

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

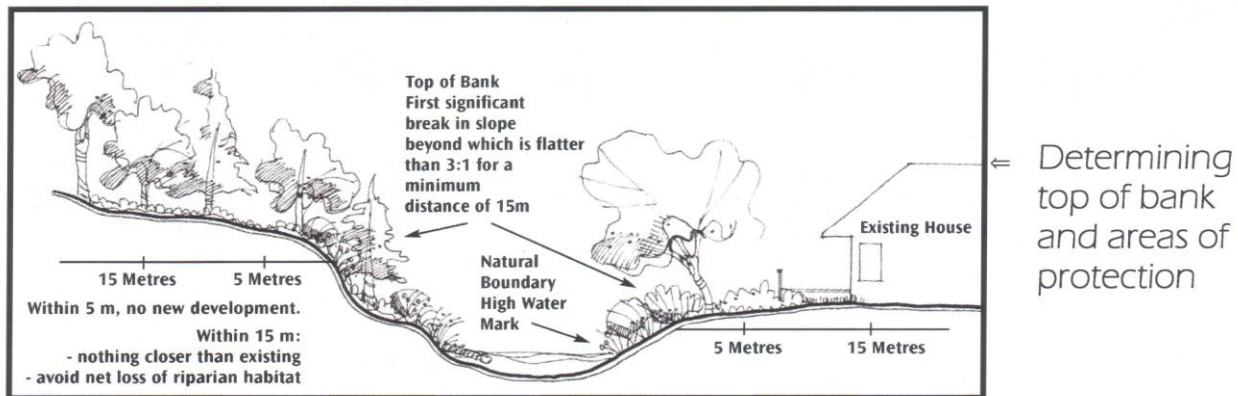
The purpose of these guidelines is twofold:

- 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, including tree removal.



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, but will still need to follow reporting requirements in accordance with the hazardous removal process outlined in the City's "Tree Bylaw, 2022, No. 8888"; [Bylaw 8928, June 20, 2022]
- vi. Regular and emergency City maintenance of municipal infrastructure conducted in a manner that is consistent with the objectives of the Development Permit designation;
- vii. The implementation of a fish habitat mitigation or restoration plan authorized by the senior government ministry or agency having jurisdiction; and,
- viii. The alteration or removal of high to extreme risk trees assessed by a Qualified Tree Risk Assessor who provides the risk rating, and replanting plan consistent with the Ministry of Environment Tree Replacement Criteria or consistent with the City's "Tree Bylaw, 2022, No. 8888", whichever has a greater replacement ratio.

[Bylaw 8928, June 20, 2022]

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 having one or more stems, with at least one stem having a diameter of 10 centimetres or more, measured at 1.3 metres above the natural grade on the uphill side of the tree, and includes the Critical Root Zone. [Bylaw 8928, June 20, 2022]

"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:
- a. All plan(s) drawn to scale, preferably 1/8 inch to 1 foot or larger, showing North arrow, and 30cm contour intervals;
 - b. Parcel boundaries and adjacent streets and rights of way;
 - c. Natural features including watercourses, wetlands and top of bank;
 - d. 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);
 - e. Potential Streamside Protection and Enhancement Areas identified in accordance with the Development Permit Guidelines for Streamside Protection and Enhancement;
 - f. Any existing development including locations and dimensions of existing buildings, driveways, motor vehicle parking areas and landscaping; and
 - g. An arborist report written by a certified arborist showcasing 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. *[Bylaw 8928, June 20, 2022]*
- 5.2 Detail the proposed development including:
- a. Locations and dimensions of proposed buildings, driveways, motor vehicle parking areas and landscaping;
 - b. Conceptual building elevations; and
 - c. Points of vehicular ingress and egress.
- 5.3 Provide an analysis prepared by a Registered Professional Biologist 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 written assessment by a Qualified Tree Risk Assessor, confirming the condition of any trees proposed for removal, including recommended replacement species and size in compliance with current Ministry of Environment's Tree Replacement Criteria or the City's Tree Bylaw, whichever has a greater replacement ratio. *[Bylaw 8928, June 20, 2022]*
- 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:

Exemption from DP (alteration or removal of high to extreme risk tree).....	\$25.00
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

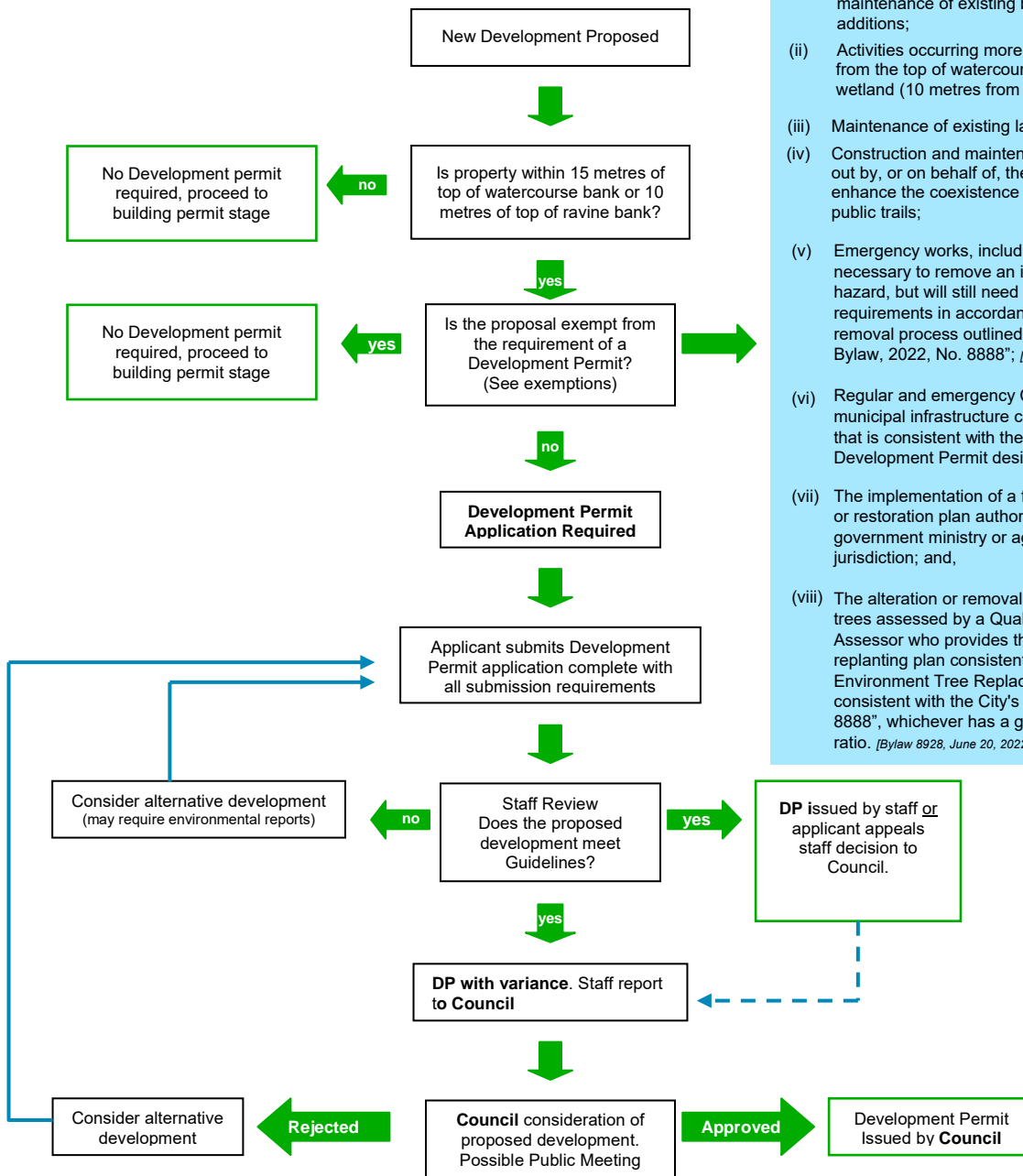
7.0 Development Permit Process

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;
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- (viii) The alteration or removal of high to extreme risk trees assessed by a Qualified Tree Risk Assessor who provides the risk rating, and replanting plan consistent with the Ministry of Environment Tree Replacement Criteria or consistent with the City's "Tree Bylaw, 2022, No. 8888", whichever has a greater replacement ratio. [Bylaw 8928, June 20, 2022]



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:

- 9.1 Locate development on portions of the site that are least environmentally sensitive.
- 9.2 For permanent watercourses and wetlands:
- 9.2.1 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.
 - 9.2.2 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.
 - 9.2.3 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.
 - 9.2.4 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.
 - 9.2.5 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.
- 9.3 Avoid net loss of riparian habitat within 5 metres of the top of the non-permanent watercourse bank.
- 9.4 Enhance, and where feasible, restore watercourses in already developed areas to improve watercourse quality.
- 9.5 Implement recommendations approved by the City of North Vancouver, including mitigation measures that are consistent with these guidelines.
- 9.6 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 the Planning Department at planning@cnv.org or 604-983-7357 or visit www.cnv.org