

A GUIDE TO RIPARIAN AREA DEVELOPMENT PERMITS

What is a Riparian Area Development Permit?

Riparian areas are zones that are designated under the provincial *Riparian Areas Regulation* for the protection of the natural environment, its ecosystems, and biological diversity.

A Riparian Area Development Permit is required for any development activity within 30m of a waterbody within a Riparian Development Permit Area.

A development permit is **not** a building permit. A building permit must be obtained prior to any construction.

What is a riparian area?

A riparian area is the interface zone between land and a stream. For the purposes of habitat protection, the definition of a stream includes watercourses, lakes, rivers, creeks, springs, ravines, gulches and wetlands.

Why protect riparian areas?

Riparian (streamside) areas are protected from development because they provide essential habitat for fish and other wildlife, maintain water quality, and are essential to the overall health the environment. The natural vegetation functions to provide necessary habitat components such as shade, nutrients, shelter and water, and also prevents erosion by stabilizing stream banks.

When is a Riparian Area Development Permit required?

All four SLRD Electoral Areas (A,B,C,D) contain Riparian Development Permit Areas. A Riparian Area Development Permit is required if you are planning to build on or alter the land that is within or adjacent to waterbodies that provide fish habitat or flow into a waterbody that provides fish habitat: The Development Permit Area includes:

- A 30 metre strip on both sides of the waterbody, measured from the natural boundary.
- For a ravine less than 60 metres wide, a strip on both sides of the stream measured from the natural boundary to a point that is 30 metres beyond the top of the ravine bank.
- For a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the natural boundary to a point that is 10 metres beyond the top of the ravine bank.



Procedure for Obtaining a Development Permit:

Pre-application Stage

SLRD staff should be consulted regarding SLRD objectives and Riparian Development Permit Area guidelines, the application review process, and the time frame involved. Before an application is made, the following should be reviewed:

- Development permit area guidelines contained in the Official Community Plan
- Zoning regulations pertaining to the subject property

Application Requirements

An application is made by submitting all required information and documentation, as described in detail on the *Development Application* form, to the SLRD. These requirements may vary based on the development permit area guidelines, but generally include:

- Completed Riparian Area Assessment by a Qualified Environmental Professional;
- Completed Development Permit application form;
- Application processing fee;
- Certificate of title of the subject property (dated within 30 days of application);
- Covenants, rights of way, easements, and all other non-financial charges shown on the State of Title;
- Site Plan;
- Building footprints;
- Setbacks from riparian areas; and
- Location of riparian areas.

Submission of complete and accurate information will accelerate the development permit process.

What if my house is already in the Protected Area?

Maintenance, renovation, or reconstruction of pre-existing buildings, landscaping and other land uses in the development permit area does not require a Riparian Area Development Permit. A permit is only required when the proposed development encroaches further into the protected area.

Other Exemptions & Special Conditions

Development permits are not required:

- For works approved by Fisheries and Oceans Canada and/or Ministry of Environment;
- To resolve emergency situations that present an immediate danger related to flooding, erosion, or other immediate threats to life or property, including removal of hazardous trees;

Where a conflict arises between the Riparian Protection DPA and the Wildfire Protection DPA, the requirements of the Riparian Protection DP is given priority. This means that unless recommended by a Qualified Environmental Professional (QEP) and authorized under a Riparian DP, vegetation in the riparian assessment area may not be cleared for fire safety purposes.

Habitat Compensation

If new development cannot occur outside the protected area, you may be required to offset habitat losses by habitat gains elsewhere in the protected area, so that there is no net loss of streamside habitat.

Review of the Application

SLRD planning staff coordinates the review of the Riparian Area Development Permit application, involving other SLRD departments and in some cases, provincial agencies. The review may result in a request for information or modification of the proposal.

Approval Stage

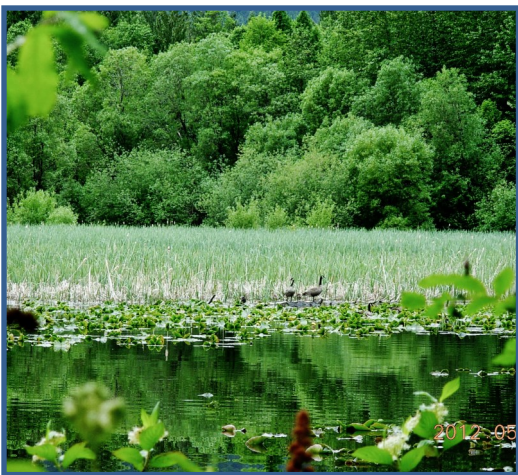
Upon resolution of all staff concerns, a draft riparian area development permit is presented to the SLRD Director of Planning and Development for consideration and sign-off.

Issuance of Development Permit

A development permit is issued by the SLRD Director of Planning and Development. Once issued, the SLRD will file the Riparian Area Development Permit with the Land Title Office. As a result, the Riparian Area Development Permit is binding upon the applicant and subsequent owners.

Cost

The cost of a Riparian Area Development Permit is \$150.



Refund

Where an application does not proceed or has been withdrawn, a refund may be provided to the applicant as per the regulations of the Fees Bylaw.

Cancellation

Applications that are one year old or older that are inactive for a period of 6 months are deemed to be abandoned and will be closed. Any applicable refunds may be provided to the applicant as per the regulations of the Fees Bylaw.

An applicant has the right to request an extension of up to one year. Any extension approved by the SLRD board, whether for a maximum one year or lesser time, is subject to a payment of 50% of the original application fee.

Reapplication

Where an application has been denied, no reapplication for a substantially similar amendment shall be considered within 12 months of the date of rejection of the previous application. Relevant fees are applicable to any new application.

Where an application has been withdrawn, relevant fees are applicable to any new application.

Information, application forms and questions

Riparian Area Development Permit application forms and information requirements are available at the SLRD office. SLRD planning staff are available to answer questions, and to provide clarification of the Riparian Area Development Permit process as it applies to a specific property or application.