



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT DEVELOPMENT PERMIT REQUIREMENTS SUMMARY ELECTORAL AREA 'E' BEAVER CREEK

The following is to be used as a general summary of the Development Permit requirements in the Beaver Creek Official Community Plan (OCP) area with respect to construction only. For full descriptions and requirements, you must refer to **PART III – USE OF THE PLAN, Section 15.0** of the Beaver Creek OCP (attached).

DPA I – Riparian Areas Protection:

DPA I designation is used to ensure that the ecological values of riparian and wetland habitats have been considered prior to development and that measures will be taken to limit or avoid damage to these ecosystems.

General Guidelines:

- DPA I areas include the following:
 - All lands within 30 metres of a major stream (Somass and Stamp Rivers only); and
 - All lands within 15 metres of a minor stream (all other named and unnamed watercourses as indicated on Map 3 of the OCP).
- If you are considering construction within the DPA I area as indicated on Map 3 of the Beaver Creek OCP, a development permit will be required.
 - A Development Permit application must be made to the ACRD.
 - A Qualified Environmental Professional (QEP) must be retained to prepare a report detailing site conditions and describing any measures that must be taken in order to protect the riparian area.
- In the absence of a QEP report, a minimum vegetated buffer of 30 metres from major streams and 15 metres from minor streams must be preserved.

DPA II – Natural Hazard Areas Protection:

DPA II designation covers the tsunami hazard area/inundation zone within the Beaver Creek OCP area. Development should be planned to avoid the tsunami hazard area.

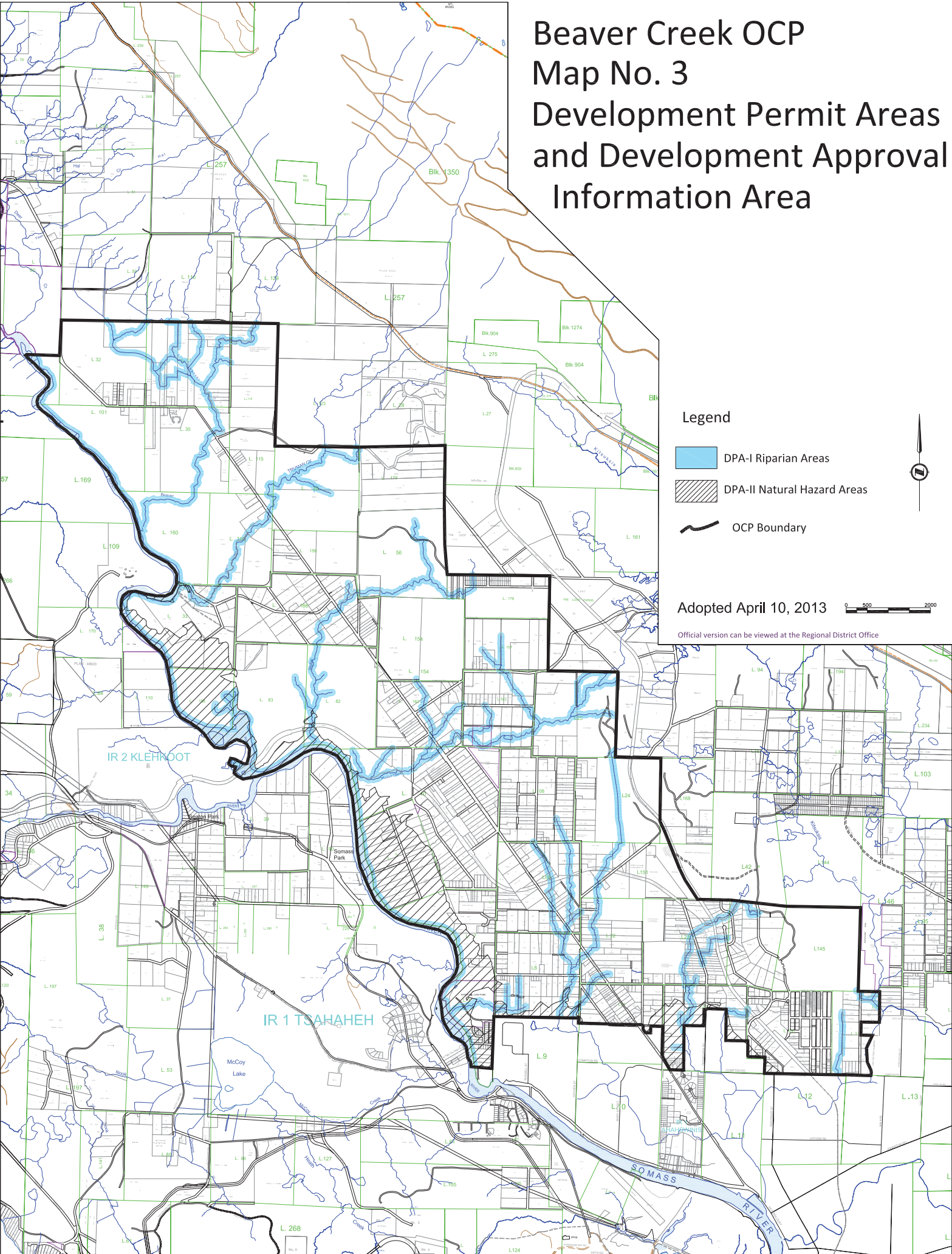
General Guidelines:

- DPA II areas include lands along the Stamp and Somass Rivers that are located within the tsunami inundation zone. This area is described as the area between the high tide line and a horizontal distance of 30 metres from the natural boundary of the sea as shown on Map 3 of the OCP.
- If you are considering construction within the DPA II area as indicated on Map 3 of the Beaver Creek OCP, a development permit will be required.
 - A Development Permit application must be made to the ACRD.
 - A QEP must be retained to prepare a report identifying and describing any hazards which may affect the safe development of the land.
- In the absence of QEP report, no building will be permitted within the tsunami hazard area/inundation zone as indicated on Map 3 of the Beaver Creek OCP.

PLEASE NOTE:

- ❖ Development Permit application fees are as follows: \$100.00 in a single family residential zone, \$750.00 in a commercial, institutional, industrial, or multi-family zone, and \$1500.00 in a comprehensive development zone.
- ❖ Where land is subject to more than one Development Permit Area (DPA), only a single permit is required. However, the permit must address the requirements of all applicable areas.
- ❖ If you are considering construction outside of a DPA as indicated on Map 3 of the Beaver Creek OCP but relatively close to it, you may be required to have a survey completed by a Registered BCLS to confirm the construction site in relation to the actual DPA.

Beaver Creek OCP Map No. 3 Development Permit Areas and Development Approval Information Area



PART III – USE OF THE PLAN

15.0 IMPLEMENTATION

Part II of this Plan contains the goals, objectives and policies that are intended to direct the community, its elected officials, ACRD staff and developers in planning and decision-making. Achieving the goals and objectives and pursuing the policies in this Plan requires the formulation of an action and implementation plan in order for the Plan to have the positive impact intended. This section, Part III, provides an approach the ACRD can use to implement the Plan.

Implementation can be achieved by the use of a number of methods and tools. The Regional District currently employs its Zoning and Building Bylaws and, in some instances, development permits, as tools. This Plan extends the use of development permits to the expanded Plan area to enable the ACRD to better control development in riparian and sensitive areas. New development permit areas have been included in the Plan. The intent, exemptions and guidelines for DPAs are contained in Sections 15.1 to 15.6 below. The approximate locations of DPAs are shown on Map No. 3; the relevant DPA section below should be referred to for specific boundaries of a DPA.

Another tool, the designation of lands as **development approval information areas** (DAIAs), is used in this Plan to facilitate the provision of information on the anticipated impact of the proposed activity or development on the community. This is detailed further in section 15.6.

Lands designated as CDAs on Map No. 2 are also designated as DAIAs on Map No. 3, the intent being that once the requested information is received, the property owner (or agent) and Regional District are in a better position to consider a comprehensive or phased development agreement and to obtain a development permit or approval prior to any development occurring within a CDA.

15.1 Development Permit Areas

Section 919.1 of the *LGA* allows local governments to designate DPAs for one or more of the following purposes:

- a) protection of the natural environment, its ecosystems and biological diversity;
- b) protection of development from hazardous conditions;
- c) protection of farming;

- d) revitalization of an area in which a commercial use is permitted;
- e) establishment of objectives for the form and character of intensive residential development;
- f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
- g) in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
- h) establishment of objectives to promote energy conservation;
- i) establishment of objectives to promote water conservation;
- j) establishment of objectives to promote the reduction of greenhouse gas emissions.

By requiring a development permit for a project, the ACRD can require a greater level of detail and analysis for a development proposed for lands that are considered to have hazardous or sensitive conditions, other conditions or to satisfy other objectives in relation to the above-noted purposes for a DPA designation.

The DPAs, the approximate locations of which are identified on Map No. 3, are:

DPA I	Riparian Areas Protection
DPA II	Natural Hazard Areas Protection

15.2 DPA General Guidelines

The following general guidelines apply to all DPAs:

- Guideline 15.2.1 Where land is subject to more than one DPA designation, only a single development permit is required. However, the application is subject to the requirements of all applicable DPAs.
- Guideline 15.2.2 On existing lots that meet or are less than minimum lot area standards, the location of which limits the opportunity to fully meet development permit requirements, the development permit guidelines should be addressed to the fullest extent within the constraints of the site and lot.
- Guideline 15.2.3 The Regional District may consider issuing a development permit to vary or supplement a bylaw or to set standards in accordance with Section 920 (2) of the *LGA*.

15.3 Development Permit Exemptions

The following activities are exempt from requiring a development permit. Despite the exemption provisions, owners must satisfy themselves that they meet the requirements of any

applicable federal or provincial regulations.

- i. Interior or structural alterations or repairs to a permanent building or structure on an existing foundation to an extent that does not alter, extend or increase the building's footprint or height.
- ii. Planting or replanting of native trees, shrubs or ground cover for slope stabilization, habitat improvement or soil stabilization or erosion control.
- iii. Routine maintenance of existing landscaping, lawn, paths, gardens or driveways.
- iv. The removal of invasive plants or noxious weeds listed on the Coastal Invasive Plant Committee's website⁴, provided that measures are taken to avoid sediment or debris being discharged into the stream or onto the foreshore and the area is replanted with native species.
- v. The removal of trees determined by a Certified Arborist or Registered Professional Forester, or another professional certified to do tree-risk assessments, in consultation with the Fisheries & Oceans Canada if the trees are located within a riparian setback, that represent an imminent safety risk.
- vi. Stream enhancement and fish and wildlife habitat restoration works carried out under provincial or federal approvals, on provision of evidence of such approvals to the ACRD.
- vii. Emergency procedures to control or reduce immediate threats to life or property, such as those described in the Provincial Emergency Program and in compliance with federal and provincial legislation, including:
 - a) emergency actions for flood protection and erosion protection;
 - b) removal of hazard trees;
 - c) clearing of an obstruction from bridge, culvert or drainage flow in accordance with the *Water Act*;
 - d) bridge and safety fence repairs in accordance with the *Water Act*; and
 - e) limbing, pruning and topping of trees where a minimum of 60% of the original crown of any tree is retained to maintain tree health and vigour as prescribed by a professional arborist.
- viii. Public works and services constructed following best management practices for the specific concern with the DPA.
- ix. Forestry activities on private lands that are managed under the *Private Managed Forest Land Act*.
- x. Activities permitted by the provincial government on Crown forestry lands.
- xi. Farming activities on land within the Agricultural Land Reserve.
- xii. Form and character of buildings that do not involve multi-family residential, commercial or industrial uses.
- xiii. Pump houses of not more than 9.2 m².
- xiv. Paths for pedestrian use up to 1.0 metre in width provided all of the following are satisfied:
 - a) are constructed exclusively of pervious natural materials with no concrete, asphalt,

⁴ <http://coastalinvasiveplants.com/invasive-plants/priority-plants> at the time of adoption of this Plan.

- pavers or treated wood;
- b) do not entail structural stairs;
- c) entail no removal of streamside or lakeside vegetation;
- d) do not impair stream bank or lakeside stability;
- e) do not impact sensitive habitat; and
- f) are specifically designed to discourage motorized vehicle use.

15.4 DPA I – Riparian Areas Protection

Category

In conformance with the objectives of the provincial *Fish Protection Act*, the ACRD wishes to ensure sufficient water for fish, to protect and restore fish habitat, and to improve riparian protection and enhancement. Therefore, pursuant to Section 919.1 (1) (a) of the *LGA*, the ACRD designates riparian areas along streams, as defined by provincial regulations,⁵ as DPA I areas. DPA I areas include all of the lands within 30 metres of major streams and within 15 metres of minor streams. Setbacks will be calculated as follows:

- a) for a river or major stream, a 30-metre strip on both sides of the stream measured from the high water mark;
- b) for a minor stream, a 15-metre strip on both sides of the stream measured from the high water mark;
- c) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
- d) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

For purposes of clarity, the above descriptions should be relied upon rather than the riparian areas shown on Map No. 3. The latter is intended as a visual aid only to help locate these areas.

Within the Beaver Creek OCP area, “major streams” means the Somass and Stamp Rivers. “Minor streams” include but are not limited to Beaver Creek, Truman Creek, Mollet Creek, Plested Creek, Lugin Creek and all other named and unnamed creeks and all lakes and wetlands.

The community recognizes that a stream – whether located within lands designated for resource use, agricultural use or residential or rural use – is a continuous entity and should be protected along its entire length.

⁵ http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_376_2004

Justification

The natural environment is a significant feature of the ACRD area. It includes aquatic ecosystems that consist of and surround water features such as streams, lakes, ponds, wetlands and in many cases, ditches. Some of these ecosystems may only be wet during the winter months, drying up in the summer. The geography and vegetation that surrounds, protects and interacts with the aquatic environment is called the riparian area.

Together, the water feature and the riparian area form aquatic ecosystems which are critical for the survival of fish, fish supportive processes and which are important to maintain biodiversity and essential for many species. Unnecessarily disturbing these sensitive and important aquatic environments may harm their vitality and the ecological services they provide and can have downstream consequences on fish habitat.

Aquatic ecosystems are also critical for the survival of wildlife and form necessary travel corridors between habitats. Water is an important part of maintaining biodiversity and is essential for many species. Many rare species are associated with aquatic environments.

Aquatic ecosystems are natural water purifiers and pollution filtration systems. Healthy aquatic ecosystems have a capacity to retain stormwater runoff, maintain water quality by reducing levels of sediment, nutrients and contaminants in outflow water, to slow water flow and to prevent erosion.

DPA I designation is used to ensure that the ecological values of sensitive riparian and wetland habitats have been considered prior to development, and that measures will be taken to limit or avoid damage to these ecosystems.

The objectives of having these Development Permit requirements include:

- a) Planning and guiding new development in a manner that preserves and protects fish and fish supportive processes, fish habitat and sensitive aquatic ecosystems;
- b) Protecting, restoring and enhancing fish and fish supportive processes, fish habitat and sensitive aquatic ecosystems in a relatively natural state while supporting adjacent land uses;
- c) Meeting the objectives of the *Fish Protection Act*; and
- d) Protecting water quality and quantity.

Guidelines

The following guidelines apply:

- i. Development or alteration should be planned to avoid intrusion into DPA I areas and to minimize the impact of any activity on these areas.
- ii. A QEP should be retained for the purpose of preparing a report detailing site conditions and describing any measures that must be taken in order to protect the riparian area.
- iii. Protective measures such as the planting or retention of trees or vegetation may be required to preserve, protect, restore or enhance streams, fish habitat or riparian areas.
- iv. In the absence of a report from a QEP, a minimum vegetated buffer of 30 metres

- between the high water mark and any building or structure should be preserved on major streams free from development, and 15 metres on minor streams.
- v. The total amount of impervious cover on property adjacent to a stream should minimize impact on the receiving aquatic environment. Consideration should be given to reducing impervious cover through reduction in building footprint and paved areas, exceeding the minimum riparian setback where feasible, and use of on-site infiltration.
 - vi. The construction of a small accessory building such as a gazebo, garden shed or play house may be permitted if all the following apply:
 - a) The building is located within an existing landscaped area;
 - b) No native trees are removed;
 - c) The building is located a minimum of 15 metres from the high water mark of a minor stream or 30 metres from the high water mark of a major stream;
and
 - d) The total area of the structure is not more than 9.2 m².

It is noted that the provincial ministry responsible for agriculture has developed setback distances for farm buildings and streams on existing farmland and for new agricultural buildings. The following website should be referred to:

http://www.agf.gov.bc.ca/resmgmt/publist/800Series/823400-1_Agriculture_Building_Setback_Factsheet.pdf

15.5 DPA II – Protection from Natural Hazards

Category

In accordance with Section 919.1 (1) (b) and 920 (7.1) of the *LGA*, areas that are or may be subject to natural hazards such as flooding, sea-level rise, erosion, slides, rock falls, subsidence, wildfire, areas within the tsunami-hazard zone and steep slopes with an incline of 30 percent or more are designated as DPA II, generally as shown on Map No. 3.

Justification

Some of the lands in the vicinity of the Somass River have been flooded and are still considered to be susceptible to flood hazard and, in certain areas, to erosion or sloughing. Lands that are or may be flooded represent a hazardous condition for permanent structures.

One of the effects of climate change is a rise in sea level. While experts using the best available science are still grappling with a range of possible impacts, current expectations are that the sea level on the west coast of Vancouver Island will rise somewhere in the vicinity of one metre by the year 2100. Any development along the coastline must take this into consideration in an attempt to anticipate and minimize any negative impacts that rising sea levels may have on the built environment and the safety of residents.

The west coast of Vancouver Island, identified as Zone C by the Provincial of B.C., is a high-risk seismic zone, known to be vulnerable to flooding in the event of a tsunami. The ACRD wishes to

protect the community against the loss of lives and to minimize property damage, injury and trauma associated with flooding events.

Rural areas of the regional district have experienced wildfires in the past, often originating in forested lands. Fire can also spread, however, from a building to nearby forestry lands. In order to minimize the risk of fire spreading either to or from significant tree cover, new development adjacent to forestry lands is subject to General Planning Policy 3.2.2 and thereby required to plan for a 10-m fuel-free or fuel-reduced buffer zones between the forested land and any buildings. Existing developments adjacent to forestry lands are advised to minimize the risk of wildfire by reducing the amount of potential fire fuel between the trees and any buildings.

Steep slopes also tend to constitute high-risk areas for erosion and slippage if the tree cover is substantially altered. Potentially hazardous conditions on steep slopes may be avoided if adequate tree cover is retained and surface water runoff is minimized. The toe of the Beaufort Range, for example, is an area where, due to topographic conditions, the possibility of land slippage is considered significant. In order to protect development from these hazardous conditions, development permits are required for areas designated as DPA II.

Guidelines

The following guidelines apply:

- i. In the absence of a geotechnical engineering report where development is proposed on steep slopes, no development or alteration of land will be permitted on the escarpment or within 30 metres of the top of the ridge or the base of the slope.
- ii. Development or alteration of land, buildings and structures should be planned to avoid intrusion into DPA II areas and to minimize the impact of any activity on these areas.
- iii. Development should be planned to avoid the tsunami hazard area, described as the area between the high tide line and a horizontal distance of 30 metres from the natural boundary of the sea or the furthest extent of the tsunami zone as shown by the best available mapping, whichever is greater.
- iv. The recommended flood construction level for coastal areas in the ACRD is 10 metres vertical elevation above the normal highest tide in Alberni Inlet or as calculated by the best available expertise of a QEP taking into consideration the slope of the land, anticipated sea-level rise, storm surges and freeboard.
- v. Prior to any development or alteration of land within DPA II areas, a QEP should be retained for the purpose of preparing a report identifying and describing any hazards which may affect the safe development of the land including, but not limited to:
 - tsunami inundation;
 - riparian flooding;
 - slopes with an incline of 30 percent or more;
 - subsidence; and
 - ground water flows.
- vi. An application should identify the location of all proposed buildings or development sites by specifying setback distances from a natural boundary, property boundary or feature or hazard area.

- vii. Where applicable, flood construction levels should be provided by prescribing an elevation above the natural boundary of a stream or natural ground elevation at the building site, or by specifying a geodetic elevation, or by a combination of both.
- viii. The applicant should consider the suitability of the land to accommodate the use intended.
- ix. Plans should establish a safe setback line from any streams and shorelines to protect the land, buildings and inhabitants from the risk of injury or damage that may, in the opinion of a QEP, be caused by the hazards of flooding, erosion, subsidence, earthquake, mud flows or any combination thereof.
- x. The QEP's recommendations and the conclusion of the report should:
 - a) certify that the land is safe for the use intended;
 - b) acknowledge that the Approving Officer and the ACRD Board may rely upon the report when making a decision on applications for the subdivision and development of land;
 - c) certify that the probability of a geotechnical failure or other substantial hazard that could result in property damage is less than two per cent (2%) in 50 years or as specified by the most recent edition of the "APEGBC Guidelines for Legislated Landslide Assessments for Residential Developments in BC";
 - d) identify any deficiency in the design of the buildings, the proposed water, sewer, drainage, access and road works or the construction standards intended for the development;
 - e) prescribe the geotechnical works and any changes in the standards of the design of the development which are required to develop land, buildings, structures and infrastructure safely for the use intended and to maintain the safety of the land, buildings, structures and infrastructure as a condition of the approval of the development; and
 - f) where mitigation works and actions are proposed, describe the effects that the proposed works and actions may have on other properties, including public infrastructure or lands.
- xi. Where mitigation works and actions designed to reduce hazards or impacts are contemplated, the applicant's professional engineer should confirm that the works and actions will be acceptable to local government and that they would meet regulatory requirements, prior to completing the report and a detailed design.
- xii. Plans should include the retention of significant stands of trees, as well as native vegetation, within DPA II areas, as recommended by a QEP.
- xiii. Where lands within DPA II areas subject to seasonal flooding are proposed for development, the flood construction level should be a vertical elevation at least four metres (4 m.) above the high water mark.
- xiv. Coastline areas that are subject to flooding should be flood-proofed to the standards specified by the authority having jurisdiction.
- xv. In order to minimize the risk of fire spreading either to or from significant tree cover, new development adjacent to forestry lands is required to plan for a 10-m fuel-free or fuel-reduced buffer zone between the forested land and any buildings.