

13.4 Riparian Areas Regulation (RAR) Development Permit Area

13.4.1 Purpose

The RAR DPA is designated under the Local Government Act, and applicable provisions of the Community Charter for the protection of the natural environment, its ecosystems and biological diversity. The RAR regulations place considerable emphasis on Qualified Environmental Professionals (QEPs) to research established standards for the protection of riparian areas. The presence of the QEP, Ministry of Environment (MOE) and Department of Fisheries and Oceans in the review process reduces the extent to which the CSRD will be involved in the technical details of the permitting process. Essentially, the role of the QEP means that CSRD involvement is more administrative in nature.

13.4.2 Area

The RAR DPA is comprised of riparian assessment areas for fish habitat, which include all watercourses and adjacent lands shown on Provincial TRIM map series at 1:20,000, as well as unmapped watercourses.

As illustrated in Figure 13.1, the area comprises:

- o Within 30m (98.4 feet) of the high water mark of the watercourse;
- o Within 30m (98.4 feet) of the top of the ravine bank in the case of a ravine less than 60m (196.8 feet) wide; &
- o Within 10m (32.8 feet) of the top of a ravine bank for ravines 60 metres (196.8 feet) or greater in width that link aquatic and terrestrial ecosystems that exert an influence on the watercourse.

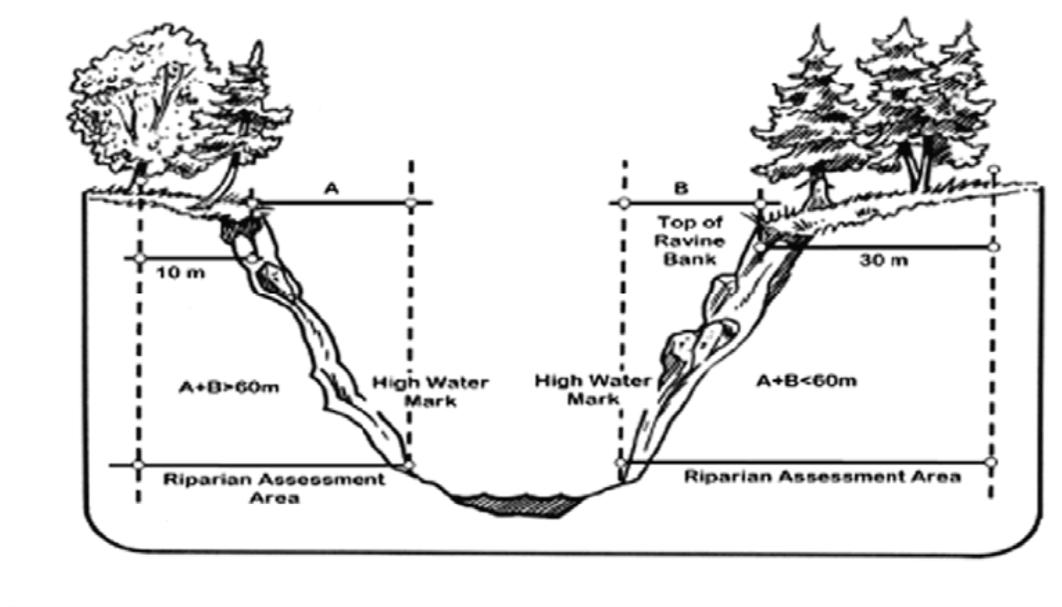


Figure 13.1

Unless the proposed development or alteration of land is clearly outside the riparian assessment area the location of the development shall be determined accurately by survey in relation to the RAR DPA to determine whether a DP application is required.

13.4.3 Justification

The primary objective of the RAR DPA designation is to regulate development activities in watercourses and their riparian areas in order to preserve natural features, functions and conditions that support fish life processes. Development impact on watercourses can be minimized by careful project examination and implementation of appropriate measures to preserve environmentally sensitive riparian areas.

13.4.4 Guidelines

(a) A DP is required, except where exempt for development or land alteration on land identified as a riparian assessment area within the RAR DPA. Development requiring a DP shall include, but may not be limited to, any of the following activities associated with or resulting from residential, commercial or industrial activities or ancillary activities, subject to local government powers under the Local Government Act:

- (i) Removal, alteration, disruption or destruction of vegetation within 30 m (98.4 ft) of a watercourse.
- (ii) Disturbance of soils within 30 m (98.4 ft) of a watercourse;
- (iii) Construction or erection of buildings and structures within 30 m (98.4 ft) of a watercourse;

- (iv) Creation of non-structural impervious or semi-impervious surfaces within 30 m (98.4 ft) of a watercourse.
 - (v) Flood protection works within 30 m (98.4 ft) of a watercourse;
 - (vi) Construction of roads, trails, docks, wharves and bridges within 30 m (98.4 ft) of a watercourse;
 - (vii) Provision and maintenance of sewer and water services within 30 m (98.4 ft) of a watercourse;
 - (viii) Development of drainage systems within 30 m (98.4 ft) of a watercourse;
 - (ix) Development of utility corridors within 30 m (98.4 ft) of a watercourse; and
 - (x) Subdivision as defined in the Land Title Act, and including the division of land into 2 or more parcels within 30 m (98.4 ft) of a watercourse.
- (b) A DP may be issued once the following guidelines have been met:
- (i) Assessment by a QEP in accordance with the RAR established by the Provincial and/or Federal Governments; and
 - (ii) Provincial notification that a QEP has submitted a report certifying that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or riparian area and that the criteria listed in the RAR has been fulfilled.

13.4.5 Exemptions

The RAR DPA does not apply to the following:

- (a) Construction, alteration, addition, repair, demolition and maintenance of farm buildings;
- (b) Clearing of land for agriculture;
- (c) Institutional development containing no residential, commercial or industrial aspect;
- (d) Reconstruction, renovation or repair of a legal permanent structure if the structure remains on its existing foundation in accordance with provisions of the relevant section of the Local Government Act. Only if the existing foundation is moved or extended into a riparian assessment area would a RAR DPA be required;
- (e) An area where the applicant can demonstrate that the conditions of the RAR DPA have already been satisfied, or a DP for the same area has already been issued in the past and the conditions in the DP have all been met, or the conditions addressed in the previous DP will not be affected; and
- (f) Development to which RAR does not apply, as confirmed in writing by a QEP.