
**Cowichan Valley Regional District
Electoral Area G – Saltair**

Official Community Plan

No. 2500



Cowichan Valley Regional District
Electoral Area G – Saltair
Official Community Plan Bylaw No. 2500

Amended up to and including Bylaw No. 4074

CONSOLIDATED FOR CONVENIENCE ONLY

Please check with the Land Use Services Department (250.746.2620) for current information on this Bylaw



NOTE: CVRD Land Use Services Department staff have made every effort to provide the most up-to-date version of this consolidated bylaw and the associated maps. Nevertheless, this document may be somewhat out of date, particularly if there are amendments underway. Persons using this consolidated bylaw text and the maps should not rely on them for legal purposes or to make important decisions.

AMENDING BYLAWS:

- 2759 Riparian Areas Regulation (Text and Map) – April 12, 2006
- 3362 Parkinson (Map) – July 14, 2010
- 3416 Bill 27 (Text) – April 13, 2011
- 3781 WCY Rentals (Text) – April 9, 2014
- 3783 Saltair Self Storage (Text) – May 14, 2014
- 3910 TUP for Agriculture (Text) – August 12, 2015
- 3582 Laird/Christie (Text and Map) – November 12, 2015
- 4074 (11198 Chemainus Road) – Smith (Text) – May 10, 2017



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 2500

**A Bylaw to adopt an Official Community Plan for the
Cowichan Valley Regional District
Applicable To Electoral Area G – Saltair/Gulf Islands**

WHEREAS Section 876 of the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt official community plan bylaws;

AND WHEREAS the *Act* provides that an official community plan bylaw applies to an area outside of a municipality that is designated in the Plan as being covered by the Plan;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to adopt Official Community Plan Bylaw No. 2500;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Official Community Plan Bylaw No. 2500, 2005, Area G – Saltair/Gulf Islands**".

2. **SCHEDULES**

For the purposes of expressing the policies for the development of Electoral Area G, the Board of the Cowichan Valley Regional District hereby adopted the Official Community Plan Report marked Schedule A, and the Plan Maps marked Schedule B, attached which are an integral part of this bylaw.

3. **VALIDITY**

If any section, subsection, sentence, clause, phrase or map of this Bylaw is for any reason held invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainders of the Bylaw.

4. CAPITAL EXPENDITURE PROGRAM

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

5. REPEAL

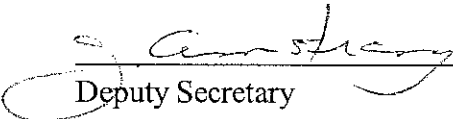
Cowichan Valley Regional District Bylaw No. 1085, as amended, is hereby repealed.

READ A FIRST TIME this 27th day of April, 2005.

READ A SECOND TIME this 27th day of April, 2005.

READ A THIRD TIME this 22nd day of June, 2005.

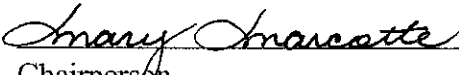
I hereby certify this to be a true and correct copy of Bylaw No. 2500 as given Third Reading on the 22nd day of June, 2005.

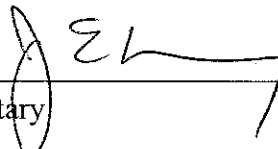

Deputy Secretary


Date

APPROVED BY THE MINISTER OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT* this 6th day of October, 2005.

ADOPTED this 9th day of November, 2005.


Chairperson


Secretary

OCP Bylaw No. 2500

Schedule A

SALT AIR OFFICIAL COMMUNITY PLAN REPORT

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SECTION 1 – OCP INTRODUCTION

1.1 THE PURPOSE OF THE SALTAIR OCP

This Official Community Plan describes the long-term vision for CVRD Electoral Area G (Saltair), and the policies by which it can be implemented. It functions as a guide for residents, other land owners and such people as may from time to time have business interests in the OCP Area. It helps to ensure that positive change will occur, and is meant also to provide assurance that all future development will be consistent with the policies and thrust of this Plan. Any changes to this OCP will be subject to a thorough public review process.

The Saltair OCP applies to all land and water surfaces in the portion of Electoral Area “G” of the Cowichan Valley Regional District, shown on Map 1. The regional location of the Saltair OCP area is shown on Map 2.

1.2 THE PLAN PREPARATION PROCESS

The two-year planning process for the Saltair OCP has been coordinated by the Saltair Official Community Plan Review Committee, composed of the following Saltair residents:

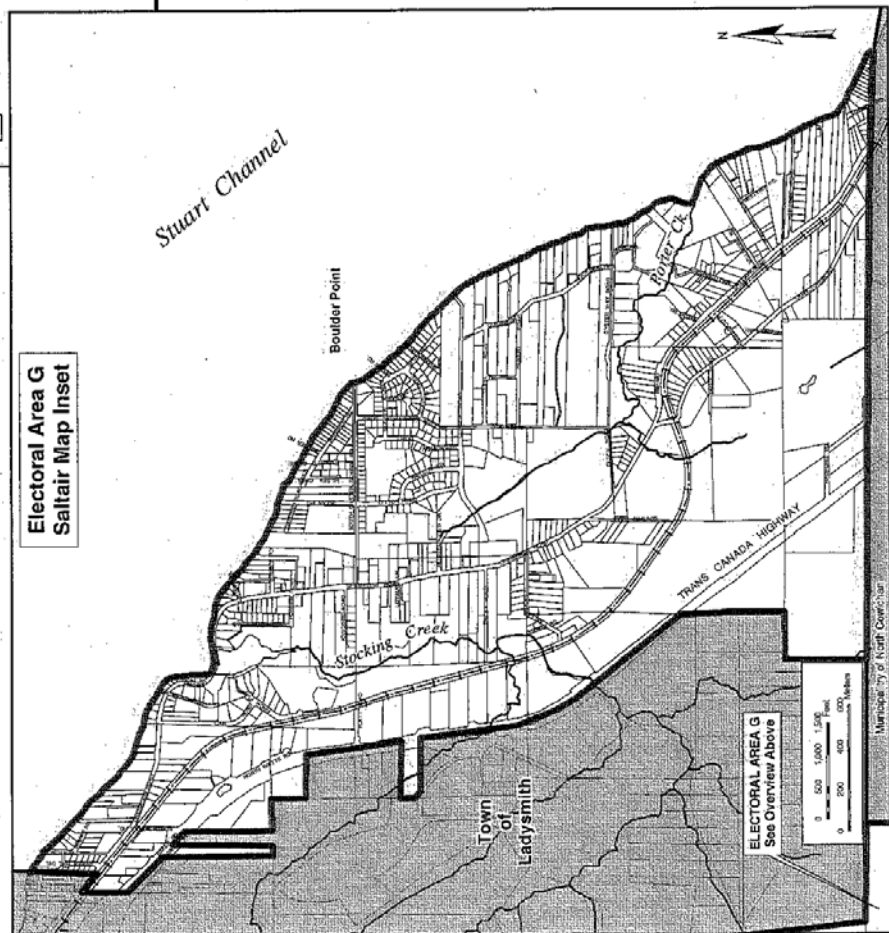
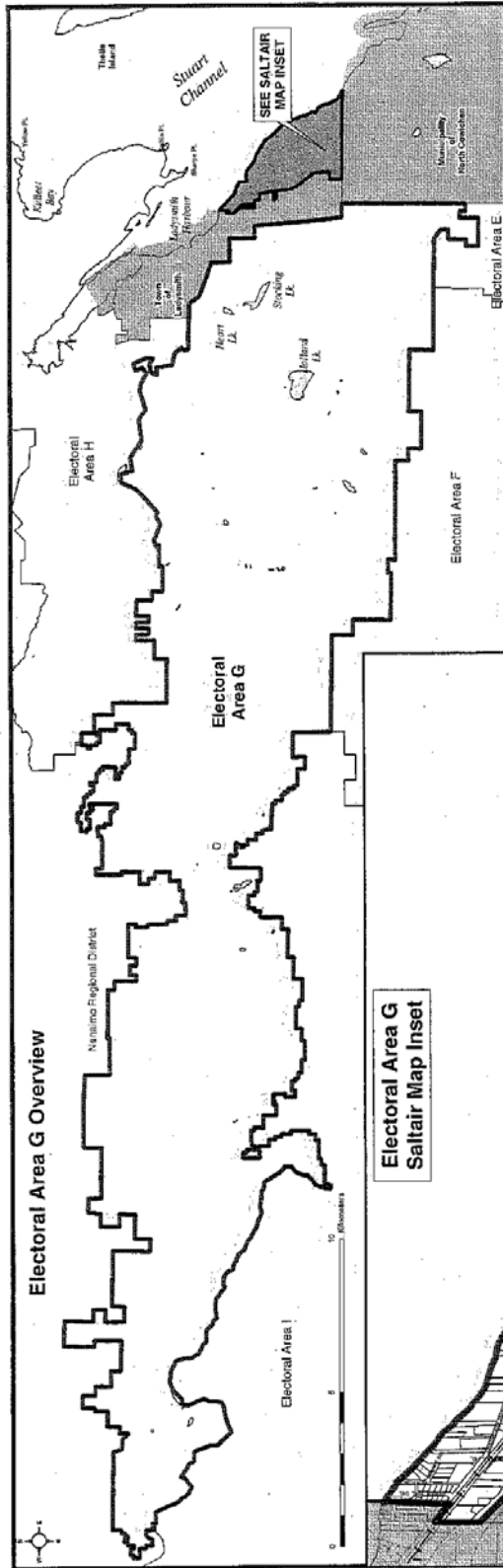
Mr. Ted Brown, Steering Committee Chair
Mr. Dave Thomas, Vice Chair
Ms. Ruth Blake, Secretary
Mr. Carl Burton

Mr. Ron Kinney
Ms. Maureen Ratcliffe
Mr. Ed Vermiere
Mr. Glynn Watson

Stage 1 of the planning process included background research, conducting a community questionnaire, and holding an open house to inform residents and obtain early community input. The questionnaire results were displayed at an Open House, to generate additional community participation.

It was determined early in the process that a new Zoning Bylaw, to implement the OCP, should be prepared during the OCP process. In this way, it would be assured that the OCP would be implemented in an efficient and effective way.

The second phase was the policy development phase, whereby the draft Official Community Plan was prepared. The OCP Steering Committee prepared a vision statement and considered several land use options. A draft OCP was then prepared, followed by a Zoning Bylaw. The draft Bylaws were then referred to numerous federal, provincial and local agencies, and were provided to the general public. An Open House was held, after which time the Committee reviewed all agency and public comments, and finalized the draft OCP and Zoning Bylaw. The Electoral Area G Director then requested an additional open house to further consider the community comments, prior to the proposed bylaws proceeding to the Electoral Area Services Committee (EASC), and the formal bylaw process, including the Public Hearing.

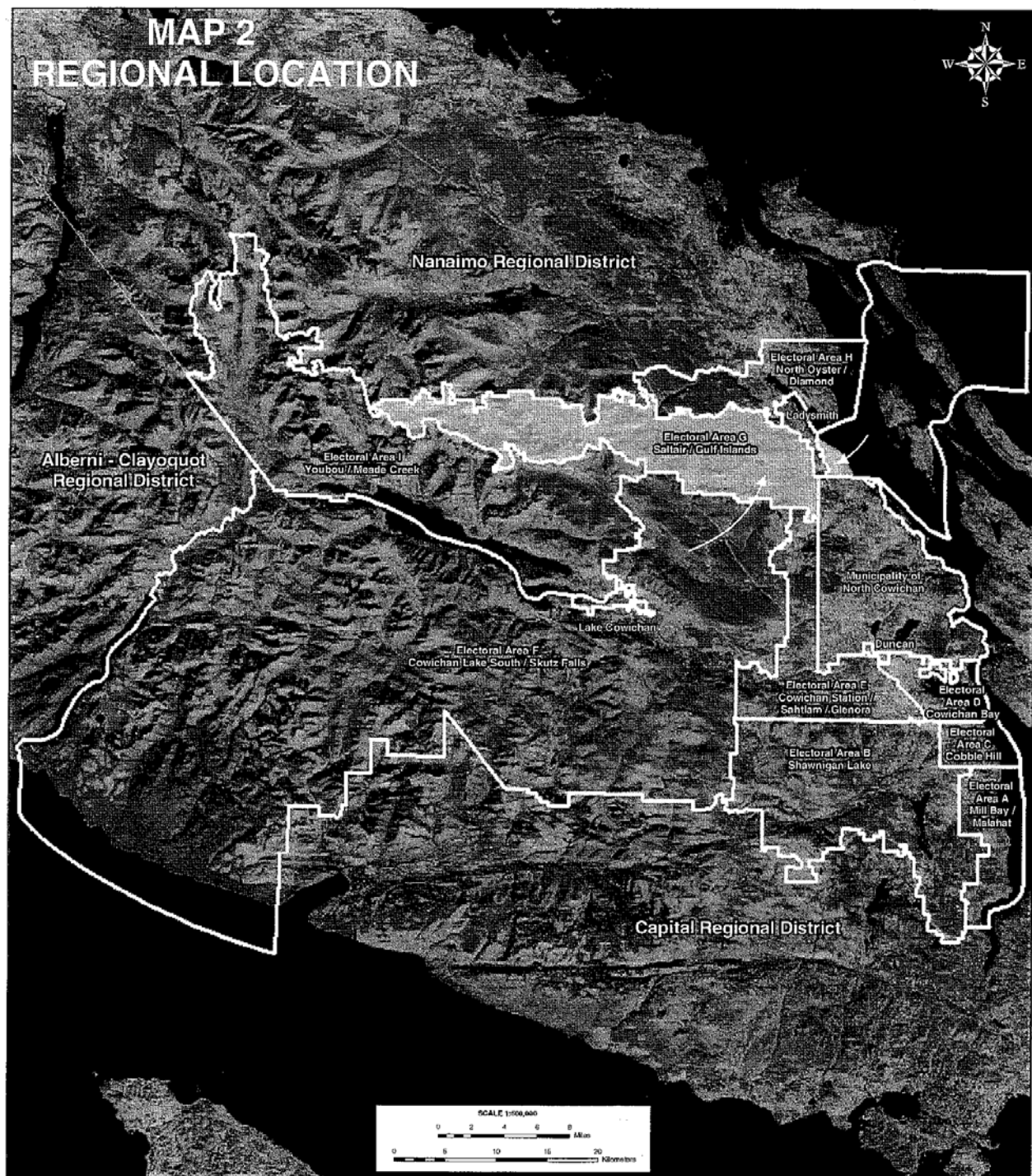


MAP 1 **PLAN AREA** **SALT AIR**



Saltair Official Community Plan

- Streams
- Parcel Boundaries
- ▬ Plan Area Boundary



SECTION 2 – PLAN OVERVIEW, PRINCIPLES AND GOALS

2.1 PLAN OVERVIEW

Saltair is a unique coastal community with superb natural beauty, nestled between the urban centres of Ladysmith and Chemainus. It is a predominantly rural community of approximately 1800 people, many of whom moved to Saltair because of the panoramic ocean and mountain views, and rural ambience. Its location in relation to nearby urban centres, along with its natural coastal beauty, allow for a healthy rural lifestyle, with close access to shopping and services.

It is important to recognize that, aside from the forest resource lands to the west of Ladysmith, there are three sub-areas that make up Saltair: North Saltair is the linear landscape north of the Davis Lagoon, Central Saltair is the semi-urbanized portion of the community from Davis Lagoon to the Boulder Point area, and South Saltair encompasses the rural residential and agricultural areas in the south portion of the Plan area. These sub-areas have unique characteristics. In interpreting the Plan's policies, it is important to keep their distinctions in mind.

Saltair residents place a very high value on the rural ambience of Saltair, and wish to ensure that the peaceful, rural nature of the community is protected. A main challenge for Saltair is that, as increasing numbers of people become attracted to its unique rural lifestyle, the more difficult it becomes to preserve the rural ambience. Rural lands located adjacent to an urban area are susceptible to sprawl development which can overwhelm the existing community character and way of life. Furthermore, Saltair relies on limited surface water resources that can sustain only limited population growth.

For the purpose of protecting the rural lifestyle, and for sustaining the precious community water supply, the OCP will provide for limited population growth, and will set clear limits on urban expansion. Throughout the community, the single-family dwelling will continue to be the predominant housing form, and the agrarian heritage of the community will be preserved.

The OCP will also provide for a high level of environmental protection. In particular, Stocking Creek, Porter Creek, Stocking Lake, and the ocean shoreline area will be carefully managed to ensure that they are protected from adverse human impacts.

The significant forested lands to the west of the Town of Ladysmith should be retained at existing parcel sizes, as this area is a natural resource of great value. These wilderness lands provide economic benefits through forestry and resource extraction initiatives, the community water supply, and high biotic diversity for wildlife habitat.

The existing local commercial area, adjacent to Byron's Store on Chemainus Road, will continue to be the centre of commercial activity in the OCP area, due to its location in relation to the majority of Saltair's population, and its ability to provide for the small-scale commercial needs of residents. The OCP will require any future commercial businesses to locate in designated areas in this central commercial core. Any new commercial ventures will be appropriately scaled, with land uses that complement the rural residential nature of the area, are attractively designed, and do not have negative social or environmental impacts.

The existing neighbourhood pub on Knight Road, the antique store on Chemainus Road, the tourist commercial operation at Davis Lagoon and the service commercial use on the Trans Canada Highway will continue to be recognized in the Official Community Plan.

The OCP will also recognize the contribution of home-based businesses to the economic and social fabric of Saltair. Technological change has enabled many residents to work in their homes while having little or no detrimental social or environmental impacts. Home-based businesses can provide greater lifestyle opportunities, reduce automobile travel, and bolster the local economy. At the same time, policies within the OCP are carefully set out to ensure that, in future, unsightly or high impact businesses will not be permitted in Saltair.

Saltair residents have also expressed the high value they place on recreation. The OCP supports a strong park acquisition strategy, and the Plan proposes a network of safe and convenient pedestrian and cycling trails, paths, and walkways, to link community facilities, commercial areas, parks, beach accesses, natural areas and residential areas within the community, and to connect Saltair with Ladysmith and Chemainus. The OCP also recommends the continued community use of the Mount Brenton Community Centre on South Oyster School Road.

Finally, residents need and desire to be able to move within their community with both ease and safety. Despite improvements for pedestrians and cyclists, the automobile will continue to be the predominant form of travel. The lack of road upgrades and maintenance in Saltair has been a concern to many residents. Notwithstanding the limited jurisdiction of the CVRD on road issues, the Plan will strongly urge the provincial government to undertake necessary actions to improve the safety and convenience of residents. A road access to the Trans Canada Highway will also be promoted, in the interest of the safety and convenience of Saltair residents.

In essence, the primary focus of the OCP will be to preserve the natural, rural setting of the community. Saltair will continue to be an attractive, livable residential community that has careful regard for the environment, and provides a scenic green belt between the urban centres of Chemainus and Ladysmith. It is incumbent upon landowners to familiarize themselves with the OCP policies and the regulations within the implementing bylaws, to ensure that they are in compliance.

2.2 OVER-RIDING PRINCIPLES

- a) The keystone of the objectives and policies of this OCP is the “precautionary principle.” The precautionary principle means that, for proposals that could potentially cause harm to human health or the environment, precautionary measures should be taken, even if some cause and effect relationships are not fully established scientifically. It also acknowledges that uncertainty is inherent in managing resources, and recognizes that it is usually easier to prevent environmental damage than to repair it later. In keeping with this principle, in cases where a development is proposed that may be harmful, the burden of proof lies with those proposing the action, rather than with those advocating protection.
- b) Objectives and policies in this Official Community Plan are based on the premise that land is a precious community resource. The over-riding principle is the protection of the community resource over the long term, while being respectful of private property owners’ individual interests.

2.3 OCP GOALS

- ❖ To preserve the natural, treed, rural setting of Saltair, and thus ensure that Saltair continues to be an attractive, livable, rural residential community that provides a scenic green belt between the urban centres of Chemainus and Ladysmith;
- ❖ To recognize and protect agriculture, as a valuable component of the local economy as well as a key contributor to the rural ambience of Saltair;
- ❖ To ensure that future residential development does not exceed the ability of the environment to provide an adequate supply of clean water and to absorb human wastes;
- ❖ To provide a high level of environmental protection for the water resource, including aquifers, streams, lakes and the ocean shoreline;
- ❖ To recognize the significant value of forested lands to the west of the Town of Ladysmith, and to preserve the area for forestry and resource extraction initiatives, important wildlife habitat and environment features, and the protective buffer area which surrounds the drinking water supply for Saltair;
- ❖ To recognize the local commercial area on Chemainus Road, in the central portion of Saltair, as the central focal point of commercial activity, and to ensure that it continues to provide for the local commercial needs of residents;
- ❖ To recognize the positive contribution of home-based businesses to the economic and social fabric of Saltair, while ensuring that unsightly or high impact businesses will not be permitted in future; and
- ❖ To support a strong recreational component in the community, which includes a park acquisition strategy, recreational uses at the Mount Brenton Community Centre, and a network of safe and convenient pedestrian and cycling trails, paths, and walkways, to link the community facilities, commercial areas, parks, beach accesses, natural areas and residential areas within the community.

SECTION 3 – THE NATURAL ENVIRONMENT

The Natural Environment Section of the OCP applies to all lands and water surfaces within the Plan Area. Saltair's natural setting is the foundation of the community, and the OCP places a high level of protection on the ecosystems that make up the natural environment.

In addition to providing policies for environmental protection, this section provides objectives and policies for hazard lands, which have physical characteristics that may cause loss of life or property. These include areas of excessive or unstable slope, organic or poorly drained soils, and flood plains.

THE NATURAL ENVIRONMENT – OBJECTIVES

- a) To identify, protect and enhance environmentally sensitive areas, for the benefit of natural ecosystems, including fish, wildlife and plant species;
- b) To recognize the Stocking Lake watershed as a precious community resource, protecting it from any actions that would have detrimental impacts on the community's water supply;
- c) To strongly urge the provincial government to manage logging and mining activities in the best interest of the community, by protecting wilderness areas that serve as critical wildlife habitat, including provincially designated environmentally sensitive areas;
- d) To protect surface waters, and fish and aquatic habitat, by carefully managing streams, riparian areas and marine shoreline areas;
- e) To minimize areas of impervious surface and increase natural groundwater infiltration;
- f) To ensure that future development does not exceed the ability of the environment to absorb wastes;
- g) To prevent pollution to the water and land by encouraging better treatment and disposal methods for liquid wastes;
- h) To ensure that new development does not create additional stormwater runoff onto adjacent parcels; and
- i) To protect life and property in areas subject to hazardous conditions such as flooding, wildfire, erosion, landslides and similar phenomena.

THE NATURAL ENVIRONMENT - POLICIES

POLICY 3.1

The precautionary principle (see Section 2.2(a)) should be utilized when considering future development in the OCP area. The OCP recognizes that uncertainty is inherent in managing resources, and that it is easier to prevent environmental damage than to repair it later. The burden of proof in the OCP area is shifted away from those who advocate protection, toward those proposing an action that may be harmful to the natural environment.

POLICY 3.2 Lands and watercourses that are particularly sensitive to human disturbance are shown on Map 3 as “Environmentally Sensitive Areas,” and include watercourses; riparian areas; areas designated by the province of BC as ecologically sensitive areas; and Blue Heron, eagle, and owl nest areas. For environmentally sensitive areas to the east of the Trans Canada Highway, this OCP establishes Development Permit Areas (see Section 20 – Development Permit Areas) as follows:

- **Stream Protection Development Permit Area:** for streams and riparian areas;
- **Ocean Shoreline Development Permit Area:** for lands adjoining the ocean shoreline; and
- **Habitat Protection Development Permit Area** for Eagle, Hawk, Peregrine Falcon, Osprey, Great Blue Heron, and Owl nest areas.

POLICY 3.3 Lands west of Ladysmith consists of forest resource lands that fall primarily under the jurisdiction of the provincial government, including the Ministry of Forests, Ministry of Energy and Mines and Ministry of Sustainable Resource Management. Recognizing the limited jurisdiction of the CVRD, the Provincial Ministries are strongly encouraged to:

- a) Utilize appropriate Best Management Practices (BMPs), utilizing the precautionary principle, when managing forest and mineral/mining resource areas;
- b) Provide regular audits to communities, to assure them that best management practices are achieving the desired results;
- c) Ensure that private resource companies maintain natural vegetation within all riparian areas of lakes and streams, including in the vicinity of Stocking Lake, Stocking Creek, Heart Lake, Holland Lake, Holland Creek, Bannon Creek and other areas known to be sensitive;
- d) Work with the Town of Ladysmith and the CVRD to ensure that the Stocking Lake watershed is protected as a long term source of clean community water;
- e) Undertake further studies of the aquifers underlying Saltair, and introduce groundwater legislation to protect this valuable resource.

POLICY 3.4 The OCP encourages the protection of environmentally sensitive areas and related lands, through local stewardship initiatives, the gifting of ecologically sensitive areas to the CVRD parks function or a community land trust, the registration of conservation covenants, and similar means.

POLICY 3.5 Landowners are encouraged to retain native vegetation, including large trees, and to eliminate invasive non-native weed species from their lands: these include Scotch Broom, Gorse, Feral Holly, Himalayan Blackberries, English Ivy and Purple Loosetrife.

POLICY 3.6 Where a building inspector considers that construction would be on land that is subject to or is likely to be subject to hazardous conditions, including flooding, mud flows, debris flows, debris torrents, erosion, land slip rockfalls, subsidence or avalanche, the building inspector may require the owner of land to provide the building inspector with a report certified by a qualified professional engineer that the land may be used safely for the use intended. If the qualified professional engineer determines that the land may not be used safely for the use intended, the building inspector will not issue a building permit.

POLICY 3.7 Lands subject to flooding should, where possible, remain undeveloped. Where there is no alternative land available and potentially floodable lands are required for development, the construction and siting of buildings to be used for habitation, business or the storage of goods damageable by floodwater must be floodproofed in accordance with the *Local Government Act*.

POLICY 3.8 The CVRD should work with senior governments to identify and update natural hazards information, floodplain information and environmentally sensitive areas inventories in the OCP area.

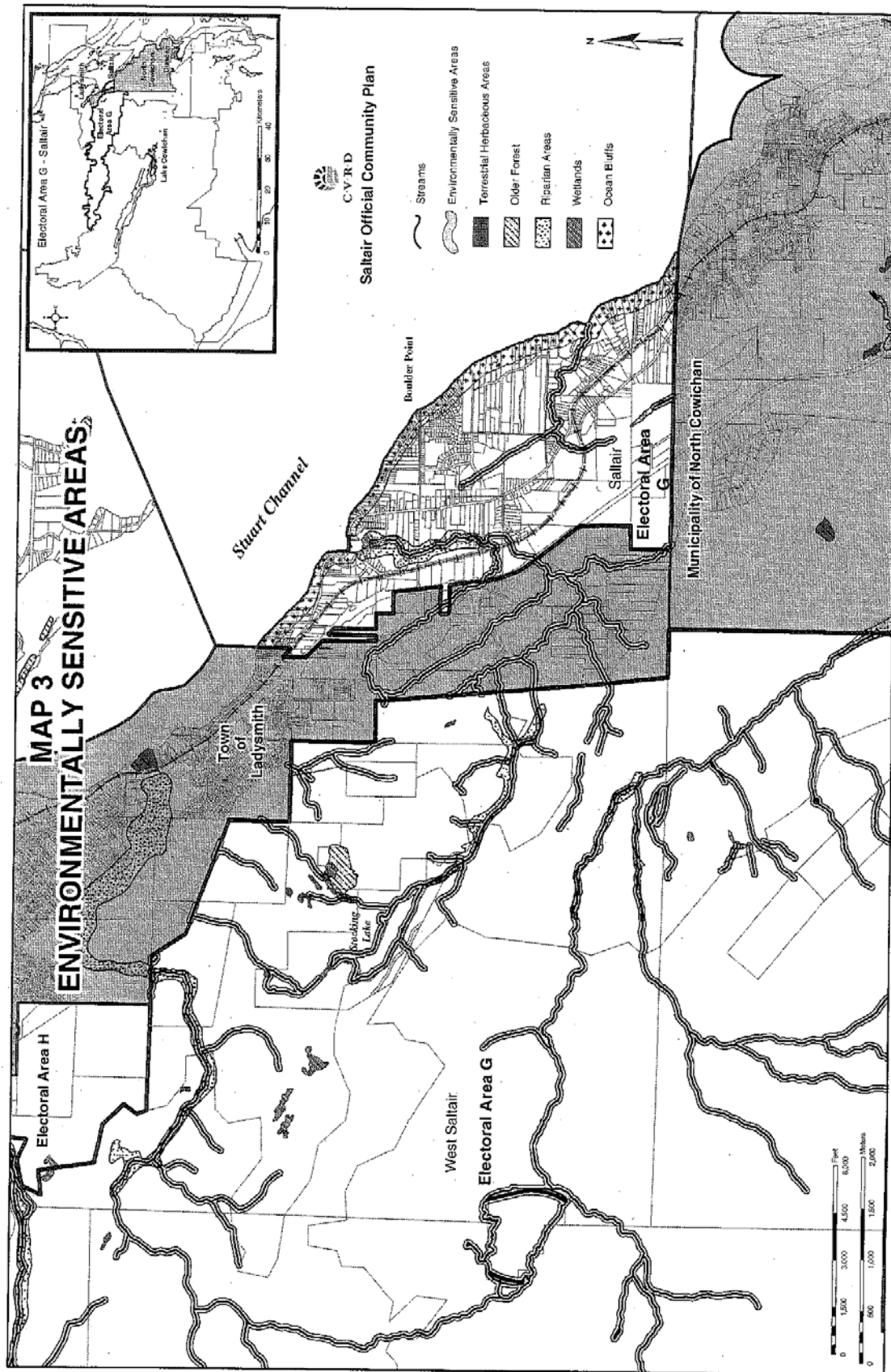
POLICY 3.9 The CVRD may consider adopting a floodplain management bylaw.

POLICY 3.10 The OCP considers stormwater management to be a top priority for new development proposals. Where possible, landowners are encouraged to develop on-site storm water retention systems to reduce off-site storm water runoff. Any new developments in Saltair should undertake to prevent stormwater runoff onto adjacent parcels.

POLICY 3.11 The OCP encourages on-site stormwater management techniques that do not impact surrounding lands, rather than the culverting or ditching of stormwater runoff. It is recommended that the Ministry of Water Land and Air Protection's Best Management Practices (*Storm Water Planning – A Guidebook For British Columbia*) be used. These Best Management Practices may be applied in development permit areas to reduce areas of impervious surfaces and increase natural groundwater infiltration.

POLICY 3.12 Industries considered environmentally hazardous due to the transport, handling, bulk storage or use of liquefied natural gas, radioactive substance, contaminated wastes and soils or other dangerous or toxic materials will not be permitted to locate within the OCP area.

POLICY 3.13 The community of Saltair encourages the process of Greenmapping where significant features, both natural and historical, are identified and preserved. This helps to reduce greenhouse gas emissions and preserves the integrity of the community.



SECTION 4 – OCEAN SHORELINE MANAGEMENT

The ocean “foreshore” generally refers to the land between the mean high and mean low water mark of the ocean. Reference is also made in the OCP to the broader area known as the shoreline, which is the linear strip of upland and adjacent water surface, which are mutually interdependent.

The OCP places a high level of protection along this ecologically significant, sensitive shoreline, as it is one of the most desirable areas for residential development, tourist and recreational uses, and commercial activities, and is therefore vulnerable to the effects of development. The natural beach formation and maintenance process is a fragile one, susceptible to inappropriate upland uses and foreshore intrusions that could threaten the quality or existence of beaches or plant and marine environments.

OCEAN SHORELINE MANAGEMENT - OBJECTIVES

- a) To recognize the importance of the marine foreshore environment to the biodiversity of the region and quality of life of Saltair residents as well as residents in neighbouring jurisdictions;
- b) To ensure that development practices do not result in sedimentation, runoff and pollution into the marine environment;
- c) To work with the appropriate government agencies in improving the environmental conditions of Ladysmith Harbour and Stuart Channel;
- d) To provide beach accesses where possible in order to maximize passive recreation opportunities, and establish a beach walk along the ocean shoreline; and
- e) To minimize interference with the natural shore zone drift sectors and natural beach processes.

OCEAN SHORELINE MANAGEMENT - POLICIES

POLICY 4.1 The shoreline area is considered to be an environmentally sensitive area; therefore parcels of land adjoining the ocean shoreline will be designated as the **Ocean Shoreline Development Permit Area** (see Section 20) for the protection of the environment, its ecosystems and biodiversity, and for the protection of life and property from hazardous conditions.

POLICY 4.2 The waters and foreshore of Saltair, including the estuarine flats of Davis Inlet, will be designated as a Water Conservancy Zone in the implementing bylaws so as to encourage environmental protection and passive recreation as the primary uses in this area.

POLICY 4.3 The OCP acknowledges and complements the goals and objectives of the Province of BC Ladysmith Harbour Crown Foreshore Plan, which was prepared during the 1980’s and continues to be relevant to the OCP area.

POLICY 4.4 The Government of Canada and the Province of BC are strongly urged to:

- a) protect the biodiversity of the sensitive ocean resource off the Saltair shoreline;
- b) ensure that any new applications for shellfish culture purposes are subject to a public review, including a rezoning process, prior to any new foreshore leases being issued; and
- c) refrain from issuing foreshore leases for commercial, industrial or aquaculture uses, where the community has not supported the proposed use.

POLICY 4.5 The marine waters in the OCP area should not be used for log storage, dumping, sorting or related activities, without approval from Fisheries and Oceans Canada.

POLICY 4.6 Residential wharves, docks and other foreshore structures are not permitted, and bulkheads and seawalls are not permitted below the high tide mark.

POLICY 4.7 The OCP strongly supports the provision of public access to the beaches in Saltair. Ocean front road ends are an important public resource, and as such should be open to all Saltair residents, where technically feasible.

POLICY 4.8 Removal of vegetation within 30 metres of the high tide mark is discouraged.

POLICY 4.9 The OCP encourages the testing (including DNA testing) of shellfish and finfish to determine point sources of pollution, and measures to reduce or ultimately eliminate the pollution.

SECTION 5 – AGRICULTURAL RESOURCE DESIGNATION

This Section pertains to lands located in the **Agricultural Resource Designation**. The OCP recognizes agriculture as an integral part of the rural landscape as well as a contributor to the local economy and a critical source of future food production.

Most lands in the **Agricultural Resource Designation** are in the provincial Agricultural Land Reserve (ALR). These lands are subject to the *Agricultural Land Commission Act* and the *Farm Practices Protection Act*, as well as to CVRD bylaws. The OCP aims to ensure that these lands are utilized indefinitely for food production.

AGRICULTURAL RESOURCE DESIGNATION - OBJECTIVES

- a) To encourage agriculture and protect the agricultural land base for long-term food production;
- b) To prevent the subdivision and non-agricultural use of agricultural land; and
- c) To minimize conflict between agricultural and non-agricultural areas.

AGRICULTURAL RESOURCE DESIGNATION – POLICIES

POLICY 5.1 All lands within the Agricultural Land Reserve as well as other lands considered suitable for agricultural production are designated as **Agricultural Resource** on Schedule B – the Plan Map.

POLICY 5.2 Lands in the **Agricultural Resource Designation** are of critical importance to the region and will be protected for agriculture in perpetuity. Any activity or development that could damage the agricultural potential of these lands will not be permitted.

POLICY 5.3 For lands that are in the Agricultural Land Reserve (ALR):

- (a) All ALR exclusion applications will be reviewed by the CVRD, and forwarded to the Agricultural Land Commission (ALC) for consideration, with the applicant being clearly advised that sending the application to the ALC does not imply that the CVRD supports any land use or density on the subject property other than that permitted by the current Zoning Bylaw;
- (b) ALR subdivision applications pursuant to Section 946 (subdivision to provide a residence for a relative) of the *Local Government Act* will be forwarded to the ALC notwithstanding the content of land-use bylaws;
- (c) ALR subdivision applications which are subject to CVRD bylaws will only be forwarded to the ALC if:
 - i. the minimum parcel size regulation is complied with; or
 - ii. if the minimum parcel size regulation is not complied with, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading;
- (d) ALR non-farm use applications will only be forwarded to the ALC if:
 - i) the proposed non-farm use complies with CVRD bylaws; or

- ii) if the proposed non-farm use does not comply with CVRD bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.

POLICY 5.4 The minimum parcel size in the Agricultural Resource Designation will be 20 hectares, therefore due to the current size of parcels in the **Agricultural Resource Designation**, the subdivision of land to smaller lot sizes will not be permitted.

POLICY 5.5 The OCP recognizes that lands within the Agricultural Land Reserve are subject to the provisions of the *Agricultural Land Commission Act*, regulations thereto, and Orders of the Agricultural Land Commission. Activities that are designated as farm use in the *Agriculture Land Reserve Use, Subdivision and Procedure Regulation*, and those which fall under the definition of Farm Operation in terms of the *Farm Practices Protection (Right to Farm) Act*, are permitted.

POLICY 5.6 Parcels with poor soil capabilities in the **Agricultural Resource Designation** are considered to be agriculturally viable, as they may be utilized for farm buildings, feedlots, specialty crops, green houses, wood lots or other uses required by the farm operation but not requiring high quality soils.

POLICY 5.7 Agriculture is strongly encouraged and, as such, has absolute priority in the **Agricultural Resource Designation** and, as such, no legitimate farming activity will be curtailed solely due to the objections of neighbouring property owners. Buffering, in accordance with the Land Reserve Commission's *Landscape Buffer Specifications*, should occur on adjacent, neighbouring parcels.

POLICY 5.8 The OCP recognizes that agricultural land is within the jurisdiction of the provincial government under the *Farm Practices Protection Act*, and that the protection of environmentally sensitive lands in farming areas is the responsibility of the provincial government. It is expected that the province will ensure the protection of sensitive areas, including Porter Creek.

POLICY 5.9 The **Stream Protection Development Permit Area** in Section 20 of this OCP includes lands that are within the Agricultural Land Reserve. It is understood that, because the CVRD does not have the jurisdiction for stream protection on ALR lands, the DPA will not take full effect unless the land in question is removed from the ALR or unless the Province of BC allows the Regional District to apply the DPA guidelines within the ALR.

POLICY 5.10 Farm help dwellings are not permitted within the OCP area, due to the close proximity of available accommodation.

POLICY 5.11 Ancillary non-farm uses that are compatible with agricultural activities, and the promotion, marketing and sale of locally grown crops are encouraged.

POLICY 5.12 The CVRD Board strongly supports the retention of large tracts of agricultural land as it functions to limit residential sprawl and preserves valuable resource land. Preservation of agricultural land ensures our capacity to provide locally produced food at the present and into the future.

SECTION 6 – FORESTRY/NATURAL RESOURCE DESIGNATION

Lands in the western portion of Electoral Area “G” are designated as **Forestry/Natural Resource** in the OCP. Although these lands are not contiguous with the populated area of Saltair, they are extremely important to the community, providing a buffer area for the community water supply, potentially contributing to the regional economy, maintaining aquifer recharge and drainage retention areas, supporting fish and wildlife habitat, and providing recreational opportunities. All of these functions contribute to the rural character and healthy natural environment of the OCP area. Therefore it is important that lands in the **Forestry/Natural Resource Designation** not be considered as a land-bank-in-waiting for future residential development. This OCP already designates ample land for development in the residential areas.

The Province of BC has jurisdiction over many resource extraction activities. A primary challenge for the Province is to protect the Stocking Lake watershed from damage related to resource extraction activities, and to ensure that resource extraction operations are sustainable and respectful of natural ecosystems and the community water supply at Stocking Lake.

FORESTRY/NATURAL RESOURCE DESIGNATION - OBJECTIVES

- (a) To prevent residential, industrial, and commercial encroachment into natural resource lands
- (b) To minimize the creation of new wildfire interface areas.
- (c) To encourage the province to provide appropriate Best Management Practices (BMPs), utilizing the precautionary principle, when managing forest and mineral/mining resource areas;
- (d) To encourage the province to provide regular audits to communities, to assure them that best management practices are achieving the desired results; and
- (e) To protect Stocking Lake from developments that would impact on the community’s water supply.

FORESTRY/NATURAL RESOURCE – POLICIES

POLICY 6.1 Lands considered suitable for forest management and other natural resource uses are designated as **Forestry/Natural Resource** on Schedule B – OCP Map.

POLICY 6.2 The **Forestry/Natural Resource Designation** will provide for long-term natural resource uses, including resource extraction uses, water protection and environmental conservation.

POLICY 6.3 Within the **Forestry/Natural Resource Designation** the minimum parcel size will not be less than 20 ha.

POLICY 6.4 The OCP encourages the province and the private forest companies to manage natural resource lands in a manner which minimizes adverse impacts on the community water supply, surface watercourses, groundwater sources, hazard lands, critical wildlife habitat, old growth forests and other sensitive ecosystems as designated in the *Sensitive Habitat Atlas*.

POLICY 6.5 The OCP encourages the province to provide appropriate Best Management Practices, utilizing the precautionary principle, when managing forest and mineral/mining resource areas. The province is urged to provide regular audits to communities, to assure them that the Best Management Practices are achieving the desired results.

POLICY 6.6 The OCP supports limited wilderness outdoor recreational activities that do not require permanent structures (such as recreational buildings) in the **Forestry/Natural Resource** designation. The OCP encourages the owners of lands in the **Forestry/Natural Resource** designation to allow public access to these areas at times of low fire hazard ratings.

POLICY 6.7 Within areas designated as **Forestry/Natural Resource**, the CVRD may consider the establishment of temporary logging camps, field offices, temporary camp employee accommodation, and temporary small-scale sawmill operations, including the preparation of logs, fence posts, shakes, shake blocks, poles and firewood, pursuant to the temporary use provisions of the *Local Government Act*, where such use has little or no effect on neighbouring residential, commercial, institutional or industrial land uses or the natural environment. At the time of application for a temporary use permit, the Regional District may specify conditions respecting the issuance of a permit and require the posting of a security (if deemed appropriate) so as to ensure compliance with the conditions of the permit.

POLICY 6.8 The OCP strongly encourages the provincial government to support the communities from which the timber supply originates, by ensuring ongoing local employment opportunities are available in value-added wood product processing.

POLICY 6.9 The Regional Board supports the retention of Forestry/Natural Resource lands for the long term, and recognizes that forestry land provides limits to residential growth which in turn supports compact settlement patterns.

POLICY 6.10 The Regional Board supports sustainable forestry practices, and recognizes the capacity of healthy forests to naturally sequester carbon dioxide.

SECTION 7 – SUBURBAN RESIDENTIAL DESIGNATION

The **Suburban Residential Designation** is intended to provide lots suitable for a suburban residential lifestyle, in keeping with the overall vision outlined in Section 2. This designation provides for both rural residences and agriculture, and intends to ensure that suburban areas remain semi-rural and agricultural over the long term.

SUBURBAN RESIDENTIAL DESIGNATION - OBJECTIVES

- (a) To preserve the rural residential character of Saltair;
- (b) To ensure that there is adequate designation of land for new housing requirements;
- (c) To encourage affordable rental and special needs housing in a manner in keeping with the rural residential nature of the community;
- (d) To encourage small-scale agriculture accessory to a residential use;
- (e) To protect and encourage home-based businesses that are compatible with the rural setting; and
- (f) To minimize conflicts between residential development and agriculture.

SUBURBAN RESIDENTIAL DESIGNATION - POLICIES

POLICY 7.1 Lands designated as **Suburban Residential** are delineated on Schedule B – OCP Map.

POLICY 7.2 The minimum parcel size in the **Suburban Residential Designation** will be not less than 1 hectare for parcels not connected to a community sewer system, and 0.4 hectare for parcels connected to a community sewer system.

POLICY 7.3 In addition to one single family dwelling, a secondary suite may be permitted on a parcel in the **Suburban Residential Designation**, on parcels of at least 0.4 ha in area. The strata conversion or subdivision of secondary suites will not be permitted.

POLICY 7.3A In addition to one single family dwelling, an accessory dwelling unit is permitted on Lot 1, District Lot 34, Oyster District, Plan 8053 – PID 005-636-477 in the **Suburban Residential Designation**, provided that:

- a. The subject parcel is connected to a community water system; and,
- b. The strata conversion or subdivision of the accessory dwelling unit will not be permitted.

POLICY 7.4 Where lands designated as **Suburban Residential** are within a development permit area, such lands are subject to the relevant guidelines within Section 20 of this OCP.

POLICY 7.5 Parcel configurations and building design should incorporate the topography of the area, and building heights and roof forms should minimize visual impact. The implementation bylaws will set a high standard for privacy and viewsapes by limiting height, parcel coverage and setback specifications.

POLICY 7.6 Minor siting adjustments within the **Suburban Residential Designation** may be permitted through a development variance permit or a development permit in order to preserve trees, other natural features viewsapes or sensitive areas.

POLICY 7.7 The OCP does not support the concept of “density averaging” (the concentration of development opportunity permitted on an entire parcel onto a portion thereof) for lands in the **Suburban Residential Designation**.

POLICY 7.8 Home based businesses that do not impact on the privacy and well-being of neighbouring residents will be permitted within the **Suburban Residential Designation**. Uses that alter the residential appearance of the community, such as automobile servicing, repair, and painting, or uses that potentially create noise, odors, unsightliness or noxious fumes, will not be permitted.

POLICY 7.9 Lands within the **Suburban Residential Designation** that are adjoining agricultural lands should be buffered in accordance with the Land Reserve Commission’s Landscape Buffer Specifications.

POLICY 7.10 Restricted agriculture will be allowed within the **Suburban Residential Designation**.

POLICY 7.11 The CVRD Board wishes to retain the rural areas and the working resource land base of this plan, therefore the Board discourages the conversion of forestry or agricultural resource land to any residential uses.

POLICY 7.12 Within the areas designated as **Suburban Residential**, the CVRD may consider the issuance of temporary use permits for the establishment of temporary agricultural operations in excess of the limits specified for Restricted Agriculture, but not to the extent of Intensive Agriculture. At the time of application for a temporary use permit, the Regional District may specify conditions respecting the issuance of a permit and require the posting of security (if deemed appropriate) so as to ensure compliance with the conditions of the permit.

A complete temporary use permit application will include the following information:

- Proposed agricultural use of the property, including: numbers of animals, management of agricultural products (farm stand, etc.), and any other pertinent information;
- Site layout plan showing location of proposed farm stand (if any), sensitive ecological areas¹ (if any), existing and new/proposed structures, with setback distances of at least 10 m, and visual buffers (preferably vegetation buffers), in accordance with the Agricultural Land Commission’s specifications. The site plan shall include location of fans, if applicable, and placement of compost and manure piles in relation to neighbouring residential properties;
- If animals are part of the proposed agricultural use, a composting and manure management plan and a rodent management plan are required.

¹ definition: wetlands, streams, any sensitive ecosystems from the Vancouver Island Sensitive Ecosystem Inventory mapping

SECTION 8 – GENERAL RESIDENTIAL DESIGNATION

Preserving the rural ambience that is so valued by Saltair residents means carefully defining limits for the urban residential areas, and preserving rural areas. The OCP aims to ensure that urban expansion does not gradually occur throughout the landscape, increasing densities to the point where a rural buffer area would no longer exist between the two adjacent municipalities. Within this OCP, new urban residential development will only occur within the **General Residential Designation**.

GENERAL RESIDENTIAL DESIGNATION – OBJECTIVES

- (a) To preserve the rural character of Saltair by placing clear limits on urban development;
- (b) To encourage affordable rental and special needs housing in appropriate areas;
- (c) To ensure an adequate supply of land for housing requirements; and
- (d) To protect and encourage home based businesses that are in keeping with the rural residential character of the community.

GENERAL RESIDENTIAL DESIGNATION – POLICIES

POLICY 8.1 Lands designated as **General Residential** are delineated on Schedule B – OCP Map.

POLICY 8.2 The minimum parcel size in the **General Residential Designation** will be:

- 1 hectare for lands not connected to a community water system or a community sewer system;
- 0.4 hectare for lands connected to a community water system; and
- 0.2 hectare for lands connected to a community water system and a community sewer system.

POLICY 8.3 Speculative proposals to amend this OCP are strongly discouraged.

POLICY 8.4 In addition to one single family dwelling, a secondary suite may be permitted in the **General Residential Designation**, on parcels of at least 0.4 ha in area. The strata conversion or subdivision of secondary suites will not be permitted.

POLICY 8.5 Where lands designated as **General Residential** are within a development permit area, such lands are subject to Section 20 of this OCP.

POLICY 8.6 Home based businesses that do not impact on the privacy and well-being of neighbouring residents will be permitted within the **General Residential Designation**. Uses that alter the residential appearance of the community, such as automobile servicing, repair, and painting, or uses that potentially create noise, odors, unsightliness or noxious fumes, will not be permitted.

POLICY 8.7 Agricultural uses will not be permitted in the **General Residential Designation**.

POLICY 8.8 Parcel configurations and building design should adapt to the natural topography of the area, and building heights and roof forms should be sensitive to viewscales. The implementation bylaws will set a high standard for privacy and viewscales by limiting height and setback specifications.

POLICY 8.9 Minor siting adjustments within the **General Residential Designation** may be permitted through a development variance permit in order to preserve trees, other significant natural features, viewscales or sensitive areas.

POLICY 8.10 If the plan area faces an increased demand for residential development in the future, the CVRD Board will prioritize infill projects within existing residential areas rather than extending residential development into the rural areas.

POLICY 8.11 Lands that are located adjacent to the Saltair commercial core and encompass Stocking Creek, a significant environmental feature of public importance, may be eligible for a density bonus zone, provided that the following are integral to the development:

- The density bonus must be predicated on the permanent land dedication to the CVRD by the owner of the land for which the bonus is provided, for the purpose of expanding Stocking Creek Park.
- All residential lots are connected to a community water system, and sewage treatment systems comply with provincial regulations.

POLICY 8.12 The density bonus residential zone adjacent to Stocking Creek will be suitable for single family residential use. Lot yield is based on a minimum parcel size of 0.4 hectares, with connection to a community water system, calculated on the gross land area prior to the provision of lands for permanent protection. Smaller lot sizes may be achieved by density averaging, on terms prescribed in the implementing Zoning Bylaw.

POLICY 8.13 Development within the Stocking Creek density bonus zone will be subject to the Stormwater Management Development Permit Area Guidelines of Section 20 of this OCP.

SECTION 9 – MANUFACTURED HOME PARK RESIDENTIAL DESIGNATION

This section contains objectives and policies for the **Manufactured Home Park Designation**. There is currently one existing Manufactured Home Park (MHP) on Chemainus Road in north Saltair.

MANUFACTURED HOME PARK RESIDENTIAL DESIGNATION - OBJECTIVES

- (a) To limit development of manufactured home parks to the one in existence upon date of the adoption of the OCP; and
- (b) To ensure that the manufactured home park remains an attractive, livable residential area.

MANUFACTURED HOME PARK RESIDENTIAL DESIGNATION - POLICIES

POLICY 9.1 Lands designated as **Manufactured Home Park Residential** are delineated on Schedule B – OCP Map.

POLICY 9.2 The maximum density permitted in the **Manufactured Home Park Residential Designation** is 15 units per hectare, and the minimum parcel size will be 2 hectare.

POLICY 9.3 In keeping with the overall goal of maintaining the rural residential atmosphere in Saltair, new manufactured home parks will not be established in the OCP Area.

SECTION 10 – LOCAL COMMERCIAL DESIGNATION

The existing local commercial area on Chemainus Road, in the central portion of Saltair, will continue to be the centre of commercial activity in the Plan area, due to its central location and its ability to provide for the local commercial needs of area residents. This section provides objectives and policies to ensure that future commercial development will be appropriately located, and designed so as to not negatively impact the rural lifestyle of Saltair residents.

LOCAL COMMERCIAL DESIGNATION - OBJECTIVES

- (a) To identify the central commercial core (Byron's store area) as the **Local Commercial** focal point of the community;
- (b) To prevent new **Local Commercial** uses from locating in areas that are isolated from the existing central commercial core;
- (c) To ensure that commercial developments are accessible to disabled people, and that public safety measures are considered in future development;
- (d) To permit small scale **Local Commercial** activities in the central commercial node, provided that they do not adversely impact on the character of the community or its natural environment;
- (e) To ensure that new **Local Commercial** developments are attractive and blend in with the rural character of the community; and
- (f) To prevent strip commercial development from occurring along the Trans Canada Highway and Chemainus Road.

LOCAL COMMERCIAL DESIGNATION - POLICIES

POLICY 10.1 Lands designated as **Local Commercial** are delineated on Schedule B – OCP Map.

POLICY 10.2 The **Local Commercial Designation** is intended to accommodate a limited range of land uses that cater to the retail needs of the community immediately surrounding the facility, rather than the regional population base. Local commercial businesses may include such uses as convenience stores, small retail outlets, restaurants, video/DVD rental establishments, small-scale offices and personal service businesses.

POLICY 10.3 The OCP recognizes the historical local commercial use on a parcel located on Chemainus Road and Wiltshire Road, but discourages local commercial uses in other locations outside of the central core area.

POLICY 10.4 Lands within the **Local Commercial** designation will have a minimum parcel size of 0.4 hectare, if connected to a community water system, and 1 hectare if not connected to a community water system.

POLICY 10.4.1 Notwithstanding Policy 10.4, a minimum parcel size of less than 0.4 hectares may be permitted for small lot local commercial zones that exclude residential uses if connected to community water system and a Type 3 or Class A sewer System.

POLICY 10.5 Lands designated as **Local Commercial** are subject to Section 20 – **Commercial Development Permit Area** – of this OCP, for the protection of the environment, its ecosystems and biodiversity, and the establishment of objectives for the form and character of commercial, industrial, and multi-family residential development.

SECTION 11 – SERVICE COMMERCIAL DESIGNATION

The **Service Commercial Designation** is intended to accommodate commercial lands that have reasonable access to the Trans Canada Highway, and are intended for use by the traveling public. There is currently one parcel designated as **Service Commercial**, located at Peerless Road and the Trans Canada Highway.

SERVICE COMMERCIAL DESIGNATION - OBJECTIVES

- (a) To ensure that **Service Commercial** development is located near an access to the Trans Canada Highway, so as to serve the traveling public without causing increased traffic on Chemainus Road or local residential roads;
- (b) To ensure that new **Service Commercial** developments are attractive, accessible, and include public safety design measures;
- (c) To ensure that the scale, form and character of **Service Commercial** developments do not negatively impact the natural environment; and
- (d) To prevent strip development from occurring along the Trans Canada Highway and Chemainus Road.

SERVICE COMMERCIAL DESIGNATION - POLICIES

POLICY 11.1 Lands designated as **Service Commercial** are delineated on Schedule B – OCP Map.

POLICY 11.2 The **Service Commercial Designation** is intended for land uses which serve the needs of the motoring public, including gasoline service stations, accessory automobile repair and accessory parts sales, storage facilities, building supply or camping equipment sales, and gardening supply centres.

POLICY 11.3 Lands in the **Service Commercial Designation** will have a minimum parcel size of 0.4 hectare if connected to community water system, and 1 hectare if not connected to community water system.

POLICY 11.4 Lands designated as **Service Commercial** are subject to Section 20 – **Commercial Development Permit Area** – of this OCP, for the protection of the environment, its ecosystems and biodiversity, and the establishment of objectives for the form and character of commercial, industrial, and multi-family residential development.

SECTION 12 – TOURIST COMMERCIAL DESIGNATION

The **Tourist Commercial Designation** applies to commercial lands that are used for tourist-oriented development. There is currently one parcel in Saltair designated as **Tourist Commercial**: the resort facility on Chemainus Road, just east of Davis Lagoon.

TOURIST COMMERCIAL DESIGNATION – OBJECTIVES

- a) To ensure that new **Tourist Commercial** developments are attractive, are accessible, include public safety design measures, and blend in with the rural character of the community;
- b) To recognize existing **Tourist Commercial** development, while ensuring that new development does not lead to strip development along Chemainus Road;
- c) To ensure that the scale, form and character of **Tourist Commercial** developments do not negatively impact the natural environment; and
- d) To ensure that densities are appropriate from a servicing standpoint.

TOURIST COMMERCIAL DESIGNATION – POLICIES

POLICY 12.1 Lands that are designated as **Tourist Commercial** are delineated on Schedule B - the OCP Map.

POLICY 12.2 The **Tourist Commercial Designation** is intended to accommodate a limited range of land uses that cater to the tourism sector, including such uses as recreational facilities, hotels, resorts and small-scale accessory retail sales and services.

POLICY 12.3 Lands in the **Tourist Commercial Designation** will have a minimum parcel size of 0.4 hectare if connected to community water system, and 1 hectare if not connected to a community water system.

POLICY 12.4 New proposals to amend the OCP and establish additional tourist commercial establishments should only be approved if they meet the following criteria:

- a) The proposed development, including design and landscaping, should be at a scale and in a form which will enhance the area and conform to the general character of the community.
- b) The proposed development will be demonstrated to have general community support as determined through the OCP amendment process;
- c) The site should be near or adjacent to other compatible land uses;
- d) The site should be within easy reach of the Trans Canada Highway, and not generate high traffic levels on residential roads;
- e) The proposal should include public open space (e.g. conservation covenant areas, parkland);
- f) The development should be serviced by a community sewage treatment and collection system, or a treatment plant, generating Class A sewage effluent; and
- g) The development should support or enhance public access to beach areas or adjacent public recreational facilities.

POLICY 12.5 Lands designated as **Tourist Commercial** are subject to Section 20 – **Commercial Development Permit Area** – of this OCP, for the protection of the environment, its ecosystems and biodiversity, and the establishment of objectives for the form and character of commercial, industrial, and multi-family residential development.

SECTION 13 – NEIGHBOURHOOD PUB COMMERCIAL DESIGNATION

This Section contains objectives and policies for the **Neighbourhood Pub Commercial Designation**. One parcel is designated as **Neighbourhood Pub Commercial**, located on Knight Road in the southern portion of Saltair.

NEIGHBOURHOOD PUB COMMERCIAL DESIGNATION – OBJECTIVES

- (a) To allow for the continued operation of the existing neighbourhood pub in Saltair;
- (b) To ensure that future development in the **Neighbourhood Pub Commercial Designation** are attractive and blend in with the rural character of the community; and
- (c) To ensure that that future development in the **Neighbourhood Pub Commercial Designation** does not adversely impact on the natural environment of Saltair.

NEIGHBOURHOOD PUB COMMERCIAL DESIGNATION - POLICIES

POLICY 13.1 Lands that are designated as **Neighbourhood Pub Commercial** are delineated on Schedule B - the OCP Map.

POLICY 13.2 The neighbourhood pub on Knight Road is the only parcel to be designated as **Neighbourhood Pub Commercial**. Proposals to develop additional neighbourhood pubs in the community are discouraged.

POLICY 13.3 The **Neighbourhood Pub Commercial Designation** will have a minimum parcel size of 2 hectare.

POLICY 13.4 One dwelling unit per parcel is permitted in the **Neighbourhood Pub Commercial Designation**. The dwelling unit may be detached or may be located on an upper floor of a commercial building.

POLICY 13.5 Lands designated as **Neighbourhood Pub Commercial** are subject to Section 20 – **Commercial Development Permit Area** – of this OCP, for the protection of the environment, its ecosystems and biodiversity, and the establishment of objectives for the form and character of commercial development.

SECTION 14 – PARKS AND TRAILS

This Section outlines the OCP objectives and policies as they pertain to parks and recreational uses. The OCP supports a strong park acquisition strategy, particularly in the Stocking Creek area. The OCP also advocates a network of safe and convenient pedestrian and cycling trails, paths, and walkways, to link the community facilities, commercial areas, parks, beach accesses, natural areas and residential areas within the community, and to connect Saltair with Ladysmith and Chemainus.

PARKS AND TRAILS – OBJECTIVES

- a) To actively encourage the acquisition of parkland in order to increase recreational opportunities as well as to preserve aquatic habitat, rare and fragile native plant communities, wildlife habitat and corridors, significant geographical or historical features, and the natural beauty of Saltair;
- b) To ensure that parks and trails are located in the most suitable locations, desired by Saltair residents;
- c) To continue to place a high priority on the expansion of Stocking Creek Park;
- d) To ensure that public beach access is provided for all residents of Saltair, and hence improve and increase the number of accessible public beaches;
- e) To establish a beach walk along the ocean foreshore; and
- f) To provide a network of trails connecting residential areas with commercial areas, the community centre, parks, beach accesses, and nearby communities, for the convenience and enjoyment of area residents.

PARKS POLICIES

POLICY 14.1 Existing parks are designated as **Parks** on Schedule B – Plan Map, and are shown in greater detail on **Map 4a and 4b – Parks Maps**.

POLICY 14.2 To facilitate the acquisition of parkland, parks are permitted in all designations and in all zones throughout the OCP area.

POLICY 14.3 For subdivisions, in accordance with Section 941 of the *Local Government Act*, the owner of the land shall, at the discretion of the CVRD:

- i. Provide, without compensation, community recreation parkland equivalent to five percent of the parent parcel size and in a location acceptable to the Regional District; or
 - ii. Pay to the CVRD an amount that equals the market value of the subject land.
- (b) The Board will only consider parkland explicitly accepted as such by the CVRD as counting towards the 5% park dedication required by the *Local Government Act*. Lands such as returns to Crown and environmental setback areas will not be counted in the 5% calculation.
- (c) A main priority for cash-in-lieu of parkland will be the future acquisition of parkland to expand Stocking Creek Park.

POLICY 14.4 Where appropriate, subdivision applicants should be required to provide parks and/or trails access through new subdivisions, to ensure accessibility to recreational opportunities and linkages between adjacent neighbourhoods, public uses, commercial areas and other trails.

POLICY 14.5 The foreshore area and all public ocean front road ends should remain open for the public, subject to environmental and engineering constraints. The further development and maintenance of beach accesses is a priority.

POLICY 14.6 The Ministry of Transportation will be asked to consider suitable public land at road ends and road closures for dedication as local parks, rest stops, tot-lots and playgrounds.

POLICY 14.7 The Plan area, and the region, consists of a very low percentage of Crown land. Therefore, such lands should be considered for parks, recreational or environmental protection purposes, prior to being considered for residential, industrial or commercial development.

POLICY 14.8 When reviewing potential park areas, the following criteria should be considered:

- (a) The ability to provide appropriate services and infrastructure;
- (b) Whether the site is accessible and includes convenient road access, trail access and parking facilities;
- (c) Potential linkages with other parks and trails, commercial areas, public uses and residential neighbourhoods, via safe, convenient pedestrian walkways;
- (d) For parks intended to serve a large number of users, the potential traffic impacts on the adjacent residential community;
- (e) The protection of special features, heritage sites, and environmentally sensitive areas, including watercourses (streams, lakes, ocean);
- (f) The costs, including overall purchase price (value for dollar, long term expansion potential, and costs associated with development);
- (g) The proximity of the site to existing parks, with priority being given to acquiring new areas adjacent to existing parks or those that can be connected by pedestrian and cycling paths; and
- (h) Potential of the site to allow for more than one function or type of activity to occur in one park area, with clear linkages where necessary.

POLICY 14.9 Universal access to parks should be a priority in developing new parks. The personal safety of patrons, including the elderly and disabled, will be considered in parks planning and design.

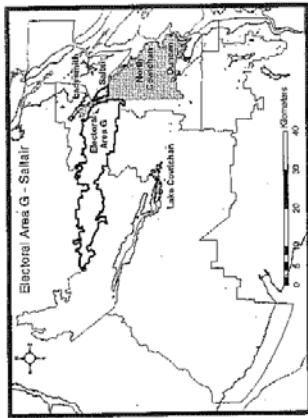
POLICY 14.10 The Regional District should prepare a comprehensive parks master plan, consistent with the objectives and policies of this OCP, which will include a parkland acquisition, improvement and maintenance strategy and a trails/greenways strategy.

POLICY 14.11 The OCP recognizes that the Electoral Area G – Saltair Parks Commission is essential to the establishment and management of a successful parks and trails system.

POLICY 14.12 The OCP encourages volunteer assistance and partnerships in the acquisition, development, and maintenance of community parks and trails, including with the School District, private companies, government agencies, non-government organizations, land trusts and residents.

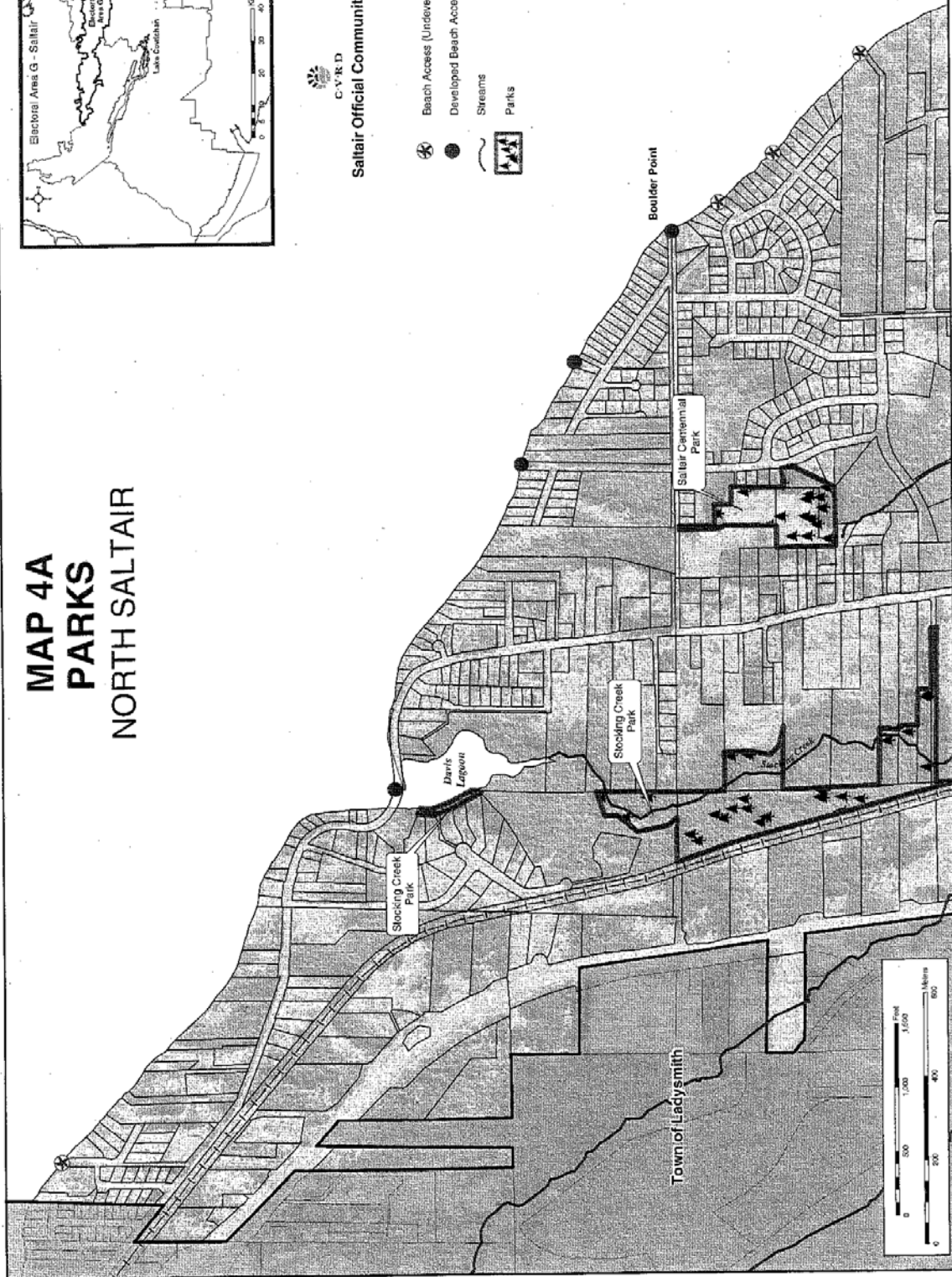
POLICY 14.13 The OCP encourages the use of the *Income Tax Act of Canada* to provide opportunities for landowners to donate parkland or conservation areas.

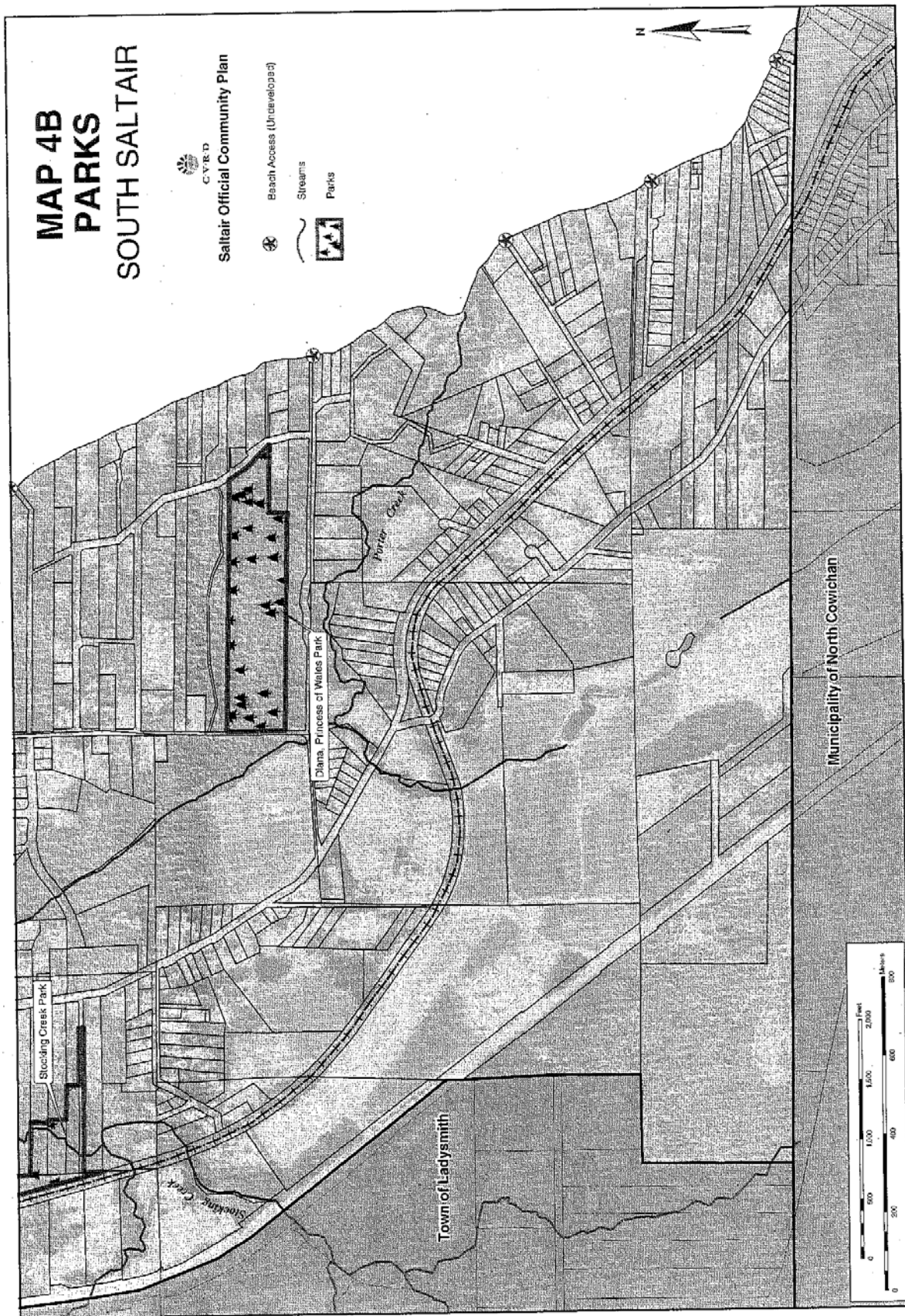
MAP 4A **PARKS** **NORTH SALT AIR**



CVRD
Saltair Official Community Plan

- Beach Access (Undeveloped)
- Developed Beach Access
- Streams
- Parks





TRAILS POLICIES

POLICY 14.14 The Regional District should develop a Trails Strategy, to provide safe and convenient linkages for pedestrians and cycling between community facilities, commercial areas, parks, beach accesses, natural areas and residential areas within the community, and to connect Saltair with Ladysmith and Chemainus via the Cowichan Valley (Trans Canada) Trail, and possibly the ocean shoreline. The strategy should include trails delineated in **Map 5 – Trails Map**, and plans for improving and maintaining the trails. The strategy should include an action plan for marking and mapping trails in the OCP area, and for recording heritage features and historical knowledge.

POLICY 14.15 Trails that are publicly owned rather than leased or otherwise used should be designated as **Parks** on the OCP Map. In cases where existing or proposed trails are on private property, a strategy to secure agreements with landowners, in order to preserve and give legal recognition to such trails.

POLICY 14.16 For the safety of Saltair residents, a clearly defined pedestrian and cycling corridor should be established along Chemainus Road, Old Victoria Road and portions of Olsen Road.

POLICY 14.17 The OCP recognizes the E&N Railway corridor as a future section of the Cowichan Valley (Trans Canada) Trail, linking Ladysmith with Chemainus, possibly sharing the corridor with rail transportation.

POLICY 14.18 A trails strategy should include consideration of a trail along the water pipeline right-of-way from Oyster Way to Dogwood Road.

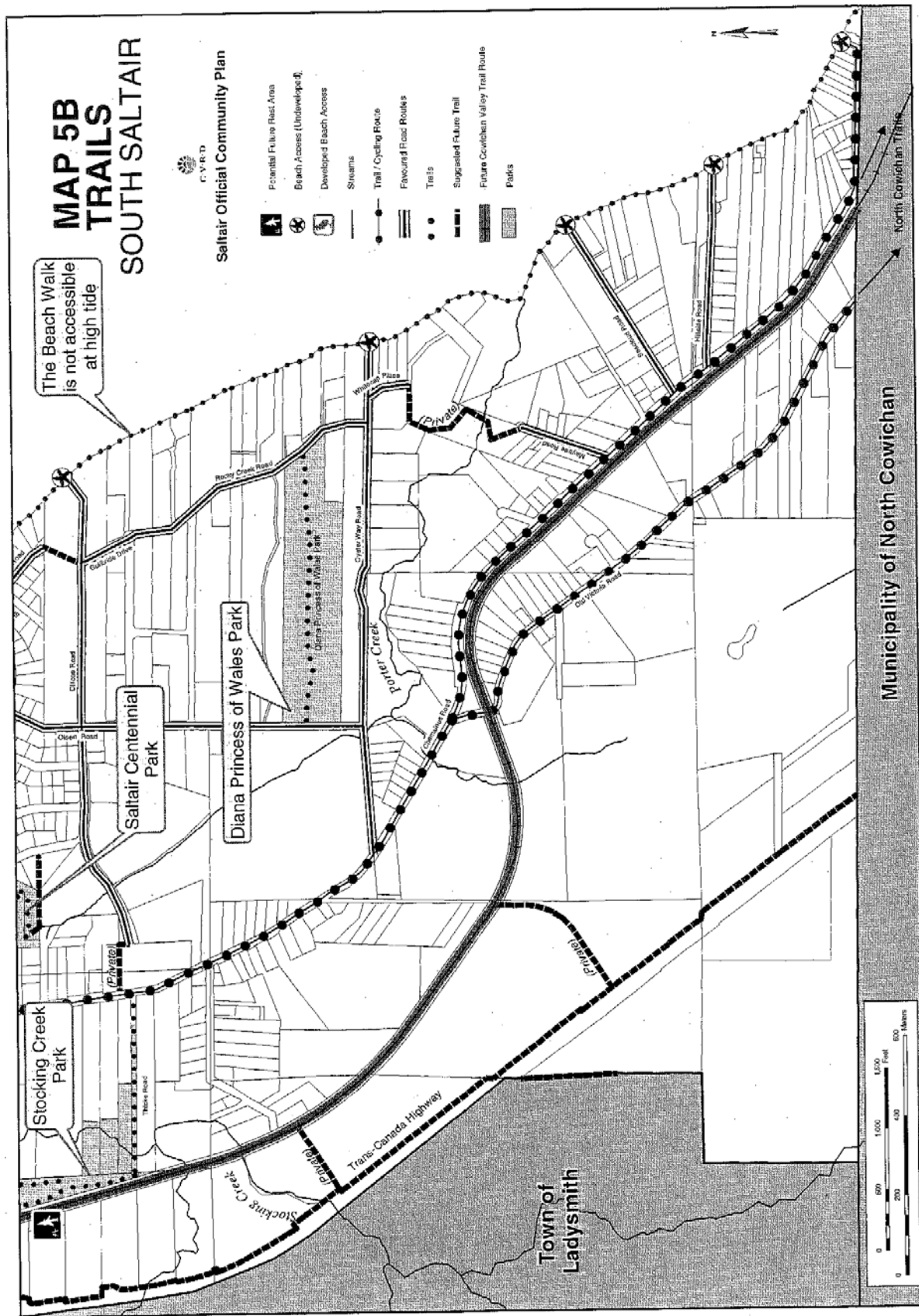
POLICY 14.19 A trails strategy should include consideration of an ocean-side walk along Saltair Beach, from the Town of Ladysmith to the North Cowichan Municipal boundary.

POLICY 14.20 A commemorative plaque should be located at the site of the former Saltair Train Station.

POLICY 14.21 All public beach access points should be made available to pedestrians, subject to topographical constraints, in order to ensure that all Saltair residents are able to share the public resource.

POLICY 14.22 Effective and standardized signage should be used to identify public beach access.

POLICY 14.23 Opportunities to add additional lands to Saltair's open space system should be actively pursued. This will add to the community's quality of life, help reduce greenhouse gas emissions by reducing vehicle trips to take advantage of open space opportunities, and increase natural carbon sequestration potential by preserving wetlands and forested ecosystems.



SECTION 15 – INSTITUTIONAL DESIGNATION

Saltair currently has a water office on Chemainus Road and a community centre (formerly the Mount Brenton School) on South Oyster School Road. This Section provides objectives and policies as they pertain to institutional uses, and addresses the possibility that additional institutional uses may be proposed in Saltair.

INSTITUTIONAL DESIGNATION – OBJECTIVES

- a) To ensure that future institutional uses are an integral part of the community and are located in the most suitable locations;
- b) To ensure that new **Institutional** developments are attractive, are accessible and include public safety design measures; and
- c) To maintain the Mount Brenton Community Centre on South Oyster School Road as a long-term recreational, educational, cultural, and lifestyle focal point, for the enjoyment of the community.

INSTITUTIONAL DESIGNATION – POLICIES

POLICY 15.1 Lands designated as **Institutional** are delineated on Schedule B - the OCP Map.

POLICY 15.2 The OCP supports the use of the Mount Brenton Community Centre, on South Oyster School Road, as an educational, cultural and recreational facility, and recognizes that the Saltair Recreation Commission, composed of Saltair Residents, is essential to the successful operation of the facility.

POLICY 15.3 Future applications for institutional uses will require an amendment to the OCP. In considering such applications, the following criteria will be considered:

- (a) The compatibility of the proposed institutional use with surrounding land uses;
- (b) The potential impacts of the proposed use on the natural environment;
- (c) Potential traffic and other impacts that may occur as a result of the use;
- (d) The provision of adequate services, including sewer, water, and road access;
- (e) The possible economic, environmental and social consequences of the proposed use; and
- (f) Whether the buildings, structures and use are accessible, are within the core area of the community, and are designed with safety measures.

SECTION 16 – RAILWAY TRANSPORTATION DESIGNATION

This Section outlines the OCP objectives and policies as they pertain to the Railway Transportation Designation. The OCP supports the use of this corridor as a rail transportation corridor, with park and trails potential.

RAILWAY TRANSPORTATION DESIGNATION – OBJECTIVES

- (a) To provide a corridor for public use of rail transportation and pedestrian trails over the long term;
- (b) To protect special features and heritage areas, including the E&N Railway.

RAILWAY TRANSPORTATION DESIGNATION - POLICIES

POLICY 16.1 The **Railway Transportation Designation** is shown on Schedule B – Plan Map.

POLICY 16.2 The OCP recognizes the E&N Railway corridor as a possible future section of the Cowichan Valley (Trans Canada) Trail, linking Ladysmith with Chemainus, possibly sharing the corridor with rail transportation.

POLICY 16.3 Within the **Railway Transportation Designation**, passenger and freight railway services, light rail transit, terminal facilities, railway stations, railway depots, railway maintenance facilities, and public trails will be permitted.

POLICY 16.4 The burial of public utilities or pipelines is not permitted in the **Railway Transportation Designation**, unless it is determined that such utilities or pipelines would not interfere with the use of the transportation corridor for railway use.

POLICY 16.5 The Regional Board recognizes the potential of the existing railway as a transportation corridor that can encourage alternative transportation methods, minimizing our reliance on road vehicles as the primary means of traveling throughout the community.

SECTION 17 – WATER SERVICES

The protection of water sources through appropriate land-use planning is a main priority of the OCP. Most of the community is serviced by a community water system, which is administered by the CVRD, while a small number of parcels obtain water via wells. The boundary of the community water service area is shown on Map 6.

WATER SERVICES - OBJECTIVES

- (a) To prevent development that would adversely affect the availability of water for present users, especially during peak demand periods.
- (b) To prevent development that would adversely affect the quality of water for present and future users;
- (c) To protect water recharge areas from the impacts of residential and urban development;
- (d) To encourage the Province of BC to protect groundwater and surface water in all areas of provincial jurisdiction; and
- (e) To ensure that water supplies are available for fire protection purposes.

WATER SERVICES – POLICIES

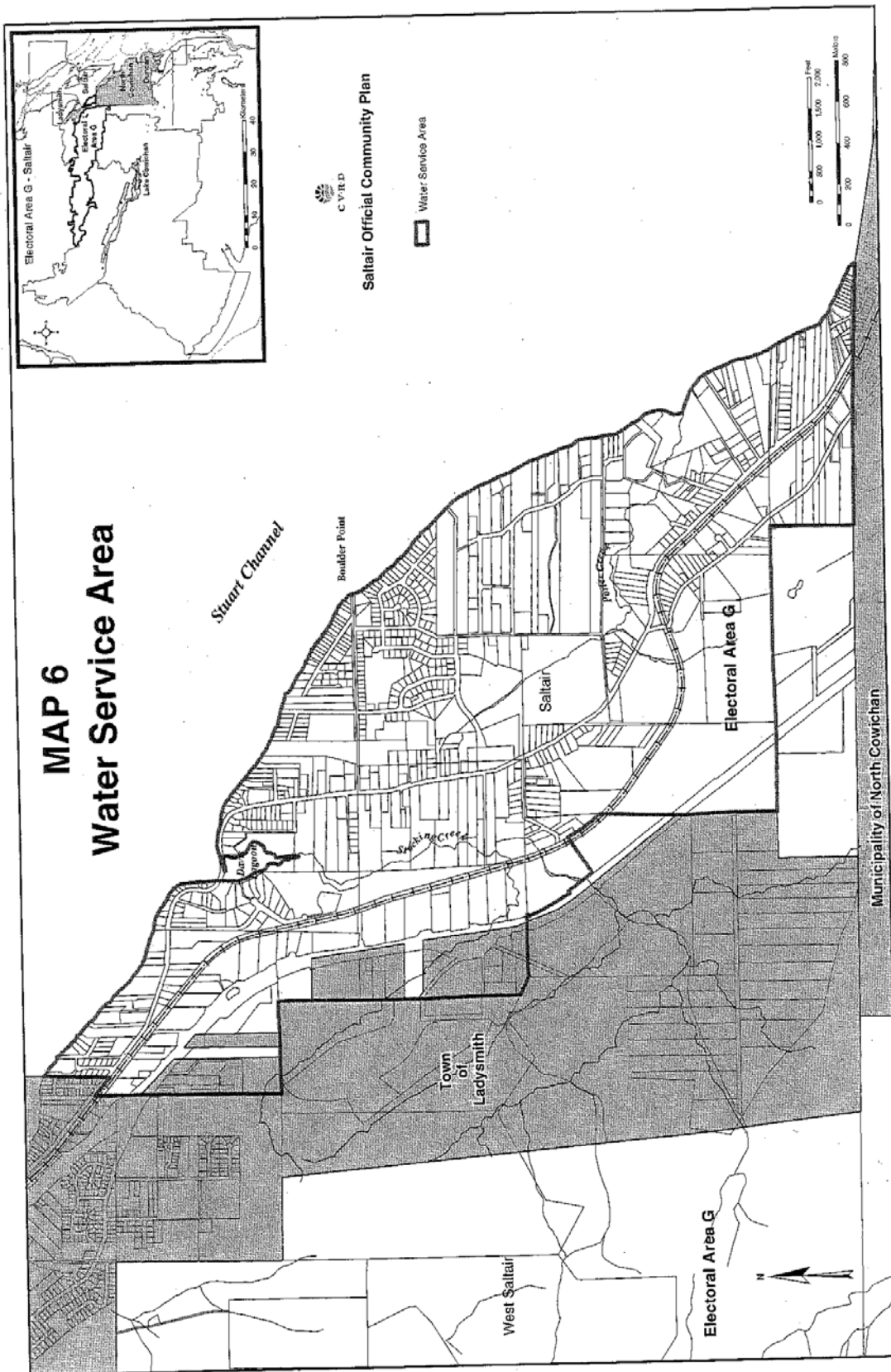
POLICY 17.1 The OCP strives to ensure that future subdivision is controlled and that, therefore, future population growth does not place excessive demands on the community water supply.

POLICY 17.2 The CVRD should work closely with the Town of Ladysmith and the Province of BC to ensure that the Stocking Creek/Stocking Lake area remains free of contamination and is protected from any resource uses or development that could impact on the water resource.

POLICY 17.3 The CVRD should undertake a water study that includes detailed information on aquifers in the OCP area, including information on direction of groundwater flow, recharge areas, depth, and risk of contamination. The OCP would favour, by way of amendment to this OCP, a development permit process, with the aim of further protecting the wellhead areas, to protect the long-term water supply.

POLICY 17.4 The OCP encourages the Province to enact and maintain an effective groundwater regulation, which emphasizes protection of aquifers and regulation of private and public wells.

POLICY 17.5 The CVRD should establish a water conservation program that includes a program to encourage the use of low-flow household appliances and incentives to reduce water consumption.



SECTION 18 – LIQUID AND SOLID WASTE SERVICES

Saltair has developed to its present state without the benefit of a community-wide sewage collection and treatment system. Most residences in the OCP area are equipped with a septic tank and on-site disposal field, under the Central Vancouver Island Health Unit jurisdiction. This is a rural technology, best suited to areas with good permeable soil conditions and large, low density parcels. In Saltair, the soils are generally not optimal for on-site sewage treatment, and many residential parcels are smaller than ideal for on-site septic tanks and fields.

The Central Vancouver Island Health Authority has historically had the mandate to approve most on-site sewage disposal and treatment systems in Saltair, but not to ensure their maintenance. If a sewage treatment and disposal system, or septic system, is not maintained properly, effluent quality can decline sharply, overloading the drain field and possibly posing health risks in the general community. Such a situation may also lead to environmental degradation, if not addressed appropriately.

As Saltair is comprised primarily of rural areas served by septic tanks, it is important that not only the initial inspections and approval of septic systems is important, but the long term maintenance of the systems as well. Furthermore, the cumulative impacts of septic systems should be considered in the approval process.

Many Saltair residents have expressed a desire for a publicly owned and operated sewage collection and treatment system. The CVRD has placed this on a list of servicing priorities. Therefore, if deemed feasible and supported by the community, a community sewer system may be constructed, or an agreement may be reached to obtain servicing from an adjacent jurisdiction.

Community sewer servicing can lead to pressures on the community to allow smaller parcels, however, small-lot developments are contrary to the intent of the OCP. The OCP provides for a rural residential community, regardless of the level of servicing provided. Therefore, the OCP and all implementing bylaws (such as the Zoning Bylaw) will ensure that a new service will not affect the size of parcels in Saltair.

This section also provides OCP objectives and policies for the containment, recycling, re-use, removal and disposal of solid waste. Solid waste management is a necessary service for any community. The accumulation of garbage is unsightly, unhealthy and unsafe for residents, and it should be removed to a designated treatment facility, to be disposed of in an approved manner. The CVRD Solid Waste Management Plan contains the regional solid waste strategy, which includes a curbside recycling program and a public education program. The Regional District's central waste collection facility is at the Peerless Road site in Ladysmith, and the Bings Creek Solid Waste Management Complex in the District of North Cowichan.

LIQUID AND SOLID WASTE SERVICES - OBJECTIVES

- (a) To ensure that liquid waste and solid waste are managed in a safe, approved manner;
- (b) To support development, consistent with land use designations delineated on Schedule B OCP Map, that would not adversely affect future public investment in community sewer servicing;
- (c) To support the construction of a community sewage collection and treatment system in Saltair, provided that such a system is desired by residents and is financially feasible;
- (d) To encourage the provision of septic system monitoring in Saltair;

- (e) To ensure that future growth in Saltair is guided by community planning rather than by servicing initiatives;
- (f) To ensure that solid waste disposal conforms to provincial and federal environment standards and the CVRD Solid Waste Management Plan; and
- (g) To encourage the reduction, re-use, and recycling of solid waste, reducing the solid waste stream to the greatest extent possible.

LIQUID AND SOLID WASTE SERVICES - POLICIES

POLICY 18.1 Subject to a community review process determining public support, the OCP advocates the establishment of a community sewage collection and treatment system in Saltair. At the same time, the OCP envisions Saltair remaining a rural residential community over the long term, hence, community sewer servicing would not impact the ability to subdivide land in Saltair.

POLICY 18.2 The density of residential development should not be increased, under any circumstances, on the basis that a community sewage treatment and disposal system is introduced, or an on-site individual sewage treatment and disposal system has a low land area requirement for the drain field.

POLICY 18.3 In the absence of a community sewer system, the CVRD should investigate options for ensuring the continued approval and inspections of septic systems, and the regular maintenance of septic systems, including:

- (a) Requesting the provincial government to ensure that septic systems are inspected and approved;
- (b) A program to monitor individual septic systems to ensure their continuing satisfactory operation;
- (c) A program to consider any cumulative impacts that septic systems could potentially have on environment values; and
- (d) An educational program, for landowners to become more aware of the need to properly maintain their septic systems.

POLICY 18.4 The OCP does not support the creation of joint or shared septic tanks and fields for more than one dwelling unit in the OCP area, with the exception of shared septic fields for secondary suites within a dwelling unit, or unless there has been a failure of an existing septic tank/field system and no other alternative exists.

POLICY 18.5 The OCP would support the construction of privately-owned and operated sewage treatment plants in support of a commercial or institutional use that is created pursuant to one or more policies of this OCP. In such cases, the effluent must have a “Class A” effluent standard.

POLICY 18.6 The treatment and disposal of sewage is an accessory use to a permitted principal land use. Therefore, no parcel of land should be used for the treatment and disposal of sewage generated on another parcel. If a treatment and disposal site is proposed to be located on a lot adjacent to the lot where the sewage is generated, the two parcels of land should be consolidated. The only exception would be where an independent system is established to address a health problem in an existing residential development, in which case the proposed treatment and disposal site should be designated (in the OCP) and zoned for that use.

POLICY 18.7 The OCP does not support the discharge of untreated sewage into the waters of Stuart Channel or any other watercourse.

POLICY 18.8 Solid wastes should be recycled or disposed of at the approved facilities provided for that purpose, in conformity with the Solid Waste Management Plan.

POLICY 18.9 The OCP strongly encourages all residents of the OCP area to reduce, reuse and recycle and do home composting, thereby limiting the volume of solid waste.

POLICY 18.10 Industrial and commercial wastes, by-products considered harmful to the public or environment and contaminated soils that originate or are generated outside of the OCP area will not be treated or disposed of within the OCP area.

SECTION 19 – TRANSPORTATION

The infrastructure that enables the circulation of people, goods and utilities is essential to any community. This Section provides objectives and policies related to transportation in the OCP area. **Map 7 – Transportation Map** shows the existing and future road network in the OCP area.

The automobile is society's predominant mode of transportation, and residents of Saltair expect to be able to move within the community with ease and safety. In Saltair, one of the primary challenges related to transportation is lack of a direct access to the Trans Canada Highway. This has been historically expressed in previous Official Community Plans, and is again addressed in this Plan. Additionally, the OCP contends that there is too much regional traffic along Chemainus Road, a lack of safe road shoulders or roadside bicycle and pedestrian trails for the mix of motorists and pedestrians, and the need for better road maintenance in the community.

Additionally, Saltair residents are increasingly seeking alternatives to the use of the automobile to move around in their community. Every attempt should be made to ensure that an integrated pedestrian and bicycle system is put into place, to complement the primary transportation system. Policies relating to an integrated system will be found in this Section and in Section 14 **Parks and Trails**.

The CVRD has limited jurisdiction over transportation; therefore much of this Section consists of requests to the BC Ministry of Transportation on behalf of the community.

TRANSPORTATION - OBJECTIVES

- a) To encourage and maintain a safe, convenient, and efficient transportation system, which shows due regard for the natural landscape, the quality of the environment, and pedestrian, cycling and vehicular safety;
- b) To protect existing roads and road right-of-ways for current and future transportation, recreation and utility uses;
- c) To encourage the Ministry of Transportation to develop a direct access from Saltair to the Trans Canada Highway;
- d) To ensure that road endings fronting onto the ocean shoreline remain open to the public;
- e) To utilize a portion of the E&N Railway right-of-way for transportation and recreational purposes; and
- f) To improve transportation safety;

TRANSPORTATION - POLICIES

POLICY 19.1 For the purposes of this OCP, there are five main classes of public roads:

- (a) **Primary Highway:** the Trans-Canada Highway is in this category;
- (b) **Major Collector Roads:** Chemainus Road is in this category;
- (c) **Minor Collector Roads:** South Oyster School Road, Sea Vista Road, Olsen Road, and Old Victoria Road are in this category;
- (d) **Local Roads:** include all other public roads.

POLICY 19.2 The Ministry of Transportation is requested to provide better maintenance of all roads, and more efficient snow removal on all roads in Saltair, with priority placed on the Major Collector Roads and Minor Collector Roads referenced in Policy 19.3.1.

POLICY 19.3 The OCP continues to strongly encourage the construction of a public access road from Saltair to the Trans Canada Highway, in order to reduce traffic within the community, thus improving community safety, and to provide for an emergency route from Saltair to adjacent communities in the event of a major catastrophe such as an earthquake. In providing for such a route, the alienation of viable farm land should be minimized.

POLICY 19.4 This OCP continues to strongly request the provincial government to reconsider the current designation of Chemainus Road as an alternate regional highway between Chemainus and Ladysmith. Excessive regional traffic, including large trucks, decreases the quality of life and the safety of Saltair residents.

POLICY 19.5 The OCP considers the following improvements along Chemainus Road to be a high priority:

- Remove signage on the Trans Canada Highway that encourages Kuper and Thetis Island ferry traffic to use the Saltair section of Chemainus Road, and encourage the traffic to use an alternative route from the Trans Canada Highway, such as Henry Road;
- Remove signage that encourages regional traffic through the Saltair section of Chemainus Road;
- Change the classification of Chemainus Road to a ‘no truck route’, and place signage that strictly places load limits on heavy trucks through the Saltair section of Chemainus Road;
- Resolve the Branksome Road and Chemainus Road intersection safety concerns;
- Provide cats eyes along Chemainus Road to improve safety at night;
- Provide pedestrian crossways along Chemainus Road, to improve pedestrian safety and to help slow traffic in the rural residential community; and
- Provide a well-defined pedestrian walkway on the road shoulder of Chemainus Road.

POLICY 19.6 For the safety of residents and visitors in Saltair, the OCP considers the following improvements to the overall road network to be a high priority:

- Provide a public access to the Trans Canada Highway, as referenced in Policy 19.3;
- Widen Olsen Road to better accommodate the mix of automobile, pedestrian and bicycling traffic; and
- Provide a dotted line at Oyster Way and Olsen Road, to minimize potential accidents at that intersection.

POLICY 19.7 Saltair’s scenic, narrow country roads contribute to the rural ambience and the environment of the community. **Local Roads** should not be widened except where necessary for safety reasons or to better accommodate cycling or pedestrian use.

POLICY 19.8 The Ministry of Transportation is requested to review road names in the community, through a public consultation process, to address safety concerns related to 911 services, and to ensure that the names reflect the history of the community.

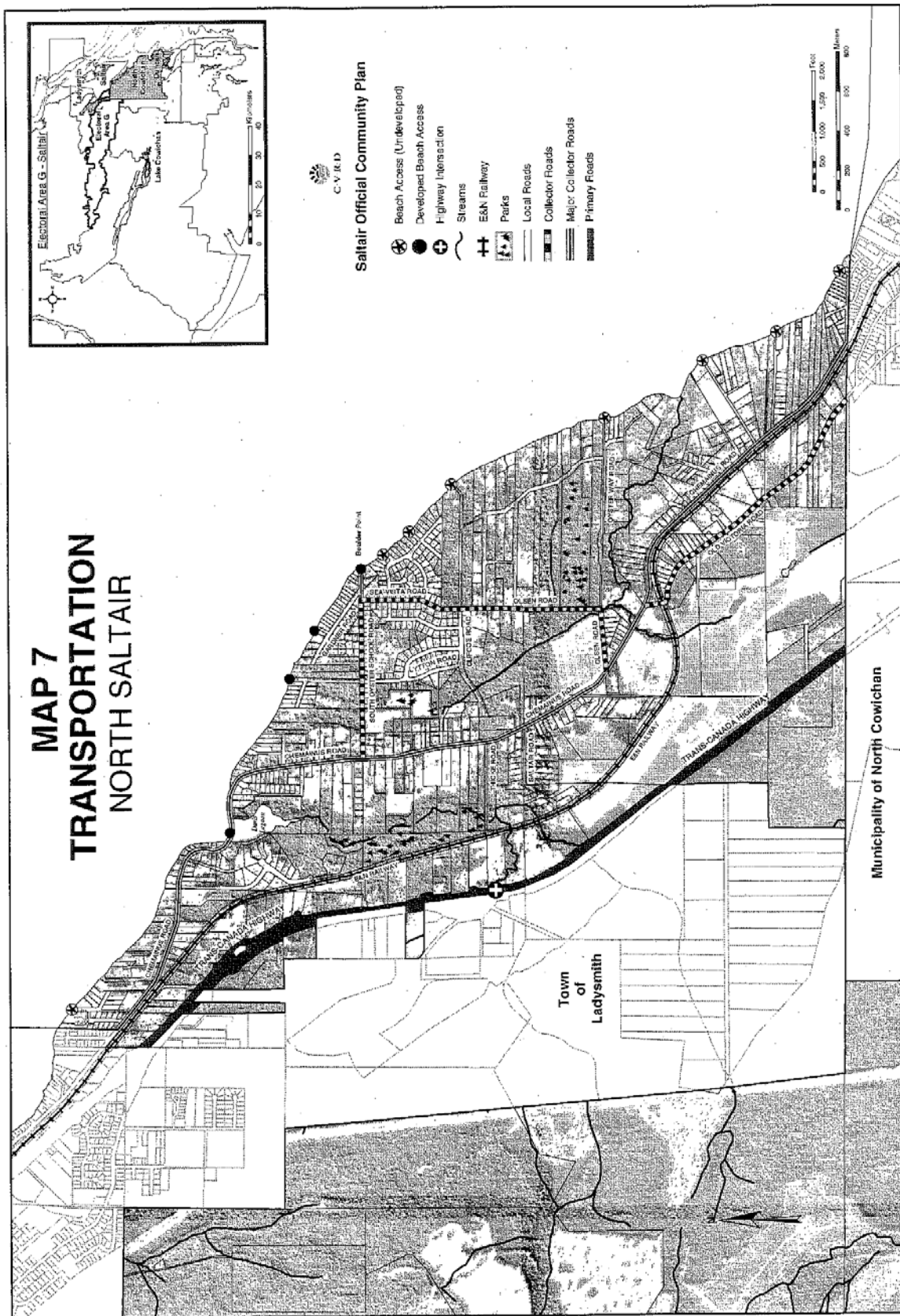
POLICY 19.9 The OCP encourages the retention of indigenous plant communities on road allowances, and the elimination of invasive brush/weed species on road allowances, through environmentally friendly methods that are not harmful to the natural environment.

POLICY 19.10 The creation of a network of walking and cycling paths should be provided throughout the OCP area, as identified in **Section 14 Parks and Trails**, including along roads where necessary, with emphasis given to linking together sites of scenic or historic interest, commercial, institutional, parks, recreational areas and residential neighbourhoods.

POLICY 19.11 The OCP supports a rail service for the E&N Railway line in the Plan area, and pedestrian and cycling trails along the E&N Railway Right-of-Way. This could provide for a Section of the Cowichan Valley (Trans Canada) Trail Network and ease some of the safety concerns associated with the current designation of Chemainus Road as that portion of the Cowichan Valley (Trans Canada) Trail.

POLICY 19.12 The OCP encourages the Ministry of Transportation to incorporate pedestrian and cycling requirements into road design as road improvements or upgrades take place.

POLICY 19.13 The OCP encourages the Ministry of Transportation to consider the needs and desires of all Saltair residents, including not only waterfront landowners but non-waterfront residents as well, when considering the closure of a road-end that may potentially serve as a beach access.



SECTION 20 – DEVELOPMENT PERMIT AREAS

In addition to the objectives and policies stated in this OCP, the Regional District has, pursuant to the *Local Government Act*, designated certain lands as development permit areas (DPAs), as follows:

- The **Stream Protection Development Permit Area**, which affects lands along Stocking Creek and Porter Creek, for the protection of the natural environment, its ecosystems and biological diversity, and the protection of life and property from hazardous conditions;
- The **Ocean Shoreline Development Permit Area**, which affects parcels along the ocean shoreline, for the protection of the natural environment, its ecosystems and biological diversity; and the protection of life and property from hazardous conditions;
- The **Habitat Protection Development Permit Area**, which affects lands in close proximity to eagle, Great Blue Heron, and owl nests, for the protection of the natural environment, its ecosystems and biological diversity;
- The **Commercial Development Permit Area**, which affects lands designated as commercial, for the establishment of objectives for the form and character of commercial development, and the protection of the natural environment, its ecosystems and biological diversity;
- The **Stormwater Management Development Permit Area**, which affects lands in the General Residential Designation that are 0.2 ha or less in size, for the protection of the natural environment, its ecosystems and biological diversity and protection of development from hazardous conditions; and
- The **Agricultural Protection Development Permit Area**, which affects lands adjoining the Agricultural Designation, for the protection of farming.

Development permit areas allow for more site-specific planning of developments than can be achieved through OCP policies and zoning regulations. This section describes the special conditions and objectives that justify the establishment of the DPAs, and provides guidelines to ensure that the conditions and objectives are being met. Where a property is within a DPA, a development permit is required before a building permit can be issued or a subdivision can be approved. Additionally, a development permit may be required before land can be altered, including the clearing of trees.

DEVELOPMENT PERMIT AREAS - OBJECTIVES

- (a) To protect the natural environment, its ecosystems and biological diversity;
- (b) To protect life and property from hazardous conditions;
- (c) To protect farming; and
- (d) To provide for the management of the form and character of commercial development.

20.1 DEVELOPMENT PERMIT AREAS – GENERAL POLICIES

POLICY 20.1.1 In cases where a parcel of land is affected by more than one development permit area, the landowner will not be subjected to more than one development permit application, but will fulfill the requirements of each applicable development permit area, under one application.

POLICY 20.1.2 Where a proposed development plan is consistent with the guidelines of a development permit area, the CVRD may give favorable consideration to variances of the regulations of its zoning, sign, parking and other bylaws, where such variances are believed to have no significant impact on adjacent parcels, and would enhance the function or aesthetics of the site in question. Such variances would be incorporated into the development permit.

POLICY 20.1.3 To ensure that all of the applicable DPA guidelines are met, the CVRD may require, by Resolution of the Board, the deposit of a Security to be held until the requirements of a Permit have been met to the Board's satisfaction. Should a Development Permit holder fail to fulfill the requirements of a Development Permit, the CVRD may undertake and complete the works required at the cost of the Permit holder and may apply the Security in payment of the cost of the work, with any excess to be refunded to the Permit holder. Should there be no default as described above, the CVRD will refund the Security to the Permit holder.

20.2 STREAM PROTECTION DEVELOPMENT PERMIT AREA

No person shall subdivide or alter land (including the removal of trees) or construct a building or structure on land that is in the Stream Protection Development Permit Area, prior to the owner receiving a development permit from the CVRD.

20.2.1 CATEGORY

This development permit area is designated pursuant to Sections 919.1(1)(a) and 919.1(1)(b) of the *Local Government Act* – protection of the natural environment, its ecosystems and biological diversity, and the protection of development from hazardous conditions.

20.2.2 DEFINITIONS

For the purposes of this Development Permit Area, the terms used herein have the same meaning that they do under the *Riparian Areas Regulation* (BC Reg. 376/2004).

20.2.3 SCOPE OF STREAM PROTECTION DEVELOPMENT PERMIT AREA

The Stream Protection Development Permit Area applies to lands within 30 metres of Stocking Creek, Porter Creek, east of the Trans Canada Highway, as shown on Map 8 (Stream Protection Development Permit Area Map). Notwithstanding the areas indicated on Map 8, the actual Stream Protection Development Permit Area will in every case be measured on the ground, and it will be:

- (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- (b) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- (c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

20.2.4 APPLICABILITY

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring in the Stream Protection Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of nonstructural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in section 872 of the *Local Government Act*.

20.2.5 JUSTIFICATION

Pursuant to Section 919 of the *Local Government Act*, the Stream Protection Development Permit Area is established to address the following:

- (a) Increasing environmental awareness and declining fish stocks in the Strait of Georgia have led to the need for the protection of the OCP area's streams, wetlands and adjacent riparian lands. These sensitive areas provide essential habitat and corridors for fish, birds, and other wildlife. They also act as natural water storage, drainage and purifying systems. These areas need to remain in a largely undisturbed state in order to protect habitat, prevent flooding, control erosion, reduce sedimentation, and recharge groundwater.
- (b) Saltair residents value the natural environment of Saltair and wish to ensure that riparian corridors are protected from development that would damage the ability of the watercourses to sustain aquatic life. Stocking and Porter Creeks are important salmon spawning streams with known annual Coho runs. Careless development, including extensive removal of vegetation, could have serious implications on the natural habitat.
- (c) The vegetation along the banks of Stocking Creek, Davis Lagoon and Porter Creek enhance the water retention capabilities of the area, protecting the water resource from pollution and sedimentation, and permitting more regular water flows during the summer months than would occur otherwise.
- (d) Many areas along the banks of Stocking and Porter Creeks and Davis Lagoon appear to be unsuitable for residential development, or require careful management due to moderate to steep topography and potential surface drainage problems.
- (e) Lands identified by the Provincial *Sensitive Ecosystem Inventory* represent very rare native ecosystems that are especially sensitive to development and should be protected from disturbance where possible.
- (f) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. Many of the developed areas of the OCP area already exceed this threshold of imperviousness. The OCP aims to ensure that, henceforth, impervious surfaces are minimized to the extent possible, particularly in areas within close proximity to a watercourse.
- (g) The province of British Columbia's *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP). A development permit area is the preferred way to implement the *RAR*.

20.2.6 GENERAL GUIDELINES

Prior to undertaking any of the development activities listed in Section 20.2.4 above, an owner of property within the Stream Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) If adequate, suitable areas of land for the use intended exist on a portion of the parcel which lies outside of the Stream Protection Development Permit Area, the proposed development should be directed to those areas in order to minimize development in the DPA. In accordance with Section 2.2(a) Over-Riding Principles: Precautionary Principle, the onus will be placed with the applicant to demonstrate that encroaching into Stream Protection Development Permit Area is necessary due to circumstances such as topography, hazards or lack of alternative developable land, and that every effort is made to minimize adverse impacts.
- (b) Where a parcel of land is entirely within the Stream Protection Development Permit Area, the development should be sited so as to maximize the separation between the proposed building/land use and the most sensitive area;

- (c) Where encroachment into natural environment features is deemed necessary, mitigation and restoration measures will be required to minimize the impact of the encroachment;
- (d) Any work done in the Stream Protection Development Permit Area must be carried out in a manner which minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained. Lands in the Stream Protection Development Permit Area that are subject to sloughing, soil creep, or damage from erosion are considered hazardous lands.
- (e) Any work done in the Stream Protection Development Permit Area must be carried out in a manner that keeps impervious surfaces and new sources of runoff to a minimum. Figures for total imperviousness on sites within this development permit area should be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (f) Recommendations in the Ministry of Water Land and Air Protection's Best Management Practices (*Storm Water Planning – A Guidebook For British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site stormwater management techniques that do not impact surrounding lands, should be used, rather than the culverting or ditching of stormwater runoff.
- (g) Proposed sewage treatment and disposal areas will be located and designed to avoid impacts upon the environment;
- (h) For subdivision proposals, where a sensitive area is proposed to be covenanted for conservation purposes or dedicated to a public body or conservation group, the parcel lines may abut or follow the boundaries of the sensitive area. In other cases, the appropriateness of proposed parcel line locations should be reviewed with respect to site-specific considerations and the overall goal of minimizing environmental impacts;
- (i) All development should be consistent with "Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by the Ministry of Environment.

20.2.7 RIPARIAN AREAS REGULATION GUIDELINES

Prior to undertaking any of the development activities listed in Section 20.2.4 above, an owner of property within the Stream Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - (i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - (ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
 - (iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - (iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life

processes in the riparian area has been authorised in relation to the development proposal.

- (b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
 - a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.
- (c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- (d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
- (e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
- (f) The CVRD Board strongly encourages the QEP report to have regard for "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment.

20.2.8 EXEMPTIONS

In the following circumstance, a development permit is not required:

- (a) renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the Local Government Act;
- (b) minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- (c) minor removal of invasive non-native vegetation such as Gorse, Scotch Broom, Himalayan Blackberry and their immediate replacement with native vegetation;
- (d) Within the ALR, activities designated as farm use in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and those which fall under the definition of Farm Operation under the *Farm Practices Protection (Right to Farm) Act*;
- (e) Fence building, growing, rearing, producing and harvesting of agricultural products in accordance with recognized standards of the *Farm Practices Protection (Right to Farm) Act* upon lands to which this Act applies.

20.2.9 VIOLATION

- (a) Every person who:
 - 1. violates any provision of this Development Permit Area;
 - 2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;

3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
 4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
 5. fails to comply with an order, direction or notice given under this Development Permit Area;
or
 6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;
commits an offence under this Bylaw.
- (b) Each day's continuance of an offence constitutes a new and distinct offence.

20.2.10 PENALTY

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

20.2.11 SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area

20.2.12 CONCURRENT DEVELOPMENT PERMIT AREAS

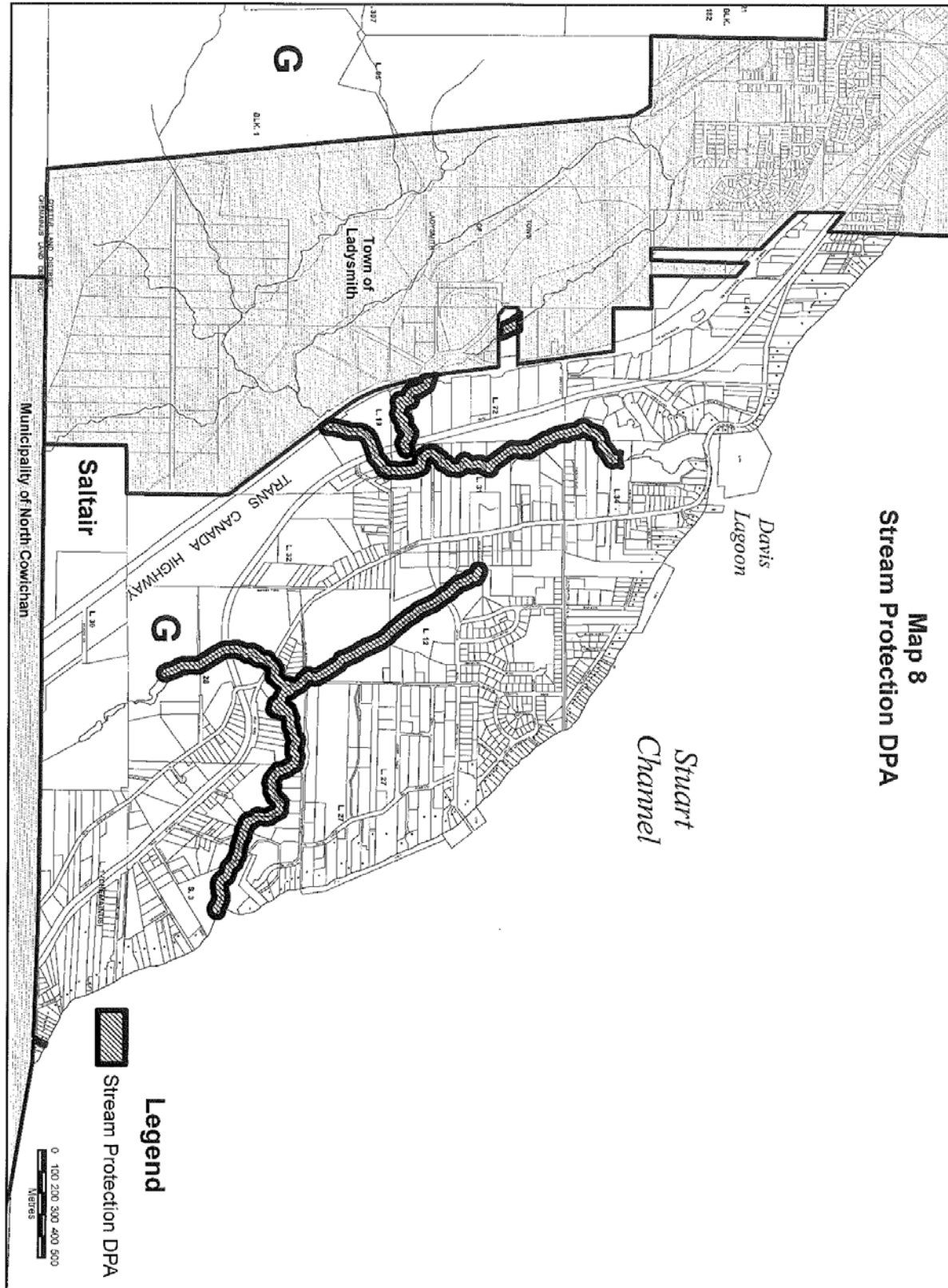
Where more than one development permit area applies to land in the Stream Protection Development Permit Area, a single development permit may be issued.

20.2.13 APPLICATION REQUIREMENTS

- (a) The applicant for a development permit will supply the following information in, written and/or graphic form, to the CVRD at the time of application:
1. a written description of the proposed project;
 2. reports or information as listed in the relevant Development Permit Guidelines;
 3. information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of watercourses, including top of bank;
 - topographical contours;
 - location of slopes exceeding 25 percent grade;
 - location of lands subject to periodic flooding;
 - percentage of existing and proposed impervious surfaces;
 - existing tree cover and proposed areas to be cleared;
 - areas of known sensitive or rare native plant communities;
 - areas of known wildlife habitat;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - existing and proposed roads, vehicular access points, driveways, and parking areas;
 - existing and proposed trails;

- existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
 - existing and proposed erosion mitigation/watercourse bank alterations;
 - existing and proposed septic tanks, treatment systems and fields;
 - existing and proposed water lines and well sites.
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. a hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 2. a report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
 3. a stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource.
- (c) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on watercourses and lands in the area.
- (d) If development is proposed within the area described in Section 20.2.3, a report prepared by a Qualified Environmental Professional (QEP) will also be required.

MAP 8: STREAM PROTECTION DEVELOPMENT PERMIT AREA MAP



SECTION 20.3 – OCEAN SHORELINE DEVELOPMENT PERMIT AREA

20.3.1 CATEGORY

The **Ocean Shoreline Development Permit Area** is designated pursuant to Section 919(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

20.3.2 AREA OF APPLICATION

The **Ocean Shoreline Development Permit Area** applies to all parcels with frontage on the ocean shoreline, as shown on **Map 9: Ocean Shoreline Development Permit Area Map**.

20.3.3 JUSTIFICATION

Pursuant to Section 919 of the *Local Government Act*, the **Ocean Shoreline Development Permit Area** is established to address the following:

- (a) There are over 140 parcels fronting on the ocean shoreline in Saltair. The cumulative impact of careless development on these parcels would have a detrimental impact on the sensitive ocean shoreline.
- (b) Davis Lagoon consists of an accretion beach, sheltered marshlands and surrounding uplands that support a diversity of plant and animal life and should be maintained for such purposes. The lagoon acts as a valuable staging area for waterfowl and birds. Salmon use it to enter Stocking Creek, and the freshwater it discharges into Ladysmith Harbour supports some productive oyster beds. This is an area of high biotic capability that should be protected. It is one of the few remaining lagoons on southeastern Vancouver Island.
- (c) An aquatic buffer, or riparian zone, consisting of natural vegetation, rocks, trees, or fallen trees can help protect land by protecting the bank from slumping or being washed away. Roots of plants and trees act to reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff (further information can be obtained at the CVRD Development Services Department).
- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. Many of the developed areas of the OCP area already exceed this threshold of imperviousness (for further information, contact the Development Services Department).
- (e) While many oceanfront parcels in Saltair have already developed extensive hard surfaces and clearings in close proximity to the shoreline, there is increasing evidence that buffer areas are critical in protecting natural values, even where existing development does not allow them to be as wide as a conventional 30 to 100 metre strip.
- (f) Parcels along the shoreline of Saltair slope down to the ocean. They require special attention because they are on the receiving end of drainage and seepage from uphill and may have wetter soils which are more easily compacted and damaged than upland soils. They have the tendency to erode because of both slope and the action of water and wind over exposed stretches of water.
- (g) Surface water is quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), driveway runoff, and lawn and

garden pesticides. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean. Conversely, hard surfaces and reduced vegetation increase runoff and erosion potential and decrease absorption by the soil.

- (h) On a property with substantial native vegetation, the use of fertilizers and pesticides can be avoided, as these substances are not required to grow native plants.
- (i) The marine foreshore bluffs in Saltair consist of steep slopes and complex topography generally unsuitable for urban development. The bluffs have been created by wave action eroding away at the glacial material of the backshore. There is limited beach material protecting the bluffs. The bluff and foreshore is low in gravel and high in silt and clay. Particularly when vegetation is removed at the edge of bank, it is susceptible to further wave action which may result in land slippage, sloughing or soil creep. The placement of buildings and structures and the clearing of vegetation near the edge of the Saltair Bluffs could increase the rate of erosion and add to the risk of land slides.

20.3.4 GUIDELINES

Within the **Ocean Shoreline Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal of trees or vegetation and removal/deposit of soil;
- construct a road, bridge or driveway; or
- construct a building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, which shall sufficiently address the following guidelines:

- (a) Trees and shrubs in the riparian buffer area should be carefully pruned, where necessary to enhance views, rather than removed;
- (b) Roads and driveways should be located as far as possible from the edge of a bluff or from the ocean shoreline, so as to keep sand, gravel, leady oils and fuels, and road salt out of runoff. Driveways should be angled across the hill's gradient, where possible, and be composed of porous materials such as road mulch, small modular pavers or pre-cast concrete lattice, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of speed bumps in regular intervals. Settling pools can be installed in runoff ditches that slope to water;
- (c) Footpaths to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairs above the natural vegetation;
- (d) Site preparation should be carried out in a manner which minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained;

- (e) Figures for total imperviousness on sites within this development permit area should be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (f) Public access along the marine waterfront is important to Saltair residents and should not be affected by any obstructions;
- (g) Retaining walls along the marine shoreline will be limited to areas above the high water mark, and to areas of active erosion, rather than along the entire shoreline frontage. Backfilling behind the wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank;
- (h) Where possible, steep, bare slopes should be cut back, and soft erosion control methods should be used. In cases where hard armouring, such as using solid concrete or heavy rocks or rock in wire cages, is necessary, the planting of native vegetation should be done to soften its impact, and the base of the wall should be constructed to be habitat friendly;
- (i) Retaining walls along the marine shoreline should be faced with natural materials such as wood and stone, particularly darker colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls should not be permitted unless composed of pervious materials and stepped or softened to provide for water absorption;
- (j) Deep rooted vegetation should be planted along the retaining wall on the steps or along the top, to help filter runoff before it enters the beach;
- (k) Retaining walls or sea walls should not utilize unsightly construction debris like broken concrete, blocks or bricks;
- (l) Where a fence is constructed on, or in conjunction with, a uniform retaining wall or the highest uniform section of a retaining wall, the retaining wall or portion thereof should be considered to be an integral part of the fence for the purpose of determining height;
- (m) The latest Best Management Practices for land development of the Ministry of Water Land and Air Protection and Fisheries and Oceans Canada, should be respected.

20.3.5 EXEMPTIONS

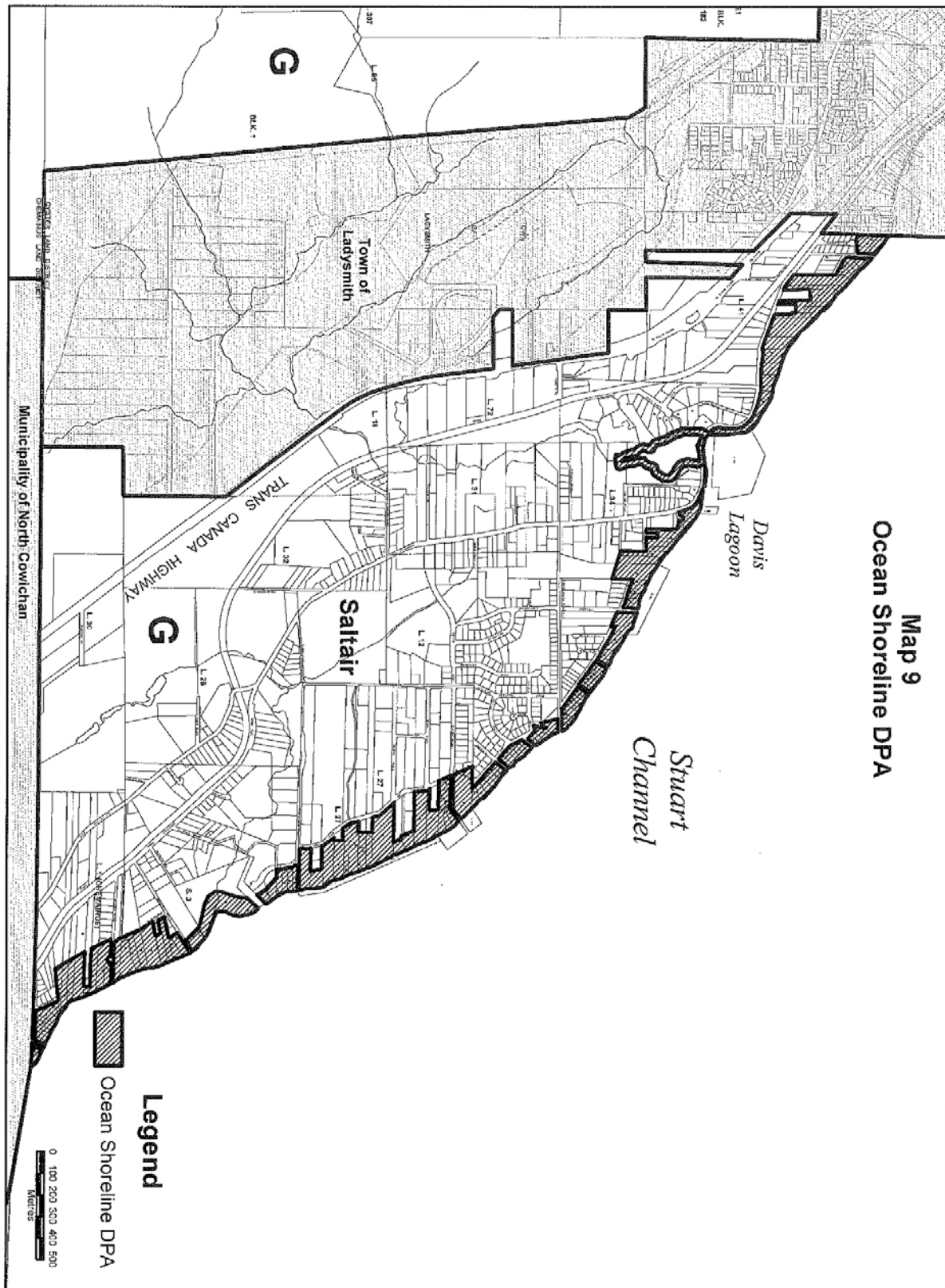
The following will be exempted from the requirement of obtaining a development permit in the **Ocean Shoreline Development Permit Area**:

- (a) Retaining walls that are more than 2 metres from the high tide mark, and are under 0.7 metres in height;
- (b) Buildings and structures located more than 30 metres from the high water mark of the ocean;
- (c) Removal of hazardous trees;
- (d) Interior renovations and minor exterior renovations of existing buildings.

20.3.6 APPLICATION REQUIREMENTS

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Ocean Shoreline Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
1. a written description of the proposed project;
 2. reports or information as listed in the relevant Development Permit Guidelines;
 3. information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of ocean high tide mark;
 - location of other watercourses;
 - topographical contours;
 - location of slopes exceeding 25 percent grade;
 - location of lands subject to periodic flooding;
 - percentage of existing and proposed impervious surfaces;
 - existing tree cover and proposed areas to be cleared;
 - areas of known sensitive or rare native plant communities;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - existing and proposed roads, vehicular access points, driveways, and parking areas;
 - existing and proposed trails;
 - existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
 - existing and proposed erosion mitigation and bank alterations;
 - existing and proposed septic tanks, treatment systems and fields;
 - existing and proposed water lines and well sites;
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. a hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 2. a report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
 3. a stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource.
- (c) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on watercourses and lands in the area.

MAP 9: OCEAN SHORELINE DEVELOPMENT PERMIT AREA



20.4 – HABITAT PROTECTION DEVELOPMENT PERMIT AREA

20.4.1 CATEGORY

The **Habitat Protection Development Permit Area** is designated pursuant to Section 919(1)(a) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity.

20.4.2 AREA OF APPLICATION

The **Habitat Protection Development Permit Area** applies to areas of land within 60 metres of an eagle, hawk, osprey, owl or peregrine falcon nest, and within 100 metres of a Great Blue Heron nest, including areas shown on **Map 10 - Habitat Protection Development Permit Area Map**.

20.4.3 JUSTIFICATION

Pursuant to Section 919 of the *Local Government Act*, the **Habitat Protection Development Permit Area** is established to address the following:

- (a) The OCP aims to provide for greater protection of nest sites from direct and indirect development. The nests, eggs and young of eagles, hawks, herons, ospreys, owls and peregrine falcons, are protected pursuant to the *Wildlife Act*; it is an offence to destroy, remove, or injure any of these features. However, only the actual nests, eggs and young are protected under the *Wildlife Act*. To ensure the viability of the nests and the rooting integrity of the nest trees, the Ministry of Water, Land and Air Protection recommends buffer areas surrounding these trees.
- (b) The OCP recognizes that Great Blue Herons are currently blue-listed (threatened) while Bald Eagles are currently yellow listed (regionally significant). These species, as well as other eagle, hawk, owl, osprey, and peregrine falcon species are extremely sensitive to disturbance around their nest sites. The OCP aims to ensure that their nests, and the surrounding habitat area upon which they rely, are not disturbed.

20.4.4 GUIDELINES

Within lands located in the **Habitat Protection Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal of trees or vegetation and removal/deposit of soil;
- construct a road, bridge, or driveway; or
- construct a building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, which shall sufficiently address the following guidelines:

- (a) If adequate, suitable areas of land for the use intended exist on a portion of the parcel which lies outside of the **Habitat Protection Development Permit Area**, the proposed development should be directed to those areas in order to minimize development in the DPA. The precautionary principle will be used, with the onus being on the applicant to demonstrate that encroaching into the **Habitat Protection Development Permit Area** is necessary due to circumstances such as topography, hazards or lack of alternative developable land. All other options to accommodate buildings, structures and land uses outside of the **Habitat Protection Development Permit Area** should be considered;
- (b) Where a parcel of land is entirely within the **Habitat Protection Development Permit Area**, the development should be sited so as to maximize the separation between the proposed building/land use and the wildlife tree or trees. In cases where the appropriate course of action is unclear, the applicant may be required to prepare, at his/her own expense, a report by a qualified professional biologist, which will identify the area of lowest environmental impact which is suitable for the use intended. In such cases, mitigation and restoration measures may be required to minimize the impact of the encroachment;
- (c) Construction at a time of year and using construction methods that minimize the impacts on the **Habitat Protection Development Permit Area** will be encouraged;
- (d) At the time of subdivision, restrictive covenants may be required to protect the nest trees from land development impacts;
- (e) All development proposals subject to a development permit should use the Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004) (BC Ministry of Water, Land and Air Protection).

20.4.5 EXEMPTIONS

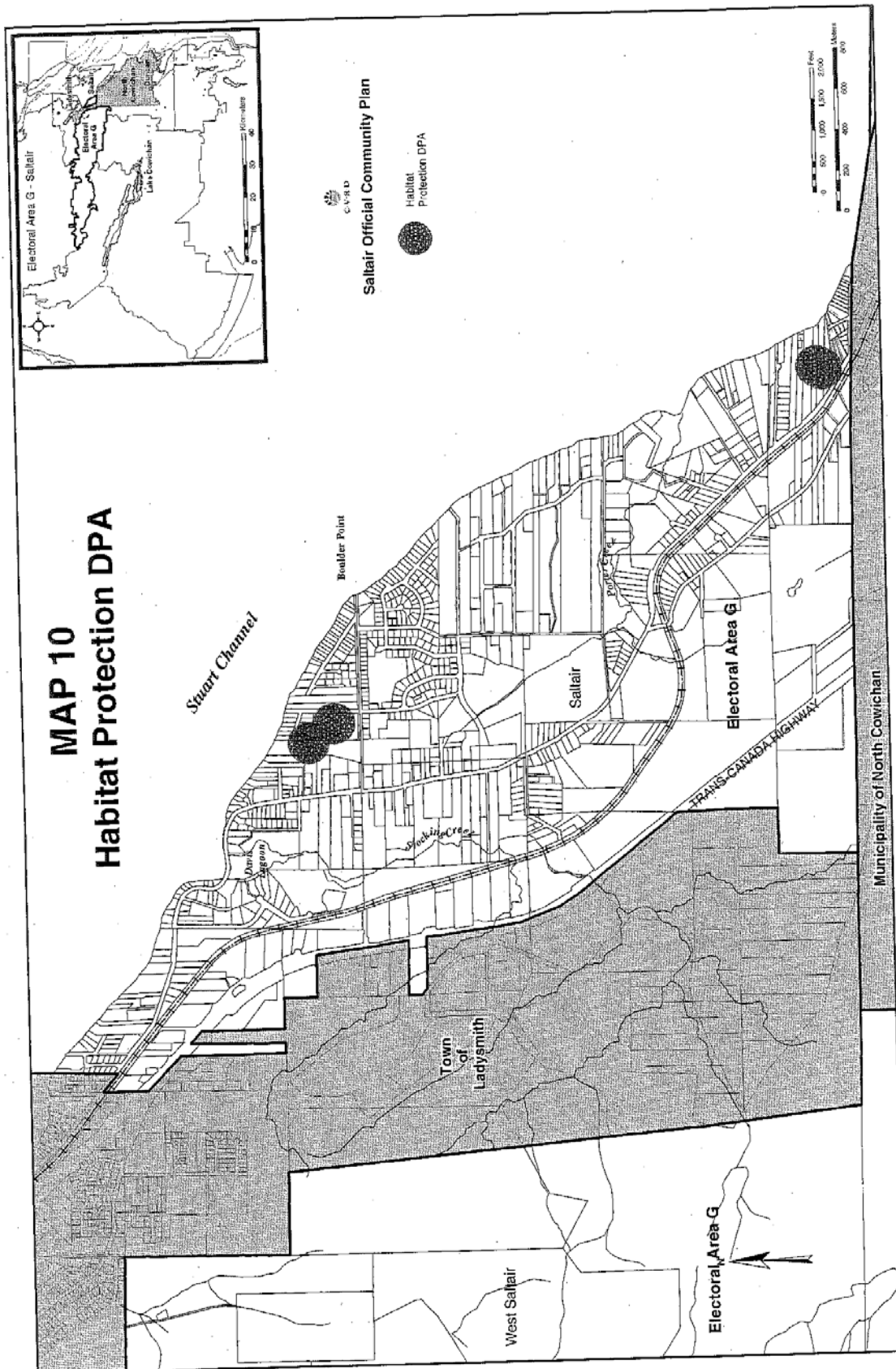
The following will be exempted from the requirement of obtaining a development permit in the **Habitat Protection Development Permit Area**:

- (a) Development more than 60 metres from an eagle, hawk, osprey, owl or peregrine falcon nest, and more than 100 metres from a Great Blue Heron nest;
- (b) Interior and minor exterior building renovations;
- (c) Construction, repair and public maintenance works by agents or contractors of the government of Canada or British Columbia or the CVRD;
- (d) Fence building, growing, rearing, producing and harvesting of agricultural products in areas affected by the *Farm Practices Protection Act*, in accordance with recognized standards of the *Farm Practices Protection Act*;
- (e) A trail, provided that:
 - 1. the trail is outside of the root zone of the wildlife nest tree, and otherwise provides a direct route of passage through the development permit area, avoiding the most sensitive area;;
 - 2. sensitive habitat will not be impacted by the presence of the trail;
 - 3. no vehicles are permitted;
 - 4. the trail is a maximum of 1.5 metres in width; and

5. no trees greater than 5 metres in height and 10 centimeters in diameter are removed;
- (f) The planting of trees, shrubs or groundcovers for the purpose of enhancing the habitat values and /or soil stability within the **Habitat Protection Development Permit Area** provided that the planting is carried out in accordance with the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia*, published by the provincial Ministry of Water, Land and Air Protection.
- (g) The removal of invasive plants or noxious weeds within the **Habitat Protection Development Permit Area**, including but not limited to English Ivy, Scotch broom, Gorse, Himalayan Blackberry, morning glory and purple loosestrife, provided that the works are carried out in accordance with the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia* (2004), published by the provincial Ministry of Water, Land and Air Protection.
- (h) The removal of hazardous trees that pose a threat to existing development.

20.4.6 APPLICATION REQUIREMENTS

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Habitat Protection Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
- (1) a written description of the proposed project;
 - (2) reports or information as listed in the relevant Development Permit Guidelines;
 - (3) information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of all eagle, hawk, owl, osprey, peregrine falcon and/or Great Blue Heron nests;
 - location of watercourses, including top of bank;
 - topographical contours;
 - existing tree cover and proposed areas to be cleared;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - existing and proposed roads, vehicular access points, driveways, and parking areas;
 - existing and proposed trails;
 - existing and proposed septic tanks, treatment systems and fields;
 - existing and proposed community water lines and well sites.
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on eagle, hawk, osprey, owl, peregrine falcon or Great Blue Heron nests in the area.



SECTION 20.5 – COMMERCIAL DEVELOPMENT PERMIT AREA

20.5.1 CATEGORY

The **Commercial Development Permit Area** is designated pursuant to Section 919(1)(a) and (f) of the *Local Government Act*, for the protection of the environment, its ecosystems and biodiversity, and establishment of objectives for the form and character of commercial, industrial, and multi-family residential development.

20.5.2 AREA OF APPLICATION

The **Commercial Development Permit Area** applies to all commercial lands within the OCP area, including areas shown on **Map 11: Commercial Development Permit Area Map**.

20.5.3 JUSTIFICATION

- a) The OCP aims to ensure that the design of any commercial development is in keeping with the community's expectations for visual quality, and that it is functionally compatible with surrounding land uses.
- b) The OCP aims to ensure that future commercial developments offer safety and accessibility, and are adequately landscaped.
- c) The OCP aims to ensure that the integrity of surface water and groundwater is protected from inappropriate development, in areas where land uses within the development permit area may directly impact surface and groundwater resources.

20.5.4 GUIDELINES

Within the **Commercial Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal of trees or vegetation and removal/deposit of soil;
- construct a road, bridge or driveway; or
- construct a building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, which shall sufficiently address the following guidelines:

- a) Runoff from the development should be strictly limited to prevent storm flows from damaging riparian areas during normal rainfall events. Preferably, on larger sites, a combination of natural wetland protection or artificial wetland creation, to control storm flows, should be incorporated, along with measures to limit impervious surfaces. Commercial parking areas should contain oil/water separators, and use pervious landscaping that can absorb runoff where feasible. Applicants should submit figures for total site imperviousness. The Board may specify maximum site imperviousness in a development permit;
- b) Discharges of material that could potentially damage groundwater must be avoided;
- c) The latest Best Management Practices for land development of the Ministry of Water Land and Air Protection and Fisheries and Oceans Canada, should be respected;
- d) Landscaping should be provided, about 6 metres in width, around the periphery of the parcel. Owner-designed landscape plans may be reviewed in accordance with the Landscape Standard

developed jointly by the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA);

- e) Buildings and structures should be designed in harmony with the aesthetics of the surrounding rural area;
- f) Where two or more commercial facilities adjoin one another, vehicle access points, pedestrian pathways and parking and circulation patterns, should be linked and possibly shared in order to encourage as safe a flow of pedestrian and vehicle traffic as possible. This can be accomplished by reciprocal easements and or rights of way. Unnecessary duplication of access points is prohibited;
- g) Safe pedestrian routes across, within and between sites should be clearly delineated by means of separate, raised walkways, sidewalks or paths;
- h) Signs should be designed to reflect the architecture of the site and be in harmony with the landscaping plans for the site, and should be limited in height and area commensurate with the site characteristics. If multiple signs are required, they should be grouped and shared, fluorescent lighting should not be used. Frontal lighting with incandescent bulbs is preferred;
- i) Parking areas and pedestrian routes should be well lit, without glare to other lands and roads;
- j) Underground wiring is encouraged instead of overhead wiring.

20.5.4.1 GUIDELINES FOR SMALL LOT LOCAL COMMERCIAL USE

In addition to the above guidelines, the following guidelines apply specifically to properties zoned “Small Lot Local Commercial”:

Site Design:

1. Impervious surfaces shall be minimized and, where necessary, be light and reflective as opposed to dark and absorbent, to minimize heat build-up. Pervious surfaces are encouraged for driveways, parking areas and amenity areas.
2. Measures will be taken during site preparation and development to protect natural features, control surface runoff, erosion and sedimentation, stabilize disturbed slopes and restore disturbed areas upon development completion.
3. Outdoor storage, other than for the temporary display of goods for sale, is not permitted.
4. Development should be designed to promote personal safety, including appropriate lighting and clear sightlines for pedestrians.
5. Board walks or landscaped pedestrian walkways should be provided to connect buildings and parking areas, amenity areas, common facilities and, where appropriate, adjoining lands.

Building Design:

6. Special attention is required for facades facing public and private streets. The use of projections and recesses is encouraged to provide visual interest and building façade articulation. Long continuous walls are discouraged.
7. Building entries should be emphasized and made as inviting and sheltered through the use of canopies and entry porticos.

8. Where commercial uses abut residential areas, commercial development should be designed carefully to prevent shading, loss of privacy, and impacts to neighbouring properties.
9. Earth tone colours consistent with a rural community and natural west coast setting are encouraged.
10. Exterior claddings should be durable and weather resistant. Natural materials such as cedar siding and wood fascia and trim are encouraged. Contemporary materials such as metal or cement siding are acceptable if complemented with wood trim. Vinyl siding is discouraged.
11. Roof materials should be non-combustible.

Access, Parking and Utilities:

12. Walkways should be accessible to persons with disabilities and should have even non-slip surfaces with grades less than 5%.
13. Internal roadways, drive aisles and turnaround areas should be designed to accommodate emergency vehicles and delivery trucks.
14. Parking areas will be designed to encourage safe pedestrian travel between parking areas, building entrances, outdoor amenity areas and pedestrian pathways.
15. Utility wiring should be installed below grade.

Landscaping:

16. Hard or soft landscaping is required for all areas not used for buildings, parking, driveways and pedestrian pathways.
17. All landscaping will be installed in accordance with BCSLA or BCNTA standards.
18. To replicate natural “layered” plant communities and encourage biodiversity, a mixture of native and deciduous and evergreen species of varying ages and heights should be planted. Small shrubs, perennials and ground covers should be planted beneath taller trees and shrubs.
19. Landscaping and screening is required adjacent to residential areas.
20. Native plants that are adapted to regional climatic and soil conditions are preferred to non-native varieties.
21. All landscaping will be provided with a method of irrigation suitable to ensure the successful establishment and continued maintenance of planted materials. Wherever possible, irrigation should use a recycled water supply.
22. Landscape plans and landscape security will be required and administered in accordance with the CVRD’s Landscape Security Policy.

Exterior Lighting:

23. An exterior lighting plan will be submitted with development permit applications to show how building entrances, roadways, service and parking areas, outdoor amenity areas and pedestrian walkways will be illuminated.
24. Exterior lighting will enhance the architectural and design character of development with true colour retention, while preserving the ability to view the night sky. Special attention will be paid to coordinating lighting with adjacent properties to maintain even light levels and avoid harsh transitions from over-lit to un-lit spaces.

25. Exterior lighting will be designed for pedestrian safety and comfort, without causing excessive illumination of the night sky, glare or light trespass onto adjacent properties and roadways.
26. Energy efficient (i.e. solar powered, timer or sensor controlled) light fixtures should be used for the illumination of exterior walkways, driveways, entry ways and general exterior lighting.

Signage:

27. In multi-tenant and strata developments, a sign plan that achieves a unified appearance and consistency in size, number, location, scale materials and finishes and colour of signage is required.
28. Signs should be integrated with the building design, with the size and design of signs complementing scale and architectural detail of the building.
29. Signs will be kept to the minimum size and number required to inform and direct pedestrian and vehicular traffic.
30. Signs that advertise products or services for sale are not permitted.
31. Sign materials should be durable and weather resistant.
32. Strata developments are limited to a single multi-tenant freestanding sign located at the main driveway entrance.
33. Freestanding signs should be low profile, kept to the pedestrian level and in no case exceed 4 metres in height.
34. Freestanding signs should be mounted on a stone or exposed concrete base and should incorporate decorative landscaping.
35. Fascia signage should be limited to two per building.
36. Individual mounted, raised or recessed letters, symbols, border and framing are encouraged.
37. Sign lighting should be minimized and directed at the sign only, to prevent excessive illumination, glare and light trespass.
38. Backlit, neon, fluorescent, or signs incorporating LED message boards or strip lighting are discouraged because they conflict with Saltair's rural character and contribute to light pollution.

20.5.5 EXEMPTIONS

The following is exempted from the requirement of obtaining a development permit in the **Commercial Development Permit Area**:

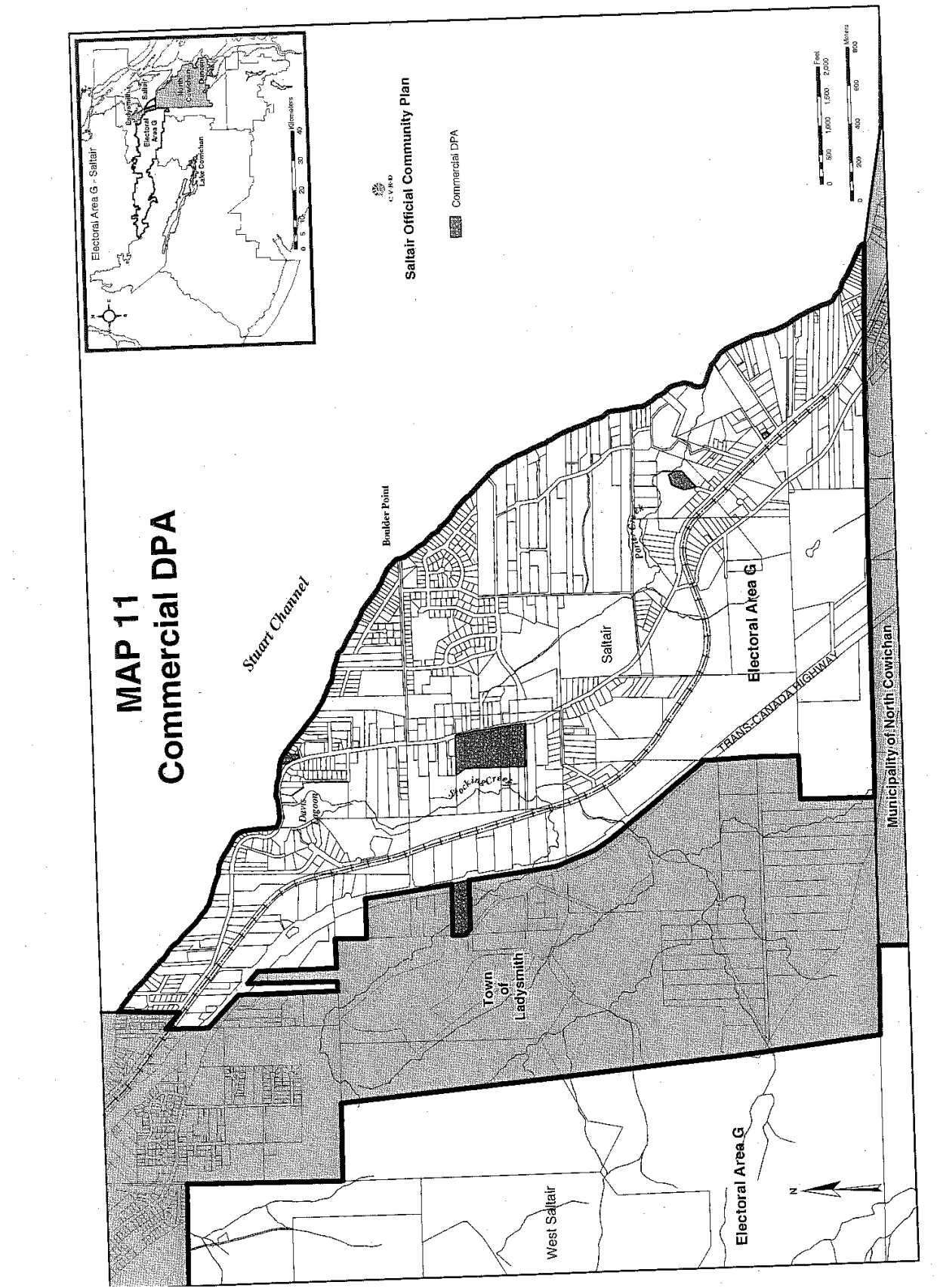
- a) construction or renovations of single family dwellings and residential accessory uses;
- b) interior renovations to existing buildings; or
- c) changes to the text or message on an existing sign allowed by a previous development permit.

20.5.6 APPLICATION REQUIREMENTS

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Commercial Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
 1. a written description of the proposed project;

2. reports or information as listed in the relevant Development Permit Guidelines;
 3. information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of watercourses/waterbodies, including top of bank;
 - percentage of existing and proposed impervious surfaces;
 - existing tree cover and proposed areas to be cleared;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - existing and proposed vehicular access points, roads and driveways;
 - existing and proposed pedestrian walkways and bike paths;
 - existing and proposed drainage ditches, septic tanks/fields;
 - existing and proposed water lines and well sites;
 - existing and proposed erosion mitigation measures and bank alterations;
 - location of slopes exceeding 25 percent grade;
 - location of lands subject to periodic flooding;
 - areas of sensitive native plant communities;
 - topographical contours;
 - existing and proposed parking and loading areas;
 - existing and proposed outdoor illumination points/areas;
 - landscaping plan; and
 - existing and proposed sign design and location
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense: , a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. a hydrogeological report, certified by a professional engineer with experience in geotechnical engineering, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 2. a report certified by a professional engineer with experience in geotechnical engineering, on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and
 3. an environmental impact assessment, certified by a registered professional biologist, assessing any environmental impacts of the project.
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. a hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 2. a report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or

3. a stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource.
- (c) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on watercourses and lands in the area.



SECTION 20.6 – STORMWATER MANAGEMENT DEVELOPMENT PERMIT AREA

20.6.1 CATEGORY

The **Stormwater Management Development Permit Area** is designated pursuant to Section 919(1)(a) and (b) of the *Local Government Act*, for the protection of the environment, its ecosystems and biodiversity, and protection of development from hazardous conditions.

20.6.2 AREA OF APPLICATION

The **Stormwater Management Development Permit Area** applies to parcels, subdivided after the date of the adoption of the OCP, that are 0.2 ha or less in area, within the General Residential Designation.

20.6.3 JUSTIFICATION

- (a) Poor development practices could lead to increased stormwater runoff which in turn could cause erosion, slope instability, mud slides and flooding, negatively impacting neighbouring properties, washing out roads and contaminating the marine shoreline. Saltair residents wish to ensure that future residential development does not result in increased overall runoff volume;
- (b) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds (about 12%) of impervious surfaces - total area of roofs, paving, concrete slabs, accessory buildings, swimming pools and other hard surfaces - are exceeded, irrevocable harm may be done to aquatic life. Many of the developed areas of the OCP area already exceed this threshold of imperviousness.

20.6.4 GUIDELINES

Within the **Stormwater Management Development Permit Area**, no person shall subdivide land or construct a building or structure prior to the owner of land applying for and receiving a development permit from the CVRD, which shall sufficiently address the following guidelines:

- (a) Runoff from the development should be strictly limited to prevent storm flows from damaging property, roads and downstream areas. Preferably, at the time of subdivision, a combination of natural wetland protection or artificial wetland creation, to buffer storm flows, should be incorporated, along with measures to limit impervious surfaces. This shall be accomplished partially by limiting impervious surfaces to the minimum through appropriate building design and providing pervious surfaces in landscaping and driveway design that can absorb runoff. Applicants shall submit figures for total site imperviousness. The Board may specify maximum site imperviousness in a development permit.
- (b) The CVRD Board may, where it believes that development is proposed near or in an area that may be subject to erosion or ground instability, require the applicant to hire a registered professional engineer experienced in natural hazards identification and mitigation. The engineer's recommendations shall be incorporated into a Development Permit, if one is issued.
- (c) Runoff detention ponds or swales should be constructed as part of the drainage network, to buffer storm flows, enhance natural habitat and provide groundwater recharge. Provisions for monitoring their performance and keeping them maintained may be established in the permit.
- (d) Sediment traps and basins should be provided to reduce silting during land clearing and construction.

- (e) The removal of trees or other vegetation should be avoided where possible, and stumps should be left in place to provide some soil stabilizing influence until alternative vegetation is established. A development permit may specify that previously cleared areas be re-vegetated.
- (f) Discharges of material that could negatively impact groundwater shall be avoided.
- (g) The latest best management practices for land development of the Ministry of Sustainable Resource Management and Fisheries and Oceans Canada, should be respected.

20.6.5 EXEMPTIONS

The terms of the Stormwater Management Development Permit Area shall not apply to:

- (a) Interior and minor exterior renovations to existing buildings;
- (b) Parcels of land greater than 0.2 ha in area;
- (c) Parcels outside of the **General Residential Designation**;
- (d) The removal of hazardous trees;
- (e) Signs;
- (f) Development that would increase impervious surfaces by less than 10 square metres, provided that the parcel coverage for buildings and structures, as provided for in the Zoning Bylaw, is not exceeded for all impervious surfaces.

20.6.6 REQUIREMENTS

Before the CVRD Board authorizes the issuance of a development permit for a parcel of land in the Stormwater Management Development Permit Area, the applicant for a development permit shall submit a development permit application, which at a minimum, shall include:

- (a) A written description of the proposed project;
- (b) Information in the form of one or more maps/elevation drawings, as follows:
 - Location and extent of all existing and proposed buildings;
 - Location and extent of drainage routes;
 - Location and extent of driveways, vehicle access points and parking areas;
 - Description and percentage of impervious surfaces;
 - The perimeter of forested areas, and proposed areas to be cleared;
 - Location and extent of drainage ditches and culverts;
 - Location of water lines and well sites;
 - Location and extent of existing and proposed erosion mitigation/slope alterations;
 - Location and extent of septic tank or sewage treatment plant and disposal field;
 - Location of slopes exceeding 25 percent grade;
 - Location of lands subject to periodic flooding; and
 - Topographical contours.
- (c) Provisions for monitoring the performance of runoff detention ponds and sediment traps, and maintaining them.

In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a stormwater management plan certified by a registered professional engineer, assessing any impacts of the project on surface water, ground water and adjacent roads and parcels.

SECTION 20.7 – AGRICULTURAL PROTECTION DEVELOPMENT PERMIT AREA

20.7.1 CATEGORY

The **Agricultural Protection Development Permit Area** is designated pursuant to Section 919.1(1)(c) of the *Local Government Act*, for the protection of farming.

20.7.2 AREA OF APPLICATION

The **Agricultural Protection Development Permit Area** applies to all parcels of land designated as **General Residential** that adjoin lands within the **Agricultural Resource Designation**.

20.7.3 JUSTIFICATION

Pursuant to Section 919 of the *Local Government Act*, the **Agricultural Protection Development Permit Area** is established to address the following:

- (a) The OCP recognizes agriculture as an integral part of the rural landscape as well as a contributor to the local economy and a critical source of future food production, and strives to protect it from urban encroachment;
- (b) Most lands in the **Agricultural Resource Designation** are in the provincial Agricultural Land Reserve (ALR). These lands are subject to the *Agricultural Land Commission Act* and the *Farm Practices Protection Act*, as well as to CVRD bylaws. The OCP aims to ensure that these lands are utilized indefinitely for food production.
- (c) The OCP aims to minimize conflict between agricultural and non-agricultural areas.
- (d) Buffering, in accordance with the Land Reserve Commission's *Landscape Buffer Specifications*, can help to protect agriculture and should occur on adjacent, neighbouring parcels.

20.7.4 GUIDELINES

Prior to commencing development, including construction or subdivision, on lands within the **Agricultural Protection Development Permit Area**, the owner shall obtain a development permit which conforms to the following guidelines:

- a) Principal buildings should be located a minimum of 15 metres (50 feet) from the boundary of the agricultural designation. For lots having site constraints, this distance may be reduced to the greater of 4.6 metres (15 feet) or minimum setback required by the Zoning Bylaw, provided that the principal building is located and designed to reduce impact from the activities associated with a farm operation (e.g. avoiding or reducing the number of doors, windows and outdoor patios facing the agricultural land).
- b) A continuous landscaped buffer should be provided between any development and the agricultural land. Buildings or structures should not be built within the buffer area.
- c) A majority of the plant material selected for the landscaped buffer should include low maintenance, indigenous vegetation and should be able to survive with little or no fertilizers. Guidelines contained in the B.C. Agricultural Land Commission's report: *Landscaped Buffer Specifications* shall be considered.
- d) For added effectiveness of the buffer, a low landscaped berm may be provided as part of the buffer. A continuous fence along the edge of the agricultural area should be installed and

maintained. A transparent fence (e.g. a split rail or picket fence) in combination with a dense and continuous evergreen hedge is preferred. A chain link fence may be provided only if it is combined with dense landscaping or a hedge. The guidelines contained in the B.C. Agricultural Land Commission's report: *Landscaped Buffer Specifications* shall be considered.

- e) Surface parking or roads abutting agricultural lands require a minimum 7.5 metre (24.6 feet) wide landscaped buffer to separate the paved surface from the agricultural area.
- f) Any subdivision of land next to agricultural land should be designed to include the landscaped buffer and fencing or hedging.
- g) Any subdivision of land next to agricultural land should be designed to gradually reduce densities and the intensity of uses towards the boundary of the Agricultural Designation.

20.7.5 EXEMPTIONS

The following are exempted from the requirement of obtaining a development permit in the **Agricultural Protection Development Permit Area**:

- (a) construction of buildings and structures located outside of a buffer area that was established by a previous development permit issued at the time of subdivision;
- (b) interior and minor exterior renovations to an existing building;
- (c) construction of buildings and structures located more than 15 metres from the boundary of the Agricultural Resource Designation.

20.7.6 APPLICATION REQUIREMENTS

- a) Before the CVRD authorizes the issuance of a development permit for a parcel in the **Agricultural Protection Development Permit Area**, the applicant must submit a development permit application which, at a minimum, includes:
 - i. a written description of the proposed development;
 - ii. reports or information as listed in the development permit area Guidelines;
 - iii. information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of Agricultural Land Reserve boundary;
 - topographical contours and location of watercourses;
 - location of slopes exceeding 25 percent;
 - location of lands subject to periodic flooding;
 - existing tree cover and proposed areas to be cleared;
 - existing and proposed buildings;
 - location of existing and proposed parcel lines;
 - existing and proposed roads, vehicular access points, driveways and parking areas;
 - existing and proposed trails;
 - existing and proposed stormwater management works, septic tanks and fields, and utility lines; and
 - a scale drawn landscaping plan, identifying the existing and proposed plant species and areas to be cleared or planted for the buffer area;

20.8 RIPARIAN AREAS REGULATION DEVELOPMENT PERMIT AREA

No person shall subdivide or alter land (including the removal of trees) or construct a building or structure on land that is in the Riparian Areas Regulation Development Permit Area, prior to the owner receiving a development permit from the CVRD.

20.8.1 CATEGORY

This development permit area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act* – protection of the natural environment, its ecosystems and biological diversity.

20.8.2 DEFINITIONS

For the purposes of this Development Permit Area, the terms used herein have the same meaning that they do under the *Riparian Areas Regulation* (BC Reg. 376/2004).

20.8.3 JUSTIFICATION

The province of British Columbia's *Riparian Areas Regulation* (RAR), under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the RAR, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).

20.8.4 RIPARIAN ASSESSMENT AREA

The Riparian Area Regulation Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Map 8. Notwithstanding the areas indicated on Map 8, the actual Riparian Areas Regulation Development Permit Area will in every case be measured on the ground, and it will be:

- a. for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- b. for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- c. for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

20.8.5 APPLICABILITY

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring in the Riparian Areas Regulation Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of nonstructural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in section 872 of the *Local Government Act*.

20.8.6 GUIDELINES

Prior to undertaking any of the development activities listed in Section 20.8.5 above, an owner of property within the Riparian Areas Regulation Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - (i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - (ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
 - (iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - (iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
- (b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
 - a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.
- (c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- (d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
- (e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
- (f) The CVRD Board strongly encourages the QEP report to have regard for “Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia, published by the Ministry of Environment.

20.8.7 EXEMPTIONS

In the following circumstances, a development permit will not be required:

- (a) Renovations, repairs and maintenance to existing buildings that are protected by Section 911 of

- the *Local Government Act*;
- (b) Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
 - (c) Removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation;

20.8.8 VIOLATION

- (a) Every person who:
 - 1. violates any provision of this Development Permit Area;
 - 2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
 - 3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
 - 4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
 - 5. fails to comply with an order, direction or notice given under this Development Permit Area; or
 - 6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;commits an offence under this Bylaw.
- (b) Each day's continuance of an offence constitutes a new and distinct offence.

20.8.9 PENALTY

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

20.8.10 SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area

20.8.11 CONCURRENT DEVELOPMENT PERMIT AREAS

Where more than one development permit area applies to land in the Riparian Areas Regulation Development Permit Area (RARDPA), a single development permit may be issued. Where other DPA guidelines would conflict with those of the RARDPA, the latter shall prevail.

SECTION 21 – HERITAGE, SAFETY AND SOCIAL POLICY SECTION

This Section contains objectives and policies related to heritage conservation, social planning and safety in the community.

HERITAGE, SAFETY AND SOCIAL POLICY SECTION - OBJECTIVES

- (a) To maintain a sense of community and protect the rural ambience desired by residents;
- (b) To maintain a community environment where all ages and both genders of the population, inclusive of race, ability and income, are able to live without fear for their personal safety;
- (c) To ensure that appropriate plans are prepared for minimizing the risk to life and property in the event of a major catastrophe such as an earthquake or interface wildfire;
- (d) To ensure that safety from crime is considered in the design of public areas; and
- (e) To protect heritage resources.

HERITAGE, SAFETY AND SOCIAL POLICY SECTION - POLICIES

POLICY 21.1 The CVRD Board should consider the protection of the rural character of Saltair to be the main priority of Saltair residents, and should uphold the OCP when considering applications to develop land.

POLICY 21.2 The OCP encourages the establishment of a program to address:

- (a) earthquake preparedness;
- (b) fire prevention in the wildfire interface area, and
- (c) other natural or human made disasters.

POLICY 21.3 The OCP encourages the development of initiatives which promote cooperative efforts between residents, businesses, and community groups, to improve women's children's and seniors' safety in particular, and the public's safety generally. This may include a safety audit program to determine priority areas for promoting improved safety.

The OCP encourages the establishment of community crime prevention programs, including Neighbourhood Watch Programs and Citizens' on Patrol (COP) programs.

POLICY 21.4 The OCP encourages information and education programs for dog owners, and the strict enforcement of bylaws related to the control of dogs.

POLICY 21.5 The CVRD should not preclude the provision of essential services such as family day-care centres and transition houses in residential areas.

POLICY 21.6 The Zoning Bylaw will not preclude the provision of essential services such as day care centres and transition houses for persons leaving an abusive relationship, permitted in accordance with the *Community Care Facilities Act*.

POLICY 21.7 The OCP supports the provision of services for the mobility challenged, and other disabled persons within the community, and promotes the equitable treatment of all individuals.

POLICY 21.8 Development proponents are required to consider archaeological resources during all phases of project planning, design, and implementation. Archaeology sites pre-dating 1846 must

not be altered (changed in any manner) without a permit pursuant to Section 12 or 14 of the *Heritage Conservation Act*.

POLICY 21.9 The CVRD has adopted an extended service bylaw that establishes services relating to heritage conservation, to allow recognition of the historical value and character of certain sites within the Regional District. Although there are no lands designated as Heritage in the OCP area, a Heritage Designation for a site may be considered, through an OCP amendment application process. Hence, lands or buildings considered by the community to be among those possessing historical, cultural, architectural or social value may be designated as Heritage in this OCP.

POLICY 21.10 For lands that are designated as Heritage, by way of amendment to this OCP, the *British Columbia Building Code* would then allow for relaxation of certain regulations, effectively preserving the original structure in a relatively original condition, as well as lessening the costs of major renovations. In addition, properties with Heritage designation are eligible, in some circumstances, for Provincial and Federal cost-sharing grants for renovation and preservation.

POLICY 21.11 Should the CVRD establish a Heritage Designation, the Designation would include lands with buildings or special features that have sufficient historical value or character to justify protecting, recording, recognising and commemorating the building or feature.⁷⁶

POLICY 21.12 Where a building or structure is or may be considered heritage property, the CVRD may order temporary protection for up to 60 days pursuant to Section 962 of the *Local Government Act*. During the 60-day period, a consultant may assess the heritage values of the building or structure, and the report would assist in the final decision regarding the heritage status of the building or structure.

POLICY 21.13 The OCP encourages residents and the CVRD to identify Heritage properties and to explore opportunities to promote and enhance the economic viability with the landowners. Policies in the OCP and regulations in the Zoning Bylaw may be amended if doing so would encourage or enhance the economic viability or symbolic value of the Heritage property.

POLICY 21.14 The permitted land uses and density for properties designated as Heritage will be established in the implementing Zoning Bylaw. In all cases the permitted land uses and density should support the reasons the property/building was designated as Heritage in the first place.

POLICY 21.15 Designated Heritage properties may be entitled to recognition in the form of a commemorative plaque and/or interpretive sign, upon application to the CVRD.

SECTION 22 – CLIMATE, LAND, RESOURCES, AND ENERGY EFFICIENCY (Bill 27)

Background

Bill 27, the *Local Government Statutes Amendments Act* (2008), requires that all local governments establish targets for reducing greenhouse gas emissions. In addition, all Official Community Plans (OCP) must include actions and policies which outline how those reduction targets will be achieved. The CVRD recognizes that Bill 27 raises some very important issues. Firstly, it should hasten the regional response to reduce emissions which are responsible for climate change. But the legislated amendments also provide a unique opportunity to review, strengthen and improve good community planning principles in this Plan. Policies that reduce greenhouse gas (GHG) emissions are based on reduced fossil fuel consumption and efficient use of energy, land and resources. Increased efficiency has a positive impact on improved health and quality of life for the region's residents, and overall environmental sustainability.

Vehicle related transportation is by far the largest contributor to overall emissions in this region. It represented an estimated 82.9% of the GHG emissions produced in 2007², as a result of driving to work, schools, and other daily activities. The distribution of land uses, which means the location of homes, workplaces, schools and recreational opportunities, and the preservation of resource lands, is controlled to a large extent by local governments. Understanding the connection between land use and transportation related emissions is one step; the imperative to incorporate climate change into the decisions on land use is another.

The CVRD realizes the urgent need to respond to climate change, and has set targets to reduce emissions. To move towards the established targets, the first proposed action is to undertake a climate change action plan throughout the CVRD as a whole, a process involving comprehensive community engagement and aggressive policies. A climate change action plan that is fully integrated into the OCP could take the region a step beyond emission reductions, to prepare mitigation measures for the anticipated consequences associated with climate change.

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This OCP acknowledges that the provincial government regulates many high emission producing sectors that are outside of the scope of an OCP. Through the review process involved in Bill 27, the CVRD has identified many long term projects that would contribute greatly to an overall reduction in emissions and energy use. Many of these projects are dependent on complementary action from the provincial government if we are to reach the targets. As such, the CVRD Board strongly recommends senior governments consider and support the following initiatives in three key areas:

- a) Transportation is the largest contributor to climate change related emissions in the region, therefore the CVRD urges the provincial government to invest in commuter rail service between the CVRD, Greater Victoria and other urban centres on Vancouver Island. Furthermore, the CVRD requests improved traffic flows along roads in the CVRD, with emphasis on the Island Highway, to reduce the acceleration, deceleration and idling of vehicles at intersections.
- b) The Cowichan Valley faces large scale deforestation, which if left unforested, has the deleterious effects of large scale carbon production *and* the removal of natural carbon

² Province of BC, Cowichan Valley Regional District Community Energy and Greenhouse Gas Emissions Inventory: 2007 (2009)

sequestration. As a mitigation measure, the CVRD is exploring the idea of a regional carbon trust, where forested land could be purchased and actively managed for maximum carbon sequestration. To implement a regional carbon trust, local governments require the authority to generate funds for land purchase, either by fees, amenity contributions and means other than property taxes. The CVRD's ability to achieve the emissions reduction targets is largely dependent on innovation and support from senior levels of government.

- c) Encourage the province of BC to explore opportunities for alternative energy technology in this electoral area, as the potential benefits are numerous: the reduction of energy use by the implementation of alternative energy technology in buildings, the economic opportunity presented by a growing industry, and the desire for energy self-sufficiency on Vancouver Island. Senior governments should provide incentives to encourage private and public investment into alternative energy technology.

OBJECTIVES

- a. To reduce, on a regional basis, total green house gas (GHG) emissions in the plan area by 33% from current levels by 2020, and by 80% from current levels by 2050;
- b. To reduce overall energy consumption in the region, encourage an efficient use of the land base and other resources, and promote a healthy and high quality of life for residents.

POLICIES

POLICY 22.1: This OCP will strive to contribute to the CVRD GHG reduction targets of 33% by 2020, and 80% by 2050, by ensuring that the CVRD will consider adopting a climate change action plan, to provide a more comprehensive set of targets, indicators, policies and actions specific to this Plan area.

POLICY 22.2: In the context of reducing GHG emissions, policies related to land use and density are as follows:

- a. In a future OCP review, the CVRD Board and community will give consideration to identifying a village containment area, to encourage the following goals:
 - i. To preserve the agricultural and forestry land base of the plan area, and allow no net loss of these resource lands;
 - ii. To delineate an area where mixed residential, commercial and institutional land uses will be focused, to create a complete, healthy and liveable community;
- b. Until such time as a village containment boundary is established, future residential growth needs will generally be accommodated by focusing most population growth in presently designated residential areas. Concentrated residential settlement patterns allow us to retain the rural character of the region;
- c. To protect the rural character of Saltair, more intensive/higher density development should be encouraged to locate in the established urban communities (i.e., Chemainus and Ladysmith);
- d. The CVRD Board may initiate projects to identify potential infill sites within existing areas of higher commercial and residential densities;

- e. The provincial government has jurisdiction over logging practices and should ensure that forestry occurs in a sustainable manner that offsets GHG emissions. The CVRD will ensure that forest lands are maintained as such, to ensure sustainable forestry practices can occur to offset local emissions.

POLICY 22.3: In the context of reducing GHG emissions, policies related to transportation are as follows:

- a. The CVRD Board will consider existing and future transit infrastructure in all land use planning decisions. Future transit infrastructure will be designated within appropriate residential areas, and in other highway corridor locations where appropriate;
- b. The planning and development of cycling and walking trails is encouraged, to promote healthy living and alternative transportation methods throughout the community;
- c. The establishments and improvement of commuter, car-share and car-coop programs is strongly supported;
- d. This OCP recognizes the value and benefit of rail services in the reduction of GHGs, and supports the Island Corridor Foundation initiative to re-establish and implement rail commuter service on Southern Vancouver Island;
- e. This OCP very strongly encourages the Ministry of Transportation and Infrastructure to accommodate pedestrian and cycling requirements into road design, as road improvements and upgrades take place.
- f. The CVRD Board will pursue opportunities to build and improve dedicated cycling lanes, in collaboration with the Ministry of Transportation and Infrastructure and adjacent jurisdictions, with particular emphasis on Chemainus Road.

POLICY 22.4: In the context of reducing GHG emissions, policies related to building design, siting and landscaping are as follows:

- a. In a future OCP review, the CVRD Board and community will give consideration to the following:
 - i. Establishing development permit areas that will include design guidelines for energy efficient buildings, siting and landscaping;
 - ii. Reducing lot coverage and establishing floor area limits of residential and commercial buildings within certain zones to reduce the impact of development;
- b. A sustainability checklist will be established, for development applications in developable areas;
- c. The CVRD may provide educational resources to homeowners, to promote do-it-yourself projects that decrease residential and commercial building energy consumption and reduce the impact of residential and commercial development on the natural environment;

POLICY 22.5: In the context of GHG emissions, policies related to food and agriculture are as follows:

- a. In a future OCP review, the CVRD Board and community will give consideration to the following:
 - i. To encourage local agricultural production and consumption, lands may be designated for community gardens, farmers markets and food processing facilities to support agriculture in the region;
 - ii. Appropriate areas are designated for urban agriculture to promote food production on a family level;
 - iii. Incentives are provided to include additional farmland in the Agricultural Land Reserve (ALR) for long term preservation;

- b. The CVRD recognizes the importance of the agricultural land base to the economic viability and ecology of the region, as well as to food security. Development applications that threaten the region's agricultural land will be considered in light of the CVRD's objectives noted within this Plan.

SECTION 23 – OCP ADMINISTRATION

Ongoing implementation of the OCP can be achieved, in some cases, by amending the Zoning Bylaw and other regulatory bylaws. In other cases, it may be necessary to work with or negotiate with other agencies in order to initiate joint policies and projects. This section sets out a plan implementation strategy that includes a monitoring process to ensure that the focus is on the appropriate actions to achieve the goals set out within the plan.

While every effort has been made in the preparation of this OCP to anticipate future development and associated requirements, it is important to stress that occasional amendments to this OCP may occur in response to new circumstances and situations.

Residents have expressed a need and desire for increased involvement in decision-making, in areas affecting their community. This section also outlines improvements that should be made in community consultation.

OCP ADMINISTRATION – OBJECTIVES

- (a) To promote careful, responsible decision making by discouraging ad hoc amendments to the OCP;
- (b) To identifying ways to expedite development approvals when they conform to plan policy;
- (c) To proceed with plan amendments only where conditions and public sentiments have changed;
- (d) To creating a mechanism to ensure that the plan policies are regularly monitored for their effectiveness;
- (e) To promote responsible planning and decision making that involves the community in decision making processes, by enabling the community to have a more active role with local government; and
- (f) To encourage and facilitate the identification, protection, and conservation of heritage sites, resources and features, including archaeological sites, located in the OCP area, during all phases of project planning, design and implementation.

OCP ADMINISTRATION - POLICIES

POLICY 23.1 The policies set out in this OCP may be generally implemented by the Zoning Bylaw, sign bylaw, mobile home park bylaw, and such other means as may be available to the CVRD, in accordance with the provisions of the *Local Government Act* and other applicable provincial and federal legislation.

POLICY 23.2 All land use decisions will be evaluated for conformity to this OCP, including its maps and schedules. Where a project requires an amendment to this OCP, a public hearing will be held. In addition, the applicant may be required to hold a public information meeting prior to a public hearing being held.

POLICY 23.3 The CVRD should work in conjunction with various levels of government, community groups, and organizations, toward the realization of the goals, objectives and policies of this OCP.

POLICY 23.4 The OCP encourages local area residents to undertake local improvement programs, such as stewardship initiatives, that support this OCP.

POLICY 23.5 The CVRD will inform owners of the adoption of the OCP, and the new policies that may affect their properties. This will be done immediately following the implementation of the OCP, and at regular five year intervals.

POLICY 23.6 A monitoring report should be undertaken each two years from the adoption date of the OCP and made available to the residents of Saltair. The plan monitoring program should address the following points:

- a) The progress being made toward the plan's goals and objectives;
- b) The degree to which policies are having the intended results;
- c) New concerns or opportunities that surface after the adoption of the OCP and may require new or different policies; and
- d) Changes in political or public priorities that may result in a different allocation of resources.

POLICY 23.7 A comprehensive plan review should be undertaken within ten years of the adoption of the OCP.

POLICY 23.8 There are no apparent sand and gravel deposits that may be suitable for sand and gravel extraction, within the OCP area; therefore such locations are not shown on a map within the OCP. Similarly, there are no areas currently deemed suitable for industrial development, therefore an Industrial Designation is not shown on the Plan Map.

POLICY 23.9 The CVRD should investigate the feasibility of establishing a stormwater management plan for the **General Residential** area of Central Saltair.

POLICY 23.10 The CVRD should ensure that there is a local, appointed community group participating in the ongoing monitoring and implementation of the Official Community Plan.

APPENDIX 1 **DEFINITIONS**

In this Bylaw:

"accessible" means that a disabled person, without assistance from another person, is able to approach, enter, pass to and from and make use of an area and/or its facilities;

"accessory dwelling unit" means dwelling unit that is clearly ancillary and subordinate to a principal use on a parcel.

"agriculture" means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements, and agricultural supplies. Additionally, for lands within the ALR or lands designated as a "farm" by the Province of BC, "agriculture" refers to those activities that are designated as farm use in the Agricultural Land Commission's *Use Subdivision and Procedure Regulation* and those which fall under the definition of Farm Operation under the *Farm Practices Protection Act*;

"ALR" means the Provincial Agricultural Land Reserve;

"aquifer" means an underground water body, which can be overlain with permeable gravel or an impervious material such as clay. The water level of the aquifer rises and falls in response to water removal and infiltration;

"Best Management Practices" means the latest Best Management Practices of the Ministry of Water Land and Air Protection and/or Fisheries and Oceans Canada, for reducing the impact of development on natural ecosystems;

"buffer" means a feature or area that is designed to separate or protect two land uses. Examples include treed areas between commercial parcels and residences and natural vegetated areas between riparian areas and nearby development;

"building" means any structure, wholly or partly enclosed by a roof or roofs supported by walls or columns, which is used or intended to be used for supporting or sheltering any use accommodating persons, animals, chattels or things;

"Board" means the Board of Directors of the Cowichan Valley Regional District;

"disabled person" means a person who has a loss, or a reduction of functional ability and activity, and includes a person in a wheelchair and a person with sensory disability;

"CVRD" means the Cowichan Valley Regional District;

"ecosystem" means the sum total of vegetation and animals and the physical environment in which they interact;

"environmentally sensitive area" means an area requiring special management attention in order to protect fish and wildlife resources in natural systems;

"floodplain" means a relatively flat, low lying area adjacent to a watercourse that has a potential to flood when water levels are high;

"hectare" or "ha" means an area of measurement 100 by 100 metres, being roughly equivalent to 2.47 acres;

"high water mark" means the natural boundary as defined in this Bylaw;

“home based business” means any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit;

“intensive agriculture” means the commercial use of land for:

- a) the growing of mushrooms;
- b) the confinement, rearing, producing or processing of livestock, including poultry, swine or fur-bearing animals;
- c) the operation of feed lots or dairies;
- d) the keeping of bees;

“m²” means a measure of area in square metres;

“natural boundary” means:

- a) the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; and
- b) the edge of dormant side channels of any lake, river, stream or other body of water;

“OCP” means the Saltair Official Community Plan, prepared pursuant to the *Local Government Act*;

“OCP area” means the area of land and water surfaces covered by the Saltair Official Community Plan;

“parcel” means any lot, block or other area in which land is held or into which it is subdivided, including water lease lots and strata lots, but not including a highway;

“passive recreation” means outdoor recreation activities which do not involve the use of motorized vehicles, buildings or structures;

“principal use” means the primary and chief use for which a parcel, building or structure is used, designed or intended to be used;

“private utility” means a use and associated works which are privately owned and provide services such as water and sewer to more than one parcel of land and which do not meet this Bylaw’s definition of “community water system” or “community sewer system”;

“province” means the government of the Province of British Columbia, Canada;

“public utility” means a use and associated works which provide for essential services such as community water service, community sewer service, electricity, telephone, natural gas, cable television, and similar services, where such use is established by the CVRD, a municipality, an improvement district, a senior government or a body that is subject to the *Utility Commission Act*. In addition to the uses and services listed above, public utility includes any service established by the CVRD. Public utility also includes communications infrastructure, solid waste disposal services, navigation aids and public seawalls. Public utility does not include exterior storage of any kind, offices, vehicle or equipment repair facilities, grid-connected power generation plants of any sort, including grid-connected wind turbines, or anything that falls under the definition of private utility;

“recharge area” is the area within which water infiltrates the ground surface and accumulates in underground water bodies or in porous rock or gravel;

“regional district” means the Cowichan Valley Regional District;

“restricted agriculture” means the keeping of the following animals on parcels 0.5 hectares or larger:

- (a) not more than 2 hogs;
- (b) not more than 2 other farm animals for each 0.5 hectares of land; and
- (c) not more than 12 rabbits or 12 poultry.

“retail” means the sale and rental of goods and wares to the general public;

“riparian area” means an ecologically sensitive land area of variable width directly adjacent to and influenced by a watercourse;

“secondary suite” means an accessory dwelling unit contained within or attached to a single family residential dwelling.

“setback” means the minimum permitted horizontal distance required under the zoning bylaw, between a building or structure and a specified parcel line or the high water mark of a watercourse;

“Sensitive Ecosystem Inventory” means a series of documents and maps prepared by Fisheries and Oceans Canada and the BC Ministry of Land Water and Air Protection, that identify the potentially threatened natural areas on southeast Vancouver Island and classify them into different ecosystem types.

“structure” means any construction fixed to, supported by, or sunk into land or water, but not concrete paving or asphalt paving or similar surfacing of a parcel;

“subdivision” means:

- a) a subdivision as defined in the *Land Title Act*; and
- b) a subdivision under the *Strata Property Act*;

“variance” means a process by which the siting or design of a building may be changed from those required by the Zoning Bylaw.

“watercourse” means any natural drainage course or source of water, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, the sea or source of ground water and includes portions that may be contained within a conduit or culvert;

“wetland” means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, estuaries and similar areas.

“wildfire interface” means an area of land where residential and other types of development are found in close proximity to forested areas, where a forest fire is likely to become an interface fire capable of consuming developed and forested areas simultaneously.

“zoning” means the legal land designation that the CVRD has assigned to a particular parcel in the Zoning Bylaw.