



WHAT ARE DEVELOPMENT PERMIT AREAS?

Development Permit Areas (DPAs) are development regulations that apply to certain areas specified in the Official Community Plan. The Local Government Act authorizes local governments to designate DPAs for 10 different purposes.

HOW DO DPAs AFFECT ME?

Where a DPA applies, the local government can issue a development permit that includes requirements and conditions or sets standards for the type and extent of development activities that can occur on a site, as well as conditions for the sequence and timing of construction.

In a DPA, a development permit is required to subdivide; construct, add to, or alter a building; or to alter land (e.g., change the grade). The local government can make exemptions by specifying conditions under which a development permit is not required.

WHAT DO ENVIRONMENTAL DPAs PROTECT?

The terms used to describe environmental areas of concern vary. The Saanich EDPA protects “environmentally significant areas”. Terms used elsewhere include “environmentally sensitive areas”, “ecologically sensitive areas”, “sensitive terrestrial ecosystem”, and “sensitive ecosystems”. Examples of the values protected under these umbrella terms include forests, wetlands, watercourses, grasslands, green infrastructure areas, marine backshores, or habitat features (e.g. nests, dens, hibernacula) important to wildlife.



WHY ENVIRONMENTAL DPAs?

Environmental DPAs are designated for the protection of the natural environment, its ecosystems, and biological diversity. **EDPAs enable local governments to regulate development on private land, recognizing that there are environmental values on private land that benefit society as a whole. Protection of the natural environment can help reduce infrastructure costs, improve health, and provide other services for the public good (e.g. flood mitigation, clean air and water).**

Environmental DPAs provide an opportunity to protect Environmentally Significant Areas (ESAs) at the time of development. Examples of other complementary tools that encourage ongoing protection of ESAs include streamside DPAs, education, stewardship programs, voluntary conservation covenants, and tree protection bylaws.

SAANICH'S ENVIRONMENTAL DPA

The objectives of the Saanich EDPA are to ‘protect the areas of highest biodiversity within Saanich’, ‘require mitigation during development’ and ‘require restoration to damaged or degraded ecosystems during development’.

The Saanich EDPA includes five types of ESAs:

- 1) Wildlife Trees
- 2) Sensitive Ecosystems
- 3) Isolated Wetlands and Watercourses
- 4) Marine Backshore
- 5) Habitat of Rare & Endangered Plants, Animals, & Ecosystems



OVERVIEW OF THE REVIEW PROCESS

Since January, Diamond Head Consulting has been undertaking an independent review of the District of Saanich's Environmental Development Permit Area (EDPA) Bylaw.

The purpose of our work is to provide recommendations to improve the Environmental Development Permit Area Bylaw and support land stewardship of Environmentally Significant Areas in Saanich.

WHAT HAVE WE BEEN DOING?

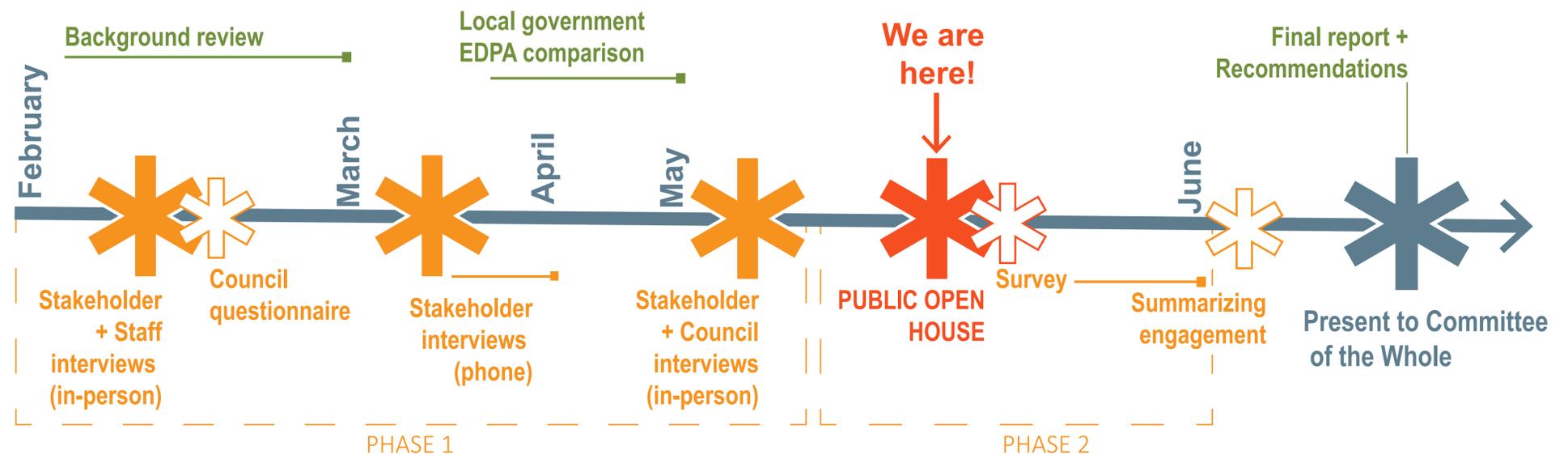
Diamond Head has been reviewing the documentation provided by the District of Saanich regarding its EDPA process, engaging with the public and stakeholders, speaking with other municipalities, and reviewing Best Management Practices reports.

This timeline illustrates where we are in the review process, and provides a cursory overview of the phases in the EDPA Review.



The following local governments were interviewed to provide a comparison of EDPA policy and implementation:

- District of North Vancouver
- City of Langford
- District of West Vancouver
- City of Campbell River
- City of Nanaimo
- City of Surrey
- City of Kelowna
- Regional District of Central Okanagan
- Cowichan Valley Regional District



During this part of the engagement, we spoke with and received written submissions from the following stakeholders.



- Council members
- Saanich Citizens for a Responsible EDPA Society (SCRES)
- Saanich Advocates for the Environment (SAFE)
- Environment and Natural Areas Advisory Committee



- Biologists who submitted correspondence to Council
- Environmental professionals
- Other relevant professionals
- Additional Neighbourhood Associations

The interviews were conducted to get a better understanding of the main issues with the current EDPA, and to identify objectives and preferred solutions for improving it.



The goal of this open house and survey is to get a sense of people's preferences on a number of options that could be considered to improve the EDPA.

The survey results, along with the outcomes of the first phase of engagement, will inform the discussion and final recommendations in our report.



WHAT POLICY GUIDES ENVIRONMENTAL DEVELOPMENT PERMIT AREAS (EDPA)?

A local government's environmental policy is broadly outlined in its Official Community Plan (OCP). On the ground, environmental protection and enhancement is implemented by tools such as Bylaws, Development Permit Areas and stewardship programs.

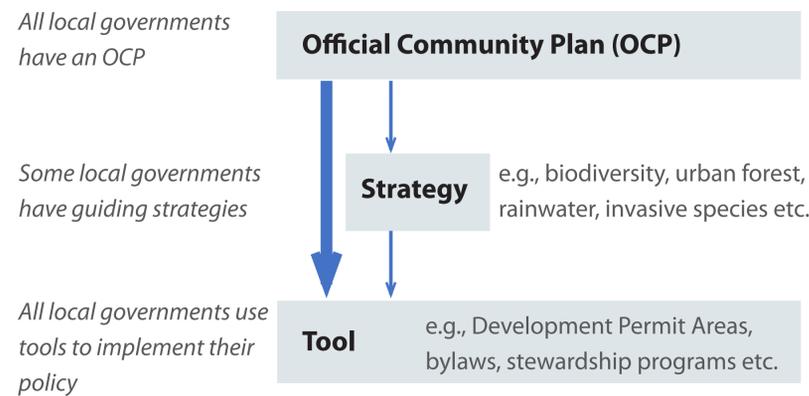
Some local governments develop strategies to provide a more comprehensive basis for environmental policy decisions. Strategies provide more direction for environmental protection and enhancement efforts on public and private land. For example, a 'Biodiversity Conservation Strategy' takes a science-based approach to manage environmental values by looking at local and regional habitat connectivity to create a framework for future development and conservation.

Strategies provide a vision, goals and measurable objectives for what the Local Government is trying to achieve over the long term and gives stronger support for specific land use decisions.

WHAT WE HEARD IN SAANICH

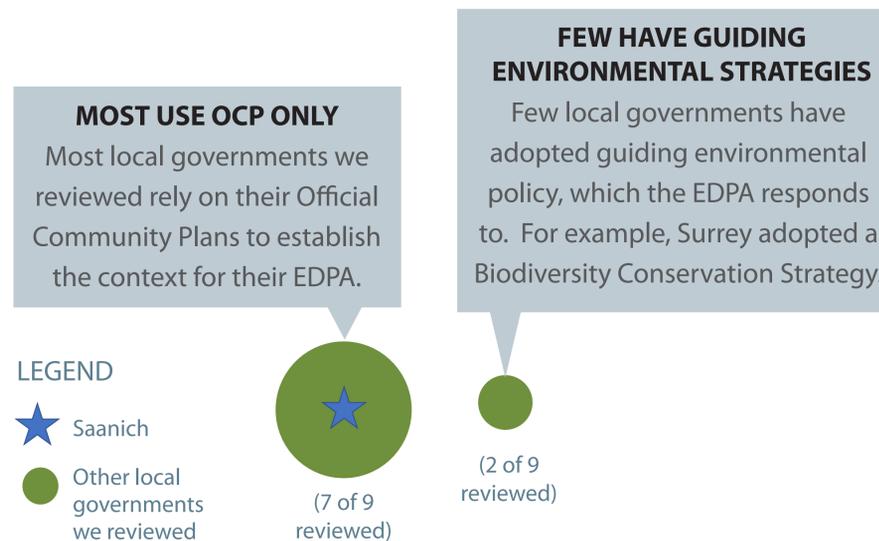
People seem to agree that clearer justification, goals and measurable objectives are needed for environmental protection, restoration and connectivity in Saanich.

People seem to disagree about whether or not the Environmental DPA is being implemented as intended by the Saanich OCP.



WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

What policy is guiding the EDPA?



OPTIONS FOR YOUR FEEDBACK

On guiding policy...

A. MAINTAIN STATUS QUO

Rely on the Official Community Plan only to describe the special contributions or objectives that justify the DPA designation.

B. DEVELOP A BIODIVERSITY CONSERVATION STRATEGY

Develop a science-based Biodiversity Conservation Strategy, in collaboration with the community, that provides a basis for policy decisions to protect Environmentally Significant Areas in Saanich.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 1 on your survey



WHAT ARE THE OBJECTIVES OF ENVIRONMENTAL DPAs?

Local governments can use EDPAs to protect the natural environment, its ecosystems and biological diversity. The areas defined for protection and the EDPA objectives typically reflect the local context, including land use and types of natural areas as described in guiding policy.

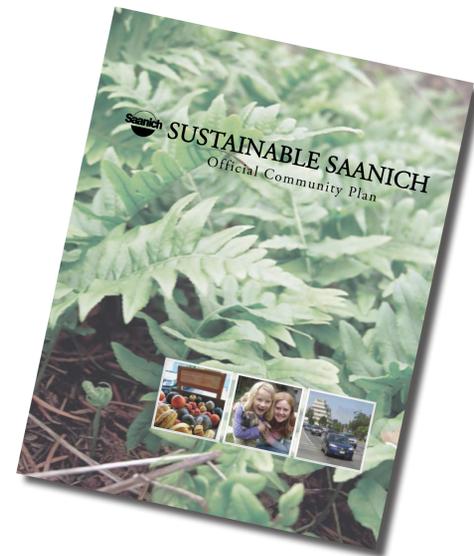
The decision on what to protect within an EDPA is made through the democratic political process of developing the Official Community Plan. These decisions are usually informed by community values, science and expertise from Qualified Environmental Professionals, municipal staff, and other stakeholders.



In Saanich, areas protected in the EDPA are termed 'Environmentally Significant Areas' (ESAs) with objectives to:

- Protect the areas of highest biodiversity within Saanich
- Require mitigation during development
- Require restoration to damaged or degraded ecosystems during development

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?



Based on our review, local governments adopt a broad range of objectives within their EDPAs. These objectives typically reflect the policies outlined within each local government's Official Community Plan.

WHAT WE HEARD IN SAANICH

People seem to agree that Environmentally Significant Areas should be clearly defined and protected.

People seem to disagree about what is Environmentally Significant, and what objectives the EDPA aims to achieve.

OPTIONS FOR YOUR FEEDBACK

On the objectives for the EDPA...

A. MAINTAIN STATUS QUO

Retain the current EDPA objectives.

B. EXPAND THE EDPA OBJECTIVES TO ADDRESS ONE OR MORE OF THE FOLLOWING POLICIES FROM THE OCP

(Choose all that apply)

- Protect and restore habitats that support native species of plants and animals and address threats to biodiversity such as invasive species.
- Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems.
- Protect and enhance marine, intertidal, backshore, wetland and riparian habitats.
- Encourage the retention or planting of native vegetation in the coastal riparian zone.
- Link environmentally sensitive areas and greenspaces.
- Preserve "micro-ecosystems" as part of proposed development applications.
- Incorporate climate change, its potential impacts, and mitigation measures when reviewing new development applications.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 2 on your survey



WHEN AND WHERE DOES THE EDPA APPLY?

Environmental development permits are only required during development. Development is generally defined as construction on or subdivision of property, in addition to some activities resulting in land alteration. The local government can define what is meant by land alteration, and can allow exemptions for certain activities. For example, yard maintenance in existing landscaped areas and minor soil disturbances and plantings are often exempt.

Local governments may choose to tailor where their EDPA applies, for example, to reflect land use development patterns or the location of specific values. Others take a conservative approach and apply their EDPA to an entire area to ensure potential environmental values are always considered during development. In Saanich, the EDPA applies to development on private land wherever ESAs are mapped, except within the Agricultural Land Reserve or if an activity is exempt.

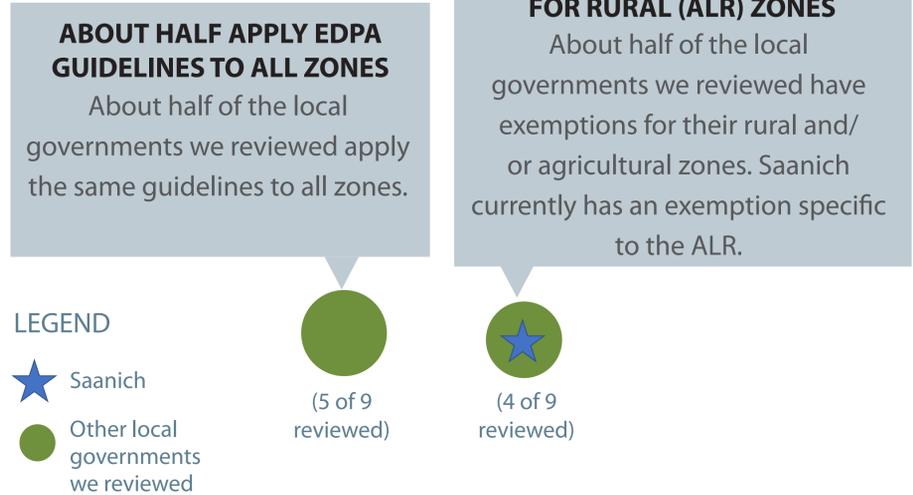
WHAT WE HEARD IN SAANICH

People seem to agree that Environmentally Significant Areas should be protected from development.

People seem to disagree about whether the EDPA should apply in certain areas such as single family residential or rural zonings.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Where do EDPAs apply?



OPTIONS FOR YOUR FEEDBACK

On where the EDPA should apply...

A. MAINTAIN STATUS QUO

Apply existing EDPA guidelines across all zones except Agricultural Land Reserve.

B. DEVELOP GUIDELINES FOR SPECIFIC ZONINGS

Develop guidelines that are specific to certain zones (e.g. single family dwelling or rural zone types) that differentiate the permit requirements and create more flexibility for small-scale development and rural land use activities.

C. EXEMPT SPECIFIC ZONINGS

Exempt specific zoning (e.g., single family dwelling zones) from the EDPA.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 3 on your survey



WHAT IS ENVIRONMENTAL DPA MAPPING FOR?

Local governments often use mapping to identify the Environmentally Significant Areas (ESAs) protected in the EDPA. Usually, maps are based on existing inventories such as the Provincial Sensitive Ecosystem Inventory (SEI), the BC Conservation Data Centre (CDC), or other sources.

Due to the high costs of ground surveys, inventory mapping is primarily based on air photo interpretation with limited ground-truthing. Accuracy can be variable, particularly when looking at the scale of an individual property. EDPA mapping is often infrequently updated, and usually only when development occurs or during OCP reviews.

As a result, most local governments use their mapping as a generalized 'flagging tool' to identify locations where ESAs are likely to be found. When a property is flagged, staff will determine whether a development permit and a more detailed report by a Qualified Environmental Professional (QEP) are required to verify the EDPA boundary. The accepted QEP report then provides the precise EDPA boundary which will go on the property title. The OCP mapping boundary often remains unchanged.

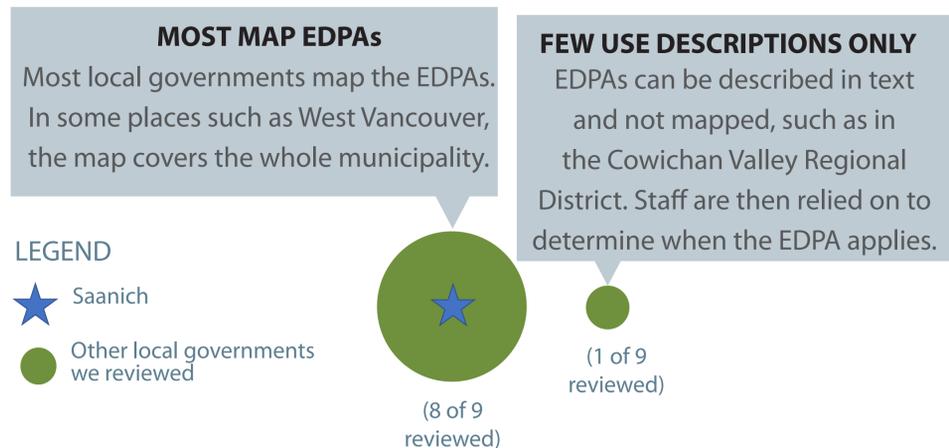
WHAT WE HEARD IN SAANICH

People seem to agree that current mapping is inaccurate at the individual property scale.

People seem to disagree about whether or not the mapping represents a hard line beyond which usage of a person's property is restricted, and whether it will have a substantial impact on property value.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Are EDPAs mapped?

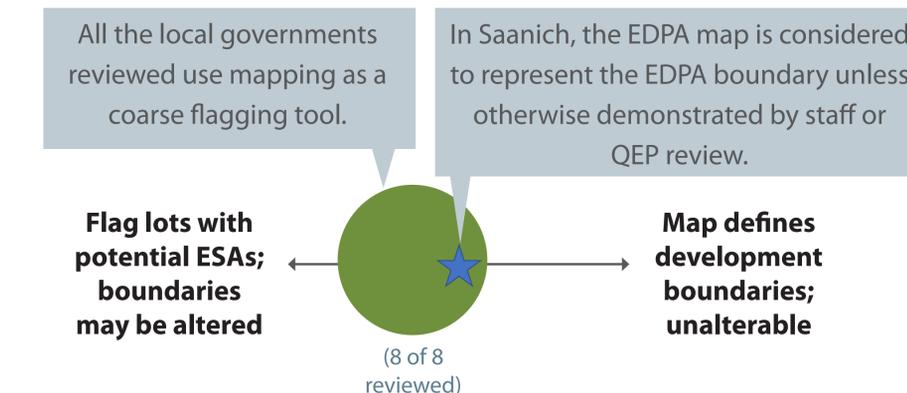


What is the base mapping used for terrestrial ecosystems, and is it ground-truthed?

All EDPAs we reviewed use similar base mapping to Saanich's, with no further ground-truthing to establish the EDPA boundary.



How is mapping used for development applications?



OPTIONS FOR YOUR FEEDBACK

On how the map should be...

A. MAINTAIN STATUS QUO

Retain the EDPA mapping and continue to update it as boundaries are refined.

B. GENERALIZE THE MAPPING

Generalize existing mapping and show it at a coarser scale to emphasize its application as a flagging tool.

C. REMOVE EDPA MAP FROM THE OCP AND DEFINE ENVIRONMENTALLY SIGNIFICANT AREAS WITH TEXT

Remove the EDPA map entirely and rely on descriptive text in the EDPA to define when a property would be flagged for likely containing an Environmentally Significant Area.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 4 on your survey



WHAT ARE BUFFERS AND SETBACKS?

Setbacks and buffers* are used by local governments to restrict development in certain areas, or manage activities next to an area protected in the EDPA.

Provincial legislation guides the definition of setbacks for riparian areas. Best Management Practices exist to guide buffers around eagle and heron nests. However, it is often up to the local government or a Qualified Environmental Professional (QEP) to determine and rationalize effective setbacks and buffers.

Applying setbacks and buffers to protected defined features is common practice among local government policies. The policies either define their extent (e.g. zoning setbacks), or provide guidance for the QEP to recommend them (e.g. tree protection zone in a Tree Bylaw).

In the Saanich Environmental DPA, buffers apply to sensitive ecosystems (10 m), isolated wetlands/watercourses (10 m) and marine backshore (15 m).

WHAT WE HEARD IN SAANICH

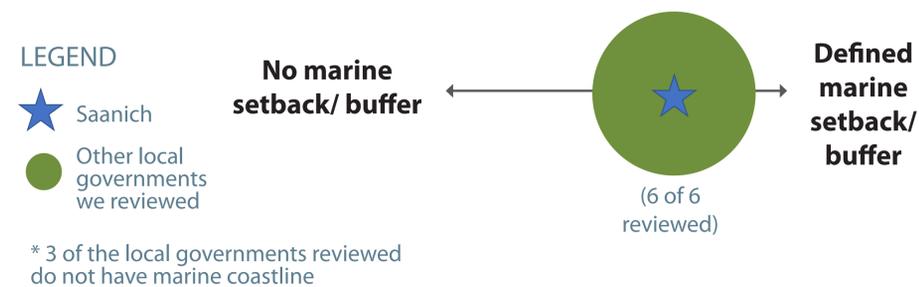
People seem to agree that the marine backshore buffer is too large for some small lots.

People seem to disagree about the use of and justification for buffers around sensitive ecosystems and along the marine backshore.

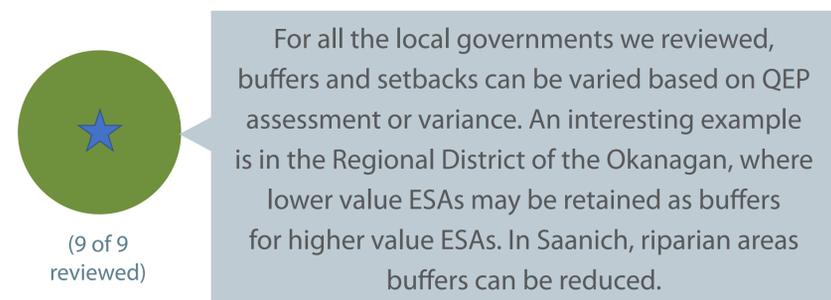
WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Are marine backshore buffers used in other EDPAs?

All the local governments we reviewed apply buffers and/or setbacks to protect their marine ESAs. In Campbell River, there is a minimum 30 m setback from high water mark. Saanich has a 15m marine buffer.*



How are buffers or setbacks determined?



***Buffers** are areas defined around a known feature (e.g. eagle nest) to protect the core feature from 'edge effect'. For example, DPAs to protect the Agricultural Land Reserve often require a 'soft' buffer to intercept pollutants from adjacent land uses.

Setbacks relate to the minimum distance a building or structure must be sited away from a known feature.

OPTIONS FOR YOUR FEEDBACK

On how buffers and/or setbacks should be applied...

A. MAINTAIN STATUS QUO

Retain the current EDPA buffers defined for Sensitive Ecosystems, Isolated Wetlands and Watercourses, and Marine Backshore.

B. RETAIN DEFINED BUFFERS BUT UPDATE GUIDELINES FOR QEP TO RECOMMEND MODIFICATIONS

Retain the buffers in the mapping but allow the QEP to recommend the appropriate buffer and/ or setback distance on a site-by site basis.

C. ELIMINATE DEFINED BUFFERS BUT UPDATE GUIDELINES FOR QEP TO RECOMMEND APPROPRIATE BUFFERS AND/ OR SETBACKS

Eliminate the buffers from the mapping but update the guidelines to reflect that the QEP should recommend appropriate buffers and/ or setback on a site-by-site basis.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 5 on your survey



WHAT DOES RESTORATION INCLUDE IN ENVIRONMENTAL DPAs?

Natural areas in urban environments are often degraded due to human use and development, and other disturbances such as the introduction of non-native plants.

Local governments can require restoration in development permits under certain circumstances. Restoration can include activities such as invasive species removal, planting of native species and restoring altered hydrology.

The extent of restoration required by local governments often varies with the size of the proposed development or condition of the ESA. Restoration can be required to correct damage that occurred prior to the development permit application, and/or damage that occurred as a result of development.

WHAT WE HEARD IN SAANICH

People seem to agree that restoration should not always be required as a condition of development, and that there is a cost to the landowners when it is required.

People seem to disagree about the intent of the Environmental DPA in terms of the extent of restoration that should be required and whether it should be required for degradation caused prior to development.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

When could restoration be required?

RESTORATION WHEN DAMAGE IS CAUSED BY DEVELOPMENT

About half the local governments we reviewed require restoration only when the damage is caused by development. For example the Cowichan Valley Regional District expects ESAs to be restored to pre-development conditions.

RESTORATION REGARDLESS OF WHEN DAMAGE OCCURRED

About half the local governments we reviewed, such as Nanaimo, might require revegetation and restoration regardless of when damage occurred.

LEGEND

- ★ Saanich
- Other local governments we reviewed



How is the level of restoration determined?

MOST FOLLOW NO NET LOSS OR NET GAIN PROVISIONS

Most of the local governments we reviewed determine the level of restoration based on a no net loss (or, more rarely, a net gain) provision. For example, the District of North Vancouver typically required replacing trees using compensation ratios.



FEW REQUIRE RESTORATION BASED ON ESAs RANKING

The Regional District of Central Okanagan determines the level of restoration based on condition of the ESA; low quality ESAs are not considered candidates for restoration.



OPTIONS FOR YOUR FEEDBACK

On the extent of restoration required...

A. MAINTAIN STATUS QUO

Restoration is determined collaboratively by the QEP, staff, landowners and other stakeholders based on a review of the development.

B. RESTORATION REQUIREMENTS ARE BASED ON DEFINED CONDITION CLASSES

The restoration requirement for each site is determined based on the QEP assessment and pre-defined condition classes.

C. RESTORATION REQUIREMENTS ARE BASED ON SCALE OF DEVELOPMENT

The restoration requirement for each site is determined based on the scale of development.

On when restoration is required...

A. MAINTAIN STATUS QUO

Restoration can be required for pre-existing or development related damage.

B. REQUIRE ONSITE RESTORATION ONLY WHEN DEVELOPMENT INFRINGES ON THE EDPA

Restoration is only required when development impacts an ESA or buffer zone.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 6 on your survey



WHAT IS THE ROLE OF QEP REPORTS?

When a development application is received by a local government, they can require development approval information. Sometimes a report completed by a Qualified Environmental Professional (QEP) may be needed to verify the EDPA boundary and provide recommendations to mitigate impact to the ESA. The QEP recommendations accepted by the local government then become conditions of the development permit.

Some local governments have very specific requirements or standards for reporting, while others leave much to the discretion of the QEP. In either case, QEP reports are submitted to local government staff for review. If staff find that the report is not adequate, they often work with the applicant and QEP to resolve the issues, request a peer review or, if issues are not otherwise resolved, can reject the application. Applicants are entitled to have the local government reconsider the decision of an officer or employee without charge.

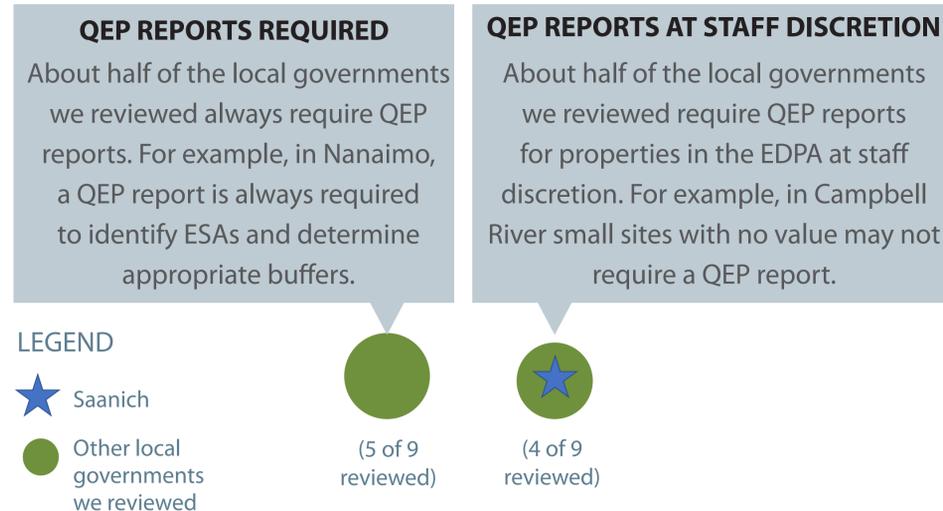
WHAT WE HEARD IN SAANICH

People seem to agree that field verification by a QEP can show that a development is outside the ESA and therefore exempt (exemption 14).

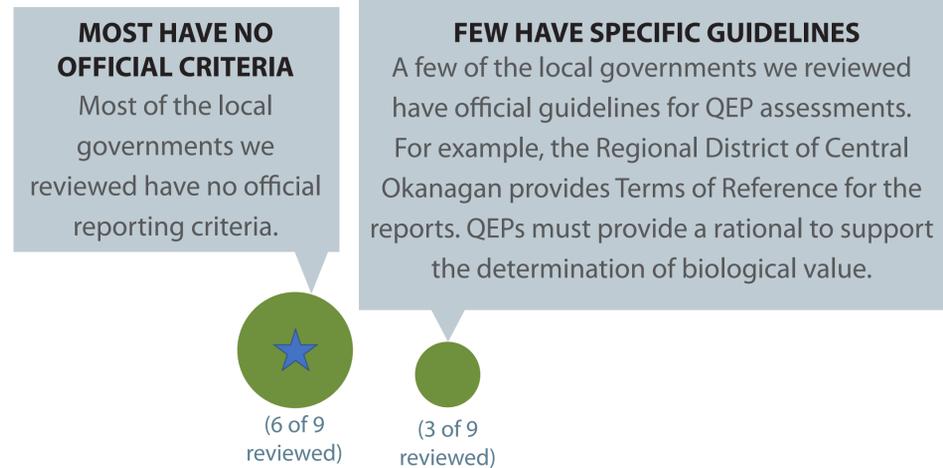
People seem to disagree about the standard for QEPs to use when assessing ESA boundaries and the application/ interpretation of the provincial SEI methodology for identifying ESAs in Saanich.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

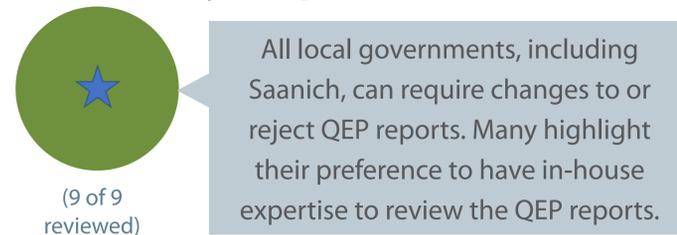
Are QEP reports *always* required?



Are there specific reporting criteria?



Are QEP reports automatically accepted?



OPTIONS FOR YOUR FEEDBACK

On assessment standards for QEPs...

A. MAINTAIN STATUS QUO

Rely on the guidelines in the EDPA (draft assessment guidelines exist for Sensitive Ecosystems but have not been finalized or adopted).

B. DEVELOP QEP ASSESSMENT STANDARDS

Develop assessment standards for QEPs to define the assessment method for Environmentally Significant Areas and boundaries.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 7 on your survey



WHAT DOES IT MEAN TO LEAD BY EXAMPLE?

Local governments can lead by example by meeting or exceeding the development standards that they ask private landowners to follow, demonstrating environmental stewardship on public land and by supporting landowner stewardship on private land.

Local governments frequently undertake development activities on public land. Capital projects are opportunities to demonstrate environmental best practices. In some cases, local governments require their own projects go through an EDPA process. Other local governments exempt themselves but may have other equivalent standards in place.

Public land often safeguards the largest and most valuable Environmentally Significant Areas (ESAs). Local governments can demonstrate good stewardship through programs such as treatment of invasive species, native plant restoration, tree planting and stream restoration.

Public programs that support landowner stewardship on private land also demonstrate leadership and increase capacity within the community to protect environmental values.

WHAT WE HEARD IN SAANICH

People seem to agree that the District of Saanich could do more to lead by example when it comes to working in and around Environmentally Significant Areas; and to encourage stewardship.

People seem to disagree about whether or not the District follows a process equivalent to the Environmental DPA for public works projects.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Do other municipalities require themselves to get a Development Permit (DP) for capital projects?

FEW REQUIRE DPs
About half of the local governments we reviewed require themselves to get a development permit. For example, in Kelowna all departments are required to get a DP unless specifically exempted.

MOST DO NOT REQUIRE DPs (BUT FOLLOW OWN PROCEDURES AND GUIDELINES)
About half of the local governments we reviewed exempt themselves from Development Permits for capital projects, though many follow their own, similar procedure. In Campbell River, while the City is not required to get a DP, they expect their departments to follow the same standard.

LEGEND



Saanich



Other local governments we reviewed



(4 of 9 reviewed)



(5 of 9 reviewed)



OPTIONS FOR YOUR FEEDBACK

On capital projects in and around ESAs...

A. MAINTAIN STATUS QUO

The District of Saanich is exempt from the EDPA.

B. MAINTAIN DISTRICT EXEMPTION FROM THE EDPA BUT REQUIRE AN EQUIVALENT INTERNAL POLICY

Update the EDPA to refer to a District policy that outlines procedures to be followed when undertaking municipal works and services, such as an "Environmental Management Strategy" for Municipal Operations .

C. REMOVE DISTRICT EXEMPTION FROM THE EDPA

Remove Exemption 2 so that the District must apply for a development permit for municipal works and services within the EDPA.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 8 on your survey



WHAT INCENTIVES CAN BE INCORPORATED INTO ENVIRONMENTAL DPAs?

Providing incentives for environmental protection during development creates opportunities for cooperation with landowners through the EDPA process.

Zoning Bylaws can allow clustering or include conditions for amenity density bonuses, which allow a development to exceed the allowable Floor Area Ratio in exchange for amenities needed by the community. Density bonuses are voluntary and involve an exchange between the local government and land developers. For example, if a land developer is subdividing a large parcel, they could cluster their development on a portion of the property to avoid a sensitive ecosystem. They receive this density bonus in return for placing a conservation covenant on the remaining property, creating parkland, or restoring degraded ecosystems. Other forms of flexibility can also be built into the Zoning Bylaw, such as provisions for varying setbacks.

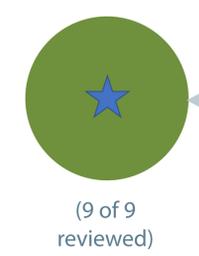
WHAT WE HEARD IN SAANICH

People seem to agree that it would be beneficial to have more flexibility to provide incentives for environmental protection during development.

People seem to disagree about how much flexibility exists for landowners in the current EDPA process.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Do local governments have the option to provide development variances ?



All local governments we reviewed will consider development variances or bonus options such as density or height in exchange for the protection of ESAs. In Kelowna, the City will work with developers to relax zoning, increase density and provide bonuses where possible. In Campbell River, development clusters are encouraged and density increases may be permitted. There are also flex provisions.

LEGEND

- ★ Saanich
- Other local governments we reviewed



OPTIONS FOR YOUR FEEDBACK

On incentives to protect ESAs...

A. MAINTAIN STATUS QUO

Maintain the status quo whereby density could be transferred in exchange for parkland. This has occurred infrequently in the past.

B. UPDATE THE EDPA TO ENCOURAGE CLUSTERING DEVELOPMENT AND OPTIONS FOR APPLYING DENSITY BONUSES IN THE EDPA PROCESS

Encourage clustering development in the EDPA guidelines and increase options for density bonuses in exchange for restoration of historically degraded ESAs, conservation covenants or creating parkland.

C. INTEGRATE THE EDPA INTO THE ZONING BYLAW TO DEFINE SETBACKS (AND PROVISIONS FOR VARYING THEM), AND CONDITIONS FOR DENSITY BONUSES

Remove part or all of the EDPA from the OCP and place it in the Zoning Bylaw, which will define setbacks from ESAs, provisions for varying them and set out the conditions for density bonuses.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 9 on your survey