



**District of
North Saanich**

STAFF REPORT

To: Rob Buchan
Chief Administrative Officer

Date: August 15, 2018

From: Anne Berry
Director of Planning & Community Services

File:

Re: **Marine Policy Planning Process/Bylaws 1442 & 1439**

RECOMMENDATION(S):

That Council

- A) Receive this report for information; AND
- B) Consider granting first and second reading to OCP Marine Policy Bylaw 1442 (2018) and give consideration to the financial and waste management plans ; and
- C) Direct staff to proceed to Public Hearing for Bylaw 1442; and
- D) Consider granting first, second and third readings to Coastal Flood Mitigation Bylaw 1439 (2018).

STRATEGIC PLAN IMPLICATIONS:

This matter relates to the following Council strategic priorities:

Protect and Enhance Rural, Agricultural, Heritage, Marine and Environmental Resources

Maintain a Safe and Healthy Community

Ensure Strong Leadership, Fiscal Responsibility and Transparent Government

INTRODUCTION/BACKGROUND:

On August 15, 2018 a letter was sent to the District from Property Responsibility on the Waterfront (PROW) regarding the Marine Policy Planning Process and proposed Bylaws 1439 (Coastal Flooding Mitigation Bylaw) and 1442 (Marine Policy OCP Amendment Bylaw). A copy of the letter is appended as Attachment A.

DISCUSSION:

It is helpful for PROW to share its position on the proposed workshop, and to clarify that further information is not needed regarding the proposed bylaws. Council directed the additional workshop as a result of feedback provided by PROW representatives at the June 25th, 2018 Special Meeting of Council, and since that meeting staff have continued to work to address the concerns and questions raised at that meeting, and at an earlier informal meeting with staff and PROW representatives, regarding interpretation of the proposed changes and to build upon the document with additional support and resources for property owners.

Following is information which has been prepared in order to respond to August 15th, 2018 letter from PROW:

- PROW was not advised of the report for the July 30th, 2018 meeting as the preparation of that report was in response to Council direction to host an additional workshop, and was not related to the content of the bylaws;
- The introduction of the term “future natural boundary” (the estimated natural boundary in accordance with the Province of BC’s Flood Hazard Area Land Use Management Guidelines) is intended to address the expected sea level rise and to protect property development. The guidelines are the provincially recommended minimum in lieu of site specific investigation and analysis by a suitably qualified professional engineer experienced in coastal engineering. This term is introduced in the OCP amendment bylaw in the general policies section and also specifically within Development Permit Area No. 1. Staff notes that this is an amendment to an existing DP area, not the introduction of new DP area. Currently, the test in this Development Permit Area requires a DP in upland areas extending 15 meters inland from the high water mark. This will change, should Council adopt the bylaw as proposed, to 15 meters from the future natural boundary. This is an adjustment to the area the DP applies to by location of the new boundary. This may impact the developable area of some parcels but does not necessarily prevent development.
- Staff’s understanding of Council’s intent regarding the additional workshop was to provide the public greater opportunity to understand the bylaws and their application to waterfront properties in the District. If the desire now is to be able to speak to the bylaw, then proceeding to a Public Hearing may be appropriate;
- The intent of the guide is to better illustrate the application of the bylaws;
- The proposed approach provides the public with greater flexibility as there is the possibility of changes to a property falling under a number of different exemptions, rather than a change to the District’s Zoning bylaw which could impose a more arbitrary regulation, with few opportunities for exemptions. Additionally, under current conditions the Building Official and the Approving Officer currently require the submission of a flood hazard report at building permit or subdivision application if there is a question of concern regarding flooding on a property. The application of the proposed Coastal Flood Hazard Bylaw would remove the need for the submission of such a report, thus saving time and money for applicants;
- The proposed OCP changes are generally enabling and have flexibility built in to the language. Additionally, the OCP changes are applicable to District of North Saanich properties and assets;
- The conditions in the proposed Special Development Areas would only be applicable should a rezoning application be contemplated. Uses permitted under current zoning would not trigger the application of these policies;
- Several of the items in the Marine Task Force report have been addressed through this process. The District’s Strategic Plan item #4 *Bring forward to Council the Marine Task Force recommendations and work plan* is a separate strategic planning item from the direction to plan for sea level rise, however staff have incorporated items from the Task Force report where applicable to the work currently being undertaken. Marine Task Force recommendations #1, #13, #14, and #18 have specifically been addressed as applicable with comments provided as to how the FCL study relates to the remaining task force recommendations. The list of recommendations was included within the report prepared by SNC Lavalin, appended to previous Marine Policy staff reports. Staff notes, and has consistently advised Council, that future work is still required, including a zoning bylaw review of marine zones and other Marine Task Force items;
- The District notified all waterfront property owners, and owners of land adjacent to waterfront property, of past public meetings. This approach would be applied should any further public meetings be held regarding the proposed bylaws.

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OPTIONS:

Council can:

- A) Receive this report for information; AND
- B) Consider granting first and second reading to OCP Marine Policy Bylaw 1442 (2018) and give consideration to the financial and waste management plans ; and
- C) Direct staff to proceed to Public Hearing for Bylaw 1442; and
- D) Consider granting first, second and third readings to Coastal Flood Mitigation Bylaw 1439 (2018); or
- E) Other

FINANCIAL IMPLICATIONS:

None at this time.

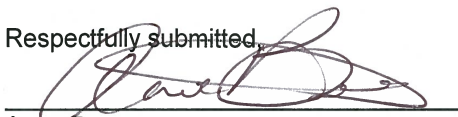
LEGAL IMPLICATIONS:

None identified.

SUMMARY/CONCLUSION:

In light of the August 15th, 2018 letter from PROW advising that they do not require more information regarding the proposed bylaws staff recommends that proceeding to public hearing for proposed bylaw 1442 would be appropriate as it would allow the public the opportunity to speak specifically to the proposed amendment in a forum for that purpose.

Respectfully submitted,


Anne Berry
Director, Planning & Community Services

Concurrence,


Rob Buchan
Chief Administrative Officer

Concurrence:

Stephanie Munro, Director Financial Services

Eymond Toupin, Director Infrastructure Services

Curt Kingsley, Director Corporate Services

John Trelford, Director Emergency Services

Attachments:

- A. Letter from PROW (Property Responsibility on the Waterfront) dated August 15, 2018

Attachment A



August 15, 2015

Mayor Alice Finall and Council Members
District of North Saanich, BC

Marine Policy Planning Process / Bylaws 1442 & 1439

Dear Mayor and Members of Council:

In recent months, PROW has appreciated being consulted about directions proposed as part of the District's Marine Policy Planning Process. Unfortunately, we were not notified this matter would come before Council on July 30 so were not able to attend the meeting. Having viewed the webcast of discussions at the meeting, we would first like to clarify that:

- PROW does not support the expenditure of \$25,000 for illustrations and a guidebook explaining the proposed new Bylaws and/or workshop.
- We have not requested and do not require more information about the proposals; to the contrary we asked for the opportunity to respond to the proposals – to speak and have our voices heard.
- We do not agree there is any urgency surrounding these matters, but believe there is time to step back, take a deep breath, and develop the best possible suite of solutions.

PROW does not support the proposed Bylaw 1442 (amending the OCP) nor do we support the proposed Bylaw 1439 (mitigating Coastal Flooding Hazards). While we have specific concerns about terminology (the introduction of the term "future natural boundary" is particularly troublesome) our overarching concerns surrounding the process are global in scope.

Both bylaws have been brought forward in isolation from the adoption of the recommendations in the Marine Task Force Report and without adequate, proper consultation with waterfront owners. We are concerned that fast-tracking new regulations governing waterfront properties - adding to the regulatory framework without first reviewing and modifying the existing system - creates complexity and fails to address the challenges of Sea Level Rise in any meaningful way.

We hope that the proposed workshop can be organized in a manner where these concerns can begin to be addressed. We believe specific recommendations contained in the Marine Task Force Report, suggested sea level rise adaption tools, and protection of public infrastructure and waterfront assets (such as trails, parks, and beaches) all need to be considered. These matters deserve to be given precedence over simply bringing in a new set of private property regulations.

We would be pleased to participate in a pre-workshop meeting where the aims, framework, organization and strategies to encourage attendance at the workshop are discussed.

On behalf of the PROW Executive,
David Tonken

CC: John Kafka, NSRA; Dr. Buchan, CEO District of North Saanich



**District of
North Saanich**

STAFF REPORT

To: Rob Buchan
Chief Administrative Officer

Date: August 10, 2108

From: Coralie Breen
Senior Planner

File: 6740-2018

Re: Marine Policy Planning
North Saanich Coastal Mitigation Flooding Bylaw No. 1439 (2018)
North Saanich Official Community Plan Marine Policy Bylaw No. 1442 (2018)
For Decision – Dates for Workshop

RECOMMENDATION:

That Council:

- A) Approve the proposed workshop date of a November, 2018 date to be determined; and
- B) Approve sole sourcing to Lanarc 2015 Consultants Ltd. in the amount of \$25,000 to complete illustrations for Bylaw 1439 and an accompanying guidebook; AND
- C) Approve an increase in the project budget of \$25,000 to be funded from the Federal Gas Tax reserve.

OFFICIAL COMMUNITY PLAN & STRATEGIC PLAN IMPLICATIONS:

This matter relates to the Official Community Plan vision:

Protect and Enhance Rural, Agricultural, Heritage, Marine and Environmental Resources

Official Community Plan (OCP) related policies Sections 4.0 Marine Policies

SCOPE:

- 456** That staff prepare a report to the August 20, 2018 meeting with alternate dates for the marine policy public workshop and for staff to circulate examples of the illustrative work to Council.

PURPOSE OF THE STAFF REPORT:

The purpose of this staff report is to request Council's approval to:

- a) proceed with the public workshop in November, 2018; and
- b) approve the \$25,000 to Lanarc Consulting for illustrations for Bylaw 1439 including an accompanying guidebook based on the consideration of examples of Lanarc's work; or
- c) consider Bylaws 1439 and 1442 at the next Council meeting.

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 OCP Marine Policy Bylaw No. 1442 (2018)

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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.

North Saanich Official Community Plan Marine Policy Bylaw No. 1442 (2018)

In general terms, the purpose of Amendment Bylaw No. 1442 is to amend Official Community Plan Bylaw No. 1130 (2007) to implement recommendations that the District has obtained from engineering consultants regarding the coastal flooding hazards associated with climate change and sea level rise, including the following:

- Adding a general description of the coastal flooding hazard.
- Amending policies regarding environmentally sensitive areas, marine areas, residential development, commercial development, industrial development, and roads and servicing, and general development policies.
- Amending the scope of development permit exemptions in development permit areas that are subject to coastal flooding hazards.
- Designating the Tsehum Harbour and Lochside-McTavish Interchange areas as "Special Development Areas" within which particular policies to mitigate coastal flooding hazards will apply.

The parcels of land that are affected by the proposed OCP amendments include both those that abut the seashore and those that are adjacent to such parcels and low enough to be affected by coastal flooding.

North Saanich Coastal Mitigation Flooding Bylaw No. 1439 (2018)

In general terms, the purpose of Bylaw No. 1439 is to identify flood level specified for the flood plain for any particular parcel of land, for the purposes of s. 524(6)(a) of the *Local Government Act*.

There are approximately 713 waterfront lots in the District of North Saanich.

For 0.5 m sea level rise (SLR) scenario the wave effects and flooding are confined to the shoreline or the first 15 m of setback (Criteria 1 & 2)* on approximately 582 lots. Partial flooding, including in some cases, complete inundation (Criteria 3 & 4)* is expected on 131 lots.

*Criteria 1 – little or no effect on applicable lots and mainly occurs when the shoreline is steep
 Criteria 2 – limited flooding or wave interaction provided main building is 15 m or more landward
 Criteria 3 & 4 – lots may require protective measures

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BACKGROUND:

The following provides an annotated version of the history of the sea level rise project.

In 2014, Council identified in the Strategic Plan the following projects:

#3 Prepare policies to guide marine and shoreline development (including planning for sea level rise).

#4 Bring forward to Council the Marine Task Force recommendations and work plan.

#5 Review District bylaws and policies that affect waterfront property owners

In 2014, Council **535** directed staff compile information on sea level rise impacts, including mapping, on the District of North Saanich to bring to Council and share with the public.

In 2016, the District of North Saanich completed a study of flood construction levels (FCL) for 0.5 m and 1.0 m Sea Level Rise (SLR) (the FCL Report) which informed the review of the Official Community Plan marine policies. 1.0 m SLR is generally regarded as year 2100. The District joined twelve other local governments who began undertaking flood plain mapping in the Province since 2016 with six additional local governments now underway.

In 2017, a draft OCP Marine Policy and Guidelines Recommendations Report (the Marine Policy Report) was completed and Council **404** directed staff to complete the work outlined in the staff report (August 16, 2017) including the Report recommendations consistent with the Provincial Guideline Memorandum Amendment – Section 3.5 and 3.6 – Flood Hazard Area Land Use Management Guidelines (FHALUMG) (January 1, 2018). Specifically, S. 3.5.5.1 that “the Year 2100 FCL should be established for specific coastal areas by a suitably qualified Professional Engineer, experienced in coastal engineering”. (FHALUMG, pg. 5). Further FHALUMG identified that this work could be completed as part of flood plain mapping, sea level rise planning areas or development approval processes.

In November 2017, Council **583** directed staff to provide an update report on the marine policy planning project specifically with regard to the sea level rise study.

In April, 2018 Council **273** directed staff to proceed with the coastal floodplain approach as outlined in the staff report (April 27, 2018) and **274** to accept the \$50,000 Transport Canada grant.

In June, 2018 Council **414** directed staff to organize and host a public workshop on North Saanich Coastal Flooding Mitigation Bylaw 1439 (2018) and North Saanich Official Community Plan Bylaw 1130 (2007) Amendment Bylaw 1442 Marine Policy (2018).

DISCUSSION:

Four years after Council directed staff to initiate the sea level rise study work, and after several public workshops and subsequent changes of approach from a development permit area to a coastal mitigation flooding bylaw, Council now has draft bylaws for OCP marine policy changes and a coastal mitigation flooding bylaw protecting at risk properties. The public response, while favorable to this change in approach, further suggested more information and illustrations to aid the public to understand when the bylaw would be administered and the implications.

To advance this public understanding in the North Saanich context of the dynamic nature of coastal flooding, including storm wave effects, overtopping of shoreline defenses, and associated ponding and flooding staff recommended an illustrated guidebook to accompany Bylaws 1442

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and 1439 to understand coastal flood risk and successful adaptation and when and how the Bylaws would be administered. Illustrators who understand this complexity particularly in the local context are limited. Staff was able to discern one such company, Lanarc Consulting. Lanarc principals have experience with illustrating sea level rise conceptually in the Vancouver Island region for other local governments (e.g. Campbell River). Staff requested a proposal from Lanarc to provide illustrations for Bylaw 1439 and an accompanying guidebook in preparation for a workshop proposed for November, 2018 at the District of North Saanich Municipal Hall. Previously Council defeated the staff recommendation for approval of \$25,000 for the guidebook and communications to support 22 section illustrations for the guidebook and Coastal Flooding Mitigation Bylaw 1439. Lanarc is not available to provide this work until Mid-Late October in preparation for a November, 2018 workshop. Additional resources, such as staff time, are limited.

FINANCIAL:

Current:

To date the expenditures to SNC-Lavalin has been \$129,699.97 for the Flood Construction Level Reports, the OCP Marine Policy Report (first including the proposed Development Permit Area and then the Coastal Mitigation Flooding Bylaw) and the public consultation workshops.

Proposed:

In order to accommodate the cost of the guidebook, bylaw illustrations and public workshop, an increase to the project budget of \$25,000 by way of a financial plan amendment would be required. Staff recommend the increase be funded from the Federal Gas Tax reserve.

PUBLIC CONSULTATIONS:

Public consultations were held November 16, 2017, October 19, 2017, January 26, 2017, November 17, 2016 and June 7, 2016.

The most recent public consultations (November 16, 2017 and October 19, 2017 had 18 and 60 attendees respectively, and 13 and 21 completed feedback forms). The October 19, 2017 consultation invited feedback forms to be dropped off or submitted on the District of North Saanich website had some technical glitches in feedback submission therefore, there is not certainty that all submitted forms were received. Every form received was confirmed by email by District of North Saanich staff to the submitter.

Two public consultations followed the August 16, 2017 Council direction:

1. Marine Policy Planning & Development Approval Processes
 A presentation and discussion of the Draft Report recommendations including the proposed Development Permit Area for flood construction level (October 19, 2017)
 (60 attendees not including staff/Council)
2. Special Development Areas Fieldtrip and meeting - Special Development Areas
 Tsehum Harbour and Lochside Drive and Shoal Harbour Bird Sanctuary – Role for the District Public Consultation (November 16, 2017)
 (18 attendees not including staff/Council)

Feedback on all of the proposed OCP changes was requested at the October 19, 2017 meeting to be submitted online or by mail, or email and on the special development areas at the November 16, 2017 meeting.

The proposed development permit area had the most lengthy response comments (16/21 feedback forms out of 60 attendees); including disagreement/concern with the proposed changes;

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no measurable increase in sea level at Lands End; restriction of flexibility of the land owner; perceived additional costs; lack of certainty on rate of sea level rise and which lots are in which category on the maps; need for a full OCP review; radical approach. Several form responses provided no comment or comments that the DP technical aspects should be commented on by those with scientific knowledge. Feedback from the consultations overall provide little comments on most of the suggested text changes in the OCP marine policy section (6.0). There were few concerns on the proposed special development areas.

The recommended approach moves to a Coastal Flood Mitigation Bylaw from the proposed development permit area which provides more certainty for the owner and it removes the current obligation of owners obtaining costly geotechnical reports. This approach considered comments from public consultation and other advice. In addition, staff have met with PROW representatives to explain the new flood plain bylaw approach. During that meeting, the representatives also noted that after the bylaw is adopted, investigation into mitigation measures should still be undertaken such as green shores, guidelines for seawalls and other such measures.

OPTIONS:

Council can:

1. Proceed with the workshop in November, 2018 or a date to be determined without supporting illustrations to visually illustrate and communicate Bylaw 1439; or
2. Proceed with the workshop in November, 2018 or a date to be determined and reconsider the sole sourcing for \$25,000.00; or
3. Proceed with Bylaws 1442 Marine OCP and 1439 Coastal Flooding Mitigation without the public workshop.

NEXT STEPS:

1. Prepare for a public workshop in November, 2018; or
2. Consider Bylaws 1442 Marine OCP and 1439 Coastal Flooding Mitigation.

SUMMARY:

After four years of research, planning and public consultation the District now reflects on two proposed bylaws to advance the District's Strategic Plan directions to prepare policies on marine planning, consider the marine task force recommendations and consider impacts of sea level rise on property owners. The recommended approach is two bylaws:

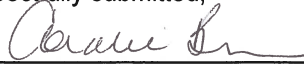
1. North Saanich Coastal Mitigation Flooding Bylaw No. 1439 (2018)
2. North Saanich Official Community Plan Marine Policy Bylaw No. 1442 (2018)

Staff recommends to proceed with the illustrations of the Coastal Mitigation Flooding Bylaw, the guidebook and public workshop as an illustrative guide to advance public administration and understanding. Alternatively, Council may consider proceeding with Bylaws 1442 Marine OCP and 1439 Coastal Flooding Mitigation without the public workshop.

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Coastal Mitigation Flooding Bylaw No. 1439 (2018)
OCP Marine Policy Bylaw No. 1442 (2018)

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Respectfully submitted,



Coralie Breen
Senior Planner

Concurrence,



Rob Buchan
Chief Administrative Officer

Concurrence:



Anne Berry, Director of Planning and Community
Services


for Stephanie Munro, Director of Financial Services