

Frequently Asked Questions

District of North Saanich Flood Mitigation and Official
Community Plan Bylaws



December 2018

This document is divided into two parts. Part One provides frequently asked questions related to the proposed Flood Mitigation Bylaw (Bylaw 1439). Part Two provides frequently asked questions related to the proposed Official Community Plan Bylaw (Bylaw 1442).

Part One Coastal Flood Mitigation Bylaw (Bylaw 1439) Overall Questions

NEW

Q1. Why introduce a new "Coastal Flood Mitigation Bylaw"?

Section 524 of the "Local Government Act" confers authority to local governments to "designate land as a floodplain" when those lands are exposed to a flood hazard. The provincial government Flood Hazard Area Land Use Management Guidelines (FHALUMG, Section 3.5.4) suggests that land areas exposed to coastal flood hazards, where potential flood levels will be increased by sea level rise, should be designated as a floodplain to reduce the potential for injury and property damage caused by coastal flooding. If the land is so designated, a local government specifies flood construction levels and setbacks to address the coastal flood hazard including the effect of sea level rise. The FCL Study Report has enabled the District to specify these development standards with a high level of precision for various sectors of the marine shoreline.

Q2. When does the Bylaw come into effect?

It would come into effect for new developments and building replacements and major additions should it be enacted by Council.

Q3. Is the Bylaw Retroactive

The Bylaw does not affect any existing buildings unless they are being replaced or substantially renovated with an expansion of the existing floor space. Please refer to the Bylaw for the details.

Q4. Does this Bylaw expropriate any part of an existing land parcel?

No.

Q5. Does this Bylaw affect existing Riparian Rights?

No.

Q6. Does this Bylaw apply to existing shoreline protection structures?

No.

Q7. Does this Bylaw affect any new shoreline protection structures?

No. Any new shoreline protection structures will have to conform to the relevant sections of the existing OCP and any amendments. Please refer to the related sections of the OCP Bylaw also being considered in parallel with the Flood Bylaw.

Q8. What are sea levels doing in the North Saanich area?

Recent reviews of both the satellite measurements of sea level rise in those areas of the Pacific Ocean basin adjacent to the North Saanich area, and the recorded water level data in the Strait of Georgia, suggest sea levels in the North Saanich area are currently rising at an annual rate of between 6 mm/yr and 10 mm/yr. These recent rates are an increase over the historical rates in this area.

Q9. How can I monitor the rise of sea level on my property?

It is very difficult, if not impossible, to visually monitor the rise of sea level without a long term instrumented record. Over the last 25 to 50 years sea levels have been rising on average at approximately 1 to 3 mm per year. At the same time the shoreline has been rising at approximately 1 to 2 mm per year due to tectonic plate effects off the west coast of Vancouver Island. This means it would be virtually impossible to visually discern the relative rise of sea level. As noted above, the instrumented record currently suggest local sea levels are now rising at rates of potentially as high as 6 mm/yr to 10 mm/yr.

Q10. Can I determine a FCL or setback for my own specific property?

Yes, the proposed bylaw has an exemption clause and a property owner can request a property specific alternative based on the specifics of the property.

Q11. If my property has a seawall, where is the Natural Boundary?

If the seawall was originally built at the Natural Boundary without encroaching on Crown foreshore, the present Natural Boundary will generally be on the face of the seawall at the base, or perhaps very slightly above the base in the case of a very old seawall. In the future, as sea levels rise, the Natural Boundary will tend to move landward of the seawall.

Q12. Does the FCL apply to my basement?

The Local Government Act specifies that habitable space, which includes space or rooms used for dwelling purposes, must be above the FCL. A basement that contains mechanical equipment (furnace, hot water heater, etc) storage spaces and a workbench, but no bedrooms, bathrooms, home theatres, etc. is not habitable space. Neither is a space that is used only for motor vehicle parking.

Q13. Does the FCL apply if my project includes re-building entirely on an existing foundation

The proposed bylaw 1439 has been amended to expressly allow replacement of a building on its existing foundation as an exemption, as long as there is no habitable space in the basement (below the applicable FCL) and no increase in the floor area that rests on the foundation, if from a policy perspective the District thinks the life of the building should be prolonged in this way. Increases in floor area above the foundation may be permitted if the floor area is above the applicable FCL.

Q14. How does the Bylaw apply to businesses on the waterfront – including marinas?

The Local Government Act states that business space and space(s) for the storage of goods that are susceptible to damage by floodwater, must be above the FCL. These requirements will come into force when and if a waterfront business rebuilds or substantially renovates an existing operation.

Part 2
Official Community Plan Bylaw
(Bylaw 1442)
Overall Questions

Q15. Why is this Official Community Plan Bylaw being proposed?

Council has directed staff to review the existing Marine related policies in the Official Community Plan Bylaw 1130 (the OCP) to reflect how rising sea levels might affect existing policies.

Q16. Why are these proposed changes being recommended now in the OCP?

The proposed OCP changes reflect a review of how the policies in the OCP will be affected by rising sea levels over the near future and what changes should be made to make it easier to adapt to rising sea levels and to increase the resilience of the community in general.

Q17. Why are small changes to the text of existing OCP being suggested?

The suggested changes are related only to those sections of the OCP that are affected by the implications of rising sea levels or the suggested changes will have some beneficial effect in building resilience or adopting adaptation measures.

Q18. What is the relationship between the suggested OCP changes and the Flood Construction Level Study Report [Flood Construction Levels for 0.5 m and 1.0 m Sea Level Rise. Issued 4 January 2017]

The suggested changes are directly related to the outcome of the FCL Study and the implications to building resilience or adopting adaptation measures.

Q19. What are sea levels doing in the North Saanich area?

Recent reviews of both the satellite measurements of sea level rise in those areas of the Pacific Ocean basin adjacent to the North Saanich area, and the recorded water level data in the Strait of Georgia, suggest sea levels in the North Saanich area are currently rising at an annual rate of between 6 mm/yr and 10 mm/yr. These recent rates are an increase over the historical rates in this area.

Specific proposed OCP Marine Policy changes, related questions and an explanation of why the proposed change is recommended follows in the rest of this document.

Proposed Change is described in: Chapter 3 of the Marine Policy and Guideline Recommendations report

Q20. Why are changes recommended to the present definition of Environmentally Sensitive Areas (OCP Section 3.1)

Environmentally sensitive areas, such as tidal marshes or beach areas are increasing recognized as providing valuable services by reducing the wave energy at the shoreline behind these features. Conservation or enhancement of these areas will be beneficial to the provision of community resilience or adaptation opportunities, while at the same time preserving their important natural services.

Q21. Why is the Shoal Harbour Migratory Bird Sanctuary being introduced now into the OCP? (OCP Section 3.1)

The Shoal Harbour Migratory Bird Sanctuary is one of the oldest migratory bird sanctuaries in Canada and is located in one of the most vulnerable areas of the District of North Saanich, which is exposed to a coastal flooding hazard. Specifically including it into the OCP recognizes its importance as an Environmentally Sensitive Area and the role it can play in building community resilience or adaptation opportunities in the Tsehum Harbour area.

Q22. What types of modifications in Environmentally Sensitive Areas could assist in building resilience to the effects of Sea Level Rise?

Enhancing the beaches and tidal marshes in these areas can contribute to the absorption of wave energy during coastal flood events, while still providing valuable marine habitat. These types of works will make the adjacent areas of the District of North Saanich less exposed to the risks of flooding during coastal flood events.

Proposed Change is described in: **Chapter 3 of the Marine Policy and Guideline Recommendations report**

Q23. What type of works would be considered on a rocky shore to limit coastal flood effects?

Along many of the rocky shores of the DNS waterfront, shown in Schedule G of the OCP bylaw, the rocky shoreline is low lying and supports an erodible bluff. As sea levels rise the toe of the bluff will be exposed to erosion by wave action, which could threaten the safety of a building close to the top of the bluff.

This proposed change would allow appropriately designed protection works at the toe of the bluff on the rocky shoreline.

Q24. How would this be administered by the District of North Saanich?

This will be addressed in the District of North Saanich Zoning Bylaw 1255 review.

Proposed Change is described in: Chapter 3 of the Marine Policy And
Guideline Recommendations report

Q25. What is a Drift Sector Beach?

A Drift Sector Beach is a beach that is long enough that there is a source of sediment on the beach, a transport pathway for sediments to move due to waves and currents and an area where the transported sediments can accumulate. The beach shoreline in Bazan Bay is an example of a Drift Sector Beach in the District of North Saanich.

Q26. What type of works could preserve the shoreline character and limit coastal flood related effects?

Examples of works that could preserve the shoreline character and limit coastal flooding on a Drift Sector Beach would include: beach nourishment, removal of bulkheads or seawalls to restore upland sediment supply, installation of low beach sill structures, combined with the supply of beach material to maintain a beach crest berm.

Q27. Does the OCP allow property owners to undertake works below the existing Natural Boundary?

Works below the Natural Boundary would have to be reviewed and approved by both Provincial and Federal approval and permitting agencies. This proposed change to the OCP would provide a basis for District of North Saanich support for an application.

Q28. How would work below the Natural Boundary be administered by the District of North Saanich?

Planning staff will work with property owners to ensure Federal and Provincial regulations and District policies are followed.

Proposed Change is described in: Chapter 3 of the Marine Policy And Guideline Recommendations report

Q29. What is a Pocket Beach?

A Pocket Beach is a beach that is contained between two bedrock headlands or outcrops that essentially functions as a closed system in terms of the transport of beach sediments by waves or currents.

Q30. What type of works could preserve the shoreline character and limit coastal flood related effects?

Examples of works that could preserve the shoreline character and limit coastal flooding on a Pocket Beach would include: beach nourishment, the provision of beach materials to form a beach crest berm or the removal of bulkheads and seawalls to restore upland sediment supply.

Q31. Does the OCP allow property owners to undertake works below the existing Natural Boundary?

Works below the Natural Boundary would have to be reviewed and approved by both Provincial and Federal approval and permitting agencies. This proposed change to the OCP would provide a basis for District of North Saanich support for an application.

Q32. How would work below the Natural Boundary be administered by the District of North Saanich?

Planning staff will work with property owners to ensure Federal and Provincial regulations and District policies are followed.

Proposed Change is described in: Chapter 3 of the Marine Policy And Guideline Recommendations report

Q33. What are Mudflats, Marshes and Delta Shores?

The sheltered areas of Tsehum Harbour are examples of mudflat and marsh areas in the District of North Saanich. These areas are indicated on Schedule G of the OCP. Delta Shores are located at the mouth of creeks that discharge into the sea and examples can be found at the mouth of Reay Creek and Chalet Creek. These areas are indicated on Schedule G of the OCP.

Q34. What type of works could preserve the shoreline character and limit coastal flood related effects?

Examples of works that could preserve the shoreline character of Mudflats or Marshes would include: restoration of salt marshes, removal or modification of bulkheads or seawalls to minimize wave reflections or the installation of subtidal reefs or berms to reduce erosion of mudflats by waves during storms.

Q35. Does the OCP allow property owners to undertake works below the existing Natural Boundary?

Works below the Natural Boundary would have to be reviewed and approved by both Provincial and Federal approval and permitting agencies. This proposed change to the OCP would provide a basis for District of North Saanich support for an application.

Q36. How would this be administered by the District of North Saanich?

Planning staff will work with property owners to ensure Federal and Provincial regulations and District policies are followed.

Proposed Change is described in: Chapter 3 of the Marine Policy And Guideline Recommendations report

Q37. Why are changes to the sensitive natural areas of a residential development now being allowed?

There are many parcels of land around the shoreline of the District of North Saanich where the parcel is exposed to coastal flooding either directly from the parcel shoreline or indirectly from adjacent land parcels. The proposed changes are intended to allow slope adjustments, in particular, to direct flooding away from existing buildings or from adjacent properties.

Q38. What type of changes to existing slopes will be considered to help reduce the effects of coastal flooding?

Changes in slope that direct coastal flooding towards the shoreline of the property might be considered as appropriate. Changes in utility corridors or driveways that assist in minimizing the effects of coastal flooding might be considered as appropriate.

Roads and Servicing - Policy 11.1 and 11.2 OCP 11.0 Roads and Servicing

Proposed Change is described in: Chapter 3 of the Marine Policy And
Guideline Recommendations report

Q39. Why should Developments consider sea level rise for the placement and construction of roads on Developments?

Roads provide important connections both to and within Developments during flooding events. These connections should continue to be accessible during future coastal flooding events.

Roads and Servicing - Policy 11.3 OCP 11.0 Roads and Servicing

Proposed Change is described in: Chapter 3 of the Marine Policy And
Guideline Recommendations report

Q40. Why should existing services consider sea level rise adaptation measures?

Existing services are presently exposed to the effects of coastal flooding in some locations in the District of North Saanich. This change is intended to make it clear that some expansion outside of the Servicing Area will be considered if the reason is to make those services resilient to the effects of coastal flooding.

Proposed Change is described in: **Chapter 3 of the Marine Policy And Guideline Recommendations report**

Q41. Why should General Development Policies consider coastal flooding and incorporate adaptation measures?

These policies are applicable to all land uses in the District of North Saanich and coastal flooding and the adaptation of land use in the District will be an important factor in many aspects of the future development of the District.

Q42. What would be appropriate adaptation measures that might be considered as consistent with these General Policies?

Design and construction of new developments to meet the Flood Construction Levels and setbacks in Bylaw 1439 - Coastal Flood Mitigation Bylaw is an important and effective first step.

Q43. How would these General Development Policies be administered by the District of North Saanich?

These General Policies would become part of a DP application review process if applicable.

Q44. Do these policies apply to existing Developments in the District of North Saanich?

The policies apply to new Developments except when an existing development intends to expand the existing habitable space as described in Bylaw 1439 – Coastal Flood Mitigation Bylaw.

Proposed Change is described in: Chapter 3 of the Marine Policy And Guideline Recommendations report

Q45. Why are two new Special Development Areas being proposed?

The two proposed areas, Tsehum Harbour area and the Lochside – McTavish area are significantly affected by expected sea level rise effects. Designation as a Special Development Area will allow the future development of these areas to be guided in an innovative manner that can be expected to accommodate sea level rise effects in a manner that benefits the communities in these areas.

Q46. Why should the two new Special Development Areas be created now?

New developments will have a service life that extends well into the time frame when sea level rise related effects will influence the communities. Creation of the Special Development Areas now will allow the development of specific land use policies in these areas that can guide appropriate development.

Q47. What does designation as a Special Development Area imply?

Designation as a Special Development Area will start the beginning of a consultation process for the particular area and that provides the flexibility that best suits the neighbourhood and individual properties in the neighbourhood. Special studies for the specific area will be required.

Q48. How will the Special Development Area be rezoned?

The Special Development areas will be rezoned using a Comprehensive Development Zoning Bylaw upon consideration of each future development application.

Q49. How will the Tsehum Harbour SDA be coordinated with the adjacent areas in the Town of Sidney?

The District of North Saanich will invite the Town of Sidney to participate as a stakeholder in the development of the Tsehum Harbour Special Development Area as will the Shoal Harbour Bird Sanctuary society so that the SDA can be consistent across the municipal boundaries and the existing Shoal Harbour Sanctuary Area

NOTE: *The Sea Level Rise Coastal Flood Hazard Area DPA, which was proposed in the Marine Policy And Guideline Recommendations report prior to January 2017, has been withdrawn.*

Q50. Why was the proposed DPA withdrawn?

The - Sea Level Rise Coastal Flood Hazard Area DPA – will be replaced by a Bylaw to Mitigate Coastal Flood Hazards. Development Permit Areas are guidelines for development and are adopted by local governments when there is no specific information and reports from experts are required. The District of North Saanich has acquired specific FCL information through the FCL Study report. This different approach, which is consistent with the Provincial Guidelines – Flood Hazard Area Land Use Management Guideline (FHALUMG), Amended 1 January 2018, is proposed.

**General Exemptions for a
Development Permit**

OCP 14.0 Development Permit
Areas |

Proposed Change is described in:

*Chapter 3 of the Marine Policy And
Guideline Recommendations report*

Q51. Why are small additions to commercial and industrial buildings and garden sheds and tool sheds no longer eligible for exemptions to a DPA

Small additions to commercial and industrial buildings and garden sheds and tools sheds should not be located in a floodplain because they often contain materials (fuel, fertilizer, paint, plastics, etc) that, in the event of a flood, can contaminate the soil or, due to runoff, the ocean.

Q52. Why should changes in the height of an existing building, even when it is within the existing footprint, give consideration to the implications of future FCL requirements?

Only if a change in height of an existing building, is occurring in connection with an increase in habitable space in excess of 25%, is the building subject to the proposed Bylaw 1439 - Coastal Flood Mitigation Bylaw.

Q53. Why should small structures (less than or equal to 10 m²) be setback so they are inland of the future estimated natural boundary?

These types of small structures should be setback 15 m from the future estimated natural boundary to ensure they are not exposed to a growing risk of coastal flooding. The method for defining the future estimated natural boundary is provided in the proposed Bylaw 1439 - Coastal Flood Mitigation Bylaw.

Q54. What is the future estimated natural boundary?

The future estimated natural boundary is the location to which it is expected the natural boundary will migrate as sea levels rise to a specific level. The method for determining the location of the future estimated natural boundary is provided in the proposed Bylaw 1439 - Coastal Flood Mitigation Bylaw.

Q55. Why should coastal flood-related mitigation measures be eligible for an exemption to a DPA as an emergency work?

As sea levels rise, existing developments will become more exposed to a coastal flooding hazard and it may be necessary to undertake emergency measures to prevent flooding. This change will make emergency measures undertaken for this purpose similar to measures allowed to remove trees where they are an immediate danger or hazard. Emergency measures do not require a development permit.

Q56. Why should the construction of a single family residential dwelling in DPA 8 be subject to the proposed Coastal Flood Mitigation Bylaw?

This development permit area addresses the appearance of intensive residential development rather than the protection of development from the coastal flooding hazard.

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