



6.5 Riparian Areas Protection Regulation Development Permit Area

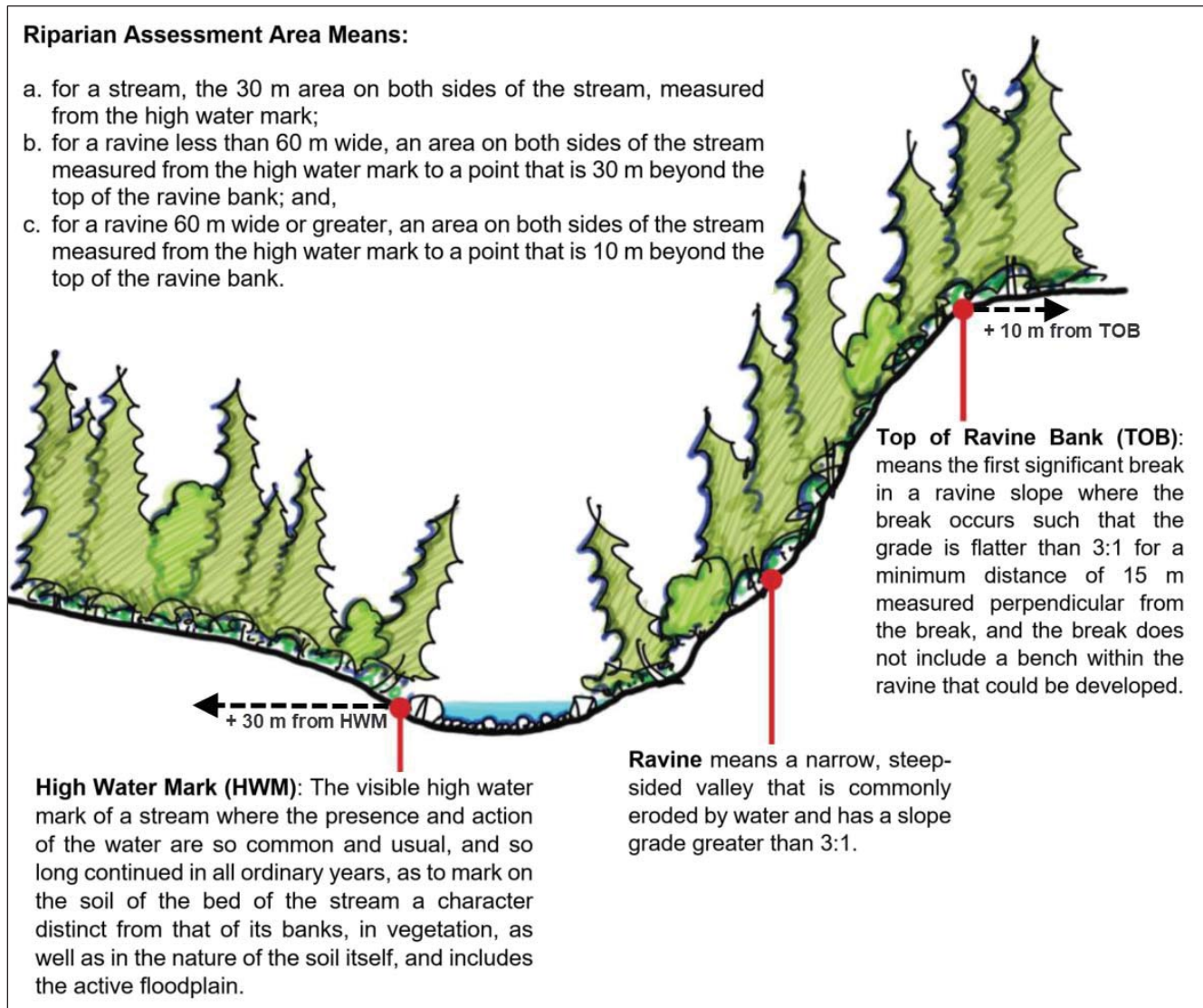
6.5.1 Authority

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

6.5.2 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 8.
- .2 The Riparian Assessment Area is calculated from the following high water marks:
 - a. Shuswap Lake high water mark - 348.7 m
 - b. Mara Lake high water mark - 348.8 m
 - c. all other streams and waterbodies – 1 in 5 year high water mark
- .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 confirm whether the planned disturbance is within the Riparian Assessment Area; or,
 - b. A letter submitted by a qualified environmental professional (QEP) to determine if the stream satisfies the definition criteria.

Figure 8: Riparian Assessment Area



6.5.3 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 E 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 and 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 or exceeds the *Riparian Areas Protection Regulation* standards.

6.5.4 Objectives

The intent of 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.

These objectives are achieved primarily through the involvement of a QEP and the identification of Streamside Protection and Enhancement Areas (SPEA) that should remain free of development, including no disturbance of soils and vegetation.

6.5.5 Activities requiring a permit

A RAPR DP must be obtained prior to the:

- .1 Subdivision of land (as defined in section 455 of the LGA).
- .2 Residential, agriculture, commercial, public and institutional, or industrial development.

6.5.6 Exemptions

Notwithstanding section 6.5.5, 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, such as mowing lawns, pruning trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .4 Development that is separated from a stream by a constructed public highway by a distance of no less than 10 m from the stream's HMW.
- .5 Removal of 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 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.
- .6 Path for personal use by the parcel 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.
- .7 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.
- .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 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.
- .10 Activities conducted by the CSRD or its agents where appropriate measures have been undertaken to satisfy the applicable DPA guidelines.
- .11 Forestry activities which are:
 - c. 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,
 - d. Located on private land and managed in pursuant to the *Forest Act or Private Managed Forest Land Act*.

6.5.7 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 by the B.C. Ministry of Forests, Lands, Natural Resource Operations and Rural Development

ministry and Fisheries and Oceans Canada have 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 in order 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.

Assessment Report Requirements and Development Permit Applications

Under the *Riparian Areas Protection Regulation*, a local government must not approve a development proposal related to a **riparian assessment area** unless a QEP has conducted an assessment that provides a professional opinion that there will be no adverse effect on the natural features, functions and conditions that support fish life processes in the riparian assessment area if (a) the development is implemented as proposed or (b) the SPEA identified in the assessment report are protected from the development and the developer implements mitigation measures identified in the Assessment Report.

The Assessment Report must specify the width of the SPEA and the measures necessary to protect its integrity, and it must adhere to the assessment methods set out in the schedule to the *Riparian Areas Protection Regulation*. Recommendations from the Assessment Report may become conditions of the DP.

To proceed with consideration of the DP application, the CSRD will require notification by the B.C. Ministry of Forests, Lands, Natural Resource Operations and Rural Development that the ministry and Fisheries and Oceans Canada have 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.

6.6 Malakwa Village Centre Form and Character Development Permit Area

6.6.1 Authority

“Malakwa Village Centre Form and Character Development Permit Area” (Malakwa DPA) is designated pursuant to section 488 (1)(d)(e)(f) of the LGA for the revitalization of an area in which a commercial use is permitted; establishment of objectives for the form and character of intensive residential development; and establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

The authority to designate areas in which intensive residential is a permitted use includes any properties that are currently, or become, zoned for high density multiple-unit residential; small lot, compact, single-family residential and manufactured home park developments or some combination of these at any density that may be considered “intensive”. This designation provides the ability to establish guidelines and permit conditions addressing form and character of the development, most particularly for infill housing projects, including siting, exterior design and finish of buildings and other structures on properties zoned for intensive residential development.

Intensive residential development may also provide the ability to cluster housing where slopes can integrate form without significant impact on natural features, views, tree cover and natural drainage courses and to increase density in existing low-density neighbourhoods.