

# Riparian Areas Protection Regulation Development Permit Area Template

## 1 Authority

The “Riparian Areas Protection Regulation Development Permit Area” (RAPR DPA) is designated pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

## 2. Area Designated

- .1 The RAPR DPA consists of all those parcels of land located:
  - a. Within the Plan area of this OCP (as per schedule B); and,
  - b. Entirely or partially within the “Riparian Assessment Area” as defined by the *Riparian Areas Regulation* under the *Riparian Areas Protection Act* as illustrated in Figure XXX.
- .2 The Riparian Assessment Area is calculated from the following highwater marks:
  - a. Shuswap Lake high water mark - 348.7 m GSC
  - b. Mara Lake high water mark - 348.8 m GSC
  - c. all other streams and waterbodies – natural boundary
- .3 For the purposes of this Official Community Plan the following definitions, consistent with the Riparian Areas Protection Regulation, shall apply:
  - a. **Riparian Assessment Area** is defined as:
    - i. For a stream, the 30 m strip on both sides of the stream measured from the high water mark,
    - ii. For a ravine less than 60 m wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 m beyond the top of the ravine bank; and
    - iii. For a ravine 60 m wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 m beyond the top of the ravine bank.
  - b. **High water mark** is defined as the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.
  - c. **Stream** is defined as any of the following that provides fish habitat:
    - i. a water course, whether it usually contains water or not;
    - ii. a pond, lake, river, creek or brook;
    - iii. a ditch, spring or wetland that is connected by surface flow to something referred to above in paragraph i or ii.
  - d. **Streamside Protection & Enhancement Area (SPEA)** is defined as:
    - i. for a stream, the 30 m strip on both sides of the stream, measured from the high water mark,
    - ii. for a ravine less than 60 m wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 m beyond the top of the ravine bank, and

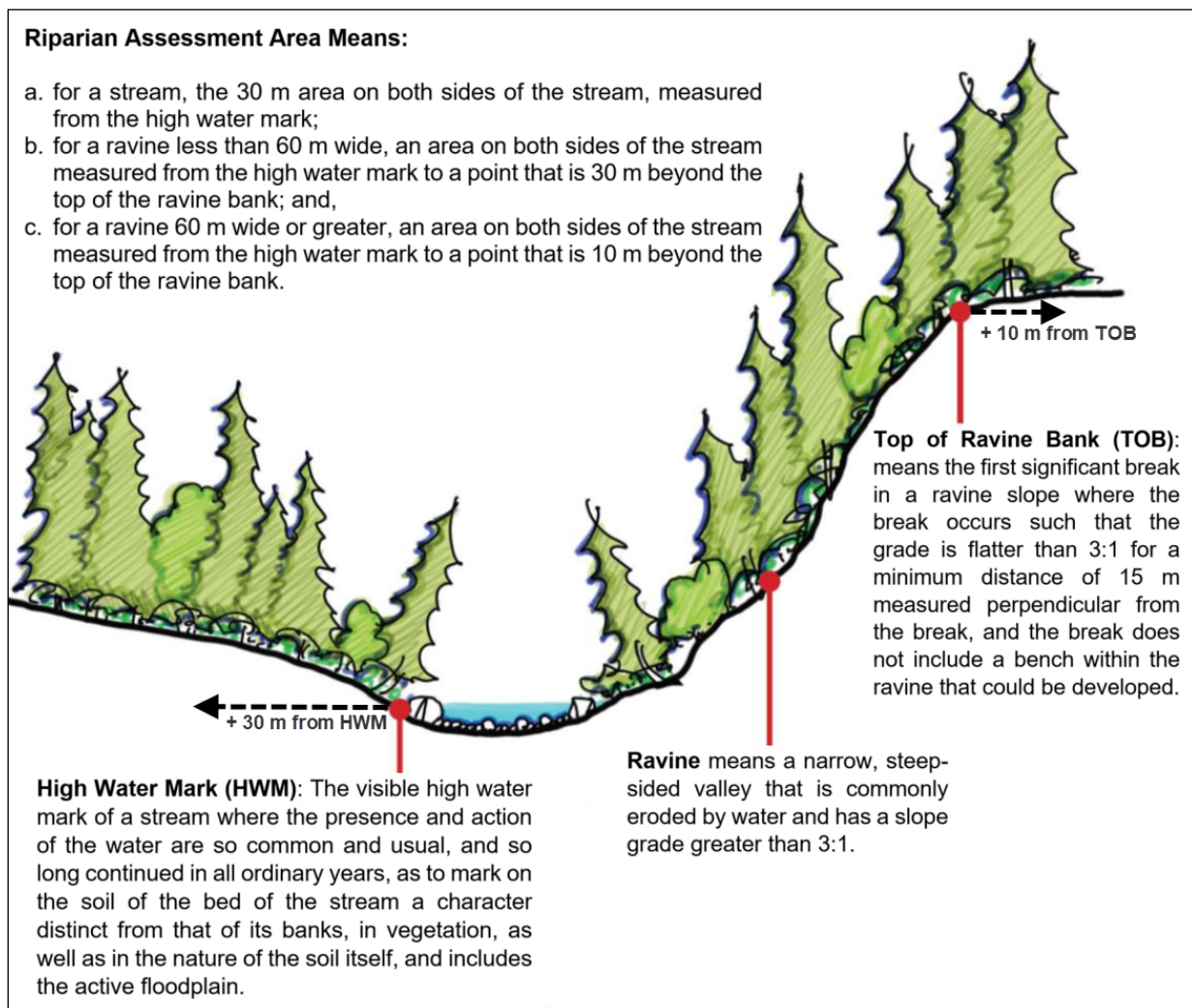
for a ravine 60 m wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 m beyond the top of the ravine bank.

- e. **Ravine** is defined as a narrow, steep sided valley that is commonly eroded by running water and has a slope grade greater than 3:1.
- f. **Natural Boundary** is 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 usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

.3 Where there is uncertainty regarding the location of development in relation to a Riparian Assessment Area or the nature of a stream, the CSRD may require:

- a. A plan prepared by a BC Land Surveyor confirming whether the proposed development is within the Riparian Assessment Area; or,
- b. A letter submitted by a qualified environmental professional (QEP) to confirm if the stream satisfies the definition criteria.

**Figure XXX: Riparian Assessment Area**



### **3. Justification**

Streams and adjacent riparian areas act as natural storage, drainage and purification systems that help to maintain and improve water quality. Undisturbed riparian areas can help prevent flooding, control erosion, reduce sedimentation, moderate water temperature, and recharge groundwater. They are also critical to a healthy aquatic environment, providing habitat, shelter, water, shade and food sources for a variety of fish and wildlife.

Riparian areas provide essential wildlife corridors for numerous species that depend on access to aquatic habitat. Wetlands, which are intricately connected with watercourses, form an integral component of riparian areas and provide similar ecosystem services, in addition to acting as water purification systems through their filtration function.

Electoral Area XXX contains numerous lakes, rivers, creeks and wetland riparian areas that directly or indirectly provide natural features, functions and conditions that support fish and other aquatic life processes. Their value as an asset under a changing climate also needs to be recognized since they can reduce the impacts of floods, help filter polluting runoff to protect water quality, and help hold soil together to prevent erosion.

The *Riparian Areas Protection Act* requires the CSRD to protect riparian areas from negative impacts of development such as loss of trees, sedimentation and the alteration of natural processes. Streams, as defined by the *Riparian Areas Protection Regulation*, may include everything from a seasonal creek to lakes as large as Shuswap Lake and Mara Lake. The *Riparian Areas Protection Act* requires a local government to provide a level of protection that meets is considered to meet the *Riparian Areas Protection Regulation* standards.

### **4. Objectives**

The intent of the RAPR DPA is to:

- .1 Protect streams, their riparian areas and adjacent upland areas that exert an influence on streams from residential, commercial, public and institutional, and industrial development.
- .2 Promote the restoration and enhancement of riparian areas to support biologically diverse wildlife habitat, corridors for wildlife movement, and the natural features, functions and conditions that support fish life processes.
- .3 Obtain assurance from a Qualified Professional that adequate professional evaluation of the proposed development has been conducted (which includes recommendations and mitigative measures).

These objectives are achieved primarily through the involvement of a QEP and the identification of Streamside Protection and Enhancement Areas (SPEA).

### **5. Activities requiring a permit**

Unless a Riparian Areas Protection Regulation Development Permit exemption applies, a RAPR DP must be obtained prior to the:

- .1 Subdivision of land as defined in the *Land Title Act* and *Strata Property Act*;
- .2 Removal, alteration, disruption or destruction of vegetation or soil within the Riparian Assessment Area; or
- .3 Construction or erection of buildings and structures within the Riparian Assessment Area.

## **6. Exemptions**

Notwithstanding section 1.1.5, a RAPR DP is not required for the following:

- .1 Non-structural alterations or repairs of a building or structure on an existing foundation if the structure:
  - a. Remains on its existing foundation within its existing footprint;
  - b. Is not damaged or destroyed to the extent described in section 532 (1) [repair or reconstruction if damage or destruction  $\geq$  75% of value above foundation] of the LGA.
- .2 Gardening and yard maintenance activities within an existing landscaped area (prior to the introduction of RAPR), such as mowing lawns, pruning trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .3 Development that is separated from a stream by a constructed public highway by a distance no less than 15 m from the stream's HMW.
- .4 Development in an area where the applicant can demonstrate that the guidelines of the Riparian Development Permit Area have already been satisfied, or a Development Permit for the same area, scale, and type of development has already been issued in the past and the conditions in the Development Permit have all been met, or the conditions addressed in the previous Development Permit will not be affected;
- .4 Removal of trees determined by a Certified Arborist, Registered Professional Forester, or QEP (who is qualified to do a Wildlife Danger Tree Assessment) to represent an imminent risk to safety of life and buildings. This exemption requires that the property owner provide the CSRD a copy of the danger tree risk assessment report prior to any tree removal.
- .5 Footpaths for personal use by the property owners, provided it does not exceed approximately 1.0 m in width; are constructed of pervious natural materials with no concrete, asphalt, pavers or treated wood; do not involve structural stairs; require no removal of streamside vegetation; and do not impair stream bank stability. This exemption requires that the property owner provide the CSRD a letter prepared by a QEP stating that the construction and use of the path will have no negative impact to the SPEA.
- .6 The construction of a fence if only non-native trees are removed and the disturbance of native vegetation is restricted to 0.5 m on either side of the fence.
- .7 A proposed subdivision where:
  - a. no development, and no land or vegetation disturbance are proposed within the Riparian Assessment Area;

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- b. it has been deemed to the satisfaction of the CSRD that a sufficient building envelope, suitable building site and sewage disposal area can be provided outside of the Riparian Assessment Area, and
  - c. a *Land Title Act* Section 219 Covenant has been registered on the Title of the property restricting development within the Riparian Assessment Area.
- .8 Emergency actions necessary to prevent, control or reduce immediate and substantial threats to life or property during flood, debris flood/flow, erosion, landslide, avalanche, stream avulsion and other geohazard events.
  - .9 Farm practices as defined in the *Farm Practices Protection (Right to Farm) Act*. This includes the construction, alteration, addition, repair, demolition, and maintenance of farm buildings, farm fences. However, the landowner should contact the appropriate agencies to ensure compliance with provincial and federal regulations.
  - .10 Activities conducted and/or approved by the CSRD, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works, pursuant to section 11 of the *Water Sustainability Act*.
  - .11 Activities conducted by the CSRD or its agents where appropriate measures have been undertaken to satisfy the applicable DPA guidelines.
  - .12 Forestry activities which are:
    - a. Located on Crown land and administered under an approved Forest Stewardship Plan approved by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development in accordance with the *Forest & Range Practices Act*, and,
    - b. Located on private land and managed in pursuant to the *Forest Act* or *Private Managed Forest Land Act*.

## **7. RAPR Development Permit Application Submission Requirements**

- .1 RAPR Development Permit applications should include a detailed site plan that indicates:
  - a. location of existing and proposed buildings and structures in relation to parcel
  - b. boundaries, and any water course, pond, or lake on, or adjacent to the subject property;
  - c. location of existing and proposed driveways, parking areas and other impervious surface areas and how the storm water run-off will be managed;
  - d. location of existing and proposed vehicular routes that cross water courses, including details on culverts, bridges, or other stream crossings; and details on existing and proposed streamside vegetation; storm water management systems and sediment control plans that will protect water quality and quantity;
  - e. details on the proposed method of sewage disposal; and
  - f. an assessment by a Qualified Environmental Professional (QEP) must be carried out in accordance with the Riparian Areas Regulation. The CSRD requires notification from the

Province that the proposed development meets the requirements of the Riparian Areas Protection Regulation.

## **8. Guidelines**

In order to achieve the objectives of RAPR DPA, the following Guidelines shall apply to the issuance of DPs:

- .1 To proceed with consideration of the DP application, the CSRD will require notification that the province has been informed of the development proposal and have received copies of the Assessment Report, unless the federal Minister of Fisheries and Oceans or a regulation under the *Canada Fisheries Act* has authorized the harm to conditions in the riparian assessment area that would result from the implementation of the development proposal.
- .2 The CSRD may approve the DP application only if the QEP reports that the development as proposed will not harm natural features, functions and conditions that support fish life processes in the riparian assessment area, or that there will be no such harm if the SPEAs identified are protected and the measures identified in the Assessment Report are implemented. All assessment reports shall be accompanied with a CSRD Riparian Assessment Assurance Statement Form and shall meet:
  - a. The guidelines of this DPA;
  - b. The Professional Practice Guidelines for Legislated Riparian Assessments in BC; and,
  - c. The *Riparian Areas Protection Regulation*.
- .3 If adequate, suitable areas of land for the intended use exist on a portion of the parcel that lies outside the SPEA, the applicant should direct development to those areas to minimize adverse impacts. In all other cases, the applicant will be required to demonstrate with the support of a QEP, to the satisfaction of the CSRD, that developing in the riparian assessment area is necessary or advisable due to circumstances such as topography, hazards or lack of alternative developable land and that every effort has been made to minimize adverse impacts.
- .4 All *Riparian Areas Protection Regulation* Assessment Reports must be submitted on provincial standard reporting templates and follow and be consistent with formatting and content requirements.
- .5 Pursuant to the *Riparian Areas Protection Regulation* and the LGA, the Assessment Report prepared by a QEP should specifically consider and make recommendations respecting:
  - a. Protection measures to be taken to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect the banks of watercourses;
  - b. The siting of buildings, structures or uses of land;
  - c. Areas to remain free of development;
  - d. Specified environmental features; and,
  - e. The timing of construction to avoid or mitigate impacts.

- .6 Develop and implement a soil erosion and sediment control plan as part of site design and construction to prevent the discharge of sediment-laden water into a stream.
- .7 Install temporary fencing and signage to prevent encroachment into the SPEA area during land preparation and construction.
- .8 Once a DP has been issued, a follow-up assessment by the QEP will be required to ensure that the use of the land is consistent with the QEP's assessment report, *Riparian Areas Protection Regulations* and the CSRD's conditions or requirements included in the DP.