



# General Environmental Development Permit Area

**Sustainable OCP Bylaw 3475, 2012**

*This handout is for general guidance purposes only. It does not replace any bylaws or other legislation. For complete details please refer to the Official Community Plan Bylaw 3475, 2012, Part V: Development Permit Areas.*

**As part of your Development Permit application you will need to consider the following:**

- **General Environmental Development Permit Guidelines,**
- **General Multi-Family, Commercial and Industrial Form, Character & Performance Development Permit Guidelines**
- **Specific Development Permit Area Guidelines**
- **For Area Designation, Justification and Exemption for this section please refer to Chapter 18, Sustainable OCP Bylaw 3475, 2012.**

## General Area Designation

The City of Campbell River has been divided into two areas with respect to environmentally sensitive areas protection: the *Urban Containment Boundary* and the Comprehensive Development Permit Area as shown on Map 9. Within the Urban Containment Boundary, all mapped environmentally sensitive areas are subject to the specific development permit guidelines as detailed in subsequent chapters including *Bald Eagle Nest Trees, Streamside, Campbell River Estuary* and *Foreshore* but excluding sensitive ecosystem inventory sites (SEI).

The Comprehensive Development Permit Area is that area of Campbell River outside the Urban Containment Boundary and as shown on Map 9 in accordance with the provisions of Sections 919.1 (1)(a) and (b) of the *Local Government Act* for protection of the natural environment, its ecosystems and biological diversity.

## General Justification

Through public consultation, the City has identified goals to ensure that Campbell River protects and conserves aspects of the natural environment for future generations. Environmentally sensitive areas are critical components in maintaining the community's natural attributes and liveability. Ecosystem functions minimize risk for hazard lands, particularly those areas at risk of flooding or geo-technical instability. The City will identify and protect significant natural features and ensure that development proposals respect environmentally sensitive areas, including hazard lands. Goals also recognize that the conservation of nature and its ecosystems are a substantial strategy to both mitigate and adapt to climate change.

The goals are as follows:

- » Reduce impacts to Environmentally Sensitive Areas (ESAs).



- » Minimize air, land and water pollution.
- » Protect and maintain the urban forest.
- » Minimize the loss of sensitive ecosystem inventory sites.

The primary function of the development permit area designation is to ensure that decision makers have the ability to secure the necessary information and are able to establish conditions of development that minimize development impacts on sensitive ecosystems, rare or endangered plants and animals, and fisheries and wildlife resources.

### General Objectives

The objectives of this Development Permit Area designation is to ensure that all alteration of land, subdivision or development within those areas identify environmental values and protect the associated assets as required.

### General Exemptions

The following activities occurring in an *Environmental Development Permit Area* shall be exempt from the development permit application process:

- 1) Emergencies: procedures to prevent, control or reduce flooding, erosion or other immediate threats to life, public or private property, do not require a City of Campbell River development permit, as outlined below.
  - a) emergency actions for flood protection, erosion protection, and clearing of obstructions;
  - b) emergency works to prevent, repair or replace public utilities;
  - c) clearing of an obstruction from a bridge, culvert or drainage flow;
  - d) repairs to bridges or safety fences;
  - e) hazardous trees: actions required to remove a hazardous condition caused by a tree that presents a danger to the safety of persons or are likely to damage public or private property, as determined by a Qualified Environmental Professional. The City of Campbell River shall be notified prior to the removal of hazardous trees in any Environmental Development Permit Area;

All actions used to resolve emergency situations must be reported to the City and the appropriate Federal/Provincial authorities immediately prior to removal or disturbance.

- 2) Public works and services: the construction, repair and maintenance of works by the City or its authorized agents and contractors are exempt from the formal development approval process, but the works must be completed in accordance with the assessments and recommendation of a qualified environmental professional (QEP) in accordance with the *Riparian Areas Regulation* Assessment methodology and other applicable environmental regulations.



- 3) Recreational Trails: new recreational trails in an environmentally sensitive area are generally not encouraged - however, an environmental report completed by a Qualified Environmental Professional (QEP) is required to a standard acceptable to the City of Campbell River.
- 4) Restoration of a setback area by planting vegetation does not require a development permit. Planting of vegetation within an environmental development permit area requires the submission of a vegetation management plan, prepared by a Qualified Environmental Professional to a professional standard acceptable to the City.
- 5) Removal of invasive non-native vegetation does not require a Development Permit provided that an environmental management plan is submitted to the City of Campbell River, prepared by a Qualified Environmental Professional to a standard acceptable to the City. This plan should include disposal, safety considerations, replanting, erosion and sediment control and follow-up monitoring requirements.
- 6) Any activity or construction within the stream channel that has or may have an impact on a stream requires compliance with Provincial and Federal legislation. Where Provincial and Federal approval has been gained, the applicant shall notify the City of Campbell River which shall determine whether the information and approval supplied is sufficient for exemption from a Development Permit.
- 7) Agricultural uses on lands within the Agricultural Land Reserve (ALR) under the *Farm Practice Protection (Right to Farm) Act*, subject to submission of a Farm Plan.

### General Definitions

**See Sustainable OCP Bylaw 3475, 2012 for the definitions.**

### General Development Permit Area Guidelines

- 1) The Environmental Development Permit General Guidelines apply to all Environmental DP Areas in the City of Campbell River. Prior to any land disturbance and before issuing a Development Permit, the applicant shall provide, an environmental report certified by a Qualified Environmental Professional (QEP).
- 2) Where applicable, the applicant shall provide a site plan certified by a B.C. Land Surveyor that locates:
  - a) the proposed development relative to the DPA boundaries and property lines;
  - b) the special features of the DPA as identified by a Qualified Environmental Professional;
  - c) the applicable buffer or setback recommended by the Qualified Environmental Professional to separate the proposed development from the environmentally sensitive



feature.

- 3) Clustering of density is encouraged as a means for preserving environmentally sensitive areas.
- 4) Where environmental restoration works are required for applications involving ESAs, the City shall require the applicant to post security at 125%.

Adequate financial security, as determined by the City of Campbell River, should be provided prior to beginning the construction of any building or disturbance of a site located within an Environmental Development Permit Area. Prior to any development occurring, a cost estimate of the restoration work prepared by a qualified professional must be submitted to the City of Campbell River. The value of the financial security should be equal to the amount required to pay for the costs of re-vegetating the ESA area that has been disturbed by the development and/or construction, as determined by the City of Campbell River in the event the ESA area is damaged as a consequence of a contravention of a condition contained in the development permit.

- 5) The City may, as part of the development permit, vary the setback requirements from an ESA where it can be demonstrated in a less than desirable existing situation that a “net positive improvement” for fish or wildlife habitat will result, or, in a more desirable existing situation that “no net loss” will result, subject to City, Provincial and or Federal agency review and comment.

Further, as a general principle, any buildings that are damaged or destroyed to the extent of 75% or more of the value above the foundation may be considered for approval for variance to permit reconstruction on its existing foundation where “net positive improvement” for fish or wildlife habitat is demonstrated. Any reduction of setback distances within an ESA shall occur in accordance with the findings and recommendations of the technical/environmental report.

- 6) ESAs may not be donated in lieu of the 5% parkland requirement.

***Please contact Land Use Services Department staff for further discussion.***