

# Preserving costs

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*Peninsula News Review*

Protecting fish habitat in North Saanich could cost a pretty penny.

Changes to the provincial Fish Protection Act, which must be adhered to by March 31, will help protect streams in southwestern BC municipalities, but the implementation could cost upwards of \$50,000 to the district. A pilot project in Chilliwack cost approximately \$100,000. Costs will be associated with gathering information on fish bearing and potentially fish bearing streams in the district, training staff and the ongoing administration of the provincial legislation.

"The cost has to do with the necessity to map out all the streams and water courses so that staff will know exactly where each 'development' or building is along or near a stream, rather than charge each builder a fee for determining this information," said North Saanich councillor Anny Scoones. "With this in mind, I think in the long run, the possible cost of \$50,000 for mapping, which could be used with other issues, particularly with agricultural and environmental issues, would save the taxpayer — especially individuals who reside near streams — a lot of expense."

There will also have to be changes made to zoning bylaws or the Official Community Plan for the district to comply with the Act.

The province has established standards for protecting streams through its Riparian Area Regulations [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.

District staff have 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.

A staff report to council included a list of properties that will be affected by the stream protection measures. Owners of properties that are within 30 metres of fish-bearing creeks will be notified by the district in mid-February after council has heard reports from the Advisory Planning Commission and the Environmental Advisory Commission on the proposed approach to meet the requirements of the Fish Protection Act.

Most of the affected properties are small residential lots, many of which are located along Tatlow Creek. Both the Ardmore and Glen Meadows Golf Courses are affected, an unnamed creek that runs through Ardmore and a pond in the middle of the golf course have been mentioned as a particular concern to staff.

In the report to council Tracy Olsen, director, development and community services, pointed out that there are a number of drawbacks to amending the zoning bylaw to include the Riparian Area Regulations. "It is estimated that preparation of a simple assessment will cost between \$300 to \$1,000," she stated.

A zoning bylaw can only control land use, density and siting, it can't control the removal of vegetation or the disturbance of soil and does not encompass tree

cutting permits.

"If a property owner wanted to remove all of the vegetation along side of a stream, re-contour the bank and plant a lawn, all activities contrary to the objective of the RAR, they could do so without any permits from the district, with the possible exception of a tree permit and not contravene the zoning bylaw," Olsen said.

The other option would be for the district to amend its OCP and designate areas adjacent to streams as a development permit area for environmental sensitivities.

"Many of the affected homeowners may object to the restrictions placed on the development of their property in terms of landscaping, tree removal and flood protection," said Olsen. "The RAR could seriously impact the use of several residential properties in the district. Of particular concern are the smaller residential lots where there are limited options for the siting of houses. The houses on many of these lots are already sited within a stream protection and enhancement area. The RAR will prohibit the expansion of these houses or their replacement with other houses."

"These regulations are a good thing. It is one example of how to work with the environment, to progress and do things right without harm — albeit there are a million more ways — and it shows an awareness of the need to not exploit the environment. I sense the awareness is growing in all levels of government," said Scoones.

The report will go to the APC and EPC this week and on February 6 their recommendations will go to council. Council will make a decision on the implementation of changes and will direct staff to draft the necessary bylaws and send information to affected property owners. On Feb. 27 the draft bylaw will be presented to committee of the whole and on March 20 there will be a public hearing on the bylaw and final adoption.

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