removed from this property for the Terrestrial Herbaceous SEI polygon.

Ted Lea, R.P.Bio.
Vegetation Ecologist

cc.

Visual field assessment of Sensitive Ecosystem Inventory Herbaceous Terrestrial polygon at Tree Top Heights

Submitted to:

Adriane Pollard
Environmental Services Manager
The Corporation of the District of Saanich

Prepared by

Moraia Grau MSc

PO Box 118
Silverton, B.C. V0G 2B0

Jan 4, 2017

TABLE OF CONTENTS

1. Purpose

The purpose of this report is to assess and provide feedback on the condition of the Herbaceous Terrestrial (HT) SEI site occurring on portions of properties 4771, 4765, 4761, 4757 Cordova Bay Road, and 4732, 4740, 4739, 4735, 4731 and 4727 Tree Top Heights (Fig.1-3).

2. Background

The "Sensitive Ecosystem Inventory (SEI): East Vancouver Island and the Gulf Islands" was a joint classification and mapping project coordinated and carried out by representatives of the Canadian Wildlife Service, BC Ministry of Environment, Lands and Parks, Nanaimo, and the B.C. Conservation Data Centre. The objective of the SEI was to classify, identify, and map **terrestrial ecosystems and other habitats of high biodiversity, which still remained relatively unmodified** despite intense development pressure in these regions, with the objective of supporting management decisions and promoting ecological conservation and land stewardship" (Ward *et al.*, 1998; bold: author´s license). The inventory was finalized in 1998. A review and mapping update was carried out in 2004. Since that time the municipalities included in the SEI mapping have been charged with the task of preserving the sites under their respective jurisdictions.

My involvement with the SEI started in 1998, helping to review and redefine polygon sites on aerial photos and carry out field reconnaissance of sites in the summer of 2000. In recent years I have worked for the District of Saanich on the Environmentally Significant Areas project, and I have been a Registered Professional Biologist (RPBio) from 2003 to 2015.

3. Site inspection

The SEI site occupies the slopes of a rocky hilltop, 60-100 m from the coast at Haro Straight. Four residential buildings and yards occupy the top of the rocky knoll. The slopes however remain mostly under natural vegetation cover.

A visual assessment of the site was done on Oct. 2nd, 2016. The east facing slope was assessed from Carloss Place, and the west facing slope from Tree Top Heights (down slope) and from Cordova Bay Road (up slope). The north end of the site, part of property 4771 Cordova Bay strata, and north of 4740 and 4739 Tree Top Heights, could not be observed from any public view point, and was only examined through the air-photo (Fig. 1).

In addition to the field inspection, the site was examined on the GIS Saanich Atlas 2015 airphoto coverage to assess the accuracy of the delineation and to check for other potentially relevant environmental information.

4. Results

Due to the time of the year (fall), when many herbaceous species have dried up and become inconspicuous, and to the visual restrictions of identifying species from a distance, the species named do not stand for a comprehensive species list of the site. However, as discussed next, the site is correctly identified as HT:ro, as per SEI literature description (Mc Phee *et al.* 2000; see Discussion). The delineation of the polygon however needs redefinition, as some of the perimeter line goes through yards and roof tops, whereas some relevant areas lay outside the site´s perimeter.

East and south facing slopes

The area is composed of a steep rock outcrop with scattered pockets of deeper soil. The large rocks are covered by mosses and stonecrop (Photos 1-3). The moss cover includes roadside rock moss, broom moss and beaked moss. Licorice fern, grasses and blackberry bushes appear on crevices and deeper soil pockets. There is a minor presence of ocean spray and Scotch broom. The main tree species is Garry oak (Photo 4). Next to the curve along Carloss Place, there were other tree species: dead Grand fir (Photo 1), arbutus, maple, poplar and alder. Several trees as well as blackberry bushes seemed under water stress.
Observed invasive species from most to least abundant were: blackberry bushes, dandelion (scattered), Scotch broom (sparse), and spurge laurel (isolated next to roadside). Various introduced grasses common in these habitats throughout the region may also be present (sweet vernal grass, early hairgrass). The individual grass species could not be recognized at the time of the inspection.

A forested patch at the north end (on 4739 Tree Top Hts. and 4763 Carloss Place) composed of mature Douglas fir and arbutus with understory of ocean spray, Oregon grape, and willow, is outside the perimeter of the SEI site. Presence of English ivy was noted on this area.

West facing slope

This side of the knoll has a lower incline than the east slope, with areas of deeper soils forming meadows and scattered patches of Garry oaks interspersed with rocky outcrops (Photos 5-8). There are also a few arbutus and Douglas fir trees. Some Garry oaks and arbutus have dried limbs and show signs of water stress (high seed production). Under the tree patches there is presence of Oregon grape. A few blackberry bushes and sparse Scotch broom show up in the meadows. The rock outcrops have a full cover of mosses. Licorice ferns appear on rock edges, crevices and under trees.

At the north end of the west slope (properties 4740 Tree Top Hts. and 4771 Cordova Rd.) there is a massive rock outcrop (Photo 9). Most of the rock face has a moss cover. There is no presence of Scotch broom or blackberries at this end of the west slope.

North end

This area of the site was not accessible from a public view point as it is only visible from 4771 Cordova Bay Rd. strata property. However, the 2015 airphoto shows a rocky terrain similar to the two observed slopes (Figures 1-2). It also shows the presence of a wooded patch at the top of the slope (Garry oaks and Douglas fir).

6. Discussion

The Sensitive Ecosystem Inventory describes HT ecosystems as sites where "the predominantly herbaceous vegetation is continuous except where interspersed with bare rock outcrops. The minimal tree and shrub cover characteristic of this ecosystem type is a result of shallow and rapidly draining conditions. Summer heat and light create drying conditions (Mc Phee *et al.* 2000)." The SEI acknowledged three types of HT:

a) HT; less than 10% tree cover and less than 20% shrub cover
b) HT:ro; grass-forb areas interspaced with rocky outcrops
c) HT:sh; grass-forb areas with more than 20% shrub cover

In addition, various combinations of the three types were recognized, as well as the association with other ecosystem types such as woodland. The *HT:ro* combination was the most abundantly found type in the inventory mapping of Southern and Eastern Vancouver Island (>90% of the total HT area), thus HT sites were found highly related to the presence of exposed bedrock geology, often occurring near summits of hills and mountains.

The physical attributes of HT sites are: exposed and open, dry sites, typically thin soiled, with pockets of deeper soil which may support sparse trees, with bedrock exposed as rock outcrops, located outside the salt spray zone, from near shorelines to the summits of local hills in the study area (South and Eastern Vancouver Island and the Gulf Islands). These characteristics apply to the site at Tree Top Heights, which together with the vegetation cover, classifies it as an *HT:ro* site.

The SEI notes the importance of this type of ecosystem due to its fragility (thin soils are easily disturbed and herbaceous plants are easily trampled), high biodiversity and the occurrence of specialized micro-habitats. Typical species of these sites are various species of snakes (Garter and the at-risk Sharp-tailed Snake), birds (Lincoln´s, Savannah, and Song sparrows, and potentially Vesper Sparrow and Streaked Horned Lark), mammals (voles, mice, shrews), which in turn attract predators such as raptors. They are also important habitats for invertebrate production, such as butterflies, including Anise Swallowtail and the endangered species *Zerene fritillary*, and other insects which attract aerial insectivores such as swallows, flycatchers, and bats to these sites (Mc Phee *et al.* 2000).

It is important to mention that the SEI classification does not use specific vegetation species or physical parameters as other Provincial ecological classifications, such as CDC Ecological Communities at Risk, or Terrestrial Ecosystem Mapping (TEM). These latter classification and mapping systems are based on the Biogeoclimatic Ecosystem Classification (BEC) of British Columbia, which uses elevation, soil nutrient and soil moisture regimes, along with vegetation species as parameters to define and map habitat units. However, CDC Ecological Communities at Risk and TEM units are not equivalent. The CDC Ecological Communities at Risk are mapped according to "plant association," whereas the TEM polygons are based on "site series" (or at times defined units are created for specific TEM projects).

On the other hand, SEI sites are often a grouping of ecosystems not defined by a fixed vegetation species cover criteria. The objective behind the SEI classification was the recognition and flagging of specific habitat types threatened specifically by development, be it urban, industrial, agricultural, or recreational. As such, these sites may occur in a relatively natural or in a relatively more disturbed state.

The SEI site at Tree Top Heights falls within the description of "a relatively natural" HT:ro site; i.e. an HT:ro site affected to a certain degree by human use and presence of invasive species, yet an HT:ro site nevertheless. During the Saanich ESA (Environmentally Significant Areas) mapping initiative a set of four natural restoration levels was applied to assess sites for restoration (Appendix I). The Tree Top Hts. site would classify for the first or second level, i.e. ."a minor to a sustained invasive species control needed to achieve natural restoration."

We could reflect on other HT sites which at one time were affected by invasive species in larger amounts than they are now, as they were subject to natural restoration programs. Those sites were always considered SEI HT sites, even prior to the restoration programs. For example, Mount Tolmie had a higher cover of Scotch broom and Himalayan blackberry, than the Tree Top Heights site, and a much higher deterioration on meadows and rock outcrops because of trampling by walkers and dogs. In a less than pristine condition were many important HT sites in the Victoria area such as

Government House, Mount Douglas Park summit, and many others. However, the ecological condition of Mount Tolmie, Goverment House, and other Saanich and Victoria Parks, was improved by ecological restoration activities, which often did not involve plantings. The removal of invasive species allowed the re-emergence of native species typical of these ecosystems such as camas, shooting stars, lilies, and others. As has been discovered in various sites around Victoria, control and removal of invasive species leads to widespread emergence of native species. Just because some species are not obviously visible, it does not mean they are not there.

In addition, it´s important to note that plants are just a reflection of other biological diversity, such as invertebrates, fungi, micro-organisms, and others. These HT communities are the template or necessary habitat for all this other biological diversity. If these spaces are not available, then there are no opportuniies for this natural heritage to persist.

In the context of Cordova Bay, this site is a remnant of other HT:ro sites which were transformed by residential development (Fig. 3). Tree Top Heights is the largest HT:ro remaining in the area except for Mount Douglas Park summit (Photo 10), and some small ones which were not mapped, such as at the end of Timber Lane. At the landscape level, maintaining these sites of natural habitat, even within an urban framework, is essential for the preservation of natural biodiversity.

7. Recommendations

For the last twenty years, the District of Saanich has developed a reputation of excellence on environmental conservation. It was one of the Municipalities which full heartily supported the SEI project, and is a model across BC for the innovation and application of environmental measures to preserve the environment as well as to reduce climate change through various initiatives (urban forest). However, to implement all the progressive and innovative measures the municipality needs the support of its residents. The preservation of the environment is a benefit to all. My recommendation is that the District of Saanich provides help to property owners to preserve these valuable SEI sites, through covenants and tax relief, and/or grants, to help with restoration and / or maintenance costs. A tangible benefit to property owners compensating them for keeping the land undeveloped, as well as giving them recognition as stewards of the SEI sites, will go a long way to grant their support for maintaining these sites. It would be similar to the incentive provided to care for Significant Trees.

The SEI project, carried out in the late 90's, identified and delineated sites at large scales (1:15,000 -1:20,000) under the old technology of physical aerial photos. Therefore the boundaries of the sites often need to be adjusted. This can easily be done with the newer GIS technology. For example, as can be seen on Fig. 1-2, the line perimeter of Tree Top Hts. SEI site needs to be adjusted, and this is often the case with other SEI sites. This could be done individually at owner´s request, or as a District´s program endeavor.

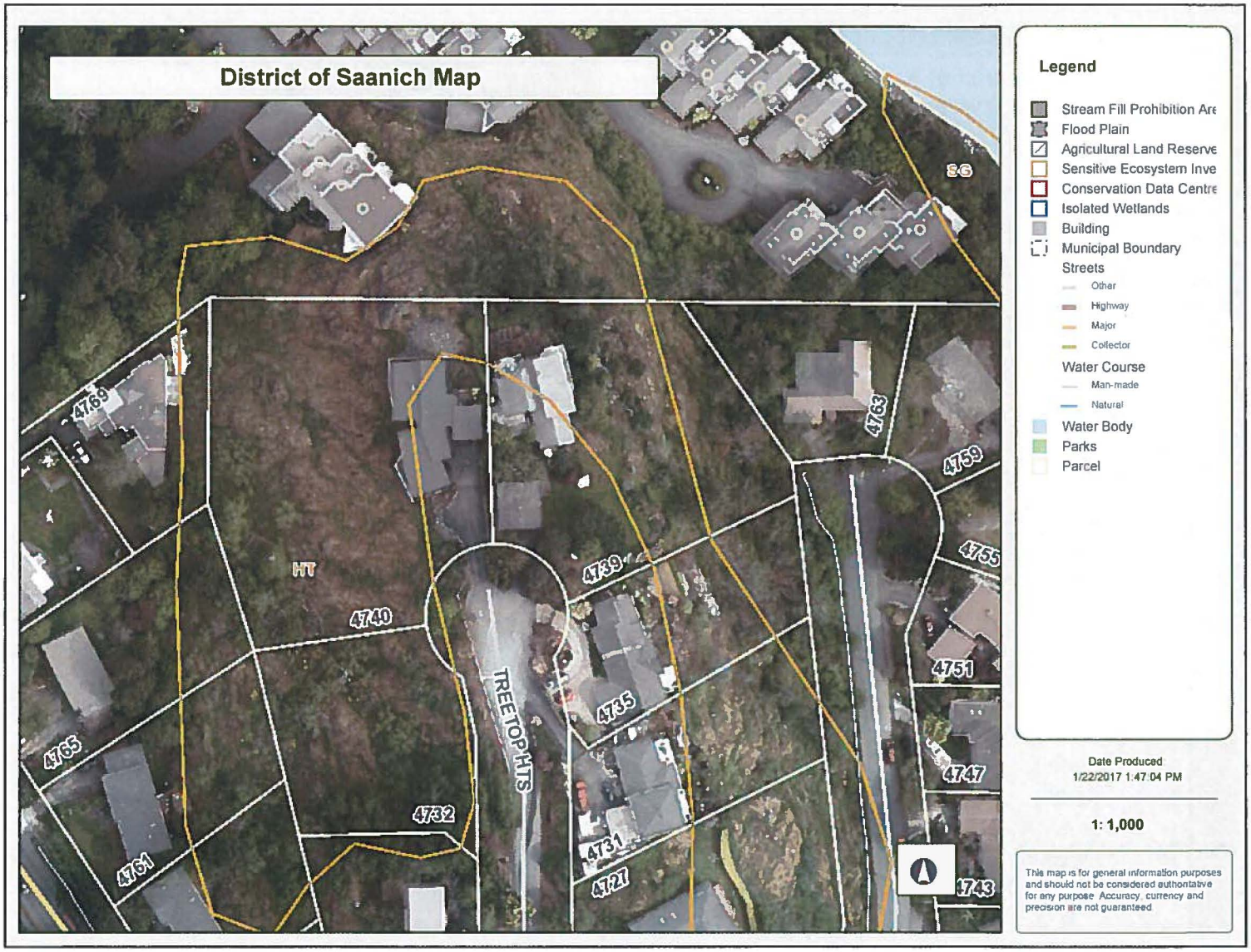
My third recommendation is that the District of Saanich prioritizes the implementation of natural restoration practices in areas under the District´s jurisdiction, particularly areas affecting SEI sites, preventing and controlling the spread of invasive species in those areas. Also, in addition to the natural restoration information sessions and activities already carried by the District, providing information and opportunity for involvement at restoration sites could be another tool to promote support for natural ecosystems. Education needs to be an important tool if we want to preserve natural heritage areas in our communities.

7. Literature cited

McPhee, M., P. Ward, L. Kirkby, L. Wolfe, N. Page, K. Dunster, N.K. Dawe and I. Nykwist. 2000. Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands, 1993-1997. Vol. 2: Conservation Manual. Technical Report Series No. 345. Canadian Wildlife Service, Pacific and Yukon Region, British Columbia.

Ward, P., G. Radcliffe, J. Kirkby, J. Illingworth and C. Cadrin. 1998. Sensitive Ecosystems Inventory: East Vanocuver Island and Gulf Islands, 1993 - 1997. Volume 1: Methodology, Ecological Descriptions and Results. Technical Report Series No. 320. Canadian Wildlife Service, Pacific and Yukon Region, British Columbia.

List of Figures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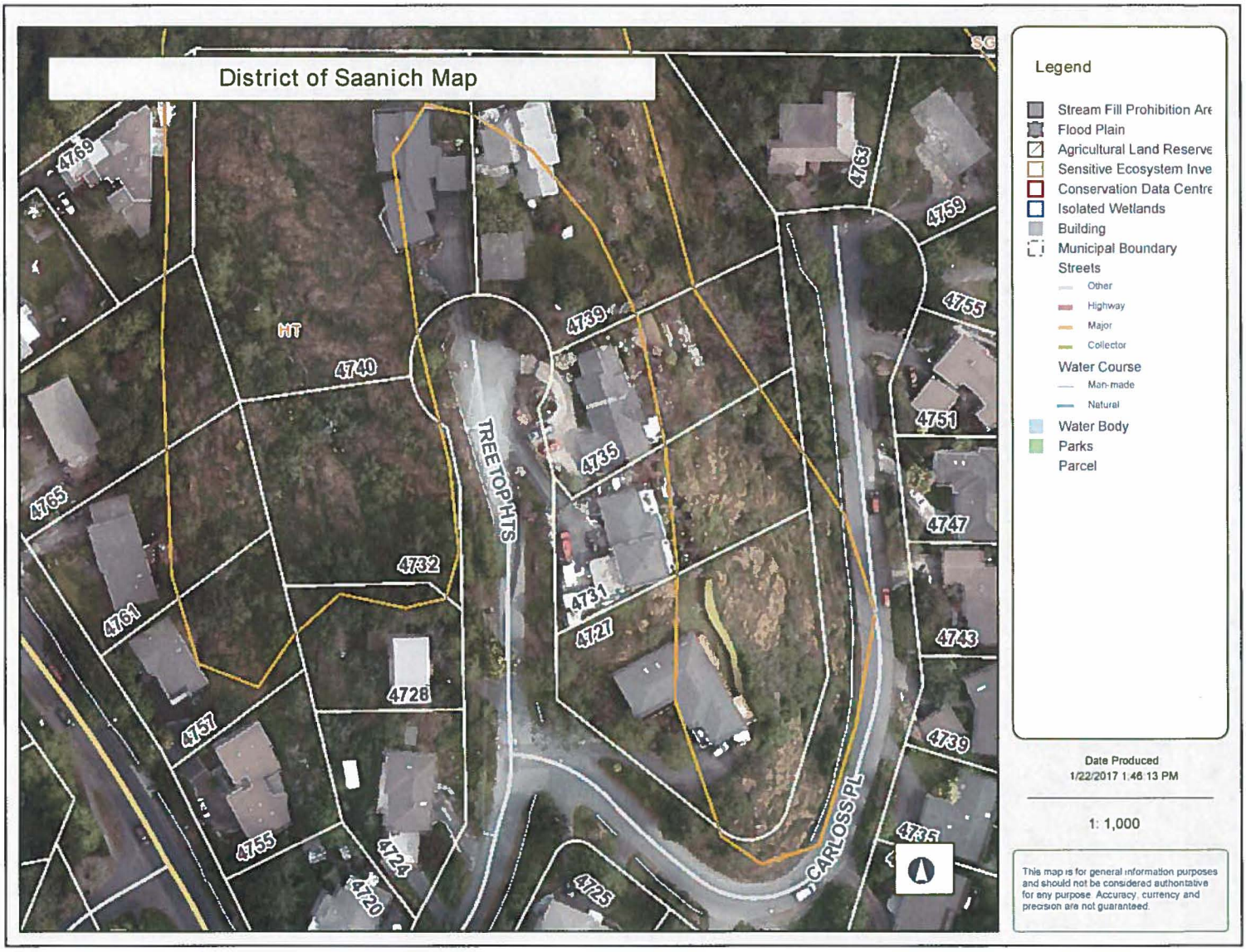
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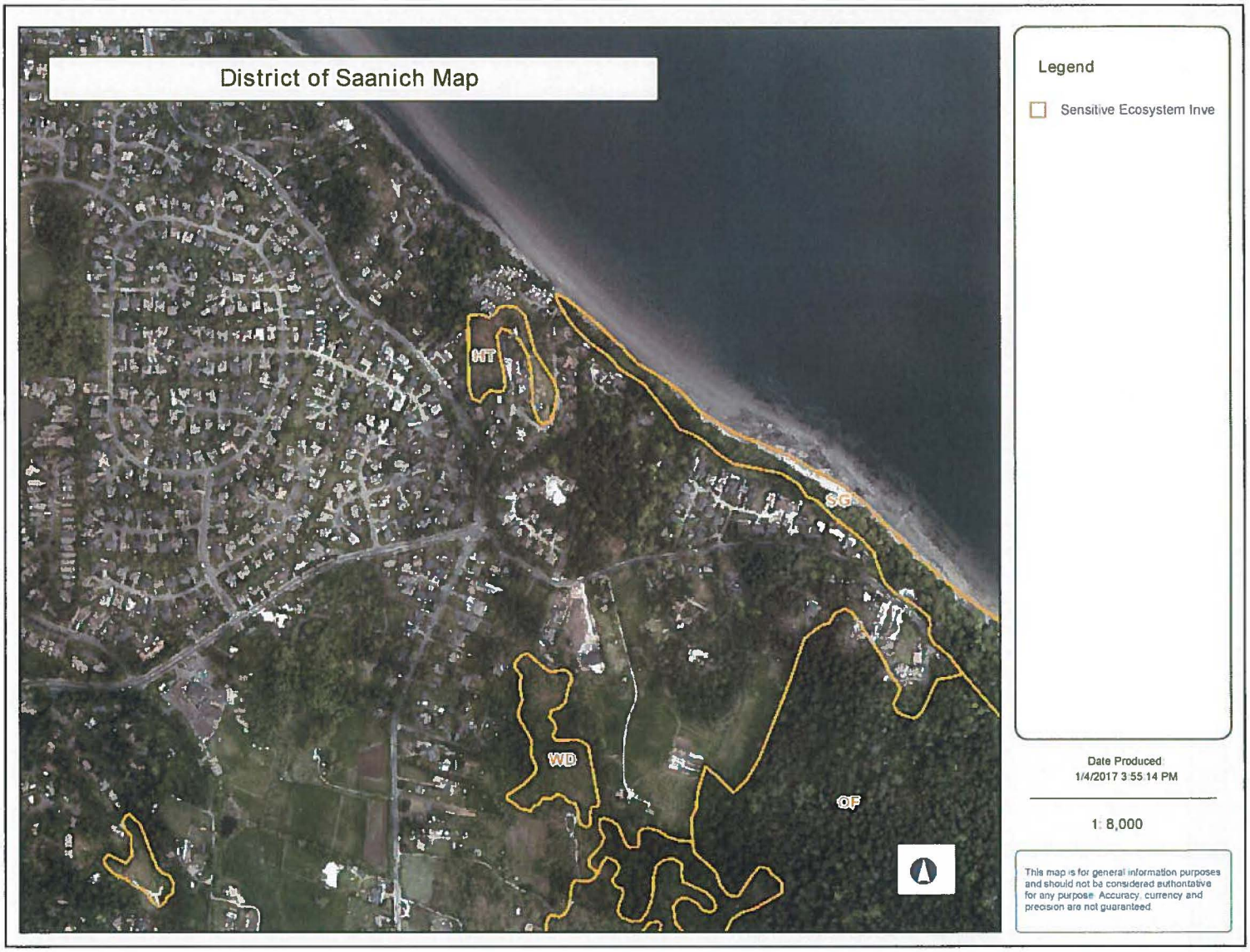
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Photographs

East slope of SEI site at Tree Top Heights

Photo 1. Steep rocky slope: moss covered rocks, licorice fern, grasses, dried up Grand fir and Douglas fir seedlings along the road curve (foreground). Tree Top Heights residences can be seen at top of knoll (Photo taken Oct. 2, 2016 from Carloss Place).

Photo 2. Stonecrop (*Sedum spathulifolium* and *S. lanceolatum*) and moss covered rocks.

Photo 3. Stonecrop and licorice ferns on rocky East facing slope.

Photo 4. Moss covered rocks, Gary oak and arbutus at southeast end of the SEI site.

West facing slope of SEI site at Tree Top Heights

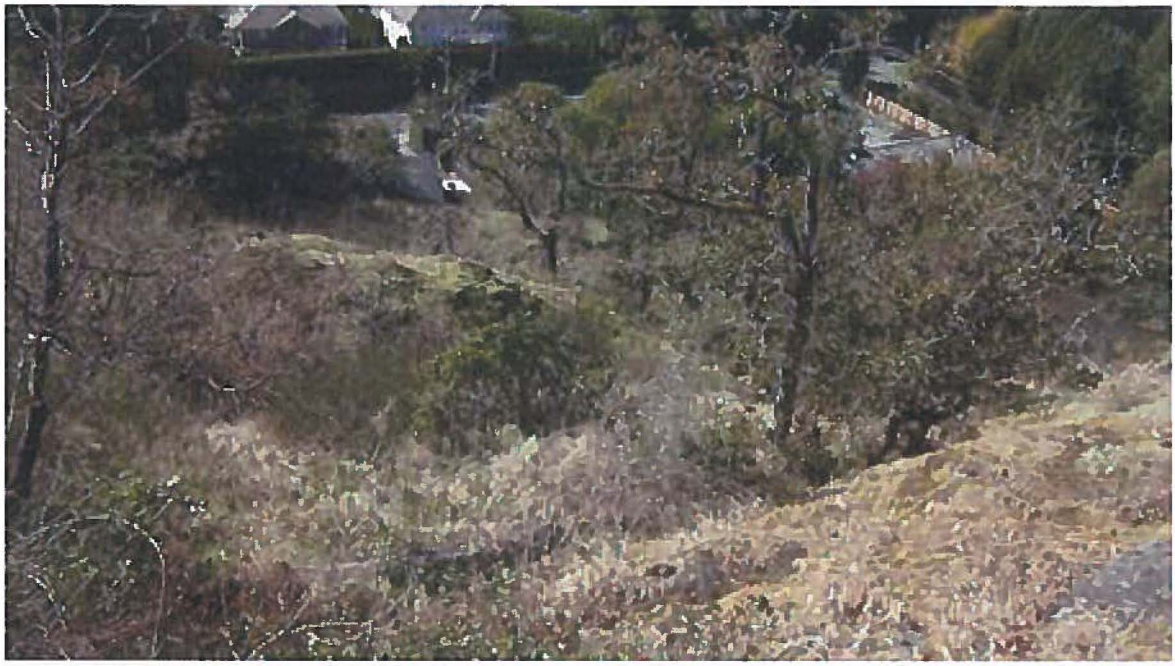


Photo 5. Mossy rock outcrops, meadows and scattered Garry oaks on west slope, looking down from Tree Top Heights cul de sac (Oct. 2, 2016).

Photo 6. Mossy rock outcrops, meadows and scattered and stunted Garry oaks on west facing slope, looking down from Tree Top Heights cul de sac (Oct. 2, 2016).

Photos 7 and 8. West facing slope grassy meadows and rock outcrops with scattered mature arbutus and Garry oaks.

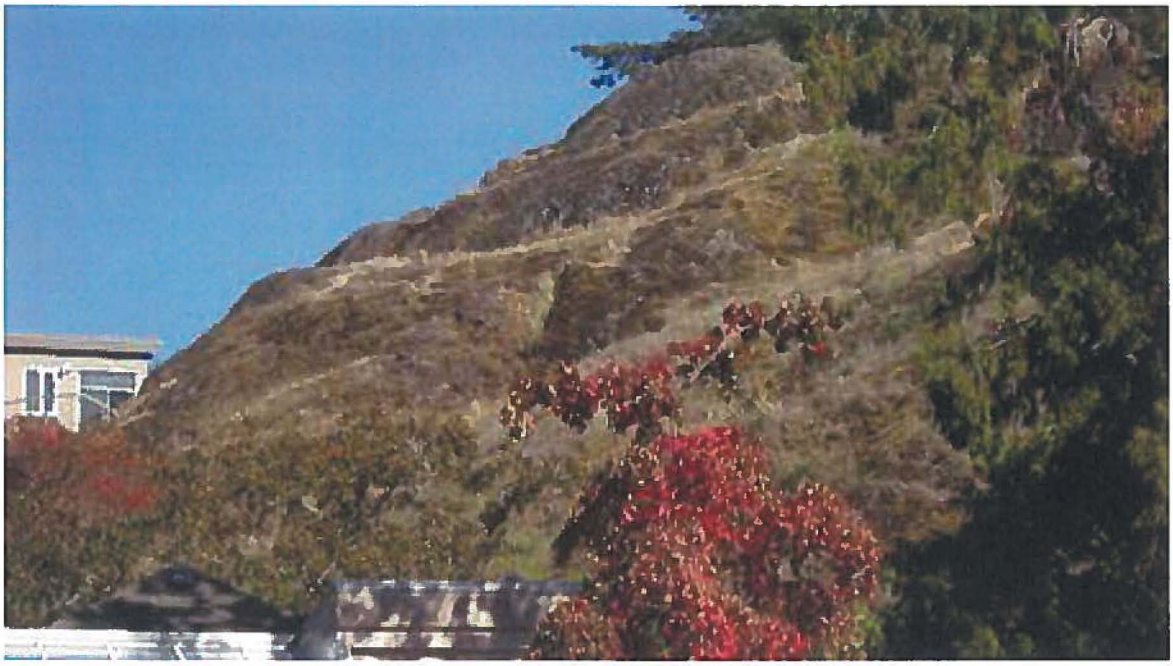


Photo 9. Mossy rock outcrop at north end of Tree Top Heights west facing slope.

Photo 10. West facing top of Mount Douglas Park taken from Cordova Bay Road: moss covered rock outcrops with scattered deeper soil pockets and Garry oaks - a similar habitat to Tree Top Heights.

Appendix I
Conservation Value Criteria

Conservation Value Assessment

Landscape context	
Excellent – Score 4	The surrounding landscape has <25% fragmentation due to roads, urban areas, and rural settlements, and no recent industrial activity. Site occurs within a larger landscape with some formal protection status or protected by conservation covenants.
Good – Score 3	Up to 50% of the surrounding landscape is fragmented. The larger landscape context provides some protection from anthropogenic disturbance, although changes to natural disturbance regimes exist (fire suppression; flooding control).
Fair – Score 2	More than 50% of the surrounding landscape is fragmented and affected by anthropogenic influences. Development may currently affect the ecosystem´s existence.
Poor – Score 1	Less than 15% of the surrounding landscape consists of natural or semi-natural vegetation, or the ecosystem is completely isolated from natural areas and protected areas.
Condition (C)	
Excellent – Score 4	Minor cover of exotic species occur in the site (<10%). Forested ecological communities are climax vegetation. The community may have minor internal fragmentation (<5%). Wetland and riparian communities have natural hydrology regimes. No artificial structures occur at the site.
Good– Score 3	Some cover of exotic species (10 - 40%). Forested ecological communities may be late seral vegetation. Wetland and riparian communities have largely natural hydrology regimes. There could be moderate internal fragmentation (<25%).
Fair– Score 2	Significant cover of exotic species (40 - 75%). Forested ecological communities typically are young seral vegetation after anthropogenic disturbance. There may be significant alterations of hydrology regime in wetlands and riparian ecological communities. There is moderate internal fragmentation (<25%).
Poor– Score 1	Exotic species dominate a vegetation layer or may total >75%. Significant anthropogenic disturbance, such as removal of soil material or vegetation. There are significant alterations to the hydrology regime in wetlands and riparian ecosystems. High internal fragmentation (>25%), presence of artificial structures or barriers.
Restoration potential (R)	
Excellent– Score 4	The natural species, soils and disturbance regime are mostly intact, only a minor control of invasive species is needed.
Good– Score 3	The natural species, soils and disturbance regime are present, but sustained invasive species work is needed to achieve restoration.
Fair– Score 2	Alterations to the natural disturbance regime require major work. The removal of invasive species will leave major portions of exposed soil, requiring plantings. Many years of work will be needed, to achieve a complete natural appearance.
Poor– Score 1	Soils and vegetation were removed, and site is dominated by alien invasive species. Site may be affected permanently.

1410-04
Report – Planning

xref: 2860-25
Treetop Heights & Cordova Bay Road

4727, 4731, 4735, 4739, 4740 TREETOP HEIGHTS AND 4755 AND 4769 CORDOVA BAY ROAD – REQUEST FOR REMOVAL FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA)

Report of the Director of Planning dated February 15, 2017 recommending that Council support Option 3 to improve the accuracy of the mapping as outlined in the report.

In response to questions from Council, the Manager of Environmental Services stated:

- Applicants did not grant access to their properties as part of the applications currently being considered by Council; previously access was granted to many of the properties currently under review.
- October is not the optimal time for a complete inventory of species, but it is possible to identify an ecosystem at any time of year; the level of detail on percent coverage is different at different times of the year.
- Property owners indicate on their applications whether or not staff can attend their properties.

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

- If a property owner indicates on their application that staff are not invited to attend their properties, staff do not make further contact with them.

APPLICANTS:

J. Barrand, Treetop Heights, presented to Council and highlighted:

- Invasive species removal has taken place on their property; they have no development plans.
- Inclusion in the EDPA has a financial impact on the property value.
- They have followed the process to correct the mapping error; a report from a registered professional biologist states that there is no significant ESA on the property.

J. Barrand read letters from two applicants / property owners at 4769 Cordova Bay Road and 4731 Treetop Heights who could not attend the meeting, and highlighted:

- A report from a registered professional biologist states that there are no ESAs on the properties; the properties have been included in the EDPA because of a mapping error.
- There are no plans to develop the properties.
- The EDPA goes through the centre of their home and decreases the property value; removing the properties from the EDPA is the right thing to do.

B. Winters, Treetop Heights, stated:

- The EDPA on the property encompasses the footprint of the house and existing landscaped gardens; the property includes a steep cliff with no development potential.
- The map used by Saanich to delineate the EDPA boundaries was a 1990's aerial map which cannot map tiny pockets of sensitive ecosystems; Ms. Grau's report states because of the technology used at the time, the boundaries of

sites often need to be adjusted; ground truthing did not take place.
- A registered professional biologist has visited the property and stated there is no merit to include the property in the EDPA.

In response to questions from Council, the Chief Administrative Officer stated:
- The property owner indicated on their application that staff were not invited to attend their property.

I. Mulholland, Treetop Heights, stated:
- They have continued to maintain their property by removing invasive species; the property consists of steep terrain and non-native grasses.
- Inclusion in the EDPA has devalued the property; they have no plans for development.
- The appropriate documentation and a report from a registered professional biologist has been submitted; they request removal from the EDPA as the mapping is incorrect.

T. Lea, Cedarglen Road, stated:
- The properties are dominated by invasive species and consist of moderate to steep slopes with shallow to very shallow soil; ground truthing has taken place.
- Not one property meets the sensitive ecosystem standards in the EDPA guidelines and no sensitive ecosystems remain on the properties.
- Native species remain in small patches or as scattered individuals or have invasive grass cover intermixed with the moss.
- If the properties are left alone, they will continue to be dominated by invasive species; they are degraded and in poor ecological condition.

In response to questions from Council, Mr. Lea stated:
- He has been working free of charge with the applicants.

PUBLIC INPUT:

J. Dunster, Cliffwood Place, stated:
- The bylaw was implemented using the wrong tools and is out of scale and flawed.
- At a scale of 1:2000, drawing a line to delineate polygons would be set at about 5 or 6 points to make it visible; at that scale, that line would encompass 2-3 meters of land.
- Ground truthing would be needed to confirm the mapping.
- It is recommended that the properties be removed from the EDPA; there are no sensitive ecosystems on these properties.
- In addition, the bylaw needs to be suspended and staff instructed to ground truth and correct mapping.
- An independent review panel consisting of biologists, forestry and land use planners could be considered.

COUNCIL DELIBERATIONS:

Motion: **MOVED by Councillor Brice and Seconded by Councillor Haynes: "That staff be requested to prepare an amendment to Plate 41 of Schedule 3 to Appendix "N" of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Terrestrial Herbaceous Environmentally Sensitive Area and associated buffer at 4727, 4731, 4735, 4739, 4740 Treetop Heights and 4755 and 4769 Cordova Bay Road from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment."**

Councillor Brice stated:
- She supports a Public Hearing be called to consider the removal of the properties from the EDPA.

Councillor Haynes stated:
- The property owners have indicated that they are not considering development; the recommendation is supportable.

Councillor Murdock stated:
- He does not support the removal of the properties from the EDPA; there may be confusion between requests to correct the mapping and requests for removal of the property from the EDPA.
- Mapping corrections could be considered for these properties.

Councillor Brownoff stated:
- It is appropriate to wait for the consultant's report before considering applications for removal; she is supportive of correcting the mapping but does not support the application for removal from the EDPA.

Councillor Sanders stated:
- The recommendation to correct the mapping is supportable; removing the properties from the EDPA is not.
- Property assessments indicate that property values have increased overall.
- It is appropriate to wait for the consultant's report before considering removal of properties from the EDPA.

Mayor Atwell stated:
- He supports forwarding the application to a Public Hearing; other similar applications have been approved to be considered at a Public Hearing.

In response to questions from Council, the Chief Administrative Officer stated:
- A date for the Public Hearing to consider the temporary suspension of the EDPA has not been set; properties that are currently in the EDPA, will still be in the EDPA even if there is a temporary suspension, although it would be non-applicable to properties except in the case of development applications.

Councillor Wergeland stated:
- It should be determined why areas are being protected.
- A lot of time and effort has gone into reviewing these applications; the longer the independent review process takes, the less likely residents will buy in to it.

Councillor Plant stated:

- He supports forwarding the application to Public Hearing.

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

In response to questions from Council, the Legislative Manager stated:
- At the Public Hearing, Council will consider the amendments to the Official Community Plan Bylaw.
- There will be one more application for removal coming forward to Council.
- A Public Hearing will follow First Reading of the Bylaw; there are statutory requirements for notification.
- Scheduling an additional Public Hearing would not mean that the process would be accelerated as there are timelines that must be adhered to.

In response to questions from Council, the Chief Administrative Officer stated:
- Typically, it could take two months or longer for an application to be considered at a Public Hearing depending on the additional work that needs to be done; one Public Hearing will be scheduled for consideration of all of the applications for removal from the EDPA.

2800-25 Treetop

Council
Administrator
Media

Response to Saanich Staff Report: *Request for Removal from the Environmental Development Permit Area (EDPA)* 4727, 4731, 4735, 4739, and 4740 Treetop Heights; 4755 and 4769 Cordova Bay Road

I would like to provide comments regarding the Staff Report for the Treetop Heights/Cordova Bay Road applications for removal from the EDPA. I have viewed all of the seven subject properties in May and June of 2016. At that time, I have also viewed all other properties that have the Terrestrial Herbaceous Sensitive Ecosystem ESA mapped. Two other assessments that I have done at the same time have not been submitted by the landowners, but this has allowed me to view all properties in the map unit. All of these assessments have been done without any charge to landowners.

On all of these properties invasive species completely dominate both the shrub and particularly the herb layer present. Many of the landowners have removed invasive shrubs on their properties for many years. Very few individuals of wildflower species remain on these properties. These properties are all considered to be in poor ecological condition, following both the **provincial and the municipal standards**.

The Staff Report provides a report by Ms. Moraia Grau, entitled "*Visual field assessment of the Sensitive Ecosystem Inventory Herbaceous Terrestrial polygon at Treetop Heights*". The Staff Report and this assessment report written by biologist Moraia Grau appear to not use the Guideline Document that Saanich Staff have provided to consulting biologists, that clearly states to follow the Provincial Ecosystems at Risk and Sensitive Ecosystem standard. It is titled ***"Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)"***. There is no mention of this Guideline Document, nor the Provincial ecosystems at risk and Sensitive Ecosystems standard in any of the material provided for Council, or in Ms. Grau's report. However, these are the documents which staff have provided to consulting biologists to assess properties with Sensitive Ecosystems.

It appears that Ms. Grau has not been on any of the seven properties at an appropriate time of year to assess local ecosystems. Ms. Grau did view properties from below on Carloss Road and above on Treetop Heights. However, she viewed these in early October of 2016. It is pointed out in the staff report for the Tudor Avenue assessments that my viewing of the properties in May and June was an inappropriate time of year, yet the October 2nd visit and assessment by Ms. Grau was not determined to be inappropriate by the present Staff Report.

The Staff Report indicates that "Staff observed that the Terrestrial Herbaceous ecosystem definitely does exist and there are relatively few invasive species". No evidence is provided for the first statement, in terms of ecological condition or dominance of species on the properties. As for the statement that "there are relatively few invasive species", it is unclear what this means. There may be few invasive species in number of species, however, invasive grass species completely dominate the herb layer, and where not controlled by landowners, invasive shrubs dominate the shrub

layer. This contributes to a site that is very degraded, is in poor ecological condition and does not meet the SEI standard of 'relatively unmodified'.

In my professional opinion there no longer is a Sensitive Ecosystem on these properties. I have assessed these seven properties following the Saanich Staff document and Provincial ecosystems at risk and Sensitive Ecosystem standards.

I believe that the most important statement from Ms. Grau's report is her recommendations section on page 5 of her report that states that: **"the District of Saanich provides help to property owners to preserve these valuable SEI sites, through covenants and tax relief and/or grants to help with restoration/maintenance costs**." She goes on to say that "**A tangible benefit to property owners compensating them for keeping the land undeveloped, as well as giving them recognition as stewards of the SEI sites, will go a long way to grant their support for maintaining these sites**."

Ms. Grau also states "**that the District of Saanich prioritizes the implementation of natural restoration practices in areas under the District's jurisdiction, particularly areas affecting SEI sites**".

In Chapter 4 of the District of Saanich's OCP there are clauses that recommends **raising public awareness**, **gaining support**, and **encouraging citizens** to conserve natural resources and restore the natural environment; **foster and support public awareness**, **engagement**, and **participation** in community environmental stewardship; **work with private land owners to encourage stewardship** that protects, preserves, and enhances natural systems; **provide incentives to protect environmentally significant areas.** I believe that these kinds of actions, which are also recommended by Ms. Grau, will have the most effective impact on maintaining and enhancing these properties and others like them in Saanich.

If left alone, with no encouragement for landowners, these properties will become even more degraded over time, as invasive species will continue to expand on these sites and become even more prevalent. There is great value in taking a very different approach on these properties. However, they presently do not meet the standards for being Sensitive Ecosystems.

Respectfully submitted,

Ted Lea, RPBio.

2860-35 Tree top.

POST TO General | POSTED MAR 08 '17
COPY TO SH/PT
INFORMATION ☒
REPLY TO WRITER ☐
COPY RESPONSE TO LEGISLATIVE BIVISION
REPORT ☐
FOR
ACKNOWLEDGED: BIM

Council - EDPA cancelled hearing

From: "johjul" <[redacted]>
To: <council@saanich.ca>
Date: 3/7/2017 11:25 AM
Subject: EDPA cancelled hearing
CC: "'Anita Bull'" <[redacted]>, <[redacted]>

March 7, 2017

Dear Mayor and Council,

My wife and I reside at [redacted] Tree Top Heights. Our property is mapped as being in the EDPA.

Last night, I attended and presented at your 7pm Council meeting.

I sympathize with the difficulty and frustrations you and the members of the Council went through in coming to the various decisions which you made. Rest assured that , at our end of the Council Hall, we suffered the same frustrations and difficulties. This is especially true with regards to the position we found ourselves in, at the end of the night.

My wife and I submitted our request to have our property removed from the EDPA in July 2016. We strongly believe that, in 2012, Saanich erred in placing our property in the EDPA mapping area. This fact was confirmed to us when Mr. Ted Lea, (RP, bio, vegetation Ecologist) , studied our property. Mr Lea walked all over our property and in his report (submitted to you in July 2016) shows that there is no ESA on our property.

In your by-law, you outline how property owners like ourselves can correct mapping errors. At this point in time, your decision to not consider any application is very unfair to us and might not even be legal. We strongly believe that your staff/administration, have been stonewalling our application to be removed from the EDPA. They have had over 8 months to review our request. Your environmental department told us that we would be heard in Council in December, then January, then February. Now, all is cancelled!!!!!!

As stated above, we did not just recently submit our application to have our property removed from the EDPA. What differentiates us, who submitted our request 8 months ago and do not get a hearing, from other homeowners who submitted their request a couple of weeks earlier, and had a fair hearing?

In summary, despite our efforts, frustrations and research required to jump through ***your*** hoops, you have left us hung out to dry.

We hereby, humbly request, that ***you do the right thing*** and give us the hearing that we deserve.

Sincerely,

John and Julie Barrand

RECEIVED
MAR 07 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

2860-25
Treetop

To: Mayor and Council
From: Rosalie and Stephen Davis ([redacted] Treetop Heights, Victoria B[redacted]
Date: March 22, 2017
Re: EDPA

Dear Mayor and Council,

We reside at 4731 Treetop Heights and have done so since 1980. Thank you for hearing our request to remove our property from the EDPA. As we cannot make the meeting, I have asked our neighbor, John Barrand to be our eyes and ears and speak on our behalf.

We strongly believe that our property has no "Environmental Sensitive Areas" and have been doing our best to keep back "Invasive Species". We had a Registered Biologist (Ted Lea) walk our property and his report clearly stated that there is NO Sensitive Ecosystem ESA in a relative natural state on our property.

We both enjoy our property and home very much. We have no plans to develop our property, but are asking to have our property removed from the EDPA, for it should not be in the EDPA, which by what we have seen on current mapping, goes thru the center of our home. As we both are aging, there will be a time when we both have to relocate/sell to better accommodate our needs. Thus, the EDPA could decrease the value of our property. Retirement and funds will be based on the value of the home when the time comes to sell it.

Thank you for taking time, to consider removing us from the EDPA and correcting the mapping error.

Respectfully,

R and S Davis

[redacted]

/sd

2860-25 Treelop/Cord. Bay

Dear Mayor and Council

We live at 4755 Cordova Bay Rd., and thank you for hearing our request to have our property removed from the EDPA.

We strongly believe that our property has no environmental sensitive areas. We have had our property walked by Ted Lea, a Registered Professional Biologist and his report clearly states "there is no Sensitive Ecosystem ESA in a relative natural state on this property." .We build our house in 2011-12, have owned our property for 6.5 years, and have taken care of it as muchas we could. We have enjoyed our trees, gardens and have made an effort to push back invasive species, as we could.

We respectfully ask that the mapping error be corrected, and that our property be removed from the EDPA, because it should not be in the EDPA.

We have no plans to develop our property, but feel it could decrease the value of our property.

Thank you,

Momcilo and Andja Zukanovic

Victoria March 22 2017

2860-25 Treetop/Cor Bay

Council Administrator Media

From: Bill Morrison [redacted]
To: Richard Atwell <mayor@saanich.ca>, Susan Brice <susan.brice@saanich.ca>,...
CC: Saanich Citizens For A Responsible EDPA <saanichedpa@gmail.com>, Diamond...
Date: 3/27/2017 12:06 PM
Subject: Council Meeting March 27, 2017 - EDPA - Tree Top Heights; Cordova Bay Rod

Good Day

I am supporting the residents/taxpayers Application for Removal of their properties from the EDPA with regard to the following addresses:

4727, 4731, 4735, 4739, 4740 Tree Top Heights
4755, 4769 Cordova Bay Road

In all cases the residents/taxpayers have performed due diligence and have satisfied all requirements for exemption from the EDPA Bylaw.

Further, upon reading the Staff Report, Saanich have employed the services of a non registered/licensed biologist to review the environmental characteristics of the above properties WITHOUT PHYSICALLY SETTING FOOT ON THE PROPERTIES FOR GROUND PROOFING PURPOSES. Thus Staff's recommendation has been made without reviewing the appropriate evidence.

Thank you

Bill Morrison
B.Comm.; CPA; CMA

2860-20 | Treetop

POST TO General POSTED MAY 05 2017
COPY TO SH
INFORMATION ☒ * Return to
REPLY TO WRITER ☐ Penny for PH
COPY RESPONSE TO LEGISLATIVE DIVISION PKG
REPORT ☐
FOR
ACKNOWLEDGED: (SFV)

To: Mayor, Council and Guests

From Myself: Stephen Davis Co-owner of 4731 Treetop Heights, Victoria BC V8Y-1E3, along with Rosalie Davis, who could not be here with us today.

Date May 13, 2017

Re: Public Hearing for removal of our home from the EDPA

We reside at 4731 Treetop Heights and have done so since 1980.

At present, the EDPA has identified that our property falls into the category of ESA (Environmental Sensitive Areas). The present Mapping also shows the EDPA going thru the Centre of our Home.

At present, I filed a Property Removal request from the EDPA.

We had a Registered Biologist (Ted Lea) walk our property, only to find that there is no sensitive ecosystem in a relative natural state on our land.

Council voted 5 to 3 to remove our Property from the EDPA.

Council re-affirmed this removal on the First Reading.

Respectfully, I ask that Council **"Pass and Remove"** our property through this Public Hearing.

Thank you!

Stephen & Rosalie Davis

[redacted]

RECEIVED
MAY 04 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

Recd 1 March 2017
@ c/o Mail

DUNSTER & ASSOCIATES
Environmental Consultants Ltd.

2860-25 Traction
4739 Trac Cops

Comments on the Saanich EDPA process and lack of accuracy.
March 27, 2017

The Saanich biology consultant notes that the plant communities were mapped at scales of 1:16,000 or 1:20,000.

A map scale of 1 :16,000

- means 1cm on the map represents 160 metres on the ground. A pencil line is about 1mm wide which means that a pencil line represents 16 metres or 52.5 feet on the ground.

A map scale of 1:20,000

- means 1 cm on the map represents 200 metres on the ground. A pencil line is about 1mm wide which means a pencil line represents 20 metres or 66 feet on the ground.

In the best case of 1:16,000 the pencil line covers about 16 metres of ground, assuming that the mapper can actually identify the correct polygons from the aerial images - which clearly they could not do even with the best of intentions.

The map scales used to define the EDPA polygons are totally inadequate for the task of correctly identifying sensitive ecosystem polygons with the confines of individual properties. That is why there is so much controversy. The baseline data is seriously compromised and clearly wrong.

Assuming a mapper used the latest colour ortho photographs, and assuming that these photographs have been correctly rectified and use the same projection as the cadastral data (property lines) it would require a projected scale in the order of around 1:2,000 (pencil line represents 2 metres on the ground) to make anything close to an accurate delineation of polygons from aerial images.

The entire EDPA data set is fatally compromised by the appalling lack of accuracy in defining the baseline data.

RECOMMENDATIONS

1 Council should immediately suspend the entire EDPA process in its entirety. Nothing in the bylaw would be applicable until such time as the entire baseline of data has been properly defined and correctly mapped on all properties affected.

2 Council should allocate sufficient funds and staff time to properly map the landscapes affecting residential properties at an appropriate scale of not less than 1:2,000 but ideally 1:1,000 using the most recent ortho images. Ground truthing will be required to verify conditions, since even at a detailed map scale not all features on the ground can be correctly identified from aerial images.

4621 Cliffwood Place, Victoria, BC. V8Y1B6 T: 778 433 8465 email: jadunster@gmail.com Www.dunster.ca

3 Council should direct staff to establish an independent review panel of professional biologists and land use planners who would review any contentious areas that remain after the correct mapping scale has been deployed and all of the baseline data has been upgraded to an acceptable resolution - there should not be many of those if the mapping is done correctly.

4 Council should revise the entire EDPA bylaw so that changes involving refinements of the polygon boundaries can be done in a more timely and cost effective manner than constantly having staff and Council examine endless tiny issues one by one.

2860-25

Rec'd at the C/W Mtg - March 27/17

Barbara Winters
[redacted] Treetop Heights, Cordova Bay

Saanich Council meeting, March 27, 2017

Comments pertaining to my application for withdrawal of my property from the EDPA:

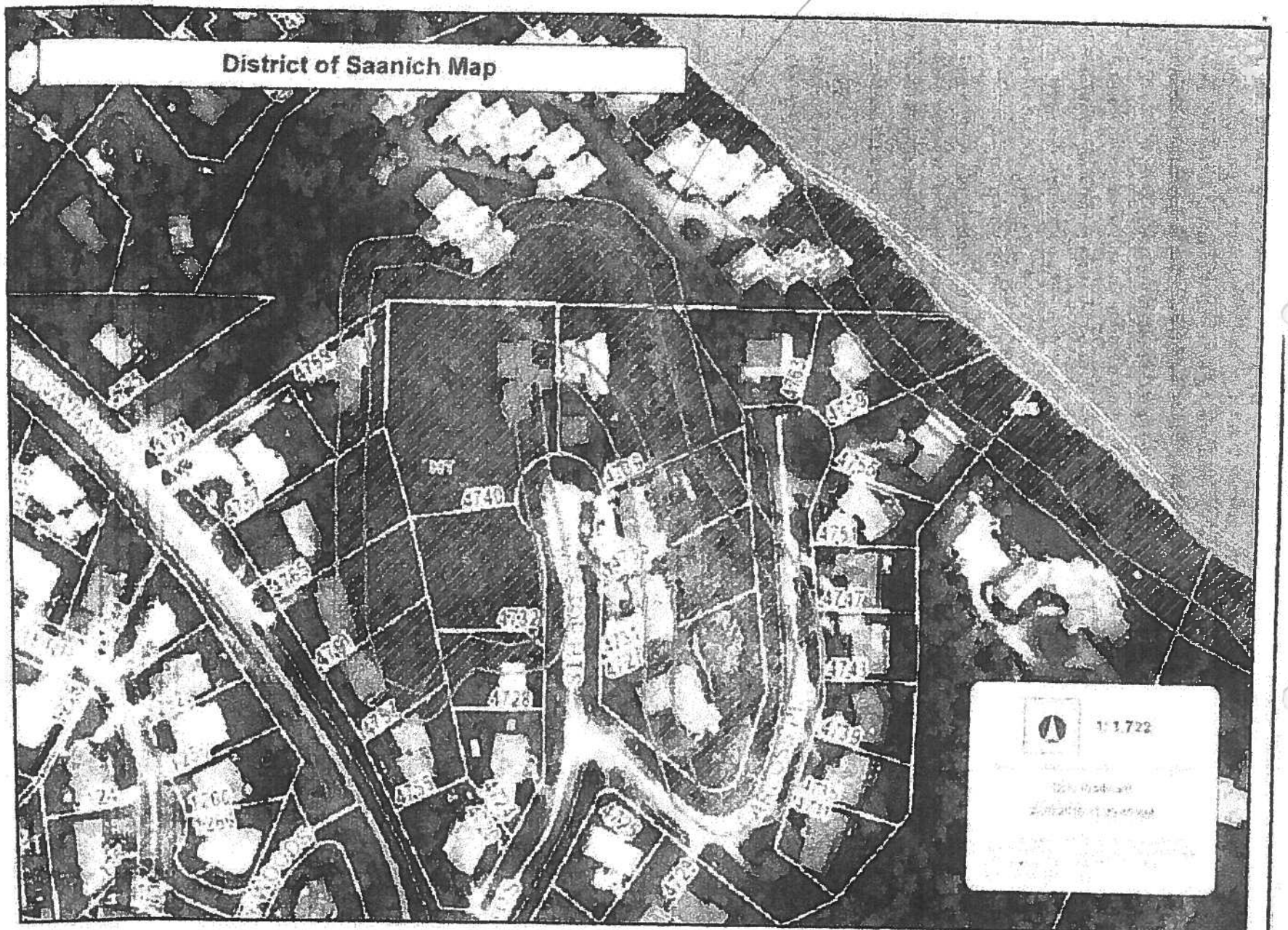
1. The mapping of my property is clearly wrong. It encompasses my house and existing landscaped garden, which have been there for over four decades. The sloped garden was developed to create a field for a septic system required when my late husband and I built the house in 1974. The remaining periphery of the property is an inaccessible steep cliff down to Carloss Place. That area has no development potential.
2. As Moraia Grau points out in her January 2017 assessment, the map used by Saanich to delineate EDPA boundaries was a 1990s aerial map of 1: 15,000 to 20,000 scale, which simply cannot map tiny pockets of sensitive ecosystems. Grau states that because of this old technology "the boundaries of sites often need to be adjusted." There were no site visits by Saanich to view my property and attempt to correctly map the area when it was placed in the EDPA. The baseline data is fatally compromised and inadequate.
3. Professional biologist Ted Lea has visited my property and in his opinion, stated in his report included in my removal application, there is no merit in including any of my property in the EDPA. As he noted, none of the undeveloped parts of my property meet the criteria that define Environmentally Significant Areas (ESA).
4. The January report by Moraia Grau is technically inaccurate and based on obstructed observations from afar, mainly from below on Carloss Place. As she disclosed in her report, she did not set foot on my property to ground proof her observations. Her assessment does not entail the detailed level of site analysis done by Ted Lea. Her report and the EDPA designation on my property are technically incorrect.
5. As written, the EDPA polygon devaluates my house because the existing footprint is in the EDPA. It compromises the property value with no good technical reason.
6. In conclusion: I want to emphasize that the EDPA designation of my property is based on faulty mapping and is obviously inappropriate. That is substantiated by Ted Lea's report, which council must accept. The designation sterilizes the value of my land and penalizes me. Consider that it would even eliminate the possibility of rebuilding my house if something happened to it. I am caught in an EDPA process that was flawed from the beginning.
7. I request that council delete my property from the EDPA designation. Delaying a decision will only keep me in limbo for an indefinable period.

@ 1:20,000
1cm = 200 m.
or 660 ft. on the ground

I will give you a copy of my notes, and mapping of my property, to be included in the record of this meeting. Thank you for your attention to my application.

4139 Treetop Heights

4139 Trevlor Height



2860-25 Cord Bay

From: [redacted]
To: <mayor@saanich.ca>
Date: 3/21/2017 5:38 PM
Subject: Request for property at 4769 Cordova Bay Road be removed from EDPA

Dear Mayor and Council

We would be attending the hearing on March 27, however [redacted]
Our neighbours have graciously agreed to present this letter on our behalf.

My husband Kent and I, and our family have lived in this home for 12 years and love being part of the Cordova Bay community. According to the biologist Ted Lea's report that was submitted previously, our home is one of the properties listed in the EDPA because of a mapping error.
One of our main concerns is that this inclusion in the EDPA could negatively impact our property value. We also feel it important to advise you that we have no intention to develop anywhere on our property in the future.

It's our understanding that other property owners on Treetop Heights and Cordova Bay have invited Mayor and Council to visit our properties. We have already given our approval for Mayor and Council to do so at the same time they visit our neighbours' along with Ted
and John.

We trust that after listening to our collective position, you will agree with us that removing our property from the EDPA is the correct thing to do.

We want thank for your consideration, and your time.

Respectfully,
Kent and Debbie Thom

Sent from my iPad

Sent from my iPad

2860-35 Treetop

time sensitive

Council - Tree Top Heights and Cordova Bay EDPA meeting March 27th

From: "johjul" [redacted]
To: <council@saanich.ca>
Date: 3/18/2017 8:01 AM
Subject: Tree Top Heights and Cordova Bay EDPA meeting March 27th
CC: '"Ted Lea"' <tedloralea@shaw.ca>, <walkthelake@gmail.com>, <bawinters@sh...

Dear Mayor and Council,

In preparation for the Council meeting on March 27th concerning Tree Top Heights and Cordova Bay property owners' request to have their property removed from EDPA, the concerned property owners cordially invite you to visit our properties. We believe that visiting our properties will give each of you a first hand view of why our properties should be removed from EDPA.

If we can coordinate our schedules, Ted Lea will be available to show you the properties and answer any questions you might have.

We are sorry about the short notice but, we were only advised yesterday that our hearing will be March 27th. Could you please advise me of your desire and availability to visit our properties and I will coordinate the property owners and Ted.

Thank you
John Barrand
[redacted]Tree Top Heights
[redacted]

“OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2017, NO. 9422”

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

PH 2

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9422

TO AMEND BYLAW NO. 8940,
BEING THE "OFFICIAL COMMUNITY PLAN BYLAW, 2008"

The Municipal Council of The Corporation of the District of Saanich enacts as follows:

1) Bylaw No. 8940, being the "Official Community Plan Bylaw, 2008" is hereby amended as follows:

   a) Adding an additional exemption into the Exemptions section on Page 1 of the Appendix "N" as follows:

      "i) (i) Notwithstanding the provisions of this bylaw, a development permit is not required under the Environmental Development Permit Area for development carried out on a parcel of land in a Single Family Dwelling (RS) zone in the Saanich Zoning Bylaw 8200 except a subdivision.

      (ii) This exemption shall not apply to any parcel which is capable of subdivision into two or more lots under the Zoning Bylaw or shown in the Official Community Plan as having potential to be rezoned to a zone permitting subdivision to urban lots."

   b) Adding the following guideline into Development Permit Areas 1 to 26 as follows:

      "Wherever possible, preserve areas (including buffers) that contain plants and animal habitat which are designated as red listed (endangered) or blue listed (vulnerable) by the Conservation Data Centre (Ministry of Environment)."

   c) Adding the following guideline into Development Permit Areas 1, 2, 4, 7, 8, 9, 13, 14, 18, 21, and 23 as follows:

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

2) This Bylaw may be cited for all purposes as the "**OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2017, NO. 9422**".

Read a first time this 1st day of May, 2017.

Public Hearing held at the Municipal Hall on the day of , 2017.

Read a second time this day of , 2017.

Read a third time this day of , 2017.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the day of , 2017.

Municipal Clerk

Mayor

1410-04
xref 2860-25

Council May 1 17

The Corporation of the District of Saanich

Mayor
Councillors
Administrator
Council Administrator
Media

Supplemental Report

To: Mayor and Council

From: Sharon Hvozdanski, Director of Planning

Date: April 27, 2017

Subject: Temporary Exemption of Environmental Development Permit Area (EDPA)
File: 2860-25

RECOMMENDATION

That Council provide direction to staff as to how it wishes to proceed.

PURPOSE

The purpose of this report is to outline the two Environmental Development Permit Area (EDPA) Temporary Exemption Bylaw options previously requested by Council.

DISCUSSION

Background

At the March 6, 2017 meeting, Council made the following motion:

> "That all single family zoned properties be temporarily exempted from the Environmental Development Permit Area (EDPA) until Council receives the report from Diamond Head Consulting and makes a decision on the future of the EDPA, and notwithstanding this exemption, if an application is received to rezone or subdivide a single family dwelling zoned property, the EDPA Guidelines would apply".

Following this motion, staff prepared a draft bylaw for Council's consideration. The draft bylaw was formulated in a manner that would temporarily exempt all RS (Single Family Dwelling) zoned properties throughout Saanich from the EDPA.

At the April 24, 2017 meeting Council postponed consideration of the above-noted bylaw, and made the following motion:

> "That Council postpone consideration of the item, and direct staff to draft a bylaw amendment option that would temporarily suspend the Environmental Development Permit Area on any property that has 'single family dwelling' as a permitted use".

During the discussion of this motion, Council requested that two bylaw options be presented for their consideration that would reflect; the March 6, 2017 Council motion, and the April 24, 2017 Council Motion. The two requested bylaws are outlined below.

ALTERNATIVES

1. Proceed forward with Bylaw No. 9422 – This Bylaw would temporarily exempt all RS (Single Family Dwelling) zoned properties from the EDPA.

2. Proceed forward with Bylaw No. 9427 – This Bylaw would temporarily exempt all properties with zoning that allows "single family dwelling" as a permitted use from the EDPA.

PROCESS IMPLICATIONS

Should Council proceed with Bylaw No. 9422, RS (Single Family Dwelling) zoned properties would be temporarily exempt from the EDPA. This bylaw would essentially apply to lower density residential neighbourhoods within the Urban Containment Boundary. Attached Map 1 provides a graphic approximation of the application of this bylaw.

Should Council proceed with Bylaw No. 9427, a greater number of zones and properties would be temporarily exempt from the EDPA. Zones that allow "single family dwelling" as a permitted use are as follows: all A (Rural) Zones; all RS (Single Family Dwelling) Zones; all RD (Two Family Dwelling) Zones; RC-1 and RC-3 (Residential Comprehensive) Zones; RT-1 and RT-2 (Attached Housing) Zones; and RM-1 RM-CH1, RM-CH2, RM-CR, RM-RH, and RM-SH1 (Residential Mixed) Zones. Attached Map 2 provides a graphic approximation of the application of this bylaw.

Based on Council's direction, both Bylaw options include the following exception:

> "The exemption shall not apply to any parcel which is capable of subdivision into two or more lots under the Zoning Bylaw or shown in the Official Community Plan as having potential to be rezoned to a zone permitting subdivision to urban lots".

Prepared and Approved by

Sharon Hvozdanski
Director of Planning

SH/sd
G:\ENV\Development Permit Areas\EDPA\AA Reports To Council\2017 Rtcs\REPORT_EDPA BYLAW_Temp Expemption Bylaw.Docx

cc: Paul Thorkelsson, Administrator
Graham Barbour, Manager of Inspection Services

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation of the Director of Planning.

for Paul Thorkelsson, Administrator

1410-04
1110-30 OCP/EDPA

Council Apr 24/17

Saanich

The Corporation of the District of Saanich

Mayor
Councillor
Administrator
Com. Assoc
Applicant

Council
Administrator
Media

Report

To: Mayor and Council

From: Sharon Hvozdanski, Director of Planning

Date: April 18, 2017

Subject: Temporary Exemption of Single Family (RS) Zoned properties from the Environmental Development Permit Area (EDPA)
File: 2860-25

RECOMMENDATION

That Council not support Single Family (RS) zoned properties being temporarily exempted from the Environmental Development Permit Area (EDPA).

Note: If Council wishes to support that Single Family (RS) zoned properties be temporarily exempted from the Environmental Development Permit Area (EDPA), the required amendment bylaw has been prepared for Council's review, consideration, and granting of first reading at this evening's meeting.

PURPOSE

The purpose of this report is to:

1. Provide background information for Council's consideration regarding required actions to implement Council's March 6, 2017 motion to temporarily exempt all Single Family (RS) zoned properties from the EDPA, along with their potential impacts;

2. Reconfirm that Council still wishes to amend the Official Community Plan (OCP) in order to implement the temporary exemption of Single Family (RS) zoned properties from the EDPA; and

3. Seek direction from Council as to whether it wishes to amend other relevant Bylaws that make reference to the EDPA and/or could have an impact regarding the protection of the environment in Saanich.

DISCUSSION

Background

At the March 6, 2017 meeting, Council made the following motion:

> "That all single family zoned properties be temporarily exempted from the Environmental Development Permit Area (EDPA), until Council receives the

cm
B.3

report from Diamond Head Consulting and makes a decision on the future of the EDPA, and notwithstanding this exemption, if an application is received to rezone or subdivide a single family dwelling zoned property, the EDPA Guidelines would apply".

Staff have prepared the necessary amendment bylaw to implement this motion. Council can give first reading of the amendment bylaw this evening if it so wishes.

The remainder of this report outlines for Council: the legal context for this action; the required amendment to implement the temporary exemption; other recommended bylaw amendments to ensure policy clarity and protection of the environment during the temporary exemption period; and alternatives for moving forward with the EDPA and their implications.

Legal Context
In regard to Council's March 6, 2017 motion, there are four issues from a legal perspective that staff have been advised to point out to Council for its information:

- The intention to suspend the EDPA Bylaw on Single Family (RS) zoned properties until Council receives the Diamond Head Consulting report cannot be achieved within a bylaw amendment. An initial amendment would be required to exempt Single Family (RS) zoned properties from the EDPA and a later amendment would be required to return them, following receipt of the Diamond Head Consulting report if Council decided to do so at that time;

- Rezoning is not considered "development" under either the EDPA or the "Local Government Act". However, Council may elect to not extend the exemption to properties that have subdivision potential subject to rezoning where supported in OCP documents (such as Local Area Plans);

- If all Single Family (RS) zoned properties were exempted, owners of property with development potential would be able to legally remove the environmentally significant features prior to making application for subdivision (unless protected trees were involved); and

- Temporarily suspending the Bylaw will not impact the ability of property owners to appeal to Council to have their properties removed from the EDPA.

Required Amendment
In order to take action on its motion of March 6, 2017, Council would need to make the following amendment to Appendix N of the Official Community Plan (OCP) Bylaw, 8940, under Exemptions, Page 2 of the "Development Permit Areas Justification and Guidelines", add:

l) (i) Notwithstanding the provisions of this bylaw, a development permit is not required under the EDPA for any development carried out on a parcel of land in a Single Family Dwelling Zone in the Saanich Zoning Bylaw 8200 except a subdivision.

(ii) This exemption shall not apply to any parcel which is capable of subdivision into two or more lots under the Zoning Bylaw or shown in the Official Community Plan as having potential to be rezoned to a zone permitting subdivision to urban lots.

Other Amendments
When the EDPA was originally implemented, amendments were undertaken to a number of Council bylaws. This was done in order to ensure clarity and/or remove text from bylaws that would become redundant with the implementation of the EDPA. Council direction on each of these amendments is sought to ensure a clear understanding by staff of how the temporary exemption of Single Family (RS) zones in the EDPA is to be implemented during their day-to-day work. Staff also want to outline for Council what "gaps" may exist in terms of environmental protection, if the following five amendments are not made.

Tree Bylaw
In 2014, the Tree Bylaw was amended to include trees within the EDPA into the definition of Protected Trees. Protected trees are subject to greater protection under the Tree Bylaw and the intention was to create a consistent approach for trees in the EDPA. Trees in Single Family (RS) zones would continue to be afforded this protection under the Tree Bylaw by virtue of being within the EDPA. This could be considered inconsistent with the motion of Council. As such, the following bylaw amendments would need to be made to address this issue.

Amend the following section/clause of the Tree Bylaw (Bylaw No. 9272) to read as follows (**bolded text is new**):

- Under the definition of "protected tree", "e) any tree located within a Streamside Development Permit Area or Environmental Development Permit Area **except areas subject to Exemption i) of the 'Development Permit Areas Justification and Guidelines'** designated in the Saanich Official Community Plan.

- Under Part 3. Prohibitions, 8) "Nothing contained in this section shall be construed to authorize the removal of vegetation which is otherwise prohibited under the Environmental Development Permit Areas Regulations **except areas subject to Exemption i) of the 'Development Permit Areas Justification and Guidelines'** or the Streamside Development Permit Areas Regulations contained in Saanich Official Community Plan Bylaw."

Deposit of Fill Bylaw
In 2012, the Deposit of Fill Bylaw was amended to include a requirement for an Environmental Development Permit to allow fill in the EDPA. The intention was to ensure a Fill Permit would not conflict with the EDPA guidelines. As Environmental Development Permits would no longer be issued in Single Family (RS) zones if exemption i) is adopted by Council, Deposit of Fill permits could not be issued for these properties by virtue of being within the EDPA. This could be considered inconsistent with the motion of Council and also cause hardship for property owners. As such, the following bylaw amendments would need to be made to address these issues.

Amend the following clause of the Deposit of Fill Bylaw (Bylaw No. 9204) to read as follows (**bolded text is new**):

- 3.1 – "Nothing in this bylaw authorizes issuance of a Permit to deposit fill on lands in a floodway within:

  b) an Environmental Development Permit Area, unless an Environmental Development Permit has been issued which includes the proposed fill (add) **or the requirement for an**

Environmental Development Permit is subject to Exemption i) of the "Development Permit Areas Justification and Guidelines".

Development Permit Area Guidelines
In 2012, when the EDPA was adopted, Council deleted guidelines from other Development Permit Areas because the EDPA guidelines made them redundant. These guidelines had been in place since 1999 to protect rare species and riparian areas (regardless of the presence of fish, such as isolated wetlands). Should Council adopt exemption i), consideration should be given to returning the deleted guidelines to recreate a baseline of environmental protection. As such, the following bylaw amendments would need to be made to address these issues.
Add the following clause to Appendix N of the Official Community Plan (OCP) Bylaw, 8940, "Development Permit Areas Justification and Guidelines" to Development Permit Areas 1 to 26 to read as follows (**bolded text is new**):

- **"Wherever possible, preserve areas (including buffers) that contain plants and animal habitat which are designated as red listed (endangered) or blue listed (vulnerable) by the Conservation Data Centre (Ministry of Environment)."**

Add the following clause to Appendix N of the Official Community Plan (OCP) Bylaw, 8940, "Development Permit Areas Justification and Guidelines" to Development Permit Areas 1, 2, 4, 7, 8, 9, 13, 14, 18, 21, and 23 to read as follows (**bolded text is new**):

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

ALTERNATIVES

1. That Council support Single Family (RS) zoned properties being temporarily exempted from the Environmental Development Permit Area (EDPA), by amending only the OCP as attached.

2. That Council support Single Family (RS) zoned properties being temporarily exempted from the Environmental Development Permit Area (EDPA) by amending both the OCP and other relevant Bylaws.

3. That Council not support any changes to the Environmental Development Permit Area (EDPA) until such time as Council receives the report from Diamond Head Consulting and makes a decision on how it intends to move forward with the EDPA.

PROCESS IMPLICATIONS

Amending only the Official Community Plan
- The EDPA would continue to apply to applications for subdivision in any zone;
- The EDPA would continue to apply to properties zoned other than Single Family (RS) such as Multi-family, Rural, Commercial, Industrial, and Assembly (Institutional, Parks, Recreation, etc.);
- The EDPA would no longer apply to Building Permits, Blasting Permits, structures, patios, or the alteration of land (vegetation removal, soil disturbance, or vegetation clearing) in Single Family (RS) zones;

- The companion EDPA policies in Council's Tree and Fill Bylaws would still apply to all properties including Single Family (RS) zoned lots;
- Red and blue listed species and riparian zones would be addressed by guidelines when Development Permits are required;
- EDPA permit applications in progress would be cancelled and application fees would be refunded. Protection of rare plants and eco-systems could not be guaranteed on these properties. For example, there would be no requirement to protect a Federally and Provincially listed rare plant at a current proposed development site unless the Federal government became involved. If the applicant requested, the application could be put on hold until such time that Council decided how it wished to proceed with the EDPA;
- EDPA permits that have been previously issued would not be cancelled;
- Applications to be removed from the EDPA would continue to be processed and brought to Council for consideration; and
- The EDPA Atlas would not change as a result of the temporary exemption.

Amending the OCP and Other Relevant Bylaws
The process implications would be the same as outlined above, except for:

- The companion EDPA policies in Council's Tree and Fill Bylaws would not apply to Single Family (RS) zoned lots.

Undertake No Amendments to the EDPA Pending Outcome of the Diamond Head Consulting Report
The next step in Diamond Head Consulting's review process is to meet with members of Council in early/mid May, and hold an Open House to receive public input in late May/early June. Diamond Head Consulting will complete their report in late June 2017.

While acknowledging Council's March 6, 2017 motion, staff would be remiss in not noting that the legally required bylaw amendment process to implement Council's motion will likely not be complete until mid/late May, with the Diamond Head Consulting report following three to four weeks afterwards. This begs the question of the value of undertaking the bylaw changes, as opposed to waiting for the outcome of the Consulting report.

Unintended Impacts
Some of the potential unintended impacts of temporarily suspending the application of the EDPA bylaw from Single Family (RS) zoned properties are:

- A potential increase in uncertainty and confusion amongst property owners, neighbours, realtors, and developers as to the status of the EDPA on individual properties, proposals, existing permit conditions, and current applications;
- Equity issues if residents take advantage of the lull to build houses closer to the marine shoreline than their neighbours were permitted, build within Environmentally Significant Areas that others have protected, leave invasive species to take over where others have been required to control, and other inconsistencies;
- Potential damage to the environment, including rare species and ecosystems, due to gaps in environmental protection and loss of redundancy with environmental guidelines in place prior to the EDPA; and
- Significant staff time spent implementing the changes, that could be reinstated a couple of months later.

FINANCIAL IMPLICATIONS

There are no immediate implications related to the District of Saanich Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Implementing a change to the EDPA, particularly temporarily, will require staff to devote more time to the EDPA and less to other initiatives.

Work plan items that continue to be delayed by the uncertainty surrounding the EDPA include: reporting to Council on proposed amendments to the EDPA Atlas and EDPA guidelines (to reduce hardship); amending the Pesticide Bylaw in light of Provincial legislative updates; amending the Streamside Development Permit Area Guidelines in light of Provincial updates; production of educational materials, and processing of EDPA property removal requests.

CONCLUSION

While Staff acknowledges the intent of Council's March 6, 2017 motion, we would be remiss in not noting that the legally required bylaw amendment process to implement Council's motion will likely not be complete until mid/late May, with the Diamond Head Consulting report following three to four weeks afterwards. This raises the obvious question of the value of undertaking the bylaw changes and spending significant time implementing these changes, as opposed to waiting for the outcome of the Diamond Head Consulting report.

As such, staff recommend that Council not support Single Family (RS) zoned properties being temporarily exempted from the Environmental Development Permit Area (EDPA).

Note: If Council wishes to support that Single Family (RS) zoned properties be temporarily exempted from the Environmental Development Permit Area (EDPA) and return previously deleted guidelines that would no longer be redundant, the required amendment bylaw has been prepared for Council's review, consideration and granting of first reading at this evening's meeting.

If Council wishes to support the amendment of the Tree and Deposit of Fill Bylaws, direction to staff is needed to bring forward amending bylaws.

Prepared and Reviewed by

for:

Sharon Hvozdanski

Director of Planning

Approved by

for:

Sharon Hvozdanski

Director of Planning

SH/sd/ads
G:\ENV\Development Permit Areas\EDPA\AA Reports To Council\2017 Rtcs\REPORT_EDPA BYLAW_Temp Susp.Docx

Attachment

cc: Paul Thorkelsson, Administrator

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Paul Thorkelsson, Administrator

1410-04
Report - Planning

xref: 1110-30
Official Community Plan Bylaw

OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT – TEMPORARY EXEMPTION OF ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA)

Report of the Director of Planning dated April 27, 2017 requesting that Council provide direction to staff on:

- Bylaw Option No. 9422
- Bylaw Option No. 9427

MOVED by Councillor Haynes and Seconded by Councillor Plant: "That Bylaw No. 9427 be introduced and read."

Councillor Haynes stated:
- This option captures the original intent of Council's discussions.

The Motion was then Put and DEFEATED due to a Tie Vote with Councillors Brownoff, Murdock, Sanders and Wergeland OPPOSED

In response to questions from Council, the Chief Administrative Officer stated:
- If neither bylaw option is approved for First Reading, this item would not move forward to a Public Hearing.

MOVED by Councillor Wergeland and Seconded by Councillor Brice: "That Bylaw No. 9422 be introduced and read."

Councillor Brice stated:
- The bylaw is supportable as it highlights the original intent; First Reading of the bylaw would start the process to exempt the properties from the Environmental Development Permit Area (EDPA).

Councillor Haynes stated:
- He is disappointed that the option to move forward with Bylaw No. 9427 was not supported; Bylaw No. 9422 does not capture the original intent but he will support it to ensure that the process moves forward.

In response to questions from Council, the Director of Planning stated:
- The consultant's report will be available no later than the end of June; the report has not been provided to staff.

In response to questions from Council, the Chief Administrative Officer stated:
- Council has directed that staff not play a role in adjudicating the consultant's report; the report will be brought forward to Council.

Councillor Brownoff stated:
- It would be appropriate to wait to receive the consultant's report before making decisions on how to move forward and allow a full debate on potential changes to the EDPA bylaw.

Councillor Wergeland stated:
- He would support waiting for the consultant's report if he could be assured that the report and any subsequent consultation would be done in a timely manner; in the meantime, proceeding with Bylaw No. 9422 is supportable.

Councillor Murdock stated:

- It would be appropriate to wait for the consultant's report; further discussions will be needed once the report is received on how to move forward on the EDPA bylaw as a whole.
- It is not a good use of staff and resources to go through the process multiple times.

Councillor Sanders stated:
- She also supports waiting for the consultant's report before moving forward with reviewing applications for removal from the EDPA; a great deal of staff time and resources have gone into reviewing applications for removal and once the report is received, more time will be going into reviewing the recommendations.

Councillor Plant stated:
- He supports the motion to proceed with Bylaw No. 9422 although he is disappointed that the option to proceed with Bylaw No. 9427 did not go forward.
- He is not confident that the consultant's report will be available before the end of June and whether staff and Council will be ready to act on it; in the interim, proceeding with Bylaw No. 9422 is supportable.

Mayor Atwell stated:
- He is supportive of proceeding with Bylaw No. 9422; this is a temporary solution to the requests for removal from the EDPA.
- There is a great amount of public expectation that a temporary suspension from the EDPA takes place.

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

1110-30
Official Community Plan Bylaw

OFFICIAL COMMUNITY PLAN BYLAW – TEMPORARY EXEMPTION OF SINGLE FAMILY (RS) ZONED PROPERTIES FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA)

First Reading of "Official Community Plan Bylaw, 2008, Amendment Bylaw, 2017, No. 9422". To temporary exempt Single Family zoned properties from certain provisions of the Environmental Development Permit Area as outlined in the amendment bylaw.

In response to questions from Council, the Chief Administrative Officer stated:
- If Council wanted to consider the inclusion of other properties that could permit single family use in the bylaw amendment, staff would require additional time to draft a new bylaw; the additional time required to draft the new bylaw would not delay the scheduled Public Hearing.

MOVED by Councillor Plant and Seconded by Councillor Haynes: "That Council postpone consideration of the item, and direct staff to draft a bylaw amendment option that would temporarily suspend the Environmental Development Permit Area on any property that has 'single family dwelling' as a permitted use."

In response to questions from Council, the Legislative Manager stated:
- Both bylaw amendment options could be presented for consideration at the next meeting.

Councillor Brice stated:
- She remains concerned that this item has come forward without staff providing a comprehensive report of the implications of removing properties from the EDPA; having both bylaw amendment options will allow Council to have a fulsome discussion and determine how to proceed.

Councillor Haynes stated:
- The implications to other bylaws have to be considered.

In response to questions from Council, the Chief Administrative Officer stated:
- The bylaw amendment will have implications on other bylaws; staff will prepare bylaw amendment options for Council consideration.

The Motion was then Put and CARRIED

2860-25 Treetop
Public Hearing

Clerksec - Fwd: Public Hearing May 13 - email submission

From: Chris Lowe <[redacted]>
To: <clerksec@saanich.ca>
Date: 5/9/2017 1:06 PM
Subject: Fwd: Public Hearing May 13 - email submission

Forwarded because I missed an "h" in the email address!

---------- Forwarded message ----------
From: **Chris Lowe** <[redacted]>
Date: Tue, May 9, 2017 at 1:04 PM
Subject: Public Hearing May 13 - email submission
To: council@saanich.ca, clerksec@saanic.ca

Hello - hopefully I haven't missed the noon deadline by too far to be included in the public agenda package for the May 13 EDPA public hearing!

Please find below a submission to council.

RE: Support for the EDPA (Comment for the May 13, 2017 Public Hearing)

Dear Saanich Councilors,

Due to family commitments, I am unable to attend the May 13, 2017 public hearing RE the EDPA.

I am writing in support of the EDPA. Please do not temporarily suspend it until after the Diamond Head independent review has been completed and its recommendations critically reviewed alongside the findings of other reviews such as the EDPA economic impact report by Rollo and Associates.

Without the EDPA, I fear that Saanich's currently progressive environmental status will be reverted back to the regressive environmental 1980's and that the limited sensitive ecosystems that still exist in Saanich will be further fragmented or lost completely. Other municipal bylaws (e.g. Tree Protection Bylaw, Streamside Development Permit Area) and provincial regulations are not enough (e.g. Riparian Areas Regulation) to protect what's left. Natural capital and ecosystem integrity are of great value to Saanich residents and greater society.

The EDPA currently applies to only approximately 5% of the private properties in Saanich, but this small number of properties cover approximately 48% of the EDPA land-area. The private properties within the EDPA contribute to wildlife and ecosystem corridors between the other

52% of the EDPA land-area that is contained on public land, mostly in parks. The fact that such a small number of properties encompasses such a large area of potentially sensitive ecosystems highlights the importance of the EDPA and other environmental regulations in protecting Saanich's limited remaining natural environment.

An excellent example of a threatened natural ecosystem is the tree corridor between PKOLS (Mount Douglas Park) and the Cedar Hill golf course. It is within this tree corridor that numerous property owners have recently applied to have their properties removed from the EDPA. While many of these property owners likely have no plans for future development, others are rumoured to be planning for subdivision. Retaining the EDPA would ensure that future development (subdivision or otherwise) retains the integrity of the tree corridor and its associated natural capital and sensitive ecosystems. The profit that would be realized by development within EDPA areas, such as this tree corridor, would only benefit the homeowner/developer at the expense of the rest of the Saanich residents who would lose the value of lost ecosystem connectivity.

Why are homeowners wanting out of the EDPA?

Some homeowners claim that the EDPA should not cover their property because the mapping used to define the EDPA was wrong. Others feel that they do not fall in the EDPA because sensitive ecosystems no longer exist and/or are significantly impacted by invasive species. Personally, I have yet to see EDPA-related hardship demonstrated by property owners beyond the few situations highlighted in the January 2017 Rollo + Associates report commissioned by the District. What "hardships" others claim appears to be based either on misinformation or misunderstanding of what the EDPA restricts or does not, or based on a desire to develop the property to its maximum economic potential.

So what can be done?

I feel the EDPA should be retained and properties should continue to be reviewed as part of the existing EDPA process (i.e., when development is proposed on the properties) as opposed to Council temporarily suspending the EDPA or reviewing EDPA-removal requests when no development is actually planned.

The aerial mapping used to define the EDPA most certainly has limitations. However, the existing EDPA process allows for the necessary ground-truthing to confirm EDPA status – sometimes at the owner's expense and sometimes covered by Saanich staff review. Neither situation appears to be particularly onerous on the homowners unless they are proposing significant development and/or subdivision. It is these situations that the EDPA should be retained for: To ensure significant development does not come at the expense of the environment.

I would much rather see Saanich retain the full EDPA protections and develop programs that

encourage homeowners in and out of the EDPA to restore native ecosystems. Such ecosystems are beautiful, have much natural capital value, and are relatively easy to maintain once established. Native ecosystems certainly do not require any more effort to maintain than non-native heavily landscaped properties that many property owners currently trying to get out of the EDPA appear to trying to achieve.

I acknowledge that removing invasive species can take effort initially. However, a little effort goes a long way. Shortly after moving into my house (outside of the EDPA), my neighbours and I spent a single afternoon clearing English ivy, Himalayan blackberry and other invasive species from the Saanich right-of-way in front of our houses. With minimal annual maintenance (i.e., only 1-2 hours per year), the right-of-way is now sprouting camas, fawn lily, and new Gary oak trees. Again – minimal effort is required and my neighbours and I benefit from the aesthetic value provided by the small natural Gary oak ecosystem we restored. I also manage a small patch of natural Gary oak ecosystem in my back yard. I personally value native ecosystems over heavily landscaped yards and endeavor to maintain such ecosystems on behalf of myself and my neighbours!

Some anti-EDPA folk also complain about Saanich not doing enough in parks to protect sensitive ecosystems. I acknowledge parks are challenging to maintain; Saanich is limited in its capacity to maintain parks at the ideal level and the District relies heavily on volunteer groups like Pulling Together. I believe the great value these volunteer groups provide to Saanich residents should be acknowledged more often and ultimately their efforts should be matched by retaining the EDPA and the protection of private property sensitive ecosystems it provides.

There also appears to be much misinformation about the EDPA and some homeowners believe they are much more restricted in what they can do on their properties than they actually are. I encourage Saanich to be much more proactive in their outreach to EDPA impacted properties. Perhaps some of the door-to-door tactics of EDPA related interest groups (e.g. SAFE, SCRES) could be adopted by Saanich to spread more accurate EDPA information. Such info would likely allay the fears of most property owners.

Finally, I would much rather see increased density developed along transportation corridors (e.g. the Shelbourne Valley Action Plan) rather than at the expense of properties that retain more natural ecosystems.

Again, I do not support the temporary suspension of the EDPA. Based on reading Saanich commissioned reports, information from groups like SAFE and SCRES, independent reports from the University of Victoria Environmental Law Centre and media, I am not convinced that most EDPA homeowners face significant hardship beyond the few situations identified in the Rollo and Associates report. The value that EDPA protected ecosystems provide to the greater Saanich population is immeasurable, but in my opinion far outweighs the limited profit some developers may achieve by having their properties removed from the EDPA.

Please retain the EDPA and instead enhance EDPA education and develop programs that encourage homeowners to restore natural ecosystems.

Regards,

Chris Lowe, MSc, RPBio

1640 Christmas Ave

Saanich, BC

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2860-03 Public Hearing

Clerksec - Public hearing May 13 - letter submission

From: Ben Kerr <[redacted]>
To: <clerksec@saanich.ca>, <council@saanich.ca>
Date: 5/9/2017 9:22 AM
Subject: Public hearing May 13 - letter submission
Attachments: EDPA public hearing letter.docx

Hello,

Please find attached a letter with regard to the public hearing scheduled for this Saturday.

Thank you,
Ben

--

Ben Kerr, P.Ag.

CEO and Senior Water Scientist

[redacted]

FOUNDRY SPATIAL

1408 Ireland Court
Victoria, BC
V8P 5S4

May 8, 2017

Dear Mayor and Council,

I am writing you tonight as I am unable to attend the council meeting and public hearing scheduled for May 13, 2017 at the Garth Homer Centre. I have two baseball games to coach and unfortunately a funeral to attend for a good friend's father and my friend, Prospect Lake resident John Emerson. I own a ½ acre property in the urban EDPA similar in character to properties you will be considering for removal May 13. I do not understand your motivations to date and urge you to not support the removal of any of the properties from the EDPA and to not support the suspension of the bylaw. **For the long term health of these ecosystems, I believe it is critical for the District of Saanich to retain the ability to plan and manage for ecosystem health across properties, as provided by the EDPA.**

I am a Professional Agrologist in British Columbia and have experience with the background, approach, methods and results of the Sensitive Ecosystem Inventory (SEI) beginning in 2001. The SEI was produced to identify areas of remnant sensitive ecosystems in the heavily developed eastern side of Vancouver Island. The Conservation Manual produced by the project acknowledges that many of these ecosystems may be fragmented or impacted by invasive species. A small percentage of the land base is covered by the SEI mapping. It is highly unlikely that viable remnant ecosystems or high value restoration sites exist in the rest of the land base not identified in the SEI. The SEI is what most of your EDPA is based on. The SEI provides Management Recommendations as follows:

> **Develop Carefully**[1]
>
> In cases where land development activities cannot be excluded from sensitive ecosystems, those activities should be planned, designed and implemented in a manner that will not adversely affect the functions and values of the core ecosystem.
>
> In order to determine the specific core ecosystem values of specific sites, **a qualified professional should conduct an ecological inventory *before* any land development activities take place.** Ideally, this inventory should take place through the seasons over a period of a year. Like a shopkeeper, the land manager has to know what is "on the shelves." Otherwise, for example, trails could be built over the only patch of rare orchids on the site or could pass close to an owl nesting tree and, in each of those cases, destroy or disturb the very values the land manager is attempting to maintain.
>
> **Local governments should require development proponents to fund and commission ecological inventories (by qualified professionals) in, near, or adjacent to sensitive ecosystem PRIOR to permitting or authorizing development.** A qualified professional should also interpret the available inventory data and work together with the development proponent to incorporate designs that are sensitive to the natural ecosystem, clearly delineating sensitive areas prior to and during construction and minimizing impacts to the core ecosystem's
>
> - vegetation, including trees, snags and root systems,

[1] http://www.env.gov.bc.ca/sei/van_gulf/management.html

- endangered, threatened or vulnerable species and natural plant communities (and uncommon plant species) identified during the planning and inventory stages,
- terrain features such as rock and soils,
- adjacent wetlands, lakes, streams and foreshore and marine areas,
- microhabitats and habitat niches and characteristic of the ecosystem, such as nesting and breeding areas.

To the best of my knowledge none of the properties currently considered for removal have participated in the development planning process under the EDPA bylaw. I believe that the municipality should retain the option to consider the environmental impacts of development when it occurs in the future.

You have received summaries of feedback on the public check-in of the bylaw, you have received an economic impact report by Rollo and Associates which in no way suggested suspension of the bylaw. Your staff has and continues to advise against your actions. You have also engaged another independent consultant to review the bylaw, whose report is expected within the next 6 weeks. By now you may appreciate that this independent review could return information suggesting that Saanich's bylaw is in line with other progressive municipalities.

On what basis are you making your decision? If Saanich is to be expected to maintain its status as a 'Green' municipality then surely it must apply the Precautionary Principle[2]?

I would appreciate my comments being included as part of the meeting notes as provided.

Yours truly,

original signed

Ben Kerr, P.Ag.

[2] https://en.wikipedia.org/wiki/Precautionary_principle#Origins_and_theory

[redacted] Cordova Bay Road,
Victoria, BC. [redacted]
April 24, 2017.

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

Re: Environmental Development Permit Area Bylaw – *Support for Councillor Plant's April 6, 2017 Motion*

Dear Mayor and Council Members:

As a private, single-family Saanich homeowner for almost 25 years, I support removal of all single-family zoned properties en masse from the EDPA Bylaw. In this vein, I would like to put forward my whole-hearted support of the following motion put forward by Councillor Plant, and seconded by Councillor Haynes, at the Council's April 6th, 2017, meeting:

> "That all single family zoned properties be temporarily exempted from the EDPA until Council receives the report from Diamond Head consulting and makes a decision on the future of the EDPA, and notwithstanding this exemption if an application is received to rezone or subdivide a single family dwelling zoned property, the EPPA Guidelines would apply."

I support Councillor Plant's motion; I believe that Councillor Plant's motion shows respect for the citizenry of Saanich, ensuring equity between *all* Saanich private landowners. Councillor Plant's motion will allow Diamond Head Consulting to examine the impact of the EDPA Bylaw on private homeowners in terms of a broad range of factors – scientific issues, but also sociological, economic, and planning implications.

Thank you to Councillor Plant, and to the other members of Council, for this motion. It shows respect for fairness and equity amongst private homeowners in Saanich, such that all are treated with the same rules by which they may use their private lands.

Sincerely,

Rosemary Merritt

Clerksec - Council Meeting May 1, 2017 - EDPA Motions

From: Bill Morrison <[redacted]>
To: Richard Atwell <mayor@saanich.ca>, Susan Brice <susan.brice@saanich.ca>,...
Date: 4/30/2017 8:59 PM
Subject: Council Meeting May 1, 2017 - EDPA Motions
CC: Saanich Citizens For A Responsible EDPA <saanichedpa@gmail.com>, Diamond...

Good Evening:

On April 6, 2017 Saanich Council carried the following motion:

"That all single family zoned properties be temporarily exempted from the Environmental Development Permit Area (EDPA) until Council receives the report from Diamond Head Consulting and makes a decision on the future of the EDPA, and notwithstanding this exemption, if an application is received to rezone or subdivide a single family dwelling zoned property, the EDPA Guidelines would applyâ€.

CARRIED with Councillors Brownoff, Derman, Murdock & Sanders OPPOSED.

Then on April 24, 2017 the the following motion to be discussed at the Council Meeting May 1, 2017 was carried:

"That Council postpone consideration of the item, and direct staff to draft a bylaw amendment option that would temporarily suspend the Environmental Development Permit Area on any property that has 'single family dwelling' as a permitted useâ€.

Both of these motions are consistent with Bylaw 9427 as described in the Supplemental Report (the Report) dated April 27, 2017. Also both motions are congruent with the intent as presented by Mr. Plant April 6, 2017. Consequently,I support Bylaw 9427.

I have read the Report presented by Staff and it is very negative. It emphasizes the extra work required by Staff and does not once mention the benefits that may be feasible for the taxpayers/residents of Saanich. It would have been more impressive if the Report addressed the issue that the EDPAâ€™s of all the other municipalities in the area were working well for them with little or no controversy and that Saanich Staff would strive to develop an EDPA Bylaw which could be a consistent with that of the other area municipalities because we all share the same environment. Further the Report concludes by stating that bylaw changes, at this date, are not feasible as the Diamond Head Consultant Report is due soon. However this same logic was presented by Staff regarding the GP Rollo & Associates Report which was supposed to be released the Spring of 2016 but did not come to fruition until the winter of 2017; eight months later.That report, in part, concluded **Saanich being generally difficult and time consuming to work with.** The Supplemental Report of April 27, appears to be perpetuating that same practice.

Instead Staff have complained publicly to the Press (Saanich News April 28, 2017). As civil servants it is not Staffâ€™s role to act in this fashion. Their role is to provide Council with unbiased fair scientifically based information for Council's decision making purposes. Staffâ€™s behaviour demonstrates a HUGE DISRESPECT to Mayor & Council and the taxpayers/residents who have democratically elected the Mayor and Council. Based on revelations of the past couple of weeks, including the Ted Lea episode, it is apparent that Saanich does not follow any rules of Conduct of Employee Behaviour and Ethics Guidelines. The provincial and federal agencies, of which I am familiar, have well documented programs in this area of employee behaviour/performance.

CM
C.4

Moreover, the Supplemental Staff Report has been Prepared, Reviewed and Approved by Sharon Hvozdanski. **How can the same person perform all three functions?** Further the signature line of the Prepared and Reviewed part of the Report is signed by a person whose last name starts with â€œMâ€. This same person has also signed on the Approved line. **Again how can preparation, review and approval all be performed by the same person?** There is no segregation of duties. Further, how can a reader of the Report be assured of its accuracy? Yet the chief administration officer has endorsed the Report. In addition the Conclusion page of the Report is dated April 18, 2017. To some these may seem like minor issues but it gives the APPEARANCE, PERCEPTION of sloppiness and leaves one questioning the integrity of the information released. It also leaves one wondering about the nature of information provided to external parties (i.e. Diamond Head Consulting).

I respectfully submit that all parties to this EDPA issue truly need to come together and resolve this issue.

Bill Morrison

B.Comm.; CPA; CMA

1220-20 EDPA

Richard Atwell
Mayor, Municpality of Saanich

Council
Administrator
Media

April 30, 2017

Dear Mayor

Enclosed herewith is a copy of an article published in the Times Colonist a couple of years ago. The article was focused upon the decision making process of Public bodies. The reason this article is being brought to your attention is that, in my view, it has application to council generally in all your decisions but more currently with regard to the EDPA.

While it is widely accepted that governments enact laws for the greater good of the population, in my view, the EDPA has woefully missed the mark in balancing the "greater good" with "who bears the costs and risks" of the enactment and "why should they bear those costs." An identification of what benefits the EDPA is intended to achieve would be important in weighing the balance of interests.

I accept that those involved in the enactment of the EDPA were well intentioned in doing so but engaged the process without due consideration to the significant negative impacts on the property owners. If the purpose of the EDPA was for the greater good of all the residents of the municipality, the costs and risks associated with its implementation should also be borne by all the residents of the municipality, not just the individual property owners caught up in its web.

I believe that all those involved in the process of the enactment of the current EDPA failed to think carefully about the implications of what they intend as outcomes: for whom, why and who was going to bear the costs.

Thank you for taking the time to read and consider this correspondence and the included article.

Regards

Ron Myers
[redacted] Goward Rd.
Municipality of Saanich

copies to all Councilors

Today's world requires the Capital Regional District to install sewage treatment, with common sense calling for the latest technology.

The CRD's decision process thus far appears to have been to make a decision to obtain federal government financial support within the federal time limit for reaching a decision. Thus, the CRD itself made a location decision producing predictable municipal rejection.

The CRD did not apply what renowned physicist and humanitarian Ursula Franklin, having unmatched insight into the workings of society, advised in her 1989 Massey Lectures.

For dealing with decision-makers' intended projects, she told citizens: "Don't ask, 'What benefits and costs?' Ask, 'Whose benefits, and whose costs?' " This means citizens holding to account.

Formalized, the Franklin questions for decision-makers' intentions become:

- Who would gain what benefits from what is proposed, and why should they, in both the short and longer term?
- Who would bear what costs and risks, and why should they, in both the short and longer term?

Citizens need to require decision-makers to answer these questions publicly, fully and fairly, concerning intended actions affecting citizens in important ways. The obligation is unassailable.

The importance in a public issue is not only having citizens ask the right questions. Franklin set out for all citizens and decision-makers in authority the core meaning of public accountability. This shifts decision-makers' accountability obligation from explanation after the fact, such as in after-the-fact audits and inquiries that don't prevent a wrong act, to public explanation before decision-makers act on their intentions.

This public holding to account allows citizens to sensibly challenge the intentions and reasons, and encourages decision-makers to think carefully about the implications of what they intend as outcomes — for whom, and why.

If decision-makers, such as an organization's governing board, answer the Franklin questions themselves and give their answers publicly, it can be expected to improve the fairness of their decision and gain respect from citizens.

For example, for proponents and opponents of a specific sewage-treatment intention, or of a particular option in the amalgamation issue, each can be reasonably expected to publicly answer the two questions for what they wish to see done.

And if members of a legislature must publicly answer the questions for their constituents before a vote on a public issue, it can make power-seeking political partisanship compliance obsolete, because citizens can tell if the public answers are fair and complete.

For proposed sewage treatment, the process of public answering of the two questions can be done within what the funding government allows as a time limit. If the decision-makers have done their jobs diligently, they will be able to publicly answer the questions, since what they know they can report.

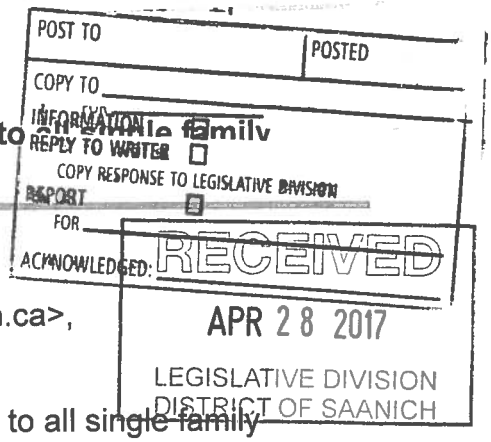
If they don't have credible answers to the formalized Franklin questions, the questions provide the structure for them to learn the answers and state the implications of the intention as they see them.

In Ottawa, for example, city councillors in 2012 voted 19-5 to support the mayor's proposal for a casino in the city. They did that with no public consultation and without learning the implications of the intention that public answers to the Franklin questions would have brought out. The proposal eventually died.

Henry McCandless of Esquimalt was a principal in the office of the auditor general of Canada from 1978 to 1996. He has professional expertise in public accountability, authoring A Citizen's Guide to Public Accountability. He manages the Centre for Public Accountability.

1220-20EDPA

Council
Administrator
Media



Clerksec - thank you for your effort to expand EDPA exemption to all single family property and rural saanich land use plan

From: peter rantu <[redacted]>
To: "Fred.Haynes@saanich.ca" <Fred.Haynes@saanich.ca>, "susan.brice@saanich....
Date: 4/27/2017 3:27 PM
Subject: thank you for your effort to expand EDPA exemption to all single family property and rural saanich land use plan
Attachments: Rural Property EDPA Issues and Solutions.pdf; ATT00001.htm

Good afternoon Saanich council members, thank you for the Monday decision to bring back a motion expanding the temporary exemption to apply to all single family use properties including A1 like mine and my neighbors. A group of us from the rural areas attended on Monday night and I believe we have not done as much as we should in highlighting the unique issues small rural acreages have which lead to some of the largest negative EDPA impacts.

We had the impression some Council may be hesitant to approve expanding the exemption to single family properties like A1 or rural and this would be a very disappointing outcome for a group of people who have managed properties to support vibrant rural family lifestyles, home farming and the environment in balance. As single family homeowners, we aren't the cause of environmental depletion which is why many rural properties are still balanced and not stripped of natural vegetation. The real depletion comes from full scale development yet we have been painted in the same light. We do not destroy our own properties, we manage them in balance recognizing people live here as well as the natural environment. The EDPA and its administration has turned that balance into something that is impossible to live with.

I have provided an attached document I wrote that outlines the difficult relationship the EDPA created for rural properties because the EDPA did not follow the Council approved strategy and policies for environmental management on private lands contained in the **Rural Saanich Local Area Plan** (RSLAP) that supports the OCP. This plan was to guide Saanich's actions and is available at http://www.saanich.ca/assets/Community/Documents/Rural_lap_web.pdf The document I have attached also provides recommendations how the EDPA, or a form of, can be made to be consistent to what Council said would be the approach to environmental management in rural areas and specifically on private lands in the RSLAP. I have never seen a single reference in any staff documents to how the EDPA is in support of the RSLAP, and once you read the RSLAP you can see it is completely different in terms of how private properties and their owners were to be treated. I am not sure why this hasn't been discussed earlier but it is something I have only recently come across and wish to now share with others.

I sincerely know from my own experience with councils, you have little time to read these types of things on top of your required meeting materials but I believe this attached document is one of the best ways for you to understand the EDPA and rural. I am not misinformed about the EDPA, I have spent literally hundreds of hours since 2015 now understanding every aspect, section, ancillary document, strategic plans and speaking to other jurisdiction's senior staff. I have done all of this because our loss from the EDPA cannot be fixed without change, I can't now try and save the hundreds of thousands of dollars in land value we have lost. I know the Rollo report, his issues to

get it final and what it is really saying as this is my business as well and I also happen to fall in the red zone he identified). Perhaps we could accept this loss of value and use if we thought it was the result of strong reasoning, sound science and informed decisions but it isn't and this is why most of will and must continue to rally for a change.

If you are only able to read one discussion point please read #3. It reflects that Saanich already had a plan for environmental management of the rural lands that was done though long periods of consultation with the public (unlike EDPA) and was passed by Council in 2008. Unfortunately for whatever reason it seems to have been forgotten by the staff responsible for the EDPA as it in no way reflects this plan and is in fact contrary to the plan. If you read the RSLAP policies and understand its plan for both the District and private land owners wouldn't we all be in a much better place today had this been truly lead by Saanich staff and followed? It speaks of buy in and education, cooperation and of compensation for those who seek to put land restrictions to protect sensitive areas....this is not what the EDPA is.

Specifically section 8 of the RSLAP addresses the strategy for environmental protection in rural areas and lists initiatives Saanich will pursue as its overall rural land use strategy on all fronts including having an urban containment boundaries, education, protecting Saanich Parks and lastly how to treat private lands. There are 10 policies approved to carry out the strategy. Policy 8.9 of the RSLAP is specific to how Saanich will approach environmental stewardship and protection on private lands . Specifically it states

> 8.9 Promote private land stewardship by:
>
> a) Encouraging the use of conservation covenants on private land; and
> b) Considering property tax exemptions or discounts for that part of a property subject to a conservation covenant.
> c) Supporting a public education program to promote replacement of inefficient wood stoves with more efficient models or with alternative, energy efficient heat sources.

The EDPA and its implementation has all been about restrictions and limits regardless of whether an ESA exists, as opposed to encouraging and working with owners as their policies required. Unlike the policies which encouraged the use of covenants and then recognized that owners should be compensated for what they have given up, Saanich chose to apply EDPAs which operate like a covenant in that they restrict land use.

Lastly, the current EDPA and its implementation does not reflect on the policies outlined in RSLAP section 9 related to promoting agriculture. RSLAP survey respondents identified small-scale and full-time farming as a defining characteristic of Rural Saanich. One quarter of the respondents perceive their property as "small-scale farm" while only three percent identify their property as "full-time farm". Most of the respondents support full-time farming, commercial farm markets, value-added farm activities such as bed and breakfasts and farm tours, and preservation of arable land for farming. The current EDPA bylaw wording only exempts agriculture which has a commercial purpose and has essentially eliminated on EDPA mapped areas the concept and rich history of hobby farming that much of our rural community has been based upon or farming for own consumption.

One recommendation is truly follow and promote the policies found in the RSLPA and use the EDPA in the following manner:

Solution: Current aerial based EDPA mapping should be removed from individual rural properties and used as a flagging tool where a property applies for rezoning or building permits to signal additional ground truthing review must be done before approval. If ground mapping is then done, the mapping must reflect widely acceptable, objective and universal standards and be applied equally to all areas using ground truthing techniques versus the current aerial mapping interpretations. In completing ground mapping consideration should be made as to how to balance the needs of protection for an ESA and maintaining valued practices like farm usage regardless of the use being commercial or home based hobby and own use.

Thank you

Peter Andrea& Gabriel Rantucci

Many Saanich rural areas have been developed and used by their chain of ownership for decades, and therefore, these lands present more complex mixed use than urban properties. Purchasers value and acquire these properties for a multitude of reasons but they generally fit into a desire to make use of the lands to support their livelihoods, raise families, hobby farm, own food production, commercial farming, and simply enjoying their natural beauty. Due to their mixed use, many have highly degraded natural ecosystems or none at all. The fact that a rural property may have at one time had a sensitive ecosystem or now has only a small remnant of one, should not be the basis for designating the property as an ESA with additional buffers forming a larger EDPA and restricting its use throughout. Given the mixed use, long history of development and potential safety risks to the homeowner, rural lands need to be treated differently and more carefully. Other jurisdictions recognize this distinction and are very careful with restrictions and the areas included within their mapping.

1. **Mapping errors have a big impact on usage and exemptions do not relieve this:**

- The current EDPA bylaw has unreasonably, and without science based evidence or adherence to Saanich's own guidelines, captured many rural or other large properties or portions thereof, where there is no environmentally sensitive area, limiting their normal use and in many instances reducing their value. See examples on areas defined as ESA and captured under EDPA mapping Attachment 1.

- There is no basis for a sensitive ecosystem to be mapped on an existing development area of a property. Currently homes and existing impervious improvements like paved driveways and outbuilding are included within the EDPA. The value of including these cannot be supported when the potential consequences to the property owner are fully understood. For example, homes built under approved permits to existing standards are essentially placed in a state similar to a non-conforming status whereby they cannot be rebuilt unless on an "existing foundation"[1] (normally destroyed in a house fire), or where a development permit is issued. A development permit is not an exemption, it is a time consuming and costly additional process whereby the

[1] As opposed to using the alternative condition of "current footprint" which is common and denotes more certainty for owners of the property that in fact they can rebuild on site versus potentially being denied, required to make a costly site move or having to place more lands under EDPA or covenant which has been done commonly in the past and where property owners have said they felt they were "being held hostage".

City may deny, vary or place conditions on whether you are able to do something you can normally do. The uncertainty and transactional costs in terms of effort and money to secure a development permit on most people's largest asset cannot be justified when there is no ESA.

- Solution: Mapping must reflect widely acceptable, objective and universal standards and existing development, buildings and impervious improved area should be immediately removed from the EDPA mapping by Saanich without home owners having to apply.

2. **Lack of consistency in EDPA mapping can have a bigger negative impact in rural areas due the way properties are valued by owners and purchasers:**

- The EDPA Bylaw needs to carefully consider how it may impact different types of properties given their inherit characteristics for which they are generally purchased, used and therefore valued. For example, EDPA restrictions on a mature urban yard may not materially limit the normal use of the property and have little to no impact. However, those same land use restrictions applied to rural properties or other large properties, will likely have more significant impacts where purchasers own and value these properties for the purposes of using the land itself. The EDPA makes a rural property more costly to own and difficult to maintain.

- Most rural properties included within the EDPA border other properties which do not have an EDPA applied to them despite being in the similar ecological conditions. There is no consistency in how the EDPA was applied. The rural EDPA property is restricted from many activities while the neighboring property is free to conduct these same activities. The negative impact for EDPA owners who wish to use their property in its normal (and zoning approved) use, or sell these properties at market without having to discount them, when similar nearby properties do not have the restrictions creates unfairness and additional loss to the EDPA property that can't be justified. Please see Appendix 2 which represents random areas in the rural area where no EDPAs are applied yet they appear to be ecologically similar or better than many properties with EDPAs like those shown in Appendix 1.

- Given the large number of bordering municipalities whose lands touch on Saanich rural properties, Saanich's EDPA bylaw and what is defined as protected areas, should align with neighboring municipalities to ensure consistency given sensitive ecosystems often cross municipal boundaries and the likelihood of future regional consolidation of land use planning and services. This element is critically important to any environmental program in Victoria due to the high number of municipalities. To hold a single property

owner up to two very different environmental standards is not realistic, workable or does it support or encourage stewardship.

✓ Solution: Current aerial based EDPA mapping should be removed from individual rural properties and used as a flagging tool where a property applies for rezoning or building permits to signal additional ground truthing review must be done before approval. If ground mapping is then done, the mapping must reflect widely acceptable, objective and universal standards used throughout the region and be applied equally to all areas using ground truthing techniques versus the current aerial mapping interpretations and administration of Saanich's EDPA.

3. On rural properties there is often conflict between the EDPA and equally valuable OCP goals and requirements for living within rural areas:

- The EDPA Bylaw should not run contrary to other important community values and rural area priorities which the district has recognized such as local food production whether for commercial sale or for own use. The current EDPA and its implementation does not support or reflect the overall policies promoted by Saanich as part of its OCP and Rural Saanich Local Area Plan (SLAP). This is an important document to understand in the context of what Saanich wishes to achieve with its rural areas and is available online at http://www.saanich.ca/assets/Community/Documents/Rural_lap_web.pdf

- The current EDPA and its implementation runs completely contrary to Saanich's policies outlined in SLAP section 8 on protecting and managing the rural environment where they state that Saanich will:

> 8.9 Promote private land stewardship by:
>
> a) Encouraging the use of conservation covenants on private land; and
> b) Considering property tax exemptions or discounts for that part of a property subject to a conservation covenant.
> c) Supporting a public education program to promote replacement of inefficient wood stoves with more efficient models or with alternative, energy efficient heat sources.

The EDPA and its implementation has all been about restrictions and limits regardless of whether an ESA exists, as opposed to encouraging and working with owners as their policies required. Unlike the policies which encouraged the use of covenants and then recognized that owners should be compensated for what they have given up, Saanich chose to apply EDPAs which operate like a covenant in that they restrict land use.

- The current EDPA and its implementation does not reflect on the policies outlined in SLAP section 9 related to promoting agriculture. As an example, the current bylaw wording only exempts agriculture which has a commercial purpose[2] and has essentially eliminated on EDPA mapped areas the concept and rich history of hobby farming that much of our rural community has been based upon or farming for own consumption.

- SLAP survey respondents identified small-scale and full-time farming as a defining characteristic of Rural Saanich. One quarter of the respondents perceive their property as "small-scale farm" while only three percent identify their property as "full-time farm". Most of the respondents support full-time farming, commercial farm markets, value-added farm activities such as bed and breakfasts and farm tours, and preservation of arable land for farming.

- Properties currently under "A" (agricultural) municipal zoning and acquired for home based farming cannot have non-commercial farming activities initiated or expanded upon there those properties fall within an EDPA. Mapping inaccuracies due to aerial mapping only compound the issues by restricting use of areas which can be made into arable lands for farming.

✓ Solution: Current aerial based EDPA mapping should be removed from individual rural properties and used as a flagging tool where a property applies for rezoning or building permits to signal additional ground truthing review must be done before approval. If ground mapping is then done, the mapping must reflect widely acceptable, objective and universal standards and be applied equally to all areas using ground truthing techniques versus the current aerial mapping interpretations. In completing ground mapping consideration should be made as to how to balance the needs of protection for an ESA and maintaining valued practices like farm usage regardless of the use being commercial or home based hobby and own use.

4. The EDPA has failed to consider homeowner requirements for ongoing property maintenance and has decreased safety for owners:

- Owning rural acreages requires almost constant site maintenance, including brush management to ensure the safety and livability of the rural acreage. As we are all aware, rural wildfires are becoming a greater risk each year. Where EDPAs have been mapped over or within close proximity to homes

[2] For the purposes of the EDPA Guidelines "Agricultural" use means a "farm operation" conducted in a manner consistent with "normal farm practice" as defined in the Farm Practices Protection (Right to Farm) Act. The act only applies to farms operated as businesses and not hobby farms or farming for own consumption.

and outbuildings the owners cannot conduct the ongoing routine maintenance practices that follow the province's guidelines for all rural properties under the provincial Fire Smart program. The Fire Smart program requires a minimum 10 meter priority zone (zone 1) around structures to be completely and constantly cleared of underbrush, shrubs trees, with more selected clearing in the secondary priority 2 zone up to 30m. How does someone practice this when the EDPA does not allow the removal of this same underbrush? This cannot be a process whereby someone has to continually seek approval as it is not realistic, practical or in the best interests of the resident's safety. The following is a link to the provincial Fire Smart program http://www.bcwildfire.ca/prevention/docs/homeowner-firesmart.pdf which Saanich's own fire department reminds rural property owners to follow each year. http://www.timescolonist.com/news/local/island-residents-told-to-prepare-for-the-worst-in-dry-conditions-1.2248468

- Additionally, ongoing brush management is essential to reduce the threats from Lyme's disease on the properties in rural Saanich. Best practices require the removal of brush, and clearing large pathways to prevent the movement of ticks in the surrounding forests from coming onto a property. This is outlined in the province's centre for disease control recommendations and locally at www.lymevi.ca . The EDPA restricts rural property owners from carrying on practices to protect their own safety on their lands despite the fact that the incident rate of Lyme's disease is increasing. This is not a hypothetical but real risk on some Saanich rural properties.

✓ Solution: Current aerial based EDPA mapping should be removed from individual rural properties and used as a flagging tool where a property applies for rezoning or building permits to signal additional ground truthing review must be done before approval. If ground mapping is then done, the mapping must reflect widely acceptable, objective and universal standards and be applied equally to all areas using ground truthing techniques versus the current aerial mapping interpretations. EDPAs should not be permitted within a minimum 10-20m buffer around all building envelopes to ensure a minimum level of brush management can be continuously practiced.

5. **The EDPA mapping used in rural areas is a punitive tool that is not only harming individual home owners, but is creating a situation where homeowners see conservation as a risk to them:**

- The OCP and SLAP recognized that a conservation strategy will only truly work if rural property owners are encouraged and supported to maintain and restore the natural environment. True and sustainable success is premised on relying on this approach as opposed to what has been done. Rural property owners will have "buy in" to this strategy, and be encouraged to practice it in the way they manage their land on a daily basis and not see it as a threat to their largest asset.

- The EDPA to date has not been a strategy of encouragement and support. The EDPA is seen as a punitive, heavy handed expropriation of land use rights, made worse by the questionable methods of mapping and homeowners' experience with Saanich's administration of the EDPA.

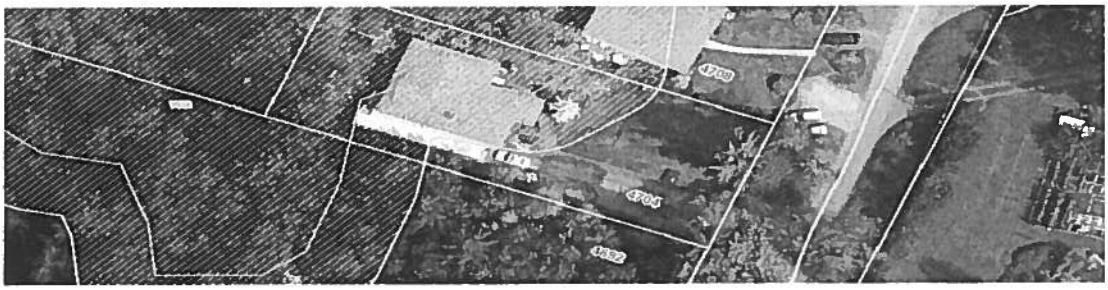
- Rural property owners are not on their own initiative encouraging the restoration and sustainability of natural features due to the risks presented by the EDPA. Given the inability to monitor most rural properties, many rural property owners are practicing the "pull it out before it grows" approach. This current situation can in no way provide the basis for a sustainable plan to support the preservation and growth of the environment.

- On those rural properties that have retained significant ESAs, they should be conserved in the manner set out in the Saanich's OCP Section 4 in cooperation with landowners, recognizing existing uses while mitigating impacts from true development (i.e. rezoning or subdivision) and finding ways to encourage the many landowners who have bought their properties to live in nature to continue with their stewardship versus restricting the normal everyday use of these properties.

✓ Solution: Move away from the restrictive current EDPA approach. Current aerial based EDPA mapping should be removed immediately from individual rural properties and used as a flagging tool where a property applies for rezoning or building permits to signal additional ground truthing review must be done before approval. If ground mapping is then done, the mapping must reflect widely acceptable, objective and universal standards and be applied equally to all areas using ground truthing techniques versus the current aerial mapping interpretations. Work with private land owners to encourage stewardship that protects, preserves, and enhances natural systems and, where appropriate, enter into voluntary conservation covenants and/or provide incentives to protect riparian or environmentally significant areas. This

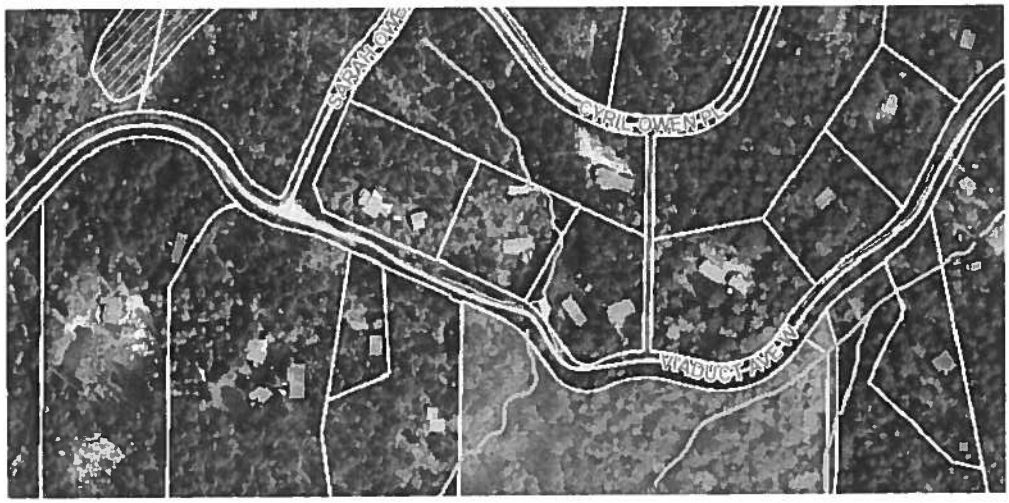
was the accepted policies and plan in the OCP and SLAP to help encourage the protection of the natural environment yet the opposite has been done and created.

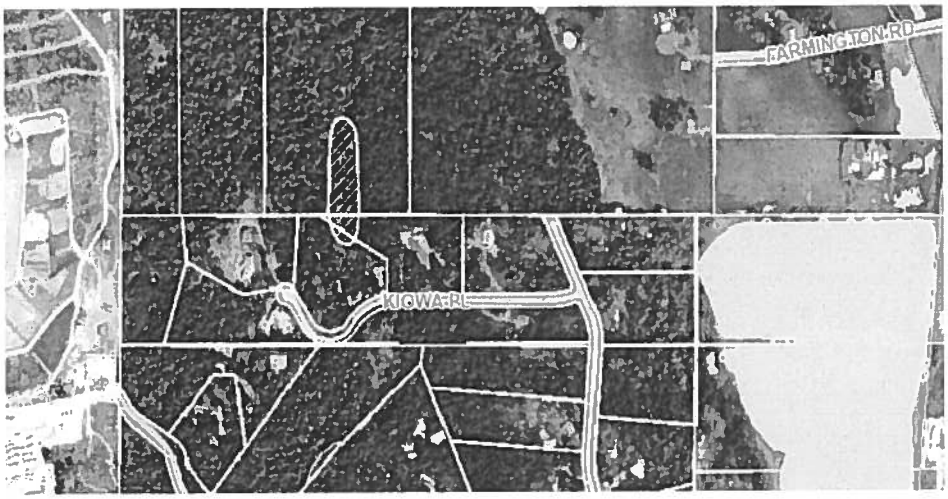
Attachment 1 Mapping Error Examples



9

Appendix 2 Sampling of Rural Areas without EDPAs Applied showing Inconsistency




FARMINGTON RD
KIOWA RD

1220-20 EDPA

Council - Temporarily exempting single family propeties from the EDPA

From: <[redacted]>
To: <mayor@saanich.ca>, <Susan.Brice@saanich.ca>, <Judy.Brownoff@saanich.ca>...
Date: 4/24/2017 2:24 PM
Subject: Temporarily exempting single family propeties from the EDPA

April 24, 2017

To:
Mayor and Members of Saanich Council
Municipality of Saanich
770 Vernon Ave
Victoria, BC V8X 2W7

From:
Gary Morrison
3025 McAnally Rd
Victoria, B.C. V8N 1T3

Re. Exemptions from the EDPA

Given that the public will not be allowed to speak to tonight's Committee of the Whole regarding the Motion to temporarily exempt all single family properties from the EDPA, I would like to register my support for such a Motion but I would also like to express my displeasure with the rewrite of the motion by Staff to be considered tonight, which alters the intent of the original Motion by Councillor Plant. Staff's version is rather limiting compared to the Original Motion and Staff failed to disclose the impacts of its modifications. The Original Motion should be retained, rather than changed to accommodate Staff, which does not want the additional work load of fixing an ill-considered and poorly implemented Bylaw.

This situation begs the question, who is directing this municipality, the elected council or staff? That such a question could conceivably be asked means that governance is an issue.

2860-35 Treetop/Lord Bay
Tudor/Seaview
Braefoot/Ma Mar
Glendenning/Cedar Glen/Lynnfield

Clerksec - EDPA under consideration for Council meeting of April 24

From: <[redacted]>
To: <leif.wergeland@saanich.ca>, <susan.brice@saanich.ca>, <comm.plant@saan...
Date: 4/23/2017 8:14 PM
Subject: EDPA under consideration for Council meeting of April 24

I am extremely disturbed to find out only late Friday night that A1 properties will not be excluded from the EDPA. I understood that council agreed to exempt all single family properties from the EDPA.
I have lived on this A1 property at 4718 Mountain Rd. for 50 years, paid taxes and have been a strong, active member in this community. I hope to pass this property on to family and look for no compensation for myself in relation to the property. I do not want to pass it on with the property the heavy burden that is brought with the EDPA.

Two and a half years ago I had a heart attack. Certainly the ongoing worry and stress over this matter contributed.

I now thought ,after so much public outcry and condemnation, that we were to receive a reprieve from this heavy handed action as reported in the newspaper.

In spite of my health issue, I have attended every open meeting and spoken at many. I have seen that the public in general and certainly rural property owners reject the EDPA concept with probably a 90% majority. Is this present action just a continuation of game playing and misrepresentation of facts to council which has been evident from the beginning?

In my work life as a Director in a Crown Corporation and also BC Government I have never seen public servants mislead and operate in a manner that would place both the public and politicians to such disadvantage. It is time to stop this action now and direct staff to suspend the EDPA opposition. Further it is time to understand the actions that are being taken by staff to control the EDPA report under development and allow a full factual dialogue to be presented.

Please exempt all single family properties including S1 and A1 from the EDPA until an honest evaluation of the program is produced.
Thank you for your consideration.

Lorrie Adam, [redacted] Mountain Rd.

1220-20EDPA

Clerksec - Council Meeting April 24, 2017

From: Bill Morrison <[redacted]
To: Richard Atwell <mayor@saanich.ca>, Susan Brice <susan.brice@saanich.ca>,...
Date: 4/23/2017 7:19 PM
Subject: Council Meeting April 24, 2017
CC: Saanich Citizens For A Responsible EDPA <saanichedpa@gmail.com>, Diamond...

Good Evening:

I noticed the Agenda for the above meeting was posted to the Saanich website Friday afternoon, April 21, 2017. That provides less than 2 business days to prepare a submission for the meeting. Further, as a result of the short notice I will not be able to attend. Three weeks ago our Neighbourhood Watch Group arranged with the Saanich Police Department to send a representative to our neighbourhood to discuss changes regarding the Neighbourhood Watch Program as it relates to our neighbourhood. That is tomorrow Monday April 24, 2017. Now I realize that the public will not be able to speak tomorrow at the FIRST READING of the motion so my absence is not crucial. However, I do have some comments regarding the Staff Report (the Report). Thus I have prepared this written submission.

The motion introduced is as follows:

MOVED by Councillor Plant and Seconded by Councilor Haynes: "That all single family zoned properties be temporarily exempted from the EDPA until council receives the report from Diamond Head consulting and makes a decision on the future of the EDPA, and notwithstanding this exemption if an application is received to rezone or subdivide a single family dwelling zoned property, the EPPA Guidelines would apply.â€
CARRIED with councillors Brownoff, Derman, Murdock and Sanders OPPOSED

I have read the Staff Report (the Report) and and it appears to be structured such that the wording as shown above has been completely changed. It appears to be structured as an entirely separate bylaw as described below as it relates to Single Family (RS) Zoned properties:

(i) Notwithstanding the provisions of this bylaw, a development permit is not required under the EDPA for any development carried out on a parcel of land in a Single Family Dwelling Zone in the Saanich Zoning Bylaw 8200 except a subdivision.

(ii) This exemption shall not apply to any parcel which is capable of subdivision into two or more lots under the Zoning Bylaw or shown in the Official Community Plan as having potential to be rezoned to a zone permitting subdivision to urban lots.

Thus Staffâ€™s attempt to change the intent of the motion discriminates against many single family dwelling zoned properties. As a result it appears that Mr. Plantâ€™s initial motion has been muddied with confusion rather than introduced as a straight forward presentation of a motion at FIRST READING .

Moreover the Report is very Staff oriented. It focuses on the additional work Staff will incur as a result of any changes that may occur. It does not once mention EDPA Bylaw flaws and their impact upon the taxpayers/residents. The Report does not attempt to suggest possible changes that could have a positive impact for taxpayers/residents and the environment. Also, as mentioned above, the Report was issued on a Friday afternoon and it appears that Saanich was hoping to issue the Report and initiate FIRST READING while arousing little attention. This is accentuated by allowing only two business days to review the Report and submit a response. Further, the end of the Report shows that it was PREPARED AND REVIEWED by Sharon Hvozdanski yet signed by someone with a last name starting with â€œMâ€. Similarly the Report is APPROVED by Sharon Hvozdanski and again signed by the person with the last name starting with â€œMâ€. **How can a Report of this nature be Prepared, Reviewed and Approved by the same person??** Yet the Chief Administrative Officer has endorsed the Report.This behaviour possesses all the ear marks of an organization trying to slide through a Report hoping that it garners little attention. Over the course of this EDPA debacle the taxpayers/residents have been told many times that Staff must be respected. I concur with that behaviour. However, the taxpayers/residents have not been reciprocated with the same respect which we deserve. That needs to change!!

Thank you for your time.

Bill Morrison

B.Comm.; CPA, CMA

2860-25 Treetop/Cord. Bay/Tudor/Seaview
Braefoot/Malton/Cedar Glen/Glend/Lynnfield

Council - Support for Motion to Temporarily Remove All Individual Properties from the EDPA.

From: "Dianne Maycock" <[redacted]>
To: <council@saanich.ca>
Date: 4/22/2017 9:47 AM
Subject: Support for Motion to Temporarily Remove All Individual Properties from the EDPA.

Dear Mayor and Council,

We want to reiterate our complete support for the motion to temporarily remove all individual properties from the EDPA. We believe strongly in protecting the environment, but the blanket implementation of a flawed initiative has caused a great deal of unnecessary stress for many Saanich residents.

Dianne Maycock
John Maycock

1220-20 EDPA

Clerksec - Re: Important issue for Monday April 24 Council Meeting

From: peter rantu <[redacted]>
To: "leif.wergeland@saanich.ca" <leif.wergeland@saanich.ca>, "susan.brice@sa...
Date: 4/22/2017 5:06 PM
Subject: Re: Important issue for Monday April 24 Council Meeting
CC: [redacted]a...

My apology. There was an error in my previous email today that is attached below and was in reference to the staff report on temporary removal from EDPA to be heard on April 24. My email says "I see it only removes RS properties, and specifically includes all of us who also reside on properties"

The word " includes" should have said "excludes " in that the staff report excludes all other properties other than RS zoned from the being granted the temporary relief, even though we are no different in that we are single family properties but are A1.

Council Administr Media

Sorry for any confusion that may have caused. Again thank you for considering this matter.

Sincerely
Peter, Andria and Gabriel Rantucci
Sent from my iPhone

On Apr 22, 2017, at 9:37 AM, peter rantu <prantu@hotmail.com> wrote:

> Good morning Council, I just saw the staff report for Monday's Council Meeting on temporary removal of properties from EDPA and I see it only removes RS properties, and specifically includes all of us who also reside on properties which only allow for single residence but are rural like mine being A1 . This is so unfair to leave us out of this relief when we are the ones being most impacted by the EDPA as it limits our land uses. Almost my entire house and surrounding driveway are part of the EDPA. I believe the intent of Council was to take this burden off all single family homesteads not just RS. I have an appraisal letter from 2015 which states I have lost up to 25 percent of my land value and my call to this same appraiser recently he says he believes even more now this loss is real.
>
> Please see it in your exercise of fairness to amend this bylaw to include properties in the rural like A1. I haver cc'd neighbours who also believed we were to be part of this relief until seeing the staff report. We should not be treated different, we can't develop our properties and we cannot have multiple residences ...what is the possible justification for not providing us the same relief? If anything agricultural zoned (not in ALR) properties should never have come under the EDPA in the first place as this was to be lands to support local agriculture and under EDPA we cannot due this unless we are a commercial enterprise as defined in

Farm Practices Protection Act

As a senior manager in real estate for another municipality, I can tell you that the approach taken by staff on all of the EDPA is completely unbelievable to watch, not only from what they have done to private property owners but also the number of difficult positions they have put you in as Council.

Thanks for your consideration of this Important issue. Apology for bothering you at home on the weekend with this but the agenda and report was just received. I also note staff have placed the report during a session of Council we cannot speak to it so this is our only venue.

Sincerely,

Peter Rantucci

Sent from my iPhone

On Mar 12, 2017, at 3:40 PM, peter rantu [redacted] wrote:

I wanted to write on behalf me and my wife to thank each of you for your leadership and understanding that lead you to make the decision you did on March 6, 2017 regarding the EDPA. Since finding out in 2015 that the rural 1.8 acre property at 4731 Mountain Road we bought in late 2012 had the EDPA there has not been a week that has gone by where me and my wife have not worried and stressed about this and the impact it has had on our property. The EDPA covers almost our entire house driveways and gardens as well as other areas we thought were going to part of our hobby farm we planned.

In September 2015 we had a paid appraisal done which concluded the EDPA will have a negative impact on our property values given its placement of up to 25%. The appraiser is willing to update this opinion based on more recent information, but is certain he would come to the same conclusion today and I don't want to spend more money than we already have. I have spent 2 years understanding every aspect of this bylaw and others being proposed, I am not one of those who are called confused or don't understand. My work at another municipality has me deeply involved with real estate and administrative processes and it makes me realize just how bad this situation is you are trying to fix. Mr. Rollo's report when really read from front to back from someone who understands what he writes, what he had available to him, how he normally writes his reports and how long they normally take him, speaks volumes as to the red flags he sees.

I know you are probably getting people attacking you about your decision on March 6 and they seem to be the very good at trolling the social media.

However, these are people who refuse to take into consideration what the impact is on others especially since many of them are not impacted or in some cases if they are they have financial gains from the growth in the environmental support businesses. These few, despite their ability to multiply themselves on social media, do not represent the many actual homeowners who have spoken through attending the townhalls, SCREDs supporters, letters and emails. Contrary to rumors, most of us are just everyday homeowners like you... we are not developers. We are both hard working professionals, beaver leader, baseball coach, and monthly volunteers at our son's school and will be the first to our neighbors when they need help. I believe we are the types of people that make a community great. Up until March 6, it's was very difficult to want to be staying in a community that doesn't seem to value our basic interests as much as we value to community. We are not alone in this feeling but your decision has provided some hope this was a bad dream. None of us would have ever thought or desired to have to stand up in front of council to ask for something that was already ours yet this is where many of us now are.

It's very difficult to watch ordinary home owners who are not developers have to stand up in public to defend themselves and their property; and then be put through the public gauntlet of hearing other members of the public, who have no business or right to our properties, be critical or demeaning that an owner wants relief. At a prior open house I was handing out information leaflets, and a certain gentleman and his partner called me "a greedy pig". It took everything in me not to react to this but I knew it would not make anything better. It bothers me that at many subsequent townhalls/committee of the whole/council meetings to remove properties, I have to watch this individual speak and demean all of us when they have nothing at stake. I frequently now just leave the meetings as I cannot stand to hear him or his spouse speak.

While watching a recent rezoning at a council meeting, it dawned on me the EDPA property owners were basically being treated like we are developers. All of us who want out have the stress and costs required to prepare and go to council and be subject to public scrutiny/critical comment even though in the end all we can show for it perhaps is we got back what we started with. If we aren't successful, then despite the fact we are not getting a financial windfall like a developer, we are forced to give what is really the same as a public amenity. Requiring a developer to have to go through this process when they are seeking the City to exercise its authority to approve something that will give the developer a financial gain is justified. Requiring developers to provide some of their financial gains (land lift etc.) back as an amenity to the public is also justified. However this idea of being required to provide what is essentially a public amenity without compensation, can never be justified for the homeowner who was just going about his or her own daily lives before the EDPA was implemented on them and for most without their knowledge. From a land use and land valuation perspective it is in many cases it's all about loss

for a homeowner, almost the opposite from the developer but we are treated the same.

I believe this is the principle reason that the OCP (and documents relying on it like the Rural Saanich Local Area Plan section 8) when addressing the goal of improving the environment on privately held lands provided the following on page 29 "*One way private landowners can actively participate in land stewardship is to enter into a conservation covenant to protect riparian or environmentally significant areas of their property. The Local Government Act allows for municipalities to provide property tax breaks to those land owners who have registered riparian conservation covenants on their property. A property tax exemption or discount for that part of a property subject to a conservation covenant could be considered by Council. Covenants may also be requested by Council or by the Approving Officer at the time of rezoning/subdivision to protect trees and natural vegetation.*"

Does anything to do with how the EDPA was implemented sound like this strategy? I do not believe it does at all.

Your decision on March 6th, reflects to me your leadership to help us out of this situation and now understand the extent of the issues. You are not alone in deciding these kinds of issues, as the City of Victoria Council recently had to make decisions related to placing people onto the heritage registration. Their decision also showed similar leadership and understanding can happen from the onset when a Council is well supported by being provided with the full information to allow them to considers the views of those impacted. The following summary is from Victoria's March 2017 Citizen Engagement Report outlining decisions during the prior months related to engagement.... heritage preservation is as important to Victoria as environment is to Saanich, but they still recognized you need to work with people to get sustainable success not impose on them... please see summary below:

City's Register of Heritage Properties
The recommendation to add 50 properties to the City of Victoria's Register of Heritage Properties was not approved by Council due to the majority of candidate properties not supporting the recommendation. View the report and appendices
here<https://victoria.civicweb.net/filepro/documents/118134?preview=121593>.

In closing I again want to reiterate our appreciation for what you did on March 6, 2017. This was the first weekend in a very long time we have not discussed the EDPA and can start appreciating what we have and not hating it. I hope your weekend is a good as ours has been. This EDPA should have been only applied to true development (subdivision/building permits) in terms of restrictions and have focused everything else in engaging and supporting

private land owners to do what many of us had been doing up until finding out about the EDPA. That would have been consistent with the OCP and Rural Land Plan policies. The EDPA as implemented has turned stewardship into a liability and no "education of realtors and the public as to benefits of restoration" will ever change land economics and fact that people cannot afford what is being asked. I have stated in the past we hate this property... that is wrong. We do love it but we just don't really have the same care for it any longer because we could have avoided all of this extra stress, work and cost had we just bought elsewhere. There is also this cloud of uncertainty over us as to what is in store for the future because it's all in the hands of your administrative staff. How does one administrative area become so influential in what happens to us based on their beliefs or the belief of an unelected subcommittee which never changes? My worry is your new review will only point to "best practices" that support providing even more authority. In my experience, best practices are what you strive for when you are on a sound foundation to begin with.

As I know I am long winded...I have written below our story of how we came to this property as homeowners as it is important to me because we worked for every inch and dollar to acquire this place since the day I left school. You don't need to read it but if you do I appreciate that. I am sure there are many others out there but this one is ours. Please let me know if you would like to see a copy of the market appraisal letter.

Sincerely

Peter & Andrea Rantucci

The Road to 4731 Mountain Road

The story of us buying this house starts well before the fall of 2012. It starts with our 1st home bought in 2003 with $70,000 in combined savings for a $230,000 1930 fixer upper. While working full time jobs we worked to renovate, doing all the work ourselves on nights and weekends for 4 years except the permitted work (electrical). By 2012, we had grown to 3 with a 2 year old and a lot of sweat equity in the home and through saving we were able to have enough for the down payment to buy our dream acreage to live what we thought Saanich was known for...a nice little hobby farm to raise our son as we both had been raised on. While we had a large mortgage, we knew (thought) we were making an investment. Knowing how important this was to us, we not only had our agent conduct due diligence on the property by going down to Sannich hall to discuss with planning staff, we also went and discussed our plans and viewed microfiche records. No one ever mentioned or warned us about the EDPA on the property. If we had known we would never

have touched this property and I feel even stronger about this today knowing all I know.

1220-20 EDPA

Council
Administrator
Media

Clerksec - Monday Night Council meeting

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FOR

ACKNOWLEDGED

From: "Eric Dahli" <[redacted]
To: <mayor@saanich.ca>, <leif.wergeland@saanich.ca>, <susan.brice@saanich.ca...
Date: 4/22/2017 1:29 PM
Subject: Monday Night Council meeting

Good afternoon,

Having just reviewed the Staff report for Monday night's meeting and because there is no opportunity for public input on the staff altered version of Councillor Plant's original motion. I am sending you this message.
Had it not been a rainy Saturday I would not have read this before Monday and you can thank the weather for this intrusion in your weekend activities., and for that I apologise.

It seems that any and all single family properties that are not "RS" designated are missing , single family Rural properties for example are missing. Not being an expert in this area there may be more single family designations besides the rural ones that have been missed.
I was at the meeting when Councillor Plant made his motion and at no time during the discussion after the motion was seconded was there any exclusions for single family properties such as rural properties

Thanks very much.

Eric Dahli,
[redacted]Mt Baker View road
[redacted]

RECEIVED
APR 24 2017
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

1220-20 EDPA

Council
Administration
Media

April 19, 2017

Saanich Mayor and Council

Saanich Municipal Hall

770 Vernon Ave.
Victoria, BC V8X 2W7

Dear Saanich Council:

Saanich News March 24, 2017: Council pays tribute to (Vic) Derman

Saanich News March 24, 2017: EDPA supporter says bylaw is `done`.

It is with great regret and some anger that I express my disapproval of the actions taken by District of Saanich Council regarding the Environmental Development Permit Area (EDPA) bylaw. And it is not without some sad irony that the above two news stories appeared on the same Saanich News newspaper page on March 24. Councillor Vic Derman was the foremost proponent and supporter of environmental protection and sustainability on Council, a tireless advocate for protection of the very rare Garry Oak ecosystems, marine shorelines, rare species, wildlife trees and wetlands that are the subject of the EDPA bylaw. To have him pass away at the very time that the EDPA is under siege from local residents and being dissected and weakened by Saanich Council itself is indeed tragic and a poor reflection on his legacy.

It the second news article which reflects my concern and anger – the Saanich Council decision to temporarily suspend the application of the EDPA bylaw does indeed reverse Saanich`s strong record in protecting the environment. Council is, and will be, overwhelmed by applications for withdrawal and exclusion

of properties from the EDPA bylaw protection. Property owners who feel that the EDPA bylaw places onerous restrictions on their freedom to develop their properties are submitting these applications. The bylaw may simply be an affront to their belief that their right to develop supercedes the District of Saanich`s right to protect Garry Oak ecosystems and other environmental values, which have already been disturbed in 95% of their original coverage.

At the same time as this contentious debate is taking place, the District of Saanich has contracted an independent third-party review of the current EDPA, to determine if it should be revised, or possibly altered irreparably. Saanich Council should not be accepting applications for bylaw exclusion during this independent review, because this provides development advocates a window of opportunity from which to withdraw from EDPA protection. The recommendations of the third-party review may become meaningless if Saanich continues to remove properties from EDPA protection.

An earlier review of the impacts of the EDPA bylaw on properties - **Economic Impact of Saanich Environmental Development Permit Areas** (January 2017 Rollo + Associates) concluded the following:

- Saanich's EDPA guidelines are comparable to other municipalities;
- BC Assessment Authority`s analysis of EDPA properties did not find adverse impacts of EDPA sales;
- EDPA properties are seen as desirable investments by some stakeholders; and
- The amount of EDPA on a property does not appear to affect property value.

This report did find that there is some confusion, uncertainty and misunderstanding regarding the impact of the EDPA guidelines, however, and hence the current third-party review. Given the amount of time and money invested in the economic impact study and the current review, it does not behoove Saanich Council to suspend the application of the EDPA bylaw. Garry

Oak ecosystems and other ecological sites were not created overnight and cannot be restored overnight – when development takes place, the ecosystem is gone.

In the best interests of the environment, and in the memory of Councillor Vic Derman, I strongly urge Saanich Council to hold the line on property withdrawal applications and to await the recommendations of the EDPA review. Saanich`s Garry Oak ecosystems, marine shorelines, wildlife trees and wetlands are in peril if Council wavers in their protection. Protection of the environment trumps protection of development profits – full stop.

Thomas Munson, B.E.S, MSc., P.Ag.

Saanich resident

2860-25

Clerksec - May 8th Council Meeting - Consideration of Diamond Head Field Trip

From: Lynn Husted <[redacted]>
To: ClerkSec <clerksec@saanich.ca>
Date: 5/8/2017 7:07 AM
Subject: May 8th Council Meeting - Consideration of Diamond Head Field Trip

Mayor and Councillors,

There are four options presented in the staff report. I hope you will consider Option 4.

Any field trip requires additional funding, opens up the contract to scope creep and delays the review.

However if you feel that a field trip is a useful expenditure of time and money I hope you consider Option 3. It maintains the independence of the review.

Option 1 will undermine the independence or perception of independence of the Diamond Head review. Would the same property owners in the Option 1 tour allow third party review by other biologists?

Option 2 costs more and I don't think SCRES or SAFE should influence the DH team.

Thanks for considering, Lynn