

Section 12. Development Permit Areas

The *Local Government Act* provides the Regional District with the authority to establish a development permitting system. It also makes provision for local governments to require applicants for development approvals to undertake impact studies.

Development Permits are one of the most effective legal tools for the protection of environmentally sensitive areas, avoiding development in hazardous conditions, and setting out expectations regarding “form and character” of development. Local governments may designate Development Permit Areas (DPAs) in an OCP. When an area is designated, the local government must describe the special site conditions or objectives that justify the designation, and specify guidelines to achieve those objectives.

Where land is subject to more than one Development Permit Area designation, a single Development Permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any Development Permit issued will be in accordance with the guidelines of all such Areas.

Variances, as well as conditions respecting the sequence and timing of construction, may also be considered for inclusion within a Development Permit in accordance with applicable guidelines as per the authority granted under s.920() and s.920(3) of the Local Government Act.

12.1 Hazardous Lands Development Permit Areas (Steep Slope)

12.1.1 Purpose

The Hazardous Lands Development Permit Area is designated under the Local Government Act for the purpose of protecting development from steep slope hazardous conditions.

12.1.2 Justification

Whereas steep slopes pose a potential landslide risk, a Hazardous Lands Development Permit Area is justified so that DP guidelines and recommendations from qualified engineering professionals are utilised prior to development in steep slope areas in order to provide a high level of protection from ground instability and/or slope failure.

12.1.3 Area

All properties, any portion of which, contain slopes 30% or greater are designated as Hazardous Lands Development Permit Area (Steep Slope). These are referred to as 'steep slope' areas below. The CSRD requires a slope assessment of slope conditions as a condition of development permit issuance. Provincial 1:20,000 TRIM mapping, using 20m (66ft) contour information, may provide preliminary slope assessment; however, a more detailed site assessment may be required.

12.1.4 Exemptions

A Hazardous Lands Development Permit is not required for the following:

- .1 A single storey accessory building with a gross floor area less than 10 m² (107.4 ft²) which are placed on slopes of less than 30%;
- .2 Non-structural **external** repairs or alterations exempted by the BC Building Code; or
- .3 Non-structural **internal** repairs or alterations exempted by the BC Building Code which do not create sleeping accommodations or bedrooms.

12.1.5 *Guidelines*

- .1 Whenever possible placement of buildings and structures should be considered first in non-steeply sloped areas, i.e. less than 30% slope;
- .2 In order to protect against the loss of life and to minimize property damage associated with ground instability and/or slope failure, development in steep slope areas is discouraged;
- .3 Occupant and public safety shall be the prime consideration of the qualified geotechnical professional and the CSRD prior to approval of development in steeply sloped areas; and,
- .4 Geotechnical reports from qualified geotechnical professionals must address best engineering practices in the field of geotechnical engineering and provide detailed recommendations. At the discretion of CSRD staff an independent third party review of the submitted report(s) may be undertaken.

Where steep slope areas are required for development, development permits addressing Steep Slopes shall be in accordance with the following:

For subdivision, either 12.1.5.5 or 12.1.5.6 applies:

- .5 Submission of a geotechnical report by an Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) registered professional with experience in geotechnical engineering.
 - a. The geotechnical report, which the Regional District will use to determine the conditions and requirements of the development permit, must certify that the land may be used safely for the use intended.
 - b. The geotechnical report must explicitly confirm all work was undertaken in accordance with the APEGBC Legislated Landslide Assessment Guidelines.
 - c. The report should include the following types of analysis and information:
 - i. site map showing area of investigation, including existing and proposed: buildings, structures, septic tank & field locations, drinking water sources and natural features, including watercourses;
 - ii. strength and structure of rock material, bedding sequences, slope gradient, landform shape, soil depth, soil strength and clay mineralogy;
 - iii. surface & subsurface water flows & drainage;
 - iv. vegetation: plant rooting, clear-cutting, vegetation conversion, etc.

- v. recommended setbacks from the toe and top of the slope;
 - vi. recommended mitigation measures; and
 - vii. recommended 'no-build' areas.
- d. Development in steep slopes should avoid:
- i. cutting into a slope without providing adequate mechanical support;
 - ii. adding water to a slope that would cause decreased stability;
 - iii. adding weight to the top of a slope, including fill or waste;
 - iv. removing vegetation from a slope;
 - v. creating steeper slopes; and
 - vi. siting Type 1, 2 and 3 septic systems and fields within steep slopes.
- e. A Covenant may be registered on title identifying the hazard and remedial requirements as specified in the geotechnical or engineering reports for the benefit and safe use of future owners.
- .6 Registration of a Covenant on title identifying hazards and restrictions regarding construction, habitation or other structures or uses on slopes of 30% and greater.

For construction of, addition to or alteration of a building or other structure:

Compliance with and submission of the relevant geotechnical sections of Schedule B-1, B-2 and C-B of the BC Building Code by an Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) registered professional with experience in geotechnical engineering. A Covenant may be registered on title identifying hazards and restrictions regarding construction, habitation or other structures or uses on slopes of 30% or greater.

12.2 Foreshore and Water Development Permit Area

.1 Purpose

The Foreshore and Water Development Permit Area is designated under the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Justification

The Foreshore and Water Development Permit Area arises from the growing impact that structures, including (but not limited to) docks, swimming platforms, and private mooring buoys, are having on the lakes in the Electoral Area. Evidence of these impacts is documented in the Shuswap Watershed Mapping Project, which was completed in conjunction with Fisheries & Oceans Canada, the BC Ministry of Environment and environmental consultants.

The intent of the Foreshore and Water Development Permit Area is to:

- .1 Allow for the proper siting of structures on the foreshore and swimming platforms in the water to prevent or minimize negative impacts on lake ecology, including fish habitat; and,