


# Shawnigan Lake (Area B) Advisory Planning Commission

## Evaluation Framework for Watershed Land Use Applications

May 05, 2016

### Adoption by APC

Adopted on May 05, 2016 by the Shawnigan Lake Advisory Planning Commission as a tool for its use in the evaluation of watershed land use applications.

APC Chair:   
Grant Treloar

This document is adopted as a tool for decision making and expression of APC recommendations for the evaluation of watershed land use applications. It is not a component of the Official Community Plan but introduces priorities and considerations for evaluation of applications when they may not be compliant with the OCP. The APC may revise this document from time to time and vary its use as a tool for any individual application depending on the specific context or details of the application.

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## 1. Introduction

Approval of land development applications for Rural Resource zoned land in Shawnigan Lake require an exception to South Cowichan Official Community Plan policy. The framework described in this document is intended to be a tool for the Shawnigan Lake Advisory Planning Commission to use when such applications are being considered for Rural Resource zoned land within the watershed. This document also informs developers, the community, and the CVRD Board on the related community priorities and decision making framework used by the APC.

A longer term objective is to make this framework suitable as an OCP amendment to policies related to Rural Resource zoned land development in the watershed.

The Shawnigan Lake community priority for watershed lands is to restore, preserve and protect them for the benefit of the watershed and its natural function in filtering and storing water. The overall goal is clean and abundant water for the community in perpetuity.

## 2. Background

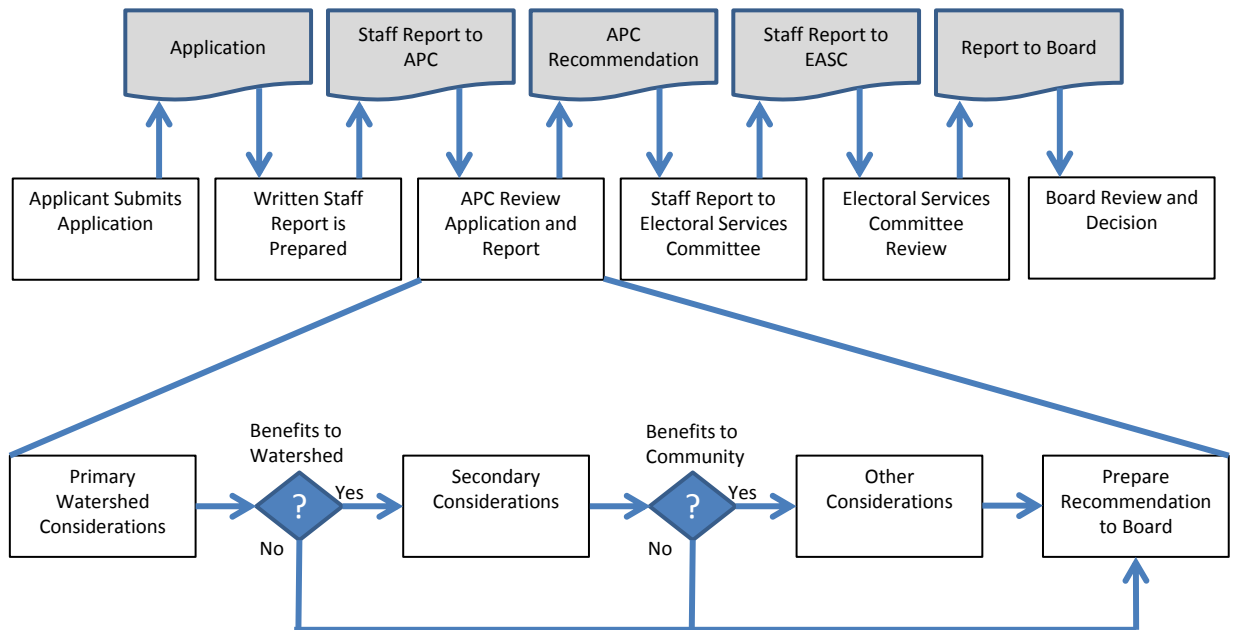
The framework is founded on existing provincial legislation and regulations, CVRD's Official Community Plan (OCP), and other standards that provide the legal authority and relevant ecological guidance required in making land use decisions. The most relevant documents are referenced below:

- [Local Government Act](#) – provides the legal framework and foundation for the establishment and continuation of local governments to represent the interests and respond to the needs of their communities.
- [Official Community Plan \(OCP\)](#) – presents a long-term vision for a community and sets out policies, priorities and guidelines for land use and community development. The policies relevant to this framework include:
  - *OCP Policy 7.5: The OCP supports the protection of the renewable forest resource for natural resource management (forestry, mining) over the long term. Forest lands will be designated as “Rural Resource” and they should not be considered a ‘land-bank-in-waiting’ for future residential development.*
  - *OCP Policy 25.5: With respect to development proposals which are contrary to the policies of this Plan, an amendment to the Plan is required before the development can be approved by the Board. The procedure for amending the Plan will comply with the provisions of the Local Government Act, including the requirement to hold a public hearing.*
  - *OCP Policy 25.8: Advisory Planning Commission (APC) input concerning OCP and zoning amendment applications regarding lands that are outside of a Village area will be dealt with in accordance with the relevant provisions of the CVRD Development Application Procedures and Fees Bylaw and the CVRD Advisory Planning Commission Bylaw.*
- [CVRD Bylaws](#) – implement the OCP policies for land use and development.
- [Advisory Planning Commission \(APC\)](#) – Established under CVRD bylaw to advise the CVRD Board or the Area Director on all matters referred to it by the Board or the Area Director related to land use, the preparation and adoption of an official community plan or proposed bylaws. The role of the APC is to make a recommendation to the Board or Area Director on the items referred to it; only the Board has decision making authority on the items.

- [Riparian Areas Regulation \(RAR\)](#) – enacted under Section 12 of the *Fish Protection Act* in July 2004, the Riparian Areas Regulation charges land owners and local governments with the protection of riparian areas during residential, commercial, and industrial development by ensuring that a Qualified Environmental Professional (QEP) conducts a science-based assessment of proposed activities.
- [Shawnigan Lake Ecosystem Based Conservation Plan](#) – The Shawnigan Basin Society has developed an ecosystem-based conservation plan that identifies biological diversity and ecological processes in the watershed. The plan will assist the community and individuals in implementing ecologically responsible human uses. The plan is expressed in a map reference layer with descriptions for identifying and analyzing watershed ecosystems and impacts from land use changes.

### 3. The Application Process

The CVRD land development application process is described in Bylaw 3275. The APC role in the overall process is shown below.



### 4. Policy Statement

**Scope:** This document is specific to applications referred to the APC for land use change and subsequent development of Rural Resourced zoned lands within the boundary of the Shawnigan Lake watershed where application approval would require an amendment to the South Cowichan Official Community Plan policies.

***Policy Statement:***

***An application for land use change within the Rural Resource zone needs to be consistent with the objectives of the OCP as modified by the Watershed Master Plan and the Riparian Areas Regulation.***

## 5. Land Use Change Application Requirements

Set out below are the *primary considerations* that must be satisfactorily addressed in the application before any further consideration of the application will be undertaken. Successful applications to convert land from Rural Resource zoning to something different will provide net ecological benefits to the watershed.

A number of *secondary considerations* will also be factored into the review only after all primary considerations are met. These include the potential for net social and economic benefits to the community.

### 5.1 Primary Considerations

Net ecological benefits are defined in terms of a number of ecological attributes including the following:

REF	ATTRIBUTE DESCRIPTION
P-A	Streams, wetlands, and lakes to store and filter water.
P-B	Natural covers to store and filter water and control water flows, erosion and silt.
P-C	Soils and geology that allow infiltration of water to recharge groundwater aquifers and water wells as a source of water of abundant, clean, community water.
P-D	The natural functions of the sub-basin containing the parcel and surrounding parcels, the connectivity of streams and aquifers, and the retention of natural drainage paths related to current and proposed land use.
P-E	Opportunities to restore land that currently has negative or no benefits to the watershed. Examples include the conversion of a gravel pit to forested land or other uses with amenities that have indirect benefits to the watershed or community.
P-F	Compliance with the Riparian Area Regulations (RAR) to protect the many and varied features, functions and conditions that are vital for maintaining stream health and productivity.
P-G	Amenity contribution of forest land to provide ecologically managed forests with continuous forest cover in perpetuity.
P-H	Conservation of the most sensitive areas to ensure the continuing integrity of area ecosystems.
P-I	Opportunities to minimize the cumulative impact from developments in the immediate area and in the overall basin.

## 5.2 Secondary Considerations

Net social and economic benefits are defined in terms of a number of attributes such as:

REF	ATTRIBUTE DESCRIPTION
S-A	The visual impact of the development should not impair the viewscales of existing developments or the appearance of the area for tourism
S-B	Opportunities for sustainable economic impacts beyond direct, one time real-estate/construction revenues should be considered, such as food production, recreation, or education
S-C	The building and road footprint created should be small and concentrated rather than sprawled over the landscape
S-D	Motorized access to upland watershed areas should be curtailed.
S-E	Connectivity to parks and trails should be provided.

## 6. Guidance to the Advisory Planning Commission (APC)

The applicant should become familiar with the reference material described in Sections 2 and 3 above to appreciate the legal, policy and scientific basis for APC evaluation.

The onus is on the applicant to submit credible and impartial ecological assessment(s) to enable completion of the evaluation of ecological impact by the APC. The APC may seek advice from the Ecological Design Panel (EDP) and site visit findings as required to evaluate an application.

The following guidance sections are intended to inform the APC and other interested parties on the scope of the ecological assessment requirements, and to provide a checklist for the APC in evaluating the applicant's ecological assessment. The assessment guidance suggests information that may be provided to support evaluation in quantitative or qualitative terms. The APC may revise the policies and guidance in this document from time to time to maintain a useful tool for evaluation.

### 6.1 Guidance – Primary Considerations

Note: **Assessment Guidance** describes the information that demonstrates how an attribute will be addressed if appropriate.

Attribute	Assessment Guidance
P-A: Streams, wetlands, and lakes to store and filter water	Topographical map indicating existing and proposed Quantitative aspects – area, length Qualitative aspects – current conditions, potential or desired future conditions
P-B: Natural covers to store and filter water and control water flows, erosion and silt	Identify the presence of : <ul style="list-style-type: none"> <li>• representative forest ecosystems.</li> <li>• species at risk, sensitive ecosystems, critical wildlife habitat actual or potential and their current status. (refer to Provincial and Federal inventories, current management objectives).</li> </ul>

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Attribute	Assessment Guidance
	Recognize the quality/ growth capacity of the forest land so that excellent grow sites are given more credit/value.
P-C: Soils and geology that allow infiltration of water to recharge groundwater aquifers and water wells as a source of water of abundant, clean, community water	
P-D: The natural functions of the sub-basin containing the parcel and surrounding parcels, the connectivity of streams and aquifers, and the retention of natural drainage paths related to current and proposed land use.	
P-E: Opportunities to restore land that currently has negative or no benefits to the watershed. Examples include the conversion of a gravel pit to forested land or other uses with amenities that have indirect benefits to the watershed or community	Restoration and forest management plans
P-F: Compliance with the Riparian Area Regulations (RAR) to protect the many and varied features, functions and conditions that are vital for maintaining stream health and productivity.	<p>Identification of wetlands, streams with Riparian Reserve Zones (RRZ)</p> <p>Riparian Management Zones (RMZ) (hydrological features) which significantly influence the sub-basin which contains the site (areas within)</p>
P-G Amenity contribution of forest land to provide ecologically managed forests with continuous forest cover in perpetuity.	<p>The benchmark for best case is 85% of the land is preserved for managed forestry (Elkington Forest, for example).</p> <p>Least acceptable may be 50% to 60% depending on the size of the land area, the quality of the application and the natural productivity of forested land area.</p> <p>The importance of an application's contribution to ecological benefits can be assessed using the Ecosystem Based Conservation Plan.</p>
P-H Conservation of the most sensitive areas to ensure the continuing integrity of area ecosystems.	<p>Land protection mechanisms should meet objectives for protection, control over use (with viable enforcement options) and low maintenance costs.</p> <p>Mechanisms may include any of the following:</p> <ul style="list-style-type: none"> <li>• Publically owned (CVRD owned park land, for</li> </ul>

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Attribute	Assessment Guidance
	<p>example)</p> <ul style="list-style-type: none"> <li>• Held by a Community Trust with certain permitted uses and a method for enforcement.</li> <li>• Covenants with a method for enforcement.</li> <li>• Methods for enforcement are effective.</li> </ul>
<p>P-I: Opportunities to minimize the cumulative impact from developments in the immediate area and in the overall basin.</p>	<p>A cumulative impact assessment of an application should describe how one or more cumulative impacts to the environment and community would be managed.</p> <p>For example: what are the septic system densities and capacity by area and overall in the basin; what are the responses to increased traffic on roads; what is the future capacity of fire protection services by area. Management plans that address the cumulative impacts of development should be a component of neighbourhood development plans and ensure that development is managed in an integrated manner over time.</p> <p>The Ecosystem Based Conservation Plan combined with other CVRD map layers provide a reference for analyzing cumulative impacts.</p> <p>All development should be assessed according to the ecological carrying capacity of the entire watershed. The scale of development should be consistent with the rural nature of the area in which it is proposed and within the carrying capacity of the land area for water supply, sewage treatment and drainage.</p> <p>Factors for consideration include:</p> <ul style="list-style-type: none"> <li>• Ecological standards or targets for each sub-basin or area within the watershed including an ecological sensitivity rating (<a href="http://www.silvafor.org/">http://www.silvafor.org/</a>). Specific community objectives for a parcel or its sub-basin may develop over time and be supported in basin and community plans.</li> <li>• Evaluate against such standards based on the location of the properties included in the application and consider anticipated changes in ecological value over time.</li> <li>• Since an application may include restoration of an area of low current value, the outcome proposed to be delivered by an application should be evaluated, including future ecological values to the watershed.</li> <li>• A higher value should be given for preservation over</li> </ul>

Attribute	Assessment Guidance
	<p>restoration to avoid pre-development logging.</p> <ul style="list-style-type: none"> <li>• For land that has very poor current conditions, a viability assessment of the restoration effort needs to be complete before the application can be evaluated.</li> </ul> <p>The areas of measurement should be grouped or prioritized by importance to yield a list of most critical areas. For example, development would not be viable if the following critical areas of need are not adequately addressed:</p> <ul style="list-style-type: none"> <li>• Fire safety.</li> <li>• Ecological carrying capacity.</li> <li>• Serviceability: water, sewage treatment, and drainage and vehicle access below 8% grade.</li> <li>• One metre above the water table or high lake level.</li> <li>• Water supply from sources other than the lake (roof water capture and potable water wells, for example).</li> <li>• Outside of core service areas. Natural septic systems not reliant on treatment or vulnerable technology. Source/input controls.</li> <li>• Grades over 15 %.</li> <li>• Valuable soils preserved.</li> <li>• Proven system to reduce or maintain existing overland water flows.</li> </ul>

## 6.2 Guidance – Secondary Considerations

Note: **Assessment Guidance** describes the information that demonstrates how an attribute will be addressed if appropriate.

Attribute	Assessment Guidance
<p>S-A: The visual impact of the development should not impair the viewscapes of existing developments or the appearance of the area for tourism</p>	<p>Describe if and how views will change</p>
<p>S-B: Opportunities for sustainable economic impacts beyond direct, one time real-estate/construction revenues should be considered, such as food production, recreation, or education</p>	<p>Describe any activity that may / could / will result in other revenues to the community</p> <p>Public amenities should be provided or funded commensurate with the scale of development and the return on parcel development as well as the accessibility to household commodities.</p> <p>Economic activity within the development should provide a significant component of local employment that does not require</p>



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Attribute	Assessment Guidance
	<p>commuting long distances to work.</p> <p>Development and servicing costs should be fully funded by the application and not allocated to existing taxpayers.</p> <p>Transportation impacts must be identified and planned for including provisions for school buses and public transit.</p> <p>The development should contribute to solving land use, servicing and transportation problems inherited from the past.</p> <p>Development oriented to the railway and existing infrastructure.</p> <p>Fire safety, both in the development and the adjacent forest must be managed</p>
<p>S-C: The building and road footprint created should be small and concentrated rather than sprawled over the landscape</p>	<p>LEED standards (see <a href="http://leed.usgbc.org/">http://leed.usgbc.org/</a>)</p>
<p>S-D: Motorized access to upland watershed areas should be curtailed</p>	
<p>S-E: Connectivity to parks and trails should be provided.</p>	

## 7. APC Recommendation Template

### **Recommendation to the Board for Application [reference] made by resolution of the APC.**

This recommendation was prepared using the APC Evaluation Framework for Watershed Land Use Applications and includes the results of the evaluation against the considerations it includes.

#### **Recommendation Summary**

[The APC recommends acceptance of the application based on the primary and secondary considerations below and subject to the negotiation and implementation by the CVRD of the controls described below.]

[The APC recommends rejection of the application based on the primary [and secondary] considerations below.]

#### **Primary Considerations**

Net ecological benefits are defined in terms of a number of ecological attributes including the following:

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P-A	Streams, wetlands, and lakes to store and filter water.	
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REF	ATTRIBUTE DESCRIPTION	APC EVALUATION COMMENTS
P-I	Opportunities to minimize the cumulative impact from developments in the immediate area and in the overall basin.	

**Secondary Considerations** *[included only if Primary Considerations are satisfied]*

Net social and economic benefits are defined in terms of a number of attributes such as:

REF	ATTRIBUTE DESCRIPTION	APC EVALUATION COMMENTS
S-A	The visual impact of the development should not impair the views of existing developments or the appearance of the area for tourism	
S-B	Opportunities for sustainable economic impacts beyond direct, one time real-estate/construction revenues should be considered, such as food production, recreation, or education	
S-C	The building and road footprint created should be small and concentrated rather than sprawled over the landscape	
S-D	Motorized access to upland watershed areas should be curtailed.	
S-E	Connectivity to parks and trails should be provided.	

**Controls**

The recommendation is made subject to the negotiation and implementation by the CVRD of the following controls:

- Land Trust
- Special Restrictions
- Bond for compliance with regulation
- Other