North Pender Island Local Trust Committee
Regular Meeting Agenda

Date:	March 27, 2014
Time:	9:45 am
Location:	Pender Island Community Hall 4418 Bedwell Harbour Road North Pender Island, BC

			Pages
1.	Call to Order	9:45 AM - 9:50 AM	
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		
	5.1 Local Trust Committee Minutes		
	5.1.1 North Pender Island Local Trust Committee Draft Meeting Minutes of February 27, 2014 (attached) For Consideration to Adopt		4 - 11
	5.2 Public Hearing Records and Community Information Meeting Notes to be Received		
	none		
	5.3 Section 26 Resolutions-without-meeting		
	none		
	5.4 Advisory Planning Commission/Task Force to be received		
	none		
6.	Business Arising from the Minutes	9:50 AM - 9:55 AM	

6.1	**Follow-up Action List (attached)** FUAL Report dated March 2014		12 - 13

7. Delegations

none

8. Correspondence

none

9.	**Applications, Permits, Bylaws and Referrals**	9:55 AM - 11:25 AM	
9.1	**NP-DP-2014.2 (Millett) / NP-DVP-2014.1 (Millett) Staff Report (attached)**		14 - 39
9.2	**NP-RZ-2012.1 (Burdett) Staff Report (attached)**		40 - 60
9.3	**Saturna Island Local Trust Commitee Bylaws No. 112, 113, 114 & 115 Referrals (attached)** For Response		61 - 66
10.	**Local Trust Committee Projects**	11:25 AM - 12:30 PM	
10.1	**Conservation Subdivision - Staff Report (attached)**		67 - 81
10.2	**LUB Technical Amendments - Staff Report (attached)**		82 - 94
10.3	**Shoreline - Verbal Update**		
11.	**Reports**	12:30 PM - 12:45 PM	
11.1	**Work Program Report (attached)** Work Program dated March 2014		95 - 97
11.2	**Applications Report (attached)** Applications Report dated March 2014		98 - 102
11.3	**Bylaw Enforcement** none		
11.4	**Expense/Budget Reports** none		
11.5	**Adopted Policies and Standing Resolutions (attached)** For Information		103 - 103
11.6	**North Pender LTC Web Page** The North Pender Island Local Trust Committee Web Page can be found:		

www.islandstrust.bc.ca/islands/local-trust-areas/north-pender

11.7 Chair's Report 12:45 PM - 1:00 PM

11.8 Trustee Report

12. Other Business 1:00 PM - 1:20 PM

12.1 Upcoming Meetings

The next meeting of the North Pender Island Local Trust Committee will be held Thursday, April, 24, 2014, at 9:45 AM, at the North Pender Community Hall, Lounge.

12.2 Groundwater Toolkit & Memo (attached) 104 - 130

For information

13. Town Hall Meeting

14. Adjournment 1:20 PM - 1:20 PM

DRAFT

MINUTES OF THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING HELD ON THURSDAY, FEBRUARY 27, 2014, AT 9:45 AM PENDER COMMUNITY HALL (LOUNGE), 4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND, B.C.

PRESENT:	**Peter Luckham**	**Chair**
	Gary Steeves	**Local Trustee**
	Ken Hancock	**Local Trustee**
	Robert Kojima	**Regional Planning Manager**
	Andrea Pickard	**Island Planner** (arriving at 10:41 am)
	Zorah Staar	**Recording Secretary**

REGRETS: **None**

There were two (2) members of the public initially in attendance, joined later by two more.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:47 am and made introductions. He acknowledged that we were meeting on traditional Coast Salish territory, and he thanked the ancestors for our opportunity to be here together.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The agenda was amended to add the following late items or documents:

- new item 10.1 (Draft North Pender LTC Bylaw – Staff Report);
- new item 10.2 (Community Stewardship Day proclamation);
- amend item 11.4 (replace with LTC Expense Report dated February 2014).

The agenda, as amended, by consensus was adopted.

2.2 Questions from Public on Agenda Items

None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 North Pender Island Local Trust Committee Draft Meeting Minutes of January 30, 2014

The January 30, 2014, minutes were amended as follows:

- page 4, item 9.2, 4th line – insert “commercial” before “guest accommodation”;
- page 7, item 10.1, resolution NP-2014-012, 4th line – insert “legal” before “cottages”;
- page 8, item 10.2, 3rd line – insert “In his opinion,” before “the key was landowner understanding…”.

The January 30, 2014, minutes as amended, by consensus were adopted.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission/Task Force Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Regional Planning Manager (RPM) Kojima reviewed the February 20, 2014, Follow-up Action Report. Regarding item 3 (Pender Community Transition), it was noted that no further funds would be requested in this fiscal year.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 Letter dated Jan. 22/14, from G. Hanson re: Sq. Footage of Guest Cottages on Lots of 10 Acres or More

Gordon Hanson was present and the Trustees suggested that he consider a rezoning application, given the time it would take for cottage size to be addressed by potential Land Use Bylaw revision (see item 11.1 – Work Program).

8.2 Letter from M. Symons re: Cottage Sq. Footage

Received for information

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 NP-RZ-2012.2 (Clam Bay Farm)

Regional Planning Manager (RPM) Kojima referred to the Staff Report dated February 18, 2014, noting that this was a supplemental report regarding NP-RZ-2012.2 (Clam Bay Farm). The application requested rezoning for two dwelling units and two cottages, removing the agri-tourism use, permitting temporary farm worker accommodation, and rezoning a portion of the property to Ecological (with a conservation covenant). RPM Kojima stated that additional professional reports had now been submitted and staff had done other follow-up. He commented that there were staff recommendations on how the Local Trust Committee could allow rezoning (if they chose), while implementing Official Community Plan policies as well as the professional report recommendations (e.g. from the Arborist, Engineer, etc.).

Note: Planner Andrea Pickard also arrived at 10:41 am.

The Applicant, Bo Helliwell, and Clam Bay Farm Manager, Dan Hodgins, were present to answer questions and make comments. There was discussion of special driveway requirements to protect a veteran tree, the caretaker cottage not yet qualifying as farmworker accommodation, proposed dwelling sizes, and more.

The Trustees felt that many aspects of the application were coming together; however, there were still requirements and concerns to be addressed including a rezoning bylaw to be drafted and community input to be gathered at a Public Hearing.

NP-2014-021
It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct Staff to work with the Applicant for NP-RZ-2012.2 (Clam Bay Farm) to formulate a plan to mitigate construction-related impacts on the access road adjacent to the veteran tree.

CARRIED

The Trustees agreed, by consensus, that the staff implementation recommendations re: the proposed S. 219 Covenant should be changed, to put items 2.c and 2.f into the rezoning bylaw instead of into the covenant.

NP-2014-022
It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2012.2 (Clam Bay Farm) and to prepare a draft bylaw for referral as outlined in the staff report of February 18, 2014. As discussed at today's meeting, that staff work with the applicants to prepare a draft covenant as outlined in the staff report of February 18, 2014 and that a conservation covenant and endowment, acceptable to the Trust Fund Board, be registered prior to consideration of final adoption.

CARRIED

Trustee Steeves had concerns about one of the proposed dwelling sizes (7,400 square feet) not being in keeping with island character, but this issue could be subject to community consultation on the draft rezoning bylaw.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Land Use Bylaw Technical Amendments

Planner Pickard reviewed the Staff Report dated February 25, 2014, on Land Use Bylaw Technical Amendments. She said that the project was to correct erroneous cross-references, typographical errors, outdated regulatory references in the Land Use Bylaws (LUB), and to improve clarity. Planner Pickard continued stating that the current Staff Report and attached Draft Bylaw No. 194, contained the amendments discussed to date and also two new ones (Clause 10 and Clause 30). She noted that some water zone map boundaries also required discussion by the Trustees.

NP-2014-023
It was MOVED and SECONDED, that North Pender Island Local Trust Committee Draft Bylaw No. 194, be amended so that the W2 zoning boundary for Otter Bay Marina be amended to parallel the seaward side of the existing dock structure.

CARRIED

Re: the Port Washington Dock water zones, the Trustees agreed, by consensus, to support the "As proposed" diagram on page 5 of the Staff Report. There was also Trustee support for referring Draft Bylaw No. 194, to area First Nations and inviting First Nations to indicate if future Land Use Bylaw referrals were not desired.

NP-2014-024
It was MOVED and SECONDED, that the North Pender Island Local Trust Committee proposed Draft Bylaw No. 194, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014,” be given First Reading.

CARRIED

NP-2014-025
It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw No. 194, to be held in conjunction with the April 24, 2014, regularly scheduled meeting of the North Pender Island Local Trust Committee.

CARRIED

NP-2014-026
It was MOVED and SECONDED, that the North Pender Island Local Trust Committee has reviewed and agrees with the Islands Trust Directive Policy Checklist as attached to the Staff Report dated February 25, 2014.

CARRIED

NP-2014-027
It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct staff that Proposed Bylaw No. 194, be referred to First Nations.

CARRIED

NP-2014-028
It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct staff that Proposed Bylaw No. 194, not be referred to the Southern Gulf Islands Electoral Area Director, and instead be referred to the Southern Gulf Islands Ports Manager.

CARRIED

10.2 Community Stewardship Day Proclamation

Trustee Hancock proposed a resolution (see also 11.8, Trustee Reports, below).

NP-2014-029
It was MOVED and SECONDED, that the North Pender Island Local Trust Committee proclaim Saturday, April 19, 2014, to be North Pender Island Community Stewardship Day in recognition of the vital importance that voluntary stewardship and citizen initiatives play in preserving and protecting North Pender Island's environment and unique amenities. That staff be requested to work with the Local Trust Committee to prepare a Press Release informing the public of the day's significance and events.

CARRIED

11. REPORTS

11.1 Work Program Report

NP-2014-030
It was MOVED and SECONDED, that the North Pender Island Local Trust Committee Projects List, item 6, Land Use Bylaw Amendments, be amended under "Review Floor Area Calculations for Cottages" to include maximum floor area.

CARRIED

11.2 Applications Report

Planner Pickard reviewed the Applications Report dated February, 2014.

11.3 Bylaw Enforcement

None

11.4 Expense/Budget Reports

A Local Trust Committee Expense Report dated February 2014 was available.

11.5 Adopted Policies and Standing Resolutions

Presented for information

11.6 North Pender LTC Web Page

It was agreed that updated Community Stewardship Day information would be added to the webpage when available www.islandstrust.bc.ca/islands/local-trust-areas/north-pender).

Chair Luckham also noted that he and other Trustees were still concerned about difficulties finding information on the new Islands Trust website, especially key older pages. RPM Kojima commented that improvements are in progress regarding past minutes and agendas.

11.7 Chair's Report

Chair Luckham said that the upcoming Islands Trust Council meeting was scheduled to occur next week on Hornby Island and that the proposed budget for the coming fiscal year involved a 0% tax increase, which had been achieved through a significant decrease in expenditures. He noted that the Islands Trust had applied to be a commenter on the Kinder Morgan proposal.

11.8 Trustee Reports

Trustee Hancock reported that plans were proceeding nicely for the Community Stewardship Day on Saturday, April 19, 2014. The Community Hall venue will offer an afternoon of presenters including Shaw Ocean Discovery Centre, Habitat Acquisition Trust, and Ramona de Graaf on forage fish habitat. Islands Trust Chair, Sheila Malcolmson, will speak on shorelines under threat. Planned events will include the morning beach clean-up followed by lunch. Trustee Hancock was working on the poster and rack card, which the Trustees agreed could be paid for from Special Projects.

Trustee Steeves remarked that he had been handling various bylaw enforcement complaints, service complaints, budget inquiries, and lots of other individual Trustee tasks. This included successful advocacy for much faster restoration of Magic Lake phone lines, when they recently went out during a snow storm.

12. OTHER BUSINESS

12.1 Upcoming Meetings

The next regular meeting of the Local Trust Committee is scheduled for Thursday, March 27, 2014, (9:45 am, Community Hall Lounge).

13. TOWN HALL MEETING

Sara Steil commented that sometimes having protective provisions in covenants made more sense than site-specific rezoning because such zoning was then sometimes "rolled into" the Land Use Bylaw for everyone (without understanding why). She noted that North Pender's restricted cottage size was implemented in the past in response to people having cottages with giant decks. Regarding the proposed "monster home" at Clam Bay Farm, she suggested screening it with trees and requiring no tree removal in future.

14. ADJOURNMENT

At approximately 1:05 pm the meeting, by consensus, was adjourned.

RECORDER

CHAIR

Islands Trust

Follow Up Action Report w/ Target Date

North Pender Island

Nov-29-2012

No.	Activity	Responsibility	Target Date	Status
1	Item 11.6: Trustee Hancock will undertake updating 'Buying Property on North Pender...' brochure for spring 2013	Ken Hancock	Jan-31-2013	On Going

Nov-28-2013

No.	Activity	Responsibility	Target Date	Status
2	Item 10.2 - Shoreline Review: Cost estimates and information content for shoreline QR to be determined for implementation in the 2014 fiscal year	Ken Hancock Gary Steeves	Jan-30-2014	On Going

Jan-30-2014

No.	Activity	Responsibility	Target Date	Status
3	Item 10.1 LUB Technical Amendments Project: Bylaw Enforcement Manager to provide a report regarding the applicability of the NPILTC Bylaw Infraction Investigations Bylaw No. 54, 1990, including recommended amendments.	Miles Drew	Mar-27-2014	On Going
4	Item 10.2 conservation subdivision review 1. report back on options for range of OCP or LUB amendments that would require a conservation subdivision approach for new subdivisions - DONE 2. arrange a workshop/charrette to further engage interested property owners, explain options, produce rough concept layouts and identify issues and concern 3. staff to report back with a revised project charter - DONE	Andrea Pickard	Mar-27-2014	On Going

Feb-27-2014

No.	Activity	Responsibility	Target Date	Status
5	Item 5.1 Minutes of Jan 30: adopt as amended	Lori Foster	Mar-27-2014	On Going
6	9.1 Clam Bay Farm rezoning 1. staff to work with applicant to formulate a plan to mitigate impacts of heavy equipment on driveway adjacent to the veteran tree. 2. staff to prepare draft bylaw consistent with staff report and ltc discussion at meeting of Feb 27. Include floor area limits as proposed by applicant and home sites in zoning. Refer bylaws for comment 3. staff to work with applicant on 2 draft covenants (one permanent, one for construction) 4. include in covenants: protection of yew tree, construction recommendations, requirement for highway dedication (pending MoTI referral), specific restrictions on manager's residence farm use, identification and timing of buildings to be removed, implementation of groundwater report and requirement that any new wells provide a similar report to the satisfaction of the LTC, and implementation of relevant energy efficiency requirements.	Kim Farris	Mar-27-2014	On Going
7	Item 10.1 - LUB Amendments: • Amend draft bylaw 194 to include the W2 zone boundary at Otter Bay Marina to parallel the seaward side of the existing dock structure - DONE • give first reading to the amended drafty bylaw 194 -DONE • include First Nations in the referral process -DONE • Include the SGI Ports Manager in the referral process but not CRD Electoral Area Director-DONE • Schedule a CIM and PH in conjunction with the April LTC meeting	Sharon Lloyd-deRosario Andrea Pickard	Mar-27-2014	Done
8	Item 11.1 Work Program: amend item 6 for LUB Amendments to include the maximum floor area of a cottage	Andrea Pickard	Mar-27-2014	Done
9	Item 10.2 Shoreline Project: Trustees to work with staff to prepare a news release regarding the LTC proclaiming April 19 as North Pender Island community Stewardship Day	Ken Hancock Andrea Pickard	Mar-27-2014	Done

STAFF REPORT

Date:	March 19, 2014	**File No.:**	NP-DP-2014.2 & NP-DVP-2014.1 (Millett)

To: North Pender Island Local Trust Committee
For the meeting of March 27, 2014

From: Kim Farris, Planner 1

CC: Andrea Pickard, Island Planner
Robert Kojima, Regional Planning Manager

Re: Development Permit with Variance Application

Owner: Stewart Millett
Applicant: Same
Location: Lot 13, Section 8, Pender Island, Cowichan District, Plan 21026
4833 Buccaneers Road

THE PROPOSAL:

The application is for development within the Riparian and Aquatic Development Permit Area (DPA) that would involve the construction of a private float on Magic Lake. The proposed private float consists of two parts – a walkway and a swimming/boat pad. The private float (walkway) will extend 8.54 metres (28 ft) from the shoreline and is 1.22 metres (4 ft) wide. The connected swimming/boat pad will be 1.83 metres (6 ft) in width and 2.44 metres (8 ft) in length. The total area of the private float (walkway and pad) is 14.88 m² (160 ft²). The entire length of the private float (walkway and pad) is 11.0 metres. Access to the walkway from the shore will be by use of a plank that would remain unattached at the shore end.

In order to reduce impact to the sensitive aquatic area, the applicant is requesting a variance to Article 8.22B.5(1) to to reduce the setback from the projection of the northwestern side lot line of the abutting upland lot from 3.0 metres to 0.0 metres for the private float and to vary Article 8.22B.6(3) to increase the maximum length of the private float from 6.0 metres to 11.0 metres. The draft development variance permit is attached as Attachment 1.

The applicant obtained an assessment report from a Qualified Environmental Professional (QEP) for all identified aspects of the proposed development occurring within the DPA. A draft permit is attached as Attachment 2 for your consideration. The QEP report and supplemental letter is attached as Attachment 3 and 4.

SITE CONTEXT:

The subject property is located on Magic Lake and is approximately 0.17 ha (0.43 acres) in area. The property is split zoned Rural Residential (RR) and Water 6 (W6). There is a single family dwelling unit located on the property. The shoreline is generally cleared with a mix of short and tall grasses with a roughed-in pathway to the lake. Lily pads are found in the summer months in the shallow depths of the lake where the proposed float and ramp will be located. There are numerous private floats on surrounding properties varying in size and length.

Figure 1: Subject Property Map

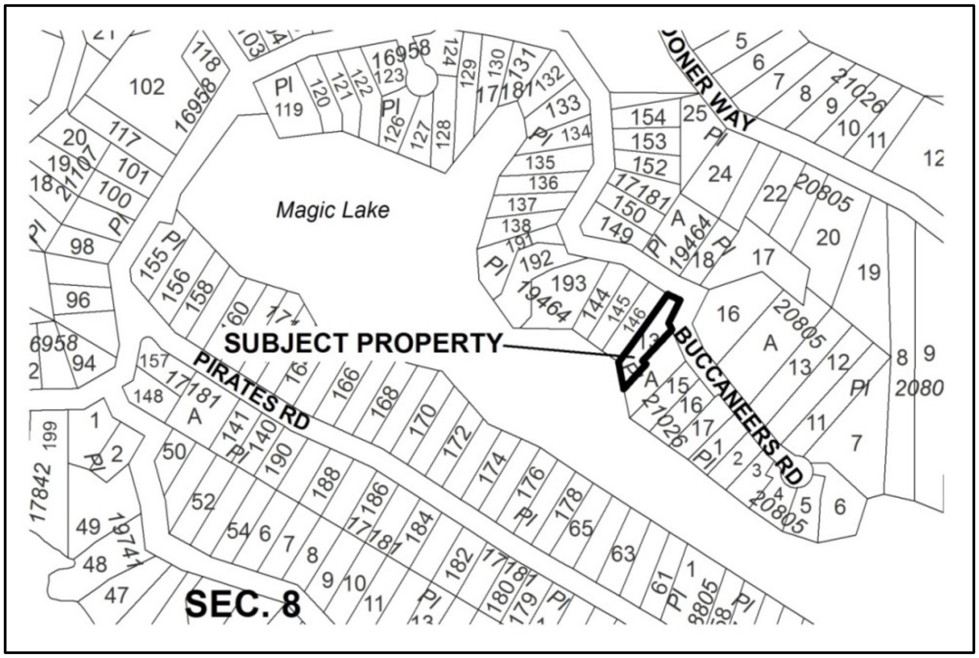
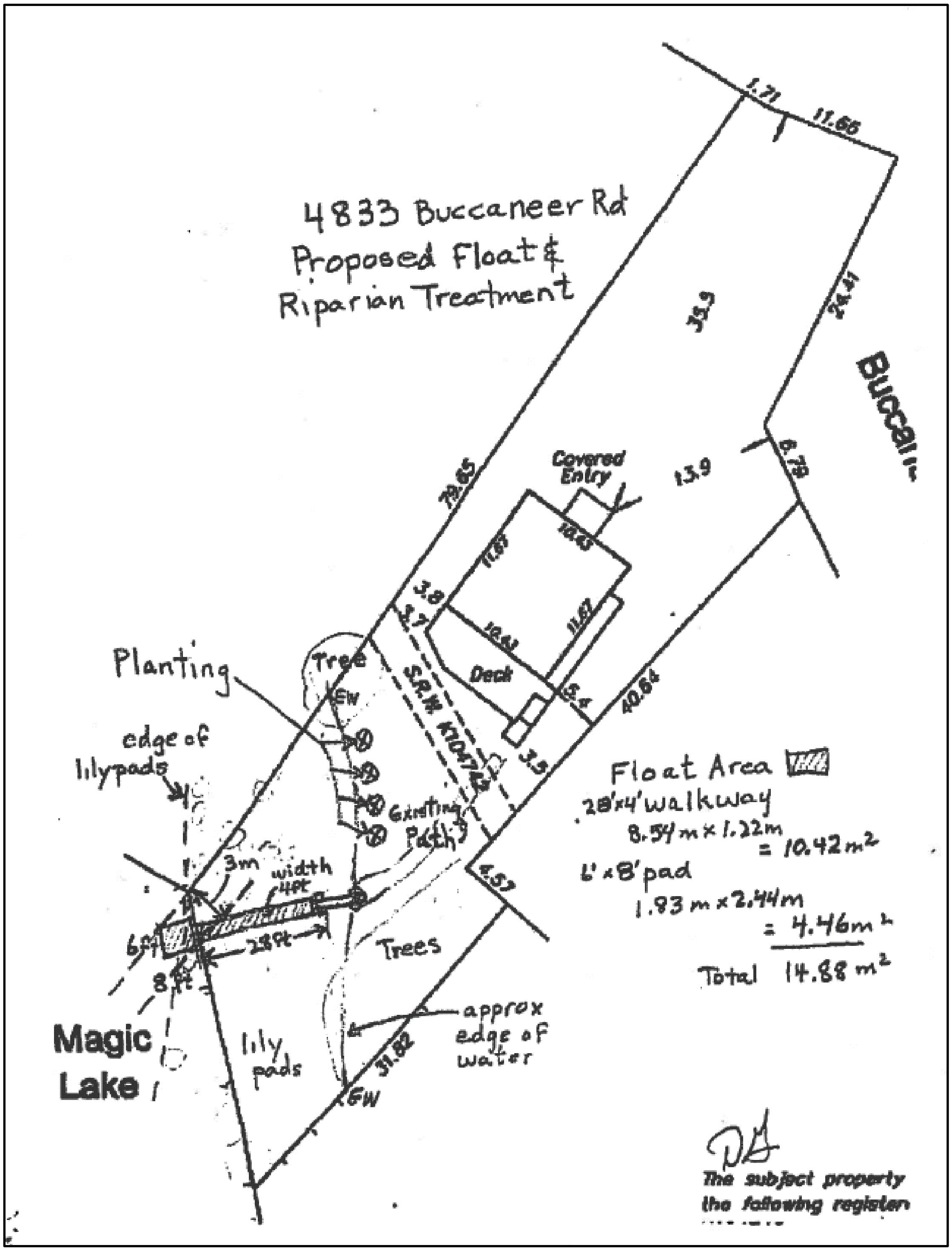


Figure 2: Orthophoto & 2 Metre Contour Lines

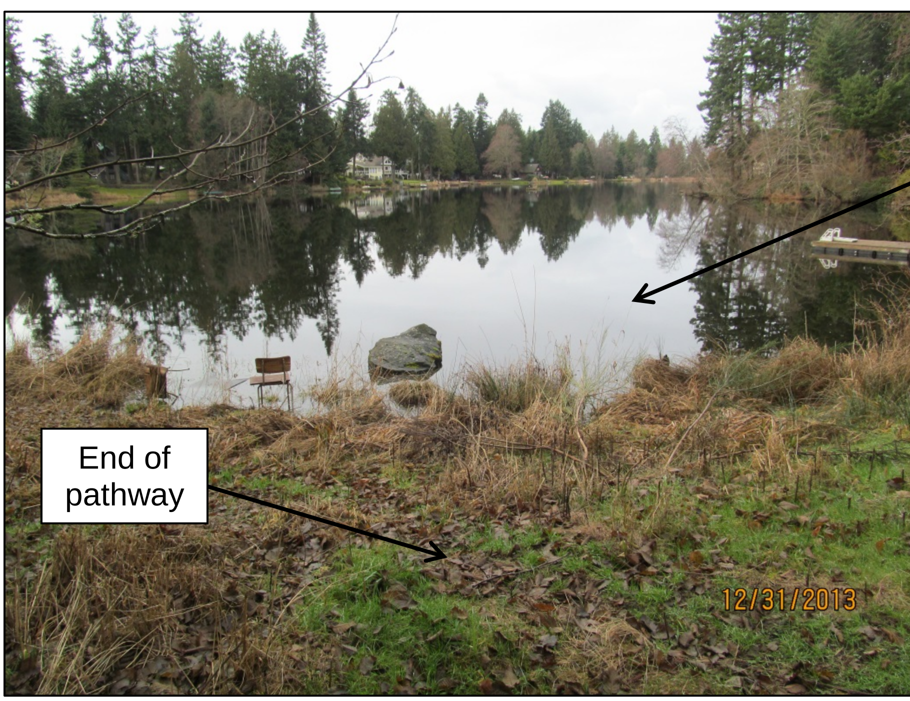
Figure 3: Site Plan



Picture 1: Pathway from house to shoreline

Pathway through riparian area during winter months. The smaller picture taken from the QEP report shows a more established and delineated pathway during the summer months.

Picture 2: Shoreline where private float will be located



General location of the private float

Picture 3 – Area of proposed planting

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The applicable directive policy in the Islands Trust Policy Statement is:

- 3.3.2 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

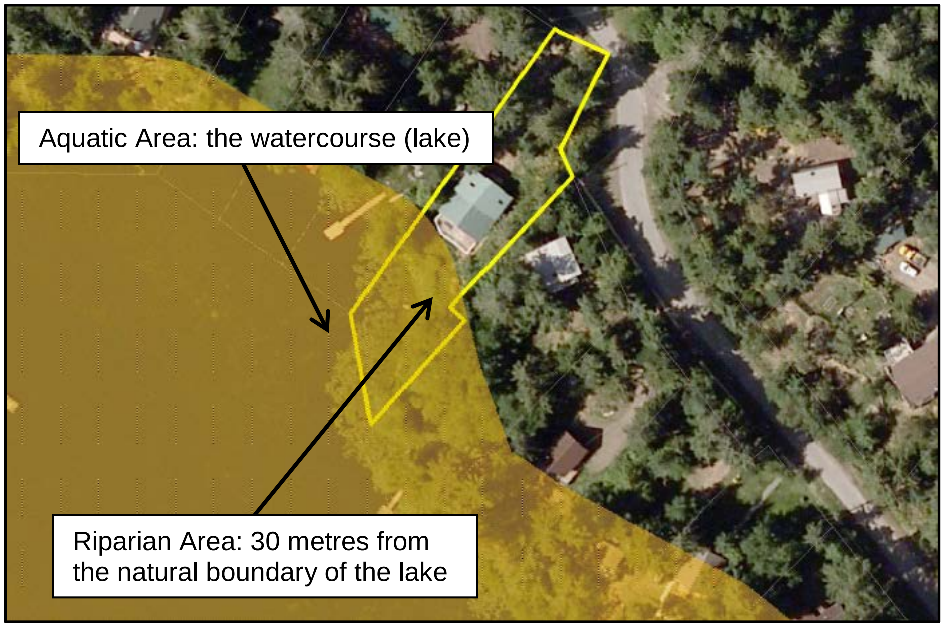
Official Community Plan:

The subject property is designated Rural Residential in the OCP, as are surrounding properties. The subject property is also located within the Riparian and Aquatic DPA. Although this is one DPA, there are two distinct areas addressed – the riparian area and the aquatic area. The riparian area is 30 metres around from the natural boundary of Magic Lake and the aquatic area is the lake (see Figure 4). As all construction activity is located within the aquatic area, the provincial Riparian Area Regulations do not apply since they only pertain to upland activity.

There are a number of guidelines specific to float construction within the aquatic portion of the DPA which are addressed in the draft development permit; the development permit guidelines checklist is also attached for your reference (Attachment 5).

The Development Permit Guidelines state that the LTC may consider a variance to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report. The applicants have requested two variances for this purpose and have provided recommendations by a QEP in support of the variances.

Figure 4: Riparian and Aquatic DPA



<u>Land Use Bylaw:</u>

The subject property is split-zoned Rural Residential (RR) and Water 6 (W6). There are specific regulations with regards to private docks and ramps within the W6 zone:

General Regulations:

> *3.7.2 - Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres, and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from the setback provisions specified in Part 8 of this Bylaw.*

Water 6 zone - 8.22B.5 Setbacks:

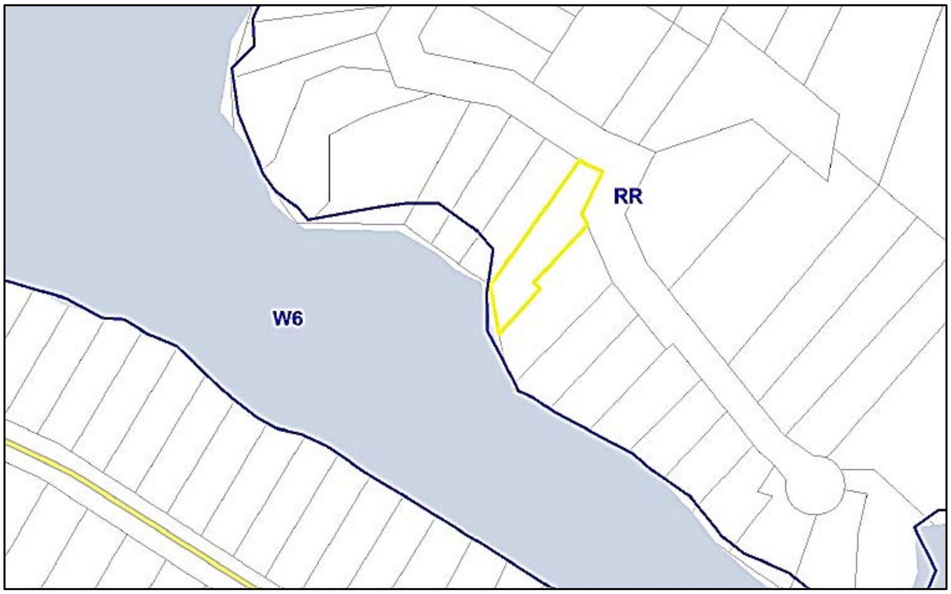
> *(1) No structure may be located within 3 metres of any side lot line.*
> *(2) Where the structure cannot be constructed entirely within the property boundaries of the residential lot, no structure may be located within 3 metres of the projection of any side lot line of the abutting upland lot and must receive written authorization from the Capital Regional District.*

Water 6 zone - 8.22B.6 Size of Structures:

> *(1) Only one float shall be constructed per upland lot.*
> *(2) The maximum water area that may be covered by a float is 15m².*
> *(3) The maximum size of any float is 6 m in any dimension.*
> *(4) The maximum length of any ramp is 6 m and shall be constructed in compliance with Subsection 3.7.2 of this Bylaw.*

In order to reduce any impact to the sensitive aquatic area, the applicant is requesting a variance to to reduce the setback from the projection of the northwestern side lot line of the abutting upland lot from 3.0 metres to 0.0 metres for the private float and to vary Subsection 8.22B.6(3) to increase the maximum length of the private float from 6.0 metres to 11.0 metres in order to reduce impacts to the sensitive aquatic ecosystem.

Figure 5: Zoning Map



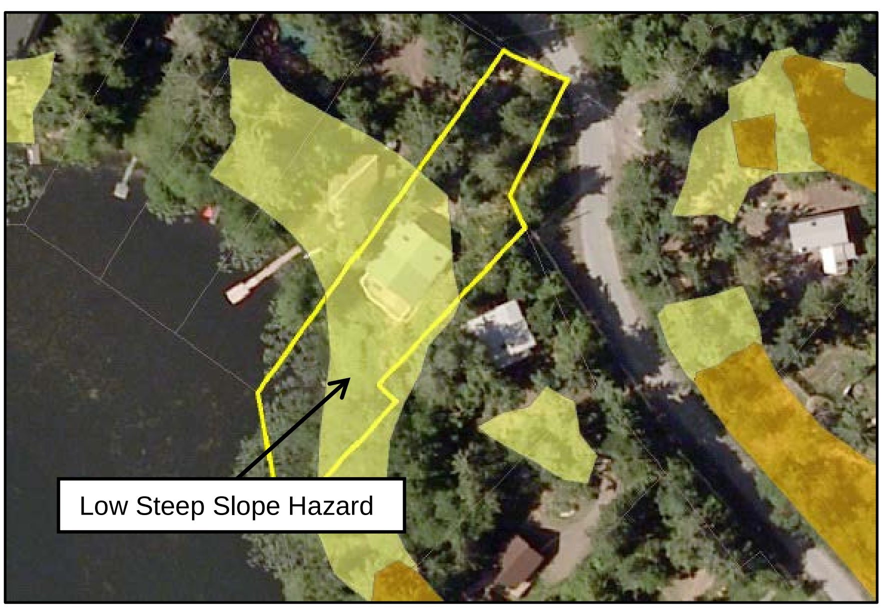
Islands Trust Fund:

This application has no considerations for the Islands Trust Fund.

Sensitive Ecosystems and Hazard Areas:

Beyond the Riparian and Aquatic DPA adjacent to Magic Lake, there are no sensitive ecosystems identified on the property. There is an area of low steep slope hazard in the centre of the property that should have no impact to this proposal.

Figure 6: Steep Slope Hazard



Archaeological Sites:

There are no archaeological sites in the provincial database registered on, or in close proximity, to the subject property.

Covenants:

There are no covenants registered on the subject property. There is a CRD Right-of-Way (ROW) on the upland portion of the property. The private float and proposed landscaping will be located outside of the RoW.

Bylaw Enforcement:

There are no bylaw enforcement files associated with this property.

Climate Change Mitigation and Adaptation

This application has no direct bearing on climate change mitigation and adaptation.

CRD:

A referral was sent to the CRD Building Department to comment on any building related concerns with the proposed dock and ramp. The CRD Building Department had no concerns with the application as there will be no landscaping or buildings located on the RoW. A referral was also sent to the CRD Integrated Water Services Department to provide authorization, if required, if a portion of the dock is located on CRD lands. The CRD Integrated Water Services Department also had no concerns with the application.

Other:

Environmental Assessment Report:

The applicant provided an Environmental Assessment Report by a QEP. The assessment states that the proposal would require no alteration to the existing vegetation in the riparian area of Magic Lake. The report provides the following recommendations:

- Voluntary planting of shrubs or trees along a strip of 3.0 metres from the high water mark;
- The dock and ramp should not be constructed on the shore as it could cause damage to the tall grass vegetation;
- Design, construction materials, and anchoring of the dock and ramp should conform to Islands Trust standards; and
- The proposal is permitted without requiring a RAR assessment process as there is no significant damage to fish habitat, or alteration of riparian vegetation anticipated.

As a condition of the Development Permit, the applicant will be required to adhere to the recommendations made in the assessment report. A checklist for the Riparian and Aquatic DPA guidelines has been attached as Attachment 5.

Additional Information from QEP:

The QEP provided additional information on the float construction, location, variance rationale, and planting in support of this application (Attachment 4). The float construction and location have been previously mentioned in this report. The rational for the variance will be discussed below.

The QEP states that the clearing of trees between the house and shoreline precedes the Riparian Area Regulation and replanting cannot be required. The QEP therefore recommends voluntary planting of Ocean Spray and/or Red Ossier Dogwood along a strip 3.0 metres back from the high water mark. Spacing between the plants must be 1.5 to 2 metres. The report states that the replanting will have a beneficial effect on morning shade and leaf litter supplied to the lake fish habitat.

RESULTS OF CIRCULATION:

Notices for the variance were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m on March 26, 2014. At the time of writing this report, no formal public submissions have been received. Staff did speak with a community member concerned with the length of the private float and the length of the plank. Any public submissions will be forwarded to the LTC and presented at the North Pender Island Local Trust Committee meeting on March 27, 2014.

VARIANCE ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance. The QEP states that the lily pad bed along the shoreline of Magic Lake is less dense directly offshore of the end of the old pathway to the lake (Picture 2), and the width of the bed is also less dense where the float is proposed to be located. Positioning the float in the proposed location will minimize the amount of lily pads displaced and results in the least impacts to the aquatic vegetation. The proposed location would require a variance to the 3.0 metre setback from the projected northwestern side lot line. The QEP also outlines two alternative placements of the private float (see Attachment 4). The two alternatives would site the private float in a larger and more dense lily pad ecosystem which would require the float to be smaller in width to decrease the damage to the lily pads, less stable, and longer in length to avoid the lily pads.

The QEP also provided a rationale as to the request to variance the maximum length of the float from 6.0 metres to 11.0 metres. The QEP states that the width of the lily pad bed from shore requires a swim float and floating walkway which are longer than the bylaw maximum length, in order for the swim float to project past the edge of the lily pads, and allow the swimmers to have clear water along at least one edge of the dock, without aquatic vegetation to swim through. As well as improving the quality of swimming conditions, this longer dock reduces hazard of entanglement in lily pads (swimmer safety), and reduces impacts to the aquatic vegetation from having to swim through the edge of the lily pad bed to get to clear water.

The overall intent of the regulation being varied. The overall purpose of the setback regulations is to minimize impacts on adjacent property related to: building code requirements, aesthetic, and privacy concerns. Regulating setbacks also helps to provide a consistent pattern of development within a given zone. The setbacks in the Water 6 zone help to reduce water uses (floats and related water activities) from being located in front of neighbouring properties.

Potential impacts of granting a variance. Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

STAFF COMMENTS:

The application is for the construction of a private float on Magic Lake within the Riparian and Aquatic Development Permit Area (DPA). This is the first application for a private float on Magic Lake since the Riparian and Aquatic DPA and the Water 6 regulations in the Land Use Bylaw where adopted. Prior to the DPA guidelines and Water 6 regulations, the construction of a private float on Magic Lake was up to the property owner's own guidance.

The applicant has provided an environmental assessment report by a QEP as a requirement for the application to address the DPA guidelines and to provide a rationale for the requested variances. Staff rely on professional reports in order to address the applicable guidelines in the Development Areas to ensure the protection of sensitive ecosystems and to provide recommendations to minimize potential impacts to the sensitive ecosystems. The QEP states that the proposal would require no alteration to the existing vegetation in the riparian area of Magic Lake. Also, the float would cause some displacement of the lily pad vegetation by pushing them to one side or the other but would serve as artificial large woody debris (LWD) placement benefitting small rearing fish. All recommendations made in the assessment report have been included as conditions of the development permit.

There are specific guidelines applicable to floats and associated structures in the aquatic DPA. The QEP has indicated that the float placement, design, and materials will comply with the LUB regulations and the specific float guidelines in the OCP. To ensure compliance, these guidelines have been included as conditions of the development permit:

(a) The dock structure shall be constructed in such a manner that will:
  i. ensure the float and ramp do not rest on the lakebed;
  ii. use semi-transparent surfacing for the float and ramp;
  iii. treated wood must not be on any part that would be within the water;
  iv. floatation materials must be contained within a durable shell; and
  v. any areas disturbed during installation should be restored.

The applicant is also requesting to vary the setback from the projection of the north-western side lot line of the abutting upland lot from 3.0 metres to 0.0 metres for the private float and to increase the maximum length of the private float from 6.0 metres to 11.0 metres. As stated in one of the DPA guidelines, the LTC may consider variances to siting or size regulations where the variance may result in enhanced protection of the aquatic ecosystems in compliance with recommendations of a QEP report. The QEP has indicated that the variances are necessary to reduce potential impacts to the lily pads within the aquatic ecosystem. The QEP provided alternative locations for the float and reasons as to these alternative locations may have a greater impact on the sensitive ecosystem. The CRD has indicated that they have no concerns with the proposed float and the requested variances. As the QEP provided a rationale strong rationale for both variances and the CRD have no concerns, Staff support the variances.

Although the site plan provided by the applicant does not depict the exact distance from the north-western edge of the float to the projected side lot line it is clear that it is extremely close to the projected lot line. Reducing the setback to 0.0 metres provides leeway for the float to enter into the setback due to minor movements in the water.

Staff support the planting of Ocean Spray and Red Ossier Dogwood along riparian area by the applicant. The QEP states the replanting will provide a beneficial effect on the lake fish habitat. As the planting is located within the riparian area of the DP, no security will be taken as the construction activities which triggered the DP requirement are located only within the aquatic area. The planting will be a condition of the development permit.

Given the information provided in the QEP's report, the rationale for the proposed location to have the least impact on the sensitive aquatic ecosystem, and the application satisfying the development permit guidelines, staff recommends issuance of a development permit and development variance permit for the proposed float.

RECOMMENDATIONS:

1. THAT Development Permit NP-DP-2014.2 (Millett) BE APPROVED.

2. THAT the Development Variance Permit NP-DVP-2014.1 (Millet) BE APPROVED.

Prepared and Submitted by:

Kim Farris	March 19, 2014
Planner 1	Date

Concurred in by:

Kris Nichols, Acting RPM	March 19, 2014
	Date

Attachments:

1 – Development Variance Permit
2 – Development Permit
3 – QEP Assessment Report
4 – QEP Additional Letter
5 – DPA Checklist

Islands Trust

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2014.1

To: Stewart Millett

1. This Development Variance Permit applies to the land described below

   Lot 13, Section 8, Pender Island, Cowichan District, Plan 21026, PID: 003-508-331

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows:

   a) Subsection 8.22B.5(2) is varied to reduce the setback from the projection of the northwestern side lot line of the abutting upland lot from 3.0 metres to 0.0 metres for a private float.

   b) Subsection 8.22B.6(3) is varied to increase the maximum length of a private float from 6.0 metres to 11.0 metres.

   All buildings and structures shall be consistent with Schedules ‘A’ which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approval of the Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS __st DAY OF _______, 201_.

____
Deputy Secretary, Islands Trust

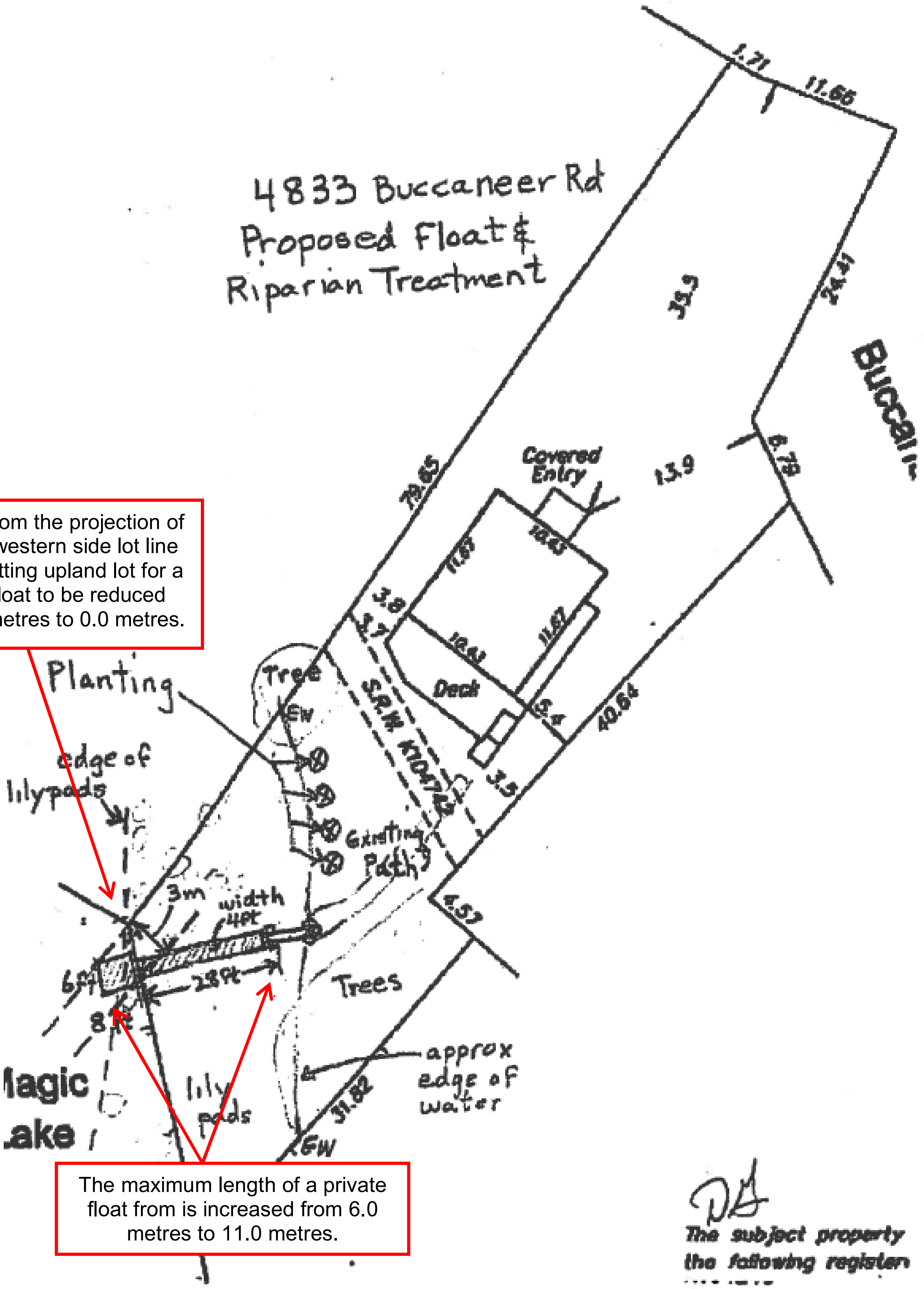
____
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE __ DAY OF ______, 201_, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2014.1

SCHEDULE 'A'



Setback from the projection of the northwestern side lot line of the abutting upland lot for a private float to be reduced from 3.0 metres to 0.0 metres.

The maximum length of a private float from is increased from 6.0 metres to 11.0 metres.

PROPOSED

Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2014.2

To: Stewart Millett

1. This Development Permit applies to the land described below:

   Lot 13, Section 8, Pender Island, Cowichan District, Plan 21026

2. This Development Permit authorizes the construction of a private float and ramp within the development permit area, subject to the following requirements and conditions:

   (a) Construction and land alterations shall be consistent with Schedule “A” attached to and forming part of this permit.

   (b) All development on the site to adhere to the Environmental Assessment Report prepared by Gooding Hydrology dated September 16, 2013.

   (c) No construction activity shall occur within 15.0 metres inland from the natural boundary of the lake except for the planting permitted by this permit

   (d) The dock structure shall be constructed in such a manner that will:
      i. ensure the float and ramp do not rest on the lakebed;
      ii. use semi-transparent surfacing for the float and ramp;
      iii. treated wood must not be on any part that would be within the water;
      iv. floatation materials must be contained within a durable shell; and
      v. any areas disturbed during installation should be restored.

   (e) There shall be four (4) Ocean Spray and/or Red Ossier Dogwood planted along a 2 to 3 metre strip inland from the high water mark. Spacing of the plants must be between 1.5 to 2 metres.

4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ___ DAY OF ___, 20___

_____________________________   _______________________

PROPOSED

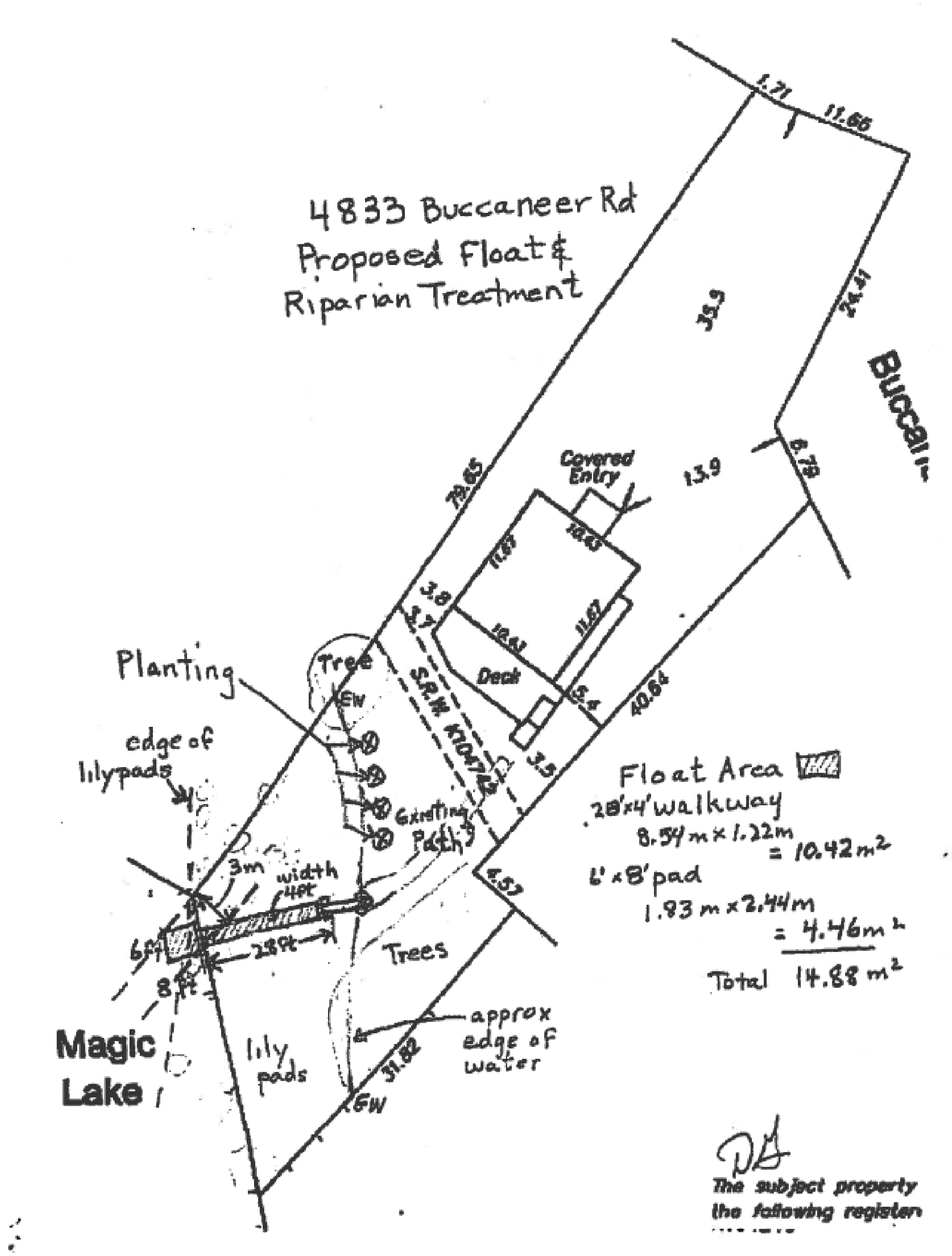
Deputy Secretary, Islands Trust   Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ___ DAY OF ____, 20__, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2014.1
Schedule "A"

Property Site Plan



Gooding Hydrology
dgooding@saltspring.com

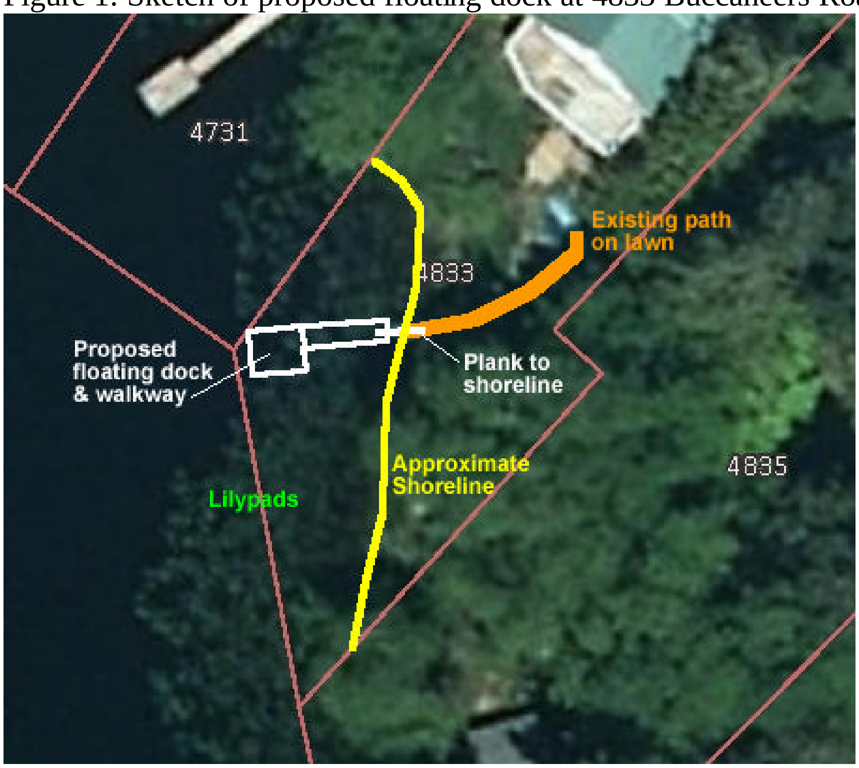
Sept 16, 2013

To:
Stewart Millett
2519 Ludgate St,
Victoria BC V8T 4S2
&
Andrea Picard
Islands Trust

Re: Proposed Floating Dock at 4833 Buccaneers Rd, Pender Island and RAR Process

A site visit to the subject property, 4833 Buccaneers Road, Pender Island, was made on July 29, 2013, with the above Islands Trust representative, at the request of property owner Stew Millett. The property has an established path from the house to the shoreline of Magic Lake, through a grassed clearing (see photos 1 and 2 below). The proposed dock would consist of a 4 ft wide anchored floating walkway through the majority of the lily pads, out to a 4 ft by 8 ft main anchored floating dock projecting out from the lily pads into open water. Access to the walkway from shore would be by a simple plank unattached at the shore end, therefore requiring no foundation pad to be constructed on shore.

Figure 1: Sketch of proposed floating dock at 4833 Buccaneers Road



According to the report "North and South Pender Islands Riparian Area Regulation Stream Identification" done in 2010 by Madrone Environmental Services Ltd for the Islands Trust, Magic Lake has a stocked rainbow trout population listed in the FISS database, and construction or significant alteration of vegetation within 30 m of the lake would require an RAR assessment.

However, the proposed floating walkway and dock would require no alteration of existing vegetation in the riparian area of Magic Lake. The 4 foot wide floating walkway would cause some displacement of the aquatic vegetation (lily pads), pushing them to one side or the other, but would also serve as an artificial LWD placement, benefitting small rearing fish. The dock and walkway would not be constructed on the shore, causing impacts to the tall grass vegetation, but would be floated into place from a boat launch site. Design, construction materials, and anchoring of the dock and walkway would conform to Islands Trust standards.

Recommendations:
It is recommended that the proposed floating dock and walkway be permitted without requiring the full RAR assessment process, as no significant damage to fish habitat or alteration of riparian vegetation is anticipated.

The clearing of trees between the house and shoreline precedes the Riparian Area Regulation, and replanting cannot be required. However, a voluntary planting of shrubs along a strip of 3 meters back from the high water mark, and even the planting of a few trees in that strip, is recommended. This replanting would not seriously impact on the view of the lake from the house, and would have a beneficial effect on morning shade, and leaf litter, supplied to the lake fish habitat.

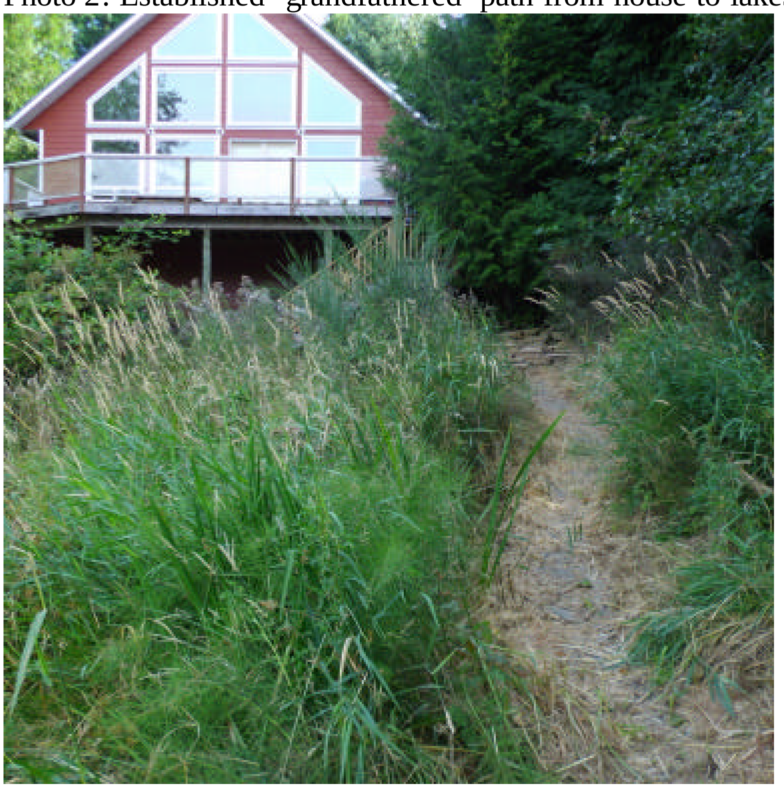
D Gooding

Dave Gooding, P.Eng.

Gooding Hydrology
dgooding@saltspring.com

Photo 1: Shoreline and lily pads at lake end of path

Photo 2: Established 'grandfathered' path from house to lakeshore



Details of float location and construction, Request for Variance, and Planting Specifications for 4833 Buccaneers Rd

1. **Swimming Float and Walkway design details**

Figure 1 below shows the dimensions and placement of the proposed swimming float and floating walkway through the lily pad bed. The swim float is 6 ft x 8ft (1.83m x 2.44m), the walkway dimensions are 4 ft x 28 ft (8.54m x 1.22m), with a combined area of 1.44 sq m. Float placement, design, and materials will comply with the guidelines in Bylaw 171 Sect 5.2.11.8d).

2. **Request for Variance of 3 m Setback**

The lily pad bed along the shoreline of Magic Lake is less dense directly offshore of the end of the old pathway to the lake, and the width of the bed is also less where the walkway and float are positioned in figure 1 below. Positioning the float and walkway as shown in the drawing, encroaching into the 3 m setback from the lot line projection, will minimize the amount of lily pads displaced, and result in the least impacts to aquatic vegetation. The two alternative options to this placement which were considered and rejected before applying for this variance are:

a) starting from the shore end of the existing pathway, angle the walkway further to the south, to keep clear of the 3 m setback. The resulting angle from the shore would require a walkway of around 10 ft (3m) greater length through a wider and denser portion of the lily pads., This would create a significantly larger impact on aquatic vegetation, and would require a narrower, less stable walkway and smaller float design in order to meet the 15 sq m float size limitation.
b) Continue the existing path from near the shore end of the existing pathway into the functioning riparian area along the lakeshore on the south edge of the property, and then take the walkway float straight out perpendicular from the shore. As the lily pad bed is wider and denser along that portion, this would again create increased impacts to aquatic vegetation, and require a longer walkway. As well, the extended pathway would result in impacts to the relatively healthy and undisturbed riparian area along the south edge of the property.

3. **Request for variance of maximum length of dock or walkway**

The width of the lily pad bed from shore requires a swim float and floating walkway which are longer than the bylaw maximum length, in order for the swim float to project past the edge of the lily pads, and allow the swimmers to have clear water along at least one edge of the dock, without aquatic vegetation to swim through. As well as improving the quality of swimming conditions, this longer dock reduces hazard of entanglement in lily pads (swimmer safety), and reduces impacts to the aquatic vegetation from having to swim through the edge of the lily pad bed to get to clear water. For the above reasons a variance to the maimum float length is requested.

4. Planting

Planting of Ocean Spray and/or Red Ossier Dogwood will be done between the grandfathered path to the lakeshore and the treed riparian area along the north edge of the property, as shown on the drawing below. Spacing will be between 1.5 and 2 m upland of the high water line, approximately 2 m apart.

Figure 1: Drawing of Proposed Float and Walkway with Planting Locations

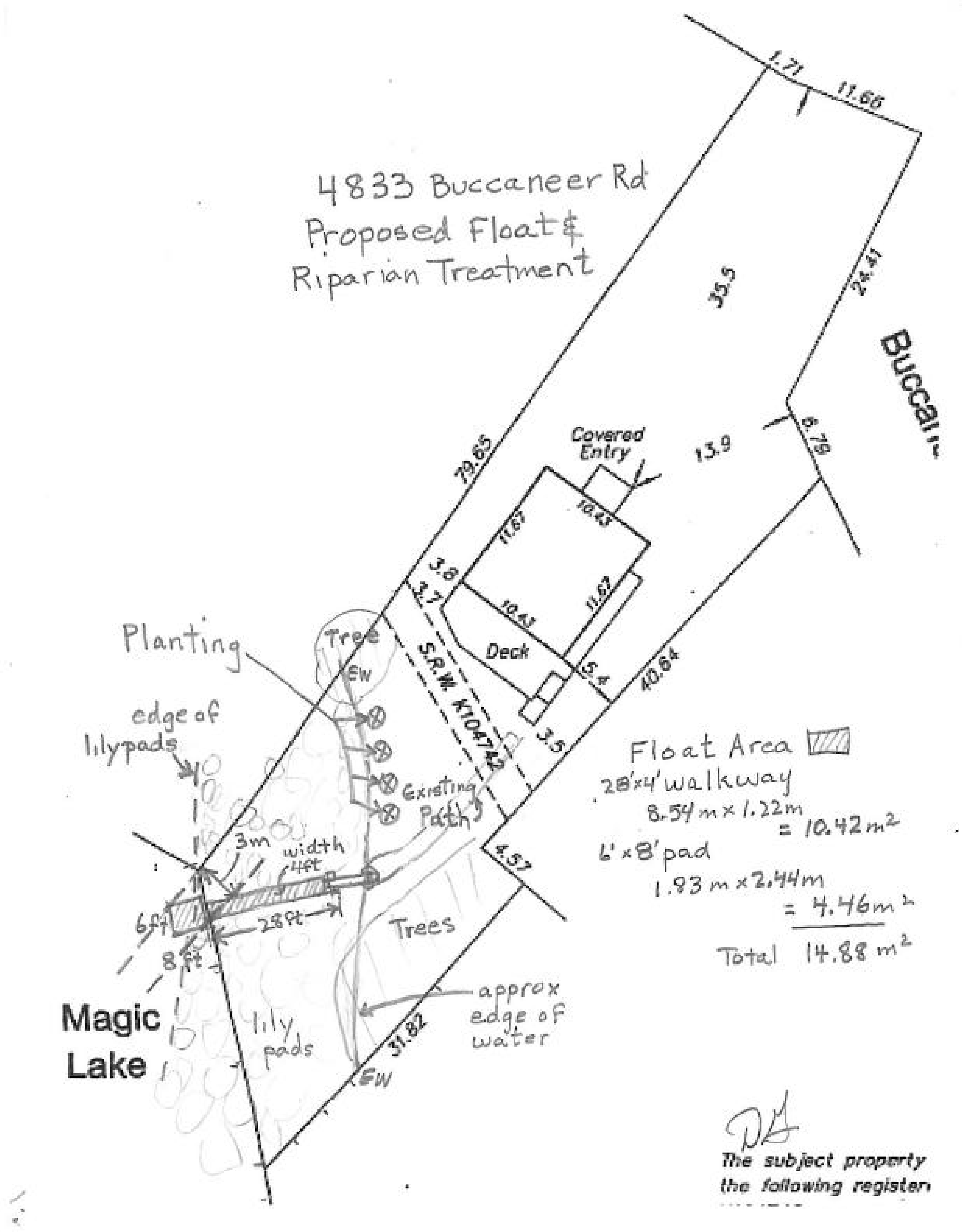
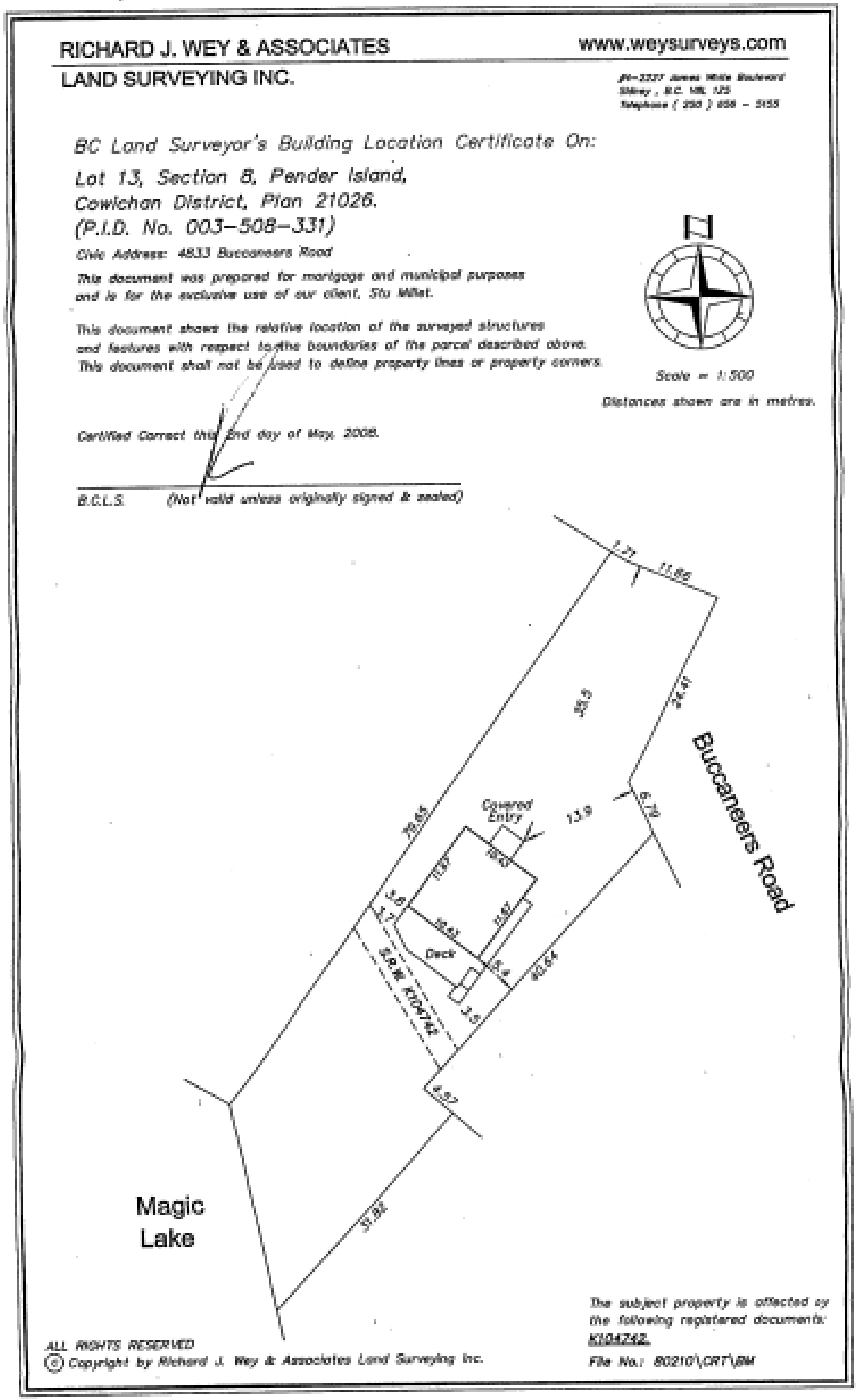


Figure 2: Survey Drawing of 4833 Buccaneers Rd



Less dense narrower lily pad bed perpendicular to shore at lake end of pathway

CRD airphoto with contours. Note ‘bay’ in lily pad bed near NW property corner

Riparian and Aquatic DPA Checklist: NP-DP-2014.2

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, 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 riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	QEP has made recommendations for the location of the private float in order to minimize impacts to the aquatic ecosystem. QEP has recommended voluntary planting of Ocean Spray and Red Ossier Dogwood along riparian area by the applicant. QEP states the replanting will provide a beneficial effect on the lake fish habitat. As the planting is located within the riparian area of the DP, no security will be taken as the construction activities which triggered the DP requirement are located only within the aquatic area.
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	N/A – No development within SPEA
3. Where the QEP 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 QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	-N/A – no mitigating measure recommended
4. The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life	As this DP is for the construction of a private float, all applicable guidelines will be included as conditions in the Development Permit.

Guidelines	Comments
processes where installation of a float would compromise the functioning of the feature; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the waterbody should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed.	
5. If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.	-Bylaw enforcement will be notified if conditions of the DP are not met.
6. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report.	Variances have been requested to reduce the setback within the projected side lot line and to increase the length of the private float in order to minimize impacts to the lily pad vegetation in the aquatic ecosystem.

STAFF REPORT

March 19, 2014 **File No.:** NP-RZ-2012.1 (Burdett)

To: North Pender Island Local Trust Committee
For the meeting of March 27, 2014

From: Andrea Pickard, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Rezoning Application

Owner: Michael and Anne Burdett
Applicant: Same

Location: 4606 Razor Point Road,
The Fractional North West ¼ of Section 11, Pender Island, Cowichan District, Except the South 26.364 Chains, and Except Parcel A (DD143808I), and Except those parts shown outlined in red on Plans 5632 and 262R, and Except those parts in Plans 5856, 7982 and 20898.

THE PROPOSAL:

BACKGROUND:

The North Pender Island Local Trust Committee (LTC) previously received a staff report regarding the development proposal at the January 2013 LTC meeting. At that time the application considered was for a non-farm use in the Agricultural Land Reserve. The LTC resolved to forward the proposal to the Agricultural Land Commission (ALC) for a decision. A response from the ALC was received, which is attached to this report.

In summary, the ALC:

- approved the operation of a waste transfer facility and in-vessel composting within the ALR for a period of 5 years and subject to a number of conditions,
- directed that the request for a 3 metre wide trail along the south and west property boundaries be considered as a subsequent application to the ALC, and
- that the current permitted use of boat storage, as permitted in the Industrial (I1(b)) zone, is not approved within the ALR.

Given the ALC has provided a decision on the application, the LTC can proceed with consideration of the rezoning application.

The subject property is primarily zoned for agriculture, with areas of rural and industrial zoning as well. The subject area where the non-farm use application applied is the portion zoned industrial. The Agricultural Land Reserve (ALR) boundary does not coincide with the zone boundary or other legal boundary so portions of both the rural and industrial zones also appear to be within the ALR. The figure below is only representative of the ALR boundary and would not be reliable for a legal determination. A recommendation later in this report addresses this further.

Figure 1: Zoning and Agricultural Land Reserve Boundaries

The subject property is a waterfront property facing onto Hamilton Cove at the western end of Port Browning.

The applicants currently own Pender Island Waste Management which operates a bin service for the collection of commercial waste and recycling, construction site waste and recycling, and the household waste drop-off site at Medicine Beach Market. They also have a residential pick up service for household waste. Previously they operated at the industrial site adjacent to the Recycling Centre on Otter Bay Road; their current objective is to relocate the waste transfer site to the industrial portion of the subject property. The applicants prepared a letter summarizing their proposal to the ALC that was included with their non-farm use application, which is attached to this report.

The proposal is to continue with the permitted boat storage, which would now only be permitted on land outside the ALR, remove most, if not all of the existing fuel tank infrastructure, and construct a building for the waste/recycling storage bins. The building would also contain two bailers for compacting paper products and be constructed with a concrete slab with a catchment system. The applicants also want to expand their operation with the addition of an in-vessel composting system for the collection of commercial organic waste.

The North Pender Island Land Use Bylaw does not identify the 'transfer, storage and shipping of discarded goods and materials' as a permitted use in any of the zones; this use has been permitted by way of temporary use permits issued at various locations over different time periods. In order to legalize the business operations, an application for a temporary use permit or bylaw amendment (rezoning) is required regardless of location.

Historical Zoning:
This portion of the property was rezoned from Rural to Industrial in 1977 while the zoning bylaws were still under the authority of the CRD.

In 1978 when the first North Pender Zoning Bylaw was adopted the applicable Industrial zone permitted: warehouses; storage yards, including explosives; work's yards and marine ways; contractor's workshops; contractor's yards; building materials and supplies sales; freight service; bulk fuel storage tanks; sawmills; mechanical repairs; processing, crushing and storing of gravel; and one self-contained dwelling unit for the accommodation of the owner, operator or an employee of the principal use permitted.

A Land Use Bylaw (LUB) review was initiated in 1996 and the use was restricted further to 'boat storage' only; the LUB was adopted in 1999. Historic files have been reviewed to see if there was any reference to the rationale for this at the time, however no relevant records were found.

The Agricultural Land Reserve (ALR) was established between 1974 and 1976.

SITE CONTEXT:

The subject property is split zoned Agriculture (AG), Rural (R), and Industrial One (I1(b)). A significant portion of the property is also within the Agricultural Land Reserve. The subject property is located between the main commercial area serving the island (Driftwood Centre) and Port Browning. The property contains an older farmhouse (early 1900's) on the rural zoned portion of the property, a newer (1980's) home on the agricultural portion of the property, a number of accessory structures, and the bulk fuel storage site on the industrial portion.

Figure 2: Subject Property

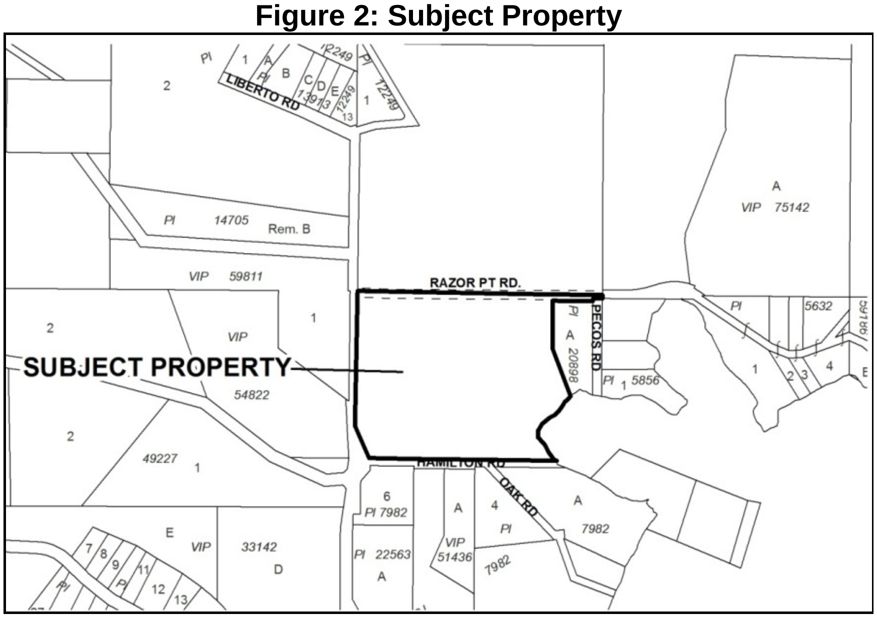
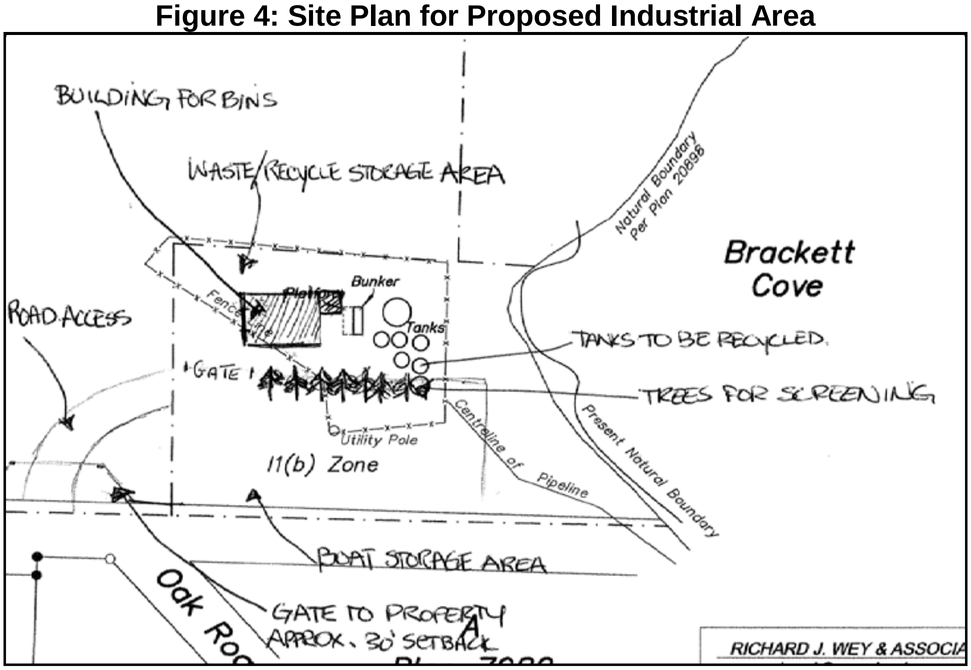


Figure 3: Orthophoto and Zoning

Figure 4: Site Plan for Proposed Industrial Area

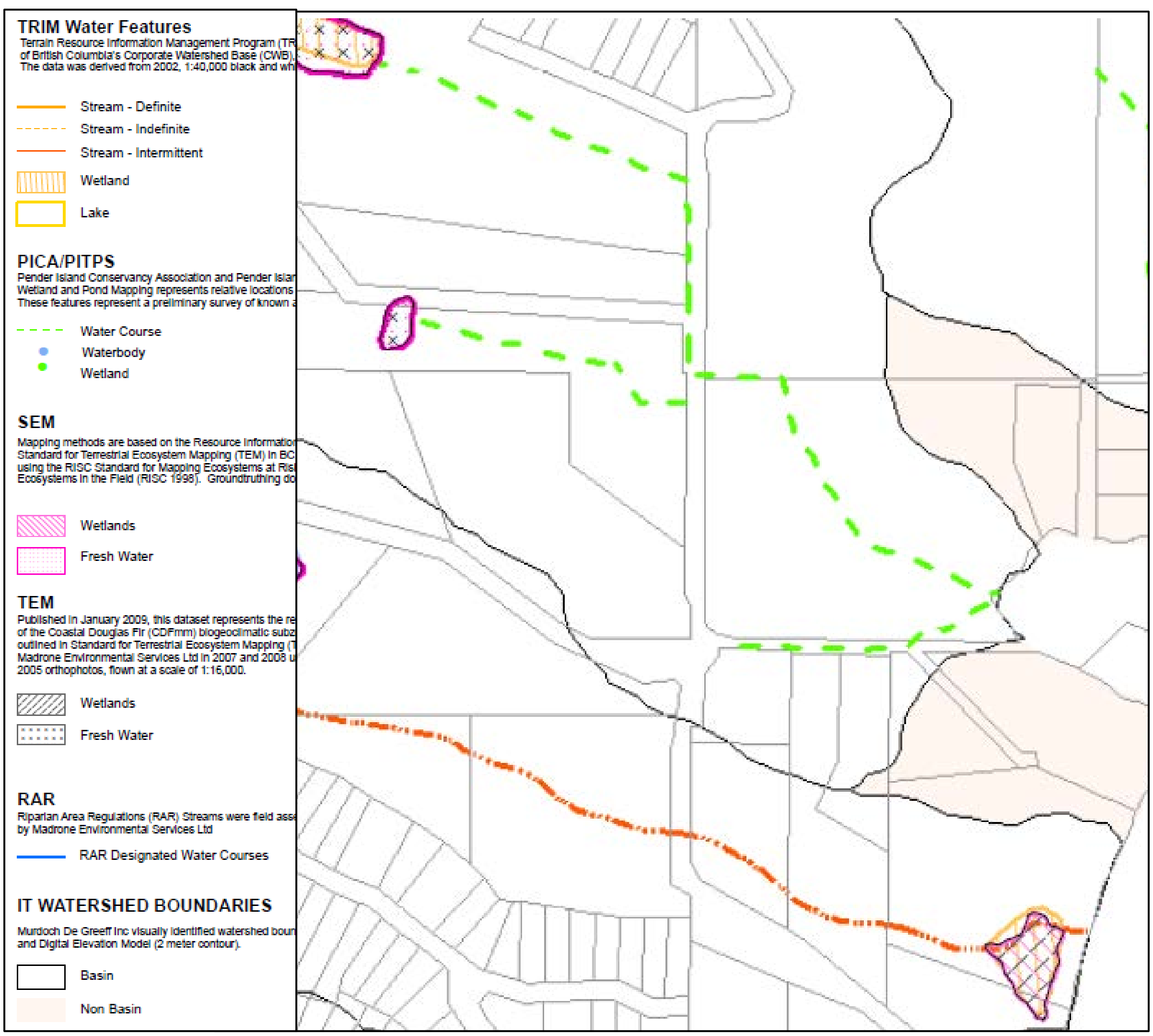


Based on BC Assessment data the property is 8.32ha (20.55ac) although using the GIS measuring tools is appears to be slightly larger at approximately 8.93ha (22ac) with approximately 7.32ha (18.1 ac) zoned AG, 1.15ha (2.8ac) zoned R, and 0.46ha (1.1ac) zoned I1(b). Discrepancies such as this are not uncommon particularly with larger parcels that have not been resurveyed and are remainder fractions of the original ¼ Sections, and also those with a coastal property boundary. The subject area within the overall property is located in the south-eastern corner of the lot, adjacent to Hamilton Road to the south and the shoreline of Brackett Cove to the east.

Surrounding properties range widely in size from less than 2ac to almost 40 ac with a range of rural, commercial and agricultural zoning. Based on GIS data the property is fairly level declining steadily across the property from a maximum elevation of 32 m above sea level (asl) in the southwest corner (Bedwell Harbour and Hamilton Rd intersection) to 12m asl as it nears the shoreline, where it declines more steeply to sea level.

The subject property also has a watercourse that generally bisects it diagonally as shown below. This is not a provincially identified stream or a watercourse subject to the Riparian Areas Regulation but is a watercourse that is recognized to be part of the drainage basin for two small surface waterbodies adjacent to the airstrip, which is located approximately 1km upstream from Port Browning. The existing vegetation between the industrial portion and the watercourse would be maintained.

Figure 5: Water Compilation Mapping



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this application include:
Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

Ecosystems

- 3.1.5…the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.

Coastal and Marine Ecosystems

- 3.4.4…the protection of sensitive coastal areas.
- 3.4.5…the planning for and regulation of development in coastal regions to protect natural coastal processes.

Agricultural Land

- 4.1.4…the identification and preservation of agricultural land for current and future use.
- 4.1.5…the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- 4.1.6…the use of adjacent properties to minimize any adverse affects on agricultural land.
- 4.1.8…land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land.

Growth and Development

- 5.2.3…policies related to the aesthetic, environmental and social impacts of development.

Disposal of Waste

- 5.4.4…the identification of acceptable locations for the disposal of solid waste.

Official Community Plan
The land use designation in the OCP for the subject property is Industrial, Agriculture, and Rural Residential, which is in alignment with the relevant zoning. The subject area is the area designated Industrial.

Relevant policies in the OCP include:

Agriculture Policies

- 2.2.1-The 'right to farm' shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.
- 2.2.13-The Local Trust Committee should not support applications to the ALC for non-farm use, except where it can be demonstrated that the proposed non-farm use would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the land, and the proposed non-farm use is consistent with zoning or a policy in this plan.
- 2.2.15-When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure that the proposed new use will not reduce the quality and quantity of water for farming and the proposed new use should not result in either a decrease or an increase in water flows onto to, or from, adjacent agricultural land. Rezoning applications which might affect farmland will be referred to the Regional Agrologist for comment.

- 2.2.16-When it considers rezoning applications for land that borders agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming and the applicant may be required to provide qualified professional advice on the potential impacts on farming.

Industrial Policies

- 2.5.1-Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.
- 2.5.3-Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.
- 2.5.4-Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.
- 2.5.6-Industrial activity, parking and storage areas should be screened.

Solid Waste Policies

- 3.3.2.1-Regulations shall permit the continued operation of an island location where waste can be taken for recycling.
- 3.3.2.2-The storage and disposal of hazardous and toxic waste on North Pender shall be prohibited.
- 3.3.2.3-Regulations shall prohibit the use of land on North Pender Island as a landfill.

Coastal Areas

- 4.2.1-Regulations should protect natural coastal processes from the impacts of development.

Climate Change Policies

- 4.7.6-The Local Trust Committee may consider amending zoning in the Industrial or Community Services designations to provide community wood chipping and community composting services.

Land Use Bylaw:

The subject property is split zoned Agriculture (AG), Rural (R), and Industrial One (I1(b)). As noted the subject property is split zoned with approximately 82% AG, 13% R, and 5% I1(b).

Permitted uses in the I1(b) zoning is limited to boat storage.
Neighbouring properties are zoned:

- North - Agriculture
- East - Rural and Water 1
- South – Commercial 3 (Browning Pub), Water 3 (marina) and Rural
- West – Rural and Commercial 1 (Driftwood Centre)

Islands Trust Fund:

There are no Trust Fund properties or conservation covenants in the vicinity.

Sensitive Ecosystems and Hazard Areas:

There are no sensitive ecosystem development permit areas (DPA) on the subject property; however the adjacent marine water of Port Browning is a sensitive intertidal DPA. The Industrial portion of the property would be subject to the form and character DPA and a development permit would be required prior to any building permit being issued.

The steep slope mapping shows two relatively small areas of low and moderate hazard on the property with a larger, moderate hazard area identified adjacent to the shoreline.

Figure 6: Development Permit Areas

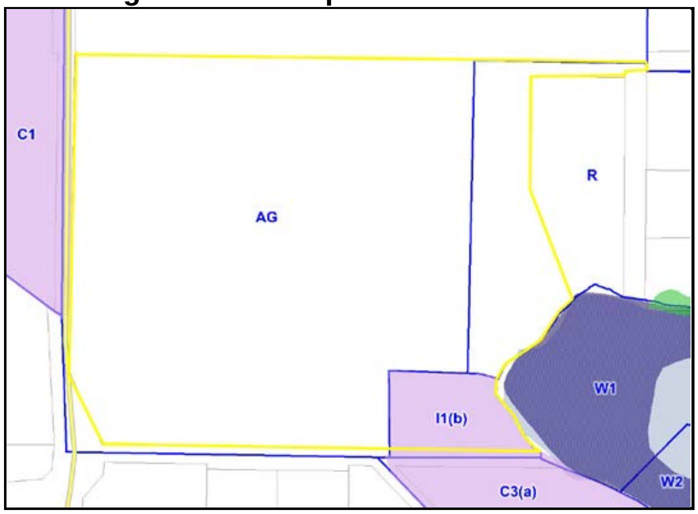
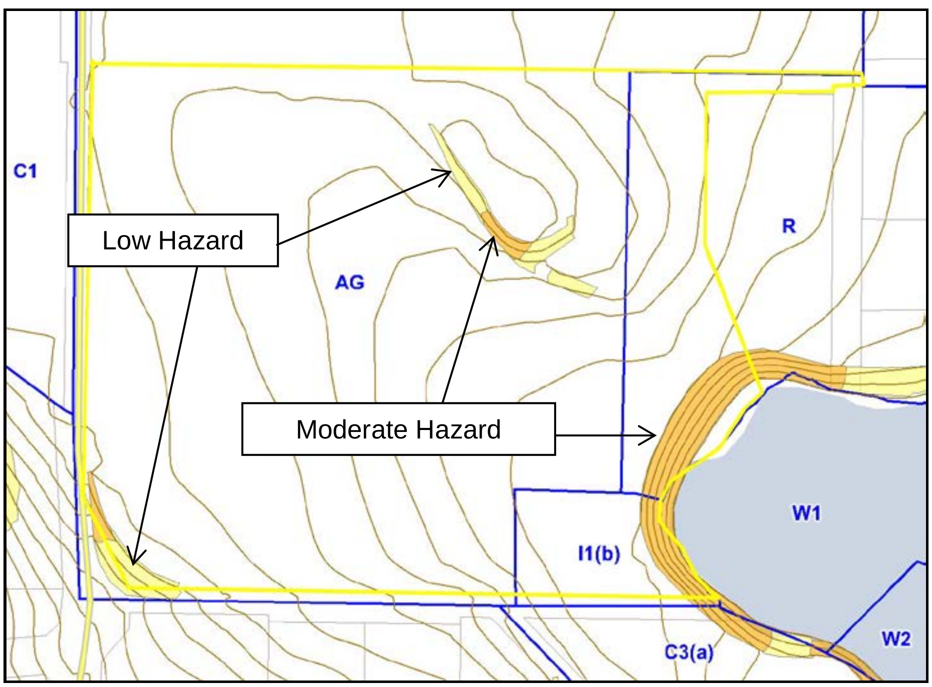


Figure 7: Steep Slope Mapping and 2m Contour Intervals



Archaeological Sites:

There are no archaeological sites registered in the provincial database on the subject property or in close vicinity.

Covenants:

There are no covenants or rights-of-way registered on title.

Climate Change Mitigation and Adapation

Generally any improvements to the waste management and diversion options available to the community further reduces the risk that residents may choose to burn or bury waste. The property is centrally located on the island and may result in reduced vehicle distance travelled when servicing the community needs. Diverting the commercial organic waste from landfilling would also support emission reduction and provide an alternative for when the CRD ban at Hartland landfill takes effect and advance the OCP policy.

Shoreline

Recent shoreline mapping completed for all the major islands in the Trust Area has divided the shoreline into segments based on morphology and substrate. There are six classifications of shoreline type identified for the Gulf Islands and the shoreline adjacent to the subject property is identified as pebble/sand. This shoretype is a soft shoreline that may be a source of sediment and could be vulnerable to erosion particularly when sediment supply is interrupted. It would be anticipated that the related biological features would be dominated by burrowing invertebrates such as worms and clams, which can also attract concentrations of birds.

The predominant wave energy system on North Pender is from south to north, which is based on both wave energy and fetch; all of Port Browning and the eastern shoreline of North Pender Island is identified as low energy.

Other:

Copies of the professional reports received for this application have been posted on the North Pender Island webpage at: www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications

Hydrological Impact Assessment:

The applicants have provided a report which had the following conclusions:

- Potential surface water contamination – as long as the discarded goods and materials are not stored directly on the ground (consisting of a broken shale base) there should be no concern. If the goods and materials are stored directly on the ground some contaminants could infiltrate and potentially impact the water of Browning Harbour.
- Potential groundwater contamination – the proposed operation would not impact the groundwater in any manner.

Although the report also notes that additional water testing would be done in the wet season, during recent discussions with the hydrologist he has stated that collecting additional water samples would not provide useful information.

Environmental Site Assessment:

A site assessment was done by the previous owners in Dec 2011 to address an 'area of potential environmental concern', which was the industrial portion of the property and the above ground storage tanks and associated infrastructure. The assessment included soil and groundwater testing, including soil vapour and sediment sampling. The report concluded that all soil, soil vapour, and groundwater testing reported trace or non-detectable values for all parameters, which were below the Contaminated Site Regulations criteria. The report also concluded that no further environmental assessment work was recommended.

Sources Materials:

The current sources and amounts of material for recycling or disposal by Pender Island Waste Management are outlined in the table below. These are estimated volumes based on the level of existing services and would be subject to change. At this time the intent is to continue servicing the drop-off site at the Magic Lake Market for the collection of household waste.

Source	Material	Estimate Volume*
Poets Cove	Garbage, Cardboard, Recycling	2 small bins per week (during winter months the frequency drops to every 6 weeks) 52 tons garbage annually
Browning Harbour Marina/Pub	Garbage, Cardboard, Recycling	2 small bins per week (during winter months the frequency drops to every 10 days) 25 tons garbage annually
Driftwood Centre	Garbage	1-3 small bins per week
Hope Bay Centre	Garbage and Recycling	Weekly collection - bags
Medicine Beach Market Drop-off	Garbage	3-4 small bins per week (during winter months the frequency drops to 2/ week)
Otter Bay Marina	Garbage only	1 small bin per week (during winter months the volume drops to 6-10 bags weekly combined with Currents)
Currents	Garbage only	1 small bin per week (during winter months the volume drops to 6-10 bags weekly combined with Otter Bay)
Construction Sites	Construction waste and recycling	Varies – 7 medium sized bins available for service
Various	Metal recycling	1 large bin monthly
Weekly pick up service	Garbage	5-6 tons monthly

* **Small bins are approximately 3 cubic yards**
Medium bins are 12-14 cubic yards
Large bins are 40 cubic yards

A large bin (40 cubic yard) is used to store bagged recyclables or bundled cardboard until it is transported off-island for processing. A lidded 16 cubic yard bin would be used to transport waste materials off-island for disposal approximately three times per week during the summer months.

Organic Collection:

Hartland landfill, operated by the Capital Regional District (CRD) will no longer be accepting kitchen waste as of Jan 1, 2015; this ban would apply to residential, commercial and institutional organic waste. The collection and composting of organic waste has been approved by the ALC and if subsequently approved by the LTC then the applicants would also be regulated under the CRD Composting Facilities Bylaw. The proposal is to purchase a small scale, in-vessel composter called an 'Earth Tub', which is designed to meet the needs of institutional sized producers such as universities/schools, commercial food processors, hospitals, and multi-family residential developments. The Earth Tub can process a maximum of 150 pounds per day (~70 kg) and they include a bio-filter for odours.

Diversion of the organic waste is estimated at 20 tons annually from Poets Cove and Port Browning Pub and Marina.

Traffic Impacts:

It would be anticipated that with the volumes collected the traffic impacts delivering to the site during the summer season would be up to 4 trucks per day and 2 trucks per day in the winter, excluding Sundays. Transporting materials to Hartland landfill are estimated at 3 trucks per week during the summer season.

They propose to have up to three days per week, including Saturdays, when the site would be open for public drop-off.

Jurisdiction:

Part 15 of the *Local Government Act*, addresses Specific Regional District Service Powers and authorizes in s. 550 that regional districts may "require persons to use a waste disposal or recycling service, including requiring persons to use a waste disposal or recycling service provided by or on behalf of the regional district". The Capital Regional District (CRD) does regulate waste and recycling operations is some areas of their jurisdiction, and by way of operating the Hartland Landfill. The CRD has adopted a Solid Waste Management Plan (SWMP); however the only regulatory bylaw affecting solid waste facilities in the Islands Trust area is the Salt Spring Island Transfer Station Regulation. The SWMP does provide for CRD support for the recycling depots operating in the southern gulf islands. The CRD also has a Composting Facilities Regulation Bylaw which applies to the entire CRD area.

The LTC has the ability to utilize its zoning powers to regulate the land use aspects of waste management operations, but that would not be to the same extent that the CRD is authorized under the Regional District Service Powers. Conversely, the CRD would require that land use bylaws permit waste facilities before issuance of any permits, and that authority is with the LTC.

The CRD is currently undertaking a review of the Solid Waste Management Plan (SWMP) and in May 2013 the LTC wrote to the CRD requesting that consideration of waste management for North Pender Island be considered during the SWMP review. The review is being conducted in three stages:

1. Analysis of existing systems and identification of issues
2. Development and evaluation of options and strategies
3. Plan consultation and adoption.

The CRD is currently in stage 2 of the process and anticipates beginning consultation in 2015. CRD staff has also verbally stated that a concurrent review of the Salt Spring Island Solid Waste Bylaw is recommended prior to consideration of any new bylaws for the Southern Gulf Island; they anticipate that would be initiated in 2014.

In addition to the CRD powers noted above, any property handling waste materials requires compliance with a number acts and regulations, most notably:

- *Environmental Management Act (EMA)*
- *EMA* - Hazardous Waste Regulations
- *EMA* – Recycling Regulation
- *EMA* – Contaminated Sites Regulation
- *EMA* – Organic Matter Recycling Regulation
- *EMA* – Storage of Recycable Material Regulation
- The federal *Transportation of Dangerous Goods Regulations*

The proposed waste collection operations would not be regulated under a CRD solid waste bylaw at this time; however, the provincial regulations under the *Environmental Management Act* would apply.

The proposed organic collection would have to comply with the CRD composting bylaw, which is supplemental to the existing provincial regulations under the Organic Matter Recycling Regulation (OMRR).

COMMUNITY INFORMATION MEETING(S):

It would be recommended that any rezoning application include a community information meeting in conjunction with a public hearing at a minimum. Given the broad public interest in this application, the LTC may want to consider a separate (CIM) before proceeding to a public hearing.

STAFF COMMENTS:

As the LTC is aware, locations used for solid waste management on the island have either been operated under the authority of a temporary use permit (TUP) or in contravention of the Land Use Bylaw. Although using TUPs has been beneficial for ensuring minimal standards for operations, they have been occurring on various sites for various time periods and thus have not provided certainty to the community or operators. The practice of using TUPs in various locations with limited definitions or regulations in the LUB has resulted in somewhat unstable waste services being provided to residents. The recycling facility is the exception as it has been operating since 1989 and is zoned for the use.

Future changes – future advance in both waste diversion by the CRD (additional landfill bans) and the provincial *Recycling Regulation* will require enhanced waste stream separation and producer responsibility for recycling.

CRD Bylaws –any facility that would be regulated under a CRD bylaw would require that the zoning permits the use. Authorization from the LTC by way of a TUP may not be sufficient under the CRD regulations.

Rezoning vs TUP – if the LTC was not prepared to consider amending the LUB for the site specific application at this time, you could consider directing staff to redirect the current application from rezoning to a TUP to allow time for a more comprehensive waste management review. Considering the proposal for a temporary use permit rather than rezoning could, in part, align any approvals with the five-year term approved by the ALC.

Options:

Options and considerations for the LTC at this time include:

- The LTC could deny the application at this time,
- The LTC could direct staff to proceed with the application as presented,
- The LTC could direct staff to proceed with certain aspects of the application only,
- The LTC could direct the application to be considered for a temporary use permit only, and
- The LTC may also want to consider referring the application to the Advisory Planning Commission for comment.

The LTC is reminded that there is a high level of community interest in both this specific application and the opportunities for proper waste management on the island. If the LTC directs staff to proceed with the application the following information has been identified to be required from the applicant:

- The applicants to provide more information regarding the buffering required for the area proposed for the waste transfer facility along all lot lines,
- That a copy of the proposed vegetative buffering required by the ALC be provided to the LTC,
- That a copy of the survey and fencing plan required by the ALC be provided to the LTC,
- That the survey required by the ALC also identify the ALR boundary,
- More details regarding the proposed mitigation strategies for odours, leachate, noise, vectors, litter and dust be provided to the LTC, including those either integrated into a building design or independently,
- A more detailed site plan showing the siting and dimensions of the proposed building or structures in the industrial area,
- An updated estimation of vehicles from general public use of the site, and
- A more detailed site plan indicating the proposed parking and traffic movement onto and throughout the site.

Furthermore, staff would

- Forward the proposal and any proposed bylaw to the Regional Agrologist requesting he review the proposal and provide comments,
- Forward the proposal and any proposed bylaw to the CRD Solid Waste Management staff requesting they review the proposal and provide comments,
- Draft bylaws would be prepared for referral to the following agencies:
    - MOTI
    - CRD Building Inspection
    - Ministry of Environment, generally and specifically to the Organic Waste, Solid Waste and Hazardous Waste Sections
- That an application to the ALC for a public trail be deferred until public input is obtained to allow for recommendations or refinements, and
- That once comments from the referral agencies is received that the LTC considers possible revisions to the draft bylaws before giving the bylaw First Reading and scheduling of a community information meeting and public hearing.

Implementation Recommendations

It would be anticipated that there would be various aspects of the proposed use that may not have the ability to be regulated through zoning alone. In situations where the LTC wants to ensure recommendations arising from professional reports, referral agencies, or public input are implemented, the LTC can require a s. 219 covenant.

Dependent upon the required conditions, staff could provide the LTC with a range of options to consider for the preparation of:

- the zoning provisions to permit the use in the LUB,
- new or amended definitions in the LUB,
- additional general regulations in the LUB,
- terms and conditions for a covenant, and
- overlapping combinations of both.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ-2012.1 (Burdett) and to prepare a draft bylaw.

2. THAT the North Pender Island Local Trust Committee direct staff to advise the applicant for NP-RZ-2012.1 (Burdett) to provide the information requested as identified in the Staff Report dated March 19, 2014.

Prepared and Submitted by:

	March 18, 2014
	Date

Concurred in by:

Kris Nichols, Acting RPM	March 18, 2014
	Date

Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 14, 2014

ALC File: #53097

Michael and Anne Burdett
4606 Razor Point Road
Pender Island, BC V0N 2M1

Dear Mr. and Mrs. Burdett:

Re: Application for the Non-Farm Use of Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #413/2013 as it relates to the above noted application

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: Liz Sutton

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #413/2013

cc: Islands Trust (File: NP-ALR-2012.1)
200-1627 Front Street, Victoria BC, V8R 1H8

53097d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 3, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53097.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Planner
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

The proposal consists of four parts:

1) To construct and operate a waste transfer facility;

2) To construct and operate an in-vessel composting facility for the collection of commercial organic waste;

3) To approve the existing boat storage; and

4) To allow a 3-meter wide trail dedication.

The proposed waste and compost facility is proposed as follows:

- A waste and compost facility to be contained within a building;
- The building will be built on a concrete slab with a catchment system to mitigate leachate, odor, and/or vector issues;
- Use of 12 or 14 yard bins which will hold household garbage for no longer than 72 hours;
- The building will contain two bailers for compacting paper products, two bins to be used for waste and another for drywall, and an in-vessel compost bin;

- The small scale in-vessel composter is called an 'Earth Tub' which can process 150 pounds of organic material a day. The Earth Tub includes a bio-filter for odor; and
- The facility will be fenced, gated, and screened with vegetation.

PROPERTY INFORMATION:

Owner: Michael and Anne Burdett

Legal: PID: 003-689-417
The Fractional North West ¼ of Section 11, Pender Island, Cowichan District, Except the South 26.364 Chains, and Except Parcel A (DD 143808I), and Except Those Parts Shown Outlined Red on Plans 5632 and 262R, and Except Those Parts in Plan 5856, 7982 and 20898

Location: North Pender Island

Size: 8.5 ha (7.9 ha are within the ALR)

APPLICANT MEETING

A meeting with the applicant and Islands Trust staff was held on September 24, 2013 at the offices of Islands Trust in Victoria. Those in attendance included Commissioner Dyson, Liz Sutton - ALC Planner, Robert Kojima and Andrea Pickard from the Islands Trust and Michael and Anne Burdett.

The following points were raised by the applicants and the Islands Trust representatives:

- The current waste transfer facility (WTF) resides on an industrially-zoned property on Otter Bay Road but requires a temporary use permit as zoning does not permit the WTF outright;
- Rezoning would be required on the existing and proposed site (subject property) to allow for the WTF;
- Rezoning other industrial sites for a WTF would be difficult as it requires the owners of the industrial lands to agree to rezone and site a WTF;
- There is limited industrially-zoned land on Pender Island that is available. The applicants' claim that the subject property is the only industrial land available at present;
- The proposed WTF would receive contractors materials from the Medicine Beach facility;
- The applicants expect traffic to increase to the subject property by approximately two to four cars/trucks per day;
- The WTF would be a 5 foot by 12 foot lidded bin, housed inside a building which would be buffered with fencing and trees;
- The WTF would be emptied in one load, 3 to 4 times per week; and
- The parcel is currently zoned for boat storage and the applicants' store approximately 5 boats at present.

Commissioner Dyson and Liz Sutton gave a verbal summary of the applicant meeting to all Commission members recorded above.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

(a) to preserve agricultural land;
(b) to encourage farming on agricultural land in collaboration with other communities of interest; and
(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

COMMISSION CONSIDERATION

The Commission reviewed one previous application involving the subject property:

Application #00423 (Hastings, 1976)	To allow road access through the ALR to reach a petroleum products tank farm situated outside the ALR. Approved on the basis that the area to be used for road access be minimized. Resolution #3893/76. **Note: The petroleum tanks were ultimately established on the ALR component of the property.**

The Commission received a significant amount of correspondence from the public regarding the use of lands within the ALR for non-farm purposes. The Commission respects the input received and noted the concerns that were raised. After considering the information the Commission concluded as follows:

1. There are approximately five parcels of industrially-zoned land on Pender Island of which all are in use except for the industrial portion of the subject property. The North Pender Land Use Bylaw does not permit WTFs in any zone and as such WTFs and associated uses have been permitted by way of temporary use permits.

   The applicants currently operate a WTF at an industrial site on Otter Bay Road which they do not own. The applicants propose to relocate from the Otter Bay Road site to the subject property and to expand their operation to include in-vessel composting for organic waste. The applicants have applied for rezoning of the industrial portion of the subject property to allow for operation of the WTF without a temporary use permit.

   The staff report prepared by the Islands Trust also states that the Hartland landfill which is operated by the Capital Regional District will no longer be accepting residential, commercial or institutional organic waste as of January 1, 2015.

   Conclusion:
   Based on the information provided by the Islands Trust, the Commission believes there is a limited amount of industrial land on North Pender Island and there is a need for community waste and compost facilities.

2. The subject property is split zoned: 7.32 ha for Agriculture (AG), 1.15 ha for Rural (R), and 0.46 ha for Industrial (I1(b))

   The staff report prepared by the Islands Trust states that the subject property has had industrial zoning since the first zoning bylaw was adopted by the Capital Regional District in 1972. Subsequent to receiving the staff report, the Commission received further documentation from the public which showed minutes from a meeting of the local planning and zoning committee on August 18, 1976 in which Earl Hastings requested, and was approved for, rezoning of a portion of the subject property. Based on the information received it appears that a 0.46 ha portion of the property was rezoned from Rural II to Industrial I to accommodate the petroleum tank farm which was to be located outside of the ALR. The zoning bylaw was finally adopted on March 23, 1977 and the 0.46 ha industrially-zoned area now encompassed both ALR and non-ALR land.

   Conclusion:
   Regardless of how the 0.46 ha portion of the property became industrially-zoned, it has nonetheless been zoned as such for almost 37 years.

3. The industrially-zoned portion of the property was later rezoned to the current zoning designation "Industrial 1(b)" to include site specific boat storage only on the subject property as per the North Pender Island Local Trust Committee Land Use Bylaw No. 103, 1996.

   Conclusion:
   The site specific zoning to Industrial 1(b) does not infer approval of an activity permitted by a bylaw but not permitted by the *Agricultural Land Commission Act* (*ALCA*) or *Agricultural Land Reserve Use and Procedure Regulation* (the "Regulation"). The *ALCA* and Regulation take primacy over uses permitted by bylaws if those lands fall within the ALR. Approval from the Commission should have been sought before storing boats on the subject property.

4. The applicants have been storing boats on the property without permission from the Commission.

   Conclusion:
   The Commission is concerned about the proposal for multiple non-farm uses on the subject property and as such is not amenable to boat storage on the subject property.

5. Regardless of the zoning history on the subject property, the issue the Commission has been asked to address is whether or not the community need for waste and compost facilities is significant enough to allow 0.46 ha to be used for non-farm purposes within the ALR.

   As the proposed non-farm use area has historically been used as a petroleum tank farm, the Commission believes the agricultural potential of this area may be compromised. The Commission was more concerned with how the waste and compost facility may affect the remainder of the subject property. The Commission believes potential impacts can be mitigated through fencing and buffering of the WTF to deter trespassing, prevent blowing of litter, and to visually screen the operation from the remainder of the subject property. Buffering in this manner will also physically define the areal extent of the WTF and will prevent expansion of the WTF onto the remainder of the subject property.

Conclusion:
The Commission has no objection to the development of a WTF on the area of the property zoned industrial with appropriate buffering to contain the facility and to protect the remainder of the subject property.

6. With regards to the concerns expressed by other property owners. The majority of opposition relates to the potential impact from the operation of the WTF on adjacent lands. The Commission noted that the subject property is bounded to the east, west and south by non-ALR lands.

   Conclusion:
   The Commission believes there will be minimal impact to agricultural land. In agreeing to the proposed non-farm use the Commission is not advocating development of a WTF in this area; it is simply approving a proposal after careful consideration of the agricultural issues. Therefore, the non-agricultural concerns expressed by other property owners are more appropriately the responsibility of the Islands Trust.

7. Islands Trust Staff have recommended that the application include a request for a 3-meter wide right-of-way along the southern boundary of the subject property.

   Conclusion:
   The proposal for a trail is pursuant to Section 6 of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*. The trail proposal should be made by way of a separate application.

IT WAS
MOVED BY: **Commissioner Gillette**
SECONDED BY: **Commissioner Thibeault**

THAT the request to use 0.46 ha for the purpose of a waste transfer facility and in-vessel compost be approved.

AND THAT the approval is subject to the following conditions:

1. The preparation of a surveyed posting plan to delineate the 0.46 ha area;

2. That vehicular access to the waste and compost facility is to be from Hamilton Road. The Commission does not support vehicular traffic from Razor Point Road through the property;

3. The construction of a fence along the entire length of the west and north boundaries of the surveyed and posted 0.46 ha area to prevent trespass or encroachment on the remainder of the subject property as well as visual screening. The applicants are to provide a proposed fencing plan to the Commission for review and approval;

4. The planting of a vegetative buffer along the entire length of the west and north boundaries of the surveyed and posted 0.46 ha area to prevent trespass or encroachment on the remainder of the subject property as well as visual screening. The applicants are to provide a proposed vegetative buffering plan to the Commission for review and approval; and

5. The operation must be in substantial compliance with the facilities described in the application. The applicants are to provide the Commission with a final site development plan before commencing operation for review and approval.

6. Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable unless authorized by the Commission;

7. The approval of the waste transfer facility and in-vessel composting is for a term of five (5) years. Extension of the approval will be contingent upon satisfactory review of the operation by the Commission;

AND THAT the request to continue using a portion of the subject property for boat storage be refused;

AND THAT the request for a trail dedication be submitted by way of an application pursuant to Section 6 of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #413/2013

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: n/a

OFFICIAL COMMUNITY PLAN DESIGNATION: 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 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

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	112
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

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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
Lyall Harbour/Boot Cove Water Services Old Point Water Services
Saturna Island Fire Department
Saturna Shores Improvement District

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	113 & 114
(Island)	(Bylaw Numbers)
(Signature)	(Title)
(Date)	(Agency)

Islands Trust

BYLAW REFERRAL FORM

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: n/a

OFFICIAL COMMUNITY PLAN DESIGNATION: 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
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Pauquachin First Nation
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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	115
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

STAFF REPORT

	March 18, 2014	**File No.:**	Conservation Subdivision Review
To:	North Pender Island Local Trust Committee For the meeting of March 27, 2014		
From:	Andrea Pickard, Island Planner		
CC:	Robert Kojima, Regional Planning Manager		

Re: Conservation Subdivision Review

The North Pender Island Local Trust Committee (LTC) has initiated a conservation subdivision review as a work project. At the LTC meeting of January 30, 2014 a staff report summarized input from the November 23 community information meeting and targeted stakeholders, and presented options for how the LTC could proceed.

At that time the LTC directed staff to:

1. to come back with a revised Project Charter,
2. to arrange a workshop or design charrette to further engage interested property owners, and
3. identify a range of Official Community Plan and Land Use Bylaw amendments with the objective of requiring a conservation design for new subdivisions, including a new development permit area.

Project Charter:
A revised project charter noted as Version 2 is attached to this report for your consideration.

Property Owner Workshop:
A letter has been sent to large lot owners to determine if they are interested in participating in a workshop. The potential timeframe proposed is after the Easter (April 18-21) and before Victoria Day (May 19) long weekends, with any future scheduling dependent upon responses and level of interest expressed by the large lot owners.

Official Community Plan Policies:
Within the Official Community Plan (OCP) there are a number of existing policies that currently support a conservation approach to subdivision and the use of lot clustering to mitigate impacts; however there are some sections of the OCP where the LTC could add new policies or amend existing policies. The table below highlights some of the current policies that explicitly refer to subdivision or lot clustering, and also identifies sections where policies could be added. It should be noted the wording below is only reflective of the general intent and specific policy language would still require drafting and review within the overall context of the bylaw.

Table 1: OCP Policies Related to Subdivision

	OCP Section	Current Policy	Additional Policy Options
1	**Part 1 – Broad Community Goals**	To encourage a more compact, complete and connected community, in a manner that ensures that overall development potential and density are not increased unless authorized elsewhere in the plan.	Add a new policy or amend current policy to reference the application of a conservation approach at the time of subdivision
	Part 2 – Planning for Sustainable Communities		
2	• 2.1 Residential Land Uses		Insert objective to encourage lot clustering at the time of subdivision to mitigate environmental impacts, increase the range of lot sizes being created at the time of subdivision and allow for the sharing of services
3		The Local Trust Committee should review residential development potential and may consider changes to policies and regulations where the changes could limit or reduce greenhouse gas emissions.	Amend the existing policy or add similar policy to reference a conservation approach at the time of subdivision

	OCP Section	Current Policy	Additional Policy Options
4	• 2.1.1 Rural Residential Land Use	Regulations governing the location and size of lots in Rural Residential Areas shall be established with respect to: a) the size, density and character of neighbouring parcels of land; b) accessibility to proposed parcels and availability of a sustainable water supply; c) sewage disposal capability of the parcels to be created; d) the need: i) for a range of rural land use activities in association with a residential land use; ii) to create a sense of community and of neighbourhood; iii) to cluster development to avoid environmentally sensitive areas and areas of scenic or natural resource value; iv) to preserve scenic, aesthetic, and natural values; v) to protect areas common to a strata development.	
5		Lot clustering as a means to preserve large remainder lots for rural land use, to reduce emissions or preservation of the natural landscape should be encouraged through the use of minimum and average lot sizes and through applicable development permit area guidelines.	
6	• 2.1.2 Rural Land Use	To support and promote the working landscape for sustainable agriculture and woodlot management.	

	OCP Section	Current Policy	Additional Policy Options
7		Lot clustering as a means to preserve large remainder lots for rural land use, to reduce emissions or preservation of the environmentally sensitive areas should be encouraged through the use of minimum and average lot sizes and through applicable development permit area guidelines.	
8	• 2.2 Agricultural Land Uses	Subdivision regulations should prohibit severance of agricultural land by linear developments, such as roads and utility corridors. *(Note: at least 2 of the large lots are affected by this policy)*	Add new policy referencing subdivision on split zone properties and using a conservation approach to protect agricultural activities and the working landscape
9	• 2.6 Conservation Areas, National Parks, Community Recreation and Future Parks	Preservation of land as open space, ecological reserves or natural areas will be supported through land use regulation, lot clustering, development permit area designation, the granting of covenants and by public acquisition through land dedication or conveyance to appropriate conservation agencies	
	Part 3 - Services		
10	• 3.1 Transportation Services	The Local Trust Committee will request that the Ministry of Transportation ensure that construction of new roads conforms to the natural contours of the land.	Add new policy or amend existing policy to reference new roads at the time of subdivision should be kept to a minimum, and applying the minimum road standards as outlined in the Letter of Agreement between MOTI and Islands Trust
	Part 4 – Stewardship of Resources		
11	• Groundwater Resources	Watersheds, wetlands, creeks and groundwater recharge areas shall be protected through regulation of land use. Vegetation removal in and adjacent to such features may be limited through the implementation of development permit areas.	

	OCP Section	Current Policy	Additional Policy Options
12		The Local Trust Committee may consider rezoning large lots with subdivision potential and sensitive watershed areas in order to limit development in sensitive areas and to cluster development in other parts of the lot, with no net change in density.	
13	• Hazardous Areas	Areas identified as potentially hazardous to development should be designated as development permit areas for the protection of development from hazardous conditions, and may include adoption of a development approval information bylaw.	Include new policy to recognize hazard lands at the time of subdivision, that they should be identified as non-developable areas, and lot clustering with a conservation approach to subdivision should direct building sites away from hazard lands
14	• Forestry Resources	To encourage the retention of large land holdings and parcels for sustainable forestry use.	Add new policy to reference using a conservation approach to protect intact forest stands suitable for sustainable forestry and the working landscape
15	• Heritage Resources		Add new policy to reference using a conservation approach to identify and protect heritage areas of archaeological, historic, or cultural significance.
16	• Climate Change Mitigation and Adaptation	The Local Trust Committee may consider creation and implementation of development permit areas to effectively manage lot layout in new subdivisions, to limit or regulate large-scale tree removal, and to implement energy conservation features in new construction in order to limit or reduce greenhouse gas emissions.	

	OCP Section	Current Policy	Additional Policy Options
17		The Local Trust Committee should support and encourage review of the community's development pattern and consideration of changes to policies and regulations that would result in a more sustainable development pattern.	
18	**Part 5 – Preserving and Protecting Our Ecosystem**	The Local Trust Committee may consider rezoning large lots with subdivision potential and environmentally sensitive areas in order to limit development in environmentally sensitive areas and to cluster development in other parts of the lot, with no net change in density.	

Furthermore, if the parent property contains a development permit area for sensitive ecosystems then a development permit authorizing the subdivision layout would be required in accordance with the following guidelines.

1. Subdivisions should, where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems. Sensitive ecosystems and habitats should be incorporated within a parcel of a sufficient size to accommodate the permitted level of development, including driveway access and septic disposal systems, while also avoiding alteration and fragmentation of the sensitive ecosystems and habitat.

2. Sensitive ecosystems and habitat should be protected from clearing, grading and filling during the land development and construction phases of subdivision. Permit conditions may include requirements for fencing, signs and timing of work.

3. Provision should be made for any recommended buffer areas adjacent to sensitive ecosystems and habitat.

4. Lots should be configured to minimize driveway lengths within sensitive ecosystems. The provision of shared driveways may be considered as a condition of a permit if it can reduce impacts on sensitive ecosystems and habitat.

5. A community water system, as an alternative to individual wells, may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.

6. Septic disposal sites should be located in a manner that minimizes potential impacts on sensitive ecosystems and habitat.

7. Storm water management systems, where needed, should be designed in a manner that avoids the impacts of run-off on sensitive ecosystems and habitat.

8. Where applicable, lots should be configured to allow the siting of docks and stairs to the foreshore with minimal impact on sensitive shoreline and intertidal areas.

9. Pre-designation of building sites may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.

10. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a sensitive ecosystem or habitat.

If the parent property contains a 'riparian and aquatic' DPA, which is related to the *BC Fish Protection Act* – Riparian Areas Regulation, there are no specific subdivision guidelines and the terms of a development permit would depend upon the recommendations in the Qualified Environmental Professional's report.

One of the challenges related to the current guidelines is that they primarily focus on the land within the DPA boundary rather than on the entire lot. They also are limited to guidelines for the protection of ecosystems only and would not address related issues such as connectivity to adjacent lands, avoiding hazardous lands, or maintaining land of sufficient area to maintain working landscapes.

Land Use Bylaw Regulations:

The Land Use Bylaw (LUB) includes the current subdivision regulations, which address:

- Lot Area, (minimum and average lot areas are specified within the zone provisions)
- Boundary Adjustments, (cannot be used to create additional lots)
- Lot Frontage,(20 minimum and 10% perimeter regulation)
- Potable Water,
- Sewage Disposal,
- Storm Drainage,
- Compliance with Minimum and Average Lot Sizes, (exempt for park land)
- Covenant Against Further Subdivision and Development, (when maximum density not realized, for bare land strata common property)
- Lots Divided by a Zone Boundary, (cannot create more and density calculation)
- Lot Shape, (depth to width ratio and panhandle)
- Split Lots, (cannot create new lots divided by road or lots)
- Double Frontage Lots, (prohibited except for corner lots)
- Water Access Subdivision, (no permitted on North Pender)
- Characteristics of Public Access to Water Bodies, (Approving Officer may consolidate into one, more suitable location) and
- Roadway Standards.

Since the zoning regulations current provide a minimum and average lot size in the Rural and Rural Residential zones for the purpose of lot clustering, the current regulations are not a significant barrier to implementing a conservation approach to subdivision. However, some amendments could be considered to be more supportive of the approach.

Notably:

1. The subsection regarding ‘compliance with minimum and average lot sizes’ could be amended to also exempt lots created for the sole purpose of conservation and also protected by way of a conservation covenant from needing to comply with lot area; this would be similar to lots proposed for parks purposes.

2. The subsection regarding ‘roadway standards’ could be amended to reference the Ministry of Transportation and Infrastructure and Islands Trust Letter of Agreement regarding roadway standards with specific reference to construction standards (maximum width) and protecting heritage roads. This approach may include multiple amendments within this subsection.

Options

The LTC could also consider amending both the LUB and OCP so that any land area within a sensitive ecosystem development permit area (DPA) would have to be subtracted from the calculation of the minimum lot area in a proposed subdivision. This approach could be limited to those DPAs which could be considered undevelopable due to their inherent nature, such as the wetland, riparian or cliff DPAs. Areas identified as being a high hazard for steep slopes could also be addressed in a similar way. Implementation of this option would require concurrent OCP and LUB amendments and would result in some loss of potential lot density for affected properties.

An alternative approach could be to consider a new DPA applicable only to the identified large lots or a subset of them. The *Local Government Act* authorizes a local government to designation DPA for one or more of the following purposes:

1. protection of the natural environment, its ecosystems and biological diversity;
2. protection of development from hazardous conditions;
3. protection of farming;
4. revitalization of an area in which a commercial use is permitted;
5. establishment of objectives for the form and character of intensive residential development;
6. establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
7. in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
8. establishment of objectives to promote energy conservation;
9. establishment of objectives to promote water conservation;
10. establishment of objectives to promote the reduction of greenhouse gas emissions.

A new DPA could be adopted under the combined authority for 1, 2, 3, 8, 9 and 10 above with guidelines focusing only on the layout of new subdivisions and identification of developable areas. If this approach is applied, it would be recommended to undertake a concurrent amendment to the Development Approval Information Bylaw to specify the information required.

Next Steps

The LTC should confirm if you want to staff to proceed with draft wording for any or all of the above noted:

1. OCP policies noted in Table 1,

2. LUB subdivision regulations related to 'compliance with minimum and average lot sizes' and the 'roadway standards'

3. Subtracting land in DPAs (wetland, cliff and riparian) from lot area calculations, and

4. Drafting a new DPA for implementing a conservation approach to subdivision.

STAFF COMMENTS:

Although subtracting land in DPAs is identified as an option, staff does not recommend this approach due to a number of reasons:

- It does not consider the lot in a comprehensive manner,
- Significant site features not included in an ecosystem DPA may not be given equivalent consideration,
- It would affect all lot potential for the island, not only those lots under consideration for this project,
- It could be considered as down-zoning properties unfairly,
- It may not result in the preferred outcome or force development to other highly valued land, and
- By itself, it would not provide for added protection of those sensitive lands

Staff believes that a new comprehensive DPA would be the better option since it would apply to the entire property and be able to focus on the range of values and features to be addressed at the time of subdivision.

The LTC is also respectfully reminded that input from the large lot owners' workshop will be helpful when considering the project direction and the any final decision of the LTC.

RECOMMENDATIONS:

1. **THAT the North Pender Island Local Trust Committee endorses the revised project charter referred to as Version 2, updated March 27, 2014 for the conservation subdivision project.**

2. **THAT the North Pender Island Local Trust Committee direct staff to prepare a report for the conservation subdivision project that:**

    - **includes specific policy language for the proposed Official Community Plan amendments outlined in Table 1 of the staff report dated March 18, 2014,**

- **includes specific language for proposed amendments to the Land Use Bylaw subdivision regulations for 'compliance with minimum and average lot sizes' and 'roadway standards',**

- **includes draft development permit area guidelines that would apply to subdivision of the large lots identified in the conservation subdivision project.**

Prepared and Submitted by:

	March 18, 2014
	Date

Concurred in by:

Kris Nichols, Acting RPM	March 18, 2014
Robert Kojima Regional Planning Manager	Date

Islands Trust

Project Charter

Project Name: Conservation Subdivision Review

Creation Date: June 19, 2013Last Updated: ~~June 27, 2013~~March 27, 2014 Version: ~~1~~2

Purpose

The purpose of this project is to review the subdivision regulations in the North Pender Island Land Use Bylaw (LUB) and any related policies in the North Pender Island Official Community Plan (OCP) and consider amendments that would encourage property owners to apply a conservation approach for the design and layout of future subdivisions to minimize adverse impacts from development.

Background

The LTC adopted regulations implementing lot clustering as an option in 2009 although it has not yet been applied in practice. Both lot clustering and conservation subdivisions have the potential to maximize open space to be preserved from development without reducing density. Conservation subdivisions would focus layout on the values to be preserved in addition to reducing the development footprint and costs. The key is identification of the values to be protected, including ecological, topographical, cultural, archaeological, aesthetic, etc. Conservation areas within one subdivision plan should also interconnect with adjacent lands to create a network of protected lands where appropriate.

A conservation subdivision approach should apply the following stages:
1. Background – understand/assess local context, map features, prioritize objectives, and integrate.
2. Design – identify potential conservation areas, locate house sites, design connections, identify lots.

At the design stage the process would be to identify the areas to remain free of development first, and then identify potential building sites, followed by access routes, and then finally future lot lines are added.

Project Objectives

- Foster a community conversation about conservation subdivisions
- Engage the community to identify and prioritize ecological and cultural values for protection.
- Review existing subdivision regulations and policies and considering new regulatory options with a priority on larger lots with significant subdivision potential of at least three or more additional lots.
- Encourage creation of compact, energy efficient communities as committed to in the BC Climate Action Charter and the OCP.
- Embrace opportunities and reduce barriers for new subdivisions to become part of, and contribute to, creating a sense of community.
- Promote connectivity of new subdivisions to existing neighbourhoods by: consideration of access to or through lots by roads, trails, or pathways; the potential for connections to existing neighbouring services or park lands; preserving wildlife corridors; and striving to maintain intact viewscapes and complementary patterns of development.
- Recognize the role of sustainable resource management in balancing economic benefits of resource extraction with protecting ecosystem function and biodiversity, and aesthetic values at the landscape level.

Project Scope

In Scope	Out of Scope
1. Determine the overarching guiding principles 2. Identify the features and values to be addressed in design layout using: • Existing IT mapping • Other mapping sources • Identify other sources of information and features • Assessment of the vulnerability of the identified features and their priority and suitability for protection. 3. Preparation of background materials or a discussion paper for engagement purposes. 4. Community engagement: • Examples of conservation approach, possible guest speakers • Discuss potential impacts on neighbouring properties • Input to prioritize values and features to be protected • Targeted stakeholder engagement with owners 5. Targeted stakeholder engagement with large lot property owners: • Workshop with design charrette component to produce rough conceptual layout plans and to identify issues of concern • Note: extent of workshop/ charrette would be contingent upon the level of interest from property owners ~~5.~~6. Review existing policies and regulations. • Current regulations re: conservation subdivision layout • OCP policies • Subdivision servicing regulations. • Zoning • Existing DPA ~~6.~~7. Consider policy and regulatory options to implement conservation approach to subdivision for larger lots: • Updated park land dedication mapping and/or policies. • amendments to subdivision regulations • development permit area for large lots. • zoning amendments of large lots. • regulations to require lot clustering under specified criteria. • policies to permit density transfer ~~7.~~8. Engage with targeted 'technical' stakeholders (developers, designers, surveyors) • options to streamline conservation subdivision applications ~~8.~~9. Implement regulatory and bylaw changes.	▪ New or additional mapping. ▪ Change in maximum lot potential (as based on minimum and average lot areas). ▪ Amending the road standards agreements between Islands Trust and MOTI. ▪ A general technical review of the subdivision regulations as they affect smaller subdivisions that would result in only one or two additional lots.

Project Deliverables

1. Mapping and Report to identify key features to prioritize for protection – September 2013
2. Background document and fact sheets – September 2013
3. Preliminary community workshop – October 2013
~~4. Follow-up community engagement – November 2013~~
~~5.~~4. Stakeholder meetings – December 2013
5. Contact large lot owners to propose targeted workshop – March 2014 (30 day response period)
6. Follow-up stakeholder engagement with large lot owners (include design charrette) – May 2014
7. Preliminary r~~R~~eport~~s(s)~~ reviewing existing policies and regulations, providing options for amendment – ~~Jan 2014~~March 2014
~~6.~~8. Follow up reports re: workshop input and policy/regulatory options – June 2014
~~7.~~9. Draft bylaw(s) – ~~February~~ July 2014

Stakeholders

Stakeholder	Represented by	Possible interests, expectations, concerns
Large lot property owners	Individual owners	• Preservation of development potential • Opportunities for reduced development costs • Unique marketing opportunities • New or changed requirements
Neighbourhoods near large lots with subdivision potential	Neighbouring property owners	• Impacts on local aesthetics, park and trail options, local environmental degradation, reduced potential impacts of ground or surface waters
Surveyors/ consultants	BC Land Surveyors, consulting firms	• Clear, unambiguous regulations and requirements
Ministry of Transportation and Approving Officer	Saanich Area Office Staff	• Impacts to subdivision process, application requirements • Statutory responsibility of Approving Officer role • Need for clear bylaws and regulations, and identified public interest
First Nations	Local Band Councils or staff	• Ensure development in areas with registered archaeological sites is avoided • Identify other areas of concern
CRD Building and Fire Services	CRD Staff	• Ensuring minimal standards for access and servicing requirements
CRD Parks/EDC	PIPRC Regional Parks Staff	• Obstacles or opportunity to advance park land acquisition, expanding trail networks
Service providers	Improvement districts or other local service area operators	• Changes in service demands or other impacts.
Community organizations	Neighbourhood associations Realtors PICA MAPs	• Local values and impacts • Obstacles or opportunity to advancing other mandates/interests

Stakeholder	Represented by	Possible interests, expectations, concerns
General public		

First Nations: As with all LTC projects, First Nations with asserted aboriginal rights in the subject area will be contacted early to inform them of the project and ask them to identify any aboriginal rights that may be impacted by the proposed change.

Project Team Resources

Name	Role	Responsibility
Robert Kojima	Project Champion	Ensures project aligns with strategic goals, provide adequate project resources
North Pender Island LTC	Project Sponsor	Provides support through maintaining the project as a work program priority
Andrea Pickard	Project Manager	All project management of the project, lead/ direct all project work

Project Budget

The available budget is $4,000, a general breakdown of costs is:

Community Information Meeting - separate day from LTC meeting - Focusing on community engagement and education on conservation based subdivision generally - Potential guest speaker highlighting past experiences - Preparation of background materials	$500
Community Information Meeting - separate day from LTC meeting - Workshop focus with engagement of key stakeholders - Focus on more specified neighbourhoods, conservation features and possible regulatory options -	$500
Extra advertisement	$500
Guest speaker for CIM/engagement	$500
Targeted stakeholder meetings/ workshops with large lot owners (2014-15 fiscal) Note: resources required may be affected by level of interest	$1500
Public hearing (2014-15 fiscal)	$1,500
Contingency (from LTC special projects or LUB review project budget)	$1000

Project Timeline

Deliverable / Milestone	Target Timeline
Identify project goals and objectives, refine scope and timeline	May LTC
Endorse project charter	June LTC
Technical review of current subdivision potential – update data	July-Sept
Identify key features to guide development pattern and develop mapping – using general concepts and existing mapping	July-Sept
Preliminary community engagement	Sept - Oct
Follow-up ~~community~~ targeted engagement with large lot owners • A more detailed review ~~for input on specified, proposed implementation~~ with design charrette component	~~Nov~~ Mar-May

Deliverable / Milestone	Target Timeline
Engage targeted stakeholders: large lot owners, surveyors,	Dec
Consider existing subdivision regulations	~~Dec -~~ Jan - Mar
Consider policy and regulatory options	~~Dec -~~ Jan - July
Bylaw amendment process including agency referral	~~Feb - Mar~~ July - Sept
Community Information Meeting and Public Hearing for any proposed LUB or OCP amendments	~~Apr~~July -Aug

Endorsements

	Name	Endorsement Date
Project Champion	Robert Kojima	June 27, 2013
Project Manager	Andrea Pickard	June 27, 2013
Project Sponsor	Local Trust Committee	June 27, 2013

STAFF REPORT

Date: March 19, 2014 **File No.:** 6500-20-LUB Technical Amendments

To: North Pender Island Local Trust Committee
For the meeting of March 27, 2014

From: Andrea Pickard, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: LUB Technical Amendments

Project Objectives

The object of the project is to amend the North Pender Island Land Use Bylaw for technical corrections, such as erroneous cross-references, typographical errors, outdated regulatory references, or that improve clarity in the bylaw.

Project Background

At the February meeting of the North Pender Island Local Trust Committee (LTC) Draft Bylaw 194 was reviewed and given First Reading; the bylaw was subsequently sent out for referrals. Proposed Bylaw 194 is attached for your convenience.

During preliminary discussions with the CRD Ports Manager the issue related to the zone boundary, Crown lease area, and infrastructure location for the public dock in Browning Harbour was raised similar to the LTC discussion for Port Washington, Hope Bay and Otter Bay Marina. Although the Harbours Commission has not yet provided a written response to the referral, it has been indicated that if the zone boundary is changed as part of Proposed Bylaw 194, the CRD would subsequently address a revised lease area with the Crown that would comply with zoning. A proposed amendment is included in the attached bylaw.

Our database does not include the Crown lease for this dock; however the Ports Manager has indicated that he believes it aligns with the zone boundary. The CRD is aware the existing structure does not comply with the lease or zone boundaries, which is evident in the figure below.

Figure 1: Browning Public Dock
Current Zoning in Blue – Proposed Zone Amendment in Red

Analysis

The LTC has directed staff to schedule a public hearing for the April 24th meeting. By considering this amendment now, adjacent property owners would be notified before the public hearing and the map amendment would be included in the required advertisement.

Other comments received from referral agencies or the general public will be brought to the April meeting for the LTC's consideration.

Next Steps

If the LTC agrees with the recommended amendments, staff recommends that Proposed Bylaw 194 be amended and given Second Reading. Notification to neighbours for the five map amendments would be delivered approximately mid-April and the public hearing could proceed as anticipated at the April LTC meeting. Therefore, the initial timeline for the project would not be affected.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee amend Proposed Bylaw 194, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014, by including a map amendment to the Water 4 zone boundary for the Browning Public Dock as indicated in the staff report dated March 19, 2014.

2. THAT the North Pender Island Local Trust Committee gives Second Reading to Proposed Bylaw 194, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014.

Prepared and Submitted by:

Andrea Pickard

Andrea Pickard, Island Planner	March 19, 2014 Date

Concurred in by:

Kris Nichols, Acting RPM Name, Title	March 19. 2014 Date

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 194

****
A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996
****

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. Part 1, Interpretation, Section 1.1, the definition of 'home business' is amended by deleting "and cottage uses" such that it reads: ' "home business" means an accessory commercial use conducted on a residential lot and includes: bed and breakfast and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use.'

2. Part 1, Interpretation, Section 1.1, the definition of 'natural boundary' is amended by deleting "and in the case of a lot having a surveyed high water mark means the high water mark" and inserting "in vegetation, as well as in the nature of the soil itself" such that it reads: ' "natural boundary" means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, in vegetation, as well as in the nature of the soil itself.'

3. Part 1, Interpretation, Section 1.1, the definition of 'lot' is amended by deleting "*Condominium Act*" and inserting "*Strata Property Act*" such that it reads: ' "lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.'

4. Part 2, General Provisions, Subsection 2.1.1 is amended by inserting "Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces." at the end such that it reads: 'The provisions of this Bylaw apply to North Pender Island and those portions of the North Pender Island Local Trust Area shown on Schedule "A", which forms part of this Bylaw. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.'

5. Part 2, General Provisions, Subsection 2.4.1 is amended by deleting "Investigation" and inserting "Enforcement" such that it reads: 'The Islands Trust Bylaw Enforcement Officer or any other person designated by the North Pender Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.'

6. Part 2, General Provisions, Subsection 2.4.2 is deleted in its entirety

7. Part 2, General Provisions, Subsection 2.5.1 is amended by deleting "not exceeding $5,000" and inserting "as provided in the *Offense Act*" such that it reads: 'Every person who commits an offence against this Bylaw is

liable, upon summary conviction, to a fine and penalty as provided in the *Offense Act* and the costs of prosecution.'

8. Part 3, General Regulations, Article 3.1.1(6) is amended by deleting "in the Forest Land Reserve" and inserting "under the Private Managed Forest Land Act" such that it reads: 'the use of land under the Private Managed Forest Land Act for forest management activities related to timber production or harvesting; and'

9. Part 3, General Regulations, Subsection 3.4.4 is amended by deleting "a boat house, which may not exceed 5.4 metres in height and one storey," such that it reads: 'An accessory building or structure may not exceed 4.6 metres in height and one storey, except for a pumphouse, which may not exceed 3 metres in height, and a building used for farm or forestry purposes, which may not exceed 10 metres in height.'

10. Part 3, General Regulations, Article 3.5.8(5) is amended by inserting "or cottage" at the end such that it reads: 'a bed and breakfast home business must be conducted solely within a principal dwelling or cottage.'

11. Part 3, General Regulations, Subsection 3.7.2 is amended by inserting "anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp," such that it reads: 'Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres, anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp, and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from the setback provisions specified in Part 8 of this Bylaw.'

12. Part 3, General Regulations, the following Information Note be inserted after Subsection 3.7.2 "Walkways and stairs to access a dock or the foreshore are not exempt from interior or exterior side lot line setbacks or requirements for a development permit where applicable."

13. Part 3, General Regulations, Subsection 3.16.1 is deleted in its entirety

14. Part 4, Subdivision Regulations, Subsection 4.2.1 is amended by inserting at the end "unless the applicant grants a covenant complying with Section 3.11 of this Bylaw in respect of every such lot, prohibiting further subdivision of the lot." such that it reads: 'The Approving Officer must not approve a boundary adjustment, which would increase the area of any lot to the point where the new lots created could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment unless the applicant grants a covenant complying with Section 3.11 of this Bylaw in respect of every such lot, prohibiting further subdivision of the lot.'

15. Part 4, Subdivision Regulations, Subsection 4.6.3 is amended by deleting "water recharge areas identified in Schedule "D" of the North Pender Island Official Community Plan" and inserting "watershed basins" such that it reads: 'No watercourse or water body may be diverted, altered or used for surface drainage purposes so as to transfer water between watershed basins.'

16. Part 7, Establishment of Zones, Subsection 7.2.3 is amended by deleting "Water C (WC)" and inserting "Water 3 (W3)" such that it reads: 'The Water 3 (W3) Zone established by this Bylaw extends to the boundary of the North Pender Island Local Trust Area, except as shown on Schedule "A".'

17. Part 8, Zone Regulations, Subsection 8.2.8, the table of site specific regulations is amended for the R(b) zone reference by:

    a. deleting "(DD503141)" and inserting "(DD50314-I)" in the Legal Description column such that it reads: 'That Part of Parcel K, (DD50314-I), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone', and

b. deleting “(f)” at the end and inserting “(c)” in the Site Specific Regulations column such that it reads: ‘Despite article 8.2.2(1), the only permitted uses are in this location are the uses permitted by 8.2.2(1) (a), (b), and (c).’

18. Part 8, Zone Regulations, Subsection 8.2.8, the table of site specific regulations is amended for the R(c) zone reference by deleting “8.2.2(1)(a), (c), (d), (e) and (f) and 8.2.2(2).” and inserting “8.2.2(1)(a), (b), (d) and 8.2.2(2).” in the Site Specific Regulations Column such that it reads: ‘Despite 8.2.2, the only permitted uses in this location are the uses permitted by 8.2.2(1)(a), (b), (d) and 8.2.2(2).’

19. Part 8, Zone Regulations, Article 8.2A.3(1) is amended by deleting “(b)” and inserting “(c)” such that it reads: ‘There may not be more than one dwelling and one cottage on any lot, subject to 8.2A.2(1)(c).’

20. Part 8, Zone Regulations, Article 8.2A.5(2) is amended by deleting “or the Forest Land Reserve,” such that it reads: ‘If a lot line adjoins the Agricultural (AG) Zone the setbacks in respect of that lot line required by clauses 8.2A.5(1)(a) and (b) must be increased by 3 metres.’

21. Part 8, Zone Regulations, Article 8.2A.7(1) is amended by deleting “3.13” and inserting “3.13.2” such that it reads: ‘On lots 8 hectares or larger, every lot must have a landscape strip for environmental protection complying with Section 3.13.2.’

22. Part 8, Zone Regulations, the following information note be inserted after Clause 8.3.2(1)(c) “Residential use of a cottage in the Agricultural Land Reserve is permitted by a member of the owner’s immediate family as defined in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, or where the cottage is deemed necessary for farm use by the North Pender Island Local Trust Committee, or where permitted as a non-farm use by the Agricultural Land Commission.”

23. Part 8, Zone Regulations, Clause 8.3.2(1)(e) is amended by deleting “8.3.6” and “Land Reserve Commission” and inserting “8.3.7” and “Agricultural Land Commission” respectively such that it reads: ‘agri-tourist accommodation as an accessory use, subject to subsection 8.3.7, and as permitted by the Agricultural Land Commission.’

24. Part 8, Zone Regulations, Article 8.3.5(3) is amended by deleting “8.3.4” and inserting “8.3.5” such that it reads: ‘The provisions of articles 8.3.5(1) and (2) in respect of front lot lines do not apply to temporary roadside stands for the sale of agricultural products.’

25. Part 8, Zone Regulations, Subsection 8.3.8, the table of site specific regulations is amended for the AG(c) zone reference by deleting “8.3.6” in both locations and inserting “8.3.7” such that it reads: ‘Despite 8.3.7(3) and 8.3.7(5), the agri-tourist accommodation use may accommodate up to, but not exceed, 25 Guests accommodated in 17 Bedrooms in 7 buildings.’

26. Part 8, Zone Regulations, Subsection 8.5.9, the table of site specific regulations is amended for the C2(c) zone reference by deleting the Legal Description and inserting “Lot B, Section 17, Plan VIP87395”

27. Part 8, Zone Regulations, Subsection 8.5.9, the table of site specific regulations is amended for the C2(d) zone reference by deleting the Legal Description and inserting “Lot A, Section 17, Plan VIP87395”

28. Part 8, Zone Regulations, Subsection 8.18.3, the table of site specific regulations is amended by deleting the ECO(a) zone reference in its entirety

29. Part 8, Zone Regulations, Section 8.19 is amended by inserting a new subsection 8.19.7 as follows:

“Density
(1) A maximum of one private float, wharf, ramps and walkway is permitted per abutting upland lot.
(2) A maximum of one boat launching ramp is permitted per abutting upland lot.”

30. Part 8, Zone Regulations, Subsection 8.19.7 Site Specific Regulations is renumbered to 8.19.8

31. Part 8, Zone Regulations, Clause 8.22B.1(1)(c) is amended by deleting “(c)” and inserting “(b)” such that it reads: ‘pilings necessary for the establishment or maintenance of uses permitted by clause 8.22B.1(b); and’

32. Part 8, Zone Regulations, Article 8.23.9(1) is amended by deleting “8.23.2(1)(l)” and inserting “8.23.2(1)(i)” such that it reads: ‘Despite Subsection 6.1.2 (Off-street Parking), the minimum number of parking spaces required in the CD1 zone for the accessory dwelling unit permitted in 8.23.2(1)(i) above is one.’

33. Schedule A, Area Covered by Land Use Bylaw No. 103, 1996 is amended in accordance with the map attached to and forming part of this bylaw as Plan 1

34. Schedule C, Zoning Maps for Particular Locations is deleted in its entirety

35. Schedule D, Zoning Map for North Pender Island is amended in accordance with the maps attached to and forming part of this bylaw as Plans 2, 3, 4, 5 and 6.

B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014".

C. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this	27th	day of	February	, 2014
PUBLIC HEARING HELD this		day of		, 20
READ A SECOND TIME this		day of		, 20
READ A THIRD TIME this		day of		, 20
APPROVED BY THE EXECUTIVE COMMITTEE this		day of		, 20
ADOPTED this		day of		, 20

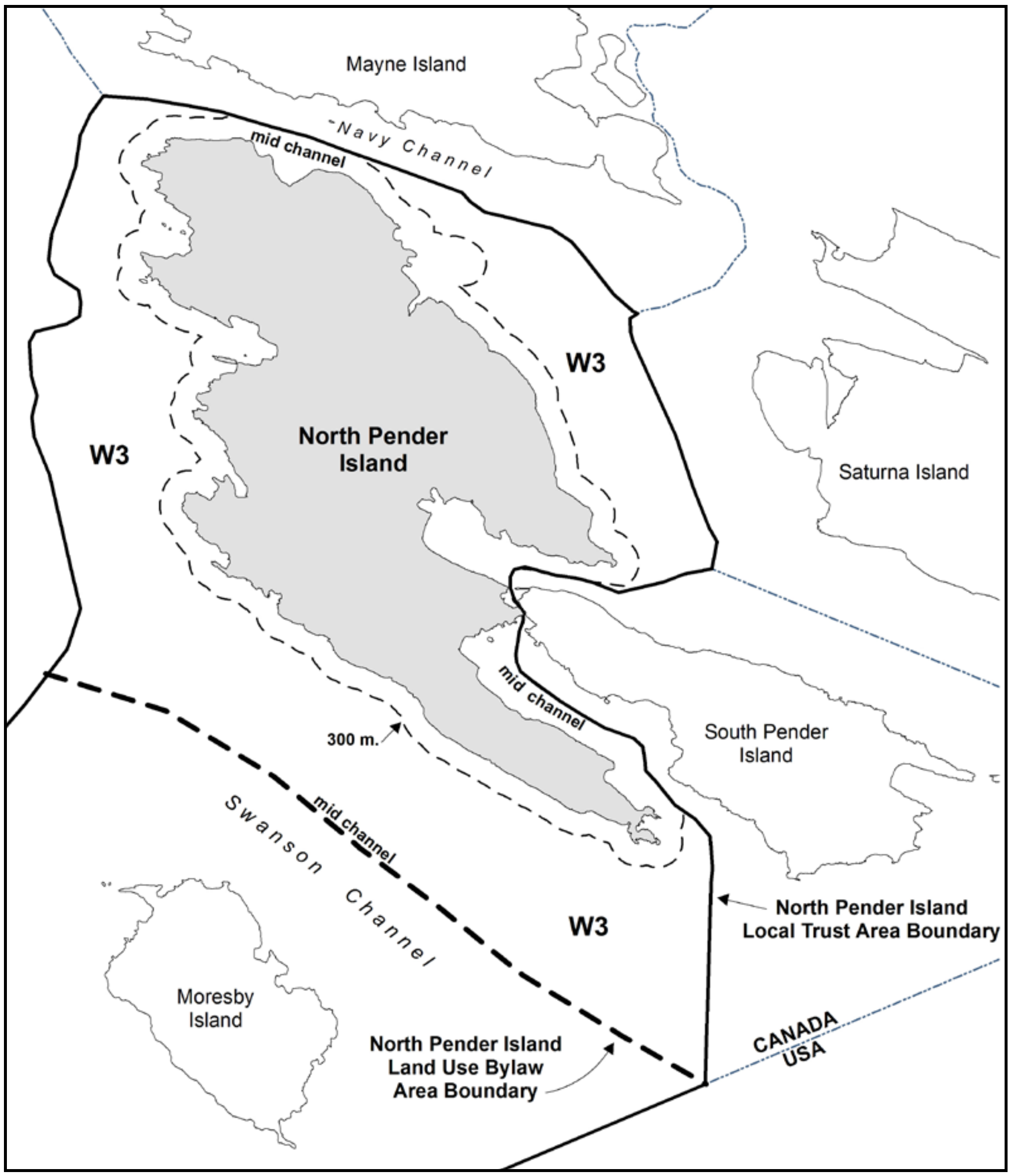
Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

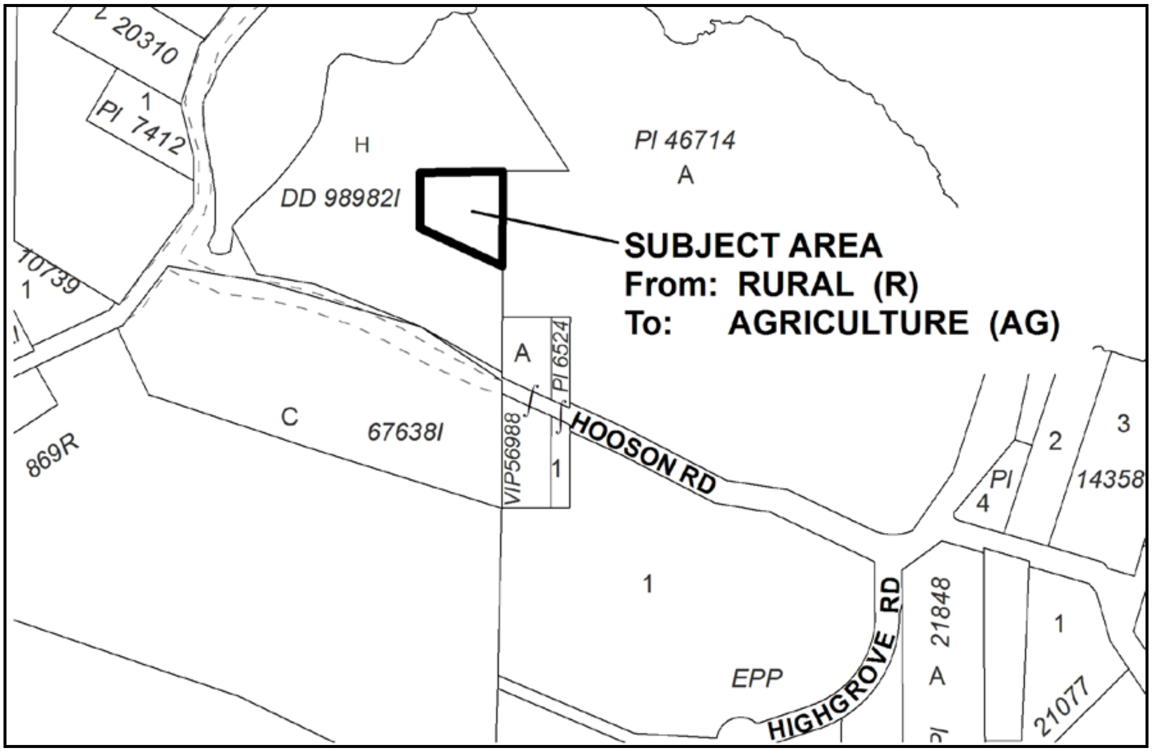
PLAN No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

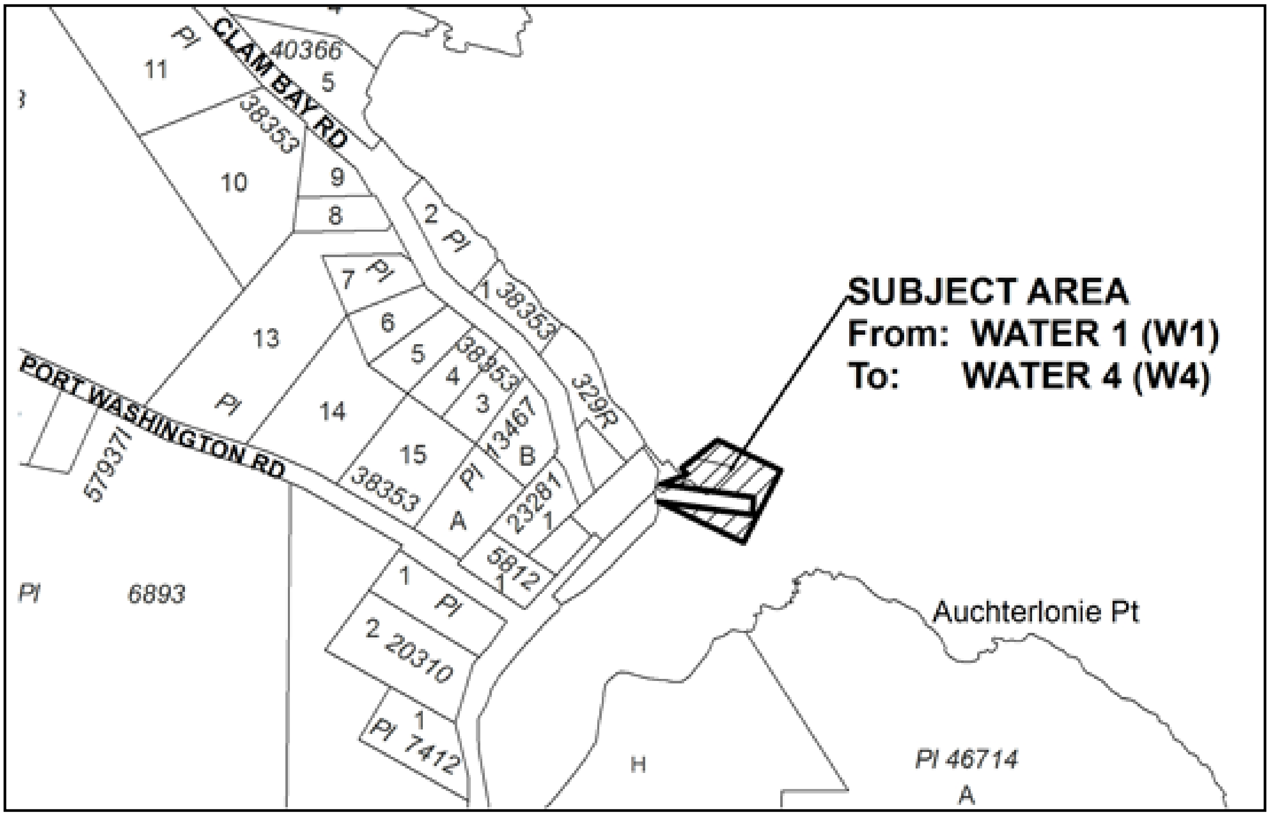
Plan No. 2



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

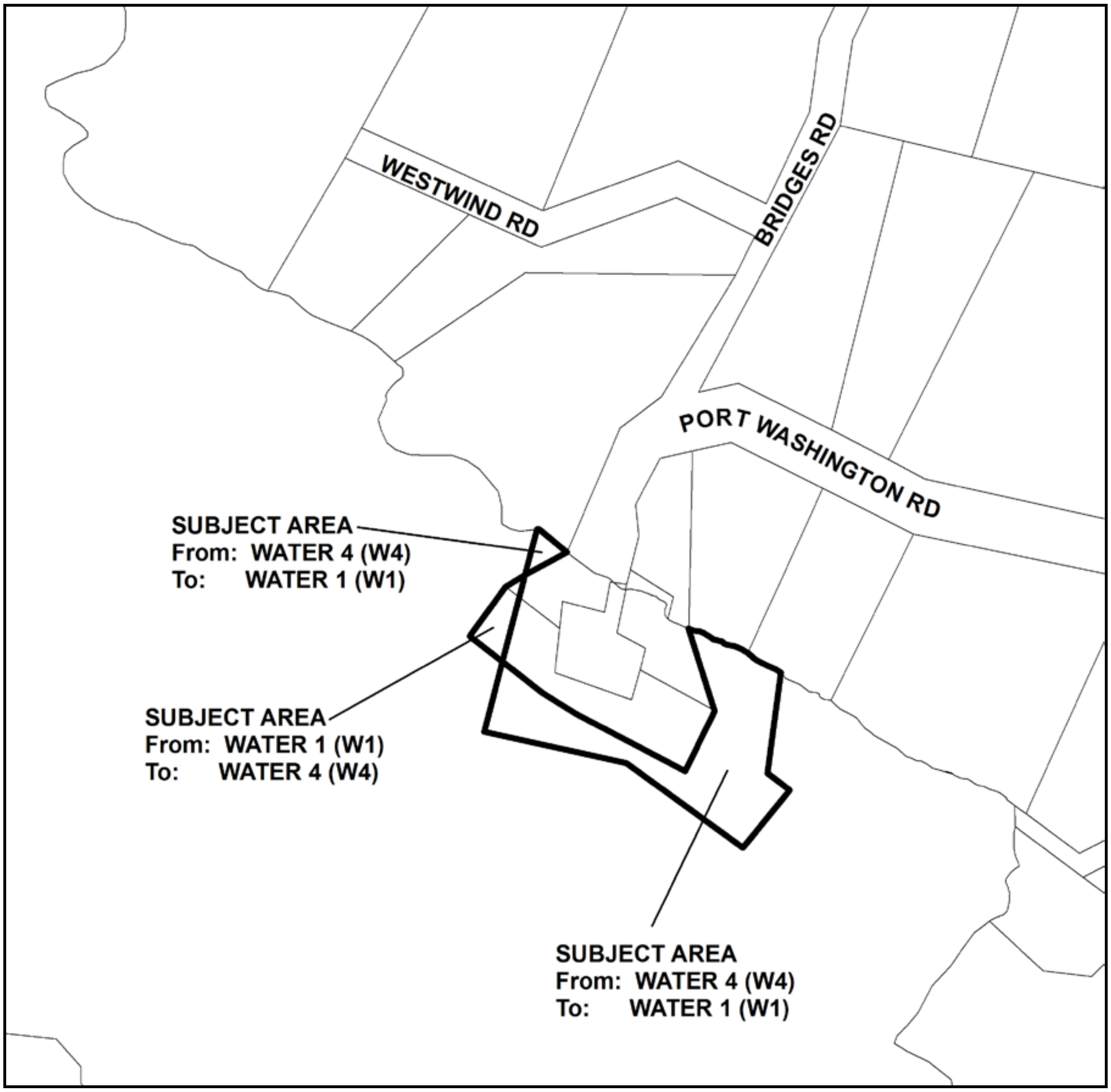
Plan No. 3



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

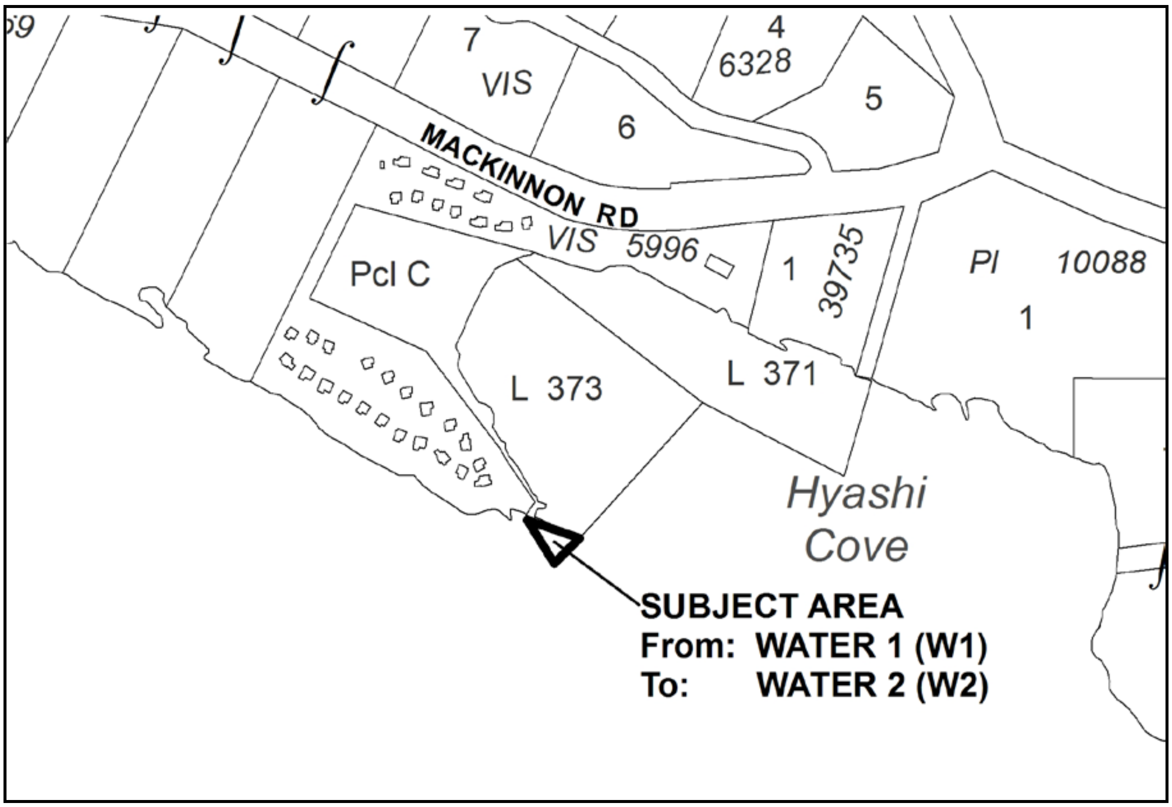
Plan No. 4



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

Plan No. 5



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

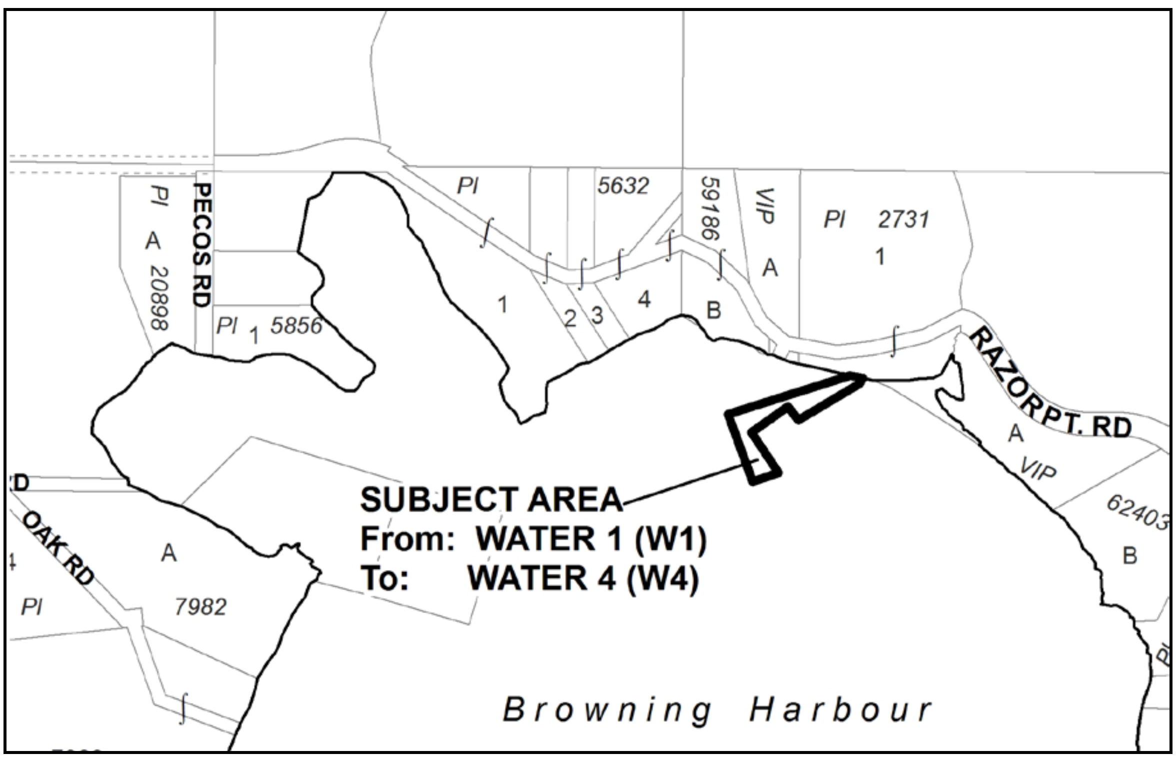
BYLAW No. 194

Plan No. 6

PROPOSED

AMENDMENT

FOR SECOND READING



Print Date: Mar-20-2014

Islands Trust

Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Shoreline Review	• develop school/community workshop - ON_GOING • develop tri-fold brochure - ON-GOING • develop powerpoint from materials - DONE • develop compiled map of shore features - DONE • investigate incorporating shoreline information into new Gulf Islands app and using QR code for smart phones	Sep-22-2011	Robert Kojima Andrea Pickard	Sep-01-2014	On Going
2	Conservation Subdivision Review	• identify natural and cultural features to be prioritized for protection • community engagement • engage key stakeholders, including property owners of larger lots • review options to implement in LUB and OCP	Feb-28-2013	Andrea Pickard	May-01-2014	On Going
3	LUB Amendments	limited to technical corrections	Oct-31-2013	Andrea Pickard		On Going

Islands Trust

Projects

North Pender Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	Jan-22-2009	On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
3	Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)		Jan-22-2009	On Going
4	Agricultural Buildling Watercourse Setbacks		Jul-28-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going
6	LUB Amendments	• review of industrial zoning, including waste management • tourist commercial zoning review • home industry regulation • review of commercial (C1) zoning • incorporate TUP's into zoning • landscape screening review • review of marine zoning regulations in conjunction with overall shoreline development review • amendments to permit renewable energy	Mar-22-2012	On Going

		• review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs, and review maximum floor area restriction • height exemptions for agricultural or forestry buildings and boat sheds • max floor area for principal dwellings		
7	Road Side Signs		Apr-26-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	On Going
9	LUB/OCP Amendments Related to Roadway and Transportation Initiatives	• NZEV designation • Level 2 Charging Stations • Additional Car Stop Locations • Additional Bicycling-Walking Routes • Heritage Roads • Related policy and regulatoy options	Sep-20-2012	On Going

Applications w/ Status - North Pender Island
Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2014.2	Stewart Ross Millett	Jan-09-2014	4833 BUCCANEERS RD Anchoring of a swimming float and connecting floating walkway.

Planner: Kim Farris

Planning Status

Status Date: Mar-19-2014

Staff report completed. On agenda for March 27, 2014 LTC meeting

Status Date: Mar-03-2014

cross reference with NP-DVP-2014.1

Status Date: Feb-20-2014

Received additional info from applicant. Drafting notice and permit for variance notification.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2014.1	Stewart Ross Millett	Mar-03-2014	4833 BUCCANEERS RD DVP cross referenced with NP-DP-2014.2

Planner: Kim Farris

Planning Status

Status Date: Mar-19-2014

on March agenda

Status Date: Mar-19-2014

Staff report completed. On agenda for March 27, 2014 LTC meeting

Status Date: Mar-18-2014

on March agenda

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.1	Michael and Anne Burdett	Nov-09-2012	Waste transfer/sorting facility with commercial recycle & composting

Planner: Andrea Pickard

Planning Status

Status Date: Mar-19-2014

preliminary report on March agenda

Status Date: Feb-17-2014

ALC approval received, rezoning file reactivated

Status Date: Jan-09-2013

on hold until ALC application completed

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.2	Clam Bay Holdings Ltd	Nov-27-2012	To rezone to permit clustered residential uses and remove agri-tourism accommodation uses

Planner: Kim Farris

Planning Status

Status Date: Feb-18-2014

agrologists comments received, supplemental staff report prepared by Feb agenda

Status Date: Dec-18-2013

Site visit schedule with Regional Agrologist

Status Date: Oct-23-2013

staff report prepared for October agenda

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.1	Ron Henshaw	Jan-18-2013	3418 SOUTH OTTER BAY RD - applies to portion of property with 4402 Otter Bay Rd address Allowing for present use (gravel storage & sales; construction debri, and sorting & recycling & transfer of materials & garbage).

Planner: Andrea Pickard

Planning Status

Status Date: Mar-07-2014

draft operations plan received. Reviewed by staff, suggested revisions and information still pending identified - returned to applicant for consideration

Status Date: Jul-08-2013

geotech report rec'd

Status Date: May-01-2013

hydrologist report rec'd

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.2	JC Cosh & JF Wood c/o Karl Hamson for the Elder Project **Planner:** Andrea Pickard	Jul-08-2013	4601 BEDWELL HARBOUR RD To amend the LUB to rezone the rural portion of the lot to allow for a 24 unit seniors housing complex plus necesssary support structures and facilities

Planning Status

Status Date: Sep-17-2013

letter sent to applicant regardin information required

Status Date: Sep-03-2013

proceed working on application as sr's and special needs housing

Status Date: Aug-14-2013

Preliminary report prepared for August LTC meeting

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.3	cRJ Wey & Associated Land Surveying (Philpot) **Planner:** Andrea Pickard	Jul-24-2012	Proposed 3 lot Strata Development

Planning Status

Status Date: Oct-17-2012

PLA issued

Status Date: Sep-17-2012

response sent to MOTI

Status Date: Sep-06-2012

File forwarded to Planner

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross **Planner:** Kim Farris		2218 CLAM BAY RD To create 11 lots including remainders

Planning Status

Status Date: May-29-2013

Applicant to determine location of strata road access prior to initiating the required DP

Status Date: Apr-11-2013

PLA received from MOTI

Status Date: Feb-26-2013

fees received, SD review drafted

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.1	Lloyd Eakins		000-295-655 3214 CLAM BAY RD 018-313-647 3209 ARMADALE RD To adjust the property lines between the two subject properties.

Planner: Kim Farris

Planning Status

Status Date: Mar-14-2014

received fee, processed, gave to Planner

Status Date: Feb-25-2014

sent fee request and application to applicant

Status Date: Feb-20-2014

received referral from MoTI

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2014.1	Colliers Internation Consulting **Planner:** Andrea Pickard	Jan-02-2014	6901 SHARK RD To operate cabin rentals for less than 30 days and host events.

Planning Status

Status Date: Mar-18-2014

information received, reviewed with issues requiring further clarification sent to applicant

Status Date: Jan-30-2014

LTC requests further information from applicant

Status Date: Jan-20-2014

preliminary report on Jan agenda

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2005	NP-LTC-05-05	Advisory Planning Commission Appointments	The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations
2.	May 25, 2006	NP-LTC-80-06	Communications Policy	Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.
3.	May 25, 2006	NP-LTC-82-06	Enforcement Policy - STVR	1. THAT 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 also staying in tents, trailers or RVs; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on North Pender Island as a STVR. 2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the North Pender Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;
4.	August 30, 2007	NP-LTC-146-07	Special Occasion License Policy	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, 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.	April 28, 2011	NP-LTC-50-11	Adopting In Camera Minutes	It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.

Memorandum

Date March 19, 2014

To Local Trust Committees
Planning Staff
Bowen Island Municipality

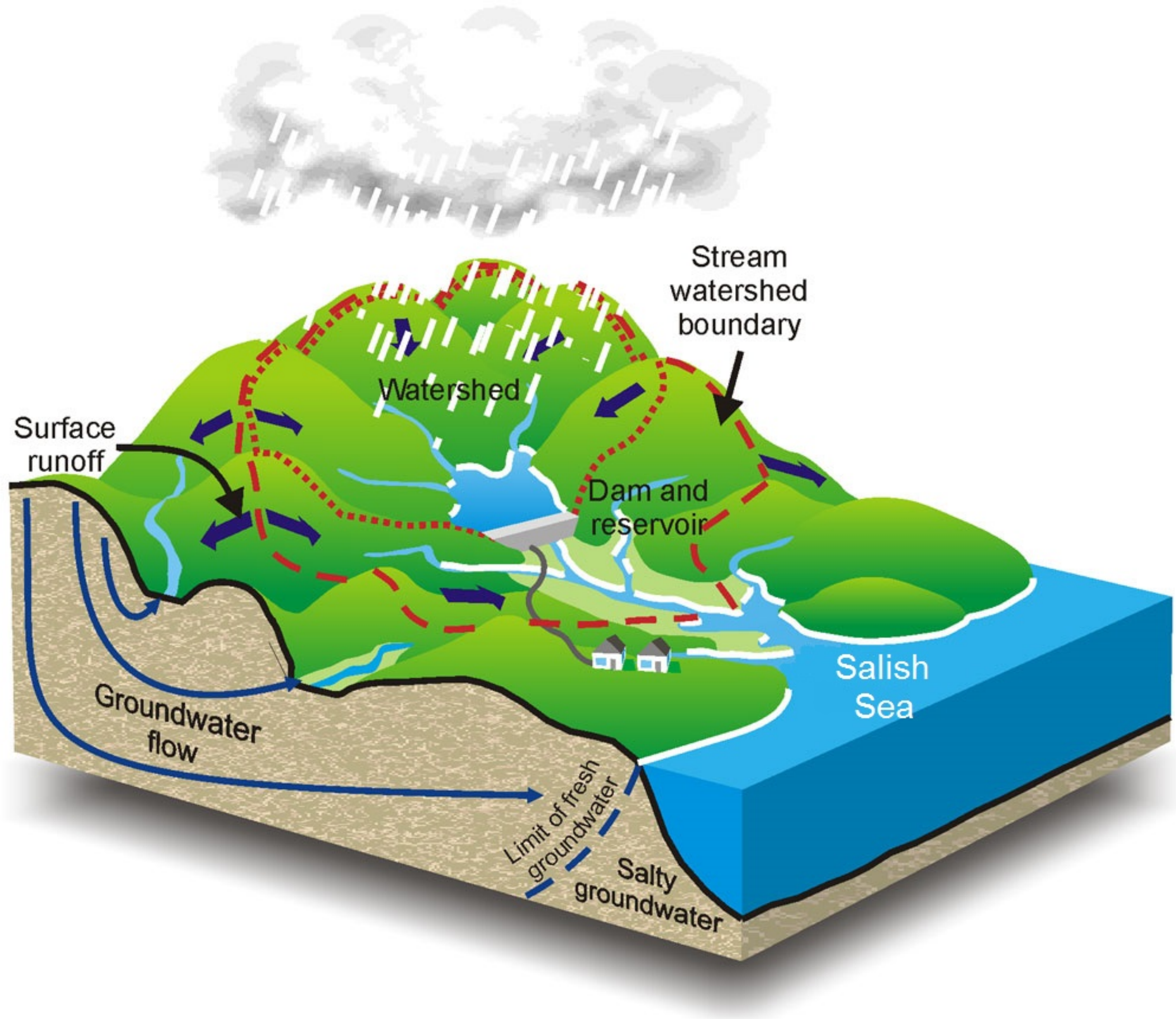
From Local Planning Committee

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

IslandsTrust

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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.

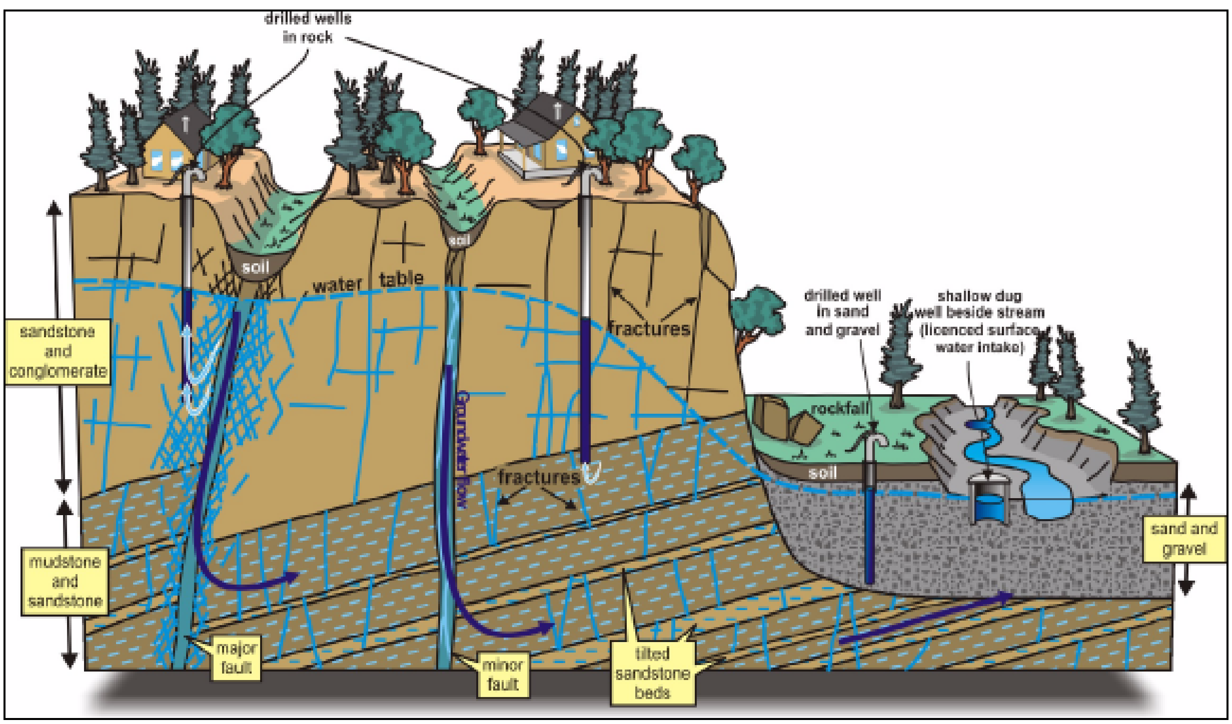


Figure 1. Ground water fills cracks and pores below the water table.

Source: Natural Resources Canada (http://ngwd-bdnes.cits.nrcan.gc.ca/service/api_ngwds:def/en/brief/pr_j03_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.

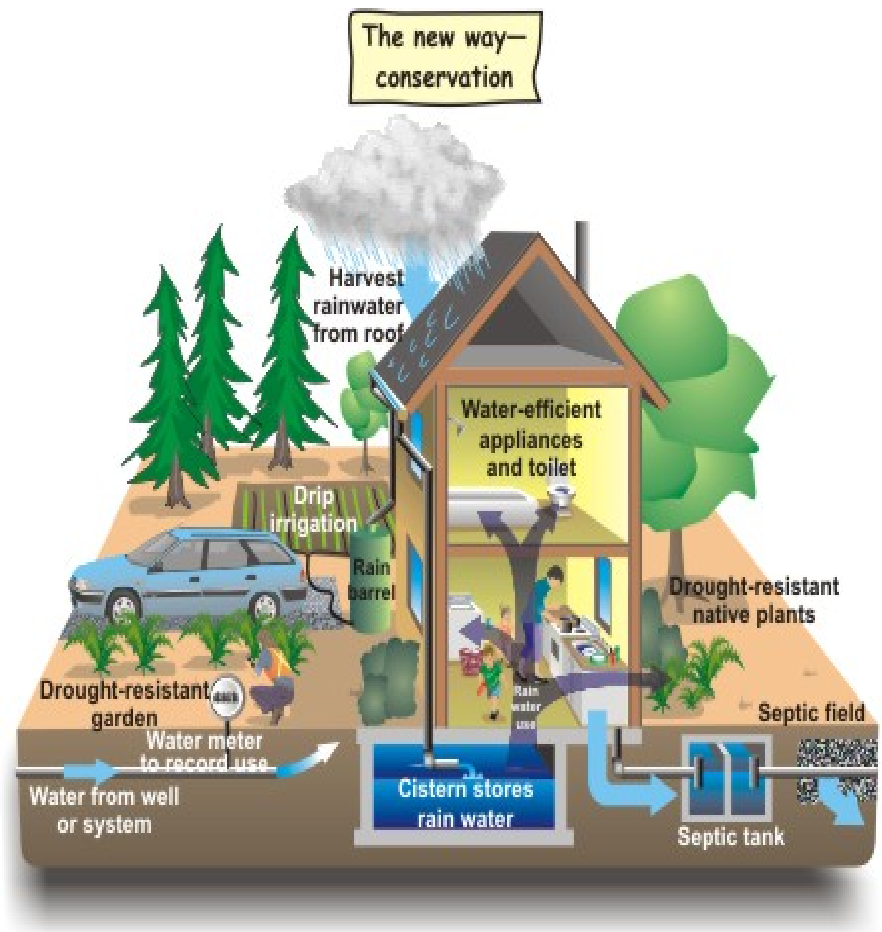
There may also be instances when “proof of water” is not required with some subdivisions such as the creating of large lots (> 20 acres) or boundary adjustments where sources of water have historically been proven.

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

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.

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.

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 asphalting or similar surfacing.

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.

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

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.

Intended to ensure cut and fill or blasting requires a permit. Language could be revised to be more specific based on recommendations

l) The construction of an accessory building or structure with a lot coverage of less than 100m^2, provided the accessory building or structure is not connected to a supply of water.

Exempts small non-plumbed buildings, lot coverage could be altered based on specific recommendations

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.

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.

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

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

   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.

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.