

District of Highlands

Water and Riparian Policies and Regulations



All communities are unique, and their policies and regulations contribute to the physical landscape. This is the case for Highlands, as there is much natural beauty and there has been political will to maintain this over time.

If you are looking to develop within 30m (approximately 100 feet) of any water course or water body – no matter how big or small – you need to investigate the District's and the Province's water and riparian areas regulations to see how they may affect your development plans.

The standard advice given to anyone wishing to develop within 30m of any water or riparian area is to try to find a way to stay away from this area because:

- It is generally better for the overall environment and ecology of the property;
- Healthy water courses and riparian areas contribute to the beauty of Highlands;
- The overall cost of development will likely be less due to required professional reports and extra application fees;
- The process will be quicker due to the extra time required because of the regulations.

Provincial

The Riparian Areas Regulation (RAR), enacted under Section 12 of the *Fish Protection Act* in July 2004, calls on local governments, such as Highlands, to protect Riparian Areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science based assessment conducted by a Qualified Environmental Professional.

Here are some helpful web links regarding this regulation:

- Info Pamphlet regarding the RAR:
http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/documents/RAR_Pamphlet.pdf
- Main Provincial web site for the RAR:
http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas.html
- List of course participants of RAR Training Program as offered through Vancouver Island University (*NOTE: While individuals on this list may or may not be Qualified Environmental Professionals as per the RAR, this list is a good start to finding such a professional*): <http://www.viu.ca/nrep/environment/rarwaiverslist.pdf>

Municipal – District of Highlands

Below are excerpts from the District's Official Community Plan (OCP) and Zoning Bylaw. Both of these documents contain policies and regulations regarding development within 30m (approximately 100 feet) of water and riparian areas. Also included in this package are:
Development Permit application

- Guideline Check Sheet for Development Permit Area #2 – Water and Riparian Areas

After reading, if you have any questions, please contact the Planning Department at the municipal office, phone 250-474-1773.

Excerpt from OCP...

11.2 Development Permit Area No. 2 – Water and Riparian Areas

Area Affected

All water and riparian areas, including lakes, watercourses, wetlands and areas within 30 metres (100 feet) of those features are designated as Development Permit Areas and are generally shown on Map 9.1.

Purpose

To regulate development adjacent to water features and riparian areas to protect against loss of property and protect the ecological value of these areas.

Justification

The areas generally identified on Map 9.1 are important to the ecological integrity of the Highlands, and serve as stormwater storage and transmission areas and are critical to natural environmental values in the municipality. Some of these areas are in floodplains. Building of structures or roads, or substantial land clearing or disturbance in these areas could harm the functions of these water and riparian areas, and could constitute a risk to lives and property.

Guidelines

Development permits issued in these areas shall be in accordance with the following:

1. No unnecessary site disturbances shall be permitted within at least 30 metres (100 feet) of the top of bank of watercourses, or the natural boundary of lakes, wetlands, and other water features. Existing vegetation shall be maintained in order to control erosion, protect banks, protect habitat, and retain the natural character of water features. Outside agencies, such as Department of Fisheries and Oceans and BC Ministry of Environment, will be consulted where necessary.
2. No habitable buildings or other structures requiring foundations will be constructed and no septic tanks or fields will be installed within at least 30 metres (100 feet) horizontal distance from the top of a bank of a watercourse or high water mark of water features, and within 15 metres (50 feet) horizontal distance of the natural boundary of an area subject to flooding.
3. Provision will be made and works undertaken to maintain the quality of stormwater flowing toward or in the identified water features, and to ensure that the volume and peak flow of runoff from a property is not increased by any development or land altering activity.
4. Vegetation appropriate, preferably indigenous to the site, may be required to be planted on the site to reduce erosion risk, restore and enhance the natural character of the site, improve water quality, or to stabilize slopes and banks. A landscaping security deposit will be required to encourage compliance. Outside agencies, such as Department of Fisheries and Oceans and BC Ministry of Environment, will be consulted where necessary.
5. Removal of gravel, sand, soil or peat from streambeds, lakes, or wetlands and the draining, dredging, infilling, piping or dumping of materials will be strictly limited. Outside agencies, such as Department of Fisheries and Oceans and BC Ministry of Environment, will be consulted where necessary.
6. Modification of channels, banks, or shores that could cause environmental harm or significantly alter local hydrological conditions will not be permitted.
7. Pollutants, including pesticides and fertilizers, will be prevented from entering water features or wetlands by requiring the control of surface water drainage.
8. All new developments or modifications of existing developments will be required to prove to the satisfaction of the District of Highlands that the development will cause no increase in runoff compared to existing conditions of the site.
9. Non-point source pollution will be prevented from entering water features from residential or commercial developments or agricultural activities.
10. Facilities to allow the use of gasoline powered boats and floatplanes will not be allowed.

11. The development permit may designate and specify where necessary, a buffer zone within which land alteration or structures will be limited to those compatible with the characteristics of the water feature.
12. Development permits issued with regard to road and driveway construction in this area will ensure that:
 - a. watercourse crossings are so located as to minimize disturbance of water feature banks, channels, shores, and vegetation cover;
 - b. bridges are used instead of culverts for crossings of fish-bearing watercourses, wherever possible; and
 - c. where culverts are used, their size will be large enough to accommodate 100-year flood conditions. Culverts should be placed to allow unrestricted movement of fish in both directions. Where desirable, culverts may be designed to retard low flows and encourage in-stream storage of water.

In-stream work requires notification or approval under section 9 of the *Water Act*.

13. Watercourses should be left natural to protect habitat.
14. Should any application for changes to land within Highlands fall within the parameters of the BC Riparian Areas Regulation (RAR), an applicant will be required to furnish, at their expense, an Assessment Report certified by a Qualified Professional as defined by and meeting the intent of the RAR. All applications falling under the RAR will still be subject to Council review.

3.3 Riparian Regulations

- (1) Despite any other provisions of this Bylaw, no part of any *building or structure* shall be constructed, reconstructed, moved or extended nor shall any part of any mobile home or unit, modular home or *structure* be located:
 - a) within 30 m of the *natural boundary* of the sea;
 - b) within 30 m of the *natural boundary* of Fizzle Lake, Fork Lake, Mary Lake, Matson Lake, Mitchell Lake, Pease Lake, Second Lake, Teanook Lake or Third Lake;
 - c) within 30 m of the *natural boundary* of any other lake, pond or *wetland*; or
 - d) within 30 m of the *natural boundary* of Millstream, Craigflower, Earsman, Hazlitt or Pease Creek or any other *watercourse*.

- (2) Despite any other provisions of this Bylaw, the washing of fresh concrete for cleaning or finishing purposes or to expose aggregates and the production, manufacturing, processing, storage or disposal of the following shall be prohibited within 15 metres of the *natural boundary* of the sea, a lake, pond, *wetland* or *watercourse*:
 - a) petroleum products including but not limited to oil, gas, grease, fuel oil or heating oil;
 - b) trash or debris;
 - c) pet or domestic animal wastes;
 - d) animal carcasses;
 - e) manufactured chemicals;
 - f) paints and solvents;
 - g) steam cleaning wastes;
 - h) laundry wastes or vehicle washing wastes;
 - i) soaps;
 - j) pesticides, herbicides and fertilizers other than those associated with habitat restoration;
 - k) sanitary sewage;
 - l) liquids released to receiving waters at a temperature above 65 degrees Celsius;
 - m) chlorinated, chloraminated or brominated water or chlorine, chloramines or bomite, in concentrations above those known to have an adverse impact on aquatic life;
 - n) degreasers and solvents;
 - o) bark and other fibrous material;
 - p) antifreeze, batteries, tires, scrap metal or other automotive products;
 - q) acids or alkalis;
 - r) vehicle wastes; and
 - s) construction materials other than that associated with habitat restoration.

...Zoning Bylaw Definitions...

BUILDING means any *structure* used or intended to be used for supporting or sheltering any use, persons, or animals or property;

NATURAL BOUNDARY means the visible high-water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the body of the lake, river,

stream, or body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself;

STRUCTURE means anything constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, but excludes surfacing of a *lot* and signs;

WATERCOURSE means any natural depression with visible banks, which contains water at some time and includes:

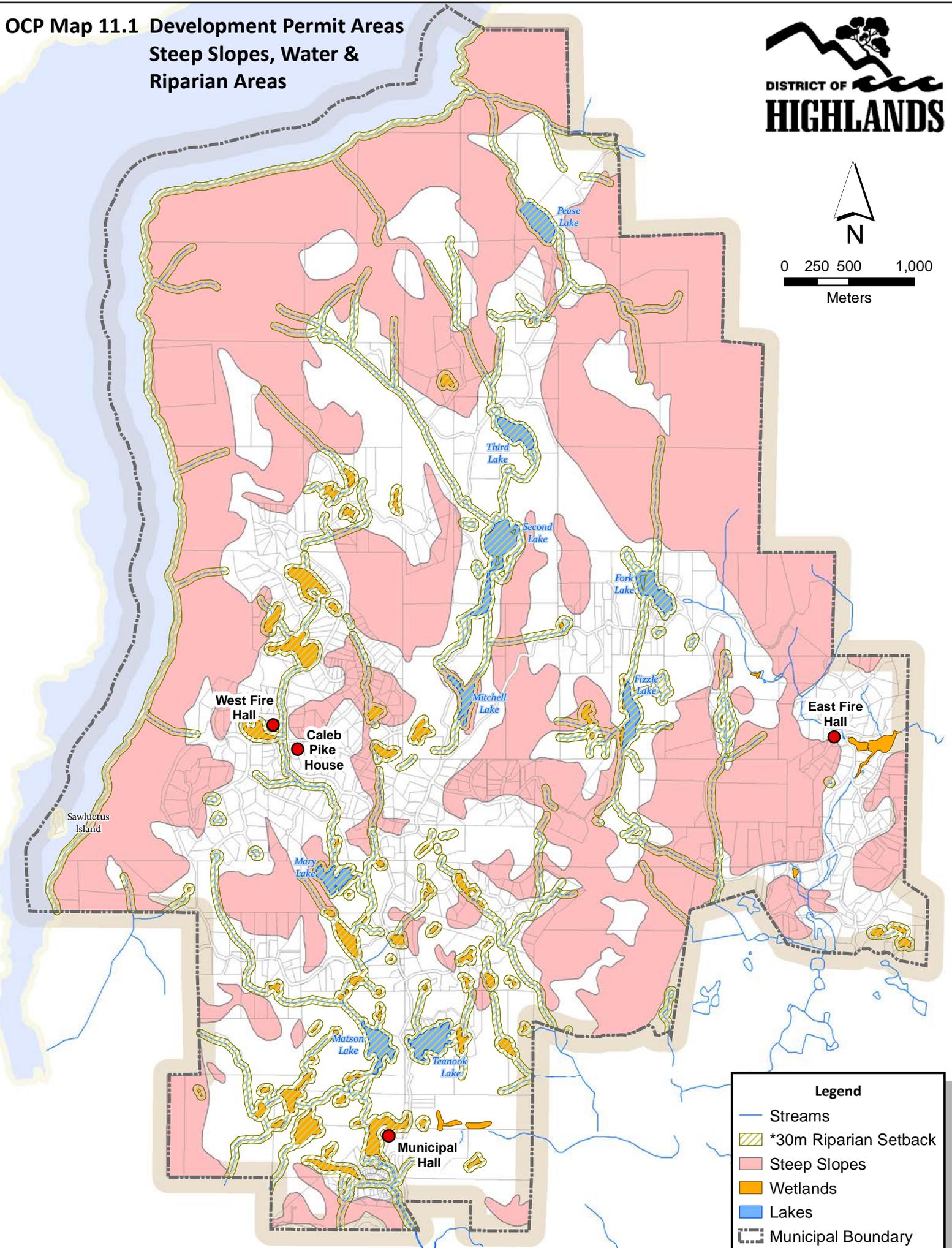
- a) any lake, river, stream, creek, swamp or surface source of water, whether containing fish or not;
- b) intermittent streams; and
- c) surface drainage works which are inhabited by or provide habitat for fish;

WETLAND means *land* which is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances supports, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas;

**OCP Map 11.1 Development Permit Areas
Steep Slopes, Water &
Riparian Areas**



0 250 500 1,000
Meters



Legend

- Streams
- *30m Riparian Setback
- Steep Slopes
- Wetlands
- Lakes
- Municipal Boundary

*Note: 30m setback may increase if slope exceeds 33.3% from water edge



DISTRICT OF HIGHLANDS

DP# _____

Fee: \$ _____

Date Paid: _____ Receipt #: _____

APPLICATION FOR DEVELOPMENT PERMIT

APPLICANT / CONTACT INFORMATION

Name _____

Phone (Day): _____ Cell: _____ Fax: _____

Email _____

Mailing Address _____

I, the undersigned, declare that all the information in this application and in any attached materials is accurate and true to the best of my knowledge except where I have noted:

Signature: _____ Date: _____

OWNER'S CONSENT

This section is only to be completed if the applicant above is not the owner of the property. Alternately, a signed letter may be attached providing the owner's authorization.

Name _____ Date: _____

I / We, the undersigned, authorize the applicant to represent this application.

Signature _____ Date: _____

PROPERTY DESCRIPTION

Legal Description: Lot(s) _____ Section(s) _____ Plan _____

Parcel Identifier (PID) _____ - _____ - _____ (from Certificate of Title: eg. 001-234-567)

Street Address or General Location _____

Other Description _____

Personal information on this application form is collected under the provisions of the *Local Government Act* for the purposes of responding to this application or for purposes directly related to this application. Certain information on this application form will be available to the public, including by request under provisions of the *Freedom of Information and Protection of Privacy Act*.

FORM A – APPLICATION REQUIREMENTS FOR APPLICATIONS

1. The work is within which Development Permit Area(s):

- Steep Slope (DP1) Water and Riparian (DP2) Sensitive Vegetation (DP3)
 Commercial / Light Industrial (DP4) Intensive Residential (DP5)
 Energy and Water Conservation and Reduction of Greenhouse Gases (DP6)

2. SUBMISSION REQUIREMENTS

a) FOR ALL APPLICATIONS – SUBMIT:

- Signature(s) of the registered land owners(s)** of the subject property or written authorization for an agent to act on their behalf;
- Application Fee** (DP Area 1, 2, & 3 -\$300) (DP Area 4&5 - \$1000) (DP Area 6 – no fee)
Note: If applying for more than one DP Area, highest fee applies
- A copy of the State of Title** for the property (**not more than two weeks old**)
- A written/typed summary** providing a description of the present and intended use of the site and a **rationale** for proposal (**Form B, plus letter**)
- Reduced plans** (8½ x 11), to scale, showing the following information. All plans must be readable at the reduced size.
- A site plan with the location of the buildings (existing/proposed), property boundaries, driveways, and adjacent roads;
 - Natural site features, including any existing treed areas, watercourses or areas of steep slope (30% grade over a minimum distance of 6 metres);
 - For steep slope areas, provide contour information (1 metre interval);
 - **Residential Use Zones** and Conservation Covenant Areas (if applicable)
- Checklist for DPA 6 (separate document)**
- Checklist for other specific DPA 1, 2, 3, 4, and/or 5 (separate document)**

b) For lands within **Steep Slope, Water and Riparian, or Sensitive Vegetation Areas**, the following documentation may be required, to address the Development Permit Area Guidelines affixed to the OCP. These items should be reviewed with staff before submitting your application.

- Contour information (1 metre intervals)
- Identification of Riparian Features, and 30 metre buffer
- Geotechnical Assessment Report, prepared by a Professional Engineer
- A Site Grading Plan
- Profile Drawings and Cross-sectional Drawings, where new roads and driveways are being constructed
- A Culvert Plan and/or Storm Drainage Plan
- Landscaping Plan and/or Site Remediation Plan
- Tree-cutting Plan
- Bio-inventory Assessment, prepared by a Registered Professional Biologist
- Erosion Control Plan
- The report of a Professional Arborist or Registered Professional Forester to address any proposed tree-cutting

c) For lands within the Highlands **Gateway Area**, the following documentation may be required, to address the Development Permit Area Guidelines.

- Landscape Plan** showing: structural screening required to screen views of loading, storage, garbage and waste recycling areas; screening of “buffer areas” near non-industrial properties.
- Building Elevations, Site Plan and Floor Plan** showing: entrance, storage, garbage and waste disposal areas; architectural features, floor area calculations and uses.

FORM B

PURPOSE OF APPLICATION

Please identify what activities you wish to undertake within the Development Permit Area and provide a brief description of each (i.e. for what purpose will each activity be undertaken?)

Blasting _____

Vegetation Removal _____

Tree Cutting _____

Soil Deposit _____

Soil Removal _____

Building / Construction _____

Site Grading _____

ADDITIONAL RATIONALE - Please include a letter fully explaining your proposal



DISTRICT OF HIGHLANDS

DVP# _____

Fee: \$500.00
+\$100.00 per Variance

Date Paid: _____ Receipt #: _____

APPLICATION FOR DEVELOPMENT VARIANCE PERMIT

APPLICANT / CONTACT INFORMATION

Name _____

Phone (Day): _____ Cell: _____ Fax: _____

Email _____

Mailing Address _____

I, the undersigned, declare that all the information in this application and in any attached materials is accurate and true to the best of my knowledge except where I have noted:

Signature: _____ Date: _____

OWNER'S CONSENT

This section is only to be completed if the applicant above is not the owner of the property. Alternately, a signed letter may be attached providing the owner's authorization.

Name _____ Date: _____

I / We, the undersigned, authorize the applicant to represent this application.

Signature _____ Date: _____

PROPERTY DESCRIPTION

Legal Description: Lot(s) _____ Section(s) _____ Plan _____

Parcel Identifier (PID) _____ - _____ - _____ (from Certificate of Title: eg. 001-234-567)

Street Address or General Location _____

Other Description _____

Personal information on this application form is collected under the provisions of the *Local Government Act* for the purposes of responding to this application or for purposes directly related to this application. Certain information on this application form will be available to the public, including by request under provisions of the *Freedom of Information and Protection of Privacy Act*.

FORM A – APPLICATION REQUIREMENTS FOR APPLICATIONS

SUBMISSION REQUIREMENTS

The application form indicates the submission requirements for the Development Variance Permit process. Standard submission requirements are listed below.

FOR ALL APPLICATIONS – SUBMIT:

- Signature(s) of the registered land owners(s)** of the subject property or written authorization for an agent to act on their behalf;
- Application Fee** (\$500 + \$100 per variance)
- A copy of the State of Title** for the property (**not more than two weeks old**)
- A written/typed summary** providing a description of the present and intended use of the site and a **rationale** for seeking the development variance permit (**Form B**)

- Reduced plans** (8½ x 11), to scale, showing the following information. All plans must be readable at the reduced size.
 - A site plan with the location of the buildings (existing/proposed), property boundaries, driveways, and adjacent roads;
 - Natural site features, including any existing treed areas, watercourses or areas of steep slope (30% grade over a minimum distance of 6 metres);
 - For steep slope areas, provide contour information (1 metre interval);

- Residential Use Zones** and Conservation Covenant Areas (if applicable)

- Other Documentation.** Depending on the nature of the variance being sought other documentation may be required. *These items should be reviewed with staff before submitting your application.*
 - Contour information (1 metre intervals)
 - Identification of Riparian Features, and 30 metre buffer
 - Geotechnical Assessment Report, prepared by a Professional Engineer
 - A Site Grading Plan
 - Profile Drawings and Cross-sectional Drawings, where new roads and driveways are being constructed
 - A Culvert Plan and/or Storm Drainage Plan
 - Landscaping Plan and/or Site Remediation Plan
 - Tree-cutting Plan
 - Bio-inventory Assessment, prepared by a Registered Professional Biologist
 - Erosion Control Plan
 - The report of a Professional Arborist or Registered Professional Forester to address any proposed tree-cutting
 - Building Elevations, Site Plan and Floor Plan providing floor area calculations and uses

FORM B – NATURE OF VARIANCE(S) REQUESTED

COMPLETE THE FOLLOWING SECTIONS

- Is one or more variance being sought to the Zoning Bylaw?
- Is one or more variance being sought to the Subdivision and Development Bylaw?
- For what sections of the Bylaws is a variance requested, and by how much? Please attach a separate sheet of paper if necessary, showing each variance in the format below.

1. **Section** _____ of the **Zoning Bylaw** is variance
from: _____
to: _____

2. **Section** _____ of the **Zoning Bylaw** is variance
from: _____
to: _____

3. **Section** _____ of the **Zoning Bylaw** is variance
from: _____
to: _____

4. **Section** _____ of the **Zoning Bylaw** is variance
from: _____
to: _____

- For each variance sought, please provide a rationale for the request in the space below (i.e. why is the variance being sought and why can't the bylaw standard be addressed?):

- A written description of the proposal, outlining the impact the proposed variance (if granted) would have on adjacent properties, and what would be done by the Applicant to reduce the impact.
