

Environmental Development Permit Areas

1.1. Overview

1.1.1. AREA

Lands designated on Schedule B.

1.1.2. PURPOSE

The Environmental Development Permit Areas (DPA) regulates development in areas that require a degree of protection.

Objectives are to:

- Protect the natural environment, its ecosystems and biological diversity;
- Protect development from hazardous conditions;
- Protect human life and property.

1.1.3. APPLICATION

A development permit is required prior to the following activities:

- a. Subdivision (as defined in section 872 of the *Local Government Act*);
- b. Construction of, addition to, or alteration of a building or other structure;
- c. Alteration of land, such as the removal, disruption, or destruction of vegetation.

1.1.4. EXEMPTIONS

A Development Permit is **NOT** required for:

- a) Submission to the Town of a written statement from a Qualified Environmental Professional with relevant experience confirming the absence of a sensitive ecosystem within the area that would be affected by the proposed work.
- b) Land where a conservation covenant under section 219 of the Land Title Act is registered against title is granted to the Town or a recognized

Environmental Development Permit conditions may include:

- *Construction of permanent or temporary fencing around sensitive features;*
- *Fencing, flagging and posting of notices during construction;*
- *Limits on blasting in sensitive areas;*
- *Limits on construction timing;*
- *Provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat; and*
- *Restoration or enhancement of disturbed sensitive ecosystems and habitat;*
- *Variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.*

Disturbance means a force that causes significant change in structure or composition.

Stream includes all watercourses that provide fish habitat or flows to a water body that provides fish habitat.

Ravine means a narrow, steep sided valley that is commonly eroded by running water and has a slope grade greater than 3:1 (33%).

Riparian Area means an area of land adjacent to a stream, river, lake or wetland that contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent upland areas.

High Water Mark means the visible high water mark or line of a stream where the presence and action of the water are regular enough to mark on the soil of the streambed a character distinct from that of its banks, in vegetation as well as in the nature of the soil itself.

conservancy and includes provisions that protect ecosystems in a manner consistent with the applicable DPA guidelines.

- c) Minor site clearing necessary to undertake topographic and similar surveys which aid site and servicing planning work.
- d) Normal farm practices protected by the Farm Practices Protection (Right to Farm) Act or other applicable provincial legislation or guidelines on properties assessed as a farm under the BC Assessment Act.
- e) Building additions of 40m² or less that do not require retaining structures.
- f) Restoration works that have obtained the required Provincial and Federal approvals.
- g) Construction of a small accessory building such as a pump house, gazebo, garden shed or play house if all the following apply:
 - The building is located within an existing landscaped area;
 - No native trees are removed;
 - The building is sited as to not compromise a hazardous area (i.e. steep slope or watercourse bank); and
 - The total area of small accessory buildings is less than 10m².

1.1.5. SUBMISSION REQUIREMENTS

Every submission shall include:

- A completed Development Permit Application and applicable fee;
- Site plan showing buildings (existing and proposed) and structures, parking areas, access, toe of slope and top of bank, and any watercourse setback areas that are located on or that abut the site.
- A plan showing existing and proposed grades, (including details on retaining walls), toe of slope, top of bank, or any floodplain area.
- A plan showing areas to be cleared and areas of cut and fill, and the proposed sequence and timing of the clearing and recontouring.
- Other information as necessary to assess the development proposal.

1.1.6. JUSTIFICATION

The Environmental Development Permit Areas cover a whole range of environmental conditions such as floodplains, steep slopes, sensitive ecosystems, and land assessed as having a high risk for interface wildfires. As development in these areas require special attention, a development permit is required.

1.2. General Guidelines

The following guidelines apply to all Environmental DPA's:

- a. All development proposals shall incorporate Provincial best practice guidelines pertaining to aquatic habitats, groundwater management and drinking water protection.
- b. Buildings, structures and paved surfaces shall be located:
 - Away from areas subject to erosion, sloughing, flooding, landslide, or damage;
 - At such a distance from a watercourse as to prevent erosion, sloughing, flooding landslide, excessive run-off or siltation, and protect lands and the fishery resource;
 - To preserve the natural vegetation on steeper slopes and sensitive ecosystems;
- c. Measures shall be put in place to:
 - Direct surface run-off away from areas subject to erosion and sloughing and to handle storm water run-off appropriately;
 - Contain any excessive run-off, erosion, or siltation at the clearing and construction stage, and for the completed development.
- d. In an identified hazard area, a report certified by a professional engineer may be required by the Town in order to assist in determining what conditions or requirements are appropriate to ensure slope stability.

***Ecosystem** means the basic functional unit in ecology, the interacting system of a biological community and its non-living environmental surrounds. These are inseparable and act upon each other.*

***Fish Habitat** means the areas in or about a stream such as, spawning grounds and nursery, rearing, food supply, and migration areas, which fish depend directly or indirectly in order to carry out their life processes.*

***Habitat** means the natural home of a plant or an animal including all of the associated biotic and abiotic elements.*

***Wildlife** includes animals such as invertebrates, amphibians, reptiles, birds and mammals.*

Leavestrip means a buffer area adjacent to a water feature intended to preserve the biodiversity of the riparian ecosystem, protect and buffer that ecosystem from surrounding activities, maintain and enhance corridors between ecosystems thus supporting the diverse needs of a range of species.

Riparian Areas Regulation (RAR) means the Regulation pursuant to Section 12, 13(1), and 37(2) of the Fish Protection Act. Currently these regulations have not yet been applied to Smithers or other Northern BC municipalities.

Qualified Environmental Professional means an applied scientist/technologist, that:

- *Is registered and in good standing with an appropriate professional organization;*
- *Area of expertise is acceptable for the purpose of providing the necessary assessment information; and*
- *Individual is acting within that individual's area of expertise.*

- e. Environmental Impact Assessment (EIA) for proposals within riparian areas may be required by the Town in order to evaluate the impacts of a proposed development on the natural environment. The EIA shall include the following information:
 - Information regarding potential impacts of proposed development, mitigation options and design alternatives;
 - Evidence that the development will not result in Harmful Alteration, Disruption, or Destruction (HADD) of riparian areas;
 - The width of the leave strip area which must be protected;
 - Measures required to maintain the integrity of the riparian area;
 - An indication of when the monitoring of important environmental conditions should occur.
- f. A Qualified Environmental Professional may be required by the Town to ensure:
 - The Development will result in no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life in the riparian area, or
 - Protection and enhancement measures will protect the integrity of those areas from the effects of the development.
- g. Retain existing trees and vegetation to the fullest extent.
- h. Identify and protect important denning or nesting habitat areas.
- i. Apply guidelines outlined in the Home Owners Fire Smart Manual (BC Edition) to areas designated as High Fire Hazard areas.
- j. Developments in riparian areas are encouraged to follow the Provincial Riparian Area Regulations.