

## E.4 DEVELOPMENT PERMIT AREA 4 LAKES, STREAMS and WETLANDS

*Note: While this Development Permit Area extends only 10 m from the natural boundary of some streams, the federal Department of Fisheries and Oceans and the B.C. Ministry of Environment recommend that the area within at least 15 m of the **top of the bank** of streams be left undisturbed to ensure that fish habitat is protected. It is an offence under the Fisheries Act to do anything that results in the harmful alteration, disruption or destruction of fish habitat. Property owners with land that lies within 15 m of the top of the bank of a fish bearing stream should ensure that they take appropriate precautions, even if their land is not within this Development Permit Area.*

### E.4.1 Description of Development Permit Area and Exemptions

E.4.1.1 Development Permit Area 4 is shown on Map 21. It is made up of the island's major lakes, streams and wetlands. It also encloses the land (measured horizontally) that is within 10 m of the natural boundary of streams, the land that is within 300 m of the natural boundary of Maxwell Lake and the land that is within 61 m of the natural boundary of all other island lakes, except for the land in Development Permit Area 3. Development Permit Area 4 is designated according to Section 879 (1) (a) of the *Municipal Act* to protect the natural environment.

*Background Note: The official version of Map 21 is drawn at a scale of 1:20,000 and is available through the offices of the Islands Trust. The page size version of Map 21 attached to this Plan has been included for convenience.*

E.4.1.2 **All** development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, **except:**

- a. Removal of trees within 10 m of the natural boundary of a lake or a stream (or within 300 m of Maxwell Lake).
- b. Removal of other vegetation within 10 m of the natural boundary of a lake or stream (or within 300 m of Maxwell Lake) that results in the exposure of a total area of bare soil more than 9 m<sup>2</sup> in area.
- c. Removal of vegetation in a wetland.
- d. Installation of a septic field within 61 m of the natural boundary of a lake (or within 300 m of Maxwell Lake).
- e. Development of an impervious surface within 10 m of the natural boundary of a lake or a stream (or within 300 m of Maxwell Lake).
- f. Any works or installation of structures within a stream or below the natural boundary of a lake.
- g. The subdivision of land parcels that create additional new lots within this Development Permit Area.

E.4.1.3 Despite Section E.4.1.2, the following activities are also exempted from the requirement to obtain a Development Permit:

- a. land alteration and vegetation removal on agricultural land that is more than 3 m from the natural boundary of a lake or stream (except Maxwell Lake), that is done for farming purposes and that is consistent with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*.
- b. forest management activities related to timber production and harvesting in the Forest Land Reserve.
- c. fish habitat enhancement work approved by the Department of Fisheries and Oceans or the Ministry of Environment.

- d. the emergency removal of a hazardous tree.
- e. emergency works to prevent flood damage to structures or repair to public service utilities.
- f. vegetation removal or other works within 10 m of a lake or stream (or within 300 m of Maxwell Lake) that has been approved in writing by the Ministry of Environment or by the Department of Fisheries and Oceans.
- g. works below the natural boundary of a lake or stream or a wetland that have been approved in writing by the Ministry of Environment or by the Department of Fisheries and Oceans.
- h. activities on land that is within 300 m of Maxwell Lake, but is outside the lake's surface catchment area, as demonstrated by survey.
- i. the subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Salt Spring Island Local Trust Committee or the Islands Trust Fund Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas.
- j. works undertaken by a waterworks district that have been certified by a Professional Engineer as consistent with the *Land Development Guidelines for the Protection of Aquatic Habitat*.

#### **E.4.2 Reasons for this Development Permit Area**

- E.4.2.1 The lakes and streams in this Development Permit Area provide natural fish and wildlife habitat. Many also supply drinking water to individual license holders or community water supply systems. If not carefully managed, development in this Area could result in degradation of water quality. Poor water quality would be detrimental to fish and wildlife populations and could lead to increased costs for remedial drinking water treatment.
- E.4.2.2 This Development Permit Area contains riparian habitat that is important to many different species and is particularly susceptible to disturbance. Development in this Area could lead to the disturbance or loss of a disproportionately large number of different native plant and animal species.

#### **E.4.3 Objectives of this Development Permit Area**

- E.4.3.1 To protect the quality of drinking water supplies.
- E.4.3.2 To protect fish habitat.
- E.4.3.3 To protect sensitive riparian habitat and the unique species that depends upon it.

#### **E.4.4 Guidelines for New Development**

*Background Note: Development Permits that are issued for developments in this Development Permit Area could contain conditions that are based on the following guidelines. Not all guidelines will apply to every permit. Permits will not contain conditions that are unrelated to these guidelines. The conditions on a Development Permit will not prevent a property from being used as the local zoning bylaw allows.*

*While forest management activities within the Forest Land Reserve are excluded from the Permit process, voluntary compliance with the guidelines of this section is encouraged for such activities.*

- E.4.4.1 All work that takes place in this Development Permit Area should be done in a way that minimizes degradation in water quality and disturbance to natural drainage patterns.

- E.4.4.2 All work that takes place on land within 10 m of the natural boundary of a lake or stream (or within 300 m of Maxwell Lake) or within a wetland should be planned and carried out in a way that is consistent with the *Land Development Guidelines for the Protection of Aquatic Habitat* (Appendix 7).
- E.4.4.3 Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.
- E.4.4.4 New roads and septic fields should not be located in this Development Permit Area. If such a location cannot be avoided, then the design and construction of the road or septic field should be supervised by a qualified professional to ensure that the objectives and guidelines of this Area are met. Septic systems that are adjacent to lakes or to streams that drain to lakes should be designed to minimize both nutrient loading and coliform contamination of lake waters.
- E.4.4.5 Where this Area includes unique native species dependent on riparian habitat which have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If development is permitted, it should be undertaken only under the supervision of a professional who is qualified in environmental protection, with advice from the Ministry of Environment, the Department of Fisheries and Oceans, or Environment Canada.
- E.4.4.6 To assist in the preparation of development permits for larger projects, the Local Trust Committee could request an applicant to provide a report, prepared by a qualified professional with experience in surface water management and the protection of habitat. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this Development Permit Area.

#### **E.4.5 Guidelines for Subdivision**

- E.4.5.1 If a proposed land subdivision is to create additional new lots within this Development Permit Area, then any new lots, roads, building sites, septic fields and driveways should be located and constructed in a way that meets the objectives of this Area. A covenant should be registered against the part of the property that is within this Area to guide future development and meet the objectives of this Area.