Official Community Plan Amendment Bylaw No. 3869, 2022

ADOPTED , 2022

PURPOSE

This bylaw amends Official Community Plan Bylaw No. 3475, 2012.

The Council of the City of Campbell River enacts as follows:

PART 1: Title

1.1 This bylaw may be cited for all purposes as **Official Community Plan Amendment Bylaw 3869, 2022.**

PART 2: Amendments

2.1 Official Community Plan Bylaw 3475. 2012 be amended as follows:

a) In Schedule B: Development Permit Areas, Part V, updated January 2017

(i) Replace Chapter 1 Definitions for a Qualified Environmental Professional as attached in Schedule "A" forming part of this bylaw;

(ii) Replace Chapter 11 Hazard Conditions Development Permit Area as attached in Schedule "A" forming part of this bylaw.

b) In Schedule D: Maps, updated January 2017

(i) Add to maps 10a and 10b the disclaimer that: "Maps are intended to provide an approximate location only. Ground-truthing by professionals is required to accurately determine the location of hazard lands and if development falls within a development permit area. Development permit areas apply to land within the stated proximity of a defined hazard condition whether or not the hazard condition has previously been identified or mapped."

PART 3: Severability

3.1 If any section, subsection, paragraph, clause, phrase or word within this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ THE FIRST TIME this 13th day of June, 2022

READ THE SECOND TIME this 13th day of June, 2022

A Public Hearing was Advertised in two issues of the Campbell River Mirror this ____ day of _____ 2022

And This ____ day of _____ 2022

The Public Hearing was held this ____ day of _____ 2022

READ THE THIRD TIME this ____ day of _____ 2022

ADOPTED this ____ day of _____ 2022

Signed by the Mayor and City Clerk this ____ day of _____ 2022

_____
Andy Adams, MAYOR

_____
Elle Brovold, CORPORATE OFFICER

1. Definitions

Qualified Environmental Professional (QEP):

Means an individual who is an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:

1) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under the association's code of ethics and subject to disciplinary action by that association;

2) the individual is acting within that individual's area of expertise; and

3) the individual is acceptable to the City of Campbell River.

With respect to item 2), above:

a) For Streamside Development Permit Areas: the individual's area of expertise is recognized in the *Riparian Areas Protection Regulation* Technical Assessment Manual as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal;

b) For Campbell River Estuary and Foreshore Development Permit Areas, coastal and shoreline erosion aspects: a coastal geomorphologist, or a marine or met-ocean engineer with experience in coastal zone engineering; other professionals with experience in coastal processes and soft shore restorations may be considered on a case by case basis.

c) For Hazard Lands Assessments: a qualified professional meeting the professional registration, education, training and experience outlined in Section 6 of EGBC's Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC, or in flood protection design as the project may warrant.

d) For Bald Eagle Nest Tree Development Permit Areas: a professional with experience in raptor assessments.

11. Hazard Conditions

11 A. Flood Hazard Conditions Development Permit Area

Read this section in conjunction with the general environmental development guidelines which also apply in this Development Permit Area

Area Designation

The Flood Hazard Conditions Development Permit Area is designated pursuant to s. 488 (1) (b) of the *Local Government Act*, for the purpose of protection of development from hazardous conditions.

The Flood Hazard Development Permit Area consists of all land identified on Map 10: Hazardous Conditions Development Permit Area as being within the 200-year floodplain.

Justification

The purpose of designating these areas is to minimize loss of life and damage to property in areas identified as having potential for flood by initiating minimum standards and legislative requirements for safety and protection.

Exemptions

The following development is exempted from the requirement to obtain a Flood Hazard Conditions development permit:

1) Additions that increase the building footprint by less than 25%, or that relocate sleeping areas above the calculated flood level.

2) Where a report has been received from a qualified engineer demonstrating that the land may be used safely for the use intended. A building permit may be issued in this situation, on condition that construction be strictly in accordance with the recommendations in the report.

Guidelines

In addition to the General Environmental Development Permit guidelines, the following specific guidelines shall be addressed for the Flood Hazard Conditions Development Permit Area:

1) All buildings for residential occupancy shall require the underside of the floor system for living space to be above the identified flood levels.

2) All other development, including floor space ancillary to residential occupancies (such as underground or grade level parking), and floor space for commercial and industrial occupancies, may be permitted below the identified flood levels, on the condition that all electrical and mechanical equipment are either located above the identified flood levels or where a qualified engineer has confirmed they may be safely located below the calculated flood level.

3) A development permit will be required to ensure that building foundations are designed by a qualified professional engineer. In this regard, the applicants shall be required to submit a report that the land may be used safely for the use intended. In the designated 200-year floodplain area, subdivision approvals will require an engineer's report demonstrating that the land may be used safely for the use intended.

11 B. Steep Slope Development Permit Area

Read this section in conjunction with the general environmental development guidelines which also apply in this Development Permit Area

Area Designation

The Steep Slope Development Permit Area is designated pursuant to s. 488 (1) (b) of the *Local Government Act*, for the purpose of protection of development from hazardous conditions.

The Steep Slope Development Permit Area consists of all land within 20 metres of a slope that is both at least a 30% grade and 10 metres high from the crest to the toe. Steep slope locations shown on Map 10 are intended to provide an approximate location only. Ground-truthing by professionals is required to accurately determine the location of steep slopes to determine if development falls within the development permit area.

Justification

The purpose of designating these areas is to minimize loss of life and damage to property and the environment in areas identified as having potential for landslide risk by initiating minimum standards and legislative requirements for safety and protection.

Exemptions

The following development is exempted from the requirement to obtain a Steep Slope development permit:

1) Where a technical report that meets the Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC has been received for a single family residence on an existing lot only in conjunction with an application for building permit.

2) Minor structures including:

    a) Fencing;

    b) Ancillary or non-occupied structures less than 10m^2 where no variance is required, provided the structure is 10m from the crest and there is no fill or tree removal required.

3) For trees on steep slopes the following are exempt provided an exemption form is filled out by a certified arborist and submitted to the City:

    a) Removing dead trees that are hazardous as defined in the General Development Permit Area exemptions provided that no bare soil or a depression is left that allows groundwater to collect and pond. Depending on the scale of the removal, the City may require a steep slope hazard assessment to determine if additional measures are needed to manage landslide risks;

    b) Planting native trees and other native vegetation in accordance with written advice of a Qualified Environmental Professional that provides recommendations for follow up monitoring until establishment, so long as existing trees are not removed;

    c) Removal of coniferous trees on the steep slope (such as firs, hemlocks and spruce) where the tree trunk diameter is less than 5cm (measured 1.3m from the base);

d) Removal of deciduous trees on the steep slope (such as alder and maple) where the tree trunk diameter is less than 20cm (measured 1.3m from the base);

e) Pruning and limbing where the tree trunk diameter is greater than 5cm (measured 1.3m from the base) for coniferous trees, and greater than 20cm for deciduous trees (measured 1.3m from the base) subject to a Certified Arborist written opinion stating that the activity will not kill the tree and that ANSI A300 pruning standards are utilized;

f) Previously topped trees may be re-topped under the direction of a Certified Arborist;

g) Tree modification to support nesting opportunities for Bald Eagles as recommended by a QEP may be considered in areas where recruitment nesting habitat is unavailable and, even if the modifications are not generally recommended by a certified arborist (for example topping large conifers) subject to a Certified Arborist written opinion stating that the activity will not kill the tree;

h) Vegetation maintenance as described in sections c., d., e., f. and g. are only permitted during the window of least risk for breeding birds (1 September through 28 February);

i) All cut branches that are 5cm diameter or greater at their base arising from maintenance activities conducted under sections c., d., e., f. and g. must be removed from the slope at the time of cutting in a manner that does not create channelized pathways and the remaining branches must be dispersed on the slope so as not to smother vegetation;

4) Domestic yard maintenance, gardening and planting in the 20 metre buffer area at the crest or the toe of the slope including:

a) Planting new vegetation and maintaining existing vegetation through mowing, pruning, and similar activities, provided that the cut vegetation is not deposited on the slope;

b) Removing any ornamental trees or fruit trees, live or dead of any size, including the root structure provided that exposed soil is repacked, regraded and replanted; provided that the cut vegetation is not deposited on the slope; and

c) Removing any live or dead native trees with a stem diameter less than 15cm (measured 1.3m from the base), including the root structure provided that exposed soil is repacked, regraded and replanted and provided that yard waste deposition on the slope does not occur.

Guidelines

In addition to the General Environmental Development Permit guidelines, the following specific guidelines shall be addressed for the Steep Slope Development Permit Area:

1) Development must maintain native vegetation on the steep slope and demonstrate that all avenues to avoid and minimize alteration to the steep slope have been exhausted.
2) Locate buildings, structures, and landscaping as far as reasonably possible from steep slopes and wet areas at the base of slopes.
3) If the Development Permit Area cannot be naturally maintained, a slope hazard report must:

a) Meet the standards in *Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC* published by Engineers & Geoscientists BC for addressing the scope, level of

effort, hazard analysis, and report requirements. The report must include all items listed in section 3.7 of the *Guidelines;*

b) Address the potential for landslips, rockfalls, slope failures, debris slides, debris flows, and any other relevant geohazards including any such geohazards that could affect the proposed development, regardless of whether the geohazard originates on or beyond the development property boundaries;

c) Describe site topography, geology, hydrology, hydrogeology, and other relevant terrain conditions;

d) Describe past slope failures events on the subject property and on the adjacent slopes, and the types of slope hazards within the general vicinity of the development property;

e) Include detailed plan(s) showing the existing ground topography, the proposed development (i.e. final grades, structures, driveways, utilities, drainage facilities and detention areas, septic fields, irrigation structures, swimming pools, hot tubs, roads, site clearing, retaining walls etc.);

f) Describe native vegetation on the slope and consider the role of natural vegetation and forest cover on slope stability and how changes to that vegetation, including invasive plant cover would affect slope stability

g) Identify the distance that all structures and all elements of the proposed development are to be set back from the crest and the toe of the slope;

h) Describe long-term maintenance of any development or mitigative works proposed in relation to the slope including any maintenance that may be required in relation to natural vegetation and forest cover to maintain slope stability;

i) State if the proposed mitigative works could transfer risk to other proponents and, if so, broaden the assessment to include the entire area that could be affected by the mitigative works;

j) Clearly describe the assumptions, methodology, and rationale used in the hazard or risk analysis, and the potential magnitude, frequency and runout of any potential hazard events;

k) Describe climate data and modeling used in the assessment, and consider the potential impacts of climate change, including sea level rise;

l) Provide a professional opinion, subject to conditions and qualifications contained in the report, that the land may be safely used for the purpose intended and meets provincial guidelines (where applicable);

m) Include the completed "Landslide Assessment Assurance Statement," available in Appendix D of EGBC's *Guidelines;*

n) Articulate that no fill, including garden waste, lawn clippings, excavated material, or household refuse can be placed on the slope or along pre-existing drainage channels; and

o) If yard waste or refuse exists on the slope, the report must address what should be done to correct the situation.

4) Any vegetation removals that are approved through the appropriate technical assessment must be conducted during the window of least risk for breeding birds (1 September through 28 February) and if this is not possible, a QEP must complete a nesting bird survey prior to the works to identify any active nests, applicable buffers and timing windows for the work.

5) Reference and review any work submitted by structural engineers as it relates to the development.

6) Surface water, including roof and surface drains must be diverted away from slopes in a controlled manner and ponding must be avoided near the slope crest.

7) Terracing of the land should be avoided or minimized and landscaping must be native and follow the natural contours of the land.

8) Where ever possible, avoid undercutting the base of slopes for building, landscaping or other purposes.

9) Provide engineered designs where retaining walls are required. In some locations, shorter, tiered walls may be preferable to a single high wall.

10) Where vegetation is removed or where soil is bare to disturbance, native vegetation must be reinstated in collaboration with a QEP.

11) Where vegetation is cut, it must be removed from the slope at the time of cutting. Natural coarse woody debris including logs that existed on the forest floor prior to cutting should be retained.