

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

E.6.1 Description of Development Permit Area and Exemptions

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

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

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

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

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

- E.6.1.3 Despite Section E.6.1.2, the following activities are also exempted from the requirement to obtain a Development Permit:
- a. development on land within this Development Permit Area, that is, according to a professional survey submitted to the Islands Trust by the developer, outside an area shown on Maps 13 and 14 as having a high hazard for slope instability or soil erosion.
 - b. land alteration and vegetation removal on agricultural land that is not identified on Map 24 as having a high hazard for slope instability, that is done for farming purposes and that is consistent with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*.
 - c. forest management activities related to timber production and harvesting in the Forest Land Reserve.
 - d. all activities except for soil excavation or road construction on those parts of this Area that have been included because of the presence of the "Metchosin" soil type (indicated on Map 23).
 - e. development on, or subdivision of, a property that is in accordance with a report submitted to the Islands Trust, prior to development or subdivision commencing, that has been prepared by a geotechnical engineer or an engineer with expertise relevant to the applicable matter, and has been conducted in accordance with the recommendations contained in the report addressing slope instability and soil erosion hazards.
 - f. the emergency removal of a hazardous tree in compliance with an arborist's report that has been submitted to the Islands Trust.
 - g. emergency works to prevent flood damage to structures.
 - h. the subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Salt Spring Island Local Trust Committee or the Islands Trust Fund Board has already been registered for the prevention of soil erosion and the protection of development from hazards due to slope instability.

E.6.2 Reasons for this Development Permit Area

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

E.6.3 Objectives of this Development Permit Area

- E.6.3.1 To protect development from hazards due to slope instability.
- E.6.3.2 To prevent soil erosion.
- E.6.3.3 To protect land, streams, water bodies and the sea from damage due to soil erosion.

E.6.4 Guidelines for New Development

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

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

- E.6.4.1 All development that takes place in this Development Permit Area should be done in a way that prevents disturbance to unstable slopes and soils with high erosion hazards.
- E.6.4.2 If a tree with a trunk diameter greater than 20 cm is to be removed, or if the removal of vegetation results in an area of bare soil greater than 9 m² in area, or if a natural drainage course is to be altered, then a plan should be developed to prevent slope instability and to control soil erosion. Vegetation and trees are to be retained and replaced as necessary to control erosion and protect banks.

- E.6.4.3 New roads and septic fields should not be located in this Development Permit Area. If such a location cannot be avoided, then the design and construction of the road or septic field should be supervised by a professional engineer to ensure that the objectives and guidelines of this Area are met.
- E.6.4.4 New structures should not be located in areas that have been identified on Map 24 as having a high hazard for slope instability. If such a location cannot be avoided, then the design, construction and storm drainage design of the structure should be supervised by a professional engineer to ensure that the objectives and guidelines of this Area are met.
- E.6.4.5 To assist in the preparation of development permits for larger projects, the Local Trust Committee could request an applicant to provide a report, prepared by a professional engineer. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and meet the guidelines of this Development Permit Area.

E.6.5 Guidelines for Subdivision

- E.6.5.1 If a proposed land subdivision is to create additional new lots within this Development Permit Area, then any new lots, roads, building sites, septic fields and driveways should be located and constructed in a way that meets the objectives of this Area. A covenant should be registered against the part of the property that is within this Area to guide future development and meet the objectives of this Area.