



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5408

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 4641, being the "Green Lake Area Official Community Plan Bylaw No. 4641, 2010".

WHEREAS the Regional Board may amend by bylaw an official community plan; and

WHEREAS the Regional Board has in its consideration of this bylaw had due regard to the consideration and requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Cariboo Regional District, duly assembled, enacts as follows:

1. CITATION:

This bylaw may be cited as the "Green Lake Area Official Community Plan Amendment Bylaw No. 5408, 2022".

2. AMENDMENT

Schedule "A" of Bylaw No. 4641 of the Cariboo Regional District is amended by:

- i) replacing s. 20.0 in its entirety with Schedule "1", attached hereto and forming a

part of this Bylaw;

- ii) replacing s. 6.18 with the following “New development on lakes must comply with objectives and policies in Section C: The Natural Environment, and may require a Riparian Development Permit (section 20.0).”
- iii) replacing s. 13.2 with the following “Development in hazardous areas may require a Development Permit (section 20.0).”; and
- iv) replacing s. 14.1 with the following “Development in Riparian Areas and Environmentally Sensitive Areas may require a Development Permit (section 20.0).”

READ A FIRST TIME THIS 23rd DAY OF September, 2022.

READ A SECOND TIME THIS _____ DAY OF _____, 2023.

A PUBLIC HEARING WAS HELD ON THE _____ DAY OF _____, 2023.

READ A THIRD TIME THIS _____ DAY OF _____, 2023.

ADOPTED this _____ day of _____, 2023.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5408, cited as the "Green Lake Area Official Community Plan Amendment Bylaw No. 5408, 2022", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2023.

Manager of Corporate Services

SCHEDULE “1”

20.0 Development Permit Areas (DPAs)

The *Local Government Act* 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 DPAs for the plan area and provides the justification for their designation:

- a) Riparian Development Permit Area
- b) Environmentally Sensitive Development Permit Area
- c) Hazardous Lands Development Permit Areas

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

20.1 Riparian Development Permit Area (RDPA)

20.1.1 Purpose

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

The RDPA will serve two purposes. Firstly, it will implement the Provincial *Riparian Areas Protection Regulation* (RAPR), which applies by legislation 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 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).

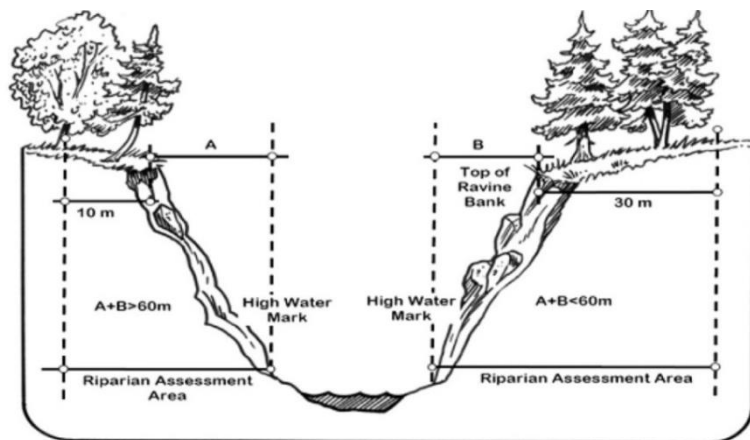
The area includes all streams generally shown on Provincial Terrain Resource Information Management (TRIM) mapping and adjacent lands as well as any other streams determined by a Qualified Environmental Professional (QEP) pursuant to RAPR BC Reg. 11/2021 (RAPR). The TNRD mapping system shows which areas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

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

- a) 30 metre strip on each side of the stream measured from the stream natural 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**)

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.



20.1.3 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.

20.1.4 Applicability

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

- 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.

20.1.5 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) an alteration of an existing approved building or permanent structure in which the building or structure foundation is not altered or increased;
- c) 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 6 of the *Agricultural Land Reserve Use Regulation* and the lands are assessed as Farm under the *Assessment Act*;
- d) forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and assessed as Forest Lands under the *Assessment Act*;
- e) 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;
- f) 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
- g) subdivision limited to lot line adjustment or lot consolidation.

20.1.6 Guidelines - Riparian Area Protection - CRD

- a) Submission of a riparian assessment completed by a registered QEP is required. The assessment must meet an equivalency of the most current version of the BC Riparian Areas Protection Regulation. The assessment shall be used to determine the conditions of the development permit and may be appended to the permit document.
- b) Prior to any building, clearing, and excavation, development activities should be planned in advance to avoid intrusion into the DPA in order to minimize the impact of activities on these areas.
- c) Where the applicant's biologist or other qualified professional recommends revegetation and enhancement works, the CRD 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 CRD.
- d) 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.
- e) 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.

For any environmental and riparian matters not addressed in this section, the guidelines in the TNRD *Lakeshore Development Guidelines*, 2004, and the CRD *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 (ES DPA) is designated to protect environmentally sensitive areas especially those with rare or endangered species from inappropriate development. Some environmentally sensitive areas are not covered by the RDPA (e.g., unique vegetation or forest communities, wildlife features such as raptor nests, wildlife corridors, and water fowl habitat).

20.2.2 Area

All environmentally sensitive areas are designated as a DPA (see Schedule I for CRD locations). Given the ephemeral and changeable attribute of ES DPAs, some of these are not mapped in this OCP; instead, identification is based on Ministry maps, new mapping as it becomes available, and identification by proponents, the federal or provincial governments, TNRD or CRD.

20.2.3 Justification

The ES DPA designation will 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:

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

20.2.4 Applicability

A Development Permit is required on land identified as an environmentally sensitive area. Activities requiring a Development Permit shall only include the following activities:

- a) Major rezoning/OCP amendment applications; and
- b) Any subdivision application that will create/impact four or more parcels.

20.2.5 Guidelines

A Development Permit may be issued once the following guidelines have been met:

- a) To minimize impacts on protected endangered species, the TNRD and CRD discourages development in any environmentally sensitive area.
- b) Where development activity cannot avoid environmentally sensitive areas, a development permit with a QEP assessment, including recommendations for protecting the environmentally sensitive area through siting of buildings, structures and utilities, or through mitigation measures, is required.

20.3 Hazardous Lands Development Permit Area

20.3.1 Purpose

The Hazardous Lands DPA is designated for the purpose of protecting development from hazardous conditions. The hazardous lands category established under this DPA is **steep slopes**.

20.3.2 Area

All areas with slopes in excess of 30% are designated as Hazardous Lands DPA (Steep Slopes). Schedule H identifies some, but not necessarily all of these areas. Development should avoid areas on or near steep slopes. 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 ~30% or more.

20.3.3 Justification

The justification and goals of this designation include:

- a) Ensure that people and property are safe from steep slopes;
- b) 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
- c) 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 Applicability

A Development Permit is required on land identified as a hazardous lands. Development requiring a Development Permit shall only include the following activities:

- a) Major rezoning/OCP amendment applications; and
- b) Any subdivision application that will create/impact four or more parcels.

20.3.5 Exemptions

Where a Provincial Approving Officer requires a similar geotechnical assessment as part of a subdivision, the Regional District may waive the Development Permit as it relates to hazardous lands.

20.3.6 Guidelines

A Development Permit may be issued once the following guidelines have been met:

- a) 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.
- b) Where steep slopes are proposed to be developed, a development permit 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 will set out 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.
- c) 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.
- d) 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;
 - creating steeper slopes; and
 - 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.
- e) 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.