



**District of  
North Saanich**

**STAFF REPORT**

To: Tim Tanton  
Chief Administrative Officer

Date: December 11, 2019

From: Anne Berry  
Director Planning & Community Services

File: 6470/ Marine Policy Planning

Re: **Sea Level Rise & Marine Policy Planning – update report**

**RECOMMENDATION(S):**

That Council:

- 1) Receive the report for information and;
- 2) Direct staff to report back once the CRD has completed its current Flood Inundation Mapping Project.

**STRATEGIC PLAN IMPLICATIONS:**

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

**INTRODUCTION/BACKGROUND:**

The purpose of this report is to provide Council with an update regarding the status of the District's sea level rise and marine policy planning work and to seek Council direction regarding next steps.

**Previous actions:**

Beginning in 2016 and over the course of 2016 and 2017, in accordance with Council direction, staff retained the services of SNC Lavalin to undertake a study of flood construction levels (FCL) for sea level rise. This work, which considered site specific conditions such as wave exposure and shoreline type, determined that flood hazard related to sea level rise exists within the District and identified defined FCLs for 39 different reaches along the coastline of the District. Subsequent to the determination of the FCLs a further report was prepared with recommendations regarding the District's marine policies contained within the Official Community Plan.

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 reaches of the marine shoreline.

Council initially considered the application of a development permit area over those lands susceptible to flooding, however this approach was replaced with a proposed coastal hazard flooding mitigation bylaw. This change in approach was intended to respond to community concern regarding the cost implications associated with the proposed development permit process. The bylaw approach also provides certain exemptions to the FCL requirements, which were intended to reflect existing site conditions related to minor renovations.

On November 7, 2018 the District hosted an information session on the District's proposed marine area Official Community Plan amendments and Coastal Flooding Mitigation Bylaw. The session was held to provide information on the proposed amendment bylaws and to answer questions from interested and affected members of the community. Copies of the proposed bylaws were made available at the meeting. Additionally, a guideline to development in the flood hazard area was developed and also provided at the meeting, along with responses to a series of frequently asked questions (which were subsequently updated following the session).

Following the November 2018 session staff reported back to Council on December 3, 2018 with the recommendation that Council grant readings to the proposed bylaws. At that the same meeting Council received information from PROW (Property Responsibility On Waterfront) regarding their intention to host a public workshop of their own to be held on January 23, 2019. PROW indicated that they would provide Council with recommendations for the potential amendment of specific language currently contained in the proposed bylaws. Council resolved to defer further consideration of the bylaws until they received further information from the PROW meeting (Motion 683). In October 2019 PROW submitted their response to the proposed bylaws. A copy is appended as Attachment A; the letter is discussed further in the Discussion section of this report.

## **DISCUSSION:**

### **Status Quo:**

Currently, in the absence of a Coastal Flood Mitigation Bylaw (flood bylaw) the District has the ability to require geotechnical reports for flood hazard through three different approaches, depending on the circumstances. These reports should certify that the land can be used safely for the use intended and may recommend construction methods or activities to mitigate the hazard:

1. At Rezoning: If, based on current information available, the site is identified as being located within an area of concern, staff or Council can request the submission of a geotechnical report which identifies a flood construction level and recommended flood mitigation activities for the development. Council can then require the registration of a covenant to ensure compliance with the geotechnical recommendations as a condition of rezoning approval.
2. At Subdivision: If, based on current information available, the site is identified as being located within an area of concern and in the opinion of the Approving Office appears to be subject to a risk of flooding, the Approving Officer can request the submission of a geotechnical report which identifies a flood construction level and recommended flood mitigation activities for the development. The Approving Officer can then require the registration of a covenant to ensure compliance with the geotechnical recommendations as a condition of subdivision approval.
3. At Building Permit: If, based on current information available, the site is identified as being located within an area of concern, the Building Official can request the submission of a geotechnical report which identifies a flood construction level and recommended flood mitigation activities for the development. The Building Official can then require the registration of a covenant to ensure compliance with the geotechnical recommendations as a condition of permit approval.

In all cases the reports must be prepared by a professional engineer or geoscientist experienced in geotechnical engineering.

### **Proposed Approach (unchanged per December 2018 Council direction):**

The proposed approach is two-fold: Firstly, an OCP amendment to designate two special development areas for sea-level rise and to designate and introduce policies related to coastal flood hazard in the community. The purpose of the designation is for the protection of development from hazardous conditions. Secondly, the introduction of a coastal flood mitigation bylaw (flood bylaw) to regulate how development can safely occur on affected properties, and to provide an avenue for



exemptions taking into consideration certain types of development and property improvements. Copies of the draft bylaws (1439 Coastal Flood Mitigation and 1442 OCP Amendment) can be found on the District's website under the *Projects and Initiatives/sea level rise* page. The bylaws do not require any action from property owners unless there is an application for redevelopment in some form, including certain types of building renovations.

A flood bylaw is a document that will be subject to periodic review and update as environmental and climate factors change over time, and as the technology used to determine the flood hazard continues to evolve.

#### Capital Regional District Flood Inundation Mapping Project:

The CRD, further to its 2015 Coastal Sea Level Rise Assessment work, is currently undertaking a Flood Inundation mapping project. It is expected that this work will be completed in the spring of 2020. The project will complete comprehensive coastal inundation modeling and mapping related to future sea level rise due to climate change and tsunamis. The project will produce a new digital elevation model, produce coastal inundation models for sea level rise and tsunamis, and produce related inundation mapping for the capital region. The overall intent of this project is to support the capital region, including municipalities and other stakeholders, in better understanding the implication of rising sea levels and various tsunami scenarios. The project will not replace municipal legislated obligations to manage flood hazards; however, it will provide information and data that can be used to inform, and where desirable, harmonize: decision-making around land use, sea level rise related flood hazard policies, capital investment planning and emergency preparedness strategies<sup>1</sup>.

#### Submission by Property Responsibility on Waterfront (PROW)

On January 23, 2019 PROW held its own workshop on sea level rise. In October 2019 PROW submitted correspondence (Attachment A) summarizing concerns they have identified through their own review of the proposed flood bylaw. PROW has indicated opposition to the proposed approach and have requested Council not consider adoption of the bylaws. Many of PROW's concerns have been addressed previously in the December 2018 staff report to Council, and in the Frequently Asked Questions (FAQ) handout available on the District's website. A copy of the FAQ is appended to this report as Attachment B.

PROW's letter also references comments by Mr. John Readshaw, the SNC Lavalin consultant retained by the District. Mr. Readshaw has advised that this comment comes somewhat incorrectly from a discussion which occurred after the meeting, and was intended to clarify that it was not the outcome or the intent of the work done by SNC Lavalin to include all of North Saanich in the floodplain, nor was all of it included. The flood plain is clearly outlined on the related mapping.

#### Next Steps:

Staff recommends that as the CRD is currently undertaking similar work it would be appropriate for Council to defer making any decisions regarding the proposed bylaws until the results of the CRD study are available. While the project is very similar in nature to the North Saanich study there may be differences in methodologies which may lead to different results. Staff suggest there may be value in assessing the draft bylaws again once the CRD completes its work.

The current approach (status quo) will continue until such time as Council gives direction to proceed with the proposed bylaws or similar alternative. Staff will consider the information available in the sea level rise report prepared by SNC Lavalin when reviewing zoning, subdivision, & building permits as part of the current approach.

<sup>1</sup> <https://www.crd.bc.ca/about/contracts-rfps/current/capital-region-coastal-flood-inundation-mapping-project>

Tim Tanton, Chief Administrative Officer  
 Re: Sea Level Rise & Marine Policy Planning – update report

Page 4

**Concurrent Work:**

Staff have reached out to Town of Sidney staff to enable discussions regarding potential roles in the development of an integrated management plan for Shoal Harbour. A report will be presented to Council early in 2020 to outline possible options for consideration.

A report is currently being prepared by Great Pacific Engineering, the consultant retained by the District, for flood related adaption concept development in the Tsehum Harbour area. Staff anticipates this work to be completed by the end of December 2019, and will report back to Council in 2020.

**OPTIONS:**

Council can:

- 1) Receive the report for information and;
- 2) Direct staff to report back once the CRD has completed its current Flood Inundation Mapping Project; OR
- 3) Direct staff to bring proposed bylaws 1439 & 1442 to Council for consideration; OR
- 4) Other.

**FINANCIAL IMPLICATIONS:**

No financial implications are anticipated for this update report.

**LEGAL IMPLICATIONS:**

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. Section 473 requires an OCP to include statements and designations for restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development.

**CONSULTATIONS:**

No consultations were undertaken in the preparation of this update report.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

No concerns identified for this update report.


**SUMMARY/CONCLUSION:**

In light of the on-going work presently being conducted by the CRD staff recommends that Council defer giving readings to the proposed OCP Amendment and Coastal Flood Hazard Bylaws 1442 and 1439, until such time as staff report back following the completion of the CRD flood inundation mapping.

Respectfully submitted:

  
 Anne Berry  
 Director Planning & Community Services

Concurrence,

  
 Tim Tanton  
 Chief Administrative Officer

Attachments: A – Letter from PROW dated October 5, 2019  
 B – Frequently Asked Questions handout for draft bylaws 1439 & 1442



## ATTACHMENT A



October 5, 2019

The District of North Saanich

Mayor Geoff Orr, Councillors Heather Gartshore, Jack McClintock, Patricia Pearson, Brett Smyth, Celia Stock and Murray Weisenberger

Tim Tanton, Chief Administrative Officer, Anne Berry, Director of Planning & Administrative Services

Dear Mayor and Council,

Re: PROW's Formal Response to Proposed Bylaw 1439, to Mitigate Coastal Flooding Hazards and Proposed Bylaw 1442, to Amend the Official Community Plan (The Proposed Bylaws)

In November 2018 a public consultation meeting was held by the District of North Saanich to inform residents of the above-noted Proposed Bylaws. At the following Monday Council Meeting, PROW requested the opportunity to have greater public consultation prior to Council taking further action. Council agreed to allow PROW to seek public input and report back.

On January 23, 2019 PROW hosted a forum open to all in our community. Residents were invited to the Mary Winspear Centre to hear about waterfront protection methods, learn about the current policies, and provide comments on the Proposed Bylaws. The forum was well attended with approximately 96 people in attendance. Prior to open discussion, three presentations provided attendees with context:

1. Ian Bruce of the Peninsula Streams Society provided a 15-minute presentation on beach nourishment as a tool to respond to sea level rise. Various local beach projects and how they help to mitigate storm surge and sea level rise were discussed.
2. Paige Gibson, a lawyer with the local firm Henley Straub and a director of the NSRA provided insight into the legal framework surrounding the District's work on SLR, the challenges presented by the current proposals and clearly set out that the District was under no obligation to pass the Proposed Bylaws.
3. Peter Kerr, a Director and Secretary of PROW, provided a waterfront owner's perspective on the District's waterfront policy and outlined how we could work with a new Council and new CAO in a positive new culture in dealing with waterfront issues.

We were pleased that the Mayor and majority of Council were able to attend the January forum. It was greatly appreciated that Tim Tanton took the opportunity to address the attendees, introduce himself as the incoming CAO, and indicate that public input on the Proposed Bylaws would be taken into serious consideration.

On February 13, 2019 David Tonken and Peter Kerr met with Tim Tanton at the District office. Issues raised at the January forum were discussed in detail. A letter from PROW summarizing that meeting was sent to Tim Tanton on February 16. PROW would like to take this opportunity to thank Mr. Tanton for his continued assistance and open-door policy in dealing with the many issues surrounding sea level rise.



On Wednesday, May 22, 2019 PROW held its Annual General Meeting. Approximately 60 waterfront residents were in attendance. The Proposed Bylaws were high on the agenda, of great concern to those in attendance and discussed at length. We appreciate the members of Council who took the time to attend our AGM and make themselves available to discuss these and other matters directly with our membership.

PROW has continually updated our website ([www.prow.ca](http://www.prow.ca)) to ensure that sea level rise issues are kept current. The webpage contains a contact portal where interested persons can voice their concerns, provide comments and alternatives. This site is constantly monitored and acts as another method for the public to communicate with us. We are also expecting a response in the near future on sea level rise and other waterfront issues from candidates running in the 2019 Federal Election. These responses will be posted to our website and distributed to our membership.

For the past 10 months we have been discussing the Proposed Bylaws with North Saanich residents. In all this time, and after discussing them with literally hundreds of North Saanich residents, not a single person has come out in favour of adopting the Proposed Bylaws. Even Mr. John Readshaw, author of the SNC Lavalin report, indicated verbally at the January forum that the Proposed Bylaws as drafted did not clearly reflect the intention of the SNC Lavalin recommendations. As one example, it was never intended by SNC Lavalin that the whole of North Saanich be designated a flood plain.

The following are some, but not nearly all, of the concerns that have been communicated to us:

- Residents were dismayed that the Proposed Bylaws dealt only with regulatory or land use restrictions focused solely on private property.
- The fact that public beaches and assets were to be dealt with at some future date was seen as targeting waterfront homeowners without taking on any public responsibility.
- Language is weak or non-existent when it comes to building higher sea walls, or promoting soft armoring such as wetlands, sand dunes and planting certain types of grasses shown to dissipate energy from storm surge and wave action.
- Retreat as the sole response to sea level rise is viewed as insufficient and frankly disappointing.
- Residents want to see language encouraging and assisting waterfront owners to take SLR protection measures on their properties.
- The concept that waterfront owners should merely retreat to some "Estimated Future Natural Boundary" was entirely rejected.
- Further, this unexplained transition from "natural boundary" to the arbitrary concept of an Estimated Future Natural Boundary to be used within our OCP and Proposed Bylaws was met with what can only be described as bordering on civil disobedience. Some residents' building lots could be rendered entirely unusable. The implications of the clandestine switch in language is unclear with no understanding of how this might impact property use or property value.





- Following last fall's Supreme Court of BC decision on Fonseca vs. Gabriola Island Local Trust Committee ruling that waterfront owners in BC have the right to protect their properties from erosion, DPA1 "use" provisions to allow waterfront owners to protect their properties from erosion have not been updated. The current language in the OCP and DPA1 is outdated.
- We clearly heard that use restrictions in the 15-meter setback should be updated to encourage residents to protect their property from sea level rise and wildfires, not restrict them from so doing.
- Waterfront residents were very concerned about their ability to renew mortgages or obtain insurance when their properties were about to be improperly designated as being within a flood plain. It did not appear that any consideration had been given to unintended consequences caused by the Proposed Bylaws.
- No public funding or District incentives are considered. No public assets, parks or waterfront are dealt with, thus presumably leaving the damage to the public foreshore and other assets to be dealt with entirely by private waterfront owners.

In summary, PROW has no positive feedback to report back to Council. At both the January open forum and the PROW AGM, those attending clearly and unequivocally instructed the PROW executive to request Council not to adopt the Proposed Bylaws. It was hoped that waterfront issues, including sea level rise, could be more properly and thoughtfully considered as part of the upcoming review of the OCP.

PROW would like to thank Anne Berry, Tim Tanton and the Mayor and Council for working with us and allowing us the time to canvas the residents of North Saanich. We have done our best to provide an open and respectful environment where the Proposed Bylaws and policy alternatives could be discussed and considered over an extended period of time.

Members of PROW look forward to working with District staff and Council to develop policies which benefit and protect our community from the effects of storm surge and sea level rise. We believe this needs to be done within the context of the OCP review and not by adopting the Proposed Bylaws.

Respectfully submitted on behalf of the PROW Executive, membership, and all those individuals who attended our meetings, forums and provided input in person, via phone calls and emails.

David Tonken  
President, PROW

c.c. Adam Olsen, MLA, John Kafka, NSRA

## ATTACHMENT B

## 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.***

## Environmentally Sensitive Areas

OCP Section 3.0

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 increasingly 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.*



**Rocky Shores**

OCP Section 4.0 Marine Areas | 4.2

*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.*

## **Beach Shores - Drift Sector Beaches**

OCP 4.0 Marine Areas | 4.2

*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.*

## **Beach Shores - Pocket Beaches**

OCP 4.0 Marine Areas | 4.2

*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.*



## **Mudflats, Marshes and Delta Shores**

OCP 4.0 Marine Areas | 4.2

*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.*

**Residential Areas - Policy 6.2**

OCP 6.0 Residential Areas

*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.*



## General Development Policies

OCP 12.0

*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.*

## Special Development Areas

OCP Section 13.0

*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*

## Development Permit Areas

OCP 14.0

**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 m<sup>2</sup>) 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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