



DISTRICT OF NORTH SAANICH

BYLAW NO. 1442

A BYLAW TO AMEND THE “DISTRICT OF NORTH SAANICH OFFICIAL COMMUNITY PLAN BYLAW NO. 1130 (2007)”

The Municipal Council of the District of North Saanich, in open meeting assembled, enacts as follows:

TEXT AMENDMENTS

1. The text of Schedule ‘A’ of the District of North Saanich Official Community Plan Bylaw No. 1130 (2007) is hereby amended as follows:

- (a) Section 3.1 is replaced with:

Recognize ecologically sensitive areas by identifying and conserving special wildlife, plant and marine shore environments (such as pocket beaches or the Shoal Harbour Migratory Bird Sanctuary) in their natural state. Environmentally Sensitive Areas are mapped on Schedule G and identified through the various development permit requirements. Modifications to Environmentally Sensitive Areas that assist in building resilience to the effects of sea level rise will be permitted.

- (b) Section 4.0 is amended by the addition of the following text:

Coastal Flooding Hazard

Nearly the entire shoreline of the District is exposed to a growing flood hazard related to the expected effects of climate change-related sea level rise. The flood hazard occurs primarily to private properties and differs considerably in character around the shoreline. The most exposed areas of the shoreline are located in the Tsehum Harbour area and along Lochside Drive near the McTavish interchange. In many locations the future flood hazard is concentrated at the toe of steep cliffs and bluffs and in locations where the cliffs or bluffs are grounded on outcropping bedrock. In these latter situations it will be some time before a flooding related hazard materializes. In many other locations, the hazard is concentrated at the toe of existing seawalls and the consequences will be manifested either at or adjacent to the seawall base, on publicly owned foreshore, or at the top of the seawall where overtopping wave action will create an increasing problem either from the flooding by the overtopping volume of water during storms, or from erosion and unravelling of the seawall or from erosion of the land immediately behind the seawall. If structures are located close to the seawall there may be a threat to the safety and security of personnel or to the structure during a coastal storm. The extent of the coastal flooding hazard for 0.5 m and 1.0 m sea level rise scenarios associated with the years 2050 and 2100, which is the planning framework recommended in the Ministry of Environment’s FHALUMG, is indicated in Schedule J. A flood hazard mitigation bylaw should be adopted for the protection of development from the growing flood hazard related to sea level rise.

- (c) Section 4.2.1 is replaced with:

To preserve the natural appearance of the rocky shoreline, no buildings or structures, or soil removal or deposit should be permitted within 15 metres of the estimated future natural boundary, except where it can be demonstrated to the District's satisfaction that a lesser distance is acceptable, or where works are intended and designed to both preserve the shoreline character and limit coastal flood-related effects.

- (d) Section 4.2.4 is replaced with:

Due to active erosion of Class 2 and 3 beaches, building prohibitions and soil deposit and removal restrictions should be placed over lands within 15 metres of the estimated future natural boundary adjoining beach shores, except where it can be demonstrated to the District's satisfaction that a lesser distance is acceptable, or where works are intended and designed to preserve the shoreline character and limit coastal flood-related effects.

- (e) Section 4.2.6 is replaced with:

Building prohibitions and soil removal and fill restrictions should be placed on lands within 15 metres of the estimated future natural boundary adjacent to Class 2 or Pocket Beaches except where it can be demonstrated to the District's satisfaction that a lesser distance is acceptable, or where works are intended and designed to preserve the shoreline character and limit coastal flood-related effects.

- (f) Section 4.2.9 is replaced with:

Development immediately adjacent to a mudflat, marsh or delta area is discouraged. Consideration will be given to developments that enhance ecological values or include measures to limit or reduce coastal flood-related effects while preserving the shoreline character.

- (g) Section 6.2 is replaced with:

To ensure that residential developments are compatible with the physical site conditions of slope, soil types and drainage patterns, and that natural features such as views, tree cover and variety in terrain are retained and enhanced, buildings, roads and utilities should be sited in a manner which does not negatively affect sensitive natural areas of the site and preserves the natural landscape. An exception for slope alteration will be considered if it is designed to help reduce effects of coastal flooding.

- (h) Section 6.7 is replaced with:

To encourage innovative housing and subdivision designs such as detached clustered residential developments, particularly for sloped upland areas, the District will provide flexibility in regulatory bylaws. Amenity bonusing, in compliance with Section 482 of the Local Government Act, will be enacted in certain areas if site conditions warrant, in order to, amongst other things,

preserve open space, natural tree cover and environmentally sensitive areas, leaving slopes unaltered.

- (i) Sections 7.9 and 7.15 are replaced with:

Buildings or structures used for commercial use must be buffered from adjacent rural and residential uses and should preserve access and views from adjacent rural and residential uses.

- (j) Section 8.5 is replaced with:

Buildings or structures used for industrial use must be buffered from adjacent rural and residential uses and should preserve access and views from adjacent rural and residential uses.

- (k) Section 11.1 is replaced with:

At the date of adoption of this plan, no new major roads are planned for the District with the exception of those shown on Schedule D. No phasing of any major roads is planned. The location and construction of new roads should take into consideration expected sea level rise.

- (l) Section 11.3 is replaced with:

Serviced areas are identified on Schedule E. No major expansions of municipal services are planned. There will be no expansion of services outside the North Saanich Servicing Area except for health, fire safety, agricultural support, or sea level rise adaptation reasons.

- (m) Section 12.1 is replaced with:

Development must be consistent with the goals and objectives of the Plan. Development shall consider expected coastal flooding, incorporate appropriate adaptation measures and conform with any applicable flood hazard mitigation bylaw.

- (n) Section 12.3 is replaced with:

Development should be consistent with the retention of the visual landscape of natural areas, especially on or near the waterfront, hilltops and ridges. This principle will be applied flexibly to development that incorporates adaptation measures that reduce the risk or damage associated with the effects of coastal flooding.

- (o) Section 12.6 is replaced with:

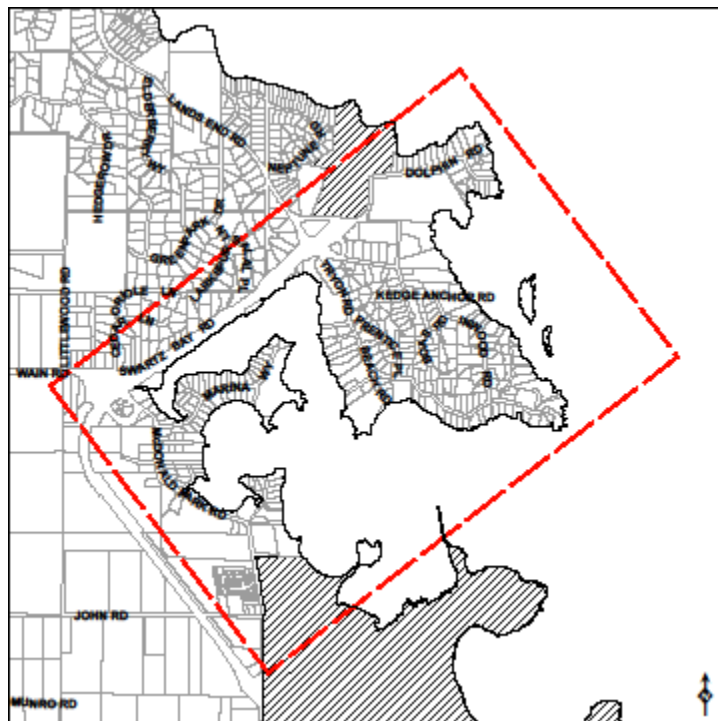
No development or site alteration shall be permitted on a wetland, a riparian area or within the buffer zone or related or a flood hazard mitigation setback, specified in this bylaw for wetlands and riparian areas, except if approved by the District as a sea level rise adaptation measure.

- (p) Add “Section 13.7 Special Development Area Tsehum Harbour

Justification:

The Tsehum Harbour area affected by future sea level rise between the Town of Sidney’s northern boundary and the Swartz Bay Ferry Terminal is designated as a special development area, as mandated by the FHALUMG for the following reasons:

- a) The area contains significant residential, commercial, and light industrial development and parklands.
- b) The area contains significant environmental values to be accommodated in a sensitive manner and which could be protected through innovative design.
- c) The area falls within the scope of recommended provisions related to Sea Level Rise Planning Areas as defined in the FHALUMG.
- d) The area includes important District infrastructure including utilities, sewer, roads and paths and water supply works.
- e) The area forms the boundaries of the Shoal Harbour Migratory Bird Sanctuary, established in 1931 under the *Migratory Birds Convention Act, 1994* (Canada).



Policy Statement:

In designating these parcels of land as a special development area, the following planning principles should be reflected for future development:

- a) Existing land uses should continue to be allowed.
- b) Development should be regulated by a flood hazard mitigation bylaw.
- c) Development on existing lots should conform with FHALUMG.
- d) The District should develop a Long Term Flood Protection Strategy for this Special Development Area as outlined in Appendix 1 of FHALUMG.
- e) The Long Term Flood Protection Strategy should consider the implications of policies applicable to the adjacent parcels in the Town of Sidney.

The Long Term Flood Protection Strategy considers the benefits that might be realized from active stewardship of the Shoal Harbour Migratory Bird Sanctuary that are consistent with the *Canada Wildlife Act* and *Migratory Birds Convention Act, 1994*.”

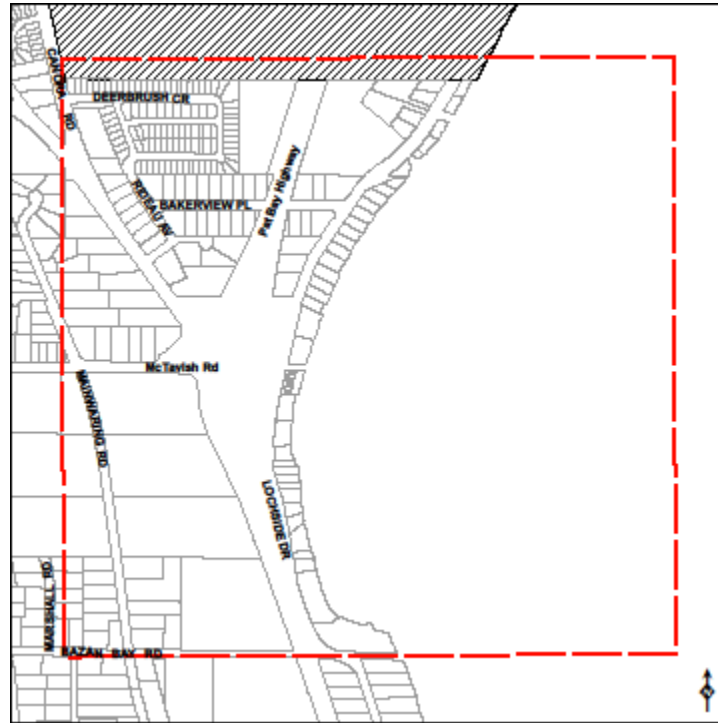
- (q) Add “Section 13.8 Special Development Area Lochside-McTavish Interchange

Justification:

The Lochside McTavish Interchange Area affected by future sea level rise between Bazan Bay Road and the Town of Sidney’s southern boundary is designated as a special development area, as mandated by the FHALUMG:

- a) The area contains significant residential development, parklands and multi-jurisdictional transportation infrastructure.
- b) The affected lands fall within the scope of recommended provisions related to Sea Level Rise Planning Areas as defined in the FHALUMG.

- c) The area includes important District infrastructure including utilities, sewer, roads and paths and water supply works.



Policy Statement:

In designating these parcels of land as a special development area, the following planning principles should be reflected for future development:

- a) Existing land uses should continue to be allowed.
- b) Development should be regulated by a flood hazard mitigation bylaw.
- c) Development on existing lots should conform with FHALUMG.
- d) The District should develop a Long Term Flood Protection Strategy for this Special Development Area as outlined in Appendix 1 of FHALUMG.

The Long Term Flood Protection Strategy should consider the implications of policies applicable to the adjacent parcels in the Town of Sidney.

- (r) Section 14.2.1 (c) is replaced with:

in Development Permit Areas, No. 5 and No. 6, for the construction of fencing and accessory structures less than or equal to 40 m² (430.6 ft²) in area, which are accessory to an existing principal structure.

- (s) Section 14.2.1 (d) is replaced with:

in Development Permit Areas No. 1, 2, 3 and 4, for changes to the height of an existing building, including the addition of another storey, except as permitted by any applicable flood hazard mitigation bylaw;

- (t) Section 14.2.1 (e) is replaced with:
- in Development Permit Areas No. 1, 2, 3 and 4, for structures which are 10 m² (107 ft²) or less in area providing they are sited inland of the estimated future natural boundary;
- (u) Section 14.2.1 (f) is replaced with:
- emergency works including tree cutting or temporary coastal flood-related mitigation measures necessary to remove an immediate danger or hazard;
- (v) Section 14.2.1 (g) is replaced with:
- in Development Permit Area 8, for the construction or alteration of a single family residential dwelling, provided that this exemption does not apply to any parcel having an area equal to or less than five hundred square meters and created by a plan of subdivision registered in the Land Title office after September 8, 2014.
- (w) In Section 14.3 the terms “high water mark” and “natural marine shoreline” are replaced by the term “estimated future natural boundary”.
- (x) Section 14.11 the following definition is added in alphabetical order:
- “FHALUMG” means the Flood Hazard Area Land Use Management Guidelines published by the B.C. Ministry of Environment as amended effective January 1, 2018.
- “Flood hazard mitigation bylaw” means a bylaw adopted under s. 524 of the *Local Government Act*.
- “Future Natural Boundary” means the estimated natural boundary determined in accordance with the FHALUMG.

MAP AMENDMENT

2. The Flood Hazard Key Map and Flood Hazard Maps 1 through 10 attached to and forming part of this bylaw are added to the Official Community Plan as Schedule J.

CITATION

3. This Bylaw may be cited for all purposes as “North Saanich Official Community Plan Bylaw No.1130 (2007) Amendment Bylaw No. 1442 Marine Policy (2018)”.

READ A FIRST TIME the day of , 2018

READ A SECOND TIME the day of , 2018

NOTICE OF PUBLIC HEARING published in the and editions of the
Peninsula News Review.

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act* at
the North Saanich Municipal Hall the , 2018

READ A THIRD TIME the day of , 2018

ADOPTED the day of , 2018

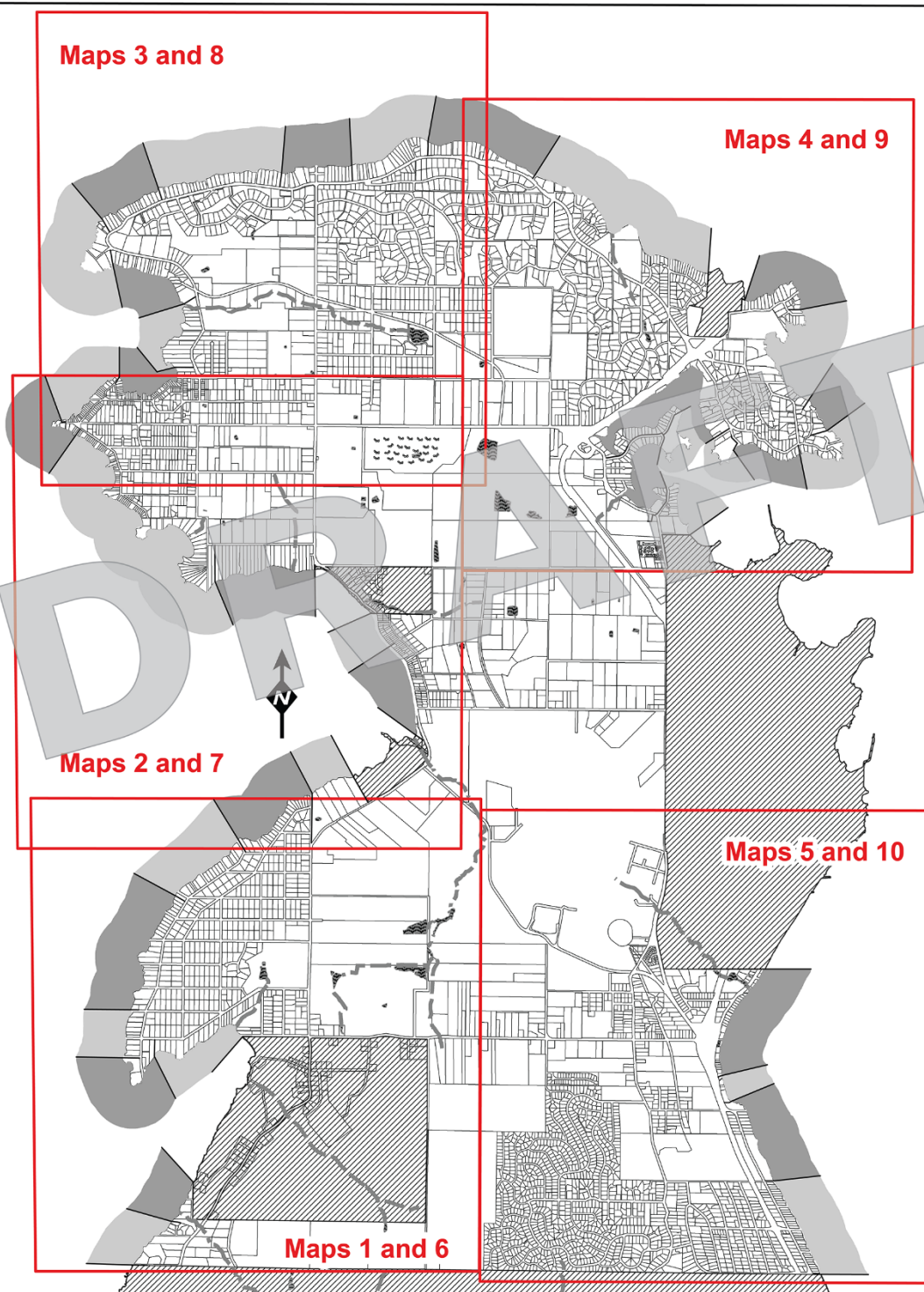
MAYOR

CORPORATE OFFICER

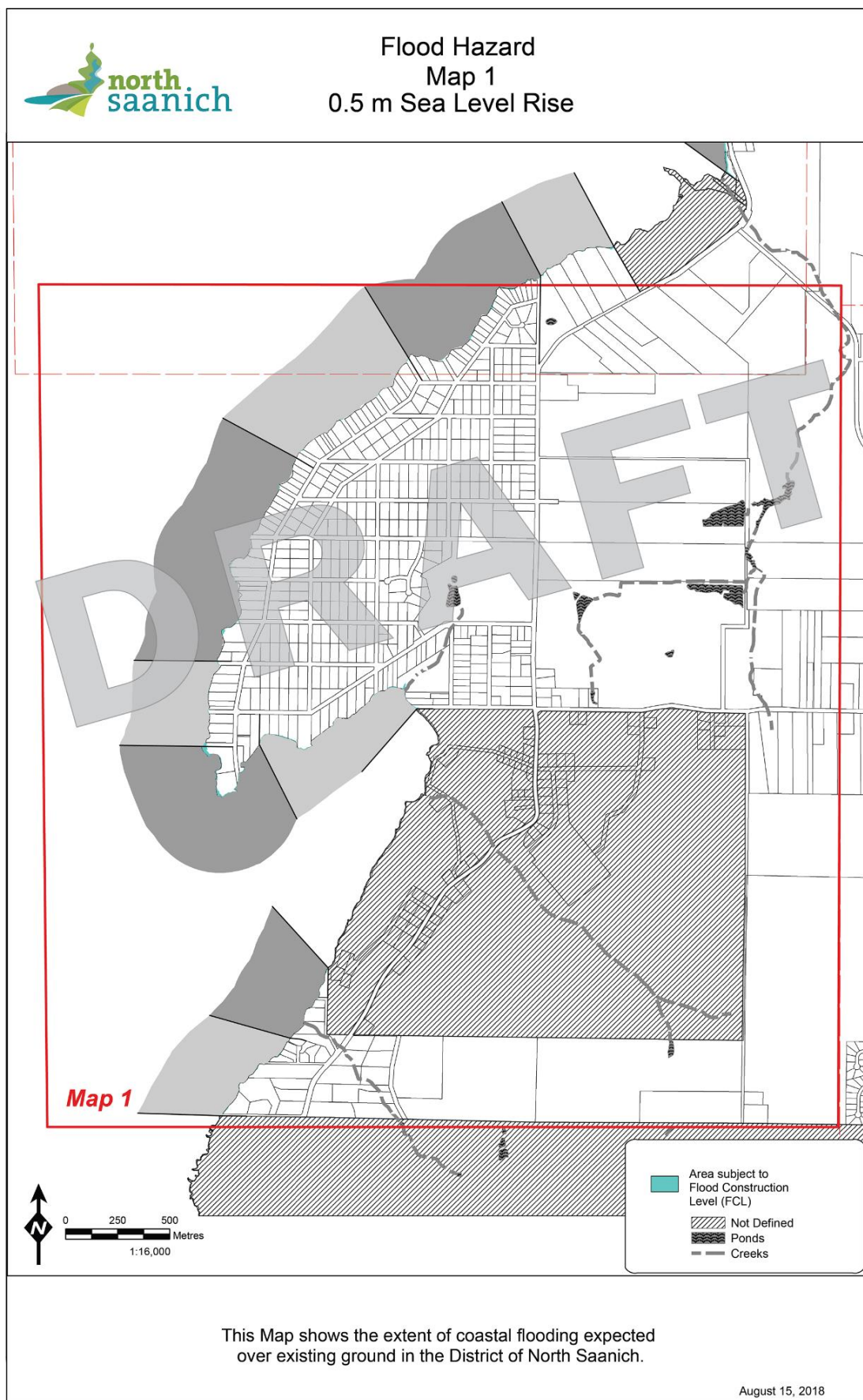


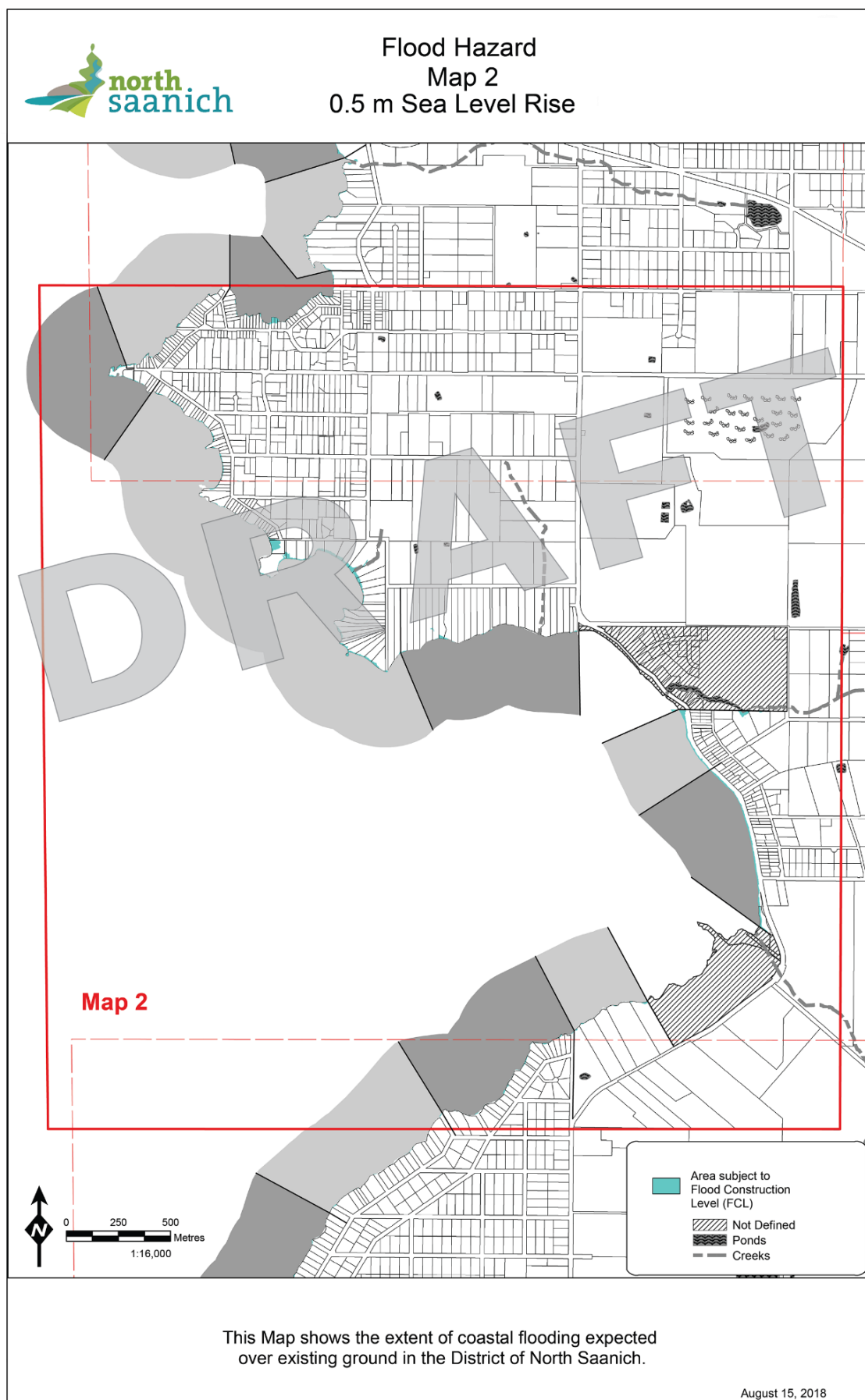
Flood Hazard

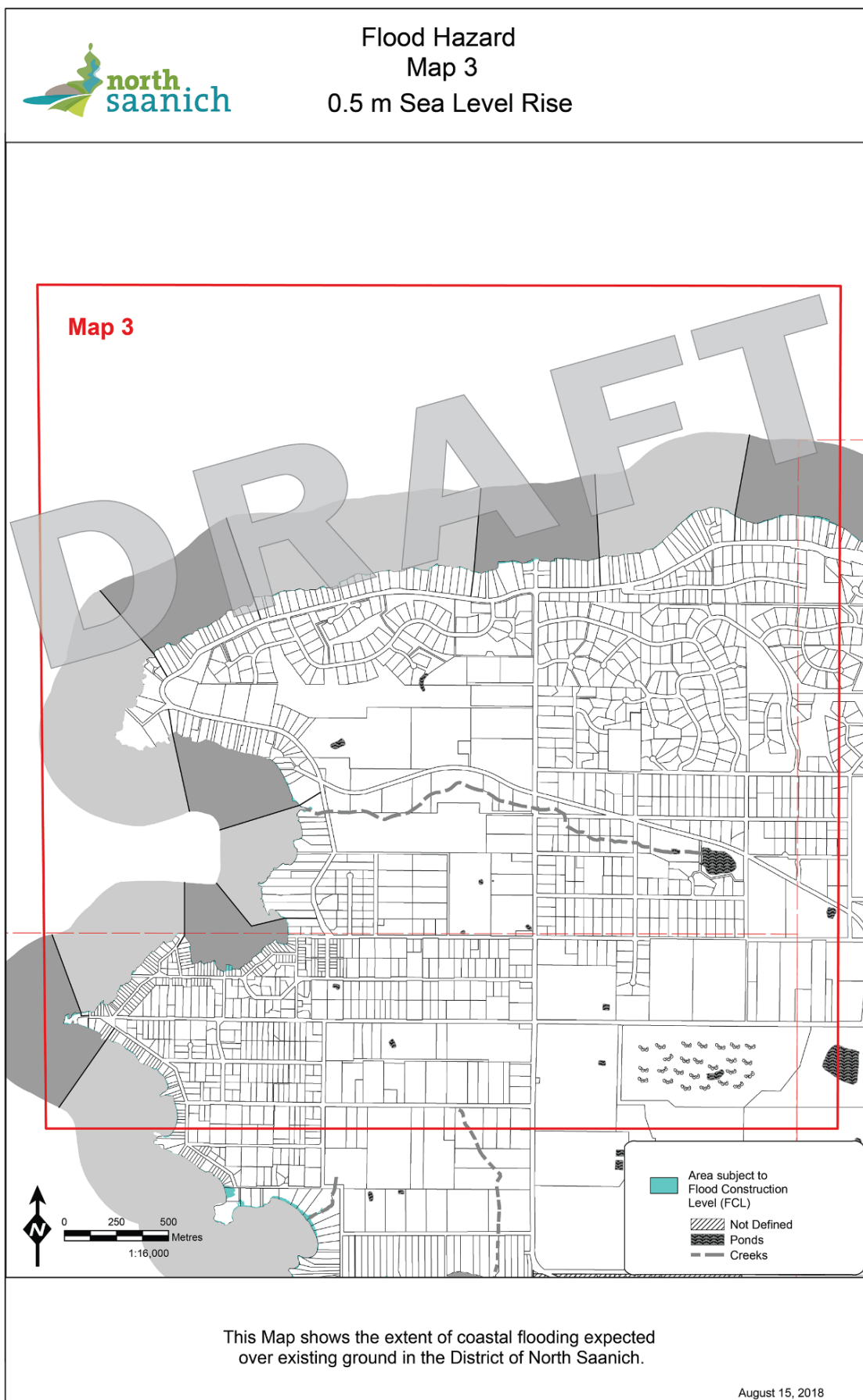
Key Map

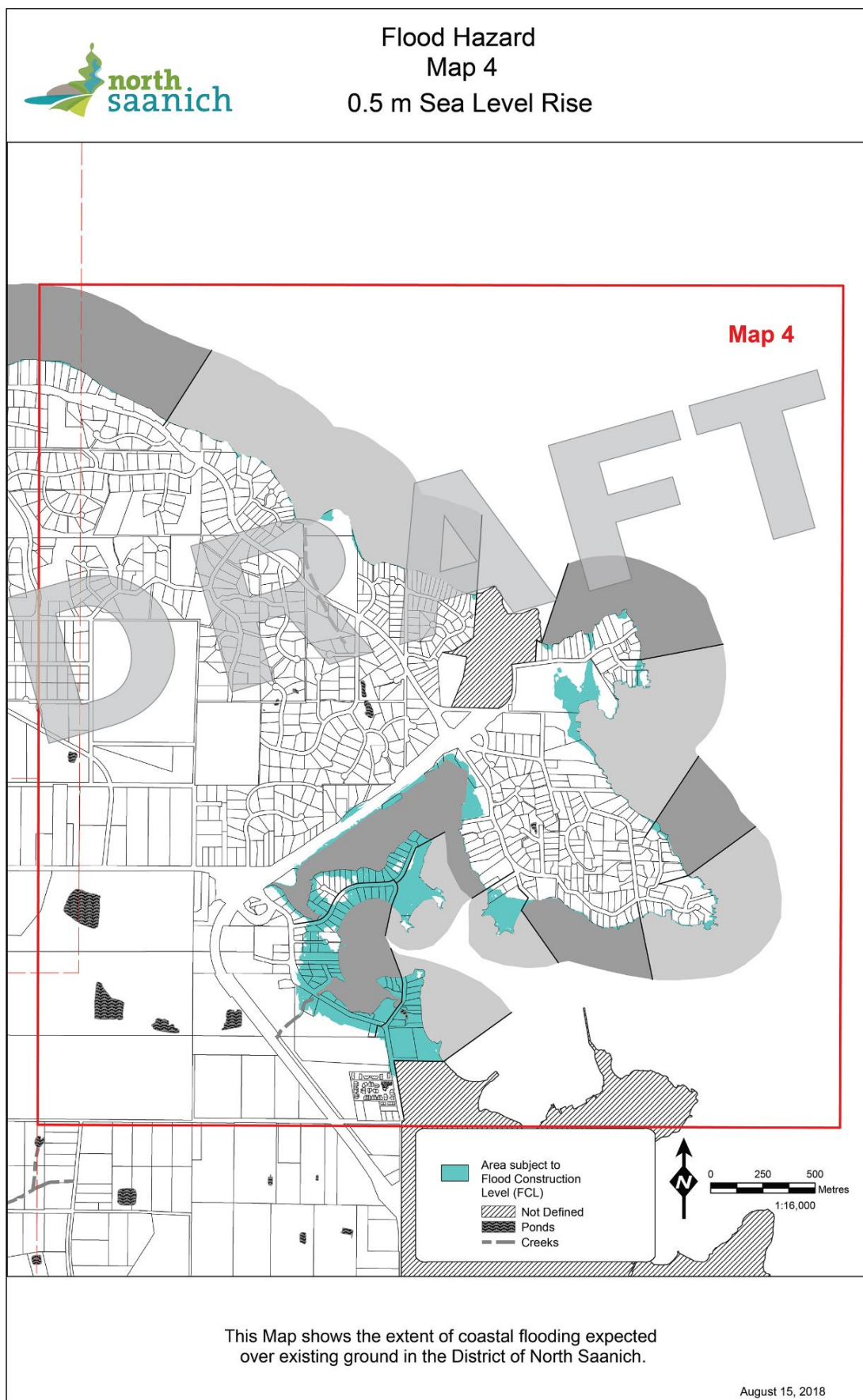


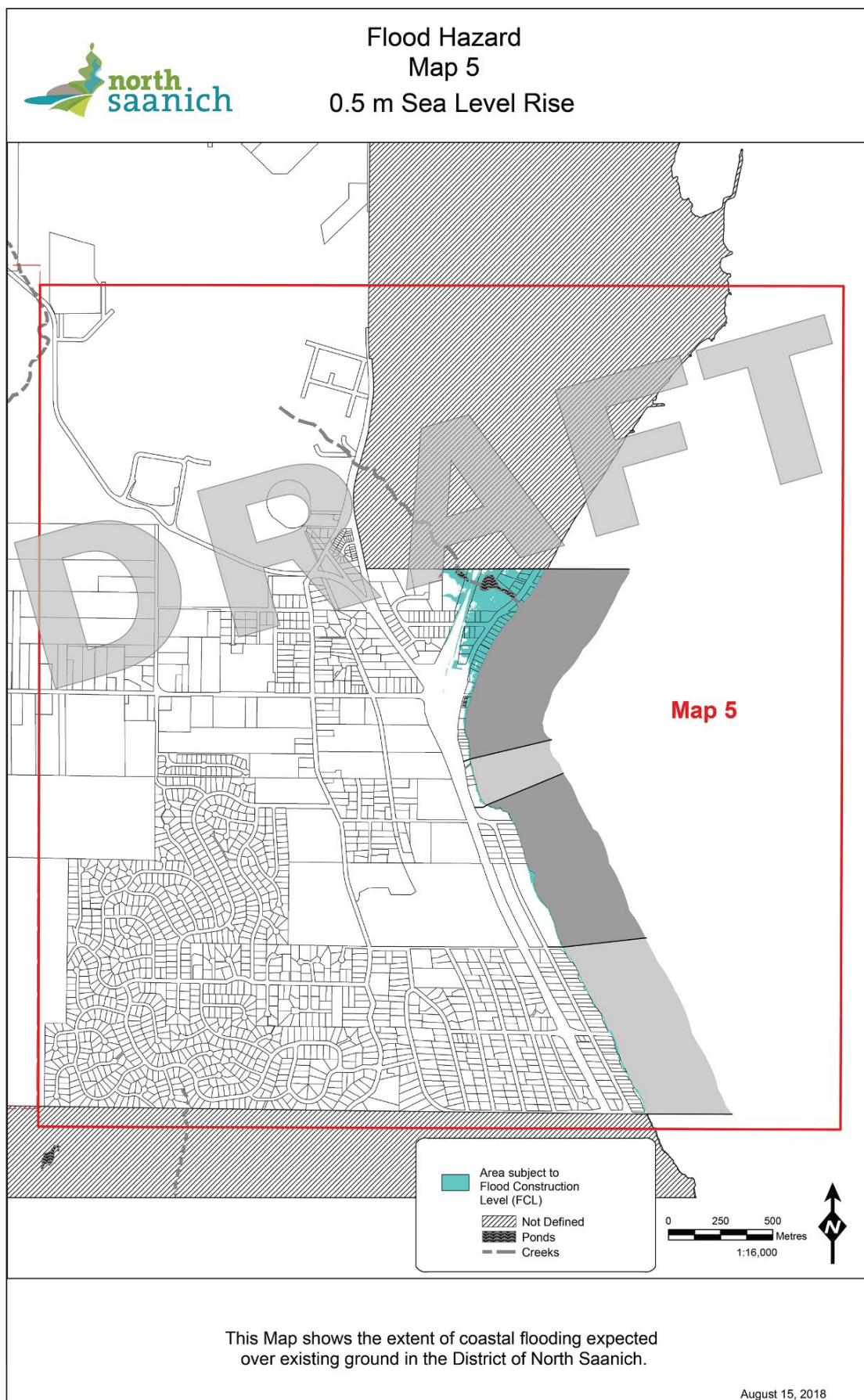
This Map provides the key to detailed mapping showing the extent of coastal flooding expected over existing ground in the District of North Saanich.



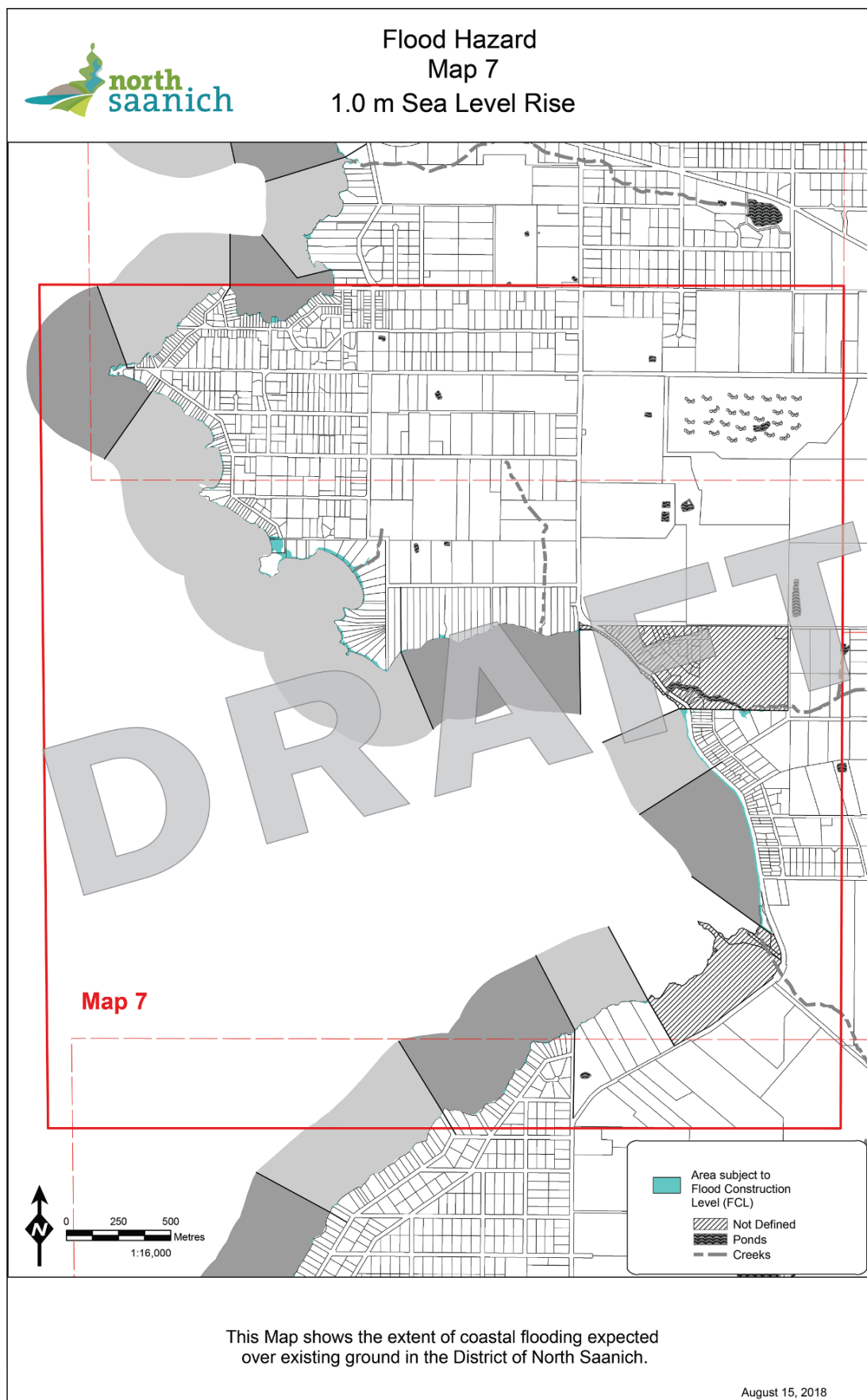








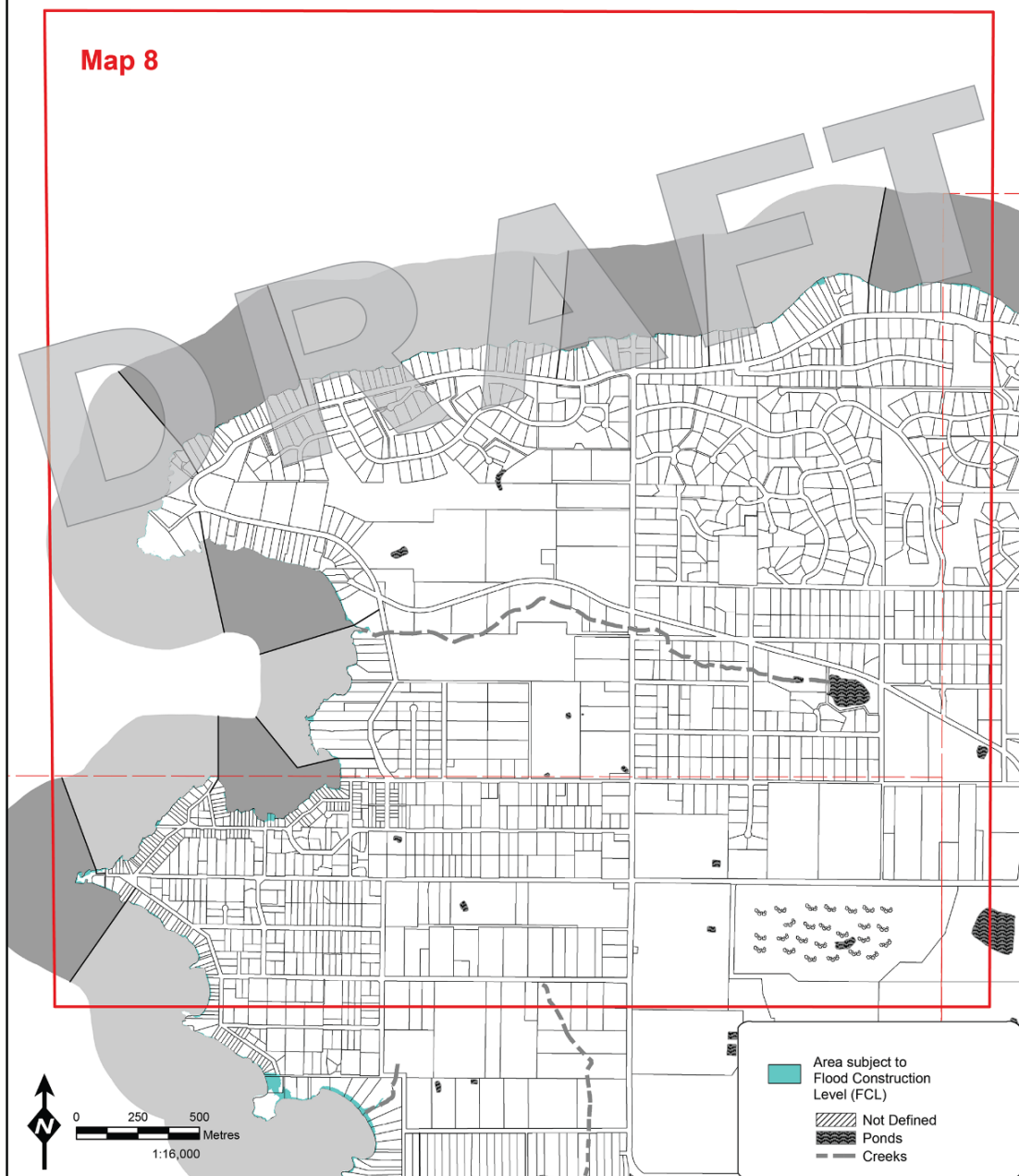






Flood Hazard
Map 8
1.0 m Sea Level Rise

Map 8



This Map shows the extent of coastal flooding expected
over existing ground in the District of North Saanich.

August 15, 2018

