



Engineering, Parks and Environment
The Corporation of the CITY OF NORTH VANCOUVER

REPORT

To: Mayor Darrell Mussatto and Members of Council

From: Suzanne A. Smith, Planner

Subject: Riparian Area Strategy – Introduction of Development Permit Areas for Streamside Protection and Enhancement

Date: February 16, 2006 File: 4037-0201

The following is a suggested recommendation only. Please refer to Council Minutes for the actual adopted resolution.

RECOMMENDATION

PURSUANT to the report of the Planner dated February 16, 2006, entitled “Riparian Area Strategy – Introduction of Development Permit Areas for Streamside Protection and Enhancement”:

WHEREAS the Province of BC, through Section 12 of the *Fish Protection Act*, has required municipalities to provide a level of protection that is comparable to or exceeds the level of protection provided for in the *Riparian Area Regulations*, by March 31, 2006;

AND WHEREAS Section 919.1 of the *Local Government Act* allows a local government to include in its Official Community Plan Development Permit Areas and Guidelines for the purpose of protecting the natural environment, its ecosystems and biological diversity;

THEREFORE BE IT RESOLVED THAT the Riparian Areas Strategy outlined in this report is hereby endorsed;

RESOLVED THAT the Riparian Areas Strategy outlined in this report is comparable to or exceeds the level of protection provided for in the Provincial *Riparian Areas Regulation*.

RESOLVED THAT the following bylaws be considered:

“Development Procedures Bylaw, 2001, No. 7343, Amendment Bylaw, 2006, No. 7760 (Development Permit Areas for Streamside Protection and Enhancement)”;

“Ticket Information Utilization Bylaw, 1992, No. 6300, Amendment Bylaw, 2006, No. 7761 (Development Permit Areas for Streamside Protection and Enhancement)”; and

RESOLVED THAT the following bylaws:

“Official Community Plan Bylaw, 2002, No. 7425, Amendment Bylaw, 2006, No.7758 (Development Permit Areas for Streamside Protection and Enhancement)”;

“Zoning Bylaw, 1995, No.6700, Amendment Bylaw, 2006, No. 7759 (Development Permit Areas for Streamside Protection and Enhancement)”;

be considered and referred to a Public Hearing.

ATTACHMENTS

1. Province of British Columbia's *Riparian Area Regulations*
2. Map of proposed DP Areas
3. Letter of Support – Fisheries and Ocean's Canada
4. Official Community Plan – Amendment Bylaw No.7758
5. Zoning Bylaw – Amendment Bylaw No.7759
6. Development Procedures Bylaw – Amendment Bylaw No.7760
7. Ticket Information Utilization Bylaw – Amendment Bylaw No.7761

PURPOSE

The purpose of this report is to introduce Development Permit Areas and related bylaw changes for Streamside Protection and Enhancement to meet the Provincial regulatory requirement for local governments to help protect and enhance fish habitat by March 31, 2006. The proposed bylaw amendments and approval processes outlined in this report will ensure that all applications for new development in the City comply with or exceed the level of protection provided by the Provincial Riparian Area Regulations.

SUMMARY

Through Section 12 of the *Fish Protection Act* (FPA), the City is required to comply with or exceed the level of protection provided for in the Riparian Area Regulation (see Attachment #1) by using its powers, granted under Part 26 of the *Local Government Act*, to protect riparian habitat from residential, commercial and industrial development.

The City's proposed Riparian Area Strategy includes the introduction of Development Permit Areas for Streamside Protection and Enhancement combined with increased enforcement of the existing Sediment and Erosion Control requirements included in the Stream and Drainage System Protection Bylaw (2003). The result would be a streamlined, local government driven process providing greater certainty for affected property owners and an appropriate level of protection for riparian areas given the City's

urban context. The Strategy would meet the Provincial requirements and is supported by Fisheries and Oceans Canada (see Attachment #3).

There are 189 privately owned residential, commercial and industrial properties that fall within the proposed assessment area. Information on the proposed Strategy was mailed to all affected property owners, placed on display at City Hall and presented at two public information sessions. An additional 290 properties located within the assessment area are City owned, the majority of which are parkland or natural areas not slated for development, for a total of 479 properties located within the finalized assessment area (see Attachment #2).

BACKGROUND

The Riparian Area Regulations (RAR) are a set of directives outlined in the Provincial *Fish Protection Act* that require local governments to identify and protect streamside areas (see Attachment #1). The RAR supersedes the Streamside Protection Regulation (SPR), which was enacted in January 2001. Municipalities have the option of adopting the RAR or the SPR by the date the regulations come into effect. On July 27, 2004 the Province enacted the RAR, which was originally to come into effect March 31, 2005. The Province then delayed the date to June 30, 2005 and subsequently to **March 31, 2006** to allow more time for local governments to develop implementation strategies, and for the Ministry of Environment to complete the necessary supporting materials and agreements. As described in previous Council reports, some of the original provincial commitments and concerns from both local government and Fisheries and Oceans Canada, remain unresolved.

DISCUSSION

The City has an existing review process, which, after March 31, 2006, will be obsolete due to the increasing range of aspects of fish habitat that the province has directed local municipalities to regulate. A new strategy and accompanying process has been developed.

Existing Review Process

The City's current process for handling development requests on properties adjacent to a stream is addressed through an informal Environment Review Committee (ERC). The City's Environmental Coordinator and a representative from the Department of Fisheries and Oceans (DFO) review preliminary plans and meet on-site to determine appropriate measures. While this collaborative process has worked well, ultimate authority for determining setbacks has remained with DFO. However, as of March 31, 2006, the new provincial regulations will shift that responsibility to local government, thereby enabling City staff to make decisions on streamside setbacks for most development sites. The ERC process will remain available, however DFO will typically only need to be directly involved in unusual cases where impacts to habitat appear unavoidable.

New Approach – the Riparian Area Strategy

The City's proposed Riparian Area Strategy builds on the goals and objectives set out in the City's Environmental Protection Program, seeking to bring together the City's

leadership role in environmental stewardship with the requirements of the *Provincial Fish Protection Act* and subsequent regulations. The proposed Riparian Area Strategy involves the establishment of Development Permit Areas for Streamside Protection and Enhancement which entails amendments to four existing bylaws outlined in Attachments 4 through 7.

An amendment to the OCP (Attachment #4) to introduce Development Permit Areas for Streamside Protection and Enhancement will provide greater control over development in these areas of environmental significance. The associated DP Guidelines, which outline key information on the parameters of development, approval process and fees will be contained within the Zoning Bylaw (see Attachment #5). A clause has been added in the DP Guidelines to make it a ticketable offence to conduct any works in the Streamside Protection and Enhancement Area without first obtaining a valid DP. Amendments to the Development Procedures Bylaw (Attachment #6) facilitates the delegation of some of the authority to issue Development Permits to the Manager of Inspections for applications that, under the current system, would not be referred to Council for review. And finally, the Ticket Information Utilization Bylaw will be amended to step up enforcement of the Stream and Drainage System Protection Bylaw and to permit ticketing for failure to obtain a Development Permit as is currently the practice for failing to obtain a Building Permit in the City.

By ensuring that development proposals comply with DP Guidelines (see Attachment #5), a process that is supported by Fisheries and Oceans Canada, the applicant can be assured of a more cost effective, straightforward process than following the Provincial Riparian Area Regulation process with its Qualified Environmental Professional requirements.

Development Permits for Streamside Protection and Enhancement will be required for all of the following activities occurring within the Streamside Protection and Enhancement setback Area defined as 'development' including:

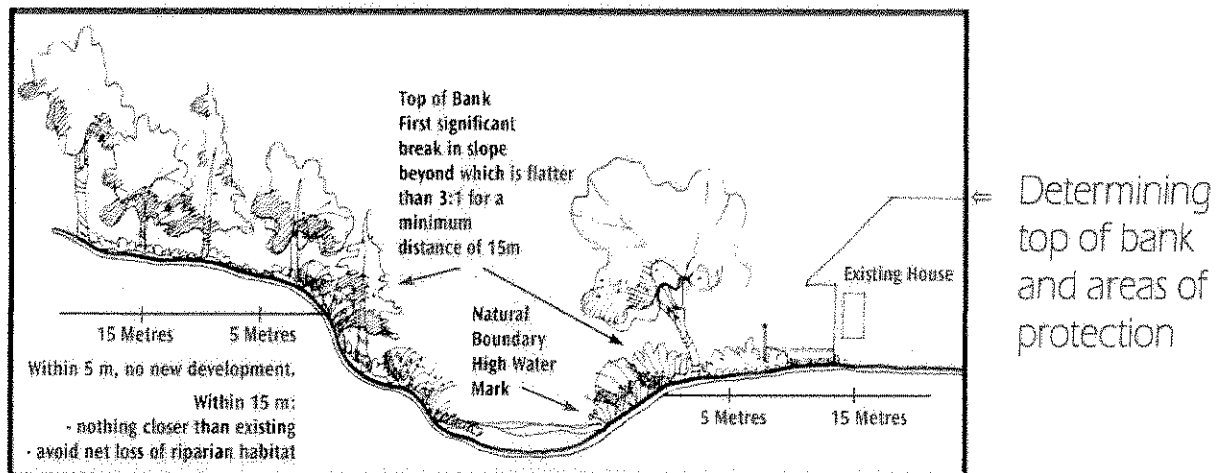
- i. removal, alteration, disruption or destruction of vegetation;
- ii. disturbance of soils;
- iii. construction or erection of buildings and structures;
- iv. creation of non-structural impervious or semi-impervious surfaces;
- v. flood protection works;
- vi. construction of roads, trails, docks, wharves and bridges;
- vii. provision and maintenance of sewer and water services;
- viii. development of drainage systems; and
- ix. development of utility corridors.

Exceptions include:

- i. Interior renovations or exterior renovations/maintenance of existing buildings involving no additions;
- ii. Activities occurring more than 15 metres from the top of watercourse bank or edge of wetland (10 metres from top of ravine bank);

- iii. Maintenance of existing landscape conditions;
- iv. Construction and maintenance activities carried out by, or on behalf of, the City, designed to enhance the coexistence of natural habitats and public trails;
- v. Emergency works, including tree cutting, necessary to remove an immediate danger or hazard;
- vi. Regular and emergency City maintenance of municipal infrastructure conducted in a manner that is consistent with the objectives of the Development Permit designation; and
- vii. The implementation of a fish habitat mitigation or restoration plan authorized by the senior government ministry or agency having jurisdiction.

As outlined in the diagram below and in the accompanying DP Guidelines, (see Attachment #5), there would be a limit on any new development within 15 metres of the top of the bank of a stream (or 10 metres of the top of the bank of a ravine) to no closer than any existing permanent structures on the site. No new development will be permitted within 5 metres of any top of the bank of a stream or a ravine. The overall goal is to ensure “no net loss” of riparian habitat within the Streamside Protection and Enhancement Area.



Existing buildings located within the Streamside Protection and Enhancement Area could be rebuilt on the same building footprint. This reflects the current protocol followed in the City’s ERC as approved by Fisheries and Oceans Canada.

The regulation of ‘development’ within the Streamside Protection and Enhancement Area, as required by the Province, covers more than the traditional issues of buildings and other structures. It also pertains to soil removal and deposition, landscaping (including private property tree removal), as well as impervious (ie: paving) and semi-impervious (ie: patio pavers) surfaces.

Staff have developed a sliding scale of Development Permit fees and submission requirements based on the scale and complexity of the proposed development. For example, a DP for Landscape, Accessory Building or Accessory Structure would be \$50 with a flexible requirement for a survey – only if necessary as determined by staff. A DP

for a Principal Building in any zone that complied with the DP Guidelines would be \$350 while a DP involving a Zoning Variance or that does not meet the DP Guidelines would be \$1,700, which is the same fee currently used for a zoning variance under the Development Variance Permit system.

Approval Process

Specific Development Permit Area approvals would be delegated to the Manager of Inspections to reduce the administrative burden of staff and Council. For example, the Manager of Inspections may issue a DP as long as it complies with the Guidelines and does not involve a zoning variance. For those applications involving variances they would be forwarded to Council, with or without a Public Meeting (if waived), for consideration. It should also be noted that Board of Variance approvals would not be applicable to matters covered in a permit under Division 9 of the *Local Government Act*, which covers Development Permits.

Variance Process

There will be a variance process to address those properties unable to meet the DP Guidelines or that would require a zoning variance to make it feasible. In both cases, the development proposal would ultimately be forwarded to Council, with or without a Public Meeting (if waived), for consideration. In cases where the DP Guidelines are not met, 'no net loss' cannot be assured it is possible the proposed development could result in a negative impact to fish habitat and a potential violation of the *Federal Fisheries Act*. In such situations the application would be referred to the City's Environmental Review Committee (ERC) for consultation and authorization by Fisheries and Oceans Canada before being referred for Council, with or without a Public Meeting (if waived), for consideration.

Mitigation

Mitigation measures, such as natural plantings, may be required to ensure 'no net loss' as defined in the DP Guidelines (see Attachment #5). Compliance with the DP Guidelines will be determined by staff with consultation with DFO where necessary. Any mitigating measures required will be included as conditions on the Development Permit.

Covenants

Covenants may be used in some instances such as when the DP Guidelines can not be met but an agreement has been reached with Fisheries and Oceans Canada (DFO) for the applicant to provide on-site habitat enhancements as mitigation. In such instances areas may be protected as 'no disturbance' zones preventing traditional landscape maintenance of that portion of the site. However, outside of any mitigating works there is no restriction relating to the regular maintenance of existing landscape areas, including the use of mechanized mowers.

Security for Works

A security deposit or bond will be required for works carried out in the Streamside Protection and Enhancement area. It will be collected at 120% the value of the work and can be redeemed by the City to complete the works if necessary.

Stream and Drainage System Protection Bylaw

Another important component of the Riparian Area Strategy and the implementation of DP Areas involves increased enforcement of the Sediment and Erosion Control requirements of the Stream and Drainage Protection Bylaw. Implemented in early 2004, the City's Stream and Drainage System Protection Bylaw contributes to the protection of fish habitat by regulating the quality of water that enters the City's watercourses and ensures that they remain open and accessible to fish. The bylaw supports the federal *Fisheries Act* by prohibiting the discharge of deleterious substances (including sediment) into the City's drainage system and requiring implementation of Sediment and Erosion Control Plans on all construction sites. The bylaw includes provisions for issuing \$250 tickets for violations; however, as part of the gradual introduction and education that accompanied these new requirements, implementation of that enforcement tool was intentionally delayed. Though, with the new provincial regulatory requirements and two years of education and progressive enforcement now complete, staff recommend that the City's Ticket Information Utilization Bylaw, 1992, No. 6300, be amended to allow the issuing of tickets for the illegal discharge of deleterious substances into the City's drainage system.

Tree Removal

Trees situated within 15 metres of a stream are considered fish habitat and therefore protected under the federal *Fisheries Act*. Under the proposed DP Guidelines tree removals within the setback area will only be permitted if they have been assessed as hazardous by a Certified Arborist, or if they are less than five centimetres in diameter and can be replaced elsewhere in the Streamside Protection and Enhancement Area. A Development Permit fee of \$50 will be applied for an application to remove a tree. Approval of the DP is required before work can commence. Replacement of hazard trees removed from this area will be at a 2:1 ratio, requiring two trees for every hazard tree removed from the Streamside Protection and Enhancement Area.

Enforcement and Education

Many of the residents who purchase land near streams truly appreciate them and treat them accordingly. The low permit fees proposed, especially for more minor applications are designed to encourage compliance with the new regulations. If necessary, mechanisms will be in place to issue a ticket for failure to obtain a Development Permit as is the practise for Building Permits. In addition, the proposed amendment to the Stream and Drainage System Protection Bylaw would enable tickets to be issued for failure to address sediment and erosion on site.

Fisheries and Oceans Canada will continue to enforce the *Fisheries Act* and the City will continue to work with senior agencies to ensure compliance.

As with many new regulations, education is the key. Information and staff contact numbers have been provided to affected property owners. Attempts are being made to ensure that local real estate agents understand the changes. In addition, information will be sent to local tree cutting and landscaping businesses to get the information out. Internally, properties are flagged in the Permit Plan system to ensure development is not approved without ensuring compliance with the City's new regulations.

Fisheries and Oceans Canada (DFO)

The Department of Fisheries and Oceans Canada has reviewed the City's approach and has provided a letter of support (see Attachment #3). Staff are currently working on details of a 'working protocol' to solidify and streamline the process for any referrals for variance requests. Given the success of the ERC process and City's working relationship with DFO, no major concerns have been identified.

Public Consultation

During the period of January 30th through February 10th, 2006, staff invited the public to comment on the proposed Riparian Area Strategy and to attend well advertised information sessions and an open house display in the lobby at City Hall. Fifty-four residents, business owners and real estate agents attended the two information sessions. Staff received numerous phone calls throughout the period as well. Main concerns raised included the issue of paying additional fees for Development Permits for portions of their properties, which, if properly maintained and enhanced, will provide a good for the greater community. In addition, concern around the submission requirements for surveys of the top of the bank of a watercourse and any other requirements pertaining to the unique nature of their streamside properties.

Staff have reviewed the fees and submission requirements and made further reductions of the permit fees and revised submission requirements to better reflect the size and significance of development that may be proposed in these areas.

ANALYSIS

Key Changes from the Existing Process

The requirement by the Province for local government to now regulate soil, landscaping, trees and impervious/semi-impervious surfaces in the Streamside Protection and Enhancement Area in addition to traditional regulation of buildings and other structures is one of the key changes from previous processes.

Where previously the applicant would wait to hear what Fisheries and Oceans Canada (DFO) decided in terms of a setback and any other requirements, the City has laid out the framework of setbacks and guidelines, which, if complied with, would be approved by City staff. The setbacks, ultimately, would be consistent with past decisions under the City's Environmental Review Committee with DFO, but with the advantage of only requiring DFO approval for unusual applications where compliance with the DP Guidelines proved infeasible.

The introduction of Development Permit Areas adds the prospect of permit fees, over and above any Building Permit fees that might be required, as well as submission requirements to enable proper assessment of the proposed development. The fees and requirements vary for less complex situations such as location of a garden shed or possible tree removal.

Alternative

The City's proposed Development Permit Areas for Streamside Protection and Enhancement create an alternative approach to the Provincial process accompanying the *Riparian Area Regulation*. If the City chose to adopt the province's process, instead of the DP Area proposed by this report, all development applications situated within 30 metres of a watercourse would be required to retain the services of a Qualified Environmental Professional (QEP). The QEP would then conduct an assessment of the property based on a methodology entrenched in the regulation to determine all mitigating measures necessary, including setback determinations, to ensure the protection of fish habitat. It is expected that the costs of such assessments will greatly exceed the proposed DP fees, thereby adding to the property owner's overall application costs. This would apply to both redevelopments as well as tree removals and garden sheds. In addition, local government would have no real input into the approval process. Further, because the RAR would require such assessments for all properties within 30 metres of a watercourse, more residents would be impacted than under the City's proposed DP system.

Legal Opinion and UBCM Liability Review

Based on the success of the same approach applied in the District of West Vancouver (Spring 2005) and the response of the City's solicitors, staff are confident that, as per Section 12 of the *Fish Protection Act*, in the opinion of local government, this approach would be comparable to or exceed the level of protection required in the *Riparian Area Regulation*.

The Province and UBCM employed a law firm to review the *Riparian Area Regulations* from the view point of liability for local governments in responding to the new regulations. Overall, the Province indicates that it is taking a risk management approach to reducing local government's exposure by introducing the *Riparian Area Regulation*. According to the rebuttal to the liability review, reducing the probability of damage to fish habitat greatly reduces the potential for litigation against local government and developers.

For the City, there are two key points to consider: Fisheries and Oceans Canada, the regulators of the *Fisheries Act* and its associated enforcement components, has provided their support for the City's alternative strategy. This creates the assurance that developments approved in compliance with the DP Guidelines meet their requirements. At the Provincial level, Section 12 of the *Fish Protection Act (FPA)* clearly states that if in the opinion of local government, we comply with or exceed the level of protection provided for by the *Riparian Area Regulation* then we are deemed to have met the requirements.

Beyond these overarching issues of general liability, the majority of the issues addressed in the liability review were specific to the details of the Provincial *Riparian Area Regulation*.

Other Municipalities

Many municipalities have been struggling over the past few years to come to terms with this form and degree of senior government direction. As described in a previous

Council report, many local governments appear to be unsupportive of the RAR approach, and instead favour adopting an alternative strategy based on the former Streamside Protection Regulation.

The City of Coquitlam was one of the first municipalities, a number of years ago, to adopt the Streamside Protection Regulations (SPR) by incorporating the determination of a Streamside Protection and Enhancement Area and associated setbacks into the Zoning Bylaw. The approach included a series of separate bylaws to address stream and drainage issues, soil conservation and tree cutting. As a result, they are not required to make changes with the implementation of the RAR, but may choose to do so to streamline their approach.

The District of North Vancouver has an Environmental Protection Bylaw (1993) and streamside development setbacks based on the Land Development Guidelines developed by Fisheries and Oceans Canada in 1992. This comprehensive bylaw regulates the various aspects of development required under the Provincial *Riparian Area Regulation* however the District will also be moving to a Development Permit system in the near future.

In the spring 2005, the District of West Vancouver introduced a model similar to the draft Riparian Area Strategy outlined in this report, for their existing neighbourhoods below the highway. It has worked well to date. A number of other municipalities are looking very closely at this model and its streamlined approach for non-greenfield sites.

City-owned Properties

Of the 479 properties captured in the DP Assessment Area, nearly 300 properties are City owned. The majority are zoned for public use for park purposes, fall within the boundary of many City parks and are therefore not considered for development. A few City owned lands, such as the City Works Yard, will be captured by the DP process and compliance with the DP Guidelines will be ensured.

Staffing Implications

In other municipalities such as the District of North Vancouver, additional fulltime personnel were required to fulfill the enforcement of the various components of their comprehensive environmental bylaws including tree and soil removal. In West Vancouver, the new approach has seen an increase in workload of about 20% for existing staff who deal directly with development near streams.

There will be staffing implications associated with the implementation of the Riparian Areas Strategy in the City; however, it is anticipated that the impact will be significantly less as we receive very few applications of this type in any given year – typically 1-3 applications. The additional responsibilities of regulating soil, landscaping, and tree removal as well as impervious surfaces to local government will add to the volume of Development Permit applications and staff time as a result. Development Permit fees will be used to help offset these increases.

The impact of these new regulations on staffing will be assessed after one year of implementation.

RECOMMENDATION

Staff recommend the introduction of the Development Permit Area's for Streamside Protection and Enhancement as the best alternative to the Provincial process. By ensuring the City's proposed Riparian Area Strategy complies with or exceeds the level of protection in the Provincial regulation, with clear DP Guidelines and some DP's issued by staff, the proposed Strategy provides a streamlined process with greater certainty for property owners in the City.

FINANCIAL IMPLICATIONS

There will be financial implications associated with the introduction of Development Permits for Streamside Protection and Enhancement including additional staff training and staff time. It is anticipated that the Development Permit fees will only partially offset these increases, but the Strategy can be implemented within existing staff levels. The impact on staffing levels will be reviewed after one year of implementation.

There will be additional costs to property owners wishing to redevelop within the Streamside Protection and Enhancement Area. Where applications comply with the DP Guidelines the fees will be substantially less than if a variance is sought, as is the case with other variances in the City. If the applicant seeks to challenge the DP Guidelines, additional reports such as environmental reports may be required. Permit fees and submission requirements have been stratified to reflect the scale and complexity of applications from a \$50 DP for landscaping, accessory buildings or structures to a \$1,700 DP in which zoning and/or a variance to the DP Guidelines is sought.

INTER-DEPARTMENTAL IMPLICATIONS

This report has been prepared by the Engineering, Parks & Environment and Community Development Departments. The report has been reviewed and endorsed by the Advisory Planning Commission. The report has also been reviewed by the Parks and Environment Advisory Committee however as they did not have quorum at the last meeting, PEAC will consider the Riparian Area Strategy at their next meeting on March 2, 2006. The report has been reviewed by the Finance Department and the Civic Projects Team on February 21, 2006. All comments have been incorporated into the report.

STRATEGIC PLAN IMPLICATIONS

Staff recommendations in this report are in keeping with the goals and objectives of the Strategic Plan, specifically: Community Objectives C2 and C4 and Internal Functioning Objective IF1.

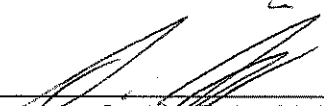
- C2: We will protect and maintain new and existing public infrastructure and amenities and enhance the natural and built environments.
- C4: We will establish and maintain a customer service culture that is responsive to community needs.

- IF1: We will identify and make specific service delivery processes noticeably more efficient and effective.

CORPORATE PLAN AND/OR POLICY IMPLICATIONS

The recommended course of action outlined in this report is in keeping with the Official Community Plan, including the chapter on Environment and the Sense of Place Chapter. In addition, it furthers the goals and objectives in the City's Environmental Protection Program. In pursuing our options to provide a consistent and effective level of protection for our environmentally sensitive areas we will better preserve local ecosystems features and functions for future generations.

RESPECTFULLY SUBMITTED BY



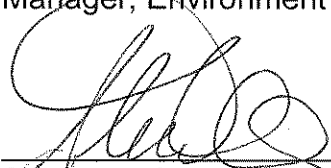
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PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. → **837**, Approved and Ordered **JUL 27 2004**



Lieutenant Governor

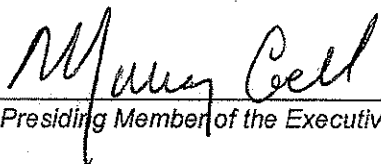
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective March 31, 2005,

- 1 *the Streamside Protection Regulation, B.C. Reg. 10/2001, is repealed, and*
- 2 *the attached Riparian Areas Regulation is made.*



Minister of Water, Land and Air Protection



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Fish Protection Act, S.B.C. 1997, c. 21, ss. 12, 13 (1) and 37 (2)

Other (specify):- oic 34/2001

June 9, 2004

Resub 740/2004/8

RIPARIAN AREAS REGULATION

Definitions and interpretation

1 (1) In this regulation:

“**Act**” means the *Fish Protection Act*;

“**active floodplain**” means an area of land that supports floodplain plant species and is

- (a) adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, or
- (b) within a boundary that is indicated by the visible high water mark;

“**assessment methods**” means the methods set out in the Schedule;

“**assessment report**” means a report prepared in accordance with the assessment methods to assess the potential impact of a proposed development in a riparian assessment area and which is certified for the purposes of this regulation by a qualified environmental professional;

“**development**” means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of nonstructural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in section 872 of the *Local Government Act*;

“**development proposal**” means any development that is proposed in a riparian assessment area that is within or partly within the boundaries of an area administered by a local government;

“**fish**” means all life stages of

- (a) salmonids,
- (b) game fish, and
- (c) regionally significant fish;

“**floodplain plant species**” means plant species that are typical of an area of inundated or saturated soil conditions and that are distinct from plant species on freely drained adjacent upland sites;

“**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;

“ministry” means the Ministry of Water, Land and Air Protection;

“natural features, functions and conditions” include but are not limited to the following:

- (a) large organic debris that falls into the stream or streamside area, including logs, snags and root wads;
- (b) areas for channel migration, including active floodplains;
- (c) side channels, intermittent streams, seasonally wetted contiguous areas and floodplains;
- (d) the multicanopied forest and ground cover adjacent to streams that
 - (i) moderates water temperatures,
 - (ii) provides a source of food, nutrients and organic matter to streams,
 - (iii) establishes root matrices that stabilize soils and stream banks, thereby minimizing erosion, and
 - (iv) buffers streams from sedimentation and pollution in surface runoff;
- (e) a natural source of stream bed substrates;
- (f) permeable surfaces that permit infiltration to moderate water volume, timing and velocity and maintain sustained water flows in streams, especially during low flow periods.

“permanent structure” means any building or structure that was lawfully constructed, placed or erected on a secure and long lasting foundation on land in accordance with any local government bylaw or approval condition in effect at the time of construction, placement or erection;

“qualified environmental professional” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association,
- (b) the individual’s area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual’s area of expertise;

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

“riparian area” means a streamside protection and enhancement area;

“riparian assessment area” means

- (a) for a stream, the 30 meter strip on both sides of the stream, measured from the high water mark,
- (b) for a ravine less than 60 meters wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 meters beyond the top of the ravine bank, and

- (c) for a ravine 60 meters wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 meters beyond the top of the ravine bank;

“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);

“streamside protection and enhancement area” means 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 according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal;

“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 meters measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

“wetland” means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.

- (2) For the purposes of the definition of **“streamside protection and enhancement area,”** vegetation must be considered to be “potential” if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, but an area covered by a permanent structure must be considered to be incapable of supporting potential vegetation.

Purposes of this regulation

2 The purposes of this regulation are

- (a) to establish directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes, and
- (b) to facilitate an intergovernmental cooperation agreement between the ministry, Fisheries and Oceans Canada and the Union of British Columbia Municipalities including the ability for individual intergovernmental cooperation agreements with local governments for any of the following:
 - (i) the implementation of this regulation;
 - (ii) the confirmation of regionally significant fish by the Ministry of Water, Land and Air Protection;
 - (iii) providing, sharing or confirming information on fish habitat conditions;

- (iv) describing roles and responsibilities with reference to applicable and appropriate use of authority and program mandates;
- (v) dispute resolution;
- (vi) a compliance strategy, including education, training, monitoring, reporting, enforcement and auditing.

Application

- 3**
- (1) This regulation applies to the exercise of local government powers by local governments under Part 26 of the *Local Government Act* in those local government areas to which this regulation applies.
 - (2) This regulation does not apply to a development permit or development variance permit issued only for the purpose of enabling reconstruction or repair of a permanent structure described in section 911 (8) of the *Local Government Act* if the structure remains on its existing foundation.

Assessment reports required before development

- 4**
- (1) In respect of development proposals related wholly or partially to riparian assessment areas within the jurisdiction of a local government, a local government must not approve or allow development to proceed in those riparian assessment areas unless the development proceeds in accordance with subsection (2) or (3).
 - (2) A local government may allow development to proceed if
 - (a) a qualified environmental professional carries out an assessment and certifies in the assessment report for that proposal that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides their professional opinion that
 - (i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
 - (ii) if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, and
 - (b) the local government is notified by the ministry that Fisheries and Oceans Canada and the ministry have been
 - (i) notified of the development proposal, and
 - (ii) provided with a copy of an assessment report prepared by a qualified environmental professional that
 - (A) certifies that he or she is qualified to carry out the assessment,
 - (B) certifies that the assessment methods have been followed, and
 - (C) provides a professional opinion, that meets the requirements of subsection (2) (a) (i) or (ii), as to the potential impact of the

development on the natural features, functions and conditions that support fish life processes in the riparian assessment area.

- (3) A local government may allow development to proceed if the Minister of Fisheries and Oceans or a regulation under the *Fisheries Act* (Canada) authorizes the harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal.

Development of strategies for monitoring, enforcement and education

- 5 The local government must cooperate in developing strategies with the ministry and Fisheries and Oceans Canada
 - (a) for obtaining certificates by qualified environmental professionals that the conditions set out in assessment reports have been properly implemented,
 - (b) for monitoring and enforcement to ensure that assessment reports have been properly prepared in accordance with the assessment methods and properly implemented, and
 - (c) for public education with respect to the protection of riparian areas.

Use of local government powers for protection and enhancement of areas

- 6 When exercising its powers with respect to development, a local government must protect its riparian areas in accordance with this regulation.

Preparation of assessment report by qualified environmental professional

- 7 An assessment report for the purposes of this regulation must employ the assessment methods set out in the Schedule and must report on all of the following:
 - (a) the width of the streamside protection and enhancement area which must be protected, and
 - (b) the measures necessary to protect the integrity of the streamside protection and enhancement area.

Transitional

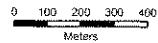
- 8
 - (1) In this section, “**former regulation**” means the Streamside Protection Regulation, B.C. Reg 10/2001.
 - (2) If, before this regulation came into force, a local government had established streamside protection and enhancement areas in accordance with the former regulation, the local government is deemed to have met the requirements of this regulation in respect of those areas.
 - (3) Despite section 6 (5) of the former regulation, an amendment of a streamside protection and enhancement area referred to in subsection (2) of this section must be in accordance with this regulation.

City of North Vancouver
**OFFICIAL
COMMUNITY PLAN
Schedule H**

DRAFT
B. Streamside Protection and
Enhancement Development
Permit Areas.
Figure 5.

Legend

- Stream
- ▣ City Boundary
- ▭ Block Outline
- Development Permit

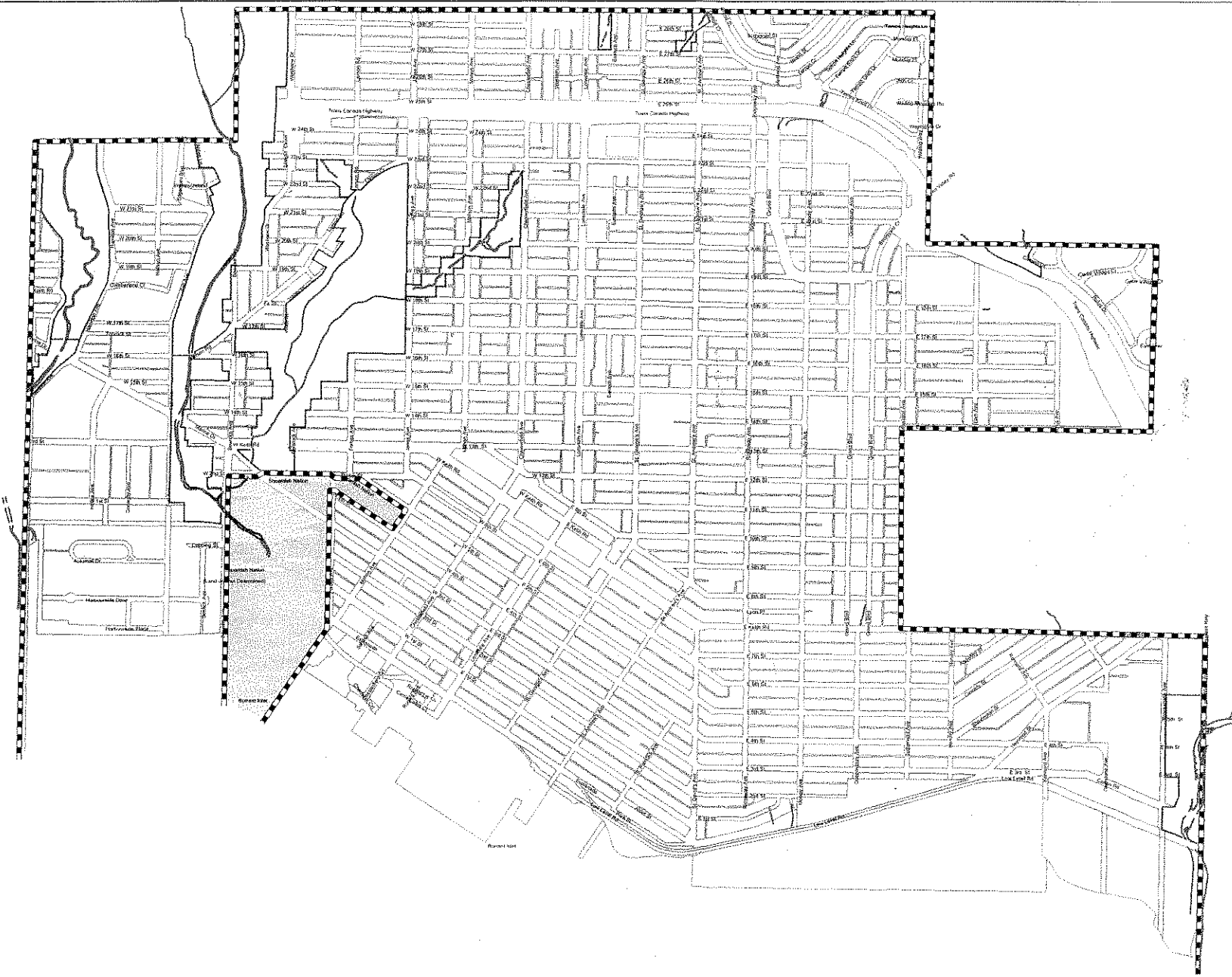


NOTES

NOT TO SCALE



2006





Fisheries
and Oceans

Pêches
et Océans

Pacific Region
Suzanne Thorpe
Land Use Section
Habitat and Enhancement Branch
100 Annacis Parkway, Annacis Is.
New Westminster, BC V3M 6A2

21 February 2006

Mr. Michael Hunter
City of North Vancouver
Engineering, Parks & Environment
141 West 14th Street
North Vancouver, BC V7M 1H9

Dear Mr. Hunter:

RE: CITY OF NORTH VANCOUVER, RIPARIAN AREAS STRATEGY.

Thank you for the opportunity to review the City of North Vancouver's (CNV) strategy to protect fish habitat and compliance with the requirements of the impending provincial Riparian Areas Regulations (RAR). Fisheries and Oceans Canada (DFO) supports the CNV approach to meet the intent of the RAR though the implementation of Development Permit Areas for streamside protection and enhancement based on the proposed Development Permit guidelines.

In the short term, it is DFO's understanding that any application that does not meet the setback requirements established by those guidelines will be referred to the joint DFO/CNV Environmental Review Committee process. Over the long term, DFO will cooperate with the CNV in the development of a working protocol that will formalize the variance approval process. As well, DFO will participate in the review of any proposed changes that may be implemented through adaptive management processes.

Should you have any questions or require further clarification regarding this letter, please do not hesitate to contact me at (604) 666-6310.

Sincerely yours,

Suzanne Thorpe
Sr. Habitat Biologist,
Habitat and Enhancement Branch

cc: Corino Salomi – Head, Fraser Valley West

Canada

THE CORPORATION OF THE CITY OF NORTH VANCOUVER**Bylaw No.7758****A bylaw to amend the "Official Community Plan, 2002, No. 7425"**

The Council of the Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

1. This bylaw shall be known and cited for all purposes as "**Official Community Plan, 2002, No. 7425, Amendment Bylaw, 2006, No. 7758**" (Development Permit Areas for Streamside Protection and Enhancement).
2. SCHEDULE H Development Permit Areas is hereby amended by adding the following:

B. STREAMSIDE PROTECTION AND ENHANCEMENT DEVELOPMENT PERMIT AREAS

The boundaries for the Development Permit Areas for Streamside Protection and Enhancement shall be as shown in Figure 5 in Schedule H which has generally been based on properties within 15m of the top of bank of a watercourse or wetland or 10m of the top of bank of a ravine, adjacent to the following creeks in the City of North Vancouver: MacKay Creek, Thain Creek, Mission Creek, Wagg Creek, Mosquito Creek, Keith Creek and LynnCreek). These development permit areas have been so designated for purposes of:

- i. the protection of the natural environment, its ecosystem and biological diversity.

Special Conditions and Objectives for Streamside Protection and Enhancement

This Development Permit Area, as outlined in Figure 5 of Schedule H, has been created to address special conditions and objectives for Streamside Protection and Enhancement.

Reference section: *Local Government Act* s.919.1(1)(a) and 919.1(4)

Conditions: The introduction of Development Permit Areas for Streamside Protection and Enhancement is warranted to protect and enhance watercourses and wetlands in the City of North Vancouver.

Objectives: To ensure that development does not negatively impact watercourse environments or, where such impacts are unavoidable due to the existing configuration of parcels of land in relation to watercourses and wetlands, to ensure that development does not result in a net loss of productive fish habitat.

Guidelines Schedule: See Zoning Bylaw, 1995, No. 6700, Division VII: Development Permit Guidelines

Exemptions: As per Section 919.1(4), development may be exempt from the requirement for a Development Permit if the proposal is for:

- i. Interior renovations or exterior renovations / maintenance of existing buildings involving no additions;
- ii. Activities occurring more than 15 metres from the top of watercourse bank or edge of wetland (10 metres from top of ravine bank);
- iii. Maintenance of existing landscape conditions;

- iv. Construction and maintenance activities carried out by, or on behalf of, the City, designed to enhance the coexistence of natural habitats and public trails;
- v. Emergency works, including tree cutting, necessary to remove an immediate danger or hazard;
- vi. Regular and emergency City maintenance of municipal infrastructure conducted in a manner that is consistent with the objectives of the Development Permit designation; and,
- vii. The implementation of a fish habitat mitigation or restoration plan authorized by the senior government ministry or agency having jurisdiction.

Development Approval Information Area Designation

Areas of land in the vicinity of watercourses and wetlands, as illustrated in Figure 5 of Schedule H, are hereby designated a Development Approval Information Area.

Reference section: *Local Government Act* s.920.01 and 920.1

Objective: The introduction of Development Permit Areas for Streamside Protection and Enhancement is intended to ensure that development does not negatively impact watercourse environments. In cases where such impacts are unavoidable, due to the configuration of parcels of land in relation to watercourses, development must not result in a net loss of productive fish habitat. The designation will also ensure that an accurate, site-specific information base is available to guide the application of the relevant Development Permit Guidelines.

Procedures: Development approval information requirements and procedures are set out in the Zoning Bylaw, 1995, No. 6700, Division VII: Development Permit Guidelines, enacted pursuant to s.920.1 of the *Local Government Act*.

READ a first time by the Council on
the day of _____, 2006.

READ a second time by the Council on
the day of _____, 2006.

READ a third time by the Council on
the day of _____, 2006.

RECONSIDERED and finally adopted
By the Council, signed by the Mayor and
City Clerk and sealed with the Corporate
Seal on the _____ day of
_____, 2006.


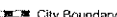

Mayor

City Clerk

OFFICIAL
COMMUNITY PLAN
Schedule H

DRAFT
B. Streamside Protection and
Enhancement Development
Permit Areas.
Figure 5.

Legend

-  Stream
-  City Boundary
-  Block Outline
-  Development Permit


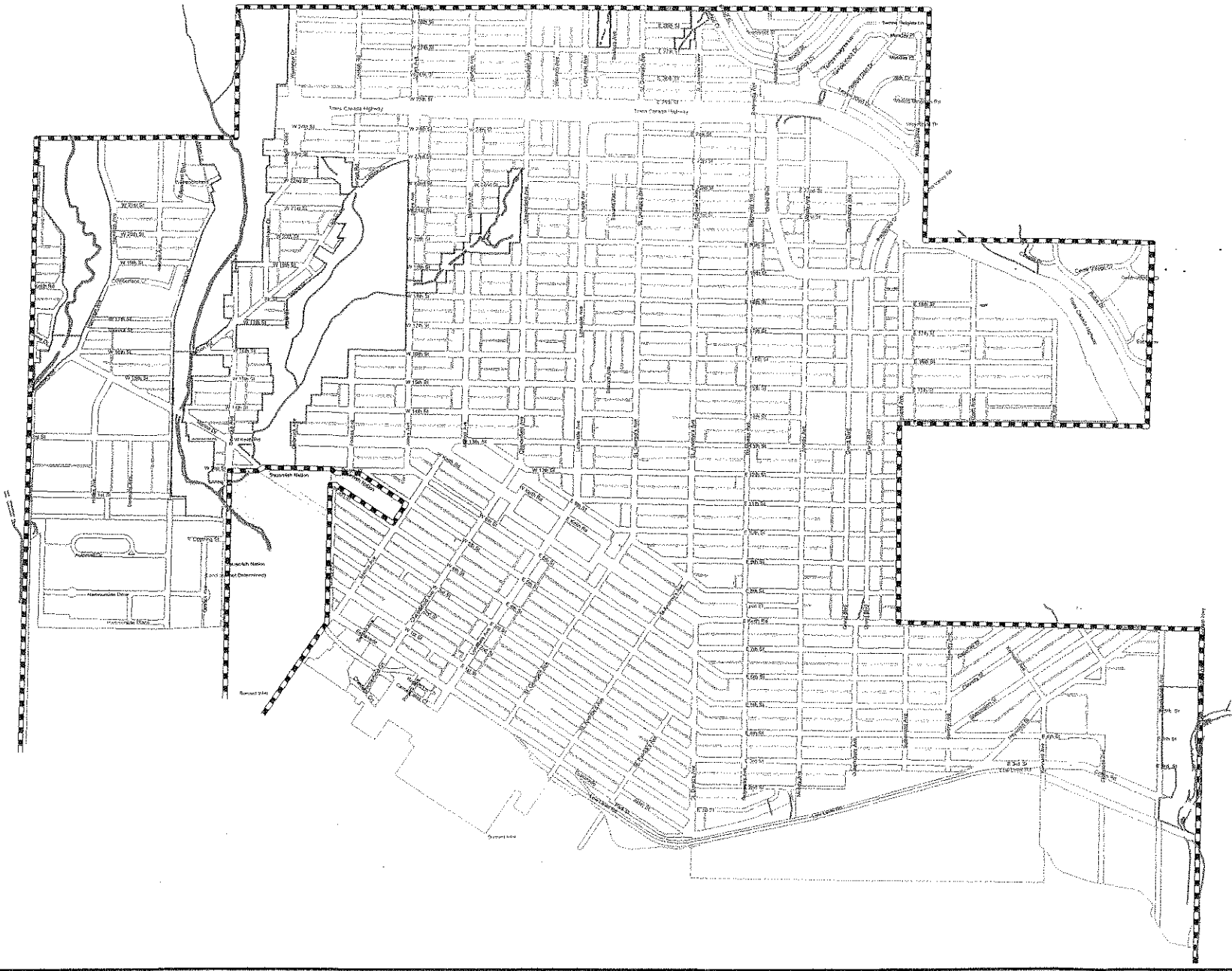


NOTES

NOT TO SCALE

the city
of north vancouver

2006

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

Bylaw No.7759

A bylaw to amend the "Zoning Bylaw, 1995, No. 6700"

The Council of the Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

1. This bylaw shall be known and cited for all purposes as "**Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2006, No. 7759**" (Development Permit Areas for Streamside Protection and Enhancement).
2. DIVISION VII: DEVELOPMENT PERMIT GUIDELINES is here by amended by adding the following:

B: Streamside Protection and Enhancement Development Permit Area Guidelines (attached).

READ a first time by the Council on
The day of , 2006.

READ a second time by the Council on
The day of , 2006.

READ a third time by the Council on
The day of , 2006.

RECONSIDERED and finally adopted
By the Council, signed by the Mayor
and City Clerk and sealed with the
Corporate Seal on the day of
, 2006.

Mayor

City Clerk



Streamside Protection & Enhancement Development Permit Guidelines

Development Permits for Streamside Protection and Enhancement serve to both streamline and formalize the current process for reviewing development near riparian areas and provide greater protection for natural fish resources.

1.0 Purpose

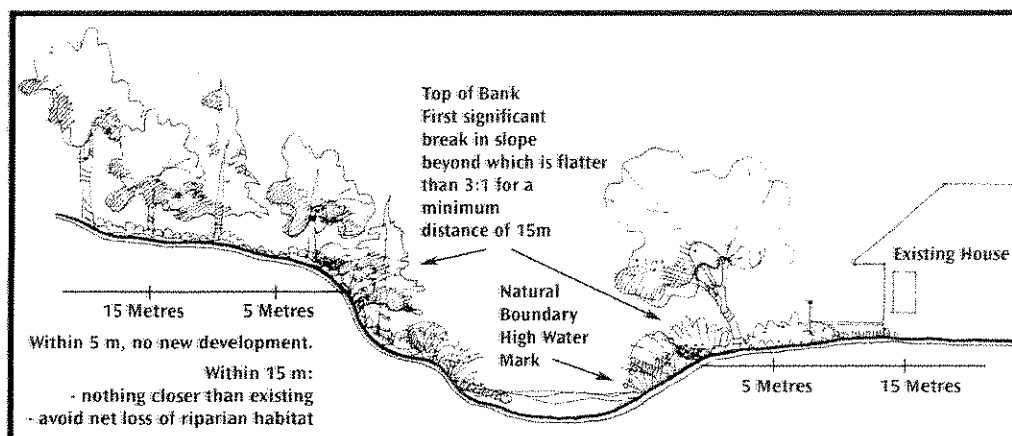
The purpose of these guidelines is twofold:

- To provide the owners of affected property and the development community with an outline of the legal requirements to protect riparian areas on privately owned lands; and,
- To clarify the process for approvals associated with developments near riparian areas in the City.

2.0 When is a Development Permit Required?

A Development Permit for Streamside Protection and Enhancement is required for any work to be done within 15 metres of the top of a watercourse bank (10m from top of ravine bank), including:

- constructing any structure or building;
- constructing an impervious / semi-impervious surface; or
- undertaking landscaping changes.



Determining top of bank and areas of protection

3.0 Exemptions:

An owner/applicant may be exempt from the requirement for a Development Permit if the work is limited to:

- i. Interior renovations or exterior renovations / maintenance of existing buildings involving no additions;
- ii. Activities occurring more than 15 metres from the top of watercourse bank or edge of wetland (10 metres from top of ravine bank);
- iii. Maintenance of existing landscape conditions;
- iv. Construction and maintenance activities carried out by, or on behalf of, the City, designed to enhance the coexistence of natural habitats and public trails;
- v. Emergency works, including tree cutting, necessary to remove an immediate danger or hazard;
- vi. Regular and emergency City maintenance of municipal infrastructure conducted in a manner that is consistent with the objectives of the Development Permit designation; and,
- vii. The implementation of a fish habitat mitigation or restoration plan authorized by the senior government ministry or agency having jurisdiction.



4.0 Definitions

For the purposes of this guideline the following definitions apply:

"active floodplain" means an area of land within a boundary that is indicated by the visible high water mark or water level of a watercourse that is reached during annual flood events as evidenced by riparian area conditions described in the definition of "riparian area";

"development" shall refer to any of the following:

- i. removal, alteration, disruption or destruction of vegetation;
- ii. disturbance of soils;
- iii. construction or erection of buildings and structures;
- iv. creation of non-structural impervious or semi-impervious surfaces;
- v. flood protection works;
- vi. construction of roads, trails, docks, wharves and bridges;
- vii. provision and maintenance of sewer and water services;
- viii. development of drainage systems; and,
- ix. development of utility corridors.

"fish" means all life stages of:

- (a) salmonids,
- (b) game fish, and
- (c) regionally significant fish;

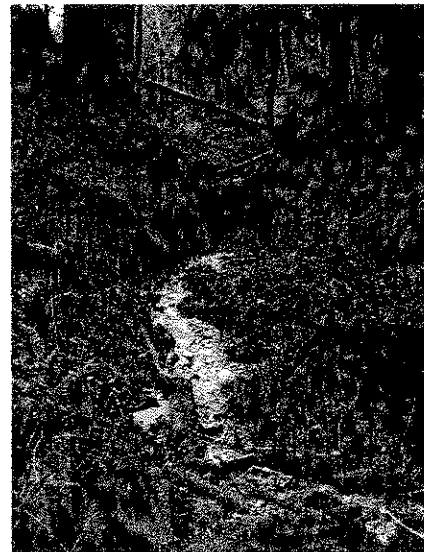


"fish bearing watercourse" means a watercourse in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable for fish;

"non fish bearing watercourse" means a watercourse that:

- (a) is not inhabited by fish, and
- (b) provides water, food and nutrients to a downstream fish bearing watercourse or other water body;

"no net loss" is a working principle by which the City strives to balance unavoidable habitat losses with habitat replacement on a project-by-project basis so that further reductions to fisheries resources due to habitat loss or damage may be prevented.



"non-permanent watercourse" means a watercourse that typically contains surface waters or flows for periods less than 6 months in duration;

"permanent watercourse" means a watercourse that typically contains continuous surface waters or flows for a period more than 6 months in duration;

"permanent structure" means any building or structure that was lawfully constructed, placed or erected on a secure and long lasting foundation on land in accordance with any District or approval condition in effect at the time of construction, placement or erection;



"potential vegetation" is considered to exist if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, and is considered to not exist on that part of an area covered by a permanent structure;

"ravine" means a narrow, steep sided valley that is commonly eroded by running water and with slope grades greater than 3:1;



"riparian area" means the area adjacent to a watercourse that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water;

"streamside protection and enhancement area" means an area adjacent to a watercourse that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the watercourse, the width of which includes the area within 15m of the top of bank of a watercourse or 10m of the top of bank of a ravine;

"top of the bank" means:

- (a) the point closest to the boundary of the active floodplain of a watercourse where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break, and
- (b) for a floodplain area not contained in a ravine, the edge of the active floodplain of a

watercourse where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the edge;

"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;



"tree" means a woody perennial plant usually having a single stem which has a diameter of at least 5 centimetres when measured from a height of 15 centimetres above the natural grade of the land.

"watercourse" means a creek, pond, lake, river, stream, or brook, whether usually containing water or not and any spring or wetland that is integral to a watercourse;

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal conditions that supports vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse.



5.0 Basic Information Requirements

- 5.1 Provide the following information to demonstrate existing conditions (baseline information) on the site:
- All plan(s) drawn to scale, preferably 1/8 inch to 1 foot or larger, showing North arrow, and 30cm contour intervals;
 - Parcel boundaries and adjacent streets and rights of way;
 - Natural features including watercourses, wetlands and top of bank;
 - Lines showing 5 and 15 metres from top of watercourse bank OR 5 and 10 metres from the top of ravine bank (streamside protection and enhancement areas);
 - Potential Streamside Protection and Enhancement Areas identified in accordance with the Development Permit Guidelines for Streamside Protection and Enhancement;
 - Any existing development including locations and dimensions of existing buildings, driveways, motor vehicle parking areas and landscaping; and
 - All trees within 15 metres of the top of the watercourse bank or edge of wetland OR within 10 metres of top of ravine bank, highlighting those that will be affected/ removed by proposed development.
- 5.2 Detail the proposed development including:
- Locations and dimensions of proposed buildings, driveways, motor vehicle parking areas and landscaping;
 - Conceptual building elevations; and
 - Points of vehicular ingress and egress.
- 5.3 Provide an analysis demonstrating that the proposed development is consistent with the applicable Development Permit Guidelines and, where appropriate, identify mitigation measures that are consistent with the Guidelines including measures that may be specified as Development Permit conditions.
- 5.4 Provide a Sediment and Erosion Control Plan, as described in Section 7 of the Stream and Drainage System Protection Bylaw, 2003, No.7541. Sediment and erosion control measures are to be put in place prior to any disturbance of soils during site preparation and must remain in place until project completion.
- 5.5 Provide a written assessment by a Certified Arbourist, confirming the condition of any trees proposed for removal, including recommended replacement species and size in compliance with the City of North Vancouver Tree Policy for replacement and tree planting criteria.
- 5.6 As outlined in Section 6(c) of the Development Procedures Bylaw, 2001, No.7343, additional information, such as a Survey by a BCLS and a Landscape Plan by a BCSLA and other additional information may be required in order to accurately assess the impact of a proposed development on the Streamside Protection and Enhancement Area.

6.0 Fees

When submitting a Development Permit Application for Streamside Protection and Enhancement Areas, the following fees are applicable:

Obtain a Development Permit (DP) for Streamside Protection and Enhancement:

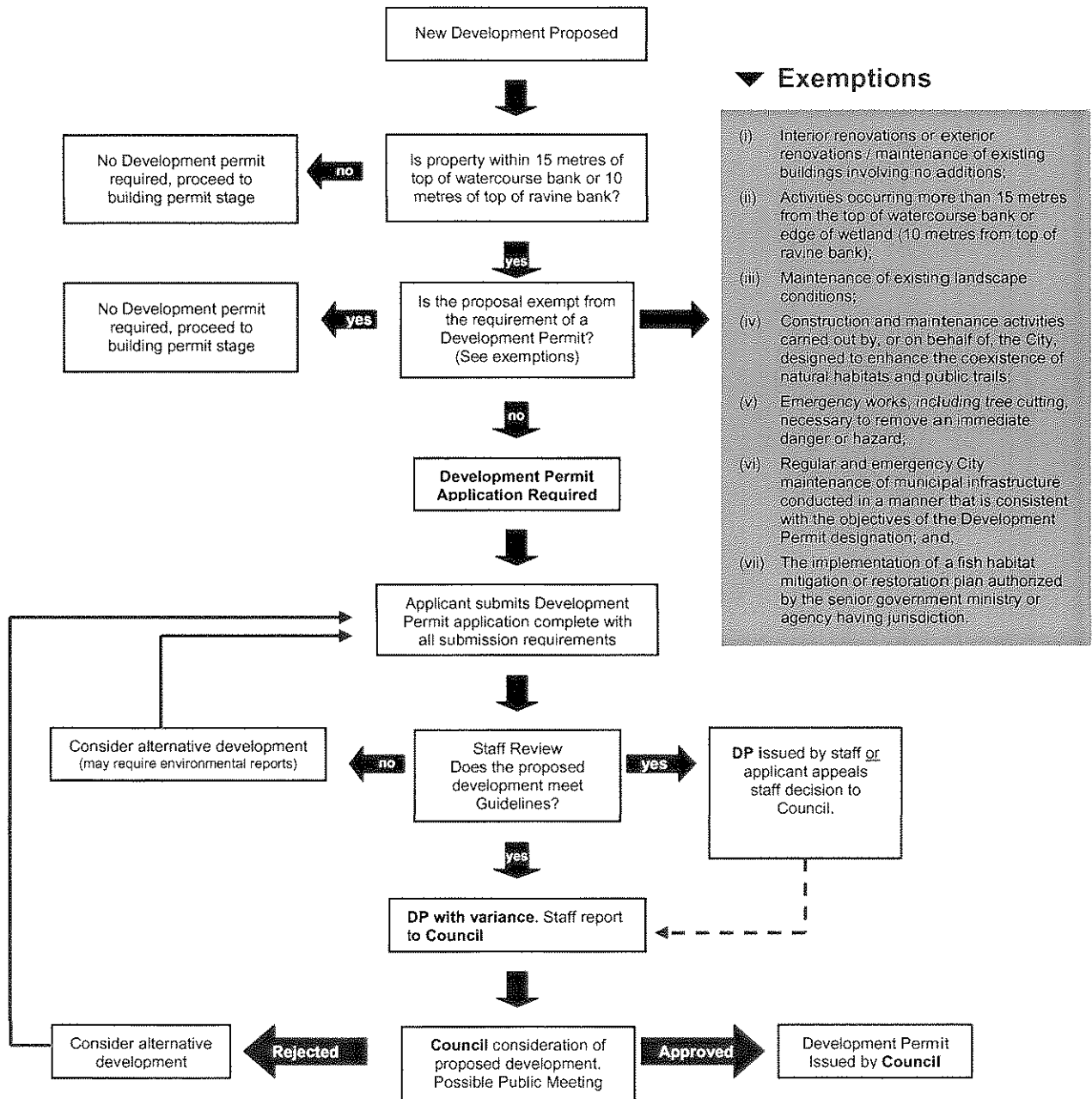
Minor DP (Landscape, Accessory Building or Accessory Structure).....	\$50.00
Full DP (Principal Building in any Zone).....	\$350.00
Full DP with Variance (Variance to Zoning or not meet Guidelines).....	\$1,700.00



7.0 Development Permit Process

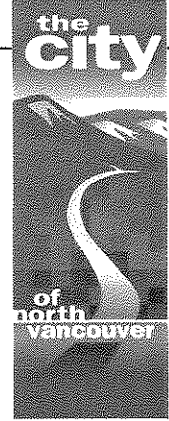
This chart outlines the Development Permit (DP) process. Throughout the process, staff will be available to work with applicants to ensure an efficient and timely process. If you have any questions regarding the process or whether you require a Development Permit, please do not hesitate to contact staff.

Once a Development Permit is obtained, you may proceed to Building Permit stage.



Exemptions

- (i) Interior renovations or exterior renovations / maintenance of existing buildings involving no additions;
- (ii) Activities occurring more than 15 metres from the top of watercourse bank or edge of wetland (10 metres from top of ravine bank);
- (iii) Maintenance of existing landscape conditions;
- (iv) Construction and maintenance activities carried out by, or on behalf of, the City, designed to enhance the coexistence of natural habitats and public trails;
- (v) Emergency works, including tree cutting, necessary to remove an immediate danger or hazard;
- (vi) Regular and emergency City maintenance of municipal infrastructure conducted in a manner that is consistent with the objectives of the Development Permit designation; and,
- (vii) The implementation of a fish habitat mitigation or restoration plan authorized by the senior government ministry or agency having jurisdiction.



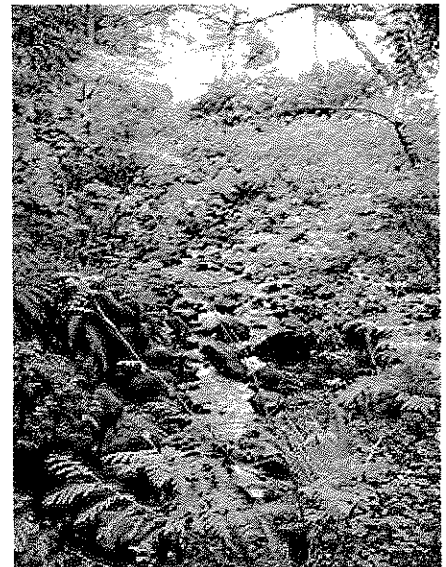
8.0 Obligation to Obtain Permit

- 8.1 Failure to obtain a Development Permit for Streamside Protection and Enhancement before proceeding with any development in the Streamside Protection and Enhancement Area is a ticketable offence. A fine in the amount of \$100.00 per offence will be applied to any such contraventions.

9.0 General Guidelines

If, in the opinion of staff or Council, the Development Permit proposal meets the intent of the following guidelines, a Development Permit may be issued. The applicant shall:

1. Locate development on portions of the site that are least environmentally sensitive.
2. For permanent watercourses and wetlands:
 - 2.1 Avoid the net loss of riparian habitat within 15 metres of the top of the watercourse bank or edge of the wetland or within 10m of the top of a ravine bank.
 - 2.2 Within 15 metres of the top of the watercourse bank or edge of wetland (10m for ravines), the applicant shall locate new buildings, structures and impervious / semi-impervious surfaces at least as far from the watercourse, wetland or top of ravine bank as any existing development.
 - 2.3 Keep the area within 5 metres of the top of the watercourse bank, edge of wetland or top of ravine bank free of all new buildings, structures and impervious / semi-impervious surfaces.
 - 2.4 Where necessary, zoning variances, including reduced building setbacks, may be considered in order to prevent the loss of habitat within 15 metres of the top of the watercourse bank or edge of the wetland or within 10m of the top of the ravine bank.
 - 2.5 Where it is not practical to avoid net loss of riparian habitat within 15 metres of the top of the watercourse bank or edge of the wetland (within 10m of top of bank for ravines), provide mitigation as approved by the City of North Vancouver to achieve an overall no net loss of riparian habitat.
3. Avoid net loss of riparian habitat within 5 metres of the top of the non-permanent watercourse bank.
4. Enhance, and where feasible, restore watercourses in already developed areas to improve watercourse quality.
5. Implement recommendations approved by the City of North Vancouver, including mitigation measures that are consistent with these guidelines.
6. Provide security for works to ensure their completion. This shall be in the form of a letter of credit in the amount of 120% of the estimated value of works.



For more information or if you are unsure if a Development Permit is required please contact Mike Hunter, Environmental Coordinator, at 604-990-4224 or mhunter@cnv.org or visit www.cnv.org.

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

Bylaw No.7760

A bylaw to amend the "Development Procedures Bylaw, 2001, No. 7343"

The Council of the Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

1. This bylaw shall be known and cited for all purposes as "Development Procedures Bylaw, 2001, No. 7343, Amendment Bylaw, 2006, No. 7760" (Development Permit Areas for Streamside Protection and Enhancement).

2. The Development Procedures Bylaw, 2001, No. 7343, Section 3(a) is hereby amended by adding the following after the words "Schedule A":

with the following exception:

(i) For Development Permits for Streamside Protection and Enhancement the information required is set forth, but not limited to, the information required in the Zoning Bylaw, 1995, No.6700, Division VII.

3. The Development Procedures Bylaw, 2001, No. 7343, Section 3(b)(iii), is hereby amended by adding the following after the words "Development Variance Permit":

or for an application for a Development Permit to be issued by the Manager of Inspections.

4. The Development Procedures Bylaw, 2001, No. 7343, Section 4. Process, is hereby amended by adding an (a) before the words "An application" and by adding the following after the words "for consideration":

other than applications which may be approved by the Manager of Inspections.

(b) The review of applications by the Council or Manager of Inspections may include referrals to persons or groups for such reports or advice as is deemed necessary to evaluate the application.

(c) In the event the Manager of Inspections rejects a Development Permit, the applicant may apply to the Council for reconsideration of the application, in which case the provisions of Sections 5(f) through (i) shall apply.

5. The Development Procedures Bylaw, 2001, No. 7343 is hereby amended by adding the following to Schedule A – Fees, Section 5:

Obtain a Development Permit (DP) for Streamside Protection and Enhancement

Minor DP (Landscape, Accessory Building or Accessory Structure).....	\$50.00
Full DP (Principal Building in any Zone).....	\$350.00
Full DP with Variance (Variance to Zoning or not meet Guidelines).....	\$1,700.00

6. The Development Procedures Bylaw, 2001, No. 7343 is hereby amended by adding the following:

By renumbering sections 5 through 13 as sections 7 through 15 respectively and by adding the following as sections 5 and 6:

5. DELEGATION OF COUNCIL POWERS

- (a) Subject to section (b), the Council delegates to the Manager of Inspections the powers of the Council under s.920(2) of the *Local Government Act* to issue Development Permits in respect of Development Permit Areas established by the Official Community Plan, 2002, No.7425, provided that they do not involve a variance to the Zoning Bylaw, 1995, No.6700, including the powers of the Council to require that the applicant provide security for the purposes of s.925 of the *Local Government Act*, however:
- (i) the Manager of Inspections reserves the ability to refer the Development Permit Application to Council for consideration.
- (b) The Manager of Inspections may exempt any in-stream applications for development from the Development Permit requirements within 100 days of the adoption of the Official Community Plan Bylaw, 2002, No.7425, Amendment Bylaw, 2006, No.7758 (Development Permit Areas for Streamside Protection and Enhancement).
- (c) The Manager of Inspections may not issue a Development Permit for development on land that is designated as part of Development Permit Areas for Streamside Protection and Enhancement and another Development Permit area.
- (d) In imposing security requirements under s.925 of the *Local Government Act*, the Manager of Inspections may require the applicant to provide as security:
- i. undertaking works, construction or other activities to satisfy a condition in the permit respecting landscaping; plus
 - ii. provide a letter of credit in the amount of 120% of the estimated value of works to be applied by the City to the cost of undertaking works, construction or other activities to correct:
 1. an unsafe condition that has resulted as a consequence of the contravention of a condition in the permit; and
 2. damage to the environment that has resulted as a consequence of the contravention of a condition in the permit.
- (e) In imposing the security requirements set out in section (c), the Manager of Inspections may require security to be maintained for so long as there is a reasonable possibility of contravention of a landscaping condition, the

creation of an unsafe condition, and the causing of harm to the environment in connection with the development authorized by the permit.

- (f) An owner of land whose Development Permit application is subject to this section may, within 10 business days of being notified in writing of the Manager of Inspections's decision on their Development Permit application, request the Council to reconsider the Manager of Inspections's decision, by giving notice in writing to the City Clerk setting out the grounds on which the applicant considers the decision is inappropriate and what decision, including what Development Permit conditions and what amounts of security the Council ought to substitute, and paying the applicable fee set out in Development Procedures Bylaw 2001, No.7343 and applicable amendments thereto.
- (g) The City Clerk must notify the Manager of Inspections of each request for reconsideration and the Manager of Inspections must:
 - i. prior to the date of the meeting at which the reconsideration will occur, provide a written report to the Council setting out, at the level of detail the Manager of Inspections considers appropriate, the rationale for the Manager of Inspections's decision; or
 - ii. at the meeting at which the reconsideration occurs, provide an oral report on the rationale for the Manager of Inspections's decision.
- (h) The City Clerk must notify the applicant of the date of the meeting at which the reconsideration will occur.
- (i) The Council may either confirm the decision of the Manager of Inspections or substitute its own decision, including Development Permit conditions and amounts of security.

6. DEVELOPMENT APPROVAL INFORMATION

- (a) The requirements of this section apply to applicants for a Development Permit in respect of an area specified for the provision of development approval information under Streamside Protection and Enhancement Areas as identified in Official Community Plan Bylaw No. 7425, 2002.
- (b) Applicants must submit the information set out in the Development Permit Guidelines for Streamside Protection and Enhancement, located in the Zoning Bylaw, 1995, No.6700, Division VII to the Manager of Inspections.
- (c) If the Manager of Inspections is not satisfied that the information is sufficient to comply with this section, either in scope, level of detail, accuracy or in any other respect, the Manager of Inspections may, within 30 business days of receipt of the information submitted by the applicant, require the applicant to provide, at the applicant's expense, further information reasonably required to comply with this section.

- (d) The information that is provided to the municipality pursuant to this section is required by the municipality in the exercise of its powers under the *Local Government Act*. Every report or other document provided to the municipality pursuant to this section must accordingly contain an express grant of permission to the municipality to use and reproduce the information contained in the report or other document for non-commercial purposes.

READ a first time by the Council on
The day of _____, 2006.

READ a second time by the Council on
The day of _____, 2006.

READ a third time by the Council on
The day of _____, 2006.

RECONSIDERED and finally adopted
By the Council, signed by the Mayor
and City Clerk and sealed with the
Corporate Seal on the _____ day of
_____, 2006.

Mayor

City Clerk

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

Bylaw No.7761

A bylaw to amend the "Ticket Information Utilization Bylaw, 1992, No. 6300"

The Council of the Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

1. This bylaw shall be known and cited for all purposes as "**Ticket Information Utilization Bylaw, 1992, No. 6300, Amendment Bylaw, 2006, No. 7761**" (Development Permit Areas for Streamside Protection and Enhancement)
2. Schedule A to Bylaw 6300 is hereby amended by adding the following:

DESIGNATED BYLAWS	DESIGNATED BYLAW ENFORCEMENT OFFICER
18. City of North Vancouver Stream and Drainage System Protection Bylaw, 2003, No. 7541.	<ul style="list-style-type: none"> • Bylaw Enforcement Officer • Building Inspector • Property Use Inspector • Environmental Coordinator
19. "Streamside Protection and Enhancement Development Permit Guidelines, Zoning Bylaw, 1995, No.6700, Amendment Bylaw No. 7759"	<ul style="list-style-type: none"> • Bylaw Enforcement Officer • Building Official • Property Use Inspector • Environmental Coordinator

3. Schedule B18 to Bylaw 6300 is hereby amended by adding the following:

Designated Expression	Section	Fine
Discharge of "prohibited substance"	4	\$250.00

4. Schedule B19 to Bylaw 6300 is hereby amended by adding the following:

Designated Expression	Section	Fine
Failure to obtain a Development Permit	8.1	\$100.00

READ a first time by the Council on
The day of , 2006.

READ a second time by the Council on
The day of , 2006.

READ a third time by the Council on
The day of , 2006.

RECONSIDERED and finally adopted
By the Council, signed by the Mayor
and City Clerk and sealed with the
Corporate Seal on the day of
, 2006.

Mayor

City Clerk