

Environmental Development Permit Area

Bylaw Review

Terms of Reference – December 2016



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1. PURPOSE

To provide recommendations to Council to improve the Environmental Development Permit Area (EDPA) Bylaw and support land stewardship of Environmentally Significant Areas in Saanich.

2. BACKGROUND

Saanich Council adopted the Environmental Development Permit Area (EDPA) Bylaw in March 2012. In 2015, a six-month public ‘check in’ process began. At a special council meeting on March 3, 2016, Council moved to support the recommendations of a staff report which included support for hiring a consultant/consultant team to review the EDPA Bylaw. Council considered the scope of the Terms of Reference and level of public input on May 9, 2016.

Many issues have been raised about the subject Bylaw, its implementation, and the impacts on property rights and property values. Ideas have been brought forward by the public and other stakeholders to improve the Bylaw and programming to support stewardship on both private and public land.

3. POLICY CONTEXT

The EDPA is a schedule to the Official Community Plan (OCP) and is supported by many OCP policies such as:

- 4.1.2.1 “Continue to use and update the “Saanich Environmentally Significant Areas Atlas” and other relevant documents to inform land use decisions.”
- 4.1.2.3 “Continue to protect and restore habitats that support native species of plants, animals and address threats to biodiversity such as invasive species.”
- 4.1.2.4 “Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems.”
- 4.1.2.5 “Preserve “micro-ecosystems” as part of proposed development applications, where possible.”
- 4.1.2.7 “Link environmentally sensitive areas and greenspaces, where appropriate, using ‘greenways’, and design them to maintain biodiversity and reduce wildlife conflicts.”
- 4.1.2.8 “Encourage the use of native species and climate change resistant plants for landscaping on both public and private lands and continue to promote the principles of Naturescape.”
- 4.1.2.11 “Promote and encourage the protection and designation of indigenous, significant trees and wildlife trees.”

- 4.1.2.18 Encourage the retention or planting of native vegetation in the coastal riparian zone.”
- 4.1.2.25 “Work with private land owners to encourage stewardship that protects, preserves, and enhances natural systems and, where appropriate, enter into conservation covenants or provide incentives to protect riparian or environmentally significant areas.”

4. OBJECTIVES

The EDPA was initiated to support many of the policies found in the OCP and address the lack of environmental protection for environmentally significant areas (ESA's) in Saanich such as the marine backshore, sensitive ecosystems, rare habitat, and isolated wetlands or streams. The original objective was to:

“Establish an Environmentally Significant Areas Development Permit Area to protect and enhance sensitive ecosystems, species at risk and the marine shoreline. Increasing development pressure adds to the need to protect natural ecosystems and the habitat of rare plants and animals at a level similar to the existing protection for riparian areas. Development Permit Guidelines will focus on best management practices for protecting habitat adjacent to development.”

The current objectives of the 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.

5. SCOPE OF WORK

1. Review Saanich's Environmental Development Permit Area Bylaw and make recommendations for improving and clarifying the bylaw.
2. Conduct any public engagement as outlined by Saanich Council according to the District of Saanich Public Participation Policy.
3. Research other comparable municipalities and their approaches to natural area protection.
4. Refer to relevant documents such as, but not limited to:
 - The Local Government Act
 - Review of Saanich Marine Shoreline Resources and Options for Protection
 - The Green Bylaws Toolkit
 - Develop with Care
 - The Stewardship Series, including Greenshores
 - The Conservation Manual (of the Sensitive Ecosystems Inventory)
 - Recovery Strategy for Garry Oak and Associated Ecosystems and their Associated Species at Risk in Canada, 2001-2006.

5. Meet with members of Saanich Citizens for a Responsible EDPA Society (SCRES), Saanich Advocates for the Environment (SAFE), Council members, biologists who submitted correspondence to Council, and staff to discuss the current practice at the onset. This can include the recommendations received on how to conduct the review.
6. Review materials provided by the District of Saanich:
 - a. Minutes and existing staff reports of relevant Council meetings.
 - b. Economic Studies (Rollo and Associates, BC Assessment Authority).
 - c. Public feedback from the check in process (staff report).
 - d. All submissions from individuals or organizations.
 - e. Official Community Plan and other policy documents.
7. Prepare a draft report for review by the public (including SCRES, SAFE, Council members, biologists who submitted correspondence to Council, and staff (including Legal, Finance, Planning, Engineering, Parks and Recreation, and Administration) and one Open House, which will cover:
 - a. Study scope, background and methodology.
 - b. Study objectives and measures of success.
 - c. Identification and analysis of options.
 - d. Recommendations for improvements to the bylaw, implementation and stewardship of private property.
 - e. Discussion of the context of the recommendations such as the OCP, approaches by other municipalities, expected outcomes.
 - f. Overview of process and resources required to implement the recommendations.
 - g. Outline on-going evaluation and monitoring of the measures of success.
8. Prepare a final report using feedback from the public (including SCRES, SAFE, Council members, biologists who submitted correspondence to Council) and staff on the draft report.
9. Present the final report to Council at a Committee of the Whole meeting and respond to questions from Council.

6. PUBLIC ENGAGEMENT

The level of public engagement, as determined by Council, and in accordance with District of Saanich Public Participation Policy and Public Participation Toolkit, is: **Inform**

This option is based on the position that significant engagement has taken place to date and that the consultant is being hired to develop potential solutions that will be presented to Council. Public input would be received at the time the potential solutions are presented to Council for review and deliberation. Under this Option, the public would be kept up-to-date on the review process through the Saanich website.

Based on the International Association of Public Participation (IAP2) spectrum of public participation, “Inform” is used to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

Further details are in Section 5—Scope of Work.

7. DECISIONS

The final decision making authority for this project is the District of Saanich Council. The contract will be managed by the Director of Planning and designated staff on a daily basis with the main purpose of providing background information and resources. The acceptance of the draft report and final report will be under the purview of Saanich Council. The findings of the consultant will be independent of staff opinion.

8. BUDGET

The budget for this project is \$50,000.00.

9. TIMELINE AND DELIVERABLES

From the time of the award of the contract (December 2016), the draft report will be delivered within six months to allow for public engagement and delivery of a report. The final report will be delivered within 2 weeks of receiving the comments on the draft report. The presentation to Council will be scheduled as soon as possible by Saanich staff.

For further information, please see <http://www.saanich.ca/EN/main/business/selling-to-saanich/bid-opportunities/environmental-development-permit-area-edpa-review.html>