

# ATTACHMENT A

## Development Permit Area (DPA) Guidelines

#	CURRENT	PROPOSED
<b>1. Avoidance Prioritized</b>		<p>Priority approach:</p> <ol style="list-style-type: none"> <li>1. Avoid</li> <li>2. Mitigate</li> <li>3. Compensate</li> </ol>
<b>2. DP Application Review</b>		<p>Add wording to DPA Guidelines that identifies considerations and process for DPA to be approved.</p> <ol style="list-style-type: none"> <li>1. Development within DPA 1 and 2 will usually be considered only if historical subdivision or construction of structures has occurred before the designation of DPAs and if:               <ol style="list-style-type: none"> <li>a. The DPA takes up so much of a pre-existing lot that it makes the lot undevelopable for the use permitted under its existing zoning; or</li> <li>b. Due to topographic, natural hazard, or other environmental constraints on the lot, there is no acceptable building site outside the DPA; and</li> <li>c. All opportunities to relax other development requirements (such as yard setbacks, minimum lot size, parking, etc.) have been exhausted.</li> </ol> </li> <li>2. The onus lies with the applicant to demonstrate that encroaching into the DPA is necessary due to</li> </ol>

the above circumstances, in order to allow the use of a site as otherwise permitted under existing zoning.

3. To determine whether a proposed development is inside the DPA, two things need to be done.
  - a. Locate the DPA boundaries on the ground; on any given site, this means:
    - i. Locating the watercourse or sensitive ecosystem relative to the property lines;
    - ii. Locating the top-of-bank (for creeks, streams, and rivers) or the natural boundary (for wetlands, ponds, lakes, and terrestrial sensitive ecosystems); and
    - iii. Measuring the applicable leave strip or distance from that top-of-bank or natural boundary (see Schedule [ ] of the Official Community Plan to determine if this distance is 15 or 30 meters).

Unless all development activities will be clearly outside the DPA, these determinations usually need to be made by a B.C. Land Surveyor (BCLS). However, they can be incorporated into the BCLS-certified site plan that is a standard requirement of any development proposal.

- b. Locate the proposed development relative to the DPA boundaries; this means locating

		<p>where proposed structures will be built and where soil or vegetation will be disturbed for yards, driveways, patios, walkways, etc. relative to the DPA boundaries.</p> <ol style="list-style-type: none"><li>4. In considering how much encroachment into a DPA should be allowed, the [local government] will weigh the applicant's need to encroach upon the watercourse leave strip or sensitive ecosystem against the potential impacts of the encroachment on the habitat.</li><li>5. The applicant and [local government] will seek to vary other land use requirements under the Zoning Bylaw before, or where necessary along with, encroaching into the leave strip in order to minimize the encroachment. One or more of the following variances from existing Zoning Bylaw requirements may be applied:<ol style="list-style-type: none"><li>a. Front and/or rear-yard setback reductions.</li><li>b. Site coverage increased by up to 50% of maximum.</li><li>c. Maximum height increased by up to 3 metres.</li><li>d. Parking requirement reductions.</li></ol></li><li>6. Retain mature vegetation wherever possible and incorporate it into the design of the project.</li><li>7. Demonstrate that a diligent effort has been made in site design to:</li></ol>
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<p><b>3. Biological Assessment</b></p>	<p>Only Detailed RAPR required currently.</p>	<p>Including wildlife habitat, wildlife corridors and ecological function in the biological assessment for DPA1 in addition to the Detailed RAPR assessment - there is concern that setbacks on fish bearing creeks could be less than setbacks on non-fish bearing (non RAPR) creeks if only RAPR is required.</p> <ul style="list-style-type: none"> <li>• An environmental impact assessment prepared by a qualified environmental professional that conforms with the [local government] Terms of Reference, including: a description of the existing conditions of the site and an analysis of any adverse impacts of the proposed work on the environment during and after the work, having regard to such matters as the location of and topography of the work site and surrounding area, and the effects on the stream corridor or waterfront, including effects on: water quality and quantity; hydrology; fisheries; wildlife, tree and vegetation</li> </ul>

		<p>inventory; soils; climate; land use; recreation; aesthetics; and, human interest.</p> <ul style="list-style-type: none"> <li>• Evidence that all adverse environmental impacts during and after the work and once in operation will be insignificant or mitigated to insignificant levels by the work methods, design, and mitigation measures that will be used or incorporated into the work.</li> </ul>
<p><b>4. Mitigation/ Compensation</b></p>	<p>Where a Riparian Leave Strip is determined in accordance with 2(b) above, its boundary will also be established with consideration for the following:</p> <ul style="list-style-type: none"> <li>• City staff and the applicant have held a pre-application meeting and have reviewed and revised the development proposal as much as reasonably possible to avoid encroaching into the Riparian Leave Strip on the property;</li> <li>• There is no reduction in the quality of the fish and wildlife habitat provided by the Riparian Leave Strip;</li> <li>• Terrain stability is not compromised;</li> <li>• The principle of ‘No Net Loss’ will be followed;</li> <li>• Any new areas added to the Riparian Leave Strip to replace those removed are contiguous with the original Riparian Leave Strip and located as close to the watercourse as possible; and</li> </ul>	<p>Where a Riparian Leave Strip is determined in accordance with 2(b) above, its boundary will also be established with consideration for the following:</p> <ul style="list-style-type: none"> <li>• City staff and the applicant have held a pre-application meeting and have reviewed and revised the development proposal as much as reasonably possible to avoid encroaching into the Riparian Leave Strip on the property;</li> <li>• There is no reduction in the quality of the fish and wildlife habitat provided by the Riparian Leave Strip;</li> <li>• Terrain stability is not compromised;</li> <li>• The principle of “<b>net gain</b>” will be followed;</li> <li>• Any new areas added to the Riparian Leave Strip to replace those removed are contiguous with the original Riparian Leave Strip and located as close to the watercourse as possible; and</li> <li>• The developer shall retain a QEP to ensure measures recommended through a RAR detailed assessment and any additional</li> </ul>

	<ul style="list-style-type: none"> <li>The developer shall retain a QEP to ensure measures recommended through a RAR detailed assessment and any additional development approval information requirements are implemented as recommended.</li> </ul>	<p>development approval information requirements are implemented as recommended.</p>
<p><b>5. Restoration</b></p>	<p>Rely on QEP to specify restoration and vegetation management plans to variable standards.</p>	<p>Include detailed riparian restoration standard requirements in the DPA Guidelines that include:</p> <ul style="list-style-type: none"> <li>Native plant species</li> <li>Plant densities</li> <li>Maintenance requirements</li> <li>Maintenance term</li> </ul>
<p><b>6. Monitoring and Reporting</b></p>	<p>Currently it is not required within most DPs that the QEP monitor the development and complete a post construction report.</p>	<p>Require QEP monitoring, post development inspection and reporting as DP conditions and included in guidelines. By requiring the monitoring and reporting it will confirm that the conditions of the DP were met and that habitat net gain was met. This requirement also follows in the Legislated Riparian Assessments in BC Professional Practice Guidelines.</p>