

# AGENDA

Regional District of Nanaimo  
Electoral Area 'A' Official Community Plan Review Citizen's Committee

Monday January 10, 2011 @ 6:30 pm  
(North Cedar Improvement District Fire Hall - 2100 Yellow Point Road)

1. **Minutes**  
Adoption of the November 8, 2010 meeting notes - page 2
2. **Yellow Point Aquifer Protection Development Permit Area**  
Amended draft Development Permit Area - page 6  
Discussion and committee recommendation
3. **North Cedar Improvement District Wellhead Protection**  
North Cedar Improvement District Correspondence - page 9  
Wellhead protection strategy - page 11  
Discussion and committee recommendation
4. **Draft OCP**  
Opportunity to discuss the latest draft OCP revisions  
Digital copies available
5. **Other**  
OCP process  
Next meeting

**Regional District of Nanaimo**  
**Summary of the Electoral Area 'A' Official Community Plan Review**  
**Citizen's Committee Meeting Held on Monday, November 8, 2010 at 6:30pm**  
**At the North Cedar Improvement District Hall**  
**2100 Yellow Point Road**

Joe Burnett	Committee Chair
Mike Hooper	Committee Member
Ray Digby	Committee Member
Jill Maibach	Committee Member
Brian Collen	Committee Member
Jack Anderson	Committee Member
Garry Laird	Committee Member
Joanne McLeod	Committee Member
Henrik Kriberg	Committee Member
Geoff Macaulay	Committee Member
Devon Wyatt	Committee Member
Chris Pagan	Committee Member
Anne Fiddick	Committee Member
Donna Sweeney	Committee Member
Mike Donnelly	Manager of Water Services
Christina Metherall	Drinking Water and Watershed Protection Coordinator
Greg Keller	Senior Planner
Stephen Boogaards	Recording Secretary

### **CALL TO ORDER**

The meeting was called to order at 6:30 pm by the Chair. There were approximately 18 people in attendance.

### **MINUTES**

The Chair asked the Committee for a motion to adopt the summary of the October 18, 2010 meeting.

MOVED Ray Digby, SECONDED Geoff Macaulay, that the summary of the Area 'A' Citizen's Committee meeting held on October 18, 2010 be adopted.

**CARRIED**

### **YELLOW POINT AQUIFER PRESENTATION AND DISCUSSION**

The Chair introduced Mike Donnelly and Christina Metherall of the RDN's drinking water protection program. M. Donnelly explained that the new service was established region wide to improve information on ground water resources. Researchers are now beginning to have a concept of the ground water resources available in the region. This is information that could be put to use in the OCP.

Ms. Metherall presented on the Yellow Point Aquifer. She explained that the aquifer is very unique and areas not serviced by the North Cedar Improvement District rely on it for their water supply. Since the aquifer is made up of consolidated bedrock it can take a long time to recharge as water slowly infiltrates the fractures in the bedrock. Due to the time for recharge it is not appropriate for urban development. This differs from the Cassidy aquifer that is made up of sand and gravel that allows rapid recharge, though this can be easily contaminated. Due to the Yellow Point aquifer's supply concerns it was ranked #2 priority

bedrock aquifer for protection on Vancouver Island by the Ministry of the Environment. For comparison most RDN aquifers did not make the top 80 and Cassidy was #5.

Ms. Metherall explained several sources of information that indicated problems with Yellow Point Aquifer. The first was that the Yellow Point Aquifer was noticed to be dropping by an observation well at a potential recharge point. The well is a potential indicator of what is going on in the rest of the aquifer. Another source of information was the Area 'A' water vulnerability study which indicated that many people dependent on the aquifer are not having steady water year round and have water delivered in the summer months. Another source of information was the meetings and workshops held with well drillers, Hydrogeologists, and residents to identify water supply issues. Some of the comments from the meetings suggested that there is not ample supply of water.

Greg Keller addressed the options in the OCP for groundwater protection. He explained that the draft OCP includes policies that would apply at the time of rezoning, advocates for other agencies with authority over groundwater to act, supports water conservation efforts, and includes implementation actions such as reducing development potential or supporting groundwater monitoring. The OCP may include an introductory sentence to indicate that there are water quantity concerns in the Yellow Point Aquifer. It may include direction to support the creation of a new subdivision servicing bylaw that would require a well to be drilled and tested on each proposed lot. The OCP may also include a development permit area specifically for lands above the Yellow Point aquifer where there is a subdivision application for more than 3 lots.

The committee members discussed the buildout potential outside of the Growth Containment Boundary and the impact on water quantity in the aquifer. Mr. Keller explained that based on existing regulations there could be an additional 1000 more lots at full buildout with most of the growth potential within the agricultural lands designation. The committee also discussed the implications of conforming with the policies and land use regulations of the Cowichan Valley Regional District in Area 'H'. In CVRD Area 'H' the parcel sizes are much larger for lands designated as rural or agricultural being 12 ha. The smallest parcel size supported without community water is 2ha. There is also a water conservation zone that only allows 1 dwelling per parcel. If Area 'A' was to be consistent than minimum parcel sizes would need to be significantly increased.

Some of the committee members and public attending the meeting suggested some conflicts with the information being presented on the Yellow Point Aquifer. The RDN representatives explained that all of the information available has suggested there could be a problem. The Chair suggested that the OCP already has language in it to support more research. The committee discussed the groundwater options for the OCP and the need to act on the information that was available on the state of the Yellow Point Aquifer. The committee voted on the following options:

*General Statement in the OCP Indicating there is a concern*

CARRIED

*Consider increasing the Minimum Parcel Sizes as supported by the OCP following further Community Consultation*

CARRIED

*Policy supporting the creation of Subdivision Serving Bylaw*

CARRIED

*Aquifer Protection Development Permit Area (for all new subdivisions)*

The committee members discussed applying the development permit area to subdivisions of 3 lots or more. The suggestion was based on reasonableness, since the cost of hiring an engineer would be excessive for only two lots. The group recommended that the proposed development permit area be revised so that it would apply to all new subdivisions, not just 3 lots or more on lands above the Yellow Point Aquifer. The group also discussed possibly linking the incentives and disincentives of the sustainability checklist in with the development permit area.

CARRIED

**BOAT HARBOUR PROPOSAL**

The Chair introduced Keith Brown who is the representative for the developer of Boat Harbour. Mr. Brown explained that his client was asking that ancillary marina uses be supported in the OCP such as caretaker residence, repair shop, office and washrooms. Mr. Brown explained that the current proposed total building area represents 3000 square feet in area. However, upon further review, Mr. Brown suggested that the building footprint could be reduced to 750ft.

The committee members discussed the parking associated with the marina. Mr. Brown suggested that his client is undertaking a study to look at using small portions of the foreshore for the primary parking area. The study will be done by a marine biologist and they will compensate for any of the filled foreshore. Greg Keller explained to the committee members that the purpose for coming to this meeting is to recognise boat harbour as a transportation hub and discuss an opportunity to support marina accessory uses in the draft OCP.

The Chair recommended an amendment to proposed policy 9.2.20 that states ‘the RDN may support rezoning of land to accommodate a service repair shop, caretaker’s residence, marina office and washroom facilities with a total building area not exceeding 280m<sup>2</sup> to include wording like "This Plan supports the applicant undertaking additional community consultation prior to consideration of the application." The Chair explained that public input may revise the proposal even before the public information meeting or rezoning. This may address community concerns prior to the application being considered by the Board.

The Chair called a vote on the potential amendments:

*New objective – Support the continued use and improvement of Boar Harbour Marina*

CARRIED

*New Policy 9.2.19 – This Plan recognises the importance of the Boat Harbour Marina in providing local boat moorage and facilitating access to the outer islands including Mudge, Link, De Courcy, Ruxton and Pylades.*

CARRIED

*New Policy 9.2.20 – The RDN may support rezoning of land to accommodate a service repair shop, caretaker’s residents, marina office, and washroom facilities with a total building area not exceeding 70m<sup>2</sup>.*

CARRIED

## KIPP ROAD PROPOSAL

Greg Keller explained the planning rationale for the option and that from a planning perspective the subject properties may not be suitable for residential use given their proximity to Kipp Road, VMAC, and the Trans Canada Highway. The request being brought forward by the proponent is for the draft OCP to support the expansion of the South Wellington Light Industrial designation to include four properties. Mr. Keller explained that lot 4 should have been identified in the agenda package as one of the properties within the potential expansion area. He suggested that based on the input received so far the community was split on the issue and that it was clear that there are some community members and a community group who oppose the amendment and others who support it. Mr. Keller indicated that the recommendation is a compromise between the two positions. Mr. Keller explained that the OCP could support the lands as a potential expansion area for South Wellington Industrial Area, and support changes to the Regional Growth Strategy based on the outcome of an industrial lands needs assessment. This could help justify the need for more industrial land in this location.

The group discussed the options for the property and the petition that was circulated within the community. Some of the members expressed concern that the question being circulated was not clear to those signing the petition. Also concerns that many of the addresses were for business or for people living outside of the area. Emphasis was on the precedence for continued expansion of the industrial area. Other members expressed support and indicated that the properties do not have potential for residential use and future industrial uses will bring jobs to the community.

The committee members voted on the possible amendment to the OCP for the Kipp Road properties. One of the committee members recommend a change of wording to the proposal to have a conditional statement that limits support for industrial expansion so that the OCP would only support expansion if the industrial needs assessment justifies an expansion.

The Committee voted on the following amendment:

1. *That the subject properties be identified as a potential expansion of the South Wellington Light Industrial Commercial Area subject to completion of the following:*
  - i. *following the adoption of the new RGS, an RDN initiated region-wide industrial commercial needs assessment is conducted;*
  - ii. *that study supports the expansion; and,*
  - iii. *the RDN amends the RGS to support industrial uses on the subject properties.*
2. *That the subject properties be identified as a potential expansion to the South Wellington Industrial Commercial Development Permit Area.*

CARRIED

## ADJOURNMENT

The meeting was adjourned at 9:22 pm.

Certified correct by:

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Director Joe Burnett, Committee Chairperson

## **Yellow Point Aquifer Protection Development Permit Area**

### **PURPOSE:**

This Development Permit Area (DPA) has been designated pursuant to the following sections of the *Local Government Act*:

- i. 919.1(a): *protection of the natural environment, its ecosystems and biological diversity.*
- ii. 919.1(i): *establishment of objectives to promote water conservation.*

### **AREA:**

This DPA is intended to ensure that new subdivision does not have a negative impact on groundwater levels both on the subject property and on adjacent properties on lands located above the Yellow Point Aquifer as shown on Map No. 9 of this Plan. It is also intended to require water conservation measures to reduce water use and protect drinking water supplies for existing residents.

### **JUSTIFICATION:**

The Yellow Point aquifer is a fractured sandstone bedrock aquifer east of the Island Highway. It stretches from Duke Point in the north down to Ladysmith Harbour in the south. The Yellow Point aquifer is composed of compacted mud and sandstone layers known as the 'Nanaimo Group'. Unlike the highly productive Cassidy aquifer nearby, the Yellow Point aquifer is a very 'low producing aquifer' with 'low permeability' and 'low porosity'. That means that this type of rock has a limited ability to store and produce water and that when water is removed from this aquifer it can take a long time to recharge, or 're-fill'. This type of aquifer is not well suited to large extractions or urban development. Several sources, including a 2010 Ministry of Environment study, the 2009 RDN Electoral Area 'A' Groundwater Assessment and Vulnerability report, and a recent Drinking Water and Watershed Protection Program public consultation process have indicated that some areas may be experiencing water supply issues in this aquifer. There are indications that water may be being extracted faster than it can be re-filled. If this continues, a point may be reached (or may have already been reached) where further extraction and further development is no longer sustainable.

### **APPLICABILITY:**

A development permit is required for the following activities unless specifically exempt:

1. subdivision of land as defined in the [Land Title Act](#) or the [Strata Property Act](#); and,
2. construction, alteration, or erection of a dwelling unit(s).

### **EXEMPTIONS:**

The following activities are exempt from requiring a development permit:

1. Subdivision of land which is solely lot consolidation, lot line adjustment, creation of park land or other protected area, any other form of subdivision which does not result in additional lots being created.
2. Subdivision where the sole use of all proposed parcels is forestry, agriculture, or other use which does not include a dwelling unit or residential use.
3. Land alteration, construction and or alteration accessory buildings and structures.

### **GUIDELINES:**

## **A. General Guidelines**

1. Where property is proposed to be subdivided and more than three parcels, including the remainder (if applicable) are proposed, the RDN shall require the applicant to supply a report prepared by a professional Hydrogeologist or Engineer registered in the province of British Columbia and experienced in hydrogeological investigations which must include the following:
  - i. an assessment of the characteristics and behavior of the aquifer at its most stressed time of the year which includes 2 cross sections which define the groundwater body and determine where the water comes from. The assessment must also examine the location of proposed wells and their interaction with the Yellow Point Aquifer;
  - ii. the results and professional interpretation of a minimum 72 hour pumping test;
  - iii. an assessment of seasonal water table fluctuations and the ability of the Yellow Point aquifer to provide a sustainable water supply which satisfies the additional groundwater demand without impacting adjacent rural properties or restricting or limiting the availability of water supply for agricultural irrigation;
  - iv. an assessment of the potential for salt water intrusion as a result of the proposed water extraction which is required to service the proposed development; and,
  - v. identification of key recharge points located on the subject property and recommend measures to protect them.
2. The RDN may require, at the applicant's expense, and to the satisfaction of the RDN, a Section 219 Covenant registering the Hydrogeologist's and/or Engineer's report on the title of the subject property.

## **B. Siting of Buildings and Structures**

3. Dwelling units must be sited with provisions which allow for the 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.

## **C. Form and exterior design**

4. Dwelling units must be designed to maximize opportunities for rainwater catchment from all roof surfaces.

## **D. Specific features in the development**

5. Impervious surfaces must be minimized. The use of impervious paved driveways shall be discouraged.
6. Where rainwater management is required, rainwater must 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.

## **E. Machinery, equipment, and systems external to buildings and other structures**

7. The RDN may require that all new dwelling units include an external rainwater harvesting system which includes the following:

- a. external equipment for collecting and distributing rainwater off of the dwelling unit roof;
  - b. 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;
  - c. a pumping system;
  - d. an overflow handling system;
  - e. provisions and or the ability to add provisions at a later date to the rainwater harvesting system that facilitate future connection to the dwelling unit for non-potable use such as pipe fittings, screens, supplementary water connection and float switch to maintain a minimum water level, a backflow prevention system and other safety mechanisms to prevent cross contamination of the drinking water supply.
8. All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with "*Non-Potable Water Do Not Drink*".
  9. Although not a requirement of these Development Permit Area Guidelines, where external rainwater harvesting equipment is required, the RDN 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. The RDN shall assist the applicant to obtain the necessary building permit approvals.
  10. The RDN may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The RDN may require an agreement be registered on title to allow the RDN to access the property to collect the data from the device.

DRAFT



# North Cedar Improvement District

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District File: RDN re: OCP

November 19, 2010

Regional District of Nanaimo  
Attention: Greg Keller  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Mr. Keller:

**RE: OCP Area "A" – Covenant and/or Development Permit**

The Board of Trustees requested that I write to you, requesting that the RDN include in the OCP for Area "A" either a covenant and/or a development permit for the districts wells. We request that the covenant and/or development permit be specific to the properties surrounding the districts water source. We want the covenant and/or development permit to protect our water source and aquifer against activities which could reduce their suitability as sources of domestic water supply. These covenants and/or development permits will be specific to Wellhead Protection.

As part of this protection we request that all development within the Wellhead Protection Area be required to connect to a community sewer system. That no property owner be allowed to install and/or store any tanks or containers for large quantities of fuel for all future developments. That regular soil testing becomes mandatory on all properties that still use manure, fertilizer and pesticides to help maintain a balance between the nutrients crops require and the nitrates being leached into the aquifer.

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Looking forward to having the above included in your OCP for Area "A: Should you need any further information or have any concerns regarding our request, please do not hesitate to call.

Yours truly,



Heather Sarchuk  
Administrator

:hs

cc: Carol Mason  
Joe Burnett Area A Director  
Area A Advisory Committee

**A Shared Community Vision  
Electoral Area 'A' Official Community Plan Review  
Proposed Wellhead Protection Strategy**

The North Cedar Improvement District (NCID) is responsible for providing community water to lands located in Cedar and Cedar by the Sea in Electoral Area 'A' of the Regional District of Nanaimo. NCID extracts its water from community wells located on a property on York Road and a well located on property on Wilkinson Road. Through the Official Community Plan (OCP) review process an opportunity was identified to consider including a wellhead protection strategy in the draft Official Community Plan to assist the NCID and the community protect its water supply.

A letter dated November 19, 2010 was received from the NCID regarding wellhead protection. In summary, NCID has requested that the draft OCP include the following:

- i. a covenant and/or Development Permit Area for lands surrounding the District's Wells to protect the wells against activities which could reduce their suitability as sources of domestic water supply (ex: septic disposal fields in close proximity the wellhead);
- ii. a requirement that all development within the a given distance of the community wells be required to connect to a community sewer system;
- iii. a restriction on the installation and use of tanks which store large quantities of fuel; and,
- iv. a requirement for regular soil testing on all properties which use manure, fertilizers, and pesticides to help maintain a balance between the nutrients crops require and to ensure that these products and potential contaminants do not leach into the aquifer.

Given the limitations of an OCP as a policy document and local government jurisdiction, not all of the NCID's requests can be accommodated in the draft OCP. However, given the importance of wellhead protection, the following three part strategy for wellhead protection has been drafted for the Committee's consideration. If the Committee supports the following strategy, the draft OCP will be amended to include it prior to 1<sup>st</sup> and 2<sup>nd</sup> reading.

**Part 1: Use of Development Permit Area**

Both the Cedar Main Street and Nanaimo River Floodplain Development Permit Areas would be amended to include guidelines for environmental protection (aquifer protection) which apply to both single residential as well as multi residential, commercial, and mixed use.

1. The purpose of the DPA is to protect the aquifer from the potential impacts of new development. The DPA would require a report from a qualified professional on the measures required to protect the aquifer.
2. A Development Permit would be required for development activities within 90 metres of the NCID wells.
3. Low risk activities such as fence building, the construction of accessory buildings and structures, additions to buildings or structures, etc. would be exempt from obtaining a Development Permit.
4. The DPA could require the applicant to register a Section 219 covenant to ensure that future owners are aware of and follow the recommendations contained in the Hydrogeologist's report.

## **Part 2: Wellhead protection policies**

1. The draft OCP would include a policy(s) that identifies wellhead protection as a community interest and would support the Provincial Subdivision Approving Officer to consider wellhead protection and the registration of a covenant at the time of subdivision to ensure that lands around the wellheads are protected and to reduce the risk of potential contamination.
2. The draft would include a policy applicable to lands within the NCID's wellhead protection area and/or lands adjacent to the wellheads which encourages the RDN to work with the NCID, developers, and property owners to consider:
  - i. connection to a community sewer system (if capacity is available)'
  - ii. upgrading existing type 1 systems to a system which produces high quality treated effluent; and/or,
  - iii. to develop and undertake routine maintenance of existing septic disposal systems to ensure their longevity and maximum potential.

## **Part 3: Policies which support the acquisition of lands surrounding community wells for wellhead protection**

1. The OCP would support the use of a density bonus where additional density may be supported in exchange for land surrounding the community wells for wellhead protection provided the development is connected to community water and community sewer.
2. The OCP would also include a policy that supports the acquisition of land surrounding the community wells as a community amenity through the rezoning process or at the time of subdivision.

### **Procedural Notes:**

Should the Committee support the proposed wellhead protection strategy, the OCP will be amended in preparation for 1<sup>st</sup> and 2<sup>nd</sup> reading. Following 1<sup>st</sup> and 2<sup>nd</sup> reading of the OCP adoption bylaw, there will be an opportunity to review and refine the proposed DPA guidelines and policies.