



Islands Trust

STAFF REPORT

File No.: 38.2 (a)

Date: February 3, 2011

To: Salt Spring Local Trust Committee for February 10, 2011

From: Kris Nichols, Planning Consultant

CC: Leah Hartley, Regional Planning Manager

Re: Environmental Development Permit Areas Review Update and Next Steps

PURPOSE

The purpose of this report is to provide the Local Trust Committee with an update of the status of the environmental development permit areas review, present a draft Landowner's Guide to Development Permits and to outline public consultation.

BACKGROUND

On January 14, 2011, the Local Trust Committee (LTC) received two reports entitled, *Official Community Plan Update – Riparian Areas Regulations Options for Implementation and Next Steps* and *Official Community Plan Update - Environmental Development Permit Areas and Next Steps*. As a result of the discussion pertaining to these reports the Local Trust Committee directed the consultant to review the environmental DPAs with a view to addressing:

1. DPA 6 using the existing soils mapping and the revised C.N. Ryzuk and Associates (medium and high classifications) for slopes;
2. DPA4 implementing Riparian Areas Regulation (RAR) through the RAR designated watersheds with exemptions for outside of the Riparian Assessment Area (generally 30 m) and a "notwithstanding" clause for those watercourses that are not mapped;
3. A new DPA for community drinking water protection addressing the six (6) applicable watersheds (primarily upstream of the water source);
4. Development of a Draft Brochure, Landowner's Guide to Development Permits, and a public consultation outline on the bylaw amendments; and
5. Present the January 14, 2011 reports to the Environmental, Planning and Agricultural Advisory Committees.

REVIEW UPDATE

Advisory Committee Meetings

As part of the LTC's direction, the consultant met with the three advisory committees to present an overview of the two reports on the environmental review. The Environmental and Planning Advisory Committees along with the working group all met jointly on January 20th, 2011. Several members of the public were also in attendance.

For many in attendance this was the first time that they were involved in the environmental DPA review and as a result had many questions regarding the reports and the background studies that were done to reach the directions being discussed. There were many questions around the implementation of RAR and the revised steep slope analysis and how that may impact landowners. Members comment on the complexity of understanding RAR and how its implementation may affect property owners and that there is a need for public education and consultation prior to bylaw drafting. The consultant handed out copies of the Ministry of Environment's 24 RAR Designated Watersheds and the Ryzuk's and Associates Steep Slope mapping. These are the maps that are being reviewed for possible use in the amended DPAs. See Attachment 1 and 2.

The consultant stressed that at present it is undetermined exactly how the 24 RAR Designated Watershed map would be used. Therefore, the RAR mapping should not be interpreted solely on the basis of the area that is indicated on the mapping. It has to be interpreted in conjunction with any objectives and guidelines that are part of any new DPA. These are not yet drafted, but it is understood that one exemption would be that a RAR Development Permit would only be required within the Riparian Assessment Area, This is generally 30 metre of a watercourse bank unless otherwise defined in the bylaw due to the presence of a ravine.

The consultant met with the Agricultural Advisory Committee on February 1, 2011 and presented the two reports. The following discussion centered primarily on the implementation of the RAR and what if any impact it may have on the agricultural community. The fact is RAR does not apply to farming activities. Most of the farming activities are subject to the Farm Practices Protection (Right to Farm) Act or other provincial legislation or guidelines. However, it does apply to non-farm activities that may otherwise be used, designated or zoned for agriculture. For example a non-farm building such as a single family residence would be considered a non-farming activity. Despite this fact the committee raised several questions about how the RAR will be implemented and how the existing DPA4 will be changed. The committee has requested a follow up meeting to discuss further possible impacts and to discuss other issues pertaining to development permits on agricultural activities. This meeting would be focused on the agricultural community and discussions around agriculture on Salt Spring Island.

Revised Direction

Due to the questions and requests made by those in attendance at the advisory committee meeting on Jan. 20th, and Feb. 1st, the consultant spoke to the Regional Planning Manager and the Trustees about the committee meetings and the possibility of having additional meetings with the public. As a result, the consultant will be holding public forums dealing with the three specific areas; Riparian Area Regulation implementation and DPA4, the possible utilization of the revised steep slope mapping to be used in DPA6 and the development of a new DPA for the protection of drinking water watersheds over the next number of weeks. These public forums should help to

address the requested need for more public education and consultation prior to any draft bylaws. In addition, more advisory committee meetings will be planned to discuss the review in further detail with the possibility of having technical experts on hand to aid in the methodology explanation.

PUBLIC CONSULTATION OUTLINE

Prior to the introduction of first reading of the bylaws, there are a number of ways that the review process can receive input and participation by the public and others as well as to stay updated on the review process.

Public Consultation

At present there will likely be 4 advertised public information forums dealing with the three DPA subject areas where there will be information boards, a presentation by the consultant and opportunity to gain input from the public. To assist with the education component especially as it pertains to the implementation of RAR, it is expected that a RAR expert, a qualified environmental professional, will be in attendance to make a presentation and answer questions from the public.

The first set of meetings will be held on February 23rd (Ganges) and 24th (Fulford) and dealing with the Riparian Areas Regulation, its implementation on Salt Spring Island.

It is anticipated that the next meetings will follow shortly within a week or two.

Advisory Committee Meetings

It is anticipated that there will be more meetings with the advisory committees prior to the first reading of any amending bylaws. As the initial meetings were primarily an overview, there is a need for the committees to be able to delve deeper into the review and what it may mean, and to provide their input. This could be done by reviewing the technical studies, methodology, assumptions and the findings. It is anticipated that both a RAR expert (QEP) and a steep slope expert (geoscientist) will be invited to talk to another joint meeting of the committees later in February. These meetings are open to the public. The first meeting will be planned for February 24th during the day.

Specialty Groups

The consultant will contact various specialty groups on the island that may benefit from discussing the environmental DPA review from the perspective of their group (e.g. realtors, developers, stewardship groups, etc.) and any questions that they may have. While the consultant can't meet with all interest groups on the Island, he will meet with those that have a direct interest in the process and how it might impact them. Of course, they are all invited and encouraged to participate in the environmental DPA information sessions.

Brochures/Information Pamphlets

It is anticipated that two brochures/information pamphlets will be developed in order to raise awareness of the importance of DPAs and the implementation of RAR. The draft *Landowner's Guide to Development Permits* is attached for your review (See Attachment 3). This brochure gives an overview of development permits, what they are, why they are important and the development permit process on Salt Spring Island. A second brochure is being developed that is specific to the environmental DPA review and will be illustrated to show various examples of how RAR is interpreted. It is intended to be a document that can help to explain RAR implementation on Salt Spring Island and what it means in different situations.

Question and Answer Page

In addition to the brochure, there is a possibility of a Frequently Asked Question page being developed to assist those that may have questions regarding the environmental DPA review. It will be built around questions received to date and placed on the webpage.

Update the Website

In order to effectively communicate this review process it is necessary to use various methods to get the information out there. The webpage pertaining to this review requires updating to increase awareness of the review and hopefully participation or input into it. All reports, studies, announcements, brochures, mapping, etc., will be placed on this webpage. There will also be an opportunity for direct input into the process through the webpage and a linked e-mail.

Advertising

All advertising will be made in the Driftwood a week or two in advance of any public forum. A notice will be placed on the Salt Spring Island webpage and e-mail notices sent to various groups and organizations.

CONTINUATION OF REVIEW

The consultant has met with the advisory committees and some members of the public regarding the January 14, 2011, LTC environmental reports. As a result changes are being made to the timeline to accommodate increased public education and consultation. He will continue to review the three topic areas with the added input from the public and the advisory committees and others improving the outcome of the process.

RAR Implementation and DPA4

In advisory committee meetings the consultant ensured that the participants were aware of a few key elements:

- That this is a provincial regulation and that there is not a choice in whether RAR gets implemented only in the how this is done.
- That the mapping released to the group should not be viewed in isolation as to interpret how it might be used as a DPA. As with all DPAs it requires the objectives and guidelines to be interpreted properly.
- That the DPA objectives and guidelines have not been written and will wait until public consultation is concluded before a draft bylaw is completed.
- That research is continuing to ensure that the value that the DPA4 offers to the protection of the sensitive ecosystems is not lost, but becomes a complement to the implementation of the RAR.

The question was asked as to the names of the watercourses within the 24 RAR Designated Watersheds. At the time of the meeting, the consultant did not have those known watercourses. The known lakes are as follows: St. Mary, Bullock, Maxwell, Ford, Roberts, Blackburn, Cusheon, Stowell, and Weston. Some watersheds have streams and small ponds, but no major lakes.

As was stated in the RAR report presented at the last LTC, there was concern over the nature of the Ministry of Environment's 24 RAR Designated Watershed mapping and how it may be implemented as part of the DPA review. Following the meeting several discussions were had to ensure that the mapping was not interpreted on its own. The previous LTC report also illustrated that there would likely be exemptions or such tools as disclosure statements/affidavits for landowners/developers that they will sign stating that they are aware of RAR but that the

development proposal will not be located in a Riparian Assessment Area. This would make it more palatable for many landowners as they would be responsible and to an extent less reliant on professionals or staff.

At the meetings there was also discussion on where RAR applies and where it does not. Generally speaking RAR applies to residential, commercial or industrial activities or ancillary activities within a Riparian Assessment Area. This includes:

- Construction of buildings and structures (including residential buildings on farmland);
- Creation of non-structural impervious or semi-impervious surfaces (e.g. parking lots, patios);
- Removal, alteration, disruption or destruction of vegetation;
- Disturbance of soils;
- Development of recreational activities (e.g. parks, trails, golf courses); and
- Development of new services (e.g. roads).

The RAR does not apply to the following activities:

- Development not within a riparian assessment area;
- Farming activities or institutional development;
- Existing permanent structures, roads and other development;
- Reconstruction or repair of permanent structure if the structure remains on its existing foundation; and
- Developments that have been approved but not yet built (requests for changes would however, trigger a review with reference to the RAR).

While it evident that while the choice to implement RAR does not exist, the choice of how and making that choice the easiest possible from an administrative and landowners point of view is key to its success. That will be the focus of bylaw development as this review continues.

Steep Slopes and DPA6

Out of the advisory committee meetings, the consultant received a number of questions around implementing a revised steep slope methodology in the OCP. Questions were raised around the identified moderate and high slope classifications **being** implemented and whether that was sufficient, was the proposed mapping any more accurate than the previous mapping and was there a need for a change the existing slope classification and mapping? As a result of these questions, at one of the next advisory committee meetings a member of Ryzuk and Associates will be in attendance to answer those more technical questions.

It is anticipated that whatever mapping is chosen there will be a strong desire to work closer with the CRD's building inspection department. The building inspectors can require a geotechnical assessment prior to the start of any building. By collaborating, the intent would be to lessen duplication, costs and time of processing applications.

Drinking Water Watershed DPA

Most of the discussion to date has centered on the RAR implementation and the steep slope revision. Not much discussion has been centered on drinking water watershed protection, although given recent news articles, the protection of drinking water is key to all who live on the Island. Through the *Local Government Act* and implementing DPAs, many communities protect their valuable drinking water sources.

In the Salt Spring Official Community Plan there are policies that speak to the need to protect the community water supply watershed's through encouraging subdivisions that protect these sources, encouraging buffers, to development of policies that encourage protection, to managing development in watershed areas, improving septic field siting, and utilizing "Development Potential Donor Areas". In Section B.8.1.2.8 it states, "The Local Trust Committee should give consideration to the protection of community water system watersheds through designation as development permit areas." That is the direction we will take.

There is still need to meet with the public and others to identify where they see the issues in these watersheds. Is it the impact of development, clear cutting large parcels, new residential development along the lakes, increased density, agriculture, etc.? Once a clear understanding of where a DPA can be beneficial staff will initiate looking at the objectives and guidelines and the associated mapping. Much information can be obtained from the St. Mary and Cusheon Lake Management Plans, but whether that information can or should be extrapolated to the other lakes in the drafting of the DPA is uncertain.

Next Steps

One of the next steps will be to review the proposed mapping of the DPAs as an overlay with the existing DPA mapping to discuss the differences with the advisory committees. As stated further meetings will be held to ensure there is more dialogue into the review process. Experts will be in attendance at the advisory committee meetings and at the public forums to answer those technical questions or those that require additional insight such as requiring a qualified environmental professional (QEP) to be involved. These meetings are planned to start on February 23rd and 24th. In addition to the public forums being held on RAR, there will be an additional meeting held on the evening of the 23rd to address concerns of the agricultural community regarding the RAR implementation.

Discussions are being had with the Regional Planning Manager regarding how staff can further assist landowners with their development permit applications in an effort to lessen cost and time through improved understanding of what is required of the landowners. For instance, planners may be able to assist in identifying watercourses when conducting site visits or using the office mapping to identify specific DP areas for clarification. There are also ways to streamline the existing DP approval process by delegating authority to staff to approve specific DPs providing they meet the established OCP guidelines. As well, the DP process could be reduced to lessen the times the application is before the LTC to just one and base the referral to the advisory committees on staff rationale and type of DP. Staff will be looking at all opportunities to improve the DP process for landowners.

STAFF COMMENTS:

Staff will continue with the Environmental DPA Review as per the resolutions of January 14, 2011 by the Local Trust Committee. However, with the LTC's approval will proceed with improved public education and consultation forums in February and March as well as additional advisory committee meetings.

Staff will continue to educate the public through the use of public meetings, advisory committee meetings, the newspaper, the webpage, brochures and individual meetings as required. Again the focus will be to ensure that DPAs are not too onerous to implement from both an administrative and landowners point of view which will be the key to their success. This will be the focus of bylaw development as this review continues.

Staff also recognizes that the stated timeline for bylaw adoption by June 2011 is somewhat flexible given the need to incorporate input from the public into the development of the bylaw amendments, but recognizing that to carry the process much further into the summer would be not be desirable. Therefore, staff is aware that a timeline still exists that must be worked with incorporating the improved public education and consultation.

RECOMMENDATION:

1. That the Salt Spring Island Local Trust Committee directs staff to continue with Environmental DPA Review and public consultation process as stated in the report entitled, *Environmental Development Permit Areas Review Update and Next Steps*, towards gathering information to draft the necessary bylaw amendments.
2. That the Salt Spring Island Local Trust Committee directs staff to meet with the Environmental and Planning Advisory Committees during the day on February 24th, 2011. This meeting would involve the participation of a QEP.
3. That the Salt Spring Island Local Trust Committee directs staff to hold additional meetings with the advisory committees at the request of the Chairs to deal specifically with the OCP Environmental DPA Review.
4. That the Salt Spring Island Local Trust Committee directs staff to amend the draft Landowner's Guide to Development Permits as per Local Trust Committee input, and to have it reviewed by the Islands Trust Communication Specialist prior to making it publically available.

Prepared and submitted by:

Kris Nichols, Consultant

Date

Concurred by:

David Marlor, MCIP Regional Planning Manager

February 3, 2011

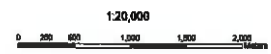
Date

Attachments:

1. Ministry of Environment's 24 RAR Designated Watersheds
2. C.N. Ryzuk and Associates Geotechnical Steep Slope Mapping
3. Draft Landowner's Guide to Development Permits

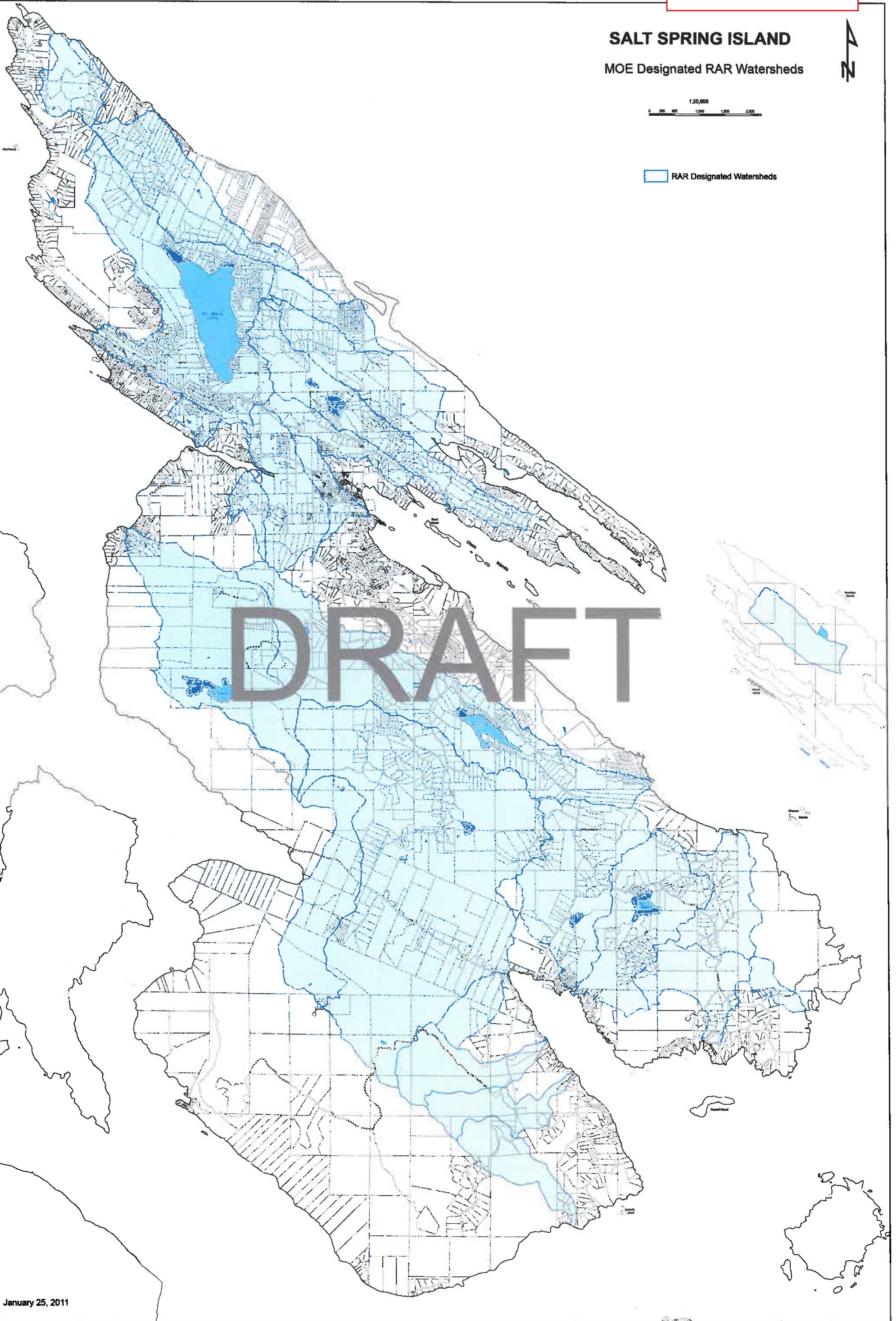
SALT SPRING ISLAND

MOE Designated RAR Watersheds



 RAR Designated Watersheds

DRAFT





**SALT SPRING ISLAND
OFFICIAL COMMUNITY PLAN
Steep Slope Hazard Mapping**

Development Permit Area 6

Draft for Discussion Purposes

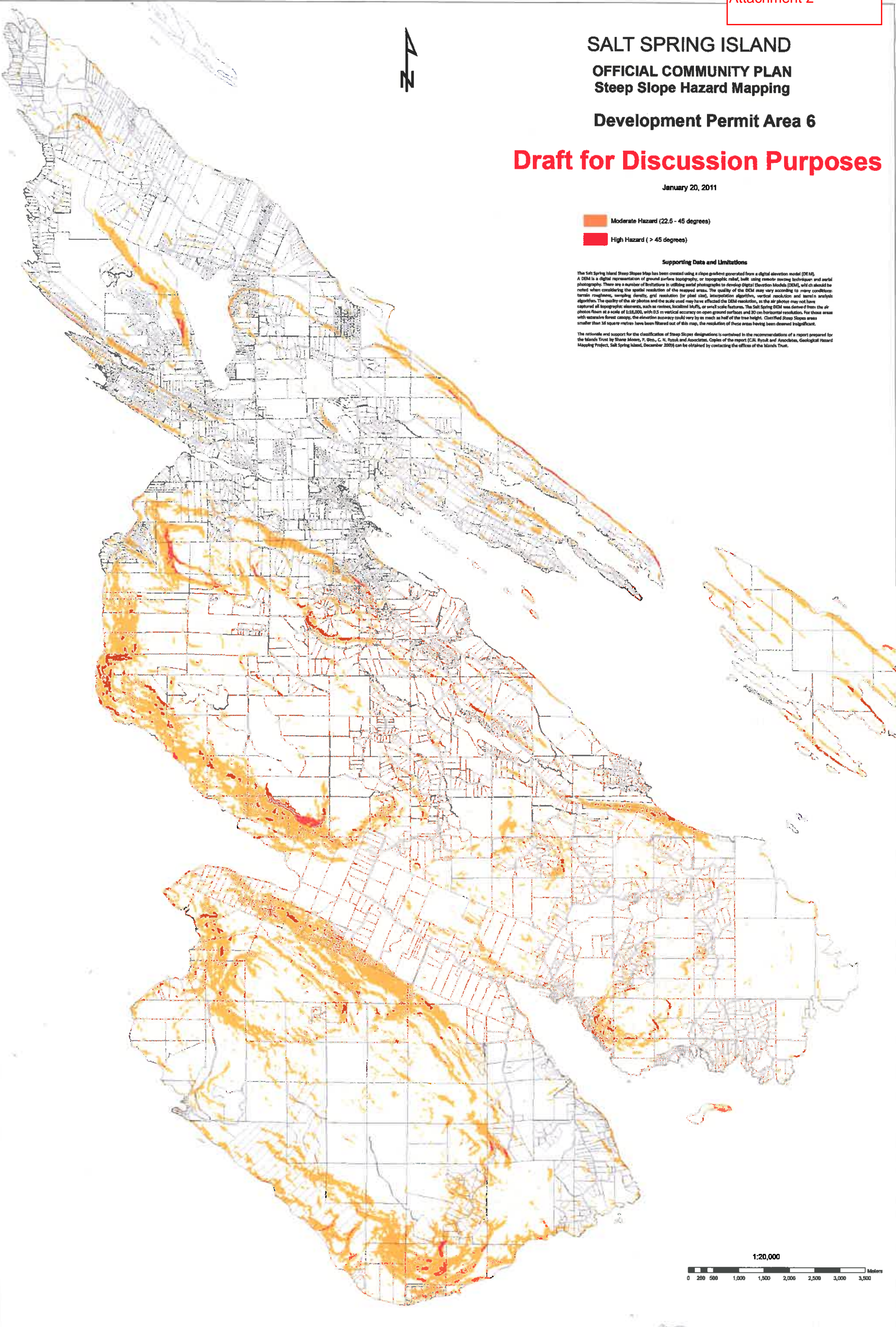
January 20, 2011

-  Moderate Hazard (22.5 - 45 degrees)
-  High Hazard (> 45 degrees)

Supporting Data and Limitations

The Salt Spring Island Steep Slope Map has been created using a slope gradient generated from a digital elevation model (DEM). A DEM is a digital representation of ground surface topography, or topographic relief, built using remote sensing techniques and aerial photography. There are a number of limitations in utilizing aerial photographs to develop Digital Elevation Models (DEM), which should be noted when considering the spatial resolution of the resulting areas. The quality of the DEM may vary according to many conditions: terrain roughness, sampling density, grid resolution (or pixel size), interpolation algorithm, vertical resolution and terrain analysis algorithm. The quality of the air photos and the scale used may have affected the DEM resolution, as the air photos may not have captured all topographic elements, such as ridges, localized bluffs, or small scale features. The Salt Spring DEM was derived from the air photos flown at a scale of 1:8,000, with 0.5 m vertical accuracy on open ground surfaces and 30 cm horizontal resolution. For those areas with extensive forest canopy, the elevation accuracy could vary by as much as half of the tree height. Classified Steep Slope areas smaller than 36 square metres have been filtered out of this map, the resolution of these areas having been deemed insignificant.

The rationale and support for the classification of Steep Slope designations is contained in the recommendations of a report prepared for the Islands Trust by Shane Moore, P. Geo., C. H. Rybak and Associates. Copies of the report (C.H. Rybak and Associates, Geological Hazard Mapping Project, Salt Spring Island, December 2009) can be obtained by contacting the offices of the Islands Trust.



Step 2 — Submit an Application

Complete a Development Permit application form (<http://www.islandstrust.bc.ca/lup/pdf/dpapplication.pdf>) and submit it to the Islands Trust office, with the applicable fee. Islands Trust staff will assist you with your application. The following information is required with your application:

- A recent State of Title Certificate indicating the owner(s) name. If the applicant is an agent of the owner, then a letter of authorization is required from the owner(s). The State of Title Certificate will also indicate if there are any covenants or easements that may affect the proposed development. A copy of any covenants or easements must be included.
- A brief description of the proposed development.
- One full-scale and three reduced copies of suitably scaled plans. Your drawings should be titled and contain pertinent information about setbacks, building heights, the number of parking stalls, etc. as detailed in the application form and required in the specific development permit area.
- A plan signed by a BC Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to the lot and zoned boundaries, water courses, wells and the sea, and in relation to other buildings on the lot may be required depending upon your application and local bylaws.

Step 3 — Application Review

Once a complete application is received, planning staff will evaluate your proposed development against development permit guidelines, zoning regulations, and policies contained in the Official Community Plan and the Islands Trust Policy Statement. The application review may involve outside agencies such as the Ministry of Transportation, Ministry of the Environment, the Capital Regional District and/or Health Inspectors. Staff cannot initiate review of your application until it is deemed to contain all the needed information, so the more complete your application is the faster staff are able to start the review process.

Step 4 — Preliminary Consideration by Local Trust Committee

Staff will prepare a preliminary report for consideration of the Local Trust Committee

Step 5 — Referral to Advisory Group

Your application may be referred by the Local Trust Committee to an advisory body for review and comment such as the Environmental, Agricultural or Planning Advisory Committees. The advisory group may provide advice to the Local Trust Committee regarding the design of projects and whether the project meets the guidelines set out for the Development Permit Area. You will be expected to present your proposal to the advisory group.

The advisory group may recommend to the Local Trust Committee one of the following:

- approve the project to proceed;
- approve the plans with conditions to be met; or
- require major revisions to the plan and a second presentation to the advisory group

Step 6 — Consideration by Local Trust Committee

Staff will prepare a report for consideration by the Local Trust Committee. The report will include supporting documentation, any recommendations of the advisory group and a staff evaluation and recommendations. The Local Trust Committee will approve the application and recommend that the permit be issued, table the application pending receipt of additional information, or reject it.

Step 6 — Development Permit Decision

A Development Permit will be approved and issued if the Local Trust Committee is satisfied that the project meets the applicable guidelines for the Development Permit Area outlined in the Official Community Plan. Once approved, the conditions of the Development Permit are binding on existing and future owners.

Approval of a Development Permit may be subject to certain conditions such as a Letter of Credit to secure landscaping, or a security deposit to complete unfinished work or correct an unsafe situation. Once these conditions have been met, staff will forward a draft Development Permit to the Local Trust Committee for issuance.

Once issued, Islands Trust staff will file a notice with the Land Titles Office to register the Development Permit on the title of the property. A copy of the Permit will be sent to the owner and appropriate agencies and a copy will be maintained on file at the Islands Trust office.

During any required final building or site inspections, the conditions listed in the issued development permit will be compared with the actual development to ensure that all conditions of the Permit have been met. If securities were obtained for compliance and compliance has been proven any posted securities deposited with Islands Trust will be returned to the applicant.

All Development Permits will state that if construction does not substantially commence within two years of the Development Permit being issued (or an earlier date specified in the Permit), the permit will lapse and reapplication required.

For Further Information:

E-mail address: ssiinfo@islandstrust.ca
Website: www.islandstrust.bc.ca
Phone: 250-537-9144
Fax: 250-537-9116
Mail: 1-500 Lower Ganges, Salt Spring Island, V8K 2N8
In Person: 1-500 Lower Ganges Road (the Hydro Building)
Office Hours: 8:30 am-4:30 pm Monday – Friday

**THIS BROCHURE IS FOR GENERAL GUIDANCE ONLY.
IT IS NOT MEANT TO REPLACE BYLAWS OR OTHER
LEGAL DOCUMENTS.**

Item 14.1
Attach. 3



Islands

Salt Spring Island Landowner's Guide to Development Permit Areas & Development Permits

THIS GUIDE PROVIDES AN OVERVIEW OF DEVELOPMENT PERMITS AND APPLICATION

What is a Development Permit?

Development Permits are a planning tool for sites, buildings and structures that warrant special protection or development control. They are established to guide development not prohibit it. The guiding principle for the use of Development Permits is found within Section 919.1 of the Local Government Act which states that an official community plan (OCP) may establish development permit areas to:

- protect the natural environment, its ecosystems and biological diversity;
- protect the development from hazardous conditions;
- protect farming;
- revitalize an area in which a commercial use is permitted;
- establish objectives for the form and character of intensive residential development;
- establish objectives for the form and character of commercial, industrial or multi-family residential development;
- establish objectives to promote energy conservation;
- establish objectives to promote water conservation;
- establish objectives to promote the reduction of greenhouse gas emissions.



Islands Trust

What are the Development Permit Areas (DPA) on Salt Spring Island?

DPA 1 – Island Villages

Used to guide the community's most significant, concentrated and visible new development so that it is compatible with existing buildings, with the natural environment and with community objectives for villages.

DPA 2 – Non-Village Commercial and Industrial

Used to guide large new commercial and industrial development in order to reduce potential conflicts with neighbouring properties.

DPA 3 – Shoreline

Used to guide development to eliminate possible degradation of shoreline waters and natural fish and wildlife habitat within the shoreline environment.

DPA 4 – Lakes Streams and Wetlands

Used to guide development to eliminate possible detrimental impacts on fish and wildlife and riparian habitat in and around lakes, streams and wetlands.

DPA 5 – Community Well Capture Zones

Used to guide development to eliminate possible degradation of well water quality in community drinking water systems.

DPA 6 – Unstable Slopes and Soil Erosion Hazards

Used to guide development in areas identified as having a high hazard for slope instability or soil erosion.

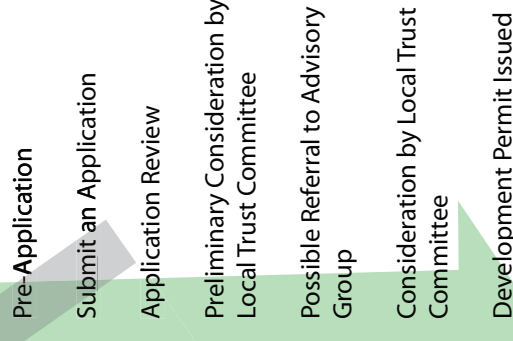
For more detail got to:

<http://www.islandstrust.bc.ca/ltc/ss/pdf/ssbylbaseocp434vol2.pdf>

When Do You Need to Apply For a Development Permit?

- * when you propose to: subdivide land, construct, add to or alter a building or structure or alter land designated within a development permit area, unless that activity is specifically exempted as stated by provisions in the Official Community Plan, or
- * when you want to amend an existing Development Permit

What is the Development Permit Application Process?



Step 1 — Pre-Application

Residents are advised to contact the Planning Office before making any alteration to their land or before submitting your development proposal, to review bylaws, policies, and regulations that may affect your proposal.

Before submitting a Development Permit application, review of the following regulations will be useful:

- Zoning maps, land use bylaws, and other applicable bylaws
- Development Permit Area Guidelines
- Other agency requirements (e.g. CRD, Ministry of Transportation, Ministry of Environment)
- Specific Requirements: In some cases, you may need to hire a qualified professional consultant to address specific concerns with your application (e.g. engineers, biologists, qualified environmental professional (QEP), etc.)