

## **SECTION 9 - DEVELOPMENT PERMIT AREAS<sup>1</sup>**

In addition to the objectives and policies stated in the Plan, the Regional District may, pursuant to the *Municipal Act* designate an area or areas as a Development Permit Area where it considers that special conditions or priorities exist in accordance with one or more of the following categories:

- A.** Protection of the natural environment.
- B.** Protection of development from hazardous conditions.
- C.** Protection of farmland.
- D.** Revitalization of an area where commercial use is permitted.
- E.** Establishment of objectives and guidelines for the form or character of commercial, industrial or multi-family residential development.
- F.** Protection of provincial heritage sites, pursuant to the *Heritage Conservation Act*.

The Regional District must also describe the special conditions or objectives that justify such a designation and specify guidelines respecting the manner by which the conditions will be alleviated or the objectives will be achieved. For development permit areas designated in this Plan, the guidelines are located in the zoning bylaw<sup>2</sup>. It should be noted that a development permit might not be the only requirement for development approval; senior government approval may also be required for some types of development.

In recognition of existing conditions and future expectations, the community has stated both its preference and concern regarding the protection of the natural environment, especially water resources, and person and property from natural hazards. Attainment of these broad community objectives is aided through the application of development permits. These offer the flexibility to customize development proposals and to make limited alterations or variations to development standards (as prescribed in the Land Use and Subdivision Bylaw) to reflect site-specific conditions.

A development proposal is assessed and, if necessary, modified in consideration of stated guidelines in the zoning bylaw<sup>3</sup> which have been designed to specifically address either the protection of environmentally sensitive areas or the minimization of the impact potential of natural hazards. By definition, a certain degree of flexibility is evident in the interpretation and implementation of these guidelines, provided that the broader community objectives that they are intended to support are not compromised.

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<sup>1</sup> Bylaw No. 1055.04, adopted May 25, 2010

<sup>2</sup> Bylaw No. 1055.05, adopted December 4, 2018

<sup>3</sup> Bylaw No. 1055.05, adopted December 4, 2018

Development permits are only required in areas that are explicitly designated as a development permit area in this Plan and the zoning bylaw.<sup>4</sup> Within these areas there are certain types of development, activities or situations, which are exempt from a development permit requirement, if associated implications or impact potential are anticipated to be negligible. Exemptions are clearly stated in the zoning bylaw.<sup>5</sup>

"As of March 31, 2006, Local Governments are required by the *Fish Protection Act* to protect all 'streams', as defined in the *Riparian Areas Regulation*. Therefore, development permit areas are designated adjacent to all watercourses within this plan area. With respect to natural hazard areas, this Plan specifies the use of development permits only within the floodplain of the Millstone River. This is considered the most significant natural hazard in the Plan Area. The Plan also requires development permits for development on industrial land.

Development Permit Areas are outlined on Maps No. 5 and 6, attached to and following part of this Plan."<sup>6</sup>

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<sup>4</sup> Bylaw No. 1055.05, adopted December 4, 2018

<sup>5</sup> Bylaw No. 1055.05, adopted December 4, 2018

<sup>6</sup> Bylaw No. 1055.03 adopted January 23, 2007

## **9.1 FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA<sup>7</sup>**

### ***Designation:***

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 5, and applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation* (RAR) of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. Specifically, the Development Permit Area is defined as follows:

1. All mapped and unmapped riparian assessment areas as defined in the RAR as follows:
  - a) for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
  - b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
  - c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.
2. All mapped watercourses, lakes, wetlands, and ponds, that are not subject to the RAR; 15 metres as measured from the natural boundary or top of ravine bank, whichever is greater. This includes estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in estuarine areas the Marine Coast Development Permit Area also applies.

The following definitions are used for the purpose of defining the development permit area as above:

**‘ravine’** means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1;

**‘stream’** includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph a) or b);

**‘top of the ravine bank’** means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

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<sup>7</sup> Bylaw No. 1055.05, adopted December 4, 2018

**Authority:**

The Freshwater and Fish Habitat Development Permit Area 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*.

**Justification:**

Freshwater and riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed contributing to effective rainwater management and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area, influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Erosion of banks and steep slopes can also pose a hazard to development, and maintaining and enhancing natural features and vegetation and siting buildings and structure appropriately, can reduce this hazard.

Land use practices including land clearing, road building, construction of buildings and structures, and location of wastewater disposal systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of the Plan Area. Land use practices can also change the hydraulic flow of a stream and create or exacerbate a flooding hazard.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the *Riparian Areas Regulation* are met.

The objectives of this development permit area are:

1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.
2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.
4. To protect development from flood and slope hazard.

## **9.2 HAZARD LANDS DEVELOPMENT PERMIT AREA<sup>8</sup>**

### ***Designation:***

This Development Permit Area is applicable to lands that may be susceptible to flood or erosion in the floodplain of Brannen Lake and the Millstone River as shown on Map No. 5.

### ***Authority:***

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

### ***Justification:***

Lands susceptible to mass movement or erosion have been identified in the Plan Area. The development of land or removal of vegetation may destabilize such areas and create potential danger to life. In order to minimize the hazard potential of these areas, the construction of buildings or structures or the subdivision or alteration of land requires regulation. The objective of this development permit area is to protect property from flooding and potential loss of land and property due to high water, erosion and instability.

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<sup>8</sup> Bylaw No. 1055.05, adopted December 4, 2018

### **9.3 EAST WELLINGTON – PLEASANT VALLEY INDUSTRIAL<sup>9</sup>**

***Category:***

‘E’ - Industrial development.

***Area:***

This Development Permit Area is applicable to all lands designated Industrial in Map No. 3, attached to and forming part of this Plan.

***Justification:***

*Form and character of industrial development.*

It is the objective of this designation to minimize the impacts of industrial uses on the surrounding properties and to improve the visual impact of such uses.

*Protection of the natural environment.*

It is also the objective of this designation to protect water resources from industrial activity.

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<sup>9</sup> Bylaw No. 1055.05, adopted December 4, 2018