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ALTA., SASK., MAN., ONT., N.W.T., NUNAVUT, TEXAS AND NEW YORK STATE

July 7, 2009

File No. NB-8062-000

VIA EMAIL

PRIVILEGED & CONFIDENTIAL

Cape Roger Curtis Legal Research Fund
Bowen Island, British Columbia

Attention: Ross McDonald

Dear Ross:

Re: Cape Roger Curtis

You have requested our advice with respect to the June 3, 2009 application for subdivision of District Lot 1548, NWD, Bowen Island Municipality ("DL 1548"). The application was submitted further to the July 7, 2006 Preliminary Layout Review ("PLR") dated July 7, 2006. Please note that this letter was prepared in a relatively short period of time and we did not get access to all municipal records on topic so it will likely be necessary to add to and revise this letter in the future. This letter is written from the perspective of the public interest of the community, with a view to identifying defects in the subdivision application that will be sufficiently onerous to address that the applicant and Municipality would be best served by a collaborative preparation of a win-win plan that satisfies the needs and objectives of the applicant and the public interest of the community.

Bylaws Adopted after Application for Subdivision Submitted

Since the subdivision application is now "in-stream", DL 1548 is exempt generally from land use bylaw amendments for a period of 12 months after the adoption of such amendments. Section 943 of the *Local Government Act* provides that if, after an application for subdivision has been submitted to an approving officer, a council adopts a bylaw under Part 26 [Planning and Land Use Management] that would otherwise be applicable to that subdivision, the bylaw *has no effect* with respect to that subdivision for a period of 12 months after it was adopted (unless the applicant agrees in writing it should have effect). Accordingly, a zoning amendment bylaw or subdivision and servicing bylaw amendment would not apply to DL 1548 for 12 months after the date of adoption.

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Rejection of Subdivision Plan

Section 85(1) of the *Land Title Act* provides that a subdivision plan must be approved or rejected by the approving officer within two months after the date it is tendered for examination and approval. Section 85(2) provides that if the approving officer rejects the subdivision plan, the approving officer must forthwith notify in writing the applicant, stating briefly the reason and the approving officer's requirements, if any. If the approving officer does not approve the subdivision application within the two month period referred to in Section 85 of the *Land Title Act*, the application is deemed to have been rejected.

If the approving officer rejects the subdivision, or does not approve the subdivision within the two month period, the applicant may apply to the Supreme Court of British Columbia under the *Judicial Review Procedure Act* to have the decision or non-decision set aside.

The approving officer may reject the subdivision application on a number of grounds, even if the application complies with the Bowen Island municipal bylaws in effect as of the date of the subdivision application. The grounds for rejection include failure to satisfy a number of requirements under applicable enactments, as well as the public interest. In regard to the latter, Section 85(3) of the *Land Title Act* provides that the approving officer, in considering an application for subdivision approval in respect of land, may refuse to approve the subdivision plan if the approving officer considers that the deposit of the plan is against the public interest.

There are numerous cases dealing with the rejection of subdivision applications. Generally, an approving officer must not reject the application based on specious information or on a totally inadequate factual basis and must not act in a manner that is too paternalistic in the circumstances.

Hearing

Section 86(1)(b) of the *Land Title Act* provides that, without limiting the authority of the approving officer to refuse to approve the subdivision plan if the approving officer considers that the deposit of the plan is against the public interest, the approving officer may, in considering the application for subdivision approval, "hear from all persons who, in the approving officer's opinion, are affected by the subdivision". Accordingly, the approving officer may hold a hearing to consider submissions of persons who are affected by the subdivision in the opinion of the approving officer. Although the approving officer may not venture into the political realm and may not act in bad faith, the approving officer must be in possession of the relevant facts when making his or her decision, and so it is not entirely uncommon for approving officers to hold hearings under Section 86(1)(b).

The public interest to be considered by the approving officer includes the "... interests of the members of the public who live in the immediate vicinity of the proposed subdivision" [*Dubuc v. Saanich (District)*, [1994] BCJ No. 1407]. An approving officer may solicit and consider the opinions of neighbours [*Grosek v. Vancouver (City)* (1981), 30 BCLR 5]. Section 86(1)(c)(i) of the *Land Title Act* provides further that an approving officer may refuse to approve the

subdivision plan if the approving officer considers that the anticipated development of the subdivision would injuriously affect the established amenities of adjoining or reasonably adjacent properties. Accordingly, the approving officer may take this into account in addition to and in the context of the submissions of persons who may be affected by the subdivision.

Concerns already expressed by members of the public who live in the immediate vicinity of the proposed subdivision include the following:

- (1) based on the subdivision application itself, there is no evidence that the 59 water wells will not cause a significant adverse impact on the existing uses made of the groundwater from existing wells that draw from the aquifer;
- (2) the existing subdivision application does not establish at all whether a well drilled contiguous to Georgia Strait is likely to cause the intrusion of salt water into the aquifer or any well that draws groundwater from that aquifer;
- (3) the existing subdivision application itself fails to establish scientifically that the existence of fractured bedrock sub-strata and the potential for sewage seepage through underground fissures to sources of well water will not contaminate sources of well water for existing users;
- (4) although the subdivision application states that there will be no impact on adjacent properties in regard to storm water management, there is no study or other information to support this;
- (5) the construction of the subdivision would require rock blasting, extensive road construction and tree cutting, resulting in substantial noise and nuisance as well as a significant number of trucks coming from off-island through existing neighbourhoods; the noise, nuisance and truck traffic will all affect the interests of members of the public who live in the immediate vicinity of the proposed subdivision.

In regard to hearing from the public generally, we are concerned that:

- (1) the municipality has not released all pertinent records requested under the access to information legislation, so the public is not fully informed on all technical issues so as to be able to make effective submissions;
- (2) the approving officer has established an early cut-off date for public input even though the public does not have all the records and this is a complex application;
- (3) the approving officer is meeting with the applicant on July 7 to discuss conditions, prior to hearing from the public; and
- (4) notice of public input was not published in a newspaper but only on the municipal website.

In considering the public interest, the approving officer, in addition to considering public submissions respecting a subdivision application, may consider a council resolution that a subdivision is not in the public interest, so long as the approving officer is not unduly influenced by the council resolution [*Ball v. Vancouver (City)*, [1981] BCJ No. 10]. In this regard, the approving officer in the public interest may consider new land use policies being developed by the municipal council. For example, the Council adopted a Statement of Public Interest in February, 2006 in relation to the use and development of DL 1548. Council's Statement of Public Interest included references to conserving the majority of the coastline for ecosystem protection; developing public waterfront walking trails along the majority of the coastline, connected to the cross-island greenway, where there are no adverse ecological impacts; protecting the environment of the land including environmentally sensitive areas and rare species; clustering homes and any other structures to reduce land disturbance, maximize green space and trails, and to facilitate transportation alternatives; and minimizing the mitigating negative impacts from Cape Roger Curtis development on the adjacent neighbourhoods and on the Bowen Island community as a whole. As stated, an approving officer may consider this Council Statement of Public Interest, so long as the approving officer is not unduly influenced by it.

Environment and Social Studies

An approving officer may request an applicant for subdivision to prepare and deliver at its cost an environmental and social review study to enable the approving officer to determine the consistency of the subdivision plan with the public interest. It is within the approving officer's authorization under Section 86(1) of the *Land Title Act* to request an environmental and social review study from the subdivision applicant at the cost of the applicant [*Broadmead Farms Ltd. v. Hopper*, [1993] BCJ No. 1117]. We understand interest groups in the municipality are concerned, for example, about water supply and cross-contamination, impacts on botany, and whether protection of fish and riparian areas would be adequate. These are the sorts of matters that could be included in an environmental and social study.

Water Study

Further to the authority of the approving officer to request the owner to prepare and deliver at its cost further detailed studies, the owner has stated in its subdivision application that water will be supplied by individual wells on each lot. Although the Golder & Associates certificates conclude that groundwater will be available at each of the proposed 59 lots in quantities sufficient to satisfy the Municipality's subdivision provisions of the land use bylaw standards, we note (also from the owner's application) that only 10 test wells were drilled despite the statement by the approving officer in a preliminary layout review letter dated July 7, 2006 that the owners will be required to provide evidence that "all lots have been served with a supply of potable water confirmed by a qualified professional to the satisfaction of the Municipality and in accordance with the requirements of (the subdivision provisions of the land use bylaw)". The application fails to deal with evidence "to the satisfaction of the Municipality" that *all lots have been served with a supply of potable water*; that the pressure and flow of water will be adequate to satisfy applicable fire standards; or that the water supply work will be completed in accordance with the provincial groundwater protection enactments. The owner's application for

subdivision is silent on these issues. Accordingly, it would be appropriate for the approving officer to request the owner to prepare and deliver at its cost a water supply report that deals with these outstanding issues.

Under Section 78(2) of the *Water Act*, a person must not operate a well in a manner that causes or is likely to cause a significant adverse impact on the existing uses made of the groundwater from any well that draws from that aquifer. We think the approving officer may require a study on this on the basis of *Hopper*.

In regard to the wells for parcels contiguous to the Georgia Strait, Section 78(2) of the *Water Act* provides that a person must not operate a well in a manner that causes or is likely to cause the intrusion of salt water into an aquifer or any well that draws groundwater from that aquifer. Although this is an offence created under the *Water Act*, we think the approving officer may take this into account and any study requested by the approving officer ought to address this issue. In regard to these two *Water Act* issues, why would the approving officer allow for a water supply scheme that, by its very nature, contravenes the *Water Act* and creates an offence?

Septic Disposal Study

In regard to sewage disposal, we think the approving officer may take into account in the public interest concerns about the health and safety of humans, protection of the natural environment, and concerns about cross-contamination of potable water supplies. In the context of the public interest, we think the approving officer may consider that mere approval by the Vancouver Coastal Health Region on the basis of the Sewage System Regulation does not ensure protection of the natural environment as well as health and safety, such that detailed studies are required on the basis of *Hopper*.

We think the approving officer may consider in the public interest the fact that the mere compliance of the proposed septic disposal scheme with the Province's recently adopted septic disposal regulations would not likely be adequate to protect the receiving environment and provide for health and safety, particularly given, among other things, the fractured bedrock substrata and the potential for sewage seepage through underground fissures to sources of well water. The Province's Sewage System Regulation ("SSR") was implemented on May 31, 2005. Until the implementation of the SSR, the installation of a small-scale, non-municipal sewage system was governed by the Sewage Disposal Regulation ("SDR") under the *Health Act*. The SDR regulated small-scale sewage systems using regulatory mechanisms that included prescriptive regulations, a permitting process, a public notice process, written authorization after construction, a right of appeal, and the ability of the Provincial government to prevent the installation of a proposed faulty system.

Under the SSR, most government oversight and regulation pertaining to the design, installation and maintenance of onsite sewage systems was removed. Responsibility for the safety of sewerage systems now lies with individuals that the SSR calls 'Authorized Persons'. Authorized Persons are defined as Professional Engineers or as Registered Practitioners (individuals who have completed certain training requirements). The SSR also abandoned most of the prescriptive rules and standards established by the SDR. In their place, a Standard Practice Manual was

published, which contains guidelines for system planning, installation and maintenance. The SSR only requires that an Authorized Person certify that the systems is consistent with 'standard practice' and states that the Authorized Person may have regard to the Manual to determine what 'standard practice' is.

The following are specific concerns about the SSR, which are not addressed by the approval letter from Vancouver Coastal Health Region:

- (1) Under the SSR, the pre-installation permitting and post-installation authorization requirements have been removed. While system plans are filed with the Heath Authority, *the Authority has no power to review the technical merits of the system design. Further, filing documents often contain insufficient information to allow a Health Inspector to judge whether a proposed system actually poses a health risk.*
- (2) Under the SDR, Public Health Inspectors were required to evaluate the proposed system site and approve system plans to ensure that the proposed sewerage system was appropriate for the location. Under the SSR, it is Authorized Persons who plan and install systems. This places them in a conflict of interest as they are both the vendors of sewage systems and possess the power to decide what systems can be legally installed.
- (3) The prescriptive standards imposed on the construction, capacity, design, installation, location, absorption, and use of sewage systems under the SDR have been done away with and replaced by a Standard Practice Manual (the "SPM"). The SSR, however, does not require that Authorized Persons adhere to the SPM. As a result, the standards contained within the manual are unenforceable. It is also unclear what penalties, if any, flow from violating the provisions of the SPM. Further, the SPM is detailed and complex (over 300 pages of guidelines). Authorized Persons have found it difficult to comply.
- (4) *The SSR no longer prohibits sewerage systems being installed close to domestic water wells.*
- (5) Under the SSR, Authorized Persons are responsible for the design, installation and maintenance of sewerage systems. Authorized Persons are either Registered Practitioners or Professional Engineers. To become a Registered Practitioner, one must be a high school graduate and complete at least one course in onsite sewage treatment administered by the British Columbia Onsite Sewage Association.

For these reasons, we think the approving officer may request the applicant to provide a comprehensive scientific sewage disposal study at its cost on the basis of the *Hopper* case.

Botany

We think the approving officer, on the basis of *Hopper*, should request a complete scientific study and environmental inventory in relation to fragile plants and ecosystems. Although the existing environmental inventory was conducted by a reputable biologist, he was only given a few days of research time in one season only and could therefore have missed species that are in fact present at the site. Since many plants bloom only for a short time of the year, a meaningful survey would require field visits several times over the course of a year. A rare plant called "Macoun's Meadow Foam" was found at the CRC site and is listed as threatened under the *Species at Risk Act*. Accordingly, an extensive survey should be conducted based on the short growing season for other plant life in accordance with standard scientific principles and this study may be required by the approving officer on the basis of *Hopper*.

Rejection in the Public Interest

In the British Columbia Court of Appeal decision in *Hlynsky v. Walker* (1989), 57 D.L.R. (4th) 751, the Court stated that there is an obligation on an approving officer to determine whether a proposed subdivision is in the public interest. When reviewing a decision of an approving officer in this regard, a Court must have regard only to those factors identified by the Supreme Court of Canada in *Vancouver v. Simpson*, and should assess the approving officer's decision by giving him considerable latitude: "A chambers judge should not lightly, or arbitrarily, come to a conclusion contrary to that of the approving officer" [*Hlynsky*, at page 755]. The Court of Appeal stated further that the only concern "... of the reviewing court is whether the approving officer based his decision (1) in bad faith, (2) with intent to discriminate against any property owner, and (3)" made his refusal on "specious and totally inadequate factual basis..." [at page 85]. More recent cases add that the approving officer must not be too paternalistic in the circumstances.

Green Space and Public Open Space

Although the proposed subdivision plan is exempt from the five per cent park land requirement under s. 941(5)(b) of the *Local Government Act*, there are public interest issues respecting green space, protection of natural amenities and areas accessible to the public. The Supreme Court of Canada in *Simpson v Vancouver* held that an approving officer may reject a subdivision on the ground that it is against the public interest to allow development in an area part of which is proposed by Council for public park areas, noting that Schedule C of Official Community Plan ("OCP") has provided since 1996 for large areas of "proposed park" to be located in the CRC area. The OCP states that these areas are general locations, and actual locations would be negotiated at the time of subdivision in consultation with the neighbouring properties. The British Columbia Court of Appeal held in *Cole v. Campbell River* (1995), 27 MPLR (2d) 56, that an OCP provides a reasonable factual basis for the approving officer's assessment of the public interest under section 85(3) of the *Land Title Act*. It is open to the approving officer to indicate, or the applicant to offer, ways to address the public interest that would not result in outright rejection.

In *MacFarlane v. British Columbia (Ministry of Transportation)*, [1994] B.C.J. No. 3213, the British Columbia Supreme Court set aside a decision of the approving officer on the basis that he erred in law because he failed to take into account the public interest. In this case, he failed to

take into account policies of the local government and province related to public amenities such as parks which is within the scope of what must be considered in the public interest. Even though the local government bylaw which would not have allowed the subdivision was adopted after the date of preliminary layout application, the approving officer was obliged to consider objections based on the public interest. The approving officer incorrectly failed to take into account the public interest concerns expressed by the local government, the province and the public.

The PLR, in the context of noting Council's Public Interest Statement in relation to the public interest, stated that "should (the Owner) continue to want to subdivide the land at this density (4 ha), an alternative layout will need to be considered to better address this (green space) component" yet the proposed plan fails to respond to this PLR statement or to the prospect of rejection under *Simpson*.

Given the OCP, the unique amenities, the botanical and aesthetic attributes, the overall size of the parent parcel (as opposed to the statutory factor of the size of the smallest parcel), the Council Statement of Public Interest and the input of community which the approving officer may consider under the "public interest doctrine", and the case law on public interest, we think the question of public open space or green space needs to be considered beyond the mere statutory provisions that deal with the five per cent park land dedication requirement and that the approving officer may reject the application.

Public Trail System

The proposed subdivision plan fails to show public trails around the coastline and throughout the development to connect with existing Bowen Island trails. In this regard, we note that the OCP, Schedule C, entitled "Parks and Trails" identifies the approximate location of proposed trails around the coastline and throughout the area to be subdivided, connecting with existing Bowen Island trails. Schedule C of the OCP states that the trails proposed on the map are subject to the following provisions:

- (a) all proposed trail designations are general locations subject to consultation with the developer and neighbouring properties, and
- (b) trails can only be provided as a condition of subdivision of the land, or through voluntary agreement of a property owner by dedication or a sale of the land.

Accordingly, it was intended under the OCP that these trails would be obtained at the time of subdivision or otherwise. In this regard, the British Columbia Supreme Court in *Burns v. Dale*, [1997] B.C.J. No. 2318, held that the approving officer may reject a subdivision plan if the applicant fails to dedicate a three metre wide walkway beside the waterfront. The Court found that section 75(1)(a) of the *Land Title Act* requires that a subdivision plan provide necessary and reasonable access to all new parcels and through the land subdivided to land lying beyond or around the subdivided land. Section 945(1) of the *Local Government Act* authorizes the approving officer to require the owner to provide out of the land being subdivided and without compensation land not greater than 20 metres in depth for a highway within the subdivision. Section 1 of the *Land Title Act* defines a highway to include "...a path, walkway, trail, lane... thoroughfare and any other public way." In *Burns*, the approving officer based the requirement for the walkway on plans by the municipality to create a public waterfront walkway network for public use. The Court considered the municipality's OCP, Greenway Plan and Parks and

Recreation Plan, all of which provided for the public walkway system along the waterfront connecting parks and other walkways. The British Columbia Court of Appeal in *Cole* held that an OCP provides a reasonable factual basis for an approving officer's assessment of the public interest under section 85(3) of the *Land Title Act*. Given that the municipality already has a public trail network, and given the municipality's express intention to create the waterfront and internal trail system, the public trail system through the subject property should be required as a component of the municipality's public trail network. In this regard, section 75(2)(f) of the *Land Title Act* provides that when considering the sufficiency of a highway to be dedicated, the approving officer must consider the likely or possible role of the highway in a future highway network serving the area in which the subdivided land is located. Accordingly, we think the approving officer may reject the subdivision plan if the application fails to dedicate to the municipality a public trail beside the waterfront and throughout the proposed subdivision to connect with existing or future proposed municipal public trails.

Drainage

The PLR required minimization of impacts on adjacent properties and natural water courses. The subdivision application merely states that there would be no impact on adjacent properties and that the impact on natural water courses would be significant. There is no study or other evidence to support this claim. The PLR stated in section 8 that, given the size and inaccessibility of the subject lands, the applicant will be required to provide the Public Works Superintendent with a conceptual Storm Water Management Plan prepared by a professional engineer with relevant experience in accordance with Draft Infrastructure Design Bylaw and Best Management Practices. The plan must identify the design criteria for storm water runoff and the capacity of all proposed and existing conveyance systems, including identifying over land overflow paths. It shall also demonstrate how onsite drainage from the subdivision will be handled, including an assessment of the impacts on the downstream system and properties. Also important is the impact on adjacent properties and natural watercourses. The plan would be used to determine whether specific drainage works, covenants, easements and rights of way would be required. As well, a stream flow monitoring station should be considered in regard to the two major creek systems. We think the approving officer has the authority to require these items under the subdivision provisions of the Land Use Bylaw, in the public interest, and under sections 86(1)(c)(i) and (iv) of the *Land Title Act*,

Rejection on the Basis of Statutory Grounds

Water Supply

Section 87 of the *Land Title Act* provides that, without limiting the authority of the approving officer to refuse to approve the subdivision plan if he or she considers the deposit of the plans against the public interest, the approving officer may also refuse to approve of a subdivision plan if he or she considers that the subdivision does not conform to all applicable municipal bylaws regulating the subdivision of land and zoning. In this regard, the British Columbia Court of Appeal in *Seaview Land Estates Ltd. v. South*, [1981] B.C.J. No. 771, held that the words "may refuse" do not give power to the approving officer to approve a subdivision *that does not comply* with municipal bylaws. The Court stated that the local government bylaws are enacted in the

public interest and section 87 of the *Land Title Act* cannot be construed as giving the approving officer the power to act against the public interest. Accordingly, an approving officer is, in effect, bound by the subdivision bylaw. In this regard, section 6.19 of the Bowen Island Municipality Land Use Bylaw provides that where a water source other than a community water system is proposed as a source of potable water for a proposed subdivision, the applicant must provide to the municipality the written certification under seal of an engineer with experience in groundwater hydrology that there is in respect of each building, structure, or use of land permitted by this bylaw *on each proposed lot* an available supply of potable water in the amounts set out in Table 6-1, and that the extraction from the groundwater table or a diversion from a spring of that amount of water in respect of each permitted building, structure or use will not adversely affect the quantity or quality of potable water or water supply fire protection obtainable by any existing well, spring or surface water, or lead to salt water intrusion into the groundwater cable. The existing subdivision application fails to comply with section 6.19. Section 6.20 provides that the approving officer may deny the approval of subdivision if the water supply certification is deemed insufficient on the grounds of the duration or location of testing or is otherwise unacceptable.

Highways

You have informed us that a number of highways on the proposed subdivision plan appear to be one lane wide. Section 6.38 of the Land Use Bylaw provides that the minimum width of a highway dedicated in connection with the subdivision of land is 15 metres. A highway may only be dedicated having one-half of the width if there is also a subdivision of an adjacent lot which will result in the dedication of the remaining half of the highway right of way. Accordingly, the plan contravenes the subdivision provisions of the Land Use Bylaw and must be rejected to the extent that any highway is less than 15 metres wide.

We note that section 6.38 provides further that the minimum width may be increased to accommodate bicycle, equestrian and pedestrian traffic, noting that under section 945(1) of the *Local Government Act* the approving officer may require dedication of a highway of up to 20 metres in width.

Secondary Access

The proposed access does not comply with the PLR. The PLR required the subdivision to be served with two access points and that if the applicant could not secure access via Thompson Road or Sunset Drive, then the approving officer would not be prepared to approve the subdivision plan. The existing application fails to satisfy this requirement of the PLR.

Further, the *Land Title Act* and *Local Government Act* require dedication of highway, and although the approving officer may accept under the regulations, he is not obligated to accept a statutory right of way over private property (as the applicant has proposed in respect of the secondary access over the existing "Deecee Road Easement").

Stream Protection

Although the Riparian Area Regulation requires less than 15 metres of set back above the high water mark of natural water courses, the PLR required areas within an average of 30 metres above the natural boundary of a water course and no less than 15 metres in any location from the top of the bank of any water course to remain free of development. Although this may be addressed by Council at the time of issuance of a development permit, we think the applicant must comply with the approving officer requirements.

Development Permits

Section 920(1) of the *Local Government Act* provides that if an OCP (or a transitioned land use bylaw) designates development permit areas, land within the area must not be subdivided unless the owner first obtains a development permit under section 920. Under section 920(2), Council, or its delegate, may issue a development permit that includes requirements and conditions or sets standards under section 920(7) through (10) and imposes conditions respecting the sequence and timing of construction. We understand development permits have not been issued and so land within the area must not be subdivided.

Completion of Works and Services

Section 940(1) of the *Local Government Act* provides that all works and services required to be constructed and installed at the expense of the owner of land being subdivided or developed must be constructed and installed to the standards established in the bylaw under section 938 (being the subdivision provisions of the Land Use Bylaw) *before the approving officer approves of the subdivision*. The works and services have not been constructed and installed. There is an exception to this general rule under section 940(2). The exception provides that the approval may be given if the owner of the land enters into an agreement with the municipality to construct and install the required works and services by a specified date or forfeit to the municipality security provided under section 940(2)(a).

Even if there were a Works and Services Agreement, it could not under the existing subdivision application comply with the standards established in the bylaw under section 938 without a development variance permit, given the apparently narrow width of some of the highways and the apparent failure of the proposed drainage system to comply with the storm drainage requirements of the subdivision provisions of the Land Use Bylaw or the PLR in regard to drainage. Any works and services agreement would have to address the highway standards and drainage works matters before subdivision approval could be given.

Yours sincerely,

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