

DEVELOPMENT PERMIT AREA GUIDELINES

DPA 11 RIPARIAN



General Regulations

12.11.1 Category

DPA 11 is designated under the following categories of Section 488 (1) of the *Local Government Act*:

- (a) Protection of the natural environment, its ecosystems and biological diversity.

12.11.2 Area of Applicability

- DPA 11 guidelines apply to all development on parcels adjacent to streams identified in DPA 11, as shown on Appendix K.

12.11.3 Justification

Merritt is located at the confluence of two rivers, the Nicola and the Coldwater. Several creeks within the community feed into these rivers. As the city grows, development adjacent to these streams is likely to increase. The intent of the Riparian DP Guidelines is to ensure that all new development respects the natural environment that exists alongside these streams. Using appropriate precautionary measures as part of site and building design, risk to the natural environment and habitat can be minimized.

12.11.4 Objectives

The following guidelines are intended to:

- Mitigate the risk of harm to fish and fish habitat
- Minimize the risk of damage to the natural environment.
- Promote restoration of vegetation in riparian areas.

12.11.5 Exemptions

The following exemptions to DPA 11 may be applied:

- Interior Renovations to existing buildings.
- Exterior alterations that are entirely within the existing building footprint.
- Construction of new structures or additions to existing structures that do not extend into the Riparian Assessment Area (RAA). A site plan prepared by a registered surveyor demonstrating that the building addition(s) will not extend into the RAA is required.
- Parcel consolidation.
- Parcel line adjustments that do not include construction, site grading, installation of underground services or utilities, or other works.
- Emergency circumstances to remove any immediate danger.
- Acceptance by the City of a report prepared by a Qualified Environmental Professional (QEP) concluding that there is no stream on the subject lands or adjacent lands that may be affected by the proposed development.
- Acceptance by the City of a report prepared by a QEP authorizing the removal of infested, diseased, or hazardous trees in accordance with the Province of BC's Best Management Practices for Tree Topping, Liming and Removal in Riparian Areas and any other applicable legislation. Environmental monitoring will be required to ensure that tree removal is carried out in accordance with the report recommendations.
- The restoration or ecological enhancement of the site or a portion thereof, as recommended by a QEP.
- The activity proposed on the site relates solely to normal farm practices in accordance with the Farm Practices Protection Act and the landowner follows other regulations listed in the Act.

- The activity proposed on the site is authorized by a permit issued by the Ministry of Energy, Mines and Petroleum Resources and/or the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.
- Development for which the City has received a copy of an authorization issued under section 35(2)(b) or (c) of the Fisheries Act.
- Buildings that have been destroyed by fire and/or natural disaster less than 75%, as determined by the Building Official, provided the building's massing, siting and general appearance are as prior to destruction and the use conforms to the City's Zoning Bylaw, as amended from time to time.
- Any servicing work undertaken by or on behalf of the City of Merritt, so long as consideration has been given to ecosystem functions and their cycles.

Guidelines

The following guidelines may be applied when setting Development Permit conditions.

REPORTS AND DOCUMENTS

To establish the documentation that is required to be submitted with applications for Riparian Development Permits.

12.11.6 Riparian Areas Protection Regulation Assessment Report

Applications for a Riparian DP must include the submission of a Riparian Areas Protection Regulation (RAPR) Assessment Report prepared by a Qualified Environmental Professional (QEP) that follows the Riparian Areas Protection Regulation Technical Manual.

The RAPR assessment report must be submitted to the Ministry of Environment and Climate Change Strategy for approval prior to submission to the City.

The RAPR assessment report must include:

- A description of the assessment activities carried out and the results of the assessment;
- A description of the proposed development, including:
 - i. The type of land use (residential, commercial, industrial, institutional);
 - ii. The code for the watershed in which the development is proposed to occur;
 - iii. The name of the affected stream;
 - iv. The length of the affected portion of the affected stream in the riparian assessment area;
 - v. Whether the development is new or a change to an existing development;
 - vi. The location of the development on the subject property;
 - vii. Design drawings for the proposed development;
 - viii. A description and map identifying existing and proposed structures and works and the Riparian Assessment Area and Streamside Protection and Enhancement Area (SPEA) clearly delineated, including measurements; and
 - ix. If applicable, a description of potential hazards posed by the proposed development to natural features, functions, or conditions in the SPEA that support the life processes of protected fish;
- A description of the natural features, functions, and conditions of the riparian area;
- An explanation of how the design of the proposed development will avoid any potential hazards identified or recommended measures for avoiding the hazards;
- Recommendations for the conservation, restoration, and enhancement of the riparian area;

- The QEP's opinion on whether the site of the proposed development is subject to undue hardship, meaning the proposed development meets the riparian protection standard if the development will not occur in the SPEA, other than in a part of that area that is already an area of human disturbance, will be situated and otherwise designed so as to minimize any encroachment into the SPEA, and if applicable, will not result in any harmful alteration, disruption, or destruction of natural features, functions, or conditions in the SPEA that support the life processes of protected fish;
- The QEP's opinion on whether the riparian protection standard is met for the proposed development that entails the subdivision of a parcel or strata lot. The riparian protection standard is not met for proposed development that creates a parcel that has a developable area that is less than the allowable footprint for that parcel or a strata lot that has a developable area that is less than the allowable footprint for that strata lot;
- The QEP's opinion on whether the proposed development will meet the riparian protection standard if the development proceeds as proposed in the report and complies with the measures recommended in the report;
- A statement indicating the QEP is qualified to undertake the assessment and prepare the report;
- A statement that the SPEA was determined either by a method based on measurement from the stream boundary, or if the stream is a ravine, from the top of ravine bank; or a method based on the location of natural features, functions, and conditions that support the life processes of protected fish; and
- A statement that the report was prepared in accordance with Riparian Areas Protection Regulation.

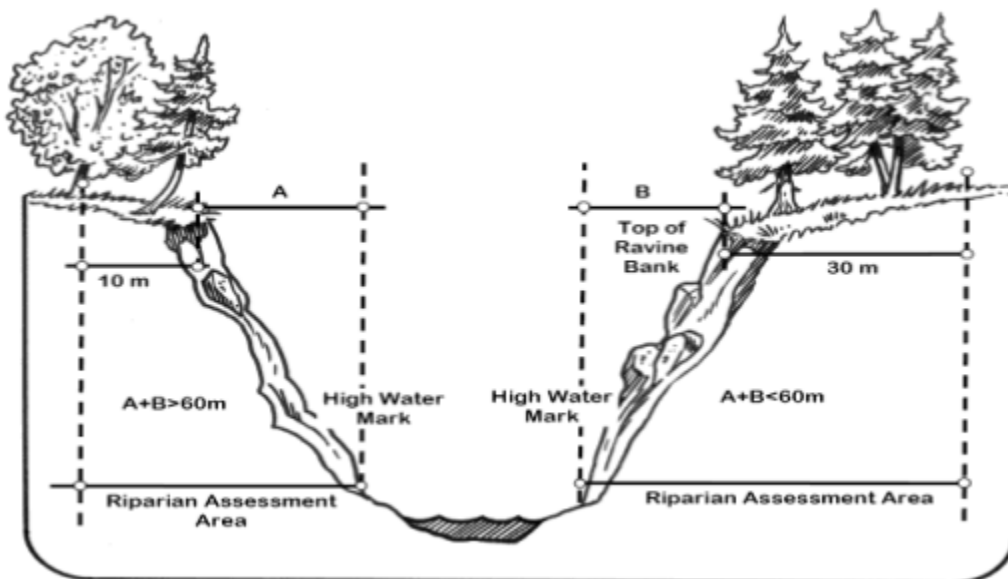


Figure 10 Riparian Assessment Area, a strip 30 m wide on both sides of a stream is measured from the high water mark, or, for a ravine that is less than 60 m side, from the top of the ravine to a spot 30 m beyond the top of the ravine, or for a ravine that is more than 60 m side, a strip that is 10 m wide from the top of the ravine.

12.11.7 Environmental Monitoring Plan

Applications for a Riparian DP must include the submission of an Environmental Monitoring Plan that describes the proposed monitoring program to be used during the development process. This plan must be prepared and implemented by a QEP.

Monitoring must continue for a period of at least one year after the development has been deemed complete by the City, unless otherwise specified by the QEP. A post-development report must be submitted at the end of the monitoring period to confirm that all potentially negative environmental impacts have been effectively addressed.

12.11.8 Site Plan

Applications for a Riparian DP must include the submission of a Site Plan showing all existing and proposed development, including roads, paths and trails, site grading, environmental features, buffers, and water courses.

12.11.9 Landscape Plan

Applications for a Riparian DP must include the submission of a Landscape Plan, preferably prepared by a registered Landscape Architect, which conforms to landscaping regulations outlined in the Zoning Bylaw and shows existing vegetation that is to remain undisturbed and all proposed landscaping. Consideration should be given to erosion control, stream bank protection, and maintenance of hydrological functions. A complete plant list of all new plantings must be included.

11.11.10 Covenant

The City may require the property owner to place a conservation or restrictive covenant on the property to ensure the conditions of the permit are maintained.

SITE DESIGN

To guide the site design to reduce the risk of impact to the natural environment and fish habitat.

12.11.11 Site Design

Design a project to fit the site rather than altering the site to fit the project.

12.11.12 Minimize Soil Disturbance

Minimize soil disturbance associated with development and avoid activities that disturb existing vegetation (except invasive plants), slopes, retaining walls, or other structures, unless they will enhance fish and wildlife species and habitats.

12.11.13 Erosion Control

Protect water quality within watercourses and drainage systems by providing erosion and sediment control.

12.11.14 Stream Flows, Drainage, and Geometry

Ensure the development and associated activities do not impact a stream's base flows, natural drainage patterns, and the natural stream channel geometry.

12.11.15 Identify SPEA

The upper boundary of a SPEA must be clearly marked during development. Disturbance within this area is only permitted as directed by a QEP.

12.11.16 No Net Loss

Ensure development results in no net loss of habitat area.

LANDSCAPING

To guide the design of landscaping for the mitigation of disturbance to riparian areas.

12.11.17 Habitat Replacement

Where loss of habitat is unavoidable, replace the value of lost habitat at a ratio of 2:1.

12.11.18 Landscaping Restricted

Landscaping within the SPEA is not permitted, except for restoration or enhancement as directed by a QEP.

12.11.19 Restoration

Where the SPEA has been impacted by previous land use or development activities, restoration or enhancement may be required. Restoration or enhancement must be directed by a QEP and designed to support ecosystem functionality, including flood mitigation and water quality.

12.11.20 Xeriscaping

Landscape with drought tolerant and native plant and tree species, and as directed by a QEP.

12.11.21 Invasive Species

Remove invasive plants and take measures to prevent their spread in accordance with the recommendations of the QEP.