

## Creek protection bylaw passes

By Christine  
van Reeuwijk

Peninsula News Review

Apr 05 2006

### **Development permit areas questioned**

North Saanich council reluctantly put into effect a bylaw to protect creeks, wetlands, riparian areas and significant water sources Monday night.

"Well I guess we don't have any option," said Mayor Ted Daly.

The Province of British Columbia enacted new legislation to protect fish habitat from residential, commercial and industrial development. Local governments are now required to use their powers to protect fish habitat from development and to respond to the Provincial Riparian Area Regulations [RAR] before March 31. Council needed a special council meeting last Monday to meet that deadline.

The province has established standards for protecting streams through its RAR, and local governments have been given a choice of either ensuring that their zoning bylaws include the provisions contained in the RAR or making sure that their permits and bylaws provide a level of protection comparable to, or exceeding the standards established by the RAR.

The objective of the RAR is to protect fish habitat by preventing the encroachment of development into areas adjacent to streams. The RAR also includes the removal or alteration of vegetation, the disturbance of soil, non-institutional flood protection works and the creation of non-structural impervious surfaces, such as ponds, patios and other paved areas.

Rather than create a zoning bylaw, North Saanich opted to amend its OCP and designate areas adjacent to streams as a development permit area for environmental sensitivities.

District staff met with Ian Bruce of Peninsula Streams Society to determine a number of streams and bodies of water in the district that need to be protected. They include: Tatlow [Chalet] Creek, including Gardner Pond; Towner Creek; Blue Heron Creek; Tseycum Creek; Reay Creek; West [Airport] Creek; an unnamed creek flowing into Coles Bay and another flowing into Tseycum Lagoon.

The public expressed concerns during the public hearing that included land value, property development and rebuilding. Of particular worry was the 30-metre set back (some set at 15 metres). Tracy Olsen, director, development and community services, told council that the 30-metre setbacks are a maximum. Those setbacks could be altered later depending on what a professional deems necessary. The required setbacks, and possibly the number of streams, could be reduced at a later date through the screening process prescribed by the province. By far the most-asked question concerned land value.

Brian Alexander explained that Tatlow Creek bisects his land. He felt the bylaw would limit his ability to build a bridge or other connector leaving that portion of property inaccessible.

"It would essentially devalue my property, I would say, 30 per cent," Alexander told council during the public hearing. Olsen wasn't aware of any process through the province to offset lowered property values due to the restrictions, however, the municipality isn't liable for any loss.

Also the new development permit areas wouldn't necessarily preclude development. A land owner could apply for a development permit and hire a professional to study the site and development plans.

There are also exemptions to the development permit areas. They include; addition of commercial and industrial buildings that are less than 40 m<sup>2</sup>; interior renovations and fencing; emergency works, including tree cutting, necessary to remove an immediate danger or hazard; minor site clearing necessary to undertake topographic or similar surveys; or if a development permit has previously been issued for the property and further subdivision of land and or building construction on the property is consistent with its terms and conditions. The last exemption answers the question Richard Harris posed to council.

"If the house burned down, would we be able to build where it is?"

Olsen explained that rebuilding on the existing foundations, or footprint of the original home would be allowed. Also development could be allowed up in the form of storeys.

Development permits already issued are protected from this change to the OCP. However, those still in the process are not protected.

"I'm concerned there are still some questions," Daly said. His main question surrounded the possibility of property reassessment. Olsen maintained she would look into compensation from the province. Coun. Cairine Green asked that the information be made widely known and shared with the public via the website and newsletter.

Coun. Peter Chandler expressed surprise at the hesitation of council.

"This supports one of the fundamental visions of our municipality," he said of the environmental protection move. "It's moving in the direction that our strategic planning and OCP planning is asking us to move toward."

[reporter@peninsulanewsreview.com](mailto:reporter@peninsulanewsreview.com)