



## MEMORANDUM

**TO:** Nigel Whitehead, RPP, MCIP **DATE:** August 18, 2021

**FROM:** Dan Wallace, RPP, MCIP

**SUBJECT:** Proposed Amendments to TNRD Green Lake and Area OCP Bylaw No. 2321, 2010

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In keeping with the Green Lake and Area OCP's (OCP) direction to refer TNRD OCP amendments to the Cariboo Regional District, Planning Services forwards to you proposed amendments to the OCP's Development Permit (DP) section. Since the last DP amendments in 2013, staff have determined that the OCP's three Development Permit Areas (DPA) needed additional amendments. The proposed amendments emanate from the challenges property owners and staff encounter through the implementation of the respective DPA requirements. In addition to unknown data sources, staff have found that extensive and costly technical work is being required for minor site development.

Where one DPA area needs updating and some general wordsmithing to enable maximum clarity on applicability, the other two DPAs are being viewed as being applicable for larger scale projects. The main items we wish to address are as follows:

1. Clarity regarding the fact that the Riparian Area DPA serves two separate but related issues: *Riparian Areas Protection Regulation* implementation and/or advanced sewage disposal system design and implementation.
2. Extent or scope of development that triggers the need for a Hazardous Land or Environmentally Sensitive DPA should be better addressed. We propose that a DP only be required for major rezoning projects and subdivisions of land wherein 4 or more parcels are involved.
3. Add proper numbering in the DPA section of the OCP for ease of reference and for future amendments – housekeeping.

**We would very much appreciate your comments regarding the proposed amendments on or before September 7, 2022.**

Feel free to give me a call or email to discuss the proposed amendments.

Yours truly,

Dan Wallace, RPP, MCIP  
TNRD Planning Services

<b>PLEASE RETURN TO:</b>	Planning Services Attention: Thompson-Nicola Regional District 300-465 Victoria Street Kamloops, BC V2C 2A9	<b>DATE: August 18, 2022</b>
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**RESPONSE SUMMARY:**

- ☐ Approval recommended for reasons outlined below
- ☐ Interests unaffected by this application
- ☐ Interests affected by application for reasons outlined below
- ☐ Approval not recommended due to reasons outlined below

**COMMENTS:**

**SIGNATURE:**

**TITLE:**

**NAME:**

**AGENCY:**

Cariboo Regional District

**DATE:**

**LOCATION:**

Williams Lake

## 20.0 DEVELOPMENT PERMIT AREAS

The *Local Government Act* (Section 488 ) provides the TNRD and CRD with the authority to establish Development Permit areas for the protection of riparian and environmentally sensitive areas and avoiding development in hazardous locations . When a Development Permit area is established, the local government sets out the goals for the designation, guidelines to achieve those goals, and the information to be provided by the applicant. When an owner applies to the local government for a Development Permit to alter the site, buildings or structures, the guidelines in the Plan will direct what conditions, if any, are placed on the proposed development.

This section sets out the following Development Permit Areas for the plan area and provides the justification for their designation:

- Riparian Development Permit Area
- Environmentally Sensitive Development Permit Area
- Hazardous Lands Development Permit Areas

Where land is subject to more than one Development Permit Area designation, a single Development Permit is encouraged. The application will be subject to the requirements of all applicable Development Permit Areas, and any Development Permit issued will be in accordance with the guidelines of all such Areas.

## 20.1 Riparian Development Permit Area

### 20.1.1 Purpose

The Riparian Development Permit Area (RDPA) is designated a Development Permit Area for the protection of the natural environment, its ecosystems, and biological diversity, and protection of development from hazardous conditions pursuant to Section 488 (1)(a) and (b) of the *Local Government Act*.

The RDPA will serve two purposes. Firstly, it will assist the TNRD in implementing the Provincial *Riparian Areas Protection Regulation* (RAPR), which applies to all streamside protection and enhancement areas in the TNRD. Despite RAPR not applying to the CRD, it will also help the CRD to meet comparable standards and achieve comparable results for riparian area protection. Second, the RDPA will require advanced sewage disposal system implementation on select lakes in the Plan area.

### 20.1.2 Area

The RDPA is comprised of a riparian assessment area for fish habitat, which includes all streams as shown on Provincial TRIM map series 1:20,000 and adjacent lands, and any other streams as determined by a QEP.

Along Green, Watch and Pressy Lakes, and all other Plan area lakes over 16 ha, the RDPA area for sewage disposal implementation shall comprise land within 100 metres of the natural boundary of the lake.

## Riparian Areas

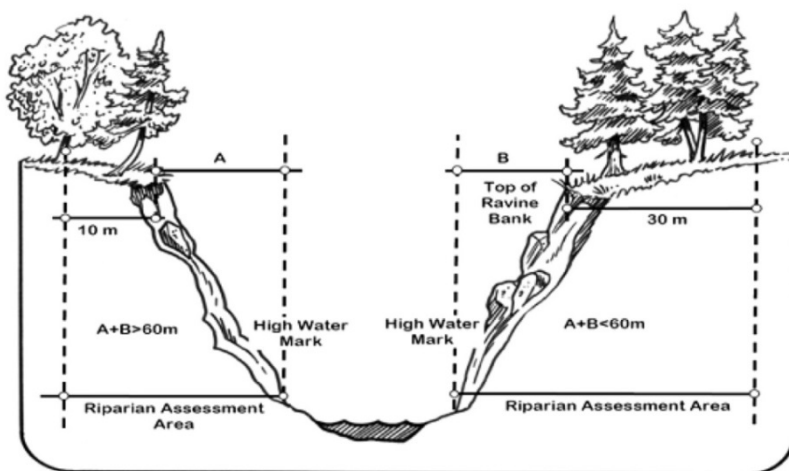
RDPA requirements will apply to all *qualifying* Plan area streams. For the TNRD, these streams are as set out in provincial legislation and as maintained on the Province's RAPR Notification System (RARNS). For the CRD where RAPR does not apply, an equivalency protection standard will apply to streams within the Plan area. A stream means:

- a) a watercourse or body of water, whether or not usually containing water, and
- b) any ditch, spring or wetland that is connected by surface flow to a watercourse or body of water referred to in section (a).

The area includes all streams generally shown on Provincial Terrain Resource Information Management (TRIM) mapping and adjacent lands as well as any other streams determined by a Qualified Environmental Professional (QEP) pursuant to RAPR BC Reg. 11/2021 (RAPR). TNRD Interactive Mapping System reflects which Plan areas are affected as this data is gathered/updated and the RAPR is amended or superseded.

RDPA areas adjacent to qualifying streams in the TNRD are as follows:

- a) 30 metre strip on each side of the stream measured from the stream boundary;
- b) for a ravine less than 60 metres wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 30 metres beyond the top of the ravine bank; and
- c) for a ravine over 60 metres wide, a strip on each side of the stream measured from the stream boundary to a point that is 10 metres beyond the top of the ravine bank (see inset **Figure 13**)



**Figure 13: Riparian Assessment Area**

### Sewage Disposal Implementation

Advanced sewage disposal system implementation will apply to development within 100 metres of the natural boundary of Green, Watch and Pressy Lakes along with all other lakes in the Plan area over 16 hectares in surface water area.

### 20.1.2 Justification

Watercourses and riparian area ecosystems are critical areas for the co-existence of humans, plants and animals. These 'ribbons of life' support an enormous range of plants and animal life, provide important refuge and migration areas for birds and wildlife and nurture fish life processes. These areas are the critical buffer zones between the upland shore area and the aquatic zone and comprise the most sensitive part of a lakeshore property.

Development near water generally requires more detailed planning but especially sub-surface sewage collection, treatment and disposal. To avoid interaction with surface and groundwater, additional technical review will determine the best sewage disposal system and site location. Sewage contains both nutrients (such as phosphorous and nitrogen) and disease causing microorganisms (bacteria, viruses and parasites) which have considerable potential to impact water quality and human health. There are many variables that influence the degree to which sewage management may be a concern to lakeshore development including the quality of design and construction of the sewage management system and water table and soil conditions.

### 20.1.3 Applicability

Activities requiring a Development Permit shall include, but may not be limited to, any of the following activities:

- a) removal, alteration, disruption or destruction of vegetation within 30m of a stream ;
- b) disturbance of soils within 30m of a stream ;
- c) construction or erection of buildings and structures within 30m of a stream ;
- d) creation of non-structural impervious or semi-impervious surfaces within 30m of a stream ;
- e) flood protection or utility works within 30m of a stream ;
- f) construction of roads, trails, docks, wharves and bridges within 30m of a stream ;
- g) construction or replacement of sewage disposal and water services within 30m of a stream or 100m of Green, Watch, or Pressy Lake, and all other Plan area lakes over 16 ha;
- h) drainage system work within 30m of a stream , or 100m of Green, Watch, or Pressy Lake, and all other Plan area lakes over 16 ha; and
- i) subdivision of land or building.

### 20.1.4 Exemptions

The following activities are exempt from any requirement for a development permit:

- a) where a similar development permit has already been issued or a covenant satisfactorily addresses riparian area protection;
- b) exemptions that are prescribed in the *Riparian Areas Protection Regulation*;
- c) a completed Declaration for *Riparian Areas Protection Regulation* exempt Property is submitted;
- d) an alteration of an existing approved building or permanent structure in which the building or structure foundation is not altered or increased;
- e) the activity or building is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2 of the *Agricultural Land Reserve Use Regulation* and the lands are assessed as Farm under the *BC Assessment Act*;
- f) forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and assessed as Forest Lands under the *BC Assessment Act*;
- g) removal of trees deemed hazardous by a certified arborist or Registered Professional Forester that pose an immediate threat to buildings, life safety or in accordance with

- provincial “Firesmart” standards;
- h) emergency procedures to prevent, control or reduce erosion or other immediate threats to life and property including emergency flood or protection works and any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*; or
  - i) subdivision limited to lot line adjustment or lot consolidation.

### **20.1.5 Guidelines**

#### **Riparian Area Protection**

- a) All development within a Development Permit Area must be consistent with the most current version of RAPR.
- b) Prior to any building, clearing, and excavation, development activities should be planned in advance to avoid intrusion into the Development Permit Area in order to minimize the impact of activities on these areas.
- c) A Development Permit may be issued upon receipt of a written assessment report from an environmental professional qualified to submit under RAPR and receipt of notification from the Provincial Ministry having jurisdiction that the report meets Provincial reporting requirements. The report shall be used to determine the conditions of the development permit and may be appended to the permit document.
- d) Where the applicant’s biologist or other qualified professional recommends revegetation and enhancement works, the Regional District may require the applicant to submit a landscaping plan, prepared by the appropriate professional with knowledge on local indigenous vegetation types, and a security deposit equal to the estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional to the satisfaction of the Regional District.
- e) Lands will be retained in their natural state where possible, preserving indigenous vegetation and trees. If suitable areas of land for the use intended exist on lands outside the DP area, the proposed development should be directed to those areas in order to minimize development in the DPA. The onus will be placed with the property owner to demonstrate that encroaching into the DPA is necessary due to circumstances such as topography, hazardous conditions or lack of alternative developable land, and that every effort is made to minimize adverse impacts. Every effort must be made to avoid any development or vegetation disturbance in the DPA and should only be considered as the final option.
- f) The report prepared by the qualified environmental professional will comprise a Schedule in the Development Permit.

#### **Sewage Disposal System**

- a) A property owner must engage an appropriately qualified professional engineer or geoscientist to review the property, design an appropriate sewage disposal system, and certify there will be no detrimental impacts on the land, groundwater, adjacent wells and adjacent watercourse. The professional’s report will comprise a Schedule in the DP and registered on title.

For any environmental and riparian matters not addressed in this section, the guidelines in the TNRD’s *Lakeshore Development Guidelines*, 2004, and the CRD’s *Shoreland Management Policy*, 2004 are to be followed in the respective regional district.

## 20.2 ENVIRONMENTALLY SENSITIVE DEVELOPMENT PERMIT AREA

### 20.2.1 Purpose

The Environmentally Sensitive Development Permit Area (ESDPA) is designated under the *Local Government Act* for protecting environmentally sensitive areas from inappropriate development. Some environmentally sensitive areas are not covered by the RDPA, e.g., unique vegetation or forest communities, wildlife features (e.g., raptor nests, wildlife corridors, waterfowl habitat), habitat supporting rare or endangered species.

### 20.2.2 Area

All environmentally sensitive areas are designated as a Development Permit Area (see Schedule I). Existing references to environmentally sensitive areas will be removed from the TNRD Schedule. Since some of these are not currently mapped, identification of these areas will be undertaken based on existing maps, new mapping as it becomes available, and identification by proponents, the federal or provincial governments, TNRD or CRD.

### 20.2.3 Justification

The justification for this designation is to establish conditions on developments such that rare, endangered, and sensitive ecosystems and wildlife are protected from inappropriate development and, where appropriate, development impacts are mitigated. The goals of this designation are to:

- Preserve and enhance the sensitive ecosystems whenever possible; and
- Preserve and enhance general habitat, biodiversity and natural environment regimes.

### 20.2.4 Guidelines

1. A Development Permit is required on land identified as an environmentally sensitive area. Development requiring a Development Permit shall only include the following activities:
  - Major rezoning/OCP amendment applications; and
  - Any subdivision application that will create four or more parcels.
2. A Development Permit may be issued once the following guidelines have been met:
  - Assessment by a QEP, with recommendations for protecting the environmentally sensitive area through siting of buildings, structures and utilities, or through mitigation measures.

### 20.2.5 Exemptions

The ESDPA does not apply to the following:

- Construction, alteration, addition, repair, demolition and maintenance of farm buildings;
- Reconstruction, renovation or repair of a legal permanent structure if the structure remains on its existing foundation in accordance with *Division 14 – Non-conforming Use and Other Continuances* of the *Local Government Act*. Only if the existing foundation is moved, extended, or the development results in a further encroachment into an environmentally sensitive area would an ESDPA be required;

- An area where the applicant can demonstrate that the conditions of the ESDPA have already been satisfied, or a Development Permit for the same area has already been issued in the past and the conditions in the Development Permit have all been met, or the conditions addressed in the previous Development Permit will not be affected; and
- A letter is provided by a QEP confirming that there is no environmentally sensitive area.

In addition to the above noted exemptions, the ESDPA does not apply to the following in the TNRD:

- Interior alterations to a building;
- Exterior decks, patios, terraces and stairs;
- Minor landscape features;
- Flood construction level exemptions as described in Zoning Bylaw No. 2400

## 20.3 HAZARDOUS LANDS DEVELOPMENT PERMIT AREAS

### 20.3.1 Purpose

The Hazardous Lands Development Permit Area is designated under the *Local Government Act* for the purpose of protecting development from hazardous conditions. One hazardous lands category has been established under this permit area: steep slopes.

### 20.3.2 Area

All areas with slopes in excess of 30% are designated as Hazardous Lands Development Permit Area (Steep Slopes). Schedule H identifies some, but not necessarily all of these areas. These are referred to as 'steep slopes' below. The TNRD and CRD require an assessment of slope conditions as a condition of development permit issuance. Provincial 1:20,000 TRIM mapping, using 20m contour information, may provide preliminary slope assessment, however a more detailed site assessment will be required for slopes approximately 30% or more.

### 20.3.3 Justification

The justification and goals of this designation are to:

- Ensure that people and property are safe from steep slopes;
- Ensure that development in steep slope areas is designed and engineered to provide a high level of protection from ground instability and/or slope failure; and
- Ensure that drainage near steep slopes is managed in a way that does not negatively impact the community or downslope lands, resources or uses.

### 20.3.4 Guidelines

1. To protect against the loss of life and to minimize property damage associated with ground instability or slope failure, the TNRD and CRD discourages development on steep slopes.



2. Where steep slopes are required for development, development permits addressing steep slopes shall be in accordance with the following:
  - Prior to construction of, addition to or alteration of a building or other structure or prior to subdivision approval, the applicant shall submit a report prepared by a professional engineer or geoscientist with experience in geotechnical engineering. The report, which the Regional District will use to determine the conditions and requirements of the development permit, must certify that the “land may be used safely for the use intended” as provided under the Local Government Act.
3. The report should include the following types of analysis and information:
  - site map showing area of investigation, including existing and proposed: buildings, structures, septic tank and field locations, drinking water sources, watercourses and other natural features;
  - strength and structure of rock material, bedding sequences, slope gradient, landform shape, soil depth, soil strength and clay mineralogy;
  - surface and subsurface water flows and drainage;
  - vegetation: plant rooting, clearcutting, vegetation conversion, etc.
  - recommended setbacks from the toe and top of the slope;
  - recommended mitigation measures; and recommended 'no-build' areas.
4. Development in steep slopes should avoid:
  - cutting into a slope without providing adequate mechanical support;
  - adding water to a slope that would cause decreased stability;
  - adding weight to the top of a slope, including fill or waste;
  - removing vegetation from a slope; and
  - creating steeper slopes.
  - siting Type 1, 2 and 3 septic systems and fields within steep slopes. Exceptions will only be considered in cases where a new system replaces or improves an existing failing one. All practices must abide by the recommendations of the *Sewerage System Standard Practices Manual*, which requires system design by a Professional Engineer on sites exceeding 25% slope.
5. A covenant may be registered on title identifying the hazard and remedial requirements as specified in the geotechnical or engineering reports for the benefit and safe use of future owners.
3. A Development Permit is required on land identified as a hazardous area for the following development activities only:
  - Major rezoning/OCP amendment applications; and
  - Any subdivision application that will create four or more parcels.

### **Other Changes to Dovetail with the Noted Changes**

- 6.18 New development on lakes must comply with objectives and policies in Section C: The Natural Environment, and may require a Riparian Development Permit (section 20.1).

- 13.2 Development in hazardous areas may require a Development Permit (section 20.3).
- 14.1 Development in Riparian Areas and Environmentally Sensitive Areas may require a Development Permit (see Section 19.1).

DRAFT