

- .3 Works conducted by the CSRD or its agents where appropriate measures have been undertaken to satisfy the applicable DPA guidelines.

6.3.7 Guidelines

These guidelines apply to both new installation and replacement of docks, swimming platforms and private mooring buoys (structures).

1. For existing structures, it needs to be determined if the dock, swimming platform, or private mooring buoy is non-conforming and lawful. To be considered lawfully non-conforming, the property owner will need to provide evidence it was installed prior to the adoption of Lakes Zoning Bylaw No. 900. Examples of evidence may include pictures, orthophotos, installation receipts, affidavits, etc.).
2. Lawfully non-conforming docks, swimming platforms and private mooring buoys may be maintained and certain components may be able to be replaced up to 75% over a 3 year period.

6.4 Lakes 100 m Development Permit Area

6.4.1 Authority

“Lakes and Eagle River 100 m Development Permit Area” (Lakes 100 m 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.

6.4.2 Area Designated

- .1 Lakes 100 m DPA applies to areas within 100 metres of Shuswap Lake, Mara Lake, Griffin Lake, Three Valley Lake, Victor Lake, Clanwilliam Lake, and the Eagle River. The 100 m distance is measured from the following high water marks (HWM):
 - a. Shuswap Lake HWM - 348.7 m
 - b. Mara Lake HWM - 348.8 m
 - c. all other lakes and the Eagle River – 1 in five year HWM
- .2 Where there is uncertainty regarding the location of development in relation to area designated as Lakes 100 m DPA, the CSRD shall require a plan prepared by a BC Land Surveyor or qualified professional (QP) to confirm whether the planned disturbance is within the Lakes 100 m DPA.

6.4.3 Justification

Electoral Area E contains the Eagle River and several lakes that provide a multitude of environmental and socio-economic benefits. Maintaining good water quality in these watercourses is vital to people who use them for drinking water, fishing, and recreation. Maintaining clean water is also essential for sustaining aquatic ecosystem health.

Residential, commercial, industrial, and public and institutional development near lakes and the Eagle River has the potential to negatively impact natural drainage patterns, disrupt storm water infiltration, and increase surface run-off into lakes. Antiquated, improperly installed, and poorly maintained onsite sewerage systems (also referred to as onsite wastewater disposal systems or septic systems) can leach contaminants into groundwater and drain directly into lakes and streams negatively impacting water quality (refer to section 3.4 – Watershed and Aquatic Environment).

While Riparian Areas Protection Regulation DPA (refer to section 6.5) is established to protect the riparian zone (the 30 m wide area bordering on streams, lakes, and wetlands), Lakes 100 m DPA focuses on preventing damage to land beyond the riparian zone (as designated in section 6.4.2).

In order to implement Lakes 100 m DP it is important to involve a QP with experience in:

- hydrogeology
- knowledge of sewerage system design under the *Sewerage System Regulations* (SSR),
- pollutant constituent and remediation not included in the SSR
- pollutant impacts on aquatic environments and habitat
- protection of people from contaminated water
- stormwater management

6.4.4 Objectives

The intent of Lakes 100 m DPA is to:

- .1 Protect and mitigate against negative impacts on lakes and the Eagle River from land alteration and the installation of onsite sewerage systems.
- .2 Ensure that drinking water supplies are not compromised by land alteration and the installation of onsite sewerage systems.
- .3 Obtain assurance from a QP that adequate professional evaluation of the proposed development has been conducted (which includes recommendations and mitigative measures).
- .4 Complement the Riparian Areas Protection Regulation DPA and Foreshore and Water DPA, recognizing the important and sensitive interrelationship between upland areas and aquatic ecosystems.

6.4.5 Activities requiring a permit

- .1 A Lakes 100 m DP must be obtained prior to starting any development activity involving:
 - a. More than 450 m² of land;
 - b. For parcels 0.10 ha or smaller, an area exceeding 30% of the parcel within the Lakes 100 m DPA.
 - c. Installation, alteration, or replacement of (or a portion of) an onsite sewerage system.

Development activity means any activity referred to in section 489 of the *Local Government Act* (LGA) and includes alteration or development of land (removal, alteration, disruption or destruction of vegetation) for residential, agriculture, commercial, industrial, institutional, service or utility uses or activities, to the extent that these uses or activities are subject to local government powers under the LGA.

Where a development proposal involves multiple buildings, structures or phases, calculation of the size of the development shall include the entire build-out of the development within the DPA.

6.4.6 Exemptions

Notwithstanding Section 6.4.5, a Lakes 100 m DP is not required for the following:

- .1 Gardening and yard maintenance activities within an existing landscaped area, such as mowing lawns, pruning trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .2 Removal of hazard trees determined by a Certified Arborist or Registered Professional Forester (who is qualified to do tree risk assessment) to represent an imminent risk to safety of life or buildings.
- .3 Free standing signs and fences.
- .4 Emergency response actions necessary to prevent, control or reduce immediate and substantial threats to life or property during emergency events.
- .5 Public utilities and infrastructure.
- .6 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*.
- .7 Activities conducted by the CSRD or its agents where appropriate measures have been undertaken to satisfy the applicable DPA guidelines.
- .8 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*.

6.4.7 Guidelines

- .1 If a property owner plans any development activity as defined in section 49 of the LGA within the area designated Lakes 100 DPA, a QP must be engaged to assess the proposed

- development and recommend what measures, including stormwater management, must be taken to protect and mitigate negative impacts to the drinking water supply and the aquatic environment.
- .2 If a property owner plans to install or repair an onsite sewerage system within the area designated Lakes 100 DPA, a QP must be engaged to design a system that follows the SSR and does not compromise any drinking water supply.
 - .3 Assessment reports submitted in support of a DP applications shall meet the requirements outlined in the EGBC – CSRD Assurance Statement Form (or equivalent CSRD policy as it exists at the time) and the appropriate EGBC Professional Practice Standards.
 - .4 Disturbance of soils and removal of vegetation should be minimized in the development process.
 - .5 Use of pervious and natural vegetation landscaping, including for driving surfaces, is desired.
 - .6 Use of natural landscaping materials is desired as material treated with creosote, paint or other chemicals can be toxic to fish and other organisms.
 - .7 A DP may be issued based upon the above guidelines and following the submission of a report and letter of assurance from a QP. This letter of assurance shall be used to determine the conditions of the DP and shall include:
 - a. A site map showing area of investigation, including existing and proposed: buildings, structures, onsite sewerage system locations, drinking water sources and natural features;
 - b. A description of existing vegetation and any proposed vegetation removal;
 - c. An assessment of hydrogeology, including soil types, drainage characteristics, seepage zones, springs and seasonally saturated areas, groundwater depth, flow direction & pathways, and shallow bedrock;
 - d. An analysis of the suitability for site soils to accept stormwater infiltration and post-development landscape irrigation;
 - e. A discussion of the potential impacts to the aquatic environment;
 - f. Statement(s) about how the proposed development and/or onsite sewerage system will not compromise any drinking water supplies;
 - g. Statement(s) about how the recommendations and mitigative measures meet the Lakes 100 m guidelines; and,
 - h. Statement(s) about how the proposed onsite sewerage system meets the SSR standard practices manual.
 - .8 Once a DP has been issued, a follow-up assessment by the QP may be required to ensure that the use of the land is consistent with the QP's assessment report, SSR standard practices manual, and CSRD's conditions or requirements included in the DP.