



Town of Smithers

Development Permit Area No. 3

Purpose

The Natural Environment and Hazardous Conditions DPA is designated for the following purposes:

- **Protection of the natural environment, its ecosystems and biological diversity.**
- **Protection of development from hazardous conditions.**
- **Protection of the Natural Environment from Contamination. (Bylaw 1459)**

Area

All lands shown on Map DP-3 are designated as a Natural Environment and Hazardous Conditions development permit area. Where Council has designated lands under this designation, as shown on Map DP-3, they are the only lands so identified to date. This Plan should not be construed to mean that all other lands are free of such environmental or hazard conditions.

Exemptions

The requirement to obtain a development permit prior to issuance of a Building Permit or Subdivision Approval shall not apply in the following instances:

- a) Single family lots created as of February, 2000 and less than 743 square meters (8000 square feet) in lot area;
- b) Building additions of 40m² or less that do not require retaining structures;
- c) Fencing required by the Town or senior government agencies;
- d) Emergency works, including tree cutting, necessary to remove an immediate danger or hazard;
- e) Minor site clearing necessary to undertake topographic and similar surveys which aid site and servicing planning work;
- f) Tree cutting, in one calendar year, of less than 2% of mature trees outside of watercourse setback areas and areas with greater than 30% slopes;
- g) Land clearing for normal farm operations where a portion of the lot is in the Bulkley River flood plain.

Justification

The Town contains different areas of varied and complex topography. These include the steep slope area running parallel to the Bulkley River to a number of riparian areas, which contain watercourses essential for salmon and steelhead spawning. Steep slopes, escarpments, and ravines are common significant features, and the Town is drained by many watercourses including Chicken Creek, Kathlyn Creek, Dahlie Creek and Seymour Creek. These watercourses have been and continue to be important to the fishery resource. New developments will require careful treatment in order to achieve an environmentally appropriate form of development.

The objectives of the environment and hazardous conditions development permit area designation are to:

- Allow non-residential development while avoiding residential construction in areas with more than 30% slope
- Protect natural landforms, environmentally-sensitive habitat, significant stands of vegetation, watercourses and downstream development, including agricultural lands
- Identify hazardous conditions to development and use mitigative measures

Guidelines

Development Permits shall comply with the following guidelines:

- a) No site clearing, recontouring, servicing, issuing of Building Permits, or subdivision may occur without issuance of a Development Permit for such activity unless otherwise provided for in these guidelines.
- b) Notwithstanding the density provisions of the Zoning By-law, the *density of development* shall be based upon the ability of the site to accommodate development without creating a hazardous condition.

- c) No development shall take place, which would result in erosion, sloughing, flooding, landslip or excessive run-off and siltation, or be detrimental to the fishery resource. Mitigative measures may be used to meet this guideline.
- d) No development shall be permitted in the area necessary to protect the fishery resource.
- e) Regrading should provide for a smooth transition between the site and adjacent properties.
- f) Buildings, structures, and paved surfaces shall be located:
 - 1. Away from areas subject to erosion, sloughing, flooding, or landslip, or damage there from;
 - 2. At such a distance from a watercourse so as to prevent erosion, sloughing, flooding, landslip, excessive run-off or siltation, and protect lands and the fishery resource;
 - 3. To preserve the natural vegetation on the steeper slopes;
 - 4. To minimize cutting into slopes and avoid the use of retaining walls over 1.5m in height.
- g) Measures shall be put into place to:
 - 1. Direct surface run-off away from areas subject to erosion and sloughing and to handle storm water run-off appropriately;
 - 2. Contain any excessive run-off, erosion, or siltation at the clearing and construction stage, and for the completed development.
- h) Retention of natural geographic formations, such as escarpments, ravines, rock promontories, or hilltops, shall be strongly encouraged. Escarpments shall not be compromised.
- i) The sequence & timing of earthworks shall be designed to minimize run-off & avoid erosion or siltation.

Application Submission Requirements

Every development permit application shall be accompanied by:

- a) A plan showing existing and proposed grades, (including details on retaining walls), toe of slope, top of bank, or any watercourse setback area. The boundary of the watercourse setback area shall be physically located on the ground by a BCLS, and the mapping of toe of slope and top of bank shall be based on survey data.
- b) For areas proposed to be disturbed, a slope analysis plan at the same scale as the plan required in (a) above.
- c) In the case of residential subdivisions, a lot layout plan superimposed on the plans referred to in (a) or (b) above. Each lot shall indicate a suitable building envelope and indicate driveway grades.
- d) In the case of multi-family residential, institutional, and commercial projects, a site plan showing buildings and structures, parking areas, access, circulation elements, toe of slope and top of bank, and any watercourse setback areas that are located on or that abut the site.
- e) A plan showing areas to be cleared and areas of cut and fill, and the proposed sequence and timing of the clearing and recontouring operation.
- f) A plan showing selected cross-sections through the site.
- g) Where the subject site includes slopes in excess of 20%, a report prepared by a Professional Engineer, with experience in soils and/or geotechnical analysis, setting out conditions and requirements appropriate to ensure slope stability.
- h) Plans signed and sealed by a Professional Engineer, showing any works and measures to be carried out under the permit to satisfy the above-mentioned objectives. The Professional Engineer shall: (a) certify that the works and measures detailed in the plans shall be sufficient to satisfy these objectives; (b) attest that she/he will supervise, and has been authorized by the developer to supervise, the carrying out of such works and measures to ensure that they are carried out in accordance with the said plans and the terms of any development permit issued hereunder; and (c) upon completion of the said works and measures and prior to the issuance of any building permit or final subdivision approval on lands which are subject to a development permit issued hereunder, certify that all works and measures have been carried out in accordance with the plans and the terms of the development plans.
- i) Other information as may be necessary to assess the development proposal.

**For more information on Development Permits, please contact the
Department of Development Services at (250) 847-1600**