

## FRASER VALLEY REGIONAL DISTRICT

### Bylaw No. 1259, 2014

A Bylaw to Amend the Official Community Plan for Portions of Electoral Areas "B" & "C"  
Regional District of Fraser-Cheam Bylaw No. 0800, 1986

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**WHEREAS** the Fraser Valley Regional District was incorporated by Letters Patent effective December 12, 1995;

**AND WHEREAS** Article 12 of the Letters Patent incorporating the Fraser Valley Regional District provides for the dissolution of the Central Fraser Valley Regional District, Dewdney-Alouette Regional District and the Regional District of Fraser-Cheam effective as and from midnight, December 11, 1995;

**AND WHEREAS** Article 10 of the Letters Patent incorporating the Fraser Valley Regional District provides that all bylaws of the former Central Fraser Valley Regional District, Dewdney-Alouette Regional District and Regional District of Fraser Cheam in force and effect at the time of the dissolution of the above-named regional districts shall continue to apply to the area of the regional district to which they applied at the time of dissolution;

**AND WHEREAS** the Board of Directors of the Fraser Valley Regional District has deemed it advisable to amend the Official Community Plan for Portions of Electoral Areas "B" & "C", Regional District of Fraser-Cheam Bylaw No. 0800, 1986, as adopted on November 18, 1986;

**NOW THEREFORE** in open meeting assembled, the Board of Directors of the Fraser Valley Regional District enacts as follows:

#### I. CITATION

This bylaw may be officially cited for all purposes as the "Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1259, 2014".

#### II. TEXT AMENDMENT:

1. That Schedule "A", the text of the Official Community Plan for Portions of Electoral Areas "B" & "C", Regional District of Fraser-Cheam Bylaw No. 0800, 1986, be amended by:

A. Adding in Section 9: Development Permit Areas, after Section 9.05, a new Section 9.06, Riparian Areas Development Permit Area No. 6-BC to read as follows:

"Category of Designation

"Riparian Areas Development Permit Area 6-BC" is designated pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

Area of Application

Development Permit Area 6-BC consists of all those parcels of land:

a. within the area of this Official Community Plan, as amended; and,

- b. entirely or partially within a Riparian Assessment Area, which is:
  - i. for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
  - ii. 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,
  - iii. 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.

For convenience, mapped streams are generally shown on *Schedule E-2 – Riparian Areas Development Permit Area 6-BC*. Note that Riparian Areas Development Permit Area 6-BC includes the Riparian Assessment Areas associated with all streams within the Plan area, whether mapped or unmapped, including but not limited to the streams shown on *Schedule E-2 – Riparian Areas Development Permit Area 6-BC*.

### Justification

Electoral Areas B and C contain streams and riparian areas that directly or indirectly provide natural features, functions and conditions that support fish life processes. The Fish Protection Act and the Riparian Areas Regulation require local governments to protect these streams and riparian areas when exercising powers with respect to residential, commercial and industrial development. In the opinion of the Regional Board, this development permit area provides a level of protection that is comparable to the Fish Protection Act and the Riparian Areas Regulation.

### Objectives

The objective of Development Permit Area 6-BC is to protect the natural environment, its ecosystems and biological diversity. More specifically, this DPA will protect streams and riparian habitat primarily through the involvement of qualified environmental professionals and the identification of Streamside Protection and Enhancement Areas (SPEAs) that should remain free of development, including the disturbance of soils and vegetation.

### Activities Requiring a Permit

- 9.06.1 A development permit must be obtained prior to:
  - a. the subdivision of land;
  - b. residential, commercial, institutional or industrial development including:
    - i. the alteration of land;
    - ii. the disturbance of soil or vegetation; or
    - iii. construction of or addition to a building or structure;within a riparian assessment area.

### Exemptions

- 9.06.2 Notwithstanding Section 9.06.1, a development permit is not required for the following:
  - a. development that does not involve residential, commercial, institutional or

- industrial uses;
- b. residential, commercial, institutional and industrial development that is demonstrated to be outside of a Riparian Assessment Area;
  - c. residential, commercial, institutional and industrial development within a riparian assessment area where the development is separated from the stream by a dedicated and developed public road right-of-way;
  - d. renovations or repair of a permanent structure on an existing foundation to an extent which does not alter or increase the building footprint area;
  - e. minor additions to an existing building or structure, such as an increase in floor area up to 25% of the existing footprint, provided that the addition is located on the side or part of the building or structure most distant from the stream;
  - f. development in accordance with a registered covenant or approved development permit that pertains directly and explicitly to riparian habitat protection, which:
    - i. is registered in favour of the Fraser Valley Regional District and/or Provincial or Federal interests; and
    - ii. establishes a riparian buffer.
  - g. routine maintenance of existing landscaping or lawn and garden areas;
  - h. removal of trees determined by a Certified Arborist or Registered Professional Forester (who is qualified to do tree risk assessment) to represent an imminent risk to safety of life and buildings;
  - i. forestry activities on Crown land undertaken under an approved Forest Stewardship Plan approved by the Ministry of Natural Resource Operations in accordance with the Forest & Range Practices Act;
  - j. riparian habitat enhancement or restoration works under the guidance of Provincial and Federal agencies;
  - k. installation of seasonal play or recreational equipment on existing yard/lawn areas, such as sandboxes or swing sets;
  - l. paths for personal use by the parcel owners, provided they do not exceed approximately 1.0 metre in width; are constructed of pervious natural materials with no concrete, asphalt, pavers or treated wood; do not involve structural stairs; require no removal of streamside vegetation; and do not impair stream bank stability;
  - m. local and regional park facilities;
  - n. emergency actions necessary to prevent, control or reduce immediate and substantial threats to life or property during flood, debris flood/flow, erosion, landslide, avalanche, stream avulsion and other geohazards events;
  - o. repair, maintenance and improvement of flood protection infrastructure and all related ancillary or accessory works, regulated and approved by Federal or Provincial agencies;
  - p. the development of an approved community water or sanitary sewer system that is not ancillary to a residential, commercial or industrial development;
  - q. Federal and Provincial regulated utilities, including railways, transmission lines or a pipelines;
  - r. public road or highway works;
  - s. repair or replacement of an existing driveway, culvert or bridge; and,
  - t. the construction of a single storey, detached residential accessory

building or structure which is not intended to be used for any “residential occupancy” and which has a floor area not exceeding 20 square metres (215 square feet) and where:

- i. the building or structure is located as far from the stream as possible and in the location on the parcel that minimizes impacts to riparian habitat; and,
- ii. it is not possible to construct the building, structure or deck outside the riparian assessment area.

9.06.3 Where there is uncertainty regarding the location of development in relation to a Riparian Assessment Area or the nature of stream, the Regional District may require:

- a. a plan prepared by a BC Land Surveyor or Qualified Environmental Professional to confirm whether the planned disturbance is within the Riparian Assessment Area; or
- b. a report prepared by a Qualified Environmental Professional to determine if the stream satisfies the definition criteria.

### Guidelines

In order to achieve the objectives of Development Permit Area 6-BC, the following Guidelines shall apply to the issuance of Development Permits:

#### *Issuance of Development Permits*

9.06.4 Each development permit application should, as a minimum, be accompanied by:

- a. where applicable, an Assessment Report prepared by a QEP in accordance with the Assessment Methods and Development Permit Area 6-BC guidelines for the purpose of determining the applicable SPEA and other measures necessary for the protection of riparian areas;
- b. a scaled siting proposal clearly and accurately identifying all streams and water features, high water mark, top of bank, top of ravine bank, edge of wetland, riparian assessment area and the SPEA boundary in relation to existing and proposed property lines and existing and proposed development, as well as the locations of works and activities recommended in the Assessment Report; and,
- c. written certification that the proposed development is consistent with the Guidelines of Development Permit Area 6-BC and the Riparian Areas Regulation, and identifying any mitigation or compensation measures that are consistent with the Guidelines, including measures that may be specified as Development Permit conditions.

9.06.5 Pursuant to the Riparian Area Regulation and the Local Government Act, the Assessment Report prepared by a QEP should specifically consider and make recommendations respecting:

- a. the siting of buildings, structures or uses of land;
- b. areas to remain free of development;
- c. the preservation, protection, restoration or enhancement of any specified natural feature or area;
- d. works to preserve, protect, or enhance a natural watercourse or other
- e. specified environmental feature;

- f. protection measures to be taken to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect the banks of watercourses; and,
- g. timing of construction to avoid or mitigate impacts.

9.06.6 Where a development permit relates to the subdivision of land, an Assessment Report prepared by a QEP should:

- a. identify adequate building sites - including but not limited to building locations; front, rear and side yard areas; site services including sewage disposal facilities and water supplies; access; and, parking - on each proposed lot;
- b. identify streams that may be impacted by the proposed development; and
- c. consider whether any natural watercourses should be dedicated pursuant to Section 920(7)(c) of the Local Government Act.

9.06.7 The Regional District is authorized to issue a Development Permit after receiving:

- a. notification by the Ministry of Environment that Fisheries & Oceans Canada and the Ministry have been:
  - i. notified of the development proposal; and,
  - ii. provided with a copy of an assessment report which meets the requirements of the Riparian Areas Regulation; or,
- b. documentation demonstrating that Fisheries & Oceans Canada has, with respect to the proposed development, authorized the “harmful alteration, disruption or destruction” of fish habitat pursuant to Section 35 of the Fisheries Act or amendments thereto.

9.06.8 A development permit may include as a term or condition any recommendation made by QEP in an Assessment Report respecting:

- a. the siting of buildings, structures or uses of land;
- b. areas to remain free of development;
- c. the preservation, protection, restoration or enhancement of any specified natural feature or area;
- d. dedication of natural water courses to the Crown;
- e. works to preserve, protect, or enhance a natural watercourse or other specified environmental feature; and,
- f. protection measures to be taken to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect the banks of watercourses.

9.06.9 A development permit may impose terms and conditions respecting the:

- a. sequence and timing of construction including but not limited to timelines for completion of the works identified in the permit;
- b. co-ordination of geotechnical recommendations by a Qualified Environmental Professional or Professional Engineer licensed in Province of British Columbia;
- c. minor modification of a SPEA as generally described in the Riparian Area Regulation Implementation Guidebook where no impacts to fish habitat occur and as recommended in an Assessment Report by a Qualified Environmental Professional.

- 9.06.10 A development permit may vary or supplement a bylaw under Division 7 or 11 of the Local Government Act provided that the variance or supplement is in accordance with the objectives and guidelines of Development Permit Area 6-BC.

*Measures to Protect the Streamside Protection and Enhancement Area*

- 9.06.11 Land shall be developed strictly in accordance with the development permit issued.

- 9.06.12 No building or structure of any kind should be located, no vegetation should be disturbed, and no soils should be removed or deposited within a Streamside Protection and Enhancement Area except in accordance with the development permit and Assessment Report.

- 9.06.13 The SPEA boundary should be clearly flagged, staked or otherwise marked during all development phases to avoid encroachment into the Streamside Protection and Enhancement Area.

*Geotechnical Hazards*

- 9.06.14 Where a proposed development requires geotechnical evaluation pursuant to a geotechnical hazard development permit area or Section 25 of the Community Charter, the riparian assessment should be coordinated with the geotechnical evaluation in order to provide a comprehensive development permit application.

Permit Security

- 9.06.15 The Regional District may require the applicant to provide security in the form of cash or an unconditional, irrevocable and automatically renewing letter of credit in cases where:
- a. security for the performance of conditions respecting landscaping is necessary;
  - b. the Regional District considers that damage to the natural environment could result as a consequence of a contravention of a condition in a development permit;
  - c. the Regional District considers that unsafe conditions could result as a consequence of a contravention of a condition in a development permit; or,
  - d. the permit holder is required to retain, restore or replace native vegetation.
- 9.06.16 The amount of the security should be sufficient to cover the cost of any work that may be undertaken by the Regional District to correct deficient landscaping conditions, an unsafe condition, and damage to the natural environment that could reasonably be expected to result from the contravention of the permit.
- 9.06.17 A Letter of Undertaking signed and sealed by a Qualified Environmental Professional may be accepted in lieu of security where:
- a. the nature of required works, such as landscaping, are minor and the risk of damage to the natural environment is low;
  - b. the Letter of Undertaking is signed and sealed by a Qualified Environmental Professional; and, the Qualified Environmental

Professional will undertake the works and provide to the Regional District a post-construction certification and inspection report as outlined in Section 9.06.18.

*Post-Construction Certification and Inspection*

- 9.06.18 Upon completion of the works authorized by a development permit - and for certainty upon expiry of any timeline for completion of works established as a term or condition of a development permit - the holder of the permit must submit to the Regional District and the Ministry of Environment post-construction certification from a QEP which:
- a. certifies that the development has been carried out in accordance with the Assessment Report and that terms and conditions set out in the assessment report and the development permit have been properly implemented; or,
  - b. identifies and documents all instances of non-compliance with the assessment report and the development permit and any measures necessary to correct deficiencies, including any works that should be undertaken by the Regional District as contemplated by Section 9.06.16.
- 9.06.19 The requirement for post-construction certification and inspection may be waived by a condition in a development permit.

Offence

- 9.06.20 Failure to:
- a. obtain a development permit where one is duly required; or,
  - b. develop land strictly in accordance with a development permit issued; are offences under the Local Government Act and are contrary to the bylaws, regulations or policies of the Regional District. Upon summary conviction, penalties for offences may be up to the maximum set out in the Local Government Act.
- 9.06.21 Employees, officers and agents of the Regional District may enter, at all reasonable times, a property to inspect and determine whether the requirements of Development Permit Area 6-BC and the terms and conditions of a development are being met.

Definitions

- 9.06.22 In DPA 6-BC, the following terms have the meanings described below:
- “Assessment Methods” means the assessment methods set out in the Schedule to the Riparian Areas Regulation.
- “Assessment Report” means a report certified by a Qualified Environmental Professional and prepared in accordance with the Riparian Areas Regulation
- Assessment Methods and the guidelines of Development Permit Area 6-BC to assess the potential impact of a proposed development in a riparian assessment area.
- “development” includes the alteration of land, the disturbance of soil or vegetation, and construction of or addition to buildings and structures.

“high water mark” means the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.

“Qualified Environmental Professional” and “QEP” mean a qualified environmental professional as defined in the Riparian Areas Regulation.

“ravine” means a narrow valley with an average grade on either side greater than 3:1 measured between the high water mark of the watercourse contained in the valley and the top of the valley bank, being the point nearest the watercourse beyond which the average grade is less than 3:1 over a horizontal distance of at least 15 metres measured perpendicularly to the watercourse;

“Riparian Assessment Area” means

- a. for a stream, the 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.

“Riparian Areas Regulation” means B.C. Reg. 376/2004 and amendments thereto.

“Streamside Protection and Enhancement Area” and “SPEA” mean an area:

- a. adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream; and,
- b. the size of which is determined in accordance with the Riparian Areas Regulation on the basis of an Assessment Report provided by a Qualified Environmental Professional.

“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; or,
- c. a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

### **III. MAP AMENDMENT:**

1. That Schedule “E”, Development Permit Areas Maps, Official Community Plan for Portions of Electoral Areas “B” & “C”, Regional District of Fraser-Cheam Bylaw No. 0800, 1986, be amended by adding Official Community Plan Amendment Map Schedule 1259-A attached hereto as Schedule “E-2 – Riparian Areas Development Permit Area 6-BC”, defining the boundaries of the Development Permit Area 6-BC.
2. That the map attached hereto as Official Community Plan Map Schedule 1259-A showing such amendments is an integral part of this Bylaw.



**IV. READINGS AND ADOPTION**

READ A FIRST TIME THIS	19 <sup>th</sup>	DAY OF	March, 2014.
A PUBLIC HEARING WAS HELD ON THE	30 <sup>th</sup>	DAY OF	April, 2014.
READ A SECOND TIME THIS	27 <sup>th</sup>	DAY OF	May, 2014.
READ A THIRD TIME THIS	27 <sup>th</sup>	DAY OF	May, 2014.
ADOPTED THIS	27 <sup>th</sup>	DAY OF	May, 2014.

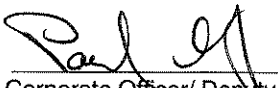
  
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Chair/Vice Chair

  
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Corporate Officer/Deputy

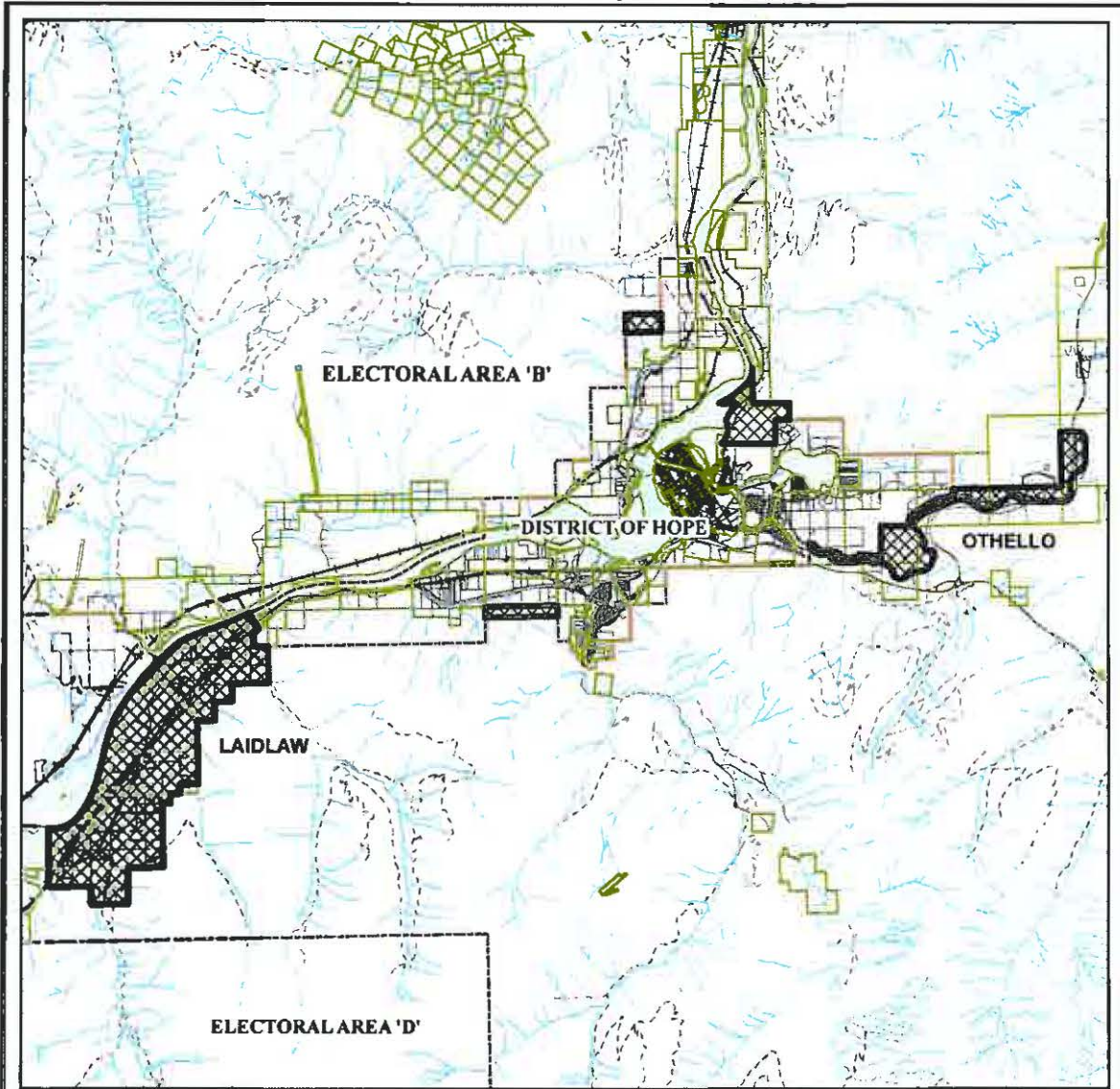
**V. CERTIFICATIONS**

I hereby certify the foregoing to be a true and correct copy of "Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1259, 2014" as adopted by the Board of Directors of the Fraser Valley Regional District on the 27<sup>th</sup> day of May, 2014.

Dated at Chilliwack, B.C. this 28<sup>th</sup> day of May, 2014

  
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Corporate Officer/ Deputy

**FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1259, 2014  
OCP/OSP Amendment Map Schedule 1259-A**



**Official Community Plan Amendment Map Schedule 1259-A**  
Schedule E-2 - Riparian Areas Development Permit Area 6-BC



Riparian Areas Development Permit Area

Scale  
1:125,000

Date Created:  
Jan 29, 2014



This map schedule is an integral part of Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1259, 2014. This map was compiled using data believed to be accurate; however, a margin of error is inherent in all maps. This product is distributed without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability of particular purpose or use.

This is map 1 of 1 constituting OCP Amendment Map Schedule 1259-A, attached to and forming part of "Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1259, 2014".

  
Chair/Vice-Chair

  
Corporate Officer/Deputy