

Islands Trust

Salt Spring Island Local Trust Committee

Official Community Plan Bylaw No. 434, 2008

Schedule “A”

Volume 2:

**Development Permit and Heritage Conservation Areas,
Temporary Commercial and Industrial Use Permits, Appendices
and Attachments**

Adopted October 2, 2008

Consolidated Version: July 2015

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

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Preserving Island communities, culture and environment

CONSOLIDATED BYLAW TEXT AND MAP AMENDMENTS

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>	
Bylaw No. 439	Amendment No. 2, 2008	October 8, 2009	(Amends Map 16)
Bylaw No. 457	Amendment No. 1, 2012	September 20, 2012	(Amends Map 19)
Bylaw No. 480	Amendment No. 2, 2014	May 14, 2015	(Includes Map 28)

A NOTE TO READERS

This is **Volume 2** of the Official Community Plan for Salt Spring Island, British Columbia.

Volume 2 contains sections that apply only to specific parts of the island. It begins with two Development Permit Areas (Part E) that apply primarily to development in commercial, industrial and multifamily zones. Development Permit Area 3 applies to foreshore owned by the Crown, and to some adjacent upland areas. Island lakes, streams and wetlands, plus a buffer area of adjacent land are covered by Development Permit Area 4. Development Permit Area 5 applies to the land that drains into wells used by community water supply wells. Development Permit Area 6 includes land which has been identified as having a high hazard for either slope instability or soil erosion.

A Heritage Conservation Area (Part F) applies to specific property in Ganges. Part G identifies those parts of the island where Temporary Commercial and Industrial Permits could be issued. The remaining part of Volume 2 (Part H) is made up of appendices to the Plan.

Volume 1 is bound separately and contains the main body of the Plan. Part A describes the Vision and Overall Goals and Objectives, including objectives and policies about the island environment, climate change and energy efficiency, hazardous lands and community heritage. Part B outlines policies and objectives for Land Use. It includes a section that corresponds to each of the Land Use Designations on Map 1 (the main land use map of the Plan). Part C discusses community infrastructure and servicing issues. Part D describes the administration and implementation of the Plan.

A separate booklet with background information and a summary of the Plan is also available. It is recommended that readers of this Plan read that booklet first.

SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN

VOLUME 2

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PART E DEVELOPMENT PERMIT AREAS

IMPORTANT

THE DESIGN GUIDELINES THAT FOLLOW IN DEVELOPMENT PERMIT AREAS 1 AND 2 APPLY **ONLY** TO NEW COMMERCIAL, INDUSTRIAL AND MULTIFAMILY DEVELOPMENT INSIDE THE VILLAGE AND MULTIFAMILY AREAS SHOWN ON MAP 16 OR THE COMMERCIAL AND INDUSTRIAL ZONES SHOWN ON MAP 19.

GUIDELINES REGARDING DRAINAGE AND THE PROTECTION OF FARMING APPLY IN OTHER ZONES.

E.1 DEVELOPMENT PERMIT AREA 1 - ISLAND VILLAGES

E.1.1 Description of Permit Area and Exemptions

- E.1.1.1 Development Permit Area 1 is shown on Map 16. It is designated according to Section 879(1)(e) of the *Municipal Act* to identify objectives and guidelines for the form and character of commercial, industrial or multi-family residential development in the Area. It is also designated according to Section 879 (1)(b) to protect development from hazardous conditions that could result from changes to stormwater drainage. Finally, Development Permit Area 1 is designated according to Section 879 (1) (c) for the protection of farming on nearby lands.

Background Note: The official version of Map 16 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 16 attached to this Plan has been included for convenience.

- E.1.1.2 **All** development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, **except**:
- a. subdivision of land zoned for commercial, industrial or multifamily use.
 - b. subdivision of land that adjoins agricultural land or that drains into agricultural land.
 - c. new construction or alterations to existing buildings on land zoned for commercial, industrial or multi-family use if the new development is of a size that must provide off-street parking (according to local bylaws) or if the new development would change the capacity of an existing parking lot.
 - d. installation of plastic backlit signs, of signs that do not comply with the local sign bylaw, or of signs that are to be placed more than 5 m above the ground.
 - e. development of a parking lot with more than ten spaces for commercial, industrial or multi-family residential use.
 - f. construction of institutional buildings that would create more than 280 m² of new impervious surface. Only the guidelines in section E.1.10 apply to such construction.
 - g. alteration of the existing drainage regime on properties that adjoin or drain into agricultural land.
 - h. removal of vegetation within 3 m of agricultural land (excluding the emergency removal of a hazardous tree).
- E.1.1.3 While guidelines about form and character do not apply to institutional developments, local institutions are encouraged to consider these guidelines when developing large projects within the Area.

E.1.2 Reasons for this Development Permit Area

The villages of Salt Spring Island function as commercial, social and cultural centres of the community. Existing zoning means there is considerable potential for these activities to continue to grow in village areas.

Development Permit designation will 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.

Zoning within the Area allows a high density of development which is expected to result in the creation of large new areas of impervious surfaces. In the past, such development has changed natural patterns of stormwater drainage and resulted in flooding or erosion of downslope properties.

This Development Permit Area is adjacent to land that is within the Agricultural Land Reserve or that has been traditionally used for agricultural activities. The higher densities of development permitted in this Area could have negative effects on nearby agricultural activities, if that development is not carefully managed. By paying attention to the design of development in this Area, the potential for on-going conflicts between agricultural activities and higher density developments can be minimized.

This Development Permit Area also includes three properties outside of village areas that are currently zoned for multifamily development. Objectives for the development of these properties are similar to those for village multifamily zones.

E.1.3 Objectives of this Development Permit Area

- E.1.3.1 To encourage the development of attractive, compact villages that harmoniously combines commercial, residential, cultural and recreational facilities in a way that encourages pedestrians and enhances village economies.
- E.1.3.2 To protect and enhance views of harbours and uplands, and provide pedestrian access to parklands and shorelines.
- E.1.3.3 To encourage creative designs that continue to reflect the diversity and richness of Salt Spring Island. To avoid design controls that would make island villages appear architecturally sterile or contrived.
- E.1.3.4 To ensure that large new village developments are compatible with the natural, rural character of the island.
- E.1.3.5 To keep the secure character of villages.
- E.1.3.6 To encourage the use of local artisanship and materials.
- E.1.3.7 To encourage new multifamily developments to provide for privacy, security, quiet and a sense of community in keeping with their intended use.
- E.1.3.8 To protect property owners from flooding or detrimental changes to stormwater runoff, flow regimes or quality that can result from the construction of new impervious surfaces on upslope properties.
- E.1.3.9 To protect nearby agricultural lands (including their water supplies) and to reduce the potential for conflicts between agricultural activities and higher density settlement areas.

E.1.4 Guidelines for General Site Design, Building Location and Access

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.

General Guidelines

- E.1.4.1 All commercial, industrial and multifamily sites should be designed to reduce impacts on neighbouring properties, on-site residential areas and public places, including the sea. Particular attention should be paid to locating and screening loading docks, waste containers, propane tanks, air-conditioning units and other service areas to reduce noise and visual impacts. This guideline is particularly important for development next to schools and hospitals.
- E.1.4.2 All commercial, industrial and multifamily developments should be designed so that the obstruction of views from neighbouring properties is minimized.
- E.1.4.3 Additions to existing commercial and multifamily buildings should maintain the existing building setbacks from the street, unless such setbacks are markedly different from the general neighbourhood pattern.

E.1.4.4 Major new commercial, industrial and multi-family developments should include construction of a sidewalk or walking path on adjacent road rights-of-way. All sidewalks and internal site circulation routes should ensure barrier-free access.

Background Note: Construction of sidewalks or other parts of a development on road rights-of-way requires the approval of the Ministry of Transportation and Infrastructure.

E.1.4.5 Site access to commercial and multi-family developments should encourage use by pedestrians and cyclists. Internal circulation routes for pedestrians and cyclists should be segregated from vehicular routes, with an emphasis given to pedestrian and cyclist safety over vehicular convenience if necessary. Site plans of large new developments should show how transit stops could be accommodated in the future. Site access in Ganges Village should be arranged to coordinate with the Ganges Public Pathway System, including the seawalk. Potential routes for the system are shown in a conceptual way on Map 17.

E.1.4.6 Commercial developments should provide structures for the convenient and secure parking and locking of bicycles, close to and visible from the adjacent streets. Such structures should not obstruct pedestrian movement on the site.

E.1.4.7 Where appropriate, buildings in the Ganges Village Core, Channel Ridge Village Core and in Fulford Harbour should be connected with arbours, courtyards and pathways to make them inviting to pedestrians. Along pedestrian routes, attractive public seating and resting areas should be incorporated into project designs.

E.1.4.8 Where possible, buildings should be sited and designed in a way that maximizes solar gain and reduces energy loss. Obstruction of solar gain on surrounding properties should be minimized.



Guidelines for specific village locations and situations

E.1.4.9 To ensure a compact and pedestrian-oriented commercial area in village cores, new commercial developments in the Ganges Village Core, the Channel Ridge Village Core and in Fulford Harbour Village should ideally be located with no or little setback from the front property line. Minor variations could be included to provide small public spaces and pedestrian amenities along the streetfront. Exceptions to this guideline could be considered:

- a. On Hereford Avenue in Ganges where greater setbacks could reflect the location of existing structures. Building setbacks along Hereford Avenue should show a transition between new and old structures that enhances pedestrian use, and includes public space and amenities.
- b. On waterfront properties in the Ganges Village Core and in Fulford Harbour Village, where developments should be oriented towards the harbours and parking should be located upland of the principal use on the property.

Background Note: Building construction within 4.5 m of a public road right of way will require the approval of the Ministry of Transportation and Infrastructure.

- E.1.4.10 Where commercial developments have street frontage in the Ganges Village Core, Channel Ridge Village Core and Fulford Harbour Village, the main floor should be preferably occupied by retail stores, restaurants, and personal service uses in order to maintain the interesting and lively commercial character of the villages. Most new business and professional offices and residential units should ideally be located on the upper levels of commercial developments or on a side of the building without street frontage. Access for the disabled to upper levels should be considered.
- E.1.4.11 To avoid the appearance of strip development along Lower Ganges Road in Ganges Village, new developments with frontage on Lower Ganges Road north of Upper Ganges Road should be setback 7.6 m from Lower Ganges Road and should maintain an effective vegetation screen between structures or parking lots and the road, with minor breaks for access only. Where no other frontage exists, buildings should be oriented inward around a central court. Where a secondary frontage exists with access to Lower Ganges Road, building access should be from the secondary frontage, and building orientation should be either inward or oriented to the secondary frontage. Where commercial parcels lie between Lower Ganges Road and a residential street, all access should be developed from Lower Ganges Road, to buffer the residential area from commercial traffic.
- Additions to existing commercial development along Lower Ganges Road should use special creative efforts to avoid continuance of the existing "strip mall" appearance. Parking and shop fronts should be screened from Lower Ganges Road with generous landscaping buffers and islands. Use of designs that face the interior of the parcel with an inner court and using scales of traditional village streetscapes should be considered.
- E.1.4.12 New commercial and multi-family developments along Upper Ganges Road in the Ganges Village Core, along Fulford-Ganges Road in Fulford Harbour Village and along roads entering Channel Ridge Village should enhance the entry into these villages. Parking should be screened by vegetation or structures so that it is not visible from those entering the villages. Care should be taken that buildings in these areas create a sense of entry and do not present an unattractive appearance to those entering the villages.
- E.1.4.13 Developments along the boundary between the Upper Ganges Village and Ganges Village Core subdesignations should encourage pedestrian linkages between these two areas.
- E.1.4.14 Developments in Channel Ridge Village and Fulford Harbour Village should include landscaping arrangements that contribute to a comprehensive pathway system similar to the Ganges Public Pathway System. Development in the Channel Ridge Village Core should be focussed on a central village green linked to the pathway system. Recommended walkways for Fulford Harbour Village are shown on Map 18.
- E.1.4.15 Development along Ganges and Fulford Harbours should be oriented towards village harbours. In Ganges, it should incorporate the seawalk portion of the Ganges Public Pathway System as an integral part of its design (consistent with the plan shown on Map 17). Windows, doorways, patios, decks and pathways should be positioned to overlook and provide for pedestrian access to the harbour and seawalk.

- E.1.4.16 All development in the Ganges Village and Fulford Harbour Village Designations should be located so as not to interfere with existing harbour views from public areas and roadways. Particularly important harbour views to be preserved in Ganges include those from Upper and Lower Ganges Roads, the foot of Park Drive, Rainbow Road and Fulford-Ganges Road, Centennial Park and Gasoline Alley. Views to be preserved in Fulford Harbour include those from Fulford-Ganges Road and from Beaver Point Road.
- E.1.4.17 Developments next to Ganges and Fulford Harbours should be massed in a way that allows sea view corridors to remain between parts of buildings. Development of Channel Ridge Village should maximize views of Stuart Channel. Consideration should be given to designs that dramatize the view by framing, or that use transparent features such as lattice work, breezeways and colonnades to retain the sea view.
- E.1.4.18 Developments adjoining agricultural lands should be designed to minimize conflicts with that land. The location of access roads, the siting of structures, and the layout of subdivisions should follow the guidelines that have been developed by the Ministry of Agriculture and Lands and the Agricultural Land Commission as a guide to implementing the *Farm Practices Protection (Right to Farm) Act* (MAFF, 1996). Site designs should allow for a vegetated buffer, as outlined in Guideline E.1.7.22.

Guidelines for multi-family developments

- E.1.4.19 Developments should have staggered or recessed entrances that allow for privacy. Clusters of duplexes are preferable, so that each dwelling unit has more than a front and rear view from the interior. Clusters should use asymmetrical designs to avoid the appearance of "row housing" or "mirror image" units.
- E.1.4.20 On through streets, the building setback required by local bylaws should be maintained so that a buffer remains for homes. On non-through streets, a variance of the setback could be requested (e.g. to 3 to 4.5 m), to encourage human activity and create a lively, occupied character to the street.
- E.1.4.21 Where developments are designed for families or seniors, all units should have direct access from the ground level. However, developments that provide special needs housing or affordable seniors' supportive housing may consist of two-storey complexes, if all dwelling units for seniors and those with special needs have ground level access or can be accessed by elevators."
- E.1.4.22 Space should be provided for private and common storage and for a convenient mail kiosk.
- E.1.4.23 Developments that are to be strata-titled should show the way that their required parkland dedication will be incorporated into the site design.
- E.1.4.24 Internal circulation routes should integrate dwelling units with common open space and play areas and with public walkways such as the Ganges Public Pathway System. Particular attention should be paid to the development or maintenance of safe and effective pathways between multifamily developments and schools, public institutions and village services.
- E.1.4.25 Developments that provide special needs housing or seniors' supportive housing should incorporate appropriate design elements such as those outlined in Appendix B – Supportive Housing Design Considerations, of the document entitled "Supportive Housing for Seniors, A Policy and Bylaw Guide", prepared by the B.C. Ministry of Community Development in July, 1999. Where necessary to accommodate such design elements, other design guidelines of this Development Permit Area may be relaxed or varied by the Salt Spring Island Local Trust Committee.

E.1.5 Guidelines for Offstreet Parking Lot Location and Design

Background Note: All parking lot access and egress points, including those for offsite parking lots, must be approved by the Ministry of Transportation and Infrastructure.

E.1.5.1 The preferred location for a parking lot is behind the building it serves, so that the lot cannot be seen from the main street on which the building is located. If parking behind a building is not possible, streetfront parking lots should be designed with a maximum street frontage of 10 m and an effective landscape screen. Developments on Ganges or Fulford Harbours should be considered as exceptions to this general guideline so that buildings (rather than parking lots) are located immediately next to the harbour. In these situations, parking lots would have street frontage but should be well screened from the street and incorporate effective and attractive facilities for pedestrians to access the harbour.

E.1.5.2 To avoid an urban or "strip mall" appearance in island villages, parking lots should not be located on a corner lot or between a building and the adjacent sidewalks.

E.1.5.3 Parking lot access lanes should be located and designed to reduce breaks along the street wall and to reduce accesses that cross sidewalks. Entrances from secondary frontages or from rear lanes are preferred. Parking lots should hold all vehicular manoeuvring requirements for entry and exit to and from individual parking spaces.

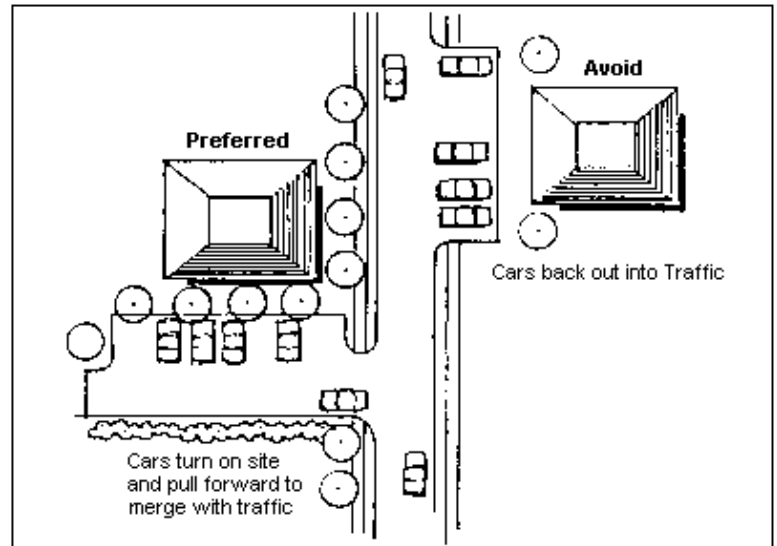
E.1.5.4 Offstreet parking spaces should not be located so that cars must exit or manoeuvre by backing over a sidewalk or other pedestrian route.

E.1.5.5 In Ganges, between Jackson Avenue and Lower Ganges Road, new developments proposed along the north side of McPhillips Avenue, both sides of Hereford Avenue and the south side of Rainbow Road should allow for the development of a rear lane way (where topography permits) that provides access to parking lots in the rear and minimizes access breaks along the streets. The lane way should be about 7.5 m in width and should be landscaped and paved to make it an attractive pedestrian route. Consideration could be given to using arcades, hidden courts or other architectural features that would encourage development of secondary retail frontage along the lane.

E.1.5.6 Parking spaces for the disabled should be plentiful, prominently marked and carefully located for maximum convenience and proximity to accessible building entrances and weather protection features. If necessary, exceptions to the guidelines for parking location may be made to maximize convenience for the disabled.

E.1.5.7 Part of the parking required for commercial developments could be located in a parking lot on another property, provided the following conditions are met besides the ones listed above:

- a. The offsite parking lot is within a convenient walking distance (up to about a half a kilometre) of an entrance to the building it serves. Larger parking lots in the Ganges Village Core should be located to the west of Jackson Avenue.
- b. Offsite parking lots for commercial uses are to be located on properties that are immediately next to the commercial use or on more distant properties zoned for non-residential use.
- c. Offsite parking lots must be exclusively dedicated and secured with a legal agreement that is in place before issuance of a building permit and continues for the life of the building served.



- d. Parking spaces for the disabled are not to be located offsite.
 - e. Signs showing the location of offsite parking should be clearly visible from streets next to the building being served. Such signs may not be necessary if the offsite parking lot is to be used primarily by tenant employees as a condition of lease.
- E.1.5.8 Parking lots should not generally consist of more than thirty spaces, unless a considerable amount of mid-lot landscaping is incorporated into the design. Parking lots in the existing commercial part of Fulford Harbour Village should not generally consist of more than fifteen spaces. Where development requires more spaces, parking should be located in discontinuous areas or be separated by generous landscaping.
- E.1.5.9 Parking should only be at ground level or below.
- E.1.5.10 Areas should be provided for the loading and unloading of trucks. Sites should allow delivery trucks to manoeuvre without having to block or back onto an adjacent street, parking aisle or pedestrian route. Emergency vehicles should be able to reach all parts of the development easily.
- E.1.5.11 Multi-family developments should provide parking in locations that minimize walking distances for residents. However, designs where the front elevation of units is dominated by a garage door or parking pad should be avoided. Parking areas located along the front elevation of units should be well screened by vegetation. Parking for visitors should be located close to project entries and should be assigned and marked as visitor parking. Screened parking should be provided for the storage of recreational vehicles and boats.

E.1.6 Guidelines for Building Form

HEIGHT

- E.1.6.1 Building height should be in keeping with local bylaws and neighbouring structures. If a third storey is allowed by zoning for residential use, it should be located as a half storey. In such a situation, a building height variance up to 10.6 m could be requested, provided other design aspects work to reduce the apparent mass of the structure.

SCALE, MASSING and MODULATION

- E.1.6.2 Horizontal building modulation and articulated facades should be used to reduce the apparent mass of buildings facing the street. They should create a pedestrian scale and interest along adjacent sidewalks and along the Ganges Public Pathway System. To enhance village vitality, consideration should also be given to creating secondary retail frontage along arcades and at the rear of buildings. These ideas should especially be considered where buildings are next to the Ganges Public Pathway System.
- E.1.6.3 On slopes, horizontal modulation (stepped structures) should be used so the building conforms to the site.
- E.1.6.4 Existing site topography and landscape should not be significantly altered and should be complemented by proposed structures.
- E.1.6.5 Development next to Ganges and Fulford Harbours should be designed to conform to rather than conceal the natural contours of the harbour. Where zoning allows structures to extend over the water surface, the maximum height should not exceed 7.6 m above sea level at the natural boundary of the sea.
- E.1.6.6 New buildings should not have a street frontage width more than 2.5 times their height. Buildings with extensive street frontage should avoid long homogenous facades. They should have a scale, size, massing, shape, roof line and exterior finish that is sufficiently varied and articulated as to give the impression of separate small units, rather than a large mass.
- E.1.6.7 The existing "rhythm" of buildings along street frontages should be respected. Buildings that replace existing structures should retain the original width of the front elevation and the spacing between buildings. In Fulford Harbour particularly, the size, spacing, front elevation width and orientation of buildings along Fulford-Ganges and Morningside roads should be retained by any new development.

E.1.6.8 In Ganges Village, new development along Lower Ganges Road north of Upper Ganges Road, should be massed with articulation and rhythms similar to existing non-commercial development. The development of a commercial strip appearance along the road should be avoided.

E.1.6.9 Landmark buildings should not be created in island villages.

ROOF DESIGN

E.1.6.10 To encourage use of the village during all seasons, continuous weather protection should be provided for pedestrians along sidewalks. The minimum width should be 1.5 m.

E.1.6.11 All roof-top mechanical equipment (satellite dishes, air-conditioning) should be screened from view.

WINDOW AND DOOR DESIGN

E.1.6.12 Large areas of curtain-wall glazing should not be used.

E.1.6.13 The use of handcrafted doors made by local artisans is encouraged.

DETAILS

E.1.6.14 The use of imaginative, handcrafted products of local craftspeople is encouraged. In Fulford Harbour Village particularly, natural and "found" materials should be incorporated into exterior details by local artisans, in keeping with existing development. More conventional or formal materials should be avoided.

E.1.6.15 A pleasant pedestrian environment in villages should be enhanced by pedestrian-oriented features.

E.1.6.16 Development along Ganges and Fulford Harbours should incorporate and retain existing docks, wharves and buildings that reflect traditional harbour uses such as freight storage and fishing fleet service.

E.1.6.17 All portions of a building should be authentic, functional space - artificial or contrived architectural features (for example, artificial lighthouses, windmills or turrets) should not be included in building designs.

E.1.6.18 Blank walls visible from pedestrian routes or roadways should be treated with landscaping, architectural features or artwork. At least half of the surface should be covered.

E.1.6.19 Large new developments should have their electrical and telephone connections provided underground.

E.1.6.20 Facilities should be provided for convenient, barrier-free access for the disabled.

E.1.7 Guidelines for Landscaping and Parking Surfaces

E.1.7.1 Informal, natural landscaping that gives a native appearance is encouraged as opposed to formal, decorative plantings. Hard surfacing should not be used as a substitute for vegetation.

E.1.7.2 Landscaping adjacent to Ganges and Fulford Harbours should be left in as natural a state as possible. Existing trees should be incorporated. Designs should display natural features such as attractive rock outcroppings, tidal pools and mature trees.

E.1.7.3 Plant materials should be durable, low-maintenance types. Care should be taken not to obscure sight lines at intersections and parking lot entrances.

E.1.7.4 Landscaping should be used to as an integral part of developments and should help in the function and organization of a site; to create the sense of entry into buildings and to define and enliven public spaces. While screening of unattractive building features is important, landscaping should be designed to ensure a broader function.

- E.1.7.5 Soft landscaping should cover a minimum of 40% of parcel areas in multifamily residential developments and at least 20% of the parcel area in commercial and industrial developments. Developments that provide special needs housing or affordable seniors' supportive housing may have a reduced area of soft landscaping if necessary to accommodate special facilities, providing that neighbouring properties are buffered by a vegetation screen and that parking lots are landscaped as outlined in Guideline E.1.7.16. The area calculated as soft landscaping does not include parking areas, vehicle lanes and manoeuvring areas, private open space and adjacent boulevards on public lands.
- E.1.7.6 All landscaping work on major new developments should meet the *British Columbia Landscape Standard* published by the British Columbia Society of Landscape Architects and the British Columbia Nursery Trades Association and should be covered by a performance bond for a period of one year from the date of final installation, in order to ensure survival or replacement of plantings. All landscaping should be maintained in perpetuity.
- E.1.7.7 All hard and soft landscaping and paving, including sidewalks, pedestrian amenities, street furniture, cycle racks and parking lot lines on major new developments should be installed prior to issuance of any building occupancy permit. A letter of credit should be deposited for an amount equal to 150% of the cost of the work to be completed.
- E.1.7.8 Plant materials should be chosen with a view to conserve water.
- E.1.7.9 Landscaping next to creeks within villages should be left natural and wild to retain fish habitat. Species with a high water demand or that may require the use of pesticides or fertilizers should not be located in this area. Bark mulches and impermeable landscape fabric should not be used. Landscaping should be consistent with guidelines in Development Permit Area 4.
- E.1.7.10 Special care should be taken to retain existing vegetation and incorporate it into new development. Particular attention should be paid within Channel Ridge Village to the preservation of Garry Oak and Arbutus trees and to the unique habitat that surrounds them.
- E.1.7.11 Other existing natural site features such as rock formations and ground contours should be preserved.
- E.1.7.12 Care should be taken to ensure that new landscape features enhance, but will not block existing ocean views from roads and public areas as they mature.
- E.1.7.13 Fencing should be natural in appearance and coordinated with the design of the main building. Appropriate materials are those that reflect a natural, locally crafted character, such as local stone, heavy timbers or local wood.
- E.1.7.14 The use of trees and other vegetation along roadways in a manner that "crowds" the street, and causes automotive traffic to slow is strongly encouraged.
- E.1.7.15 Deciduous boulevard trees should be included with a spacing of 10 m in all large new commercial and multi-family projects in Ganges Village with frontage on Fulford-Ganges and Lower Ganges Roads.
- E.1.7.16 Parking lots should be carefully landscaped to screen them from adjacent streets and land uses, to provide shade and to avoid large expanses of uninterrupted asphalt. The following landscape guidelines apply specifically to parking lots, including off-site parking lots:
- a. Parking lots with street frontage should be screened by a landscaped strip with a minimum width of 3 m. The perimeter of parking lots should also be screened with a minimum width of 2 m.
 - b. Parking lots with more than 10 spaces should include interior landscaping islands and peninsulas that occupy at least 5 per cent of the lot area besides the street frontage and perimeter strips. Irregular shapes of parking islands are encouraged, especially those incorporating existing vegetation naturally and informally.
 - c. Reductions in parking space requirements may be requested to accommodate adequate parking lot

landscaping.

- d. The use of permeable parking materials such as "hard grass" is strongly encouraged to soften the visual effect of parking lots and minimize changes to site drainage.

- E.1.7.17 Parking lots should be surfaced and lined before issuance of an occupancy permit to ensure efficient use. Alternatives to paving such as interlocking or permeable pavers are encouraged. Unpaved parking lots may be considered in some locations provided lots have less than 10 spaces and other techniques are used to ensure efficient use. Unpaved parking lots are encouraged in Fulford Harbour Village. Driveways providing access to multifamily developments should employ speed control devices at entries.
- E.1.7.18 Sidewalks, patios and decks should be constructed of natural materials or interlocking pavers. Brushed concrete and asphalt should be avoided. In Fulford Harbour in particular, sidewalks should be carefully and creatively designed to ensure that the informal and somewhat irregular character of the village is retained.
- E.1.7.19 Pathways that form part of the Ganges Public Pathway System should usually consist of natural materials. Pathway width should be a minimum of 1 m.
- E.1.7.20 All multifamily developments should include landscaped areas for individual and group activities of a recreational or social nature. At least 9 m² of private open space should be provided for each dwelling unit. Developments that provide special needs housing or affordable seniors' supportive housing may provide less private open space, if areas for outdoor group activities are provided.
- E.1.7.21 Multifamily developments designed for families should also include at least 2.5 m² of children's play area for each bedroom in the development, excluding master bedrooms.
- E.1.7.22 Where the property being subdivided or developed adjoins agricultural land, a vegetated buffer is to be planted or retained. The buffer should usually be at least 3 m wide and should be consistent with the Landscaped Buffer Guidelines (ALC, 1993) developed by the Agricultural Land Commission. The buffer area should be protected from disturbance by a covenant.

E.1.8 Guidelines for Lighting

- E.1.8.1 Lighting of commercial and industrial sites should be kept to the minimum necessary for pedestrian safety and visibility. A low level of light should be maintained in the night time atmosphere of villages. Lighting in parking lots should be adequate for security purposes.
- E.1.8.2 Light fixtures on commercial and industrial sites should be carefully chosen to focus light on the area to be illuminated. The spillage of light into onsite residential areas, neighbouring properties, streets or other public areas including the sea should be avoided. Fixtures should not result in glare when viewed from residential areas that overlook villages.
- E.1.8.3 Light fixtures should be simple and unobtrusive in design. The use of indirect lighting mounted on the fronts and sides of village buildings is encouraged.
- E.1.8.4 Incandescent fixtures are preferred.
- E.1.8.5 Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 m in height.
- E.1.8.6 Lighting should be provided along the Ganges Public Pathway System. Light fixtures provided along the seawalk portion of the System should be of consistent height and design.
- E.1.8.7 Flashing or strobe lights should not be used to attract attention to commercial uses.

E.1.9 Sign Guidelines

- E.1.9.1 Signs should be coordinated with buildings in terms of location, scale, materials, finishes and colours.
- E.1.9.2 Signs should be kept to the minimum size and number needed to inform and direct residents and visitors. Sign size and lettering should not exceed that necessary to direct pedestrians and slow-moving traffic: letters should rarely exceed 20 cm in height; the area of individual signs should rarely exceed 2.5 m². Total permitted sign area should not exceed that permitted by local bylaw.
- E.1.9.3 All signs should be kept at a pedestrian viewing level. They should not obstruct pedestrian traffic. Some exceptions to the guidelines in this Section may be considered for marine-oriented businesses which offer services to marine traffic. However care must be taken to ensure that the character of the harbour as viewed from the sea is not dominated by commercial signs.
- E.1.9.4 Signs should be constructed of natural materials, preferably with a handcrafted look. Plastic, back lit signs should not to be used, especially those dominated by product logos and trademarks.
- E.1.9.5 Front-lit signs with soft light levels are preferable.
- E.1.9.6 Signs should not move or be audible. They should not incorporate lighting that moves or flashes or gives the impression of doing so. Neon lighting should not be used outside buildings.

E.1.10 Guidelines regarding Stormwater Drainage and Water Pollution

- E.1.10.1 New commercial, industrial, institutional and multi-family residential developments that will create more than 280 m² of new impervious surfacing should include a report prepared by a Professional Engineer that determines the extent of changes to the natural drainage. It should identify any conditions that should be incorporated into the development permit to protect property from flooding, erosion or from other undesirable impacts as the result of changes to stormwater runoff. Particular attention should be paid to ensuring that drainage changes will not result in detrimental impacts such as flooding or reduced groundwater availability on agricultural lands or watercourses that either adjoin the development or are located in the same watershed.
- E.1.10.2 Developments that would create less than 280 m² of impervious surface area should not alter drainage in a way that would cause detrimental impacts on other properties, including agricultural land. The Local Trust Committee could request that a drainage plan be prepared by a Professional Engineer to assist it in establishing development permit conditions related to drainage,
- E.1.10.3 Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on agricultural land or to fishbearing watercourses because of water pollution.

Note: Applicants are referred to B.C. Ministry of Environment, Lands and Parks (1992) for mechanisms to minimize storm water pollution in a manner that will meet the objectives and guidelines of this Development Permit Area.

Illustration and Information Sources for Development Permit Area 1:

Arendt, R. 1994

Rural by design: maintaining small town character.

Planners Press. American Planning Association, Washington, D.C.

B.C. Agricultural Land Commission 1993

Landscaped buffer specifications, Burnaby, B.C.

B.C. Ministry of Agriculture, Fisheries and Food, 1996

Strengthening farming in British Columbia.

A guide to implementation of the Farm Practices Protection (Right to Farm) Act, Victoria, B.C.

B.C. Ministry of Environment, Lands and Parks, 1992

Urban Runoff Quality Control Guidelines for British Columbia

City of Kamloops, 1994

City Centre Plan, Kamloops, B.C.

Doble, C.S. and G.M. McCulloch, 1991

Community Design Guidelines Manual.

The Tug Hill Commission. The New York State Tug Hill Commission in cooperation with the Fort Drum Land Use Team, Watertown, New York.

Dodson Associates, quoted in Arendt, 1994

Redman Johnston Associates, quoted in Arendt, 1994

Salt Spring Island Advisory Design Panel, 1986

Ganges Design Guidelines, Ganges, B.C.

E.2 DEVELOPMENT PERMIT AREA 2 - NON-VILLAGE COMMERCIAL AND INDUSTRIAL

E.2.1 Description of Permit Area and Exemptions

E.2.1.1 Development Permit Area 2 is shown on Map 19. It is designated according to Section 879(1)(e) of the *Municipal Act* to identify objectives and guidelines for the form and character of commercial and industrial development outside Village Designations. It is also designated according to Section 879 (1)(c) for the protection of farming on adjacent lands.

Background Note: The official version of Map 19 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 19 that is bound with this Plan has been included for convenience.

E.2.1.2 **All** development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, **except:**

- a. subdivision of land zoned for commercial or industrial use.
- b. subdivision of land that adjoins agricultural land or that drains into agricultural land.
- c. development of more than 15 new tourist accommodation units or campsites on a property where no such units are in operation.
- d. development of new retail, industrial or commercial space greater than 185 m² in gross floor area that is visible from public areas or other properties.
- e. development of new restaurants, pubs, or marinas on a property where such a use is not in operation.
- f. development of a commercial or industrial parking lot with more than 15 spaces that is visible from public areas or other properties.
- g. development of more than 280 m² of new impervious surfaces, or alteration of the existing drainage regime on lands that adjoin or drain into agricultural land.
- h. removal of vegetation within 3 m of agricultural land (excluding the emergency removal of a hazardous tree).

E.2.2 Reasons for this Development Permit Area

Existing local zoning provides a significant potential for new commercial and industrial development on properties located within residential and rural neighbourhoods. Other policies in this Plan could lead to more intensive development on existing industrial properties.

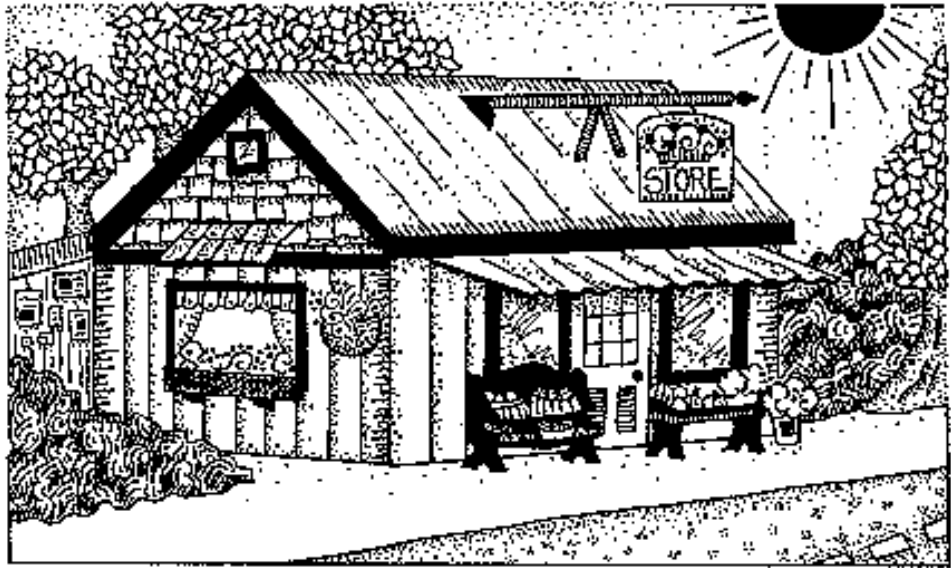
Other policies and objectives of this Plan recognize the community's desire to retain a quiet, rural character in island neighbourhoods.

Design guidelines can reduce the potential conflicts between large new commercial and industrial development and neighbouring properties.

Some properties in this Development Permit Area adjoin or drain into land that is in the Agricultural Land Reserve or that has been traditionally used for agricultural activities. The higher densities of development permitted in this Area could have negative effects on nearby agricultural activities, if that development is not carefully managed. By paying attention to the design of development in this Area, the potential for on-going conflicts between agricultural activities and higher density development can be minimized.

E.2.3 Objectives of this Development Permit Area

- E.2.3.1 To ensure that the commercial and industrial businesses allowed in rural and residential neighbourhoods can develop with the least impact on neighbouring properties.
- E.2.3.2 To avoid a level of design regulation that could affect the viability of small commercial and industrial businesses.
- E.2.3.3 To protect nearby agricultural lands (including their water supplies) and to reduce the potential for conflicts between agricultural activities and higher density settlement areas.



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.

E.2.4 Guidelines for General Site Design, Building Location and Access

- E.2.4.1 Property line setbacks should not be varied from those allowed by local bylaws.
- E.2.4.2 Site access to commercial and industrial properties should maintain the character of the surrounding neighbourhood as much as possible; there should ideally be only one access to a commercial or industrial property from the public street.
- E.2.4.3 Sites should be designed to minimize impacts on neighbouring properties and public areas, including water surfaces. Particular attention should be paid to locating and screening loading docks, garbage and recycling containers and other service areas so that visual and noise impacts are minimal.
- E.2.4.4 An effective vegetation screen should be maintained along any boundary with a non-commercial or non-industrial property.
- E.2.4.5 Developments adjoining agricultural lands should be designed to minimize conflicts with that land. The location of access roads, the siting of structures and the layout of subdivisions should follow the guidelines developed by the Ministry of Agriculture and Lands and the Agricultural Land Commission as a guide to implementing the *Farm Practices Protection (Right to Farm) Act* (MAFF, 1996). Site designs should allow for a vegetated buffer, as outlined in Guideline E.2.8.7.

E.2.5 Guidelines for Offstreet Parking, Location and Design

Background Note: All driveway access points must be approved by a permit from the Ministry of Transportation and Infrastructure.

- E.2.5.1 Commercial and industrial parking lots with more than 15 spaces should be screened from adjacent streets and homes. If this is not possible, the lot should be landscaped to break up large continuous parking areas.
- E.2.5.2 Areas should be provided for the loading and unloading of delivery trucks. The site should allow delivery trucks to manoeuvre without having to block or back onto adjacent streets.
- E.2.5.3 Emergency vehicles should be able to readily reach all parts of the development.

E.2.6 Guidelines for Building Form

- E.2.6.1 Building height should not exceed that permitted by local bylaws and should minimize the obstruction of views from neighbouring structures.
- E.2.6.2 On sloping land, horizontal modulation (stepped buildings) should be used so buildings and structures conform to the site.
- E.2.6.3 Existing site topography and landscape should not be altered and should be complemented by proposed structures.
- E.2.6.4 Where development is allowed along shorelines, it should be designed to conform to, rather than conceal the natural contours of the land that borders the shoreline.
- E.2.6.5 Large new structures should avoid long, homogenous facades. They should have a scale, size, massing, shape, roof line and exterior finish varied and articulated to reduce apparent mass.
- E.2.6.6 Where practical, building roofs should be similar in design to those on neighbouring structures.
- E.2.6.7 Roof-top mechanical equipment (satellite dishes, air-conditioning) should be screened from view.
- E.2.6.8 Large areas of curtain-wall glazing should not be used.
- E.2.6.9 All portions of a building should be authentic, functional space - artificial or contrived architectural features should not be included in building designs.

E.2.7 Guidelines for Building Exteriors

- E.2.7.1 Where a large new commercial service or industrial building is visible from public streets, an effort should be made to make it unobtrusive.

E.2.8 Guidelines for Landscaping and Parking Lot Surfaces

- E.2.8.1 Where large new commercial or industrial developments are visible from streets or other public areas, site landscaping should be installed before issuance of the building occupancy permit. A letter of credit should be deposited with the Local Trust Committee for an amount equal to 150% of the cost of the work to complete any landscaping that would be visible from public areas.
- E.2.8.2 Where landscaping of large new commercial and industrial areas is visible from public areas, informal, natural landscaping with native species is encouraged as opposed to formal, decorative plantings.
- E.2.8.3 New plant materials should be chosen with a view to conserve water.
- E.2.8.4 Landscaping next to creeks and lakes should remain natural and wild to protect fish habitat. Plant species with a high water demand or that may require the use of pesticides or fertilizers should not be located in this

area. Bark mulches and impermeable landscape fabric should not be used.

- E.2.8.5 Where practical, special care should be taken to retain existing vegetation and incorporate it into new development.
- E.2.8.6 Fencing should be natural in appearance and coordinated with the design of the main building.
- E.2.8.7 Where the property being subdivided or developed adjoins agricultural land, a vegetated buffer is to be planted or retained. The buffer should usually be at least 3 m wide and should be consistent with the Landscaped Buffer Guidelines (ALC, 1993) developed by the Agricultural Land Commission. The buffer area should be protected from disturbance by a covenant.

E.2.9 Guidelines for Lighting

- E.2.9.1 Lighting should be kept to the minimum necessary for safety and visibility, to maintain a low level of light in the island's night time atmosphere.
- E.2.9.2 Light fixtures should be carefully chosen to focus light on the area to be illuminated.
- E.2.9.3 Incandescent fixtures are preferred.
- E.2.9.4 Flashing or strobe lights should not be used to attract attention to commercial uses. Neon lighting should not be used outside buildings.

E.2.10 Guidelines for Signs

- E.2.10.1 Total sign area should not exceed that permitted by local bylaws.
- E.2.10.2 Signs should not be placed more than 5 m above the ground.
- E.2.10.3 Plastic, back lit signs should not to be used.
- E.2.10.4 Signs should not move or be audible. They should not incorporate lighting that moves or flashes or gives the impression of doing so.

E.2.11 Guidelines for Subdivision

- E.2.11.1 Land in this Development Permit Area should not be subdivided so that parking becomes visible from public streets and neighbouring properties, if it had been screened to meet the guidelines of this Area.
- E.2.11.2 When land that is zoned for industrial or commercial service use is subdivided, lot configuration should encourage the development of a single entrance from the public street. An internal circulation system should be developed that does not require vehicles to manoeuvre outside the property. New lot sizes and shapes should ensure that a vegetation buffer can be maintained along the border with neighbouring properties.

E.2.12 Guidelines regarding Stormwater Drainage and Water Pollution

- E.2.12.1 New commercial or industrial developments that will create more than 280 m² of new impervious surfacing should include a report prepared by a Professional Engineer that determines the extent of changes to the natural drainage. It should identify any conditions that should be incorporated into the development permit to protect property from flooding, erosion or from other undesirable impacts as a result of changes to stormwater runoff. Particular attention should be paid to ensuring that drainage changes will not result in detrimental impacts such as flooding or reduced groundwater availability on agricultural lands or watercourses that either adjoin the development or are located in the same watershed.
- E.2.12.2 Developments that would create less than 280 m² of impervious surface area should not alter drainage in a

way that would cause detrimental impacts on other properties, including agricultural land. The Local Trust Committee could request that a drainage plan be prepared by a Professional Engineer to assist in establishing development permit conditions related to drainage.

- E.2.12.3 Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on agricultural land or fishbearing watercourses because of water pollution.

Note: Applicants are referred to B.C. Ministry of Environment, Lands and Parks (1992) for mechanisms to minimize stormwater pollution in a manner that will meet the objectives and guidelines of this Development Permit Area.

Information Sources for Development Permit Area 2:

B.C. Agricultural Land Commission, 1993

Landscaped Buffer Specifications, Burnaby, B.C.

B.C. Ministry of Agriculture, Fisheries and Food, 1996

Strengthening farming in British Columbia. A guide to implementation of the Farm Practices Protection (Right to Farm) Act, Victoria, B.C.

B.C. Ministry of Environment, Lands and Parks, 1992

Urban Runoff Quality Control Guidelines for British Columbia

E.3 DEVELOPMENT PERMIT AREA 3 - SHORELINE

E.3.1 Description of Permit Area and Exemptions

E.3.1.1 Development Permit Area 3 is shown on Map 20. It is all that area of land covered by water between the natural boundary of the sea and a line drawn parallel to and 300 m seaward of the natural boundary of the sea. It also encloses the land within 10 m of the natural boundary of the sea (measured horizontally) in areas where the marine environment has been identified as being particularly sensitive to development impacts. Development Permit Area 3 is designated according to Section 879 (1)(a) of the *Municipal Act* to identify objectives and guidelines for the form and character of the commercial and industrial development allowed on the water surface. It is also designated according to Section 879 (1)(a) and (b) to protect the natural environment and to protect development from hazardous conditions.

Background Note: The official version of Map 20 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 20 attached to this Plan has been included for convenience.

E.3.1.2 All development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, **except**:

- a. Construction of buildings.
- b. An addition to an existing dock or construction of a new dock in areas outside the Shoreline Conservation Designation (see Map 1) that will result in a total float area greater than 35 m².
- c. An addition to an existing dock or construction of a new dock in areas within the Shoreline Conservation Designation (see Map 1).
- d. Construction of more than one mooring facility next to a parcel.
- e. Construction of a breakwater, a rock weir, a groin or a jetty.
- f. Construction of shoreline stabilization works bulkheads or walkways.
- g. Placing of fill.
- h. Dredging.
- i. Construction of boat launch ramps and railways.
- j. Removal of trees with a trunk diameter greater than 20 cm (measured 1.5 m above the ground) or the removal of other vegetation that results in the exposure of a total area of bare soil more than 9 m² in area within 10 m of the natural boundary of the sea.
- k. Installation of light standards in commercial or industrial zones on the water surface.
- l. Installation of signs in commercial or industrial zones that exceed the size allowed in local bylaws.
- m. The subdivision of land parcels that creates additional new lots within this Development Permit Area.

E.3.1.3 Despite Section E.3.1.2, 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 the sea, 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.
- f. vegetation removal within 10 m of the natural boundary of the sea or works below the natural boundary of the sea that have been approved in writing by the Ministry of Environment or the Department of Fisheries and Oceans.
- g. 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.

E.3.2 Reasons for this Development Permit Area

This Development Permit Area includes shoreline waters and natural fish and wildlife habitat that could be subject to degradation due to development. It also includes areas of land that lie adjacent to and influence the island's most sensitive shoreline environments. Shoreline areas and beaches may contain unstable slopes and soils subject to erosion, land slip and rock falls. There are also high aesthetic values along shoreline areas. They will be affected by the form and character of commercial and industrial development allowed by current zoning.

E.3.3 Objectives of this Development Permit Area

E.3.3.1 To protect the quality of the tidal waters that surround Salt Spring Island.

E.3.3.2 To protect fish and wildlife habitat.

E.3.3.3 To prevent erosion and hazardous conditions that could result from interrupting the natural geohydraulic processes along the shoreline.

E.3.3.4 To protect development from hazardous conditions.

E.3.3.5 To protect the natural beauty of the island's shoreline areas where commercial and industrial developments are allowed. To ensure such development is unobtrusive and contributes to the natural, public character of the Crown foreshore.

E.3.4 Guidelines for 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.3.4.1 All work that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate.

E.3.4.2 All work that takes place on land within 10 m of the natural boundary of the sea 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.3.4.3 Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.

E.3.4.4 New roads and septic systems 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 system should be supervised by a qualified professional to ensure that the objectives and guidelines of this Area are met.

E.3.4.5 Structures should provide for the thorough flushing of all enclosed water areas and should not restrict the movement of aquatic life or interfere with natural shoreline processes.

E.3.4.6 Open pile or floating breakwater designs are preferred. Solid breakwaters should not be used, except facilities that will accommodate a marina.

E.3.4.7 New boating facilities that provide transient moorage should not be constructed unless access is available to adequate and convenient facilities for pump-out, holding and treating of sewage from boats. New boating facilities should be designed, located, and operated in a way that ensures there will be no discharge of toxic material from boats (for example: fuels, oils, maintenance by-products).

- E.3.4.8 There should be no dredging to create new facilities. Maintenance dredging of existing facilities should be limited to the minimum area necessary to maximize the capacity of the existing facility. Dredging should be done with the use of silt curtains to prevent siltation of adjacent areas.
- E.3.4.9 The shoreline should not be filled in to create additional land, except minor areas of fill necessary to complete the boardwalk section of the Ganges Public Pathway System in Ganges Harbour.
- E.3.4.10 No parking areas should be located over the surface of the water, on land created by fill, or on accretion shoreforms.
- E.3.4.11 Boat launch ramps should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of geo-hydraulic processes.
- E.3.4.12 Preference is to be given to the placement of mooring buoys and floats instead of docks. It is also to be given to the construction of joint use docks rather than individual ones. Multifamily and strata-titled developments are to construct joint use dock facilities. No more than one facility for mooring boats is to be located next to any parcel. An exception could be made if more than one joint facility is to be located next to the common property of a strata development.
- E.3.4.13 Docks should not be located over shellfish beds or lead to the removal of any kelp or eel grass beds.
- E.3.4.14 Large residential docks should be located and designed to avoid the need for shore defence works, or breakwaters. If a bulkhead is to be constructed as a base for a dock, it should be constructed landward of the natural boundary of the sea.
- E.3.4.15 Structures in contact with the water should be constructed of stable materials, including finishes and preservatives that will not degrade water quality.
- E.3.4.16 Piers should use the minimum number of pilings necessary, with preference to large spans over more pilings.
- E.3.4.17 Piers should be constructed with a minimum clearance of 0.5 m above the elevation of the natural boundary of the sea.
- E.3.4.18 All docks should be constructed so that they do not rest on the bottom of the foreshore at low water levels.
- E.3.4.19 Any plastic foams or other non-biodegradable materials used in construction of floats and docks should be well contained to prevent escape into the natural environment.
- E.3.4.20 Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not accommodate boats with a draft greater than 2.2 m or have floats more than 35 m² total surface area unless more than two parcels have legal access to the dock.
- E.3.4.21 Applications for shoreline stabilization should include a report, prepared by a Professional Engineer with experience in geotechnical engineering, which describes the proposed modification and shows:
- a. the need for the proposed modification to protect existing structures.
 - b. where the modification is proposed to protect new structures, the locations on the property where those structures could be built and not require shoreline modification.
 - c. if any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposal modification, including at sites on other properties or foreshore locations.
 - d. the cumulative effect of shoreline stabilization works along the drift sector where the works are proposed.
 - e. whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification.
 - f. whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.

- E.3.4.22 Shoreline stabilization should be limited to that necessary
- a. to prevent damage to existing structures or an established use on adjacent upland.
 - b. to prevent damage to a proposed public land use.
- New upland structures or additions should be located and designed to avoid or reduce the need for shoreline stabilization. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except agricultural land.
- E.3.4.23 Shoreline stabilization works should use natural means such as vegetative stabilization or protective berms rather than structural solutions such as concrete or large riprap. Applications for structural stabilization works should provide an explanation as to the need for structural solutions. Structural solutions should not be employed in the Shoreline Conservation Designation, unless an existing building is threatened by wave erosion and cannot be protected by other means.
- E.3.4.24 Materials used for shoreline stabilization should consist of inert materials. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal waters.
- E.3.4.25 Rock weirs, groins and jetties should not be constructed. An exception could be made if it can be shown that they are part of a larger system that will reduce the need for overall shoreline modification and that they are intended to prevent damage to existing structures. They should not be proposed to protect new structures.
- E.3.4.26 Bulkheads should only be constructed if no other alternative exists. Where bulkheads are proposed, they should not to be located where geohydraulic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits or hooks should be avoided. Bulkheads should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible. Bulkheads should allow the passage of surface or groundwater without causing ponding or saturation. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.
- E.3.4.27 Where revetments are proposed, they should not result in the loss of riparian vegetation or fish habitat. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse. Filter cloth should be used to aid drainage.
- E.3.4.28 Where this Area includes unique native species dependent on a marine shoreline 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 in these areas, 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.3.4.29 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 the protection of the natural environment. 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.3.4.30 Buildings built over the water surface in areas zoned for commercial and industrial use in Ganges and Fulford Harbour should accommodate continuous pedestrian passage along the waterfront. Developments in Ganges should contribute to the development of the Ganges Public Pathway System, including the seawalk portion, shown on Map 17. New sections of the seawalk should be built in a way that is consistent with existing portions, ensuring barrier-free access along the entire route. For public safety, light fixtures should be provided at a consistent height and design.
- E.3.4.31 Buildings built over the water surface should not exceed the heights allowed in the local zoning bylaw. Building form in Ganges and Fulford harbours should be consistent with the guidelines in Section E.1.6.

- E.3.4.32 Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should be simple and unobtrusive in design. They should be carefully chosen to focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high cut-off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.
- E.3.4.33 Signs on commercial and industrial developments built over the water surface should not exceed the size or total area allowed by local bylaw. Signs on such sites should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.

E.3.5 Guidelines for Subdivision

- E.3.5.1 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.

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 m² 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.

E.5 DEVELOPMENT PERMIT AREA 5 - COMMUNITY WELL CAPTURE ZONES

E.5.1 Description of Permit Area and Exemptions

- E.5.1.1 Development Permit Area 5 is shown on Map 22. It is made up of the capture zones of wells that supply community water systems. The capture zones have been identified by a professional geohydrologist and represent a conservative estimate of the area that includes the groundwater watershed for community wells. Development Permit Area 5 is designated according to Section 879 (1) (a) of the *Municipal Act* to protect the natural environment.

Background Note: The official version of Map 22 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 22 attached to this Plan has been included for convenience.

- E.5.1.2 **All** development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, **except:**

- a. removal of vegetation that results in the exposure of bare soil more than 280 m² in area.
- b. construction of non-residential buildings larger than 70 m² in area.
- c. installation of a septic field.
- d. the subdivision of land parcels that creates additional new lots within this Development Permit Area.
- e. installation of fuel oil or gasoline storage tanks.

- E.5.1.3 Despite Section E.5.1.2, the following activities are also exempted from the requirement to obtain a Development Permit:

- a. development on land within this Development Permit Area that is clearly outside an area shown in Appendix 8 as being within the physical capture zone of a community water supply well.
- b. land alteration and vegetation removal on agricultural land that is done for farming purposes and that is consistent with normal farm practices as determined under the *Farm Practices Protection (Right to Farm) Act*.
- c. forest management activities related to timber production and harvesting in the Forest Land Reserve.
- d. works undertaken by a community water system.
- e. the emergency removal of a hazardous tree.
- f. emergency works to prevent flood damage to structures.
- g. 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 groundwater quality.

E.5.2 Reasons for this Development Permit Area

- E.5.2.1 This Development Permit Area is made up of the area that drains into wells used by community water systems. If not carefully managed, development in this Area could result in the degradation of drinking water quality for many homes. Prevention of water quality degradation is much less costly than remediating an aquifer after contamination has occurred.

E.5.3 Objectives of this Development Permit Area

- E.5.3.1 To protect the quality of drinking water supplied from community water system wells.

E.5.4 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 of 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.5.4.1 All development that takes place within this Development Permit Area should be done in a way that minimizes the degradation of water quality in community water system wells.
- E.5.4.2 If vegetation is to be removed in a way that exposes more than 280 m² of bare soil, then a plan should be implemented to control stormwater drainage and avoid the deterioration of groundwater quality.
- E.5.4.3 Non-residential structures should not be built in this Area if they are to be used for the storage or handling of materials in quantities sufficient to pollute groundwater supplies. If such a location cannot be avoided, then the structure should be designed and constructed to ensure that spills can be properly contained and handled without polluting groundwater.
- E.5.4.4 New roads and septic fields should not be located within 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.
- E. 5.4.5 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 professional engineer with experience in the protection of groundwater supplies. 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.5.5 Guidelines for Subdivision

- E.5.5.1 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 to meet 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.

E.6 DEVELOPMENT PERMIT AREA 6 - UNSTABLE SLOPES AND SOIL EROSION HAZARDS

E.6.1 Description of Development Permit Area and Exemptions

E.6.1.1 Development Permit Area 6 is shown on Maps 23 and 24. It is made up of areas that have been identified as having a high hazard for soil erosion (Map 23) or a high hazard for slope instability (Map 24). Development Permit Area 6 is identified according to Sections 879 (1)(a) and (b) of the *Municipal Act* to protect the natural environment and to protect development from hazardous conditions.

Background Note: The official versions of Maps 23 and 24 are drawn at a scale of 1:20,000 and are available through the offices of the Islands Trust. The page size versions of Maps 23 and 24 attached to this Plan have been included for convenience.

This Development Permit Area is based on a reconnaissance level hazard assessment that was designed to flag significant areas of potentially hazardous lands that need further assessment prior to disturbance. Only those areas identified as having a potentially "high" hazard are included in this Development Permit Area. Other smaller areas that cannot be mapped at this scale may also have unstable slopes. Some of the areas shown on Map 24 may also include small areas that are not characterized by instability.

E.6.1.2 **All** development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, **except:**

- a. Removal of trees with a trunk diameter greater than 20 cm (measured 1.5 m above the ground) on areas that have been identified as having a high hazard for slope instability.
- b. Removal of vegetation that results in the exposure of a total area of bare soil more than 9 m² in area.
- c. Installation of a septic disposal field in an area that has been identified as having a high hazard for slope instability.
- d. Alteration of existing drainage courses.
- e. The subdivision of land parcels that creates additional new lots within this Development Permit Area.

E.6.1.3 Despite Section E.6.1.2, the following activities are also exempted from the requirement to obtain a Development Permit:

- a. development on land within this Development Permit Area, that is, according to a professional survey submitted to the Islands Trust by the developer, outside an area shown on Maps 13 and 14 as having a high hazard for slope instability or soil erosion.
- b. land alteration and vegetation removal on agricultural land that is not identified on Map 24 as having a high hazard for slope instability, that is done for farming purposes and that is consistent with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*.
- c. forest management activities related to timber production and harvesting in the Forest Land Reserve.
- d. all activities except for soil excavation or road construction on those parts of this Area that have been included because of the presence of the "Metchosin" soil type (indicated on Map 23).
- e. development on, or subdivision of, a property that is in accordance with a report submitted to the Islands Trust, prior to development or subdivision commencing, that has been prepared by a geotechnical engineer or an engineer with expertise relevant to the applicable matter, and has been conducted in accordance with the recommendations contained in the report addressing slope instability and soil erosion hazards.
- f. the emergency removal of a hazardous tree in compliance with an arborist's report that has been submitted to the Islands Trust.
- g. emergency works to prevent flood damage to structures.
- h. 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 prevention of soil erosion and the protection of development from hazards due to slope instability.

E.6.2 Reasons for this Development Permit Area

E.6.2.1 Land in this Development Permit Area has been identified as having a high hazard for slope instability or soil erosion. If not carefully managed, disturbance of the land in this Area could result in significant soil erosion and increased hazards to development.

E.6.3 Objectives of this Development Permit Area

E.6.3.1 To protect development from hazards due to slope instability.

E.6.3.2 To prevent soil erosion.

E.6.3.3 To protect land, streams, water bodies and the sea from damage due to soil erosion.

E.6.4 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 in this Area will not prevent a property from being used as the local zoning bylaw allows, unless they are conditions that relate to health, safety or the protection of property from damage.

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.6.4.1 All development that takes place in this Development Permit Area should be done in a way that prevents disturbance to unstable slopes and soils with high erosion hazards.

E.6.4.2 If a tree with a trunk diameter greater than 20 cm is to be removed, or if the removal of vegetation results in an area of bare soil greater than 9 m² in area, or if a natural drainage course is to be altered, then a plan should be developed to prevent slope instability and to control soil erosion. Vegetation and trees are to be retained and replaced as necessary to control erosion and protect banks.

- E.6.4.3 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 professional engineer to ensure that the objectives and guidelines of this Area are met.
- E.6.4.4 New structures should not be located in areas that have been identified on Map 24 as having a high hazard for slope instability. If such a location cannot be avoided, then the design, construction and storm drainage design of the structure should be supervised by a professional engineer to ensure that the objectives and guidelines of this Area are met.
- E.6.4.5 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 professional engineer. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and meet the guidelines of this Development Permit Area.

E.6.5 Guidelines for Subdivision

- E.6.5.1 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.

E.7 DEVELOPMENT PERMIT AREA 7 - RIPARIAN AREAS

Development Permit Area 7 is designated according to the *Local Government Act* to protect the natural environment, its ecosystems and biological diversity.

Terms used in Section E.7 that are defined in the provincial *Riparian Areas Regulation* are intended to be interpreted in accordance with the definitions given in the Regulation, as it may be amended from time to time.

E.7.1 Description of Development Permit Area 7

E.7.1.1 Development Permit Area 7 includes all land designated on Map 28 of this plan as being within the Riparian Areas development permit area. Development Permit Area 7 includes the following:

E.7.1.1.1 Riparian areas related to the watercourses, wetlands and water bodies identified on Map 28 as streams which include any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
 - b) a pond, lake, river, creek or brook;
 - c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b);
- and:
- d) for a ravine the development permit area is measured from the top of the ravine bank.

and Map 28 shall be so interpreted.

The designation and delineation of Development Permit Area 7 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

E.7.2 Reasons for this Development Permit Area

E.7.2.1 This development permit area contains streams, lakes and wetlands and their associated riparian areas, which have been identified as potential fish habitat. Riparian areas are necessary for stream and watershed health.

It is a policy of the Islands Trust Council that Local Trust Committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia's *Fish Protection Act*, requires that local governments establish regulations to protect riparian areas. This designation is intended to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

E.7.3 Objectives of this Development Permit Area

- E.7.3.1 To protect the biological diversity and habitat values of riparian and aquatic ecosystems.
- E.7.3.2 To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation.
- E.7.3.3 To minimize adverse impacts of land use practices on fish habitat, which includes plant habitats in riparian areas.

E.7.4 Applicability

- E.7.4.1 The following residential, commercial, and/or industrial activities shall require a development permit whenever they occur within Development Permit Area 7, unless specifically exempted under Section E.7.5:
- a. Construction of, addition to, or alteration of a building or other structure.
 - b. Removal, alteration, or destruction of vegetation.
 - c. Soil removal, soil deposit or soil disturbance.
 - d. Development of drainage systems.
 - e. Creation of non-structural impervious or semi-impervious surfaces.
 - f. Subdivision, as defined in the *Local Government Act*,
 - g. Development, as that term is defined under the provincial *Riparian Areas Regulation*.
- E.7.4.2 The property owner shall be required, in addition to any other application requirements enacted or imposed by the Local Trust Committee, to provide at their expense an assessment report from a Qualified Environmental Professional which has been submitted per the *Riparian Areas Regulation*.
- E.7.4.3 In the event that a parcel of land is subject to more than one development permit area, all relevant development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, shall be required.

E.7.5 Exemptions

- E.7.5.1 The following activities are exempt from any requirement for a development permit:
- a. Interior or structural exterior alterations, renovations, maintenance, re-construction or repair to a pre-existing permanent building or structure on an existing foundation or footprint to an extent that does not alter, extend or increase the footprint. For clarity, this includes pre-existing septic and water systems.
 - b. The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
 - c. Emergency procedures to prevent, control or reduce immediate threats to life or property including: emergency actions for flood-protection and erosion protection, clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and repairs to bridges and safety fences carried out in accordance with the *Water Act*.
 - d. Gardening and yard maintenance activities within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land, or does not involve the cosmetic application of artificial fertilizers, pesticides, or herbicides.
 - e. Restoration and enhancement activities by persons undertaking only to restore and enhance the natural features, functions and conditions of riparian areas as approved in a signed and sealed letter from a Qualified Environmental Professional submitted to the Islands Trust.
 - f. Development in accordance with a registered covenant or approved Development Permit that pertains directly and explicitly to riparian habitat protection which: i) is registered in favour of the Local Trust Committee and/or Provincial or Federal interests and ii) establishes a riparian buffer.
 - g. Proposals for the subject property which have an existing development permit and demonstrate that the proposed development shall not in any way compromise the permit and continue to demonstrate meeting or exceeding all protective measures and recommendations in accordance with a Riparian Assessment Report from a Qualified Environmental Professional submitted to the *Riparian Areas Regulation* Notification System.
 - h. Farm Operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*. For clarity, a farm operation or farm use means agricultural activities conducted by a farm business.
 - i. Development proposals for the subject property which demonstrate meeting or exceeding all protective measures and recommendations in accordance with a Riparian Assessment Report from a Qualified Environmental Professional submitted per the *Riparian Areas Regulation* before adoption of Bylaw No. 480.

Information Note:

Despite these exemption provisions, property owners must meet all applicable local, provincial or federal requirements. Some activities not listed in this section, that are regulated under other provincial or federal legislation may not require a development permit. While many activities are exempt from the Permit Process, voluntary compliance with the guidelines of this section is encouraged for all activities.

E.7.6 Guidelines for New Development

Prior to undertaking any applicable development activities within Development Permit Area 7, the property owner shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- E.7.6.1 The property owner shall be required, in addition to any other application requirements enacted or imposed by the Local Trust Committee, to provide at their expense an assessment report from a Qualified Environmental Professional which has been submitted per the *Riparian Areas Regulation*.
- E.7.6.2 The Local Trust Committee may impose permit conditions based on the assessment report including:
 - a. Require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit.
 - b. Require natural water courses to be dedicated.
 - c. Require works to be constructed to preserve, protect, restore or enhance natural water courses or other specified natural features of the environment.
 - d. Require protection measures, including that vegetation or trees be planted or retained in order to:
 - i. preserve, protect, restore or enhance fish habitat or riparian areas;
 - ii. control drainage, or;
 - iii. control erosion or protect banks.
- E.7.6.3 The Local Trust Committee shall require a security for developments clearing greater than 280m² (3,012 ft²) of land within the Development Permit Area. Security shall be returned upon confirmation by a Qualified Environmental Professional that assessment report conditions have been satisfactorily addressed.
- E.7.6.4 Security shall be provided to secure satisfactory completion of habitat protection works, restoration measures, or other works for the streams and streamside habitat (the "required works"). The security shall be 150% of the estimated value of the required works as determined by the Local Trust Committee.
- E.7.6.5 The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area identified by the Qualified Environmental Professional and the property owner should be required to follow any measures identified by the Qualified Environmental Professional for protecting the Streamside Protection and Enhancement Area over the long term and these measures should be included as conditions of the development permit. The width of the Streamside Protection and Enhancement Area may be less than the width of the Development Permit Area.
- E.7.6.6 Where a Qualified Environmental Professional or other professional's report describes an area within the Development Permit Area as suitable for development, that is, where the Streamside Protection and Enhancement Area is less than the width of the Development Permit Area, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a Qualified Environmental Professional or other professional at the property owner's expense should be required during construction and development phases, as specified in a development permit.
- E.7.6.7 If the nature of the proposed project within the Development Permit Area changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the property owner to have the professional update the assessment at the property owner's expense and development permit conditions may be amended accordingly.

Information Note

Measures identified in Section 4 of the Riparian Areas Regulation Assessment Report Form, or other direction provided by the Qualified Environmental Professional, which occurs between the calculated Streamside Protection Area (SPEA) and the 30 meter Riparian Assessment Area (RAA) should be incorporated into the Development Permit.

E.7.7 Guidelines for Subdivision

- E.7.7.1 The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a Streamside Protection Enhancement Area, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.
- E.7.7.2 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.

PART F HERITAGE CONSERVATION AREAS

F.1 HERITAGE CONSERVATION AREA 1 - GANGES VILLAGE CORE

F.1.1 Description of Permit Area and Exemptions

F.1.1.1 Heritage Conservation Area 1 is shown on Map 25. It is designated according to Section 880 (1) of the *Municipal Act* to conserve the community's cultural heritage.

F.1.1.2 **All** development in this Heritage Conservation Area is exempted from the requirement to obtain a Heritage Alteration Permit, **except**:

- a. Structural alterations or additions to the exterior of buildings or structures listed in Section F.1.5, including alterations to add or remove windows or doors.
- b. Exterior repairs or non-structural alterations to the buildings listed in Section F.1.5 where the original materials are not to be either salvaged and reused or simulated by new materials on visible parts of the building.
- c. Construction or alteration of a building or structure greater than one storey in height on a property that adjoins a property with a building listed in Section F.1.5.
- d. The removal of heritage trees listed in Section F.1.5, unless the tree is identified as unsafe by an arborist or is causing an immediate threat to life or property.
- e. The consolidation of land parcels.

F.1.2 Reasons for this Heritage Conservation Area

Ganges Village has played an important part in the development of Salt Spring Island and of the Southern Gulf Islands for over one hundred years. Many of the island's earliest commercial enterprises and larger residences were in Ganges Village due to the presence of a relatively deep draft harbour and nearby farms. Several original buildings still stand and their preservation is an objective of this Plan.

The future development of Ganges Village could result in a loss of the community's cultural heritage if the identifiable heritage features and character of the village are not recognized and if changes to them are not carefully managed.

F.1.3 Objective of this Heritage Conservation Area

The objectives of the Ganges Village Core Heritage Conservation Area are:

- F.1.3.1 To identify and protect the heritage significance of the Ganges Village Core in a way that reinforces the village's appearance and its economic value and stability for property owners and the community.
- F.1.3.2 To guide changes made to the exteriors of buildings of heritage value so that their heritage character is retained.
- F.1.3.3 To avoid the assembly and consolidation or joint development of small frontage parcels in Ganges Village Core that would facilitate the removal of heritage structures. To avoid the construction of structures that span several original land parcels.
- F.1.3.4 To promote the retention or salvage of heritage orchard trees, mature trees and hedges and commemorative trees in the Area.

F.1.4 Special Features and Characteristics that contribute to Heritage Value and Character

The following features and characteristics of the Area are identified as contributing to its heritage value and character and justify its heritage designation:

- F.1.4.1 A compact group of older wooden buildings, many built over 50 years ago and clustered within a short walking distance of Ganges Harbour.
- F.1.4.2 A small core area with its original rectilinear street structure, narrow street frontages and many of the island's oldest land parcels, fronting onto Rainbow, Hereford, McPhillips, and Jackson Avenues and Seaview and Drake Roads.
- F.1.4.3 Mature trees and the remnants of fruit tree orchards over 50 years old.
- F.1.4.4 Commemorative structures and trees in public areas such as Centennial Park and the grounds of Salt Spring Elementary School.

F.1.5 Schedule of Protected Heritage

The following buildings, structures, land and features are protected heritage property as outlined in Section 970.1 of the *Local Government Act*. The heritage value of some buildings listed below has been identified in *Island Heritage Buildings* by T. Ovanin (1984) published by the Queen's Printer. Following further research and community consultation, this schedule could be expanded.

- F.1.5.1 The Mahon Hall building at 114 Rainbow Road.
- F.1.5.2 The Mouat's Trading Co. Store building at the foot of Fulford-Ganges Road at Purvis Avenue.
- F.1.5.3 The Salt Spring Island Trading Co. building at 110 Lower Ganges Road.
- F.1.5.4 The "Core Inn" building at 134 McPhillips Avenue.
- F.1.5.5 The Salt Spring Island Creamery building at 174 Fulford-Ganges Road.
- F.1.5.6 The Leonard Tolson House building at 181 Fulford-Ganges Road.
- F.1.5.7 The "Old Manse" building at 112 Hereford Avenue.
- F.1.5.8 The building at 133 Hereford Avenue.
- F.1.5.9 The "Tides Inn" building at 132 Lower Ganges Road.
- F.1.5.10 All trees and the cenotaph site in Centennial Park on Fulford-Ganges Road opposite the intersection with Lower Ganges Road.
- F.1.5.11 The "royal oak" trees planted on the grounds of Salt Spring Elementary School at 122 Rainbow Road.
- F.1.5.12 Mature trees with a trunk diameter greater than 20 cm (measured 1.5 m above the ground) and fruit trees over 50 years old, as decided by a certified arborist.

F.1.6 Guidelines for Conserving Community Heritage

Background Note: Heritage Alteration Permits that are issued for developments in this Heritage Conservation 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 Heritage Conservation Permit will not prevent a property from being used as the local zoning bylaw allows.

- F.1.6.1 Structural alterations to protected buildings listed in Section F.1.5 should salvage and reuse original materials wherever practical and should retain or restore the building's original architecture. Where original materials cannot be salvaged, new durable materials should be used that simulate the original materials. Particular attention should be given to replicating the materials and patterns of original roofing surfaces; the materials, widths and types of original siding; and the size, shape, number, pattern and spacing of original windows and doors. Whenever possible, photographs or drawings produced near the time of original construction should be used to ensure authentic restoration.
- F.1.6.2 Additions to buildings listed in Section F.1.5 should be made in a way that retains or restores the original architecture of the building exterior. They should not detract from its heritage character. Roof slopes should be retained and reflected in building additions. Additions or alterations should use sizes and spacings of windows and doors that reflect the sizes and architectural rhythms found in the original building. Additions should have a smaller mass and lower height than original buildings to which they are attached, and should maintain setbacks from roads. They should be carefully designed to complement and focus attention on the original building, rather than detract from its significance. Additions to protected buildings listed in Section F.1.5 should not obstruct views of the protected building from public roads and areas, including the sea.
- F.1.6.3 New buildings constructed next to protected heritage buildings should not generally exceed the height of protected heritage buildings or obstruct views of them from public areas. Where new buildings on adjoining properties are to be of a greater height than a heritage building, special attention should be paid to ensuring that its architecture is compatible with the heritage building. Site layouts should focus attention on the heritage building.
- F.1.6.4 Fruit trees and mature trees that are protected heritage property should be retained in place where possible or relocated to elsewhere on the same parcel where they are situated. They should not be pruned or moved without advice from a certified arborist experienced in the preservation of heritage fruit trees. Fruit trees identified as protected heritage property that are to be removed should be offered to a local agricultural or historical society for salvage.
- F.1.6.5 Commemorative trees in Centennial Park and on the grounds of Salt Spring Elementary School should not be altered or removed unless they have been found unsafe or unhealthy by a certified arborist. Trees removed should be replaced by other commemorative trees that can be expected to have a similar scale and visual impact as the existing trees. The significance of new commemorative trees should be identified by a permanent plaque positioned nearby.
- F.1.6.6 Mature vegetation, including hedges, which provides a visual backdrop or context for protected heritage buildings listed in Section F.1.5, should be retained. Standard horticultural guidelines for retention of mature vegetation should be followed.
- F.1.6.7 Parking requirements and building setbacks may be relaxed on properties containing protected heritage property to help retain heritage character on the property.
- F.1.6.8 To retain the existing spacing and rhythm of buildings, no structure should straddle the original property lines of land parcels with frontage on Rainbow Road, Hereford Avenue, or McPhillips Avenue between Jackson Avenue and Lower Ganges Road.

- F.1.6.9 Where demolition or significant alteration of protected heritage property is proposed, the development proponent may be required to provide a heritage impact assessment, prepared by a qualified individual.
- F.1.6.10 To guarantee the performance of the terms, requirements and conditions of a Heritage Alteration Permit, security may be required in a form and in any amount satisfactory to the Local Trust Committee.

PART G TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION

G.1.1 Areas where Temporary Commercial or Industrial Use Permits can be issued

The following Designations are areas where the Local Trust Committee may issue Temporary Commercial and Industrial Use Permits.

Agriculture Designation
Channel Ridge Village Designation
Educational Designation
Forestry Designation
Fulford Harbour Village Designation
Ganges Village Designation
Health Services Designation
Industrial and Commercial Services Designation
Park and Recreation Designation
Residential Neighbourhoods Designation
Rural Neighbourhoods Designation
Shoreline Development Designation
Uplands Designation

G.1.2 Objectives for issuing Temporary Commercial and Industrial Use Permits

Permits for temporary commercial and industrial uses should only accommodate uses that are consistent with this Plan. Permits could be issued for uses such as:

- G.1.2.1 The temporary use of land for commercial community events such as festivals, fairs or markets on land where commercial use may not be appropriate permanently.
- G.1.2.2 The temporary use of land by local businesses to provide essential community services not provided by local government. Such uses may include waste disposal or transfer, communications or transportation.
- G.1.2.3 The temporary use of land for industrial or commercial uses that are compatible with land use designations, but are not specifically allowed by the local zoning bylaw. Such uses may be transitional or there may be uncertainty as to their appropriateness or viability. It may be premature or inappropriate to decide upon rezoning and long-term land use changes.
- G.1.2.4 Farm-oriented commercial uses consistent with agricultural which enhance the economic viability of an existing farm operation. Examples may include farm fairs, farm-oriented tourism or educational activities, and food service or market events serving local farm products. Such uses are subject to approval of the Agricultural Land Commission for property in the Agricultural Land Reserve.

G.1.3 Permit Guidelines

Conditions included in Temporary Commercial and Industrial Use Permits should follow the guidelines below to achieve the objectives of this Plan.

- G.1.3.1 Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.

- G.1.3.2 Permit conditions should be generally consistent with applicable Development Permit Area guidelines, while recognizing the temporary nature of structures and site development.
- G.1.3.3 Permit conditions should ensure that temporary commercial and industrial uses are compatible with adjacent land uses. Noise, traffic, parking, general activity levels and any disturbance that may be apparent beyond the property's boundaries should be considered.
- G.1.3.4 Permit conditions should ensure that off-street parking is provided in a way that is consistent with local bylaws.
- G.1.3.5 Permits applications should include evidence that suitable alternate sites with appropriate zoning are not available.
- G.1.3.6 Permits should not be issued for uses in excess of 60 days unless it is a new venture that does not directly compete with an existing business in a legal zone and there is a demonstrated need or market for the proposed use. Consideration could also be given to the temporary relocation of an existing business in emergency or hardship situations.
- G.1.3.7 Permitted uses should be consistent with the objectives of this Plan.
- G.1.3.8 Permitted uses should not preclude or compromise future permitted uses on the land parcel affected.
- G.1.3.9 Uses should not be allowed if they conflict with any ongoing or intended planning policies or programs.
- G.1.3.10 Where appropriate, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with neighbouring land uses.
- G.1.3.11 Permits can include, as a condition, the provision of an undertaking by the owner of the affected land to remove buildings and restore land to a condition specified in the permit by a date specified in the permit.
- G.1.3.12 Permits can include, as a condition, the provision of security to guarantee the performance of the terms of the permit.

G.1.4 Development Approval Information

- G.1.4.1 The Plan Area, as described on Map 1, is designated as an area for which development approval information may be required for a rezoning application, a development permit application, or a temporary use permit application.
- G.1.4.2 The objective of the designation of the Plan Area as a development approval information area is to ensure that consistent and comprehensive information pertaining to the impacts of proposed development on the environment, infrastructure and services, energy efficiency, energy security, and the local community is obtained.
- G.1.4.3 The Local Trust Committee should consider a development approval information bylaw, and forward such a bylaw to Trust Council for adoption, as required by s. 29(3.1) of the *Islands Trust Act*.

PART H APPENDICES

H.1 APPENDIX 1 - DEFINITIONS

accretion shoreforms – natural landforms along a shoreline created by the gradual deposit of solid materials by water

affordable housing – describes rental or owned housing that can be acquired with 30 per cent of the median gross income of families or individuals on Salt Spring Island.

agricultural land – as used in the objectives and policies in B.6.1 of this plan, refers to land that is designated 'Agriculture' on Map 1 and may include land in the Agricultural Land Reserve, land in an Agricultural zone and land that is classified as a farm under the *Assessment Act*.

agri-tourism – tourist activity, service or facility accessory to land that is classified as a farm under the *Assessment Act*.

bed and breakfast – a tourist accommodation use operated as a home-based business and providing overnight accommodation and a morning meal in an owner-occupied dwelling unit.

breakwater – a protective structure usually built offshore to protect harbour areas, moorage, navigation or beaches from wave action. Breakwaters may be fixed, open pile or floating.

bulkhead – a wall usually constructed parallel to the shore with the primary purpose to contain and prevent the loss of soil caused by erosion or wave action.

building – any structure having a roof or cover supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animals, process, equipment, goods or materials of any kind.

conservation – actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or areas of human heritage value or character.

dock – a structure abutting the shoreline that floats on the water and is used as a landing or moorage place for commercial or pleasure craft.

environmentally sensitive area – places that have special environmental attributes worthy of retention or special care. These areas are critical to the maintenance of productive and diverse plant and wildlife populations. Examples include rare ecosystems, habitats for species at risk and areas that are easily disturbed by human activities. Some of these environmentally sensitive areas are home to species which are nationally or provincially significant, others are important in a more local context. They range in size from small patches to extensive landscape features, and can include rare and common habitats, plants and animals.

excavation – removal by machine of soil, rock, minerals, or organic substances (other than vegetation) from water or land.

floor area, gross – the sum of the gross horizontal areas of the several floors or a building or structure from the exterior face of exterior walls, or from the centreline of a wall separating two buildings where the floor to ceiling height is 1.8 m or more; including basements, stairwells, attic space, garages and enclosed porches.

floor space ratio – the gross floor area of all buildings and structures on a parcel divided by the total parcel area.

groin – a wall-like structure built seaward of the natural boundary and perpendicular to the shore to build or preserve an accretion beach by trapping littoral sand drift on the updraught side.

guest house – a building used for temporary tourist accommodation use that provides no more than 9 tourist accommodation units.

high biodiversity area – areas shown on Map 9, or identified through site survey by a qualified professional as having value for their high degree of biodiversity.

home-based business – any activity carried out for gain by a resident and conducted as a subordinate and accessory use in the resident's principal dwelling unit or in accessory structures allowed besides a dwelling unit on a parcel.

impervious surface – any surface compacted or covered with a layer of material so that it is highly resistant to infiltration by water, and including surfaces such as compacted sand, or clay, and most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

industry – a use that primarily consists of processing, manufacture, construction, assembly, storage, packaging, wholesale sale, repair of heavy equipment, and extraction with accessory retail sales that are incidental to the primary activity.

industry, heavy – an industry that takes place both inside and outside a building and is engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

institutional use – a non-profit, religious, or public use, such as a church, library, public or private school, hospital or government owned or operated building, structure or land used for a public purpose.

jetty – a structure usually built singly or in pairs perpendicular to the shore at harbour entrances to prevent shoaling or accretion of sand drift.

manufactured home park – the parcel, or parcels, on which one or more manufactured home sites that same landlord rents or intends to rent and common areas are located.

marina – a system of piers or docks that contains more than ten moorage spaces for commercial uses such as storing, servicing, fuelling, berthing and securing or launching of private water craft that may include the sale of fuel and incidental supplies for boat owners, crews, and guests. Private joint use dock facilities are excluded.

multifamily use – the use of a parcel or building for more than one dwelling unit, and the use of a parcel for a community residential home.

neighbourhood convenience services – a commercial use that provides limited retail and service uses catering to the day to day needs of the residents of the surrounding area. Examples of retail and service uses provided include the retail sale of pre-packaged food and household items, video tape rentals, and the use of photocopy and facsimile machines.

non-automotive – describes forms of transportation or transportation systems that do not include use of individual automobiles.

parking lot – an area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

parking space – an area on a parking lot intended for temporary parking of a personal vehicle.

pier – a structure consisting of a fixed platform above the water that abuts the shoreline and is used as a landing or moorage place for commercial or pleasure craft.

residential use, high density – residential use where the density of dwellings is greater than one per 0.10 ha.

residential use, low density – residential use where the density of dwellings is less than one per 2 ha.

residential use, medium density – residential use where the density of dwellings is between one per 0.10 ha and one per 2 ha.

residential use, very low density – residential use where the density of dwellings is less than one per 8 ha.

revetment – a sloped shoreline structure built to protect an existing eroding shoreline or newly placed fill against waves, wakes, currents or weather, and commonly built of randomly placed boulders (riprap) or of sand-cement bags, paving blocks or other materials.

seniors' dwelling unit – means a dwelling unit restricted to a person 65 years or older and one other person who may be under the age of 65 and who is a spouse, partner or unpaid caregiver who resides in the same dwelling unit.

seniors' supportive housing – means a barrier-free housing development comprised of seniors' dwelling units and accessory dwelling units for resident staff, provided in combination with support services which are to include at least all of the following: monitoring and response for medical emergencies, availability of one meal a day, housekeeping, laundry and recreational opportunities.

sign – any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination, or projected issues.

special needs housing – housing that provides for the residential accommodation of an individual or individuals who require specific housing designs or services to enable them to live relatively independently or in a supportive environment.

sustainability – means the maintenance of ecological processes so that the biological productivity of the Earth endures without dependence on non-renewable resources.

sustainable – capable of being maintaining the integrity of natural ecosystems indefinitely, while meeting the economic and social needs of current and future generations.

tourist hostel – a tourist accommodation use that consists of a single building in which travellers are accommodated in dormitories, with group facilities for eating and washing.

H.2 APPENDIX 2 - GUIDELINES FOR SHARED RESIDENTIAL ZONING APPLICATIONS

Background Note: Many larger properties on Salt Spring Island have the potential, under existing local zoning, to be further subdivided. However, without subdivision, local zoning allows only one home on most of these parcels, despite their size. A policy in the Affordable Housing Section says that the Local Trust Committee should consider rezoning applications that would allow the property owner to build (without subdividing) the same number of single family dwellings on the lot as would result from subdivision of the lot. This new zoning has been called "Shared Residential" since it makes it easier for people to share ownership of a property.

H.2.1 Guidelines for Shared Residential Zoning Applications

Applications for Shared Residential Zoning should be consistent with the points listed below.

- H.2.1.1 The total number of dwelling units that would be allowed following the zoning change must not exceed the number that could be constructed after subdivision of the land under the zoning in place at the time of application.
- H.2.1.2 Applications should be consistent with the other policies in this Plan regarding rezoning.
- H.2.1.3 Applications should be accompanied by a site development plan, that will be registered by covenant on the property prior to rezoning, that identifies all proposed building sites, and which addresses the following points:
 - a. Building sites should not to be subject to geological hazards.
 - b. Building sites should be clustered in about 20-30% of the parcel, with the remainder of the land left as open space. Open space should be designed to include Environmentally Sensitive Areas or good agricultural soils on the property.
 - c. Building sites should be screened by natural vegetation from public roads, neighbouring properties and farmland.
 - d. driveway access to building sites should be minimized with shared driveways, although each site must be accessible to emergency vehicles.
 - e. buildings sites and driveways should be positioned and constructed to fit local topography and to minimize impacts on the environment.
 - f. where subdivision of the property could have resulted in the dedication of public parkland and public access to a water body, they should also be dedicated as part of a Shared Residential Zoning application.
 - g. buildings should incorporate sustainable building criteria, including, but not necessarily limited to, energy efficiency and water conservation measures.

H.3 APPENDIX 3 - AMENITY ZONING

Amenity zoning is the granting of additional development potential by the Local Trust Committee in exchange for the voluntary provision of a community amenity by the land owner. Any amenity rezoning should advance the Object of the Islands Trust and the goals and objectives of this OCP, and should be consistent with the following guidelines. Amenity rezoning may be considered on a case-by-case basis, upon application for rezoning. The approval of an amenity rezoning should be conditional on compliance with the following policy guidelines. These guidelines do not pre-determine a favourable outcome for any particular application.

H.3.1 Guidelines for Amenity Zoning Applications

- H.3.1.1 Where appropriate, applications for amenity zoning should propose a density level that does not exceed the target density levels outlined in this Plan for the applicable Land Use Designation. For example, an application in the Rural Neighbourhoods Designation should propose a density level no greater than 1 lot per 1.2 ha, as outlined in the policies for that Designation (See Policy B.2.5.2.3).
- H.3.1.1 Where appropriate, applications for amenity zoning should propose a density level that does not exceed the target density levels outlined in this Plan for the applicable Land Use Designation. For example, an application in the Rural Neighbourhoods Designation should propose a density level no greater than 1 lot per 1.2 ha, as outlined in the policies for that Designation (See Policy B.2.5.2.3)
- H.3.1.2 Applications for amenity zoning should propose that one of the eligible community amenities listed in Section H.3.2 will be provided in exchange for the higher density level being requested.
- H.3.1.3 Increased density may take the form of additional lots or additional dwelling units. The Local Trust Committee should ensure the total number of additional dwelling units allowed in exchange for community amenities on Salt Spring Island does not exceed 40. This maximum number of total additional dwelling units should be reviewed each time that the OCP is reviewed.
- H.3.1.4 It is intended that applications should be for relatively modest increases in density, consequently the Local Trust Committee should not consider applications in which more than 10 additional dwelling units are proposed in exchange for any one community amenity.
- H.3.1.5 Amenity Zoning Applications should be consistent with other policies of this Plan.
- H.3.1.6 Prior to approving any amenity zoning application, the Local Trust Committee should give consideration to the appropriateness of the land for the increased density. The following factors should be considered where relevant:
- a. environmental values are identified prior to site clearing and design.
 - b. development is located away from areas with high environmental values, and natural buffers are placed between the development site and sensitive features.
 - c. development is concentrated in areas with lower environmental values.
 - d. site plans protect biodiversity, clean air, and clean water.
 - e. development is located away from areas that may be subject to erosion, flooding, wildfires, and wildlife conflicts.
 - f. the impacts of roads are minimized and development is located in proximity to and accessible to existing services, constructed roads, and transit, and the development should have the potential to contribute to reducing community dependence of travel by automobile
 - g. the fragmentation of habitat is minimized.

- h. potable water quality is maintained and an adequate supply is available to support the permitted level of development.
- i. air quality is maintained and energy efficient design, greenhouse gas emissions and climate change adaptation are considered.
- j. energy- and water-efficient development is designed to conserve natural resources.
- k. development minimizes waste, and manages waste in an environmentally sound manner.
- l. that the development would not compromise archaeological, First Nations cultural, historical, heritage sites or significant or outstanding landscape features.
- m. that the development would be located away from community water system supply watersheds and community well capture zones.

The Local Trust Committee should request that the applicant provide reports and other information satisfying concerns that the Local Trust Committee considers relevant, including provision of a site plan that shows how additional lots, building sites and accesses will be designed to minimize negative impacts. The Local Trust Committee may consider the use of site-specific zoning, covenants, designation of development permit areas, or a combination of tools to implement these criteria.

H.3.2 Eligible Community Amenities

H.3.2.1 The Local Trust Committee could consider Amenity Zoning applications that would provide the following eligible community amenities:

*(Note: the amenities within this list are **not** in order of priority)*

- a. the dedication of intact Environmentally Sensitive Areas to a public or private conservation body, or protection through conservation covenant.
- b. land for, or construction of, affordable or special needs housing.
- c. the dedication of public park and recreation lands, or of funds to be held in trust for their purchase, to the Capital Regional District.
- d. land that is acceptable to the Salt Spring Fire District for the location of a fire station, if provided to the District at no charge and it results in public ownership of the Ganges Firehall site.
- e. land for community-owned farmland or land for community agricultural processing or storage facilities provided to the Salt Spring Farmers' Institute or a community farmland trust organization.
- f. the provision and construction of bicycle lanes, pedestrian and bicycle pathways or trails that add to or support links in the island trail network.
- g. the dedication of alignment and construction of a Ganges Alternate Route.
- h. protection, restoration and designation of heritage property.
- i. suitable, productive forest land donated to a community organization for the operation of a community owned and managed woodlot.
- j. implementation of energy efficient building design criteria that exceeds that required by the B.C. Building Code or other regulations.
- k. land or facilities for community cultural or recreational purposes.
- l. the permanent formal protection of an archaeological site or other site of significance to First Nations peoples.

H.3.2.2 The Local Trust Committee could consider applications that would provide either a maintenance annuity or funds in trust for the purchase or development of all or part of an eligible community amenity.

H.3.3 Guidelines for Amenity and Density Valuation

- H.3.3.1 The appraised dollar value of the community amenity provided should not be less than 75% of the increase in the value of the land attributable to the rezoning. The increase in the land value should be calculated as the gross difference between the appraised value of the land before and after the rezoning. Costs associated with the rezoning application, site preparation costs, and profit should not be deducted from the calculation of the increase in the value of the land.
- H.3.3.2 The appraised value of both the proposed community amenity and of the increased density should be determined by means of a report provided by an independent professional appraiser, or other independent qualified professional, selected by and reporting to the Local Trust Committee. The cost of the valuation analysis should be borne by the applicant through the mechanism of a cost recovery agreement. Where valuation of the proposed amenity or of the proposed increase in land value are complex or there may be extraordinary costs, the Local Trust Committee may request that the applicant disclose financial information related to the proposal to the appraiser or to Island Trust staff and the appraiser or Islands Trust staff may enter into an agreement not to disclose confidential information.
- H.3.3.3 Where the proposed community amenity includes areas of land and valuation of the amenity is difficult or impractical, the Local Trust Committee may consider an alternative to undertaking financial appraisal of the value of the amenity. In such instances, the Local Trust Committee may consider permitting a maximum of one additional parcel or one additional dwelling unit for each parcel of dedicated land that is equal to the base minimum average parcel size for the Land Use Designation where it is located. For example, if land in the Uplands Designation is dedicated, a maximum of one density could be exchanged for each 8 ha dedicated or protected.

H.3.4 Application Procedures

- H.3.4.1 Applications to exchange higher density levels for community amenities should be considered by the Local Trust Committee on a case-by-case basis upon application for rezoning by the landowner.
- H.3.4.2 Detailed specifications of the community amenity to be provided are to be included in the rezoning application.
- H.3.4.3 Where a community amenity is to be provided to a third party for operation and maintenance, the application should be accompanied by a written agreement from that party to accept and maintain the amenity for the intended use. Covenants, housing agreements, or other tools should be used to ensure the amenity is used as intended. Parties chosen to hold an amenity should be public bodies or well-established non-profit groups with a mandate consistent with the amenity provided.
- H.3.4.4 When a community amenity is provided in exchange for extra density, the amenity must be provided or legally guaranteed at the time of adoption of the rezoning.
- H.3.4.5 Community amenities provided in exchange for a higher level of density should be identified with a plaque that outlines the nature of the amenity/density exchange. If the amenity is intended for public use, then the hours of operation and the body responsible for operation and maintenance should also be identified.
- H.3.4.6 The Local Trust Committee shall request that the applicant provide reports prepared by a qualified licensed or registered professional satisfying any of the above concerns that the Local Trust Committee considers relevant. The Local Trust Committee may consider requiring development information through adoption of a development approval information bylaw.

H.4 APPENDIX 4 - TRANSFER OF DEVELOPMENT POTENTIAL

H.4.1 Guidelines for Applications to Transfer Development Potential

The purpose of transfer of development potential is to allow for the consideration of applications that would result in the transfer of development potential from environmentally sensitive areas, lands that are hazardous, or lands that have cultural, historical, agricultural or landscape significance, while supporting the clustering of development potential in areas more suitable for development.

Transfer of Development Potential, sometimes referred to as “Density Transfer”, is the ability to rezone land such that it results in a reduction in development potential in one location and an increase in development potential in another, with no overall, or net, increase in density. The development potential usually takes the form of lots or units and the transfer is achieved by simultaneously changing the zoning on the “donor” and “receiver” parcels, or areas, to reflect the changed subdivision potential or permitted number of units on each. Transfer of development potential may be considered on a case-by-case basis, upon application for rezoning. The approval of a transfer of density through rezoning should be conditional on compliance with the following policy guidelines. These guidelines do not pre-determine a favourable outcome for any particular application.

- H.4.1.1 Applications should propose a reduced development potential on property within a Development Potential Donor Area. An increased development potential should be proposed on property within a Development Potential Receiving Area (See Map 26). Applications could also be made to transfer development potential within a Development Potential Receiving Area if such a transfer would achieve a community objective.
- H.4.1.2 Applications should not propose a density level in a Development Potential Receiving Area that exceeds the highest density level allowed in that Area, where base and higher densities are established
- H.4.1.3 Generally, applications should demonstrate the overall unsuitability of the sending area for the zoned development potential and the overall suitability of the proposed receiving area for an increase in development potential. Priority should be given to applications which can demonstrate that a transfer of development potential would result in preservation of sensitive ecosystems.
- H.4.1.4 Property where the development potential is being decreased should be protected by one or more of the following tools:
 - a. Rezoning that allows a reduced level of development or only a public use, combined with a conservation covenant on the land to be protected where there are environmentally sensitive areas.
 - b. dedication to a public body or non-governmental conservation group.
 - c. heritage designation as outlined in Section 967 of the *Local Government Act*.
 - d. inclusion in the Agricultural Land Reserve.
 - e. protection mechanisms developed in consultation with First Nations where there are sites of significance to First Nations.
- H.4.1.5 For every density transferred, the area of protected land in the Development Potential Donor Area should be not less than the minimum average parcel size allowed by the zoning on the protected land.
- H.4.1.6 When development potential is transferred, the uses and structures allowed on the new land parcels created should be determined by the land use policies that apply to the proposed receiving area.
- H.4.1.7 The Local Trust Committee should give consideration to the suitability of the receiving area for the proposed level of development. The following criteria, as appropriate, should be used in assessing the suitability of the land for development:
 - a. environmental values are identified prior to site clearing and design.
 - b. development is located away from areas with high environmental values, and natural buffers placed between the development site and sensitive features.
 - c. development is concentrated in areas with lower environmental values.
 - d. site plans protect biodiversity, clean air, and clean water.

- e. development is located away from areas that may be subject to erosion, flooding, wildfires, and wildlife conflicts.
- f. the impacts of roads are minimized and development is located in proximity to and accessible to existing services, constructed roads, and transit, and the development should have the potential to contribute to reducing community dependence of travel by automobile
- g. the fragmentation of habitat is minimized.
- h. potable water quality is maintained and an adequate supply is available to support the permitted level of development.
- i. air quality is maintained and energy efficient design, greenhouse gas emissions and climate change adaption are considered.
- j. energy- and water-efficient development is designed to conserve natural resources.
- k. development minimizes waste, and manages waste in an environmentally sound manner.
- l. that the development would not compromise archaeological, First Nations cultural, historical, heritage sites or significant or outstanding landscape features.
- m. that the development would be located away from community water system supply watersheds and community well capture zones.

H.4.1.8 Preference will be given to applications that locate transferred density in such a way as to reduce reliance on the private automobile, and address climate change mitigation and adaption.

H.4.1.9 Applications should be consistent with other policies in this Plan regarding rezoning.

H.4.1.10 Applications should be accompanied by a site plan that shows how the transferred density will be arranged to reduce impacts on the surrounding neighbourhood.

H.4.1.11 Applications should not involve property outside the area covered by this Plan.

H.4.2 Application Procedures

H.4.2.1 Application is to be made for a rezoning that would simultaneously decrease the development potential on one property while increasing the development potential on another.

H.4.2.2 Applications could involve either a single or separate owners of property in the Development Potential Receiving Area and the Development Potential Donor Area. While the settlement of compensation, if any, between the owners is a private matter, the Local Trust Committee may give consideration to the imputed value of the development potential.

H.4.2.3 The Local Trust Committee shall request that the applicant provide reports prepared by a qualified licensed or registered professional satisfying any of the above concerns that the Local Trust Committee considers relevant. The Local Trust Committee may consider requiring development information through adoption of a development approval information bylaw.

H.4.3 Guidelines for Applications to Create New Hamlets or Villages

H.4.3.1 Applications to create new hamlets or villages through the transfer of development potential should meet the following guidelines:

- a. Sites should be within about 2.5 km of a road shown on Map 5 as a Public Transit Route, and have bicycle/pedestrian access to that road.
- b. Sites should not be visible from Major Rural Roads and should be buffered from adjacent land uses by natural vegetation protected by covenant.
- c. Neighbourhood convenience and commercial services should be provided to eliminate the need for regular automotive travel to other island villages.
- d. Transportation within the site should be significantly pedestrian and bicycle oriented.
- e. Sites should not contain significant examples of environmentally sensitive areas.
- f. Sites should not contain areas that are hazardous to development due to geo-technical conditions or other features.
- g. Sites should be in areas that can provide sufficient potable water to sustain the proposed level of development.
- h. Demonstrate the use of energy efficiency and water conservation in building design and site planning.
- i. Sites should not compromise archaeological, First Nations cultural, historical, heritage sites, or significant or outstanding landscape features.

H.5 APPENDIX 5 - POLICIES FOR THE DEDICATION OF PARK LAND DURING LAND SUBDIVISION

H.5.1 Land Use Designations where Park Land could be Acquired

H.5.1.1 Dedication of public park land could be required to be as land in the following Land Use Designations:

- Channel Ridge Residential
- Channel Ridge Village (Core and Outer)
- Educational
- Forestry
- Fulford Harbour Village
- Ganges Village (Core and Upper)
- Health Care and Wellness
- Industrial and Commercial Services
- Rural Neighbourhoods
- Residential Neighbourhoods
- Uplands
- Watershed Forestry
- Watershed and Islet Residential

H.5.2 Specific Community Park Land Needs

H.5.2.1 Park land dedicated through the subdivision process should be in one or more of the forms listed below. It should be acquired for the community as opportunities arise, on the basis of site evaluation and consultation with the Salt Spring Island Parks and Recreation Commission. The following types of park land are **not** listed in order of priority:

- i. Environmentally Sensitive Areas as defined in Appendix 1
- ii. High Biodiversity Areas as defined in Appendix 1
- iii. Lands that allow the development of "greenways" or other corridors linking natural areas and which contribute to the creation of network of protected areas that preserve representative ecosystems.
- iv. Land that helps to carry out the *Master Plan* of the Salt Spring Island Parks and Recreation Commission, including:
 - a) land that contributes to a community trail system (including trailhead parking areas). The system is to be made up of both local neighbourhood trails and interconnected trails that link major island destinations, recreation areas, interest points, public lands and residential areas. Where possible, trail system dedications should also provide protection of watercourses and riparian zones.
 - b) primary recreational or scenic areas, including:
 - i. Walker Hook beach, tombolo and surroundings
 - ii. Maxwell Point
 - c) land that provides for access and recreation next to the sea and to freshwater lakes that are not community drinking water supplies.
 - d) land that provides alternate rather than additional access to lakes used for community drinking water supplies, provided the access does not compromise water quality.
 - e) land that adds to Duck Creek Park.

- f) land suitable for tidal boat launching sites, including parking for cars and trailers, to be located in the following areas:
 - i. on the northwest shoreline of the island
 - ii. centrally located outside the Ganges Village Core
 - iii. near Burgoyne Bay
 - iv. on the east shore of the island.

- g) land for:
 - i. bicycle paths on both sides of the roads identified as bicycle routes on Map 4
 - ii. the Ganges Public Pathway System, including the seawalk portion, shown on Map 17
 - iii. a public athletic park in the south end of the island, about 8 to 12 ha in size
 - iv. an extension to Portlock Park about 3 ha in size
 - v. four public tennis courts, two near Ganges and two in the south end of the island.

- h) land not listed above which the Local Trust Committee considers would either provide for the recreational needs of the community, or would protect an Environmentally Sensitive Area.

H.5.2.2 Land that is located within a utility right-of-way or other easement could be accepted as public park land. However, the area within the right-of-way should not be accepted as part of the 5 per cent park land dedication.

H.6 APPENDIX 6 - LAND USE REGULATIONS AT THE TIME OF PLAN ADOPTION

Salt Spring Island Local Trust Committee Bylaw No. 355 (cited as “Salt Spring Island Land Use Bylaw, 1999”)

Note: Copies of this bylaw may be viewed and are available for purchase in the offices of the Islands Trust and on the website of the Islands Trust.

H.7 APPENDIX 7 - LAND DEVELOPMENT GUIDELINES FOR THE PROTECTION OF AQUATIC HABITAT

Chillibeck, Barry. 1993

Land Development Guidelines for the Protection of Aquatic Habitat.

Department of Fisheries and Oceans - Habitat Management Division and Ministry of Environment, Lands and Parks - Integrated Management Branch, Victoria, B.C.

August 10, 2010, available at: <http://www.dfo-mpo.gc.ca/Library/165353.pdf>

Note: This attachment is available for viewing in the offices of the Islands Trust.

H.8 APPENDIX 8 - CAPTURE ZONES, COMMUNITY WATER SUPPLY WELLS

Gulf Islands Groundwater. 1996

"Capture Zones", Community Water Supply Wells.

For the Islands Trust, Salt Spring Island, B.C. Prepared by R. Potter, P.Eng., Salt Spring Island, B.C.

H.9 APPENDIX 9 – GENERAL LAND DEVELOPMENT GUIDELINES

Ministry of Environment, March 2006

“Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia”