



STAFF REPORT

Oct 21, 2010

File No.: SA-OCP-2010.1

To: Saturna Island Local Trust Committee
For the meeting of Oct 27, 2010

From: Gary Richardson
Island Planner
Local Planning Services

CC: David Marlor, Regional Planning Manager

Re: Draft Bylaw 102 – East Point Development Permit Area for Water Conservation and Wetland Protection

Supplementary Report - to June 23, 2010 Staff Report

(1) BACKGROUND

The Saturna Island Local Trust Committee has identified the preparation a Development Permit area that would apply to the centre of the East Point peninsula for water conservation as a top work program priority.

Staff prepared a report for the June 23, 2010 LTC meeting on the feasibility of making the centre portion of the East Point Peninsula a Development Permit Area for the purpose of water conservation.

At the June 23, 2010 LTC meeting the LTC passed a resolution that: "...staff be directed to draft an OCP amendment that would place the centre of East Point peninsula in a DPA for the purpose of water conservation and the protection of the natural environment.

The attached draft bylaw 102 has been drafted in response to the above resolution.

Provisions for the protection of the wetland sensitive ecosystems that are present on the subject area have been included in the draft bylaw as staff is of the understanding that the LTC wanted the protection of wetland ecosystems included in this DPA.

(2) COMMUNITY INFORMATION MEETING(S):

None held to date; however if this draft bylaw proceeds a community information meeting is recommended.

(3) RESULTS OF CIRCULATION:

No circulation to date.

(4) DPA GUIDELINES

The guidelines for the protection of the sensitive ecosystem (wetland) have been adapted from a model used for the development of the North Pender OCP, which have been in place since January 2008. The guidelines for water conservation have recently been developed by staff as the legislation allowing DPAs for water conservation is fairly recent. Staff will elaborate on the purpose and effect of the guidelines at the October 27, 2010 LTC meeting.

(5) OPTIONS

- 1) Proceed no further with draft bylaw 102.
- 2) Proceed with the processing of draft bylaw 102.
- 3) Direct staff to amend draft bylaw 102 before considering it further.

(6) NEXT STEPS

If the LTC directs staff to proceed with the processing of draft bylaw 102 the following is the recommended course of action:

- Hold a Community Information meeting (CIM)(Nov/10).
- Make amendments if necessary after the CIM (Dec/10).
- Forward to agencies and APC (Dec/10).
- Hold a public hearing (Jan/10).
- That the LTC place the creation of DP areas for all sensitive ecosystems within the Saturna Island planning area on the work program top priority list as soon as there is a completed priority (Nov /10).

(7) RECOMMENDATION:

That the Saturna Island Local Trust Committee direct staff to continue with the processing of draft bylaw 102 and that a Community Information meeting be scheduled in the month of November to obtain community comment on the draft bylaw.

Respectfully submitted by:

Gary Richardson

Oct 21, 2010

Gary Richardson, Island Planner

Date

Concurred in by:

David Marlor, MCIP
Regional Planning Manager

Oct 21, 2010
Date

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW No. 102

A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Saturna Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Saturna Island Local Trust Committee wishes to amend the Saturna Island Official Community Plan Bylaw No. 70, 2000;

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

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

1. CITATION

This Bylaw may be cited for all purposes as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2010."

2. SCHEDULES

- a. Schedule A (Policy Document) of Saturna Island Official Community Plan No. 70, 2000 is amended as shown on Schedule 1, attached to and forming part of this amending bylaw.
- b. Schedule E (Development permit Areas) Saturna Island Official Community Plan No. 70, 2000 is amended by adding Development Permit Area 3 as shown on Schedule 2, attached to and forming part of this amending bylaw.

3. SEVERABILITY

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.

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 102

SCHEDULE 1

Schedule A (Policy Document) of Saturna Island Official Community Plan No. 70, 2000 is amended by:

1. Adding following immediately after G.2.12:

“G.3 WATER CONSERVATION AND WETLAND PROTECTION – EAST POINT

G.3.1 The development permit area is shown as DP Area 3 on Schedule E. The area is referenced in a 2010 B.C. Ministry of the Environment report titled “The Intrusion of Seawater into the Fractured Bedrock Aquifer on East Point Peninsula, Saturna Island” as an area that recharges the groundwater aquifer. The area is also shown on Sensitive Ecosystem (SEM) mapping as containing wetland ecosystems. The SEM mapping is at a scale of 1:13000 and is based on air photos flown in 2004. The mapping was themed using Terrestrial Ecosystem Mapping (TEM) standards consistent with the Resource Information Standards Committee (RISC) Standard for Mapping Ecosystems at Risk in BC. The Sensitive Ecosystem Mapping (SEM) for Saturna Island consists of a digital record compiled by means of a geographic information system maintained at the offices of the Islands Trust.

G.3.2 The Water Conservation and Wetland Protection development permit area is established, 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 pursuant to Section 919.1(i) of the *Local Government Act* for the establishment of objectives to promote water conservation. In considering the issuance of a development permit, the LTC should be satisfied that the guidelines of the DPA have been met where applicable and may impose conditions where appropriate.

G.3.3 The following activities shall require a development permit whenever they occur within development permit area 3, unless specifically exempted below.

- a) Subdivision of land.
- b) Construction of, addition to or alteration of a building or other structure.
- c) Alteration of land.

G.3.4 The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements

- a) for certainty: development or alteration of land occurring outside of a development permit area;
- b) the placement of impermanent structures, such as benches, tables and garden ornaments;
- c) forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*;
- d) mining activities regulated by the *Mines Act*;
- e) for certainty, actions undertaken by an agent of the Crown;
- f) gardening and yard maintenance activities within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that

- does not alter the general contours of the land;
- g) the construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- h) the construction of a trail if all of the following apply:
 - the trail is 1 metre wide or less;
 - no native trees are removed;
 - the surface of the trail is pervious;
 - the trail is designed to prevent soil erosion where slopes occur; and
 - where the trail parallels a stream, the trail is more than 5 metres away from the high water mark of the stream.
- i) ecological restoration and enhancement projects undertaken or authorized by a public body;
- j) the reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation;
- k) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- l) the removal of invasive, non-indigenous trees or vegetation;
- m) the planting of indigenous vegetation characteristic of the sensitive ecosystem; or
- n) the repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.

Objectives of the Water Conservation and Wetland Protection Development Permit Area

- G.3.5 The objective of this development permit area is to preserve and protect the natural processes that recharge the groundwater aquifer in the area and to protect wetland ecosystems. The 2010 Ministry of the Environment report sites limited recharge and low hydraulic gradients as one of the main factors affecting the use and protection of the groundwater resource in the East Point area. The report recommends both regulatory and non-regulatory measures should be considered in order to help mitigate further salt water intrusion. Also the East Point area is shown on SEM mapping as containing wetland ecosystems.
- G.3.6 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.”
- G.3.7 It is policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- G.3.8 It is policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, 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 fresh water’
 - water quality is maintained, and

- existing, anticipated and seasonal demands for water are considered and allowed for.

G.3.9 This DPA includes lands identified as containing wetland ecosystems. Wetland ecosystems include areas that are characteristically wet or contain saturated soils and are dominated by water-loving plants. Classes of wetlands include swamps, marshes, bogs, fens, wet meadows, estuaries and similar shallow water areas that are not part of an active floodplain or stream. Wetlands provide a specialized habitat for diverse and unique species, and are a vital link between upland and open water aquatic environment. They are cherished for their diversity of life and as opportunities for recreational activities and eco-tourism. Wetland ecosystems are sensitive and important because they exhibit rarity, high biodiversity, fragility, specialized habitat, specialized functions and connectivity. Wetland ecosystems are rare in the Trust Area and over the past 150 years wetlands have declined due to agricultural development, flood control, forestry, and residential development.

Development Approval Information

G.3.10 The water conservation and wetland protection development permit area is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified professional may be required due to the special conditions and objectives described above.

Guidelines

G.3.11 In general all developments in this DPA should be undertaken in a manner that minimizes impact on the processes which allow rainwater to percolate through the land surface to recharge aquifers and minimizes impact on wetland ecosystems. Where the appropriate professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts of development on the groundwater recharge process, 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 the ground water recharge processes, consistent with the measures and recommendations described in the report.

Other Guidelines that may be applicable

G.3.12 Development should avoid being located in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.

G.3.13 The area cleared and disturbed for development should be minimized.

G.3.14 Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.

G.3.15 The planting or introduction of non-native plants should be avoided and the use of drought resistant and native plants in landscaping should be encouraged.

G.3.16 Soil removal and deposit should be minimized.

G.3.17 Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.

G.3.18 Septic fields should be located in a manner that minimizes potential impacts on sensitive ecosystems or habitat.

G.3.19 Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.

G.3.20 The filling or draining of permanent or seasonally wet areas should be avoided.

G.3.21 Wetland vegetation and structure should be retained.

G.3.22 Locating roads, driveways and utility corridors through wetland ecosystems should be avoided; where crossings have to be located within the ecosystem the crossings should, to the extent feasible:

- i) Minimize impacts on streams and other water bodies;
- ii) Conform to topography to minimize cut and fill;
- iii) Not restrict natural movement of surface and groundwater;

G.3.23 Construction involving disturbance of soil should avoid direct run-off into waterbodies.

G.3.24 Disruption of natural hydrologic cycles and aquatic processes, including stream flows, seasonal flooding, stream channel movements, or natural slope in water bodies should be avoided.

G.3.25 Vegetation cover which helps stabilize banks, reduce erosion and provide habitat should be maintained.

G.3.26 Removal of vegetation that would reduce the natural functions of the sensitive ecosystem should be avoided.

G.3.27 Alteration of vernal pools to create year-round water features should be avoided.

G.3.28 The following guidelines are applicable to any subdivision proposal within development permit area 3:

- a) Subdivisions should, where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems.
- b) Proposed lots containing sensitive ecosystems and habitats should be of 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.
- c) 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.
- d) Provision should be made for any recommended buffer areas adjacent to sensitive ecosystems and habitat.

- e) 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.
- f) 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.
- g) Septic disposal sites should be located in a manner that minimizes potential impacts on sensitive ecosystems and habitat.
- h) Storm water management systems, where proposed, should be designed in a manner that avoids the impacts of run-off on sensitive ecosystems and habitat.
- i) Pre-designation of building sites, septic disposal fields and driveways may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.

Permit Conditions

G.3.29 In general, where a professional'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. Conditions of a permit may include:

- a) the designation of areas within which no development shall occur;
- b) requirements of building siting, size, design or construction that would minimize impacts, protect or enhance sensitive ecosystems or habitat;
- c) use of native vegetation in landscaping;
- d) the use of pervious surfaces;
- e) the placement of permanent or temporary fencing around sensitive features;
- f) fencing, flagging and posting of notices during construction;
- g) limits on blasting in sensitive areas;
- h) limits on construction timing;
- i) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;
- j) restoration or enhancement of disturbed sensitive ecosystems and habitat;
- k) the layout of lots, including clustering, driveways, access routes, and septic disposal facilities in a plan of subdivision.

G.3.30 Where restoration or enhancement work is required as a condition of a permit, the applicant may be required to provide to the Islands Trust a landscaping security deposit,

in the form of an irrevocable letter of credit, equal to 125% of the estimated costs of all materials and labour, as determined by a professional with relevant experience.

Variations

G.3.31 The LTC may consider variations to parking requirements, subdivision or building siting or size regulations where the variance may result in protection of a sensitive ecosystem or habitat.”

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 102

SCHEDULE 2

