



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: March 26, 2014
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road
Mayne Island, BC
V0N 2J0

Pages

- | | | | |
|-------|--|-------------------|---------|
| 1. | Call to Order | 1:00 PM - 1:05 PM | |
| 2. | Approval of Agenda | | |
| 2.1 | Additions/Deletions | | |
| 2.2 | Questions from the public on Agenda items | | |
| 3. | Community Information Meeting | | |
| | none | | |
| 4. | Public Hearing | | |
| | none | | |
| 5. | Previous Meetings | 1:05 PM - 1:15 PM | |
| 5.1 | Local Trust Committee Minutes | | |
| 5.1.1 | Mayne Island Local Trust Committee
Draft Meeting Minutes of February 26,
2014 (attached) | | 4 - 14 |
| | For Consideration to Adopt | | |
| 5.2 | Public Hearing Records and Information Meeting
Notes | | |
| 5.2.1 | Mayne Island Local Trust Committee
Draft Public Hearing Record of February
26, 2014 (attached) | | 15 - 16 |
| | For Consideration to Receive | | |
| 5.2.2 | Mayne Island Local Trust Committee
Draft Community Information Meeting
Notes of February 26, 2014 (attached) | | 17 - 20 |
| | For Consideration to Receive | | |

5.3	Section 26 Resolutions-without-meeting	
	none	
5.4	Advisory Planning Commission and/or Mayne Island Commercial Land Use Task Force Minutes	
5.4.1	Mayne APC Adopted Minutes of January 13, 2014 (attached)	21 - 24
5.4.2	Mayne APC Draft Minutes of March 10, 2014 (attached)	25 - 28
6.	Business Arising from the Minutes	1:15 PM - 1:20 PM
6.1	Follow-up Action List (attached)	29 - 30
	FUAL Report dated March 2014	
7.	Delegations	
	none	
8.	Correspondence	1:20 PM - 1:30 PM
8.1	Response Email Letter dated March 5, 2014, from Minister Thomson re RAR on Mayne Island (attached)	31 - 32
	And Corresponding Letter sent January 22, 2013, from Chair Luckham re: Implementation of RAR on Mayne Island (attached)	
9.	Applications, Permits, Bylaws and Referrals	1:30 PM - 3:00 PM
9.1	North Pender Island Local Trust Committee Proposed Bylaw No. 194 Referral (attached)	33 - 35
	For Response	
9.2	MA-TUP-2013.1 (Mayne Island Resort)	
9.2.1	Email from B. Wilks re Bennet Bay & Other Foreshore	36 - 37
9.3	MA-RZ-2012.1 (Oceanwood) - Applicant's Water Plan (attached)	38 - 41
9.4	Saturna Island Local Trust Committee Bylaws No. 112, 113, 114 & 115 Referral Pkg (attached)	42 - 47
10.	Local Trust Committee Projects	3:00 PM - 3:30 PM
10.1	OCP & LUB Technical Amendments - Staff Report (pending)	
11.	Reports	3:30 PM - 3:40 PM
11.1	Work Program Reports (attached)	48 - 49

Work Program Report dated March 2014

- 11.2 Applications Report (attached)** 50 - 51

Applications Report dated March 2014

- 11.3 Expense/Budget Reports**

none

- 11.4 Bylaw Enforcement**

none

- 11.5 Adopted Policies and Standing Resolutions (attached)** 52 - 55

For Information

- 11.6 Mayne Island LTC Web Page**

Mayne Island Local Trust Committee Web Page
can be found at:

www.islandstrust.bc.ca/islands/local-trust-areas/mayne

- 11.7 Chair's Report** 3:40 PM - 4:00 PM

- 11.8 Trustee Report**

12. Other Business

- 12.1 Upcoming Meetings**

The next meeting of the Mayne Island Local Trust
Committee will be held Wednesday, April 23, 2014
at 1:00 PM, at the Mayne Island Agricultural Hall.

- 12.2 Groundwater Toolkit & Memo (attached)** 56 - 82

For Information

- 13. Town Hall Meeting** 4:00 PM - 4:15 PM

- 14. Adjournment** 4:15 PM - 4:15 PM

**MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY FEBRUARY 26, 2014 AT 1:00 P.M.
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC**

<u>PRESENT:</u>	Peter Luckham	Chair
	Jeanine Dodds	Local Trustee
	Brian Crumblehulme	Local Trustee
	Gary Richardson	Island Planner
	Pat Todd	Recording Secretary

There were approximately twenty-four (24) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 1:00 pm recognizing the Local Trust Committee meeting was being held in the Coast Salish Territories and introduced himself, the Local Trustees, and Islands Trust Staff.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

Additions to the agenda were as follows:

7.1 Village Bay – Miners Bay Corridor Pathway Proposal

9.1.4 Recommendations for Bennett Bay Eelgrass Meadow (attached)

9.1.5 Email dated Feb. 22/14 from P and M Lightheart (attached)

9.1.6 Email dated Feb. 23/14 from R and M Munro-Kerr (attached)

9.1.7 Email dated Feb. 20/14 from J Collier (attached)

9.1.8 Email dated Feb. 23/14 from R Jarco (attached)

9.1.9 Email dated Feb. 22/14 from D Burrowes (attached)

9.2.2 Village Point Improvement District - Amendment to MA-RZ-2012.1
(attached)

11.3 LTC Expense Report dated February 2014 (attached)

Correction to 7.1 Michael Dunn, Member of Mayne Island Pathways Initiative

By consensus the agenda, as amended, was Adopted.

3. COMMUNITY INFORMATION MEETING

See separate Community Information Meeting (CIM) notes dated February 26, 2014.

4. PUBLIC HEARING

See separate Public Hearing (PH) record dated February 26, 2014.

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 Adopted Mayne Island Local Trust Committee Business Meeting
Minutes of November 27, 2013

For Information

5.2 Public Hearing Records and Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

Planner Richardson stated there had been three Resolutions-without-meeting:

Adoption of LTC Business Meeting Minutes of November 27, 2013.

That the referral of amended rezoning application MA-RZ-2012.1 (Oceanwood) be referred to the APC.

That Trustee Crumblehulme write a letter to Translink BC on behalf of LTC regarding proposed cuts to bus service.

5.4 Advisory Planning Commission Minutes

5.4.1 Adopted APC Meeting Minutes of July 8, 2013 and November 18, 2013

Received for information

5.4.2 Draft APC Meeting Minutes of January 13, 2014

Received for information

6. **BUSINESS ARISING FROM THE MINUTES**

6.1 Follow-up Action Report

Planner Richardson updated the LTC regarding the Deer Eradication project. There have been three (3) responses to the Invitation to Quote.

It has been clarified that the LTC can fund the printing costs of the report prepared by the Mayne Island Pathways Initiative.

MA-LTC-2014-001

It was Moved and Seconded that, Mayne Island Local Trust Committee authorize expenditure of \$350.00 for the printing of the Road Safety Assessment Report.

CARRIED

7. **DELEGATIONS**

7.1 Michael Dunn, Member of Mayne Island Pathways Initiative

Village Bay – Miners Bay Corridor Pathway Proposal

M. Dunn summarized the proposal for a pathway network of trails. Village Bay-Miners Bay is a priority for development. The north side of the roadway appears to have room within the right-of-way. Ministry of Transport and Infrastructure needs local government support prior to issuing a license of occupation. Chamber of Commerce is supportive. Path would be 2.4 km. Cost is estimated at \$150,000 and this may be funded through CRD funds. The Pathways Initiative is looking for a letter of support from the LTC.

Chair Luckham expressed appreciation of the efforts and the report.

MA-LTC-2014-002

It was Moved and Seconded that, Mayne Island Local Trust Committee commend and support the Village Bay-Miners Bay Pathway Proposal by way of a letter signed by the Chair.

CARRIED

8. **CORRESPONDENCE**

8.1 Email dated January 14, 2014 from P. Carney re: Parks Canada Heritage Lighthouse News Release

Chair Luckham expressed appreciation from the LTC to Dave Maude and everyone else involved in lobbying for protection of the Lighthouse.

Note: There was a break at 2:22 pm and reconvened at 2:45 pm.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 MA-TUP-2013.1 (Mayne Island Resort) Staff Report

9.1.1 Email dated January 1, 2014 from J Borsos

9.1.2 Email dated January 14, 2014 from G and Y Sewell

9.1.3 Email dated January 23, 2014 from K Ramlo

9.1.4 Recommendations for Bennett Bay Eelgrass Meadow

9.1.5 Email dated Feb. 22, 2014 from P and M Lightheart

9.1.6 Email dated Feb. 23, 2014 from R and M Munro

9.1.7 Email dated Feb. 20, 2014 from J Collier

9.1.8 Email dated Feb. 23, 2014 from R Jarco

9.1.9 Email dated Feb. 22, 2014 from D Burrowes

Planner Richardson reviewed the Official Community Plan (OCP) guidelines for Temporary Use Permits (TUP's).

Trustee Dodds commented on the volume of input and recommended the TUP be referred to the Advisory Planning Commission (APC).

Trustee Crumblehulme spoke in favour of the APC referral.

Chair Luckham questioned if the TUP should be a rezoning application. Chair Luckham has viewed the dock and there would be infrastructure expense required with no guarantee through a TUP that usage could continue. Chair Luckham supported a referral to the Advisory Planning Commission (APC); however, the APC may require more information to make a recommendation(s).

Trustee Dodds supports the TUP and would like the Mayne Island Conservancy to present their information/report to the APC.

Trustee Crumblehulme stated that he felt there was enough information available for discussion and that a rezoning application would be a long process.

MA-LTC-2014-003

It was Moved and Seconded that, Mayne Island Local Trust Committee refer MA-TUP-2013.1 (Mayne Island Resort) to the Mayne Island Advisory Planning Commission and that the Local Trust Committee send an email requesting a representative from the Mayne Island Conservancy to present their report to the Advisory Planning Commission.

CARRIED

Chair Luckham requested staff to send all correspondence and information to the APC.

9.2 MA-RZ-2012.1 (Oceanwood) Staff Report

9.2.1 Letter dated January 13, 2014 from J Taylor

Planner Richardson summarized the revised application and reviewed the processes that have taken place to date. Total number of units would be 31. While there are a number of positive components to the revised proposal, the Village Bay Improvement District has concerns regarding the impact on water levels. Senior's housing elements could be addressed through a housing agreement. The Official Community Plan (OCP) would require amendment and the Advisory Planning Commission (APC) has reviewed the amended proposal and supports the application.

Trustee Crumblehulme stated that while the new plan is smaller, it is still a major development for the island and water remains a critical issue. He would like to receive a water plan detailing volume in/out, collection, and a projection as to how much would be drawn from the ground water table.

Trustee Dodds agreed with the critical concern of water and felt that more information should be collected before the Community Information Meeting.

The applicant stated that the islands use less water than noted in the Standard Practice Manual and is in agreement to completing a water plan. It was also pointed out that new fixtures would reduce consumption.

Chair Luckham noted that there is not a significant reduction in the number of units proposed. The applicant has hosted a Community Information Meeting, the LTC has held a CIM and there has been a referral to the APC. The amended proposal changes the usage of the units and Chair Luckham questioned if a new application should be required.

Trustee Dodds stated the need for another CIM, after receipt of the water plan, and that the LTC would require time to review the water report before a decision was reached.

The applicant reviewed costs to date and stated concerns as to the expense of continuing the process.

Trustee Dodds and Trustee Crumblehulme support the application as presented.

Chair Luckham clarified that the costs of a water plan would be the responsibility of the applicant.

The applicant spoke to water usage at the Mayne Island Resort as a comparable and there are records for the last 3-4 years.

Ann Johnston stated that the issue of water and increased density has been an issue from the beginning, and average usage means little. It is important to know the maximum consumption after a dry summer.

Judy Taylor spoke to the need for Senior's Housing and does not feel the current application meets the needs of island seniors.

Chair Luckham stated that it was an LTC decision that the application be revised in light of the information collected through the Needs Survey. There is concern that if zoned for increased density and the project fails, then the zoning could be a liability.

Trustee Dodds reviewed that the proposal does include eight (8) senior's units and that the community, through the survey, voiced what was wanted. The APC recommendations have been taken under advisement and that she would like to see more residential units and less vacation units.

Trustee Crumblehulme stated his primary concern is the impact of the proposed business on the island and residents.

MA-LTC-2014-004

It was Moved and Seconded that, Mayne Island Local Trust Committee request the applicant of MA-RZ-2012.1 (Oceanwood) to provide a Water Management Report.

CARRIED

Chair Luckham asked who would hold the Housing Agreement.

Staff clarified that the agreement would be between Islands Trust and the applicant. Rentals, purchases, and staff housing could be controlled through the agreement or the LUB.

Staff were requested to bring an example of a housing agreement to future CIM's along with APC comments, water management report, and development phases. The LTC requested information be received prior to the CIM which is planned for the April agenda.

MA-LTC-2014-005

It was Moved and Seconded that, Mayne Island Local Trust Committee direct staff to request a water plan from the MA-RZ-2012.1 (Oceanwood) applicant and that staff prepare a sample housing agreement and schedule a Community Information Meeting for the April 23, 2014, Local Trust Committee meeting.

CARRIED

9.3 MA-TUP-2012.3 (Nordquist)

The request is for a renewal of the TUP for a 3-year term for a Short Term Vacation Rental (STVR).

Planner Richardson reviewed the staff report and stated there have been no complaints noted, to date.

Trustee Dodds questioned the applicant as to the April – October term of operation. The applicant is content with seven (7) months.

MA-LTC-2014-006

It was Moved and Seconded that, Mayne Island Local Trust Committee renew MA-TUP-2012.3 (Nordquist Holdings) for a three-year term.

CARRIED

9.4 Referral of Salt Spring Island Local Trust Committee Bylaws No. 472, 474 and 475.

MA-LTC-2014-007

It was Moved and Seconded that, Mayne Island Local Trust Committee advise the Salt Spring Island Local Trust Committee that Mayne Island interests are unaffected by Bylaws No. 472, 474 and 475.

CARRIED

9.5 Referral of Galiano Island Local Trust Committee Bylaws No, 244 and 245

MA-LTC-2014-008

It was Moved and Seconded that, Mayne Island Local Trust Committee advise the Galiano Island Local Trust Committee that Mayne Island interests are unaffected by Bylaws No. 244 and 245.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 RAR Follow-up

Chair Luckham stated that to date, there has been no information received from the Ministry.

10.2 Official Community Plan and Land Use Bylaw Amendments – Project Charter

There is a need to update and clarify the OCP and LUB.

Planner Richardson stated that a chart is being created to outline what needs to be changed, clarified, or deleted.

MA-LTC-2014-009

It was Moved and Seconded that, Mayne Island Local Trust Committee direct staff to prepare a list of technical amendments to the Mayne Island Local Trust Committee Official Community Plan and Land Use Bylaw.

CARRIED

MA-LTC-2014-010

It was Moved and Seconded that, Mayne Island Local Trust Committee endorse the project charter attached to the memo dated February 13, 2014.

CARRIED

10.3 Mayne Island Local Trust Committee Proposed Bylaws No. 159 and 160 (Secondary Suites)

Planner Richardson explained that the LTC could decide to amend or give further hearings to the Bylaws.

10.3.1 Proposed Bylaw No. 159

MA-LTC-2014-011

It was Moved and Seconded that, Mayne Island Local Trust Committee proposed Bylaw No. 159, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2013” be given Second Reading.

CARRIED

MA-LTC-2014-012

It was Moved and Seconded that, Mayne Island Local Trust Committee proposed Bylaw No. 159, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2013” be given Third Reading.

CARRIED

MA-LTC-2014-013

It was Moved and Seconded that, Mayne Island Local Trust Committee proposed Bylaw No. 159 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

MA-LTC-2014-014

It was Moved and Seconded that, Mayne Island Local Trust Committee proposed Bylaw No. 159 be forwarded to the Minister of Community, Sport, and Cultural Development for approval.

CARRIED

10.3.2 Proposed Bylaw No. 160

MA-LTC-2014-015

It was Moved and Seconded that, Mayne Island Local Trust Committee proposed Bylaw No. 160, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2013” be give Second reading.

CARRIED

MA-LTC-2014-016

It was Moved and Seconded that, Mayne Island Local Trust Committee proposed Bylaw No. 160, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2013” be given Third reading.

CARRIED

MA-LTC-2014-017

It was Moved and Seconded that Mayne Island Local Trust Committee proposed Bylaw No. 160 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 Work Program Report dated February 2014

Planner Richardson reported that the top priorities are still active/underway.

11.2 Applications Report

11.2.1 Applications Report dated February 2014

Planner Richardson stated there are 4 applications in process:

- * rezoning – Oceanwood
- * boundary adjustment
- * TUP for STVR – heard today
- * TUP to increase dock berths

11.3 Expense/Budget Reports

LTC Expense Report January and LTC Expense Report dated February 2014

Received for information

Chair Luckham stated any questions should be directed to staff.

11.4 Bylaw Enforcement

None

11.5 Adopted Policies and Standing Resolutions

Received for information

11.6 Mayne Island LTC Web Page

Trustee Dodds reported the old page is finally gone.

There was discussion as to each island having pictures – Pender Islands has their own banner. Staff are exploring this option.

11.7 Chair's Report

Chair Luckham informed the LTC that the next Trust Council is in the first week of March on Hornby Island. Finalizing the budget is one item on the agenda. The First Nations Treaty Negotiators have been invited.

11.8 Trustee Report

Trustee Dodds reported attending the pipeline meeting and two finance meetings. The budget has been interesting and frustrating with an increase drafted at zero percent increase.

Trustee Crumblehulme stated that the pipeline meeting was quite sobering. The Local Planning Committee is looking at ground water protection and this item will be referred to the Trust Council. The Mayne Island Advisory group (CRD Economic Development Committee) will be meeting March 12, 2014 and it is expected there will be a public meeting within the next two months.

12. OTHER BUSINESS

12.1 Upcoming Meetings

The next meeting of the Mayne Island Local Trust Committee will be held March 26, 2014, at 1:00 pm., at the Mayne Island Agricultural Hall.

13. TOWN HALL MEETING

Chair Luckham invited comments from the public.

Dave Hinton questioned the changes to the ferry schedule. He stated that the Chamber of Commerce is writing a letter opposed to the winter schedule and weekend changes. He requested the LTC to send a letter regarding how this would impact the island.

Chair Luckham advised those present to utilize the Ferry Advisory Committee to advocate on behalf of the island residents. He further stated that Islands Trust is very active in lobbying with BC Ferries to minimize cutting routes/sailings.

Dave Maude commented that there is a proposal going forward from the Ferry Advisory Committee, that in lieu of weekend changes there be one day midweek i.e.: Tuesday or Wednesday, that there be no direct sailing to Vancouver from Village Bay.

Murray Rosengren stated that occupancy is up at the Mayne Island Resort and there is concern as to the impact of BC Ferries on tourism.

14. ADJOURNMENT

Chair Luckham declared the meeting adjourned at 4:25 p.m.

RECORDER

CHAIR

**RECORD OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE PUBLIC HEARING
PROPOSED BYLAWS NO. 159 AND NO. 160 – SECONDARY SUITES
HELD ON WEDNESDAY FEBRUARY 26, 2014
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

<u>PRESENT:</u>	Peter Luckham	Chair
	Jeanine Dodds	Local Trustee
	Brian Crumblehulme	Local Trustee
	Gary Richardson	Island Planner
	Pat Todd	Recording Secretary

4. Public Hearing

Mayne Island Local Trust Committee Proposed Bylaws No. 159 & No. 160 -
Secondary Suites

There were approximately twenty-four (24) members of the public in attendance.

Chair Luckham called the Public Hearing to order at 1:45 p.m. and welcomed all the participants. He explained that the Public Hearing is a statutory requirement held according to Section 8.92 of the Local Government Act. Chair Luckham reviewed the procedures and process of a Public Hearing and informed the assembly that a binder was available containing all the reports and submissions regarding the proposed Bylaws.

Planner Richardson summarized the Public Hearing notification delivery process. The purpose of proposed Bylaw No.159 is to amend the Official Community Plan to allow secondary suites and the purpose of proposed Bylaw No.160 is to amend the Land Use Bylaws to allow secondary suites within certain zones with conditions.

Planner Richardson reviewed the agencies that had been informed of the proposed Bylaws. There was also a meeting with the island water districts and the Capital Regional District Building Inspector. Those areas serviced by water systems have been excluded. The primary comments received included the need for an address for the suite, off road parking, and that a suite may necessitate an expanded septic system. He then read the proposed Bylaws and the conditions required for a secondary suite.

The following comments were put forward by those in attendance:

Andrew Guy: stated that water catchment does not offset household water usage. The addition of a secondary suite should necessitate a septic inspection to ensure capacity.

Vicki Turay: questioned how areas were included/excluded.

Planner Richardson explained that those lots within a water system had been excluded as the majority of water districts had raised concerns as to water capacity.

Dave Hinton: raised the issues of fire separation, electrical panels, and smoke detectors.

Planner Richardson stated that secondary suites would be under regulations of the Building Code. Enforcement would be through the Capital Regional District (CRD).

Dave Burrowes: asked, if a suite were allowed on the property, would there be a private well within the water system?

Planner Richardson stated that a suite would not be allowed.

Ann Johnston: spoke to impact on water usage. Primary concern should be the impact on the aquifer, which impacts on neighbours.

Chair Luckham called once for further speakers to the proposed Bylaws.

Chair Luckham called a second time for further speakers to the proposed Bylaws.

Murray Rosengren: asked if secondary suites would be monitored as to short term vacation rental.

Planner Richardson stated that this is a possibility and enforcement would be the same as a house being used as a STVR.

Chair Luckham called for a third and final time for further speakers to the proposed Bylaws.

Chair Luckham closed the Public Hearing at 2:05 pm.

RECORDER

DATE

**NOTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON WEDNESDAY FEBRUARY 26, 2014 AT 1:10 P.M.
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

<u>PRESENT:</u>	Peter Luckham	Chair
	Jeanine Dodds	Local Trustee
	Brian Crumblehume	Local Trustee
	Gary Richardson	Island Planner
	Pat Todd	Recording Secretary

There were approximately twenty-four (24) members of the public in attendance.

3. Community Information Meeting

MA-TUP-2013.1 (Mayne Island Resort)

Chair Luckham called the Community Information Meeting to order at 1:10 p.m. and welcomed all the participants. He stated the purpose of the meeting was to provide an outline of the MA-TUP-2013.1 (Mayne Island Resort) application and to allow those present to ask questions regarding the proposed Temporary Use Permit (TUP).

Planner Richardson reviewed the application which is to permit three (3) berths at the existing dock. Current zoning allows for one (1) residential owner berth.

The TUP would allow for use of up to three (3) strata owners. The Local Trust Committee has received a report from the Mayne Island Conservancy regarding eel grass in Bennett Bay and letters both for, and against the TUP.

Chair Luckham explained the process of a TUP application versus a rezoning application and that the TUP could be issued for up to three years. Chair Luckham then called for questions from the public.

Murray Rosengren: (applicant partner) spoke for the proposal. The dock is currently a Private Moorage Facility which allows for one (1) berth for the Upland Residence. It is not felt that an increase in berths would affect traffic volume at the dock. The strata owners use the dock as “friends” of the owner and if the TUP were approved, they would be responsible for upkeep and maintenance.

Dave Hinton: (applicant partner) stated that the Ministry of Lands, Parks, and Housing allowed for three (3) berths, or less, under the strata title. He questioned the need for the LTC approval to increase the number of berths.

Planner Richardson explained that water zoning is a different level of regulations, and that every island/property is different. Common practice is for a dock to be tied to a residence under zoning regulations.

Chair Luckham detailed that the LTC had put into place waterfront usage zoning through the Land Use Bylaw and Official Community Plan details.

Marie Elliott: asked for clarification of the registered owners of lease. When researched she had found the original owners still on record.

It was stated that Murray Rosengren and Dave Hinton are the current registered owners.

Dave Burrowes: raised the issue of safety and maintenance. It is felt that this is an excellent location for a dock in case of emergency and that maintenance would be strengthened by allowing the application.

Vicki Turay: asked if the TUP would change zoning, how would strata owners be selected for privilege of dock use, and would they have “friends” who could also use the dock?

Chair Luckham stated there is no change to zoning with a TUP.

The applicant responded that all owners would have access to the dock and usage would be controlled by the Strata, who currently do not want more than three (3) berths.

Chair Luckham explained the terms of the TUP, which could be approved for up to 3 years and could then be renewed for up to 3 years, after which there would have to be a re-application.

The applicant stated that after three years it is likely that there would be an application to rezone.

Louis Vallee: referred to a legal opinion of 1974 from the lawyers for the LTC stating the dock cannot be used for more persons than the owner. There is also concern as to impact on the beach as the bay has low flushage.

Trustee Dodds explained this is why there is a TUP application.

Gary Caroline: reviewed some of the history of the dock and stated a concern as to increase of traffic within the bay, potential of damage to the bay, and noise. He then pointed out that the current usage has violated the existent berthing allowance and questioned how the TUP would be enforced.

Chair Luckham stated that enforcement would be according to currently Bylaw practice.

Ann Johnston: stated that a TUP generally comes prior to a rezoning application.

Chair Luckham confirmed that often a TUP is utilized to test out an idea and reminded those present that a Community Information Meeting is an opportunity to ask questions of the LTC staff and or the applicant.

The applicant stated there is little use of the dock currently and it is felt that it is better to moor at the dock as opposed to out in the bay.

Marie Elliott: stated there are plans for a dock in Horton Bay and that the Court of Appeal decision was a landmark for the LTC. It is felt that should the TUP be allowed, and then an application to rezone, this would impact on the LTC protection function.

Chair Luckham stated that the LTC is very aware of their responsibilities and the legal precedents. It is not automatic that a TUP would go to a rezoning - or be approved as a rezoning - as it is a different process with significant scrutiny.

Carl Bunnin: queried if the LTC had an inventory of marine structures. He stated that Mayne Island has fewer marine facilities/accesses than other islands and questioned why the application was for only three (3) berths – what if evacuation of the island was necessary?

Planner Richardson replied there is no inventory of marine structures.

Chair Luckham stated that the TUP does not include public use or emergency issues.

Vicki Turay: asked if there was a section within the LUB for marine structures, number of berths, and/or types of vessels that could be moored – some are less intrusive than others.

Planner Richardson confirmed that there are details in the Official Community Plan.

Trustee Dodds referred **Vicki Turay** to the Mayne Island Conservancy report.

Ian Dow: questioned enforcement as it has been observed that boats often raft to each other therefore, three (3) berths could equal more than three (3) boats.

Planner Richardson said that the number of boats could be detailed within the TUP along with conditions of usage. It was further stated that enforcement is difficult as a Bylaw Officer is not on island.

Chair Luckham directed the discussion back to the agenda at 1:45 pm.

RECORDER

DATE

COPIED TO



PLANNER



LTC



DEPUTY SECRETARY

ADOPTED

**MINUTES OF THE MAYNE ISLAND
ADVISORY PLANNING COMMISSION**

**HELD ON MONDAY JANUARY 13, 2014 AT 7:00 P.M.
AT THE CHURCH HOUSE**



Present: Rich Tamboline (Chair), Stephen Cropper, Jerry Wise, Dennis Emmett, Sally Manson, Dave Maude and Trustee Dodds. Pat Todd (recorder)

Regrets: Ian Birtwell, Bill Bender and Paul Dumond

There were four (4) members of the public present.

1. CALL TO ORDER: 7:00 p.m.

2. APPROVAL OF THE AGENDA

Addition: 2.1 Introduction of public attendees

The revised agenda was adopted by consensus.

2.1 Introduction of public members

The Chair asked the public attendees to introduce themselves: Dave Burroughs, Andrew Guy, Judy Taylor and Murray Rosengren {applicant MA-RZ-2012.1 (Oceanwood)}

3. APPROVAL OF MINUTES OF A.P.C.: Meeting of November 18, 2013

**IT WAS MOVED AND SECONDED THAT THE
ADVISORY PLANNING COMMISSION MINUTES
OF NOVEMBER 18, 2013 BE ADOPTED.**

CARRIED

4. BUSINESS ARISING FROM MINUTES: None

5. REFERRALS

5.1 Amendment to Application MA-RZ-2012.1 (Oceanwood)

Chair Tamboline stated that the Planner's report has been received and a letter from the applicant outlining the revisions. The primary shift is from Seniors Housing to the development of vacation rental units with some

Seniors Housing, staff housing and a reduction of rooms in the existent facility.

Murray Rosengren (applicant) reviewed the history of the application and the processes undertaken to date. In November the LTC had requested a reduction in density, the consideration of mixed housing and that the project incorporate environmentally friendly features. There was a needs assessment completed and results indicated low demand for Seniors Housing. Decreasing density would impact on the economic viability. The current amended application allows for 8 Seniors units, 20 cottages and staff housing.

Judy Taylor submitted a written response to the proposal and spoke in favour of the original proposal and is not pleased to see the reduction in Seniors Housing units. She requested the APC rethink the original rezoning application.

The Chair stated that the APC had been in favour of the original application and that the current amended proposal is resultant of the LTC November meeting and suggestions from the Trustees.

Questions were raised as to structure of the vacation rental units; siting of buildings and screening.

The applicant stated that plans are still in development – waiting for approvals.

Andrew Guy spoke to the value to the community, need for jobs, opportunities for young families and the importance of maintaining community resources.

Dave Burroughs pointed out that the proposal cannot address all needs immediately and that problems can be resolved when they are identified.

Further discussion clarified that the amended application is basically an expansion of the original Resort with a small Seniors Housing component.

**IT WAS MOVED AND SECONDED THAT THE
MAYNE ISLAND ADVISORY PLANNING
COMMISSION ACCEPTS THE AMENDED
PROPOSAL MA-RZ-2012.2 (OCEANWOOD) AND
FURTHER RECOMMENDS TO THE MAYNE
ISLAND LOCAL TRUST COMMITTEE THE
FOLLOWING: THAT THE TOTAL NUMBER OF
VACATION RENTAL UNITS TO NOT EXCEED 28
PLUS STAFF HOUSING AND THAT THE FINAL**

**DEVELOPMENT INCLUDE A MINIMUM OF 8 UNITS
ACCESSIBLE TO SENIORS.**

CARRIED

6. TRUSTEES REPORT

Trustee Dodds stated that a TUP for the Mayne Resort dock will be on the LTC agenda for February. Currently dock may only be used by 1 owner and the TUP is a request to allow 3 spaces for strata owners. There will be a Public Hearing the end of February regarding the bylaws for Secondary Suites.

7. NEW BUSINESS: none

8. NEXT MEETING: Second Monday of March if there is a referral

ADJOURNMENT: 8:30 pm.

CHAIR

DATE

COPIED TO



PLANNER



LTC



DEPUTY SECRETARY

DRAFT

**MINUTES OF THE MAYNE ISLAND
ADVISORY PLANNING COMMISSION**

**HELD ON MONDAY MARCH 10, 2014 AT 7:00 P.M.
AT THE CHURCH HOUSE**



Present: Rich Tamboline (Chair), Stephen Cropper, Jerry Wise, Sally Manson, Dave Maude, Ian Birtwell, Bill Bender, Trustee Dodds and Trustee Crumblehulme. Pat Todd (recorder)

There were two (2) members of the public present.

1. CALL TO ORDER: 7:00 p.m.

2. APPROVAL OF THE AGENDA

The agenda was adopted by consensus.

3. APPROVAL OF MINUTES OF A.P.C.: Meeting of January 13, 2013

It was Moved and Seconded that, the Advisory Planning Commission Minutes of January 13, 2014 BE ADOPTED.

CARRIED

4. BUSINESS ARISING FROM MINUTES: None

5. REFERRALS

5.1 MA-TUP-2013.1 (Mayne Island Resort)

Chair Tamboline outlined the referral which is for use of an existent dock for up to 3 vessels. He further stated that the discussion was not to include past issues or legalities regarding the dock. The Chair specified that the legal opinion of 2004, submitted to the APC by Louis Vallee and Marie Elliott, was privileged information and that the Chair had been instructed that this information could not be considered or heard.

The current TUP application is for use and there are no alterations to the dock.

Murray Rosengren (applicant): spoke to the application. The current lease allows for use by the resident of the Upland property. The Ministry converted the Water Lease to a permission (Permit to Occupy), which allows for 3 berths. The Resort is zoned commercial and therefore the strata lot owners cannot be considered as residential owners entitled to use the dock under the Bylaws.

One of the significant benefits of the TUP would allow the costs of maintenance to be assigned to the strata owners who currently use the dock as “friends” of the applicant.

Discussion addressed the following points:

- need for signage to detail the limitations of berth usage
- Resort would not advertize for dock usage
- Definition of berth: rafting of boats together
- Applicant prepared to monitor and comply with TUP as to number of tie ups.
- Lease does not detail a berth however the TUP can
- Impact on eelgrass (reference to MI Conservancy Report): could put out signs
- Applicant prepared to work with Conservancy
- No anchor zone: anchoring damages eelgrass as does motoring into a dock
- Violation of terms: cannot take TUP away but renewal in future could be at risk: Bylaw Enforcement
- There is little before and after information as to eelgrass damage
- TUP can have very detailed parameters/conditions eg: length of boat, surveys, length of dock, etc.

Louis Vallee: asked the record to indicate his strong objection to ruling that there be no discussion as to past of dock and that he felt the Legal Opinion of 2004 was public information.

Chair Tamboline restated that he had been instructed that the information was privileged and therefore not to be considered,

Louis Vallee again stated an objection to this ruling and that he feels the dock is currently operating illegally. He then asked what the next step was after TUP became permanent.

Trustee Crumblehulme outlined the processes of a TUP, the renewal steps and time frames involved.

Louis Vallee raised the concern that there would be draftapcmar2014more than three boats using the facility. He suggested moorage outside of the eelgrass beds and that only dinghies come to the dock. He also referred to LTC Chair Luckham's comment, at the meeting of February 26, 2014, that application should be for rezoning.

Chair Tamboline reviewed the application with the APC members:

- The Ministry permission extends beyond the dock
- float is removed in winter so TUP could include a time limit
- Conservancy report impressive and emphasis is on education which could also be addressed through TUP
- suggestion of a speed limit zone
- improving the safety and appearance of the dock is a benefit

It was Moved and Seconded that, the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee the approval of MA-TUP-2013.1 (Mayne Island Resort) with the following conditions:

1. maximum three boats can be moored at the dock at any one time;
2. float not to exceed approximately 8 feet by 45 feet (existent size);
3. signage be affixed on the dock detailing limits of usage;
4. within Foreshore Lot there be speed zone signs and recommended anchorage destinations;
5. the applicant, in conjunction with the Mayne Island
6. Conservancy identify appropriate moorage sites;
7. Applicant partner with the Mayne Island Conservancy regarding education and conservation.

CARRIED

6. TRUSTEES REPORT

Trustee Crumblehulme spoke about Trust Council meeting on Hornby Island last week and budget has been set at 0% increase. Islands Trust staff and Executive Council are to report in June regarding Advocacy Strategy Policy.

Trustee Dodds stated that more and more Islands Trust is being asked to advocate on issues eg: ferries, pipeline" oil spills and that there is a need to prioritize staff time and expenses. The Bylaws for Secondary Suites have been completed while the Oceanwood application and the TUP discussed tonight are still in progress. There will be minor amendments coming for the OCP and LUB but it is unsure if these will necessitate a referral to the APC. The quote for eradication of fallow deer was beyond budget so nothing will happen right now.

Trustee Crumblehulme stated that there has been some conflicting opinions as to conflict of interest for APC members throughout the Province. There will be guidelines developed – a "model bylaw".

Chair Tamboline stated that it would be helpful to have clarity and direction as to this issue.

7. NEW BUSINESS: none

8. NEXT MEETING: Second Monday of April if there is a referral

ADJOURNMENT: 8:25 pm.

CHAIR

DATE



Islands Trust

Print Date: Mar-19-2014

Follow Up Action Report w/ Target Date

Mayne Island Feb-26-2014

No.	Activity	Responsibility	Target Date	Status
1	Village Bay to Miners Bay Corridor Pathway Proposal. Letter of support to be prepared by LTC and signed by chair.	Brian Crumblehulme Lori Foster	Mar-14-2014	Done
2	MA-TUP-2013.1 (Mayne Island Resort Dock) - forward to APC will all correspondence for review and comment. Request Mayne Island Conservancy to present their report.	Gary Richardson		Done
3	MA-RZ-2012.1 (Oceanwood) - Staff to prepare further report on housing agreements etc and arrange CIM for April 23, 2014 MILTC Mtg.	Gary Richardson		On Going
4	MA-TUP-2012.3 (Nordquist) - renewed for 3 years.	Sharon Lloyd-deRosario		Done
5	Referral of Salt Spring LTC Bylaws 472, 474, and 475 - advise that MILTCs interests are unaffected.	Sharon Lloyd-deRosario		Done
6	Referral of Galiano Island LTC Bylaws 244 and 245 - advise that MILTCs interests are unaffected.	Sharon Lloyd-deRosario		Done
7	Mayne Island LTC Bylaw 159 - - update showing 2nd and 3rd readings - forward to the executive committee - forward to minister	Sharon Lloyd-deRosario Gary Richardson		Done
8	Mayne Island LTC Bylaw 160 - - update showing 2nd and 3rd readings - forward to the executive committee	Sharon Lloyd-deRosario Gary Richardson		Done

9	Project Charter (OCP and LUB amendments) - approved as drafted.	Kim Farris	Done
10	LTC to purchase report on Mayne Island Pathways initiative for 350.00.	Gary Richardson Nancy Rogers	On Going
11	MA-RZ-2012.1 (Oceanwood) request a water plan from applicant.	Gary Richardson	Done

Subject:Implementation of the Riparian Area Regulations on Mayne Island (204356)

Date:Wed, 5 Mar 2014 11:02:02 -0800

From:Minister, FLNR FLNR:EX <FLNR.Minister@gov.bc.ca>

To:Peter Luckham <pluckham@islandstrust.bc.ca>

CC:Henigman, Margaret FLNR:EX <Margaret.Henigman@gov.bc.ca>

Peter Luckman, Chair
Mayne Island Local Trust Committee
Islands Trust
pluckham@islandstrust.bc.ca

Dear Mr. Luckman:

Thank you for your letter of January 22, 2014, stating that the Mayne Island Local Trust Committee (LTC) has passed a resolution stating that you will not be implementing the Riparian Areas Regulation (RAR).

I appreciate that considerable effort has been taken to assess streams on the island, in an attempt to rule out the presence of fish. It is important however to realize that the RAR was created to ensure that, irrespective of present stream condition or fish presence, site potential is maintained to support future fish populations. Streams are defined in the regulation to include a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook; and a ditch, spring or wetland that is connected by surface flow to any of the aforementioned.

The RAR applies to these topographical features, even where fish are not present, provided there is the potential for fish habitat to be restored. Therefore, the RAR applies to Mayne Island streams where there is potential habitat and no permanent, natural barriers to fish. I understand from my staff that at least some of the Mayne Island streams could provide fish access should instream enhancements be carried out and where riparian vegetation is permitted to regenerate.

I recognize that there has been confusion over RAR implementation on Mayne Island. To assist you in gaining compliance with the regulation I have requested that ministry staff work with Islands Trust planners to resolve the technical issues impeding the implementation of RAR.

Please contact Margaret Henigman, Ecosystem Biologist, West Coast Region at 250 751-3214 or by email at Margaret.Henigman@gov.bc.ca to set up a meeting to discuss the next steps to facilitate an outcome that is positive and compliant with the regulatory framework.

Thank you again for writing.
Sincerely,

Steve Thomson
Minister of Forests, Lands
and Natural Resource Operations

pc: Margaret Henigman, Ecosystem Biologist, West Coast Region



200 - 1627 Fort Street, Victoria, BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

January 22, 2013

File Number: MA-04-1-2

via e-mail: FLNR.Minister@gov.bc.ca

The Honourable Steve Thomson
Minister of Forests, Lands and Natural Resource Operations
PO BOX 9049, STN PROV GOVT.
Victoria BC V8W 9E2

Dear Minister:

RE: Implementation of the Riparian Area Regulations on Mayne Island

I am writing to convey a decision made regarding implementation of the Riparian Areas Regulation (RAR) at a recent meeting of the Mayne Island Local Trust Committee (LTC).

The LTC passed a resolution stating that the Mayne Island Local Trust Committee is not proceeding with implementing the RAR due to frustrations with the lack of clarity and contradictory information relating to the regulation.

The LTC and Islands Trust staff have been working with Qualified Environmental Professionals (QEPs) over the past several years to try to implement the RAR in a way that addresses the requirements of the legislation, the desires of the Mayne Island community, and the specific conditions found in the streams on Mayne Island.

A total of three QEP reports have been prepared, some commissioned by the Islands Trust and some by the Mayne Island Land Owners coalition. The combined cost of staff time and financial resources has been considerable.

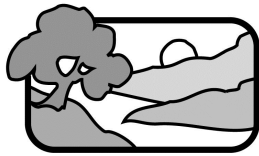
The QEP reports indicated that there were no fish present in any of the streams on Mayne Island. The lack of clarity regarding the implementation of the RAR for streams that indicate an absence of fish has led to much of the confusion.

The LTC has directed staff to prepare an Official Community Plan amendment that will contain policies regarding the protection of riparian areas on Mayne Island. The LTC believes that existing regulations sufficiently address riparian area protection on Mayne Island.

Sincerely,

Peter Luckham
Chair, Mayne Island Local Trust Committee
pluckham@islandstrust.bc.ca

cc: Elizabeth May, MP, Saanich Gulf Islands
Gary Holman, MLA, Saanich North and the Islands
Andy Witt, Manager, Habitat Management, FLNR
Margaret Henigman, Ecosystems Biologist, FLNR
Mayne Island Land Owners Coalition



Islands Trust

BYLAW REFERRAL FORM

#200 - 1627 Fort Street
Victoria BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: North Pender Island Trust Area Bylaw No.: 194 Date: March 6, 2014

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held April 24, 2014.

APPLICANTS NAME / ADDRESS:

North Pender Island Local Trust Committee initiated

PURPOSE OF BYLAW:

The proposed bylaw amendments have been initiated by the North Pender Island Local Trust Committee to amend the Land Use Bylaw to correct erroneous cross-references or typographical errors, update regulatory references, and improve clarity in the bylaw. There are also four amendments to the zoning map:

- one to amend land zoned Rural (R) to Agriculture (AG) to reflect land now included in the ALR ,
- two to amend the zone boundary for the public dock facilities located at Hope Bay and Port Washington to improve alignment of the zone boundary with both the Crown lease area and the existing dock structure, and
- one to amend the zone boundary for the marina at Otter Bay to reflect the current location of the existing breakwater structure.

GENERAL LOCATION:

n/a

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

More information on this project is available at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/lub-technical-amendments.aspx> or by contacting Andrea Pickard at apickard@islandstrust.bc.ca or 250-405-5189

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Andrea Pickard

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

Agricultural Land Commission
Ministry of Forests, Lands, and Natural Resource Operations
Ministry of Transportation and Infrastructure - Approving Officer

Non-Agency Referrals

Islands Trust Bylaw Enforcement

Regional Agencies

Capital Regional District - Building Inspection Services
Southern Gulf Islands Port Manager

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nations
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation - TE'Mexw Treaty Association

PLEASE TURN OVER →

First Nations Con't

Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Songhees Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseyucum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

North Pender Island Trust Area

(Island)

194

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

From: Barry and Sally [REDACTED]
Sent: Monday, March 10, 2014 3:35 PM
To: 'Rich Tamboline'
Cc: Jeanine Dodds
Subject: Bennet Bay and other foreshore

I read that the Mayne Resort has applied for use of its dock for the fractional ownership's use, which is apparently still denied many years after the original construction by the previous owners of the old Mayne Inn.

It is my understanding that there is some opposition to 'tie up' use of dock should those residing at the 'Resort' (if they have a boat) wish to do so.

I wish to disagree with that opposition and kindly request as being considered as a 'somewhat valid authority' as regards to Bennett Bay and associated issues

Please bear with me:.

The Wilks family purchased 30+/- acres at the head of Bennett Bay in 1951 (reaching from the Bennett Bay beach access road to the 'outside Gulf of Georgia) encompassing a food productive field, a house, an 'in-laws' smaller dwelling and assorted ancillary buildings and all of pristine Campbell Point; This land was meticulously stewarded and maintained by my family.

After the passing of my parents it was determined to sell that property to Parks Canada.: Things changed after that where Parks Canada contracted an off-Island company to demolish and burn the buildings and decree a 600 feet off shore jurisdiction including the removal of mooring buoys of the small boats used by local people.

It now seems that parks Canada is an entity that asserts authority that no other foreshore owner in the area can assume without a very public and due process. This has led to even more pressure for boat facilities on Mayne Island, but not applicable to my understanding of the Mayne resort request.

On another point of interest that seems to come up often in shoreline discussion is eel grass. The eel grass growth in Bennett Bay is similar to all other mud or sandy bottom bays in the Gulf Islands, tough stuff, it is certainly a survivor. My close experience includes the latter part of the heydays of logging in the area (which went on for many years), also recalling when Horton Bay was nearly half filled with log booms (shade??) I was even part of that, stowing, bundling, booming logs, looking down at low water underneath at the grass movement swirling and rock crabs hustling. The log booms were towed away by through Robson Channel by tug boats, (the grass abundantly is thriving as of day 1 (one) of my observation, I say in jest that the only way that we can be rid of eel grass if chosen is with a small nuclear explosion!)

At present times have changed, no longer at Bennett Bay the facility is named "Hollandia Hotel", later "Arbutus Lodge" then "Mayne Inn" ; which of places very often times became "yahoo party centers" There then developed considerable opposition to an application for lease and marine facilities that were feared to possibly attract occasional larger live-aboards which could contribute to unsavory beach pollution

The Mayne Resort has proven to expresses a whole different atmosphere. The facility is upbeat respectable and responsible, conscious of concerns (water, sewage, views. etc.) and constructed facilities that benefit both owners and community which has lofted the general area from a 'slow blight'.

I support the application for the dock and expect any dock dereliction that may have incurred over the 'restricted use years' will be dealt with in the manner that the Mayne Resort has shown in the upgrading of the uplands

In last note: I have heard of a few grumbles about the dock which seems to be based on past history. My message is; "Times have changed" "Let's get on with it and make this an even better and happy community"

Barry Wilks

To: Gary Richardson, Island Planner

Oceanwood Inn re-zone application – water plan & estimate of water consumption **MA-RZ-2012.1 (Oceanwood)**.

As a result of requests from the Trustees at the LTC meeting of Feb. 26 / 14 I am submitting the Oceanwood water use plan and an estimation of the water demand that the proposed increase in density at the Oceanwood Inn property will place on the Aquifer.

OCEANWOOD WATER USE PLAN

The Oceanwood plans to provide water for the requested increased density without increasing its historic demand on the aquifer.

The plan to achieve this will be as follows:

- Work with neighbouring well owners and operators.
- Cease all irrigation with water drawn from the aquifer.
- Decommission unnecessary secondary wells for aquifer protection
- Use a VIHA certified technician to monitor water use and keep records.
- Remove the 150 gallon soaker tubs from all of the 12 existing hotel rooms.
- Individually meter every unit to monitor for wasteful usage and detect leaks.
- Install a rainwater harvesting and storage system for the flushing of all site toilets.
- Create awareness with guests and senior occupants of the importance of conservation.
- Install high efficiency fixtures, faucets and equipment both in new units and in the old hotel.

The essence of this plan is based on the fact that the Oceanwood's historic water demand, with respect to the amount of units serviced, has been excessive with flow rates actually greater than that required for the proposed higher density.

The old Inn's plumbing fixtures, faucets and toilets are out dated and operate at excessively high flow rates. Modern counterparts to these items operate at roughly one third of the flow rate.

Further significant water reductions will be gained with the elimination of the 150 gallon soaker tubs that are presently in each hotel room.

Additionally, installing a rainwater harvesting system to supply all toilets on site will effectively eliminate another 40% of demand on ground water.

Finally one of the largest water savings will be the elimination of the ground water supplied irrigation system. A conservative estimate would place the dry season irrigation system demand at 500 gpd but the top end could be 5 gallons per minute or 7500 gallons per day.

ESTIMATED WATER DEMAND FOR THE OCEANWOOD EXPANSION

I have used two different methods to provide a more dependable estimation of the water demand by the Oceanwood proposal.

The first method below considers the water consumption rates of an existing facility similar in scope and function (Mayne Island Resort) and therefore assumes a similar water demand for the Oceanwood proposal. (See table)

The second method below considers actual Mayne Island household demand per dwelling and applies this rate to each of the proposed units at the Oceanwood. (See table)

#1 MAYNE ISLAND RESORT WATER DEMAND

The standard practice manual design flow rate for the Mayne Island Resort is 4,110 gpd.

The actual water demand for the Resort with 100% occupancy in July 2013 was 1600 gpd or 38% of the design flow rates (recorded by Jean Beaudet VIHA water technician).

The standard practice manual design flow rate for the proposed Oceanwood expansion is 4,420 gpd.

Therefore the actual water demand for the Oceanwood proposal with 100% occupancy, using the same low flow fixtures and rainwater harvesting as Mayne Island Resort, will also be proportional at 38% of the design flow rate or 1,720 gpd.

Mayne Island Resort has 8 hotel rooms, 14 cottages, a manager's home, a 60 seat restaurant, 30 seat pub, a spa with pool, hot tub, steam room, showers and washrooms.

The Oceanwood proposal will have 8 hotel rooms, 20 vacation cottages, 8 seniors cottage size homes, 5 worker accommodations, a manager's home, a 20 seat restaurant, a pool, hot tub, steam room, showers and washrooms.

#2 TYPICAL MAYNE ISLAND HOUSEHOLD DEMAND PER DWELLING

Water technician John Beaudet is the operating technician and meter reader for five Mayne island water districts. Jean estimates a demand of 70 gallons per day per household based on a household occupancy of two; this can rise to 100 gpd with added occupants. Rates higher than 100 gpd are very uncommon and will usually set off an investigation for problems or leaks in the system.

The proposed units at the Oceanwood will have an occupancy rate of two or less so it would be reasonable to assume 70 gallons per day per unit to determine water demand for each of the existing and proposed units at the Oceanwood. This would equal 2940 gallons per day with 100% occupancy.

Rainwater harvesting for toilet flushing would further reduce this ground water demand by up to 40%. This method places the ground water demand at 1,764 gpd.

I have not included the pool or restaurant for the reason that when occupants are in these areas they are not creating demand in their dwellings. VIHA likewise considers this type of occupancy overlap when calculating flow rates.

Finally I would like to mention that I have operated the Mayne Island Resort at a ground water demand rate of less than one gallon per minute for ten years. The key to this has been using modern fixtures, careful water management and rainwater harvesting. The same can be done at the Oceanwood.

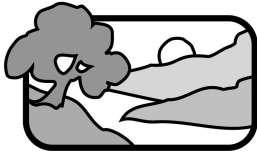
Please contact me if you have any questions.

Best regards

Murray Rosengren applicant

ESTIMATED WATER DEMAND FOR THE OCEANWOOD INN PROPOSAL & DEMAND BY EXISTING SYSTEMS

Water System	Demand base on the Standard Practice Manual	Water demand July with 100% occupancy	Method
Mayne Island Resort	4,110 gpd	1,600 gpd	MIR actual
# 1 Proposed Oceanwood	4,420 gpd	1,720 gpd	MIR ratio
#2 Proposed Oceanwood	4,420 gpd	1,764 gpd	Household x all units
Existing Oceanwood	3,180 gpd	3,713 + gpd	3 x MIR ratio + Irrigation
Island Household 2 people	250 gpd	70 gpd	Actual



Islands Trust

BYLAW REFERRAL FORM

Island: Saturna Island Trust Area **Bylaw No.:** 112 (OCP) **Date:** March 11, 2014

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held.

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee

PURPOSE OF BYLAW:

To amend the policies of the Saturna Island Official Community Plan to allow the Community Amenity Density Reserve (CADR) to contain density by placing both subdivision density and residential density into the reserve.

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

n/a

OTHER INFORMATION:

See staff report dated January 29, 2014 attached.

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Island Planner

Title:

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Agricultural Land Commission
Ministry of Community, Sports & Cultural Development

Non-Agency Referrals

Saturna Island Parks Commission

Regional Agencies

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
South Pender Island Local Trust Committee
Mayne Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Songhees Nation
Stz'uminus First Nation
Tsarlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

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**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Island Trust Area

(Island)

(Signature)

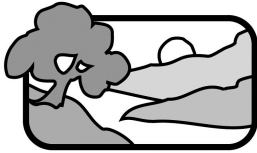
(Date)

112

(Bylaw Number)

(Title)

(Agency)



BYLAW REFERRAL FORM

Islands Trust

Island: Saturna Island Trust Area **Bylaw No.:** 113 (OCP) 114 (LUB) **Date:** March 11, 2014

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held.

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee

PURPOSE OF BYLAW:

Draft bylaw 113 amends the Saturna Island Official Community Plan to allow secondary suites to be considered within residential land use designations. Draft bylaw 114 amends the Saturna Island Land Use Bylaw to allow secondary suites of a limited size to be constructed within a residence in zones that allow residential use.

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

Includes ALR lands

various

OTHER INFORMATION:

See staff report dated February 4, 2014 attached.

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Agricultural Land Commission
Ministry of Community, Sports & Cultural Development
Ministry of Transportation & Infrastructure
Island Health

Non-Agency Referrals

Islands Trust Bylaw Enforcement
Lyal Harbour/Boot Cove Water Services
Old Point Water Services
Saturna Island Fire Department
Saturna Shores Improvement District

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe

Regional Agencies

Capital Regional District – Planning & Protective Services

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
South Pender Island Local Trust Committee
Mayne Island Local Trust Committee

Semiahmoo First Nation
Songhees Nation
Stz'uminus First Nation
Tsarlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

PLEASE TURN OVER →

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Island Trust Area

(Island)

113 & 114

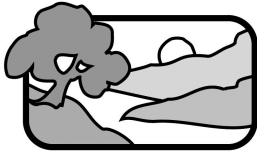
(Bylaw Numbers)

(Signature)

(Title)

(Date)

(Agency)



BYLAW REFERRAL FORM

Islands Trust

Island: Saturna Island Trust Area **Bylaw No.:** 115 (OCP) **Date:** March 11, 2014

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held.

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee

PURPOSE OF BYLAW:

The purpose of bylaw 115 is to amend the Temporary Use Permit guidelines in the Saturna Official Community Plan that are used to evaluate the use of a residence for short term vacation rental purposes.

GENERAL LOCATION:

Saturna Island Local Planning Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

n/a

OTHER INFORMATION:

See staff report dated January 29, 2014 attached.

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Agricultural Land Commission
Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust Bylaw Enforcement
Lyall Harbour/Boot Cove Water Services Old Point Water Services

Regional Agencies

Capital Regional District – Planning & Protective Services

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
South Pender Island Local Trust Committee
Mayne Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Songhees Nation
Stz'uminus First Nation
Tsarlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

PLEASE TURN OVER →

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Island Trust Area

(Island)

(Signature)

(Date)

115

(Bylaw Number)

(Title)

(Agency)



Top Priorities

Mayne Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Housing Options - Secondary suites	Prepare for public hearing for proposed bylaws 159 and 160 February on 26, 2014	Jul-31-2013	Gary Richardson	Feb-26-2014	On Going
2	OCP and LUB amendments	Review OCP and LUB as per APC report dated February 2013. Review appropriateness of allowing public service uses in all zones as they may not be compatible with surrounding residential use. Review setbacks for agricultural buildings from water courses, consistent with Ministry guidelines. Review accessory building regulations and lot coverage in RR zone Project Charter to be prepared for February 26, 2014 LTC meeting.	Jul-31-2013	Gary Richardson	Mar-26-2014	On Going
3	Fallow deer eradication plan	1. rfp for fallow deer eradication plan options	Oct-30-2013	Gary Richardson	Mar-31-2014	On Going



Projects

Mayne Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	Mar-02-2009	On Going
2	Commercial Land Use Review	review task force reports and provide options/recomendations to the LTC	Oct-24-2012	On Going
3	First Nations Communication - deer		Jun-27-2012	On Going
4	Density provisions on large remainder lots		Jul-27-2012	On Going
5	Road issues		Jun-27-2012	On Going
6	Review TUP policies		Sep-19-2012	On Going
7	STVR Review		Sep-19-2012	On Going
8	Geo-exchange review		Nov-28-2012	On Going



Applications w/ Status - Mayne Island Status: Open

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2012.1	0747825 BC LTD / Bruce Rosengren c/o Murray Rosengren Planner: Gary Richardson	Dec-18-2012	630 DINNER BAY RD To rezone from Commercial zone (C5a) to Senior Citizen Housing Comprehensive Development Three zone (CD3) with site specific permissions.

Planning Status

Status Date: Nov-20-2013

Staff report and needs study on November 27, 2013 LTC agenda for the LTCs consideration.

Status Date: Oct-23-2013

Need study being carried out report from consultant to be prepared Nov 15, 2013.

Status Date: Oct-23-2013

Staff to review needs study and prepare report for LTC to consider at its Nov, 27, 13 LTC meeting

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2014.1	Richard & Debra Milne, Wayne & Janice Peace Planner: Gary Richardson	Jan-22-2014	000-200-212 380 GEORGINA POINT RD MA 023-910-330 370 GEORGINA POINT RD MA 023-910-348 GEORGINA POINT RD MA

Planning Status

Status Date: Feb-17-2014

application fees received and processed gave file to planner

Status Date: Jan-24-2014

subdivision application and request for fees sent out to applicant. App PKG sent to LTC

Status Date: Jan-22-2014

referral received from MoTi

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2012.3	Erick Nordquist Planner: Gary Richardson	May-14-2012	517 ARBUTUS DR Short Term Vacation Rental

Planning Status

Status Date: Mar-13-2014

Reissued renewal Permit and sent it to applicant

Status Date: Feb-17-2014

renewal on Feb 26/14 agenda for LTC consideration

Status Date: Jan-29-2014

renewal received

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2013.1	Mayne Island Resort Strata Planner: Gary Richardson	Jul-09-2013	Address 494 ARBUTUS DR PID 027-713-253 Changing the use to allow strata owners docking priviledges.

Planning Status

Status Date: Nov-20-2013

CIM to be held during February 26, 2014 LTC mtg.

Status Date: Oct-23-2013

Staff report to be prepared for February 26, 2014 LTC meeting.

Status Date: Sep-30-2013

Receipt of fees letter mailed out. Created label for file, gave to planner

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: July 25, 2012

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	October 1, 2007	MA-LTC-70-07	Guidelines for Use When Considering Funding for Reports	The MILTC has adopted a policy establishing the set of guidelines the LTC should employ when purchasing a report for LTC and public use.
2.	February 7, 2011	MA-LTC-13-11 This resolution repeals MA-LTC-90-09	STVRS Bylaw Enforcement	1. Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are permitted to stay in tents or trailers; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on Mayne Island as a STVR. 2. No enforcement actions under section 1.1 will be taken against any STVR operation that takes place in a lawful cottage or dwelling while the operator lives in a lawful dwelling or cottage on the same property. 3. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time. This means that persons who have two lawful dwelling places on one lot and who live in one dwelling while the other is used as an STVR will be exempt from enforcement if they advertise. Staff recommends that the other factors continue to apply because STVR operations that have third party management, have more than one location on Mayne Island, or use more than one dwelling or cottage or permit camping are essentially operating as a resort or motel. The safety and nuisance triggers for enforcement protect the renters, the operators, and the neighbourhoods. It also reduces the Islands Trusts' liability.

No	Meeting Date	Resolution No.	Issue	Policy and Description
3.	May 2, 2011	MA-LTC-44-11	Options for adopting In Camera Minutes	It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public .
4.	February 1, 2012		Special Occasion Liquor License referrals	That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
5.	July 25, 2012	MA-LTC-34-12 x-ref #2 above	STVR Bylaw enforcement policy	That Mayne Island Local Trust Committee resolves to extend the current Short Term Vacation Rental bylaw enforcement policy, as written in Staff Report dated June 26, 2012 until the project to review use of second dwellings for Short Term Vacation Rentals is complete.

GUIDELINES FOR MAYNE ISLAND LTC TO USE WHEN CONSIDERING FUNDING FOR REPORTS

**Adopted by Resolution MA-LTC-70-07 at the regular meeting of
October 1, 2007.**

ISSUE: What guidelines should an LTC employ when purchasing a report for LTC and public use?

BACKGROUND:

Islands Trust financial policy provides that an LTC cannot sponsor an event, even a community non-profit venture. LTC's can, however, purchase goods and services which are of benefit to the LTC and, by extension, the community it serves. Therefore, LTC's have supported worthwhile conferences, workshops and the like by purchasing a report on conference issues, proceedings, findings and recommendations.

In order that LTC's receive value for their purchases, the Mayne Island LTC has raised the issue outlined above. It has asked that guidelines be considered for use in evaluating future opportunities to purchase reports on a wide variety of subjects related to LTC mandates.

CONSIDERATIONS:

There are a number of factors or considerations an LTC might need to entertain. These considerations are cited below in an order which range from "fundamental" to "consequential".

1. Does the LTC have the budgetary capacity to consider the opportunity to purchase a conference report or proceeding?
2. Is the subject matter germane to the work and/or mandate of the LTC?
3. If the answers to 1 and 2 above are in the affirmative, the LTC may wish to consider requirements for the report they agree to purchase.

GUIDELINES

If the LTC decides to purchase a conference report or proceedings, it may require that reporting guidelines below be met as a condition of purchase.

These guidelines are:

1. The full proceedings of the conference or workshop are preferred.
2. If full proceedings are not produced or available the report to the LTC should include:
 - (a) The agenda of the conference or workshop
 - (b) A list of presenters and the topics they represented
 - (c) A summary of each topic discussed
 - (d) A copy of all papers presented at the conference
 - (e) A list of all recommendations made by the conference (if not cited in the papers or summary of each topic)
 - (f) A summary of any follow-up actions identified by the conference
 - (g) A copy of any contact list or referral resources generated by the conference,.
3. If only a narrative report is produced, the narrative should include or address the information sought in (a) to (g) above.

It is hoped that the guidelines above will ensure that the LTC will receive all relevant information generated by the conference or workshop.



Memorandum

Date March 19, 2014

To Local Trust Committees
Planning Staff
Bowen Island Municipality

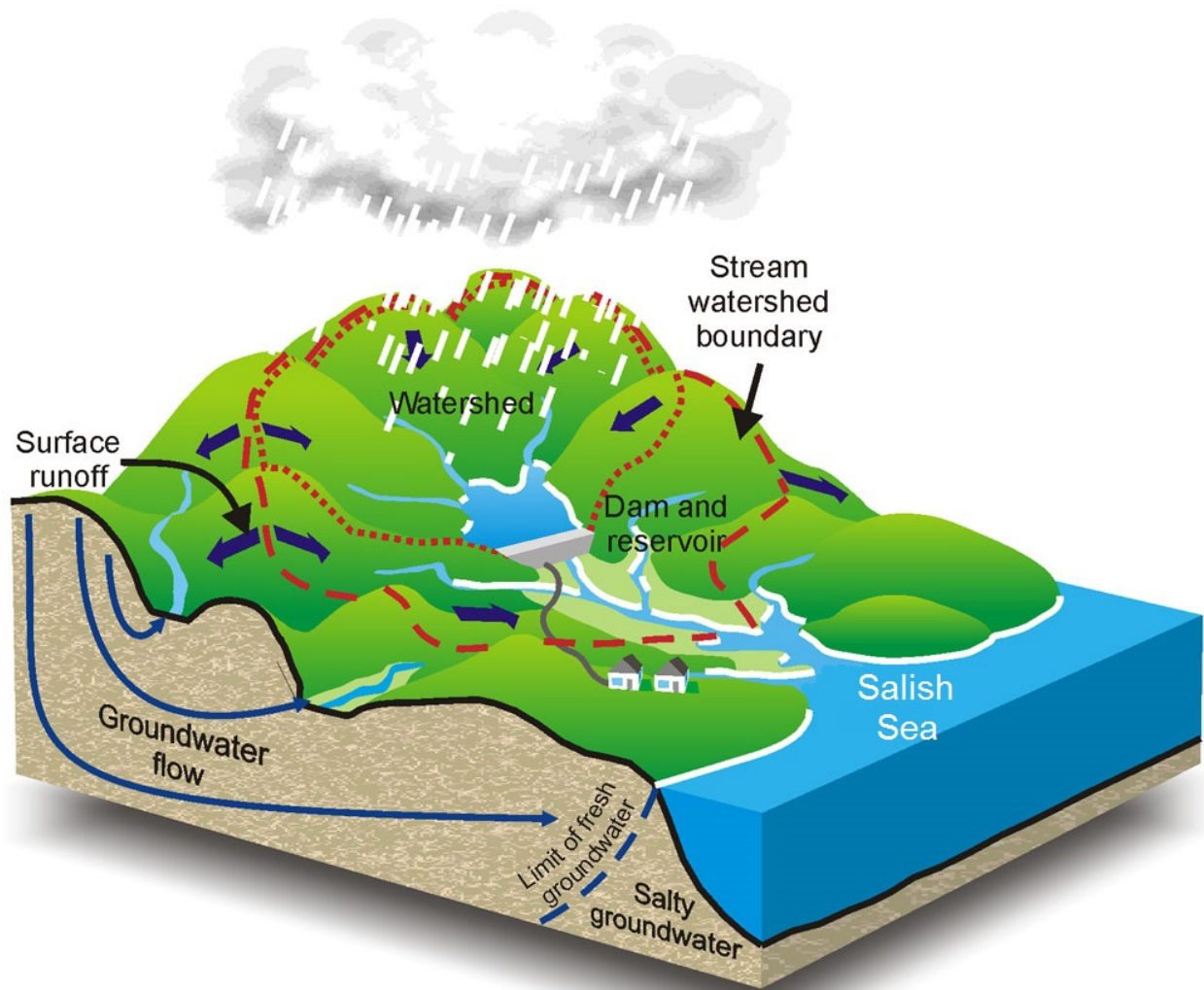
From Local Planning Committee

Re *Gulf Islands Groundwater Protection - A Regulatory Toolkit*

At its meeting on March 4-6, 2014, the Islands Trust Council passed a resolution requesting that the attached toolkit be circulated to all Local Trust Committees, planning staff and Bowen Island Municipality so that they are aware of some of the options available for the protection of groundwater.

This toolkit addresses options for the islands to consider in order to safeguard their water supplies now and into the future. The intent of this toolkit is to enable Local Trust Committees, planning staff and Bowen Island Municipality to choose the correct tool for the project at hand that suits their island.

Attachment: *Gulf Islands Groundwater Protection - A Regulatory Toolkit*



Gulf Islands Groundwater Protection

A Regulatory Toolkit

Prepared by Kris Nichols, LPC Island Planner

January 30, 2014



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Introduction

Islanders are taking voluntary actions to steward and conserve water, island organizations educate and manage their water resources, and the Islands Trust has a strong focus on the importance of voluntary actions to protect water quality and quantity. A sample can be viewed here: <http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx>.

This project discussion paper is only about what regulatory options are available if islanders and trustees want to proceed down the regulatory route; it is not the only route to protect groundwater quality and quantity.

The Islands Trust Local Planning Committee (LPC) has on their work program the development of water quality and quantity toolkit and development of a model bylaw. This report includes a toolkit, a model Development Permit Area (DPA) bylaw and a model Development Approval Information Area (DAI) Provisions that will assist all Local Trust Committees (LTC) in addressing the issue of water conservation.

This report addresses options for the islands to consider in order to safe guard their water supplies now and into the future. The protection of a safe adequate water source will remain a priority for the Islands and will become increasingly important as the Islands continue to develop. Reaching the full potential of water conservation requires comprehensive and long-term strategic planning.

There is an ever increasing need to balance the water supply requirements for area growth against future sustainability and environmental needs. The issue of water quality and quantity has been a long standing issue on the Gulf Islands. Local Trust Committees (LTC) have approached the issue differently from no action to developing development permit area guidelines and specific water conservation bylaws or subdivision servicing regulations. However, it is believed that to plan for the future of the Islands is to include the protection of water – groundwater and surface water. Groundwater is inextricably linked to the amount of surface water which many island ecosystems and habitats rely on which is another reason why an island's groundwater supply should be protected and sustainably used.

Background

In British Columbia, water is owned by the Crown and not by individual land owners. Surface water is regulated by the *Water Act*. British Columbia is the last jurisdiction in Canada without groundwater legislation or licensing (i.e. protection). The intent of the Province in the near future is to integrate groundwater and surface water allocation. The Province is working to finalize the new *Water Sustainability Act* (see: <http://www.livingwatersmart.ca/water-act/>)

which would require all existing and new large groundwater users to apply for and obtain a water licence (e.g. waterworks, community wells, industrial and agricultural users). This proposed legislation will replace the *Water Act*. The proposed legislation would not include individual residential well users, but it would in high risk areas (priority areas) where for instance aquifers are under stress due to over use. To establish the Islands Trust as a priority area would be beneficial, but this cannot be established until the new legislation is in place. This would enable closer evaluation with the province on providing regulation for the protection of aquifers/ground water. Something all islands would benefit from.

An aquifer is the area underground where spaces between gravel, sand, clay, or rock fill with water. Water stored underground is called groundwater. There are different types of aquifers. When water is found in cracks and pores in the rock, we call this a 'bedrock' aquifer. When water is found in the spaces between sand and gravel, we call this a 'sand and gravel', or 'unconsolidated' aquifer.

There are two types of aquifers that exist in the Gulf Islands: sand and gravel layers and fractured bedrock. Fractured bedrock provides the primary source of freshwater for the majority of the island residents. Fractures in the bedrock located below the water table are filled with water and tapped by wells. The density of fractures and proximity to major faults determine the water yield from individual wells.

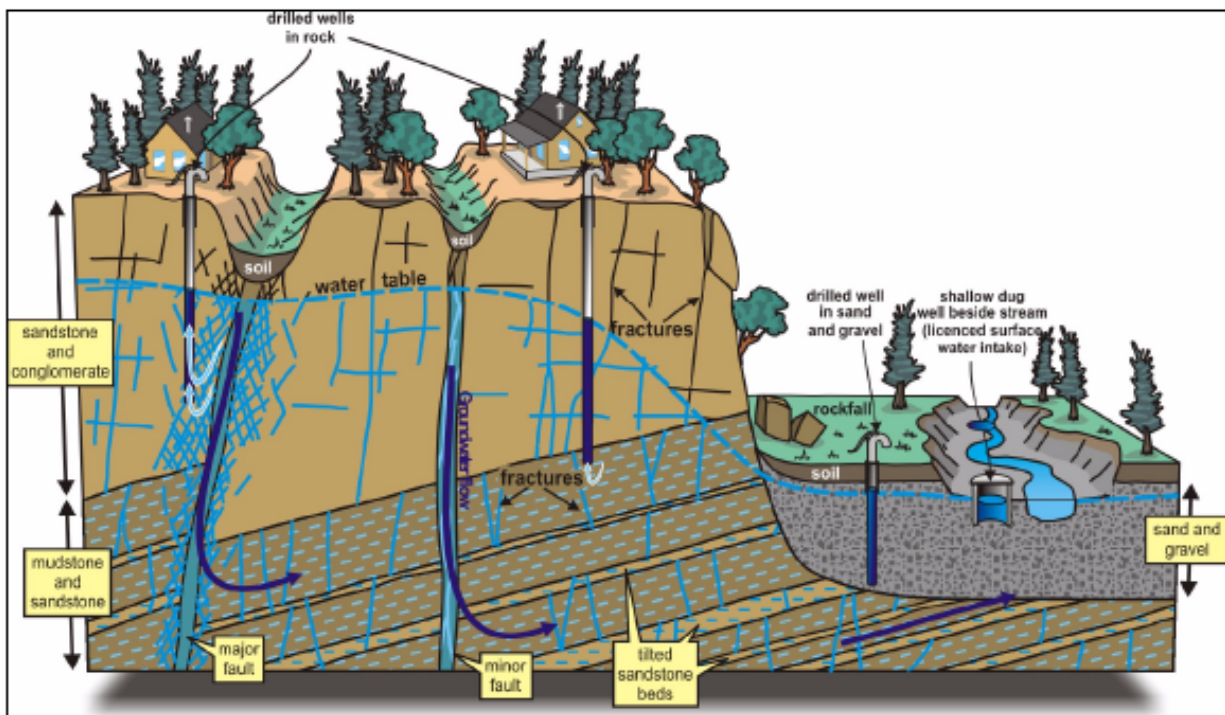


Figure 1. Ground water fills cracks and pores below the water table.

Source: Natural Resources Canada (http://ngwd-bdnes.cits.nrcan.gc.ca/service/api_ngwds:def/en/brief/pr_i03_mj.html)

Development pressures will continue to raise concerns over adequate quantity and quality of water on the Islands. The drinking water in the Gulf Islands comes from a variety of sources – private water systems, improvement districts, regional district water systems, individual wells, surface water all which rely on a safe supply of groundwater from aquifers. There are specialized systems that do not rely on groundwater such as rainwater catchment and desalinization. A few residents rely on bottled/trucked water.

Sustainable practices are required to conserve and protect fresh groundwater sources. There is currently no system to understand the cumulative impacts of individual wells drilled. There are a number of issues that impact the quality and quantity of groundwater such as saline intrusion, land use impacts (i.e. types and amount of uses), well interference, surface contamination, topography, recharge rates, soils, vegetation cover, geology, proximity to the sea, liquid waste (i.e. septic system) and seasonal water shortage. Climate change may also have an impact on groundwater supplies. The protection of existing groundwater supplies is significantly easier than finding alternative water sources on the islands. Groundwater also plays an important role in maintaining base flows in rivers and streams, which are critical in providing wildlife habitat and maintaining fish spawning areas and wetlands.

The Islands Trust has an important role to play in groundwater protection. It controls long-range development (Official Community Plans) and land use planning, zoning, development permit areas, bylaw enforcement, subdivision servicing bylaws. The Regional Districts and the Ministry of Transportation and Infrastructure (MoTI) have jurisdiction for water utilities and subdivision approvals, respectively. Island Health (formerly VIHA) has jurisdiction, through registered installers, for the approval of septic fields.

In addition to land use controls, there are several water conservation practices (e.g. low flow toilets, showers, rainwater collection, etc.) for residential home owners that should be encouraged to promote the sustainable use of water. Much of what will make the difference will not necessarily come from regulations, but from the community and its water use practices.

The Islands Trust decisions about how and where land is developed impacts groundwater quality and quantity. Therefore, the Island communities expect that the Islands Trust will manage land development to protect both water quality and quantity of groundwater. Often local government policy on groundwater is often unmanaged and unmeasured. With improved information, the Islands Trust can improve its impact on water quality and quantity. Even low density development can impact the rate of groundwater extraction through the use of wells and the ability of water to infiltrate into aquifers with development in recharge areas. Islands Trust communities have very few alternative sources of water than what they are currently using. Groundwater protection should be an overarching priority informing all land use decisions.

What is the Islands Trust Doing Currently?

The Islands Trust has recognized the significance of protecting the groundwater. Some islands have addressed water protection through development permit areas such as Salt Spring Island with its Development Permit Area 5 for the protection of Community Well Capture Zones or Galiano Island with its Development Permit Area 4 which addresses the protection Elevated Groundwater Catchment Areas. Some Islands such as Saturna Islands have specific requirements for areas of the island that have gone through studies around their groundwater. On the East Point area of Saturna Island where there is limited water quality and quantity the zoning bylaw requires that the lots contain a cistern for the storage of water. Galiano Island also has a similar bylaw requirement for areas identified as Water Management Areas and the requirement for extra cistern water storage.

In Gabriola's OCP they recognize the importance of groundwater by stating that, "there are known problems with inadequate soil percolation for septic disposal and groundwater supply because of the complex nature of groundwater flow through fractures in the bedrock. " Their OCP also "does not support the further creation of small lot residential areas except as permitted through density averaging provisions of this plan." The OCP also has a number of Water Supply Advocacy Policies that present a number of requests to the Ministry of Health and the Ministry of the Environment.

What Information is Available to Islands Trust Staff Currently?

Currently, staff have a number of sources of information that are available to them. In-house, staff have access to mapping (TAPIS) which indicates intrinsic vulnerability mapping for aquifers and various ecosystem mapping. The aquifer mapping relates specifically too how vulnerable the aquifer may be to contaminants primarily and therefore is useful for identifying land uses (industrial vs. residential). In general the islands are rural in nature with primarily large lots (> 1 acre) and therefore the vulnerability mapping has limited applicability. Both of these are valuable in determining areas where some groundwater issues may occur. Some islands as indicated previously may have specific development permits areas that can also be shown on TAPIS as well as specific zoning.

Some islands have also done advanced studies beyond what is available from the Islands Trust in general. Some have done studies for specific areas such as Saturna's East Point which was used to prescribe certain bylaw regulations (i.e. cistern requirement). Gabriola Island being part of the Regional District of Nanaimo has some of the best mapping related to groundwater and aquifers available as a result of programs the RDN has initiated.

There are several other sources of information that are available and can be used in evaluating water quality and quantity. One good source is the provincial well database on the Ministry of

Environment's website: http://www.env.gov.bc.ca/wsd/data_searches/wells/. It should be noted that unless the well is being monitored the information being provide by this well data base is a snapshot in time.

The Trust Area Services (TAS) is currently putting together an Islands Trust Water Resource Education Materials Project which will identify existing education materials by creating an inventory; to identify information gaps and if necessary develop options to address these gaps. There is a great deal of literature available on water conservation initiatives which are as important in the protection of water quality and quantity as protecting the source. Ensuring a sustainable use of the water source is beneficial. Utilizing sustainable practices is no longer a fad, but the norm.

See: <http://www.islandstrust.bc.ca/trust-council/advocacy/groundwater-regulation-advocacy.aspx>

Local Government Jurisdiction

The Islands Trust role in groundwater sustainability is limited to land use powers to:

- Ensure that rainwater is returned to streams and aquifers;
- Protect headwaters, riparian areas and other vulnerable aquifer recharge areas;
- Prevent groundwater contamination by limiting and regulating potentially polluting uses over aquifers and in groundwater recharge areas through zoning;
- Direct development to appropriate locations where the sufficiency of groundwater for domestic or commercial uses has been thoroughly assessed on a watershed scale before development occurs;
- Regulate storage and application of fertilizers and compost;
- Obtain information about the location of existing and new wells (including geothermal wells) when new development occurs; and
- Develop well protection plans.

The following will outline tools that will present some options in addressing the objectives listed in Table 1. The tools are for the development of Official Community Plans (OCP), Land Use Bylaws (LUB), Development Permit Areas (DPA), Development Approval Information (DAI) Bylaws and water conservation tools.

Official Community Plan

(*Local Government Act*, Part 26, Division 2)

Purpose: to establish a vision and policies for community development.

- Guides how and where new development occurs
- Directs LTCs and staff to undertake groundwater protection measures
- Raise awareness within a community of groundwater issues and areas of concern
- Establishes and contains the guidelines for development permit areas.

To ensure that policies and land use designations are most effective they should be based on data collection and mapping of recharge areas, local aquifers and areas of limited or critical supply. OCPs can contain explicit policies for groundwater protection.

Given that new bylaws cannot be in direct conflict with the OCP, it permits the ability for the OCP to contain policies on groundwater sustainability that will set the foundation for other bylaws (i.e. zoning) to contain specific and enforceable standards. OCPs can also establish policies around groundwater protection that can influence how development applications are reviewed/evaluated, for instance requirements placed on subdivisions.

Some examples of effective OCP policy areas for aquifer and groundwater protection:

- Protect aquifers by establishing development permit areas that require buffer zones and site specific attention through permitting prior to development.
- Designate aquifer protection zone(s) and development permit areas for which studies may be required.
- Commit the Local Trust Committee to an integrated water management planning approach that will coordinate action on the community water supply, rainwater management, green infrastructure and government regulations (e.g. RAR)
- Specify site design that maintains natural hydrologic cycles, including performance based measures such as managing rain water on site and not net increase in post development flows.
- Encourage cluster development that minimizes impervious surfaces and other impacts across the landscape.
- Direct LTCs to encourage communities to practice water conservation and protection.

It is important that OCPs are interpreted such that policy has an impact and considered in all land use decisions. The policies in the OCP are in many instances only as good as the subsequent bylaws.

Land Use Bylaw - Zoning

(Local Government Act, Part 26, Division 7)

Purpose: to regulate what, and where and how much of, activities may occur on specific parcels of land.

- Regulates use and density of property to direct development away from groundwater-limited or aquifer recharge areas
- Can limit lots sizes to reduce density in groundwater scarce areas
- Can prohibit potentially polluting uses in areas where aquifers must be protected.
- Sets standards on aspects of development that will have an impact on the water resources on the site or in an area (e.g. setbacks from riparian areas)
- Can encourage groundwater sensitive development by clustering development through rezoning and possibly utilizing density bonus provisions.
- Can leverage habitat protection or water-efficient amenities when rezoning.

Zoning permits the Local Trust Committee (LTC) to regulate the use and density and development standards (e.g. height, setbacks) through creating specific zones. Zoning for aquifer/groundwater protection would direct specific developments away from groundwater sensitive or aquifer recharge areas or prohibiting potential contaminating uses.

For instance, zoning can protect groundwater by keeping rural aquifer areas as rural zoning with low density and low risk uses. Zoning can regulate development by:

- Directing development to appropriate locations;
- Requiring development to be setback from riparian areas;
- Limiting the total impermeable site coverage;

- Establishing appropriate lot sizes;
- Limiting density;
- Requiring appropriate drainage; and
- Prohibiting potentially polluting uses in areas where aquifers must be protected.

Local Trust Committees (LTC) should review the zoning in areas that are important for aquifer protection and adjacent to riparian areas to ensure that no polluting land uses are permitted. In those areas that require aquifer/groundwater protection a form of aquifer zoning is recommended. The intent being to apply it to aquifer recharge areas, well capture zone areas and watersheds particularly ones that are relied upon for potable water. This zoning could have particular characteristics for:

- Maintaining large lots
- Increased setbacks from watercourses
- Lessened lot coverage requirements to encourage clustering of development and lessening road construction
- Amount of impervious lot coverage

Impermeable Site Coverage

It is not uncommon for zoning bylaws to address the total impermeable site coverage in a zone. This limits the amount of runoff generated. To exceed this site coverage, a development variance permit would be required.

New zoning bylaws increasingly contrast between “actual” and “effective” impermeability of a site.

Actual impermeability means the amount of the site covered by surfaces through which water will not infiltrate. This is what is generally addressed in many zoning bylaws.

Effective impermeability relates to how much of the total rainfall on a site is infiltrated into the ground. This can be enhanced through storm water detention, bio-filtration and ensuring that drainage occurs onsite.

For example where some sites may have 60% actual impervious meaning that water does not penetrate 60% of the site, but by utilizing techniques to ensure that water drainage remains on the site it may be possible to have an effective permeability significantly less than the actual impermeability. This could be achieved by a combination of drainage standards implemented through subdivision servicing bylaws and zoning regulations.

Although tough to measure, there would be benefits to ensuring actual impermeability is lessened and effective impermeability is increased.

Protecting Groundwater

The clustering of development on a portion of a site is a form of groundwater-sensitive development. There is a possibility voluntary amenity provision such as water efficient infrastructure by including it as part of a rezoning or amenity density bonus. The applicant

would have to choose an amenity density bonus zoning option that includes amenities that protect groundwater.

An amenity density bonus would permit an applicant to apply for increased density on a site in return for providing the LTC with an amenity. Some examples of LTC amenities could be:

- Building design that conserves water;
- Water efficient landscaping;
- Enhancement of riparian habitat;
- Dedication of wetlands; and
- Preservation of streams and other unique environmental attributes.

It may also be possible for an LTC to require cash-in-lieu amenity provided that the zoning bylaw specifies which cash-in-lieu contribution are favored (i.e. for what?).

Development Permit Area (DPA) Designation

To require applicants for development to obtain a permit that specifies conditions to protect groundwater/aquifers.

Development Permit Areas (DPAs) are areas designated in an OCP (in some cases a zoning bylaw) to which particular guidelines apply. A DPA may be designated for the protection of the natural environment or to promote water efficiency/conservation that will address watershed health. (see *Local Government Act* s. 919.1(i)) In order for the DPA to be effective it is important for the DPA to integrate surface water along with groundwater considerations. Generally, DPAs prohibit site disturbance before development approval which gives the LTC time to evaluate the development against established DPA guidelines. The DPA may include requirements for such things as landscaping, the siting of buildings, and the type and placement of trees and vegetation.

Some examples of guidelines are:

- Mandate replanting and rehabilitation of disturbed areas
- Erosion and sediment control (site specific plan)
- Environmental impact assessments/hydrologic studies to satisfaction of the Local Trust Committee
- Consistency between pre and post development hydrology
- Vegetation as per landscape plan
- Incorporate standards from other levels of government (e.g. Riparian Areas Regulation)
- Limits as to the amount of impermeable surfaces
- Specify areas that must remain clear of development

It is best to have a DPA as a companion tool with zone-specific requirements for groundwater protection as DPAs cannot be used to limit the amount of development permitted on a site. Nor can they address building construction standards that are addressed through the respective regional district building permit process.

DPAs do permit the LTC to monitor environmental conditions as the development progresses and for a limited amount of time post development. This is done through the collection of a security to ensure that works to complete permit conditions are finalized. If this is not done, then the intent is to use the funds/security to complete the conditions. Therefore, the security is returned only if the conditions are met.

See Appendix 1 - Development Permit Area Model Bylaw

In addition to having a stand-alone DP for groundwater/aquifer protection there are options where various guidelines could be implemented within existing DP areas for such land uses as industrial. The following guidelines are taken from the Regional District of Nanaimo's Area A OCP (Cedar Development Permit Area).

Groundwater Protection

- 1. The use or disposal of substances or contaminants that may be harmful to area aquifers shall be discouraged and wherever practical, steps shall be taken to ensure the proper disposal of such contaminants.*
- 2. The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings and impervious surfaces does not negatively impact groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater. The RDN should require the applicant to implement the report's recommendations in the proposed development.*
- 3. The RDN shall require that drainage from all impervious surfaces and areas where vehicles and machinery are stored, cleaned, operated, and maintained be directed through an appropriately sized and engineered sedimentation, oil, water and grease separator or other engineered solution to the satisfaction of the RDN. The engineer must provide an appropriate maintenance schedule.*
- 4. The RDN may require the applicant to enter into a Section 219 covenant registering on title the maintenance schedule and a commitment to maintain the sedimentation, oil, water and grease separator as per the engineer's recommendations.*
- 5. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported.*

Development Approval Information Areas (DAI) Bylaw

Development Approval Information (DAI) Areas Bylaws are to establish areas in which local governments may request additional information from applicants for zoning, development permits, or temporary use permits. The purpose of a DAI is to enable the LTC to obtain expert assessment of the impact of a development on the community at the expense of the applicant.

A DAI bylaw enables the development of site specific information to inform decision making and the ability to require specialized information (e.g. impact assessments, etc.).

The requirement for a detailed assessment may be triggered by an application for a rezoning, a development permit or a temporary use permit. The information required is usually in the form of a professional report and would be used by staff and the LTC in determining permit conditions.

In the case of groundwater the LTC could request a hydrological assessment of:

- The availability of groundwater;
- Cumulative effects of groundwater use;
- Other environmental impacts.

The intent of establishing this DAI is to ensure that potential negative impacts of proposed major developments are identified and documented as part of the development review process and to provide the LTC with complete information to properly assess and mitigate conditions caused by that development. Where reports identify negative impacts, the LTC will require mitigation by the applicant as part of a development permit to improve the proposal and minimize potential negative impacts on hydrology, the environment, and the neighbourhood.

In order for a LTC to establish a DAI bylaw in an OCP it must prepare a bylaw that sets out what information the LTC may require and specific policies and procedures to be followed. DAI may be valuable in that if a bylaw is established and concerns are raised about specific developments specific information can be requested that can go beyond DPAs guideline requirements.

See Appendix 2 - Development Approval Information Model Provisions

Subdivision Servicing Bylaws

The intent of these bylaws is to establish standards for the subdivision of land that maximizes infiltration of water and minimizes impervious surfaces and evaluates the sustainability of new groundwater withdrawal from a specific aquifer.

Subdivision servicing bylaws set the standards by which works and services must be constructed when land is divided into new parcels. Standards that support groundwater quality and supply can be included in subdivision servicing bylaws. They can require each proposed lot to have a reliable source of potable water, and can establish infiltration, drainage and permeability standards. Subdivision servicing standards can direct development to mimic natural hydrology by requiring rainwater infiltration and limiting impervious surfaces. If an LTC has established a wellhead protection area that is regulated by zoning or a development permit area, the requirements could also be included in a subdivision servicing bylaw.

Land developments generally have two water supply options generally a stand-alone water source (surface or well) or a community water system. Of course, on the islands there are other water source options that do not involved groundwater/aquifers such as rainwater collection or desalinization.

Approvals are based on one time “proof of water” evaluations that generally do not give consideration to long-term ground water consideration such as impacts of future development or cumulative impacts of developments over time in a watershed. Most bylaws will contain requirements that each new parcel created have a potable water source and a specific flow rate depending on the type of development proposed. However, this “proof of water” focuses on yield and quality of each well and not the sustainability and protection of the aquifer system as a whole. Some LTCs do require an evaluation of long term sustainability and a qualified professional’s hydrology report especially where a development will be drawing on the aquifer in a greater quantity than single family development (e.g. higher density development, commercial uses, etc.). On-going monitoring should be implemented in sensitive aquifers or groundwater-limited areas.

There may also be instances when “proof of water” is not required with some subdivisions such as the creating of large lots (> 20 acres) or boundary adjustments where sources of water have historically been proven.

Community water approvals (>3 connections) are dealt with through the provincial government (i.e. Vancouver Island Health Authority). If lots are to connect to a community system, the LTC has an option to require that unused wells (if any) be closed in accordance with the Ground Water Protection Regulation (GWPR) by establishing a well closure bylaw thereby protecting the groundwater/aquifer and possible contamination. Given that Island Health is involved in these community wells it may be possible to ensure monitoring is done, however, there are not that many community wells on the islands.

Water Conservation Tools – General Information

In addition to regulatory requirements that an LTC can implement, there are a number of water conservation tools that should be encouraged on the islands. These are less regulatory and more voluntary in nature. Given the groundwater source the islands are reliant on it is important that each resident does their own part to lessen the water demand. The protection of a quantity and quality of water should not be solely reliant on regulatory processes. Education and awareness is also a big part of what is needed in the sustainable use of water on the Islands – a resource used by all. Water conservation practices should become common place for all residents and visitors to the Gulf Islands.

The Trust Programs Committee has initiated a site to educate islanders about water issues and options to promote sustainable use or reuse of water. The intent is that educational materials will be regularly posted on the Islands Trust website as a resource and part of the necessary community outreach. <http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx>



Source: Regional District of Nanaimo. For indoor and outdoor tips: <http://www.rdn.bc.ca/cms.asp?wpID=877> , <http://www.rdn.bc.ca/cms.asp?wpID=878> and <http://www.rdn.bc.ca/cms.asp?wpID=2155>

Overview

The intent of this toolkit is to provide a variety of tools (options) that will enable LTCs and planners to choose the correct tool for the project at hand that suits their island. The tools presented will aim to achieve the actions presented in Table 1. The following table outlines five objectives for groundwater protection and possible actions that local government can take.

Groundwater Protection Objectives and Actions:

#	Objective	Description	Local Government Actions
1	Minimize impacts on water sources	Streams depend on groundwater, especially during low-flow (baseflow) conditions. Groundwater pumping from many aquifers connected to surface water bodies can deplete or capture surface water flows. Retaining sufficient groundwater retains the health of fish-bearing streams and the security of community water supplies.	• Establish watershed protection zones supported by containment boundaries to preserve hydrologic function between aquifers and surface water sources • Establish well protection areas to capture zones to protect drinking water • Prohibit potentially polluting uses in critical aquifer recharge areas as well as capture or wellhead protection areas. • Understand composition of underlying aquifers
2	Sustain aquifers at healthy levels	Prevent over-use of aquifers and impacts on natural aquifer recharge to promote a healthy water balance. If this does not happen, the aquifer goes into decline and eventual depletion. Maintaining and monitoring water levels promotes healthy habitat and sustainable water supply.	• Plan land uses based on sustainable yield, not site-specific reports on proof of water. • Commit to integrated watershed management planning to coordinate action on community water supply, rainwater management, green infrastructure, and other regulations (e.g. Riparian Areas Regulation requirements) • Require all new development to provide evidence of a sustainable water source as a condition of subdivision or through the development permit process. • Monitor aquifer quality and quantity in partnership with other levels of government.
3	Maximize infiltration	Rainwater and snowmelt infiltration is key to aquifer recharge. Infiltration rates are affected by soil permeability, the amount of topsoil, and the rate that water moves across a landscape (as affected by vegetation, slope, etc.)	• Prohibit or limit development in groundwater recharge areas. • Protect sensitive ecosystems (e.g. wetlands) by establishing development permit areas that require buffer zones and special permitting before development takes place • Preserve baseflows in fish-bearing streams by maximizing groundwater recharge. • Infiltrate virtually all rainwater by limiting effective imperviousness to less than a specific percent. This includes maintaining extensive natural areas above recharge zones. • Implement cluster development through rezoning to maximize land available for

			infiltration. • Maintain native soils and vegetation (e.g. trees and other absorbent landscaping) • Establish landscaping standards for soil depth and type of landscape materials • Promote engineered infiltration systems such as infiltration ponds, vegetated swales, bioswales (i.e. grassy or vegetated areas besides roads and parking areas) or splash pads of gravel or other hard material • Create bioretention areas • Use permeable paving • Require alternative design standards and best management practices that maintain ecosystem functions (e.g. reducing impervious surfaces) • Use green roofs • Specify site design that causes no net increase in post-development flows • Maximum wetland recharge
4	Reduce groundwater use	The less the resource is extracted, the better the chances are that the system will maintain its natural balance. Each aquifer has a carrying capacity that should be considered before intensive use.	• Minimize leakage and waste within public water distribution systems (i.e. regional systems, improvement districts, etc.) • Reduce peak and annual demand for groundwater through water demand management approaches • In groundwater limited areas, limit development and require other water sources (i.e. rainwater and cisterns) • Enact restrictions on outdoor water use where a community water system is used • Promote use of native vegetation and landscaping to minimize water irrigation demand • Promote awareness for low flow devices to be installed in all new developments • Encourage individuals and non-government organizations to practice water conservation and protection
5	Protect groundwater quality	Protecting quality is critical to promoting healthy habitat and ensuring the safety and security of the potable water supply.	• Map and understand the vulnerability of aquifers • Minimize risks from point and non-point (i.e. from a diffuse source such as agricultural runoff, roads) source contaminants by prohibiting or regulating uses that could contaminate fish-bearing streams or aquifer recharge areas, capture zones or wellhead protection areas • Design sites to prevent increases in post-development flows that can pick up contaminants

			• Develop and implement a wellhead protection plan • Establish a local water quality testing program • Adopt a well closure bylaw • Plan developments to protect groundwater recharge areas
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Table 1: Primary Source: Groundwater Bylaws Toolkit (2009)

Information Note: Well Protection Toolkit

A set of voluntary guidelines developed by the Ministry of Environment to assist communities in developing well protection plans to prevent contamination of their well water supply. A well protection plan contains practical, protective measures to minimize and prevent undesirable impacts from land use activities on the source of water for the community well.

See:

http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/wells/well_protection/acrobat.html

APPENDIX 1: Development Permit Area X – Groundwater Protection DPA

2.1 Designation

All lands shown on Schedule _X_ as being a groundwater protection area are designated as a development permit area.

Alternately may be designated based on an elevation

2.2 Authority

The Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the Local Government Act for the establishment of objectives to promote water conservation.

Legislative basis of designation

2.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

It is policy of the Islands Trust Council that Local Trust Committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
- water quality is maintained, and

The [Groundwater Study prepared by...] concluded that ... and recommended the measures in order to preserve and protect groundwater resources:

Note: insert reference to professional report supporting designation of DPA (if applicable) and summarize key conclusions and recommendations

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

2.4 Development Approval Information

The area is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

See DAI for impact assessment report requirements

2.5 Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

2.6 Exemptions

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required)
- b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.
- c) Construction of a dwelling where the dwelling:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.
- d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.

This is based on the DPA being intended to address impacts of individual wells

A report from an engineer or other qualified professional may be required to satisfy the Islands Trust/Regional District that the proposed rainwater system has adequate capacity to meet the year-round water demands of the dwelling being proposed and that water will be stored and treated to meet potable water standards.

- f) The placement of temporary buildings or structures
- g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
- l) The construction of an accessory building or structure with a lot coverage of less than 100m², provided the accessory building or structure is not connected to a supply of water.
- m) Construction of fences.
- n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- o) Works undertaken by a local government or a body established by a local government.

From other RD bylaws and steep slope DPA, could be revised based on specific recommendations

Intended to ensure cut and fill or blasting requires a permit. Language could be revised to be more specific based on recommendations
Exempts small non-plumbed buildings, lot coverage could be altered based on specific recommendations

2.7 Guidelines

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.

Authorizes LTC to implement conditions of professional report

3. Where the a qualified professional hydro-geologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The LTC may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The LTC may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.
6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.
7. Where rainwater harvesting is recommended by the report for the construction of a new dwelling unit:
 - a) Dwelling units should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
 - b) Dwelling units should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
 - c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.

Appropriate where there is an agency or community group able to monitor wells

Revise to read all buildings where commercial, industrial or institutional buildings are permitted by zoning

- d) The LTC may require that all new dwelling units include an external rainwater harvesting system such which includes the following:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A storage tank(s) with a minimum storage capacity of 18,000 litres which is designed for rainwater collection and is rated for potable use;
 - iii. A pumping system;
 - iv. An overflow handling system.
- e) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with “Non-Potable Water Do Not Drink”.
- f) Where external rainwater harvesting equipment is required as a condition of the permit, the LTC shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.
- 8. Where tree removal which is not exempt from the requirement for a permit:
 - a) Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b) All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c) Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d) If the area has been previously cleared of trees, or is cleared during the process of development, replanting

requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

- e) Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f) All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
- 9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.
 - 10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
 - 11. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

APPENDIX 2: Model DAI Bylaw Provisions

1. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the Local Government Act for protection of the natural environment, its ecosystem and biological diversity and Section 919.1(1)(i) for the establishment of objectives to promote water conservation, for the purpose of requiring development permits for Groundwater Protection, the report shall consist of a hydrogeological assessment report containing the following information:
 - a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.
 - b. A map showing the ownership and locations of all currently used water wells, springs and surface water features within a minimum radius of 1.0 km from the development site.
 - c. A site inventory, providing information on existing pre-development conditions, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, surface water bodies, and topography.
 - d. A background analysis that includes the following known information on the site:
 - A description of the hydrogeological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;
 - A conceptual model of groundwater occurrence and groundwater-surface interaction;
 - A description of existing users within 1.0 km of the development site;
 - A preliminary pre-development water budget;
 - Water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination;
 - Methodology and, if applicable, uncertainties and limitations of the report.
 - e. A description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

- f. An impact assessment consisting of:
 - Cumulative effects analysis;
 - Impact to existing groundwater users, identification of the potential groundwater protection issues in the area and risk of saline intrusion;
 - Impact to surface water where applicable;
 - Other potential impact implications.
- g. Conclusions and recommendations consisting of:
 - A summary of results and impact assessment;
 - An unqualified statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
 - Where such a statement cannot categorically be made, specific recommendations on well and aquifer protection measures which would result in the requirement being met.
- h. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.