



## The Corporation of the District of Saanich

# Report

**To:** Mayor and Council

**From:** Lindsay Chase, Director of Planning

**Date:** January 28, 2025

**Subject:** Zoning Bylaw Amendments to Permit Deer Fences and Deer Fence Extensions

**File:** 2110-55

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### RECOMMENDATIONS

That the Zoning Bylaw, 2003, Amendment Bylaw, 2025, No. 10111 (Attachment A) be given three readings.

### PURPOSE

The purpose of this Report is to respond to a priority in the Agriculture and Food Security Plan (AFSP) by recommending amendments to Zoning Bylaw to allow a visually permeable extension to fence height regulations to support for the protection of food crops, landscaping, trees, and other sensitive areas from deer.

### BACKGROUND

The 2018 Agriculture and Food Security Plan (AFSP) lays out clear actions for the District of Saanich to enhance local agriculture and food security over the next 10-15 years. Priority 4.4 in the AFSP is to “consider amending the zoning bylaw to allow an extension to fencing based on recommendations developed by the CRD for the protection of food crops from damaging wildlife.”

The Capital Regional District (CRD) has acknowledged that conflict between the Vancouver Island population of Columbia Black-tailed deer and private landowners of the region is an ongoing issue. The 2012 Regional Deer Management Strategy (Attachment B) prepared for the CRD by the Citizens Advisory Group (CAG) states that “there is clear and convincing evidence that deer-human conflicts are on the rise in the CRD and that the deer population in many urban, rural and agricultural areas is increasing.”

In the District of Saanich, deer feeding causes damage to trees, shrubs, gardens, agricultural crops, and other sensitive areas. The damage threatens local food security by placing physical and financial burdens on farmers and community members growing crops, gardens and other sensitive plants and reduces the overall amount of fresh, local food available. Due to some diseases that deer may carry, personal health concerns are also a consideration. This Report focuses on human-deer conflict reduction using fencing to prohibit deer from accessing farm fields, gardens, and other sensitive areas to protect trees and other vegetation from damage in both rural and urban areas.

### **Existing Fence Height Regulations**

In the District of Saanich, Zoning Bylaw, 2003, permits fencing to be constructed in any location on a lot. Generally, fences constructed in a front yard cannot exceed a height of 1.5 m (4.9 ft), while fences constructed in any other yard cannot exceed a height of 1.9 m (6.2 ft). If a fence is constructed on top of a retaining wall, the combined height of the retaining wall and fence shall not exceed the maximum permitted height of a fence. On corner lots in RS-Zones (Single Family Dwelling Zones) and RD-Zones (Two Family Dwelling Zones) a fence may not exceed a height of 1.0 m (3.3 ft) within 9.0 m (29.53 ft) of the intersecting lot lines at a street corner.

While owners are expected to be aware of, and comply with applicable Zoning Bylaw, 2003, regulations, no building permit is required to construct a fence, unless the fence is a retaining wall as defined in the Building Bylaw, 2019, exceeding 1.2 m in height that holds or retains soil or other material behind it. Enforcement for non-compliance is based on citizen complaints. The form and character of fences on rural and single-family residential properties cannot be regulated by a Development Permit.

### **Consultation**

The 2012 Regional Deer Management Strategy (attached) prepared for the Capital Regional District (CRD) by the Citizens Advisory Group identified 2.5 m (8 ft) as the proper fence height to successfully protect properties from deer damage and recommended that local government should remove regulatory barriers to deer fencing. As the information provided in this Report is consistent with the direction provided by the Citizens Advisory Group and is a priority within the AFSP, no additional community consultation was undertaken in the preparation of this Report.

## **DISCUSSION**

### **Types of Deer Management Fences**

Fencing is the most reliable way to prevent deer from accessing an area. Fences restrict or contain deer using a physical barrier, a psychological barrier, or a combination of both. There are two main types of fencing: physical and electrical.

A physical barrier is a fence that the animal cannot pass over, through or under. The CRD recommends that effective physical barriers are at least 2.5 m (8 ft) high and are made of wood or metal. Another option for physical barriers is to add a fence extension to increase the height of an already existing fence. Fence extensions are typically visually permeable and constructed of horizontal wires, wire mesh or similar materials.

Electric fences work as psychological barriers by deterring entry through an electric shock. Electric fencing can be shorter than non-electric physical barriers. A single strand of electric wire can also be placed along the top of a physical barrier.

## **Deer Fencing Considerations**

The CRD's Regional Deer Management Strategy considers both regular fencing and electric fencing options to manage deer. While regular fencing at least 2.5 m (8 ft) high can be effective to keep deer from accessing most areas, aesthetics and cost are issues that need to be considered. In rural and agricultural areas, fencing is considered more viable for smaller properties but can be cost prohibitive on larger parcels of land. Fencing only around certain areas, such as gardens and high value crops is also an option. Electric fencing may be viable for some agricultural operations but generally is not considered to be an acceptable option in residential areas and may be cost prohibitive on larger parcels.

Various deer management studies undertaken throughout North America identify aesthetics, cost of fencing and fence maintenance as primary concerns. For safety and sightline reasons, tall, impermeable fencing may be inappropriate on some portions of a lot, such as a street corner. Also, there are environmental concerns with some lower cost, plastic fencing types which degrade and become damaged, thus making them ineffective. Additional considerations include the ability of deer to penetrate different designs, utilization of good quality materials and the maintenance required for effective deer control. Poor quality materials, poor construction or inappropriate design may also result in the risk of injury to the deer. Some jurisdictions have expressed concern that fencing some properties to prohibit deer may only move the problem to other properties where there is no fencing.

## **Options for Regulating Fencing**

The following options reflect the most common approaches used elsewhere and are consistent with the approaches discussed in the CRD's 2012 Regional Deer Management Strategy. Based on public input from other jurisdictions with similar land use characteristics to the District of Saanich, it is assumed that higher, deer-detering fences around front yards in urban neighbourhoods would not be supported due to potential visual and streetscape impacts. While this Report primarily addresses fences along property boundaries, it is worth noting that fences may be constructed anywhere on a property.

### Option 1: Maintain Current Regulations

In this option, the current fence height regulations would remain the same. Should a property owner wish to construct a higher fence to deter deer, they may apply to the Board of Variance, provided undue hardship has been established, or pursue a Development Variance Permit to be considered by Council. Each case would be judged on its merit considering need, fence location and type, neighbourhood character, streetscape, and impact to neighbours. While this option would allow deer-detering fencing to be carefully regulated on a case-by-case basis, it is the most costly and time-consuming option, for both the District of Saanich and for property owners.

### Option 2: Increase Permitted Fence Height in All Zones

This option would amend Zoning Bylaw, to permit the maximum height of a fence in any yard, other than a front yard or a yard abutting a street, to be increased from 1.9 m (6.2 ft) to 2.5 m (8 ft). There would be no changes to the permitted height (1.5 m) of fences in front yards and yards abutting a street (corner lots) due to safety concerns related to visibility and streetscape impacts in residential zones. This option could greatly reduce conflict between deer and property owners. However, permitting higher maximum fence heights on a large-scale may lead to significant streetscape impacts as property owners construct higher fences for reasons other than deterring deer, such as privacy or security. This option would also treat agricultural / rural and urban residential properties the same.

### Option 3: Increase Permitted Fence Height in Agricultural Zones Only

This option would amend the Zoning Bylaw to permit the maximum height for any fence in Agricultural Zones (A-Zones) to be 2.5 m (8 ft). This option would help in protecting agricultural crops from deer damage but would not address deer damage within urban areas. As fence heights in urban areas would remain unchanged at 1.9 m (6.2 ft), the aesthetic impact on neighbourhoods would be minimal. Some residential lots along the urban-rural boundary may be affected if deer fences are erected on adjacent agricultural lands and there would be aesthetic impacts on agricultural land.

### Option 4: Permit Visually Permeable Deer Fences or Deer Fence Extensions in All Zones (Recommended)

In this option, the current height regulations for fences would be maintained. Additional regulations would be added to permit visually permeable 'deer fences' or 'deer fence extensions' in, 1) any yard within an A-Zone and, 2) any yard, other than a front yard and a yard abutting a street, in all other zones. Visually permeable materials would include wire, mesh, horizontal wires, or similar materials. The maximum height permitted for a 'deer fence' or 'deer fence extension' would be 2.5 m (8 ft). This approach would provide improved options to protect agricultural land and balance aesthetics and deer protection in urban areas.

### **Options Summary**

Maximum fence height based on Options 1 to 4 is summarized in Table 1:

**Table 1. Fence Height Options 1 to 4 Summary**

		Maximum Fence Height				
		Option 1: No Change	Option 2: Increase Height in All Zones	Option 3: Increase Height in A- Zones Only	Option 4: Permit Visually Permeable Deer Fences and Extensions in All Zones	
	YARD	Fence	Fence	Fence	Fence	Deer Fence/Deer Fence Extension
<b>RURAL</b>	FRONT	1.5 m*	1.5 m*	2.5 m	1.5 m*	2.5 m**
	OTHER	1.9 m*	2.5 m	2.5 m	1.9 m*	2.5 m**
<b>URBAN</b>	FRONT	1.5 m*	1.5 m*	1.5 m*	1.5 m*	-
	OTHER	1.9 m*	2.5 m	1.9 m*	1.9 m*	2.5 m**

\* Fence height as defined in the current Zoning Bylaw.

\*\* Where a Deer Fence Extension is added to a fence, the maximum fence height is the combined height of the fence and the Deer Fence Extension.

**Staff Recommend Option 4.** This option provides the greatest opportunity for conflict reduction between the deer population and landowners, while still maintaining the aesthetic integrity of neighbourhood streetscapes in urban areas. Permitting 'deer fences' or 'deer fence extensions' up to 2.5 m (8 ft) in both urban and rural zones will protect a wider range of food crops, gardens, trees, and other sensitive areas within the District of Saanich.

For the purpose of Option 4, the following definitions are proposed:

**Deer Fence** means a fence constructed of wire mesh, horizontal wires or similar material that is non-opaque except for posts and intended primarily to prohibit deer from accessing farm fields, gardens, and other sensitive areas.

**Deer Fence Extension** means wire mesh, horizontal wire or similar material that is non-opaque except for posts and used to increase the height of a fence primarily to prohibit deer from accessing farm fields, gardens, and other sensitive areas.

## **COUNCIL OPTIONS**

1. That Council approve the recommendation as outlined in the staff Report.
2. That Council reject the recommendation as outlined in the staff Report.
3. That Council provide alternative direction to staff.

## **FINANCIAL IMPLICATIONS**

The proposal has no immediate implications related to the District of Saanich 2024 – 2028 Financial Plan.

## **STRATEGIC PLAN IMPLICATIONS**

This initiative works towards the District of Saanich Strategic Plan goal of implementing key initiatives from the Agriculture and Food Security Plan.

## **PLANNING POLICY IMPLICATIONS**

The following Saanich Planning Policies are most applicable:

### Agriculture and Food Security Plan (2018)

- 4.4 Consider amending the zoning bylaw to allow an extension to fencing based on recommendations develop by the CRD for the protection of food crops from damaging wildlife.

## **CONCLUSION**

The Capital Regional District (CRD) has acknowledged that conflict between the Vancouver Island population of Columbia Black-tailed deer and private landowners of the region is an ongoing issue. In the District of Saanich, deer feeding causes damage to trees, shrubs, gardens, agricultural crops, and other sensitive areas. Fencing is the most reliable way to prohibit deer from accessing an area.

To reduce conflict between deer and landowners, this report recommends amending Zoning Bylaw, 2003, to permit visually permeable 'deer fences' or 'deer fence extensions' up to a maximum height of 2.5 m (8 ft). 'Deer fences' or 'deer fence extensions' would be permitted in any yard within an A-Zone and in any yard, other than a front yard and a yard abutting a street, in all other zones. This approach will protect a wider range of food crops, gardens, trees, and other sensitive areas within urban and rural zones, while limiting impacts on aesthetics and streetscapes within urban areas.



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Approved by: Lindsay Chase, Director of Planning

CD/kb

Attachments: Attachment A: Zoning Bylaw, 2003, Amendment Bylaw, 2024, No. 10111  
Attachment B: 2012 Regional Deer Management Strategy

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer