



A Guide to the Environmentally Sensitive Area (ESA) Development Permit Process

What is an Environmentally Sensitive Area Development Permit?

An Environmentally Sensitive Area (ESA) Development Permit (DP) is a formal process that the Strathcona Regional District (SRD) administers when an application is made to subdivide land, clear/alter land, or site/construct buildings or structures within a designated Development Permit area. It is administered through the authority of the Local Government Act.

What is it for?

An Official Community Plan establishes development permits for "the protection of the natural environment, its ecosystems and biological diversity." Currently, the process provides protection measures for bald eagle nest trees, blue heron colonies, and aquatic ESAs, such as those areas around watercourses, wetlands, and the coast.

Nesting habitat for eagles and herons is rapidly being lost as land is cleared for development. In order to maintain breeding populations, nesting habitat is protected through no-construction timing windows to reduce disturbance during the breeding season.

Due to the declining fish stocks in the Georgia Strait, there is a need to allow for the natural maintenance of stream and foreshore features and functions that sustain fish populations (e.g. vegetative cover to help moderate the water temperature and stabilize banks, buffers to help prevent excessive sediment and surface runoff pollution). Areas of aquatic protection include those adjacent to rivers, lakes, streams, wetlands, and the coast.

What activities does it apply to and where?

- Subdivision of land;
- Land clearing including the removal, topping, trimming, or alteration of any vegetation or land, and subsequent re-vegetation; and
- The siting and construction of:
 - Buildings and structures with a building floor area greater than 10m² (107.6 ft²);
 - Paving improvements, installation of septic tanks, drainage fields, sewage treatment systems and discharges, irrigation or water systems, driveways, swimming pools, hot tubs, spas, retaining walls and shoreline protection devices.

Applicable to the following ESA development permit areas (as identified by the Sensitive Habitat Atlas) within areas so designated:

- Watercourse (areas adjacent to rivers, lakes, streams, and wetlands);
- Foreshore (areas adjacent to estuaries and the ocean/sea);
- Eagle nest trees and heron nest sites.

*Activities **exempt** from the ESA development permit process:

- Erection of fences less than metres (6.6 feet) in height;
- Growing, rearing, producing and harvesting of agricultural products in accordance with recognized standards of the Farm Practices Protection Act and the Codes of Agricultural Practice;
- Construction of farm buildings; and,
- Internal alterations and renovations to a building or structure.

How do I apply?

An Environmentally Sensitive Area Development Permit application can be obtained from the Community Services Department / Planning Services at the SRD office or from the SRD website at www.srd.ca. You are encouraged to obtain further details and advice from planning staff when making an application.

For more information contact:

Community Services Department / Planning Services

Strathcona Regional District

990 Cedar Street, Campbell River BC V9W 7Z8

Tel: 250-830-6700 • Toll free: 1-877-830-2990 • Fax: 250-830-6710

Email: planning@srd.ca

Website: www.srd.ca

Application for an Environmentally Sensitive Area (ESA) Development Permit

1. Application

An application shall be completed upon a form provided by the regional district and shall be delivered to the regional district, together with such plans and particulars as may be required.

2. Application Acceptance

The Strathcona Regional District may refuse to receive any applications that fail to include all required information as per section 8 “**Application Requirements**” below.

3. Fees

The sum as specified in Schedule A-1 shall be paid to the regional district at the time of application. The official date of application shall be that when all required information for the application and the corresponding fee is received.

4. Refund

Where an application does not proceed or is withdrawn, a refund as outlined in Schedule A-1 will be provided to the applicant.

5. Cancellation

Applications one year old or older that are inactive for a period of 6 months are deemed to be abandoned and will be closed. Where appropriate and requested by the applicants, refunds will be provided pursuant to Schedule A-1.

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

6. Reapplication

- i) 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. Fees as per Schedule A-1 are applicable to any new application.
- ii) Where an application has been withdrawn, fees as per Schedule A-1 are applicable to any new application.

7. Performance Bonding

- i) Where landscaping is a condition of a permit, a bond shall be provided for 100% of the cost of the works:
 - a) Bonding for landscaping valued in excess of \$5,000 shall be in the form of an irrevocable letter of credit (ILOC) or in a form satisfactory to the regional district, as approved by the manager of financial services. If an ILOC is chosen, it shall be effective for the term of the permit, shall be automatically renewable unless cancelled, and shall be redeemable locally.
 - b) Bonding for landscaping valued at less than \$5,000 shall be in a form satisfactory to the regional district, at the discretion of the applicant. If an

ILOC is chosen, it shall be automatically renewable unless cancelled and shall be redeemable locally.

- ii) Upon receipt of written certification that the installed landscaping is in substantial compliance with recognized landscape industry standards and the approved landscape plan the regional district will release the security minus 25%. The remaining 25% security will be held for a period of at least two years, including not less than two growing seasons, to ensure replacement of planting failures.
- iii) For all projects the 25% security will be released after the guarantee period, dated from the written certification, upon final acceptance by the regional district of the installed landscaping.
- iv) Works relating to the development of a single family residence or lot shall be exempted from the bonding requirement.

8. Application Requirements

At the time of application, the applicant shall provide:

- i) The completed **Application Form**. This must include authorizing signatures of the owner and/or agent.
- ii) Detailed **Site Plans** of the proposed use, noting the location of existing and proposed buildings, landscaping, any natural features, access/egress points, and any other information required by the regional district. All drawings submitted must be clearly drawn to proper scale. Where applicable drawings must include an authorized professional's signature and seal.
- iii) A **Surveyor's Certificate** completed by a B.C. Land Surveyor at the request of the regional district.
- iv) A **Written Brief** which describes the reasons/rationale for the requested permit.

In addition, during the processing of an application, and prior to final approval, an applicant may need to provide additional information such as:

- i) **Servicing Requirements:** any proposed development must address impacts on ground water, on-site and off-site drainage, sanitary services, flood proofing, water supply, and transportation access. This may include studies prepared by professional engineers, soil scientists, biologists, and/or geotechnical specialist(s) on any of these areas of interest prior to consideration by the regional district. Terms of reference for these studies will be specified by the regional district, when required.
- ii) **Certification of Compliance** as required prior to proceeding to public hearing, where the proposed development falls within the scope of the Contaminated Sites Regulations of the *Environmental Management Act*.
- ii) A current (dated not more than 12 months prior to the date of application) **Compliance Letter** and **Septic Report** addressing the state of the septic system from a Registered Onsite Wastewater Practitioner (ROWP). Where the scope of the project is sufficiently large, a community sewage disposal system with the appropriate permit the Environmental Management Branch of Ministry of Environment. In addition, the regional district may forward the application to the Vancouver Island Health Authority (VIHA) for their review and comment. A **Letter of Support** from the VIHA may be requested from the regional district.

- iv) An **Environmental Assessment** may be required, with the terms of reference specified by the regional district, where the proposed development contains or is in close proximity to environmental hazards, environmentally sensitive habitats, groundwater recharge areas, and/or other areas of environmental significance.
- iii) As every application is unique, there may be further requirements, at the direction of the regional district. These requirements may include, but are not limited to, geotechnical analyses, building schemes, archaeological and heritage site analyses. Any additional requirements will be set out in a letter to the applicant from the regional district.
- v) Where development, as defined by RAR, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that;
 - i) certifies that the qualified environmental professional is qualified to carry out the assessment,
 - ii) certifies that the assessment methods have been followed, and
 - iii) provides the professional opinion of the qualified environmental professional that:
 - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
 - (b) if the streamside protection and enhancement areas identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area..

9. Processing

- i) **The following procedure will apply if the application is within Electoral Areas “A”, “B”, or “C”:**
 - a) A staff report and other information deemed relevant will be submitted to the approving officer of the regional district. Applicants will be provided an opportunity to discuss the permit conditions with staff and approving officer. If the applicant does not agree with the approving officer’s decision, the applicant will be given the opportunity to appeal the decision to the appropriate committee of the regional district.
 - b) After the approving officer has dealt with the application, the applicant will be notified in writing of the outcome.
 - c) Where the regional district issues a development permit, it shall file in the Land Title Office a notice that the land described in the notice is subject to the permit.



APPLICATION FOR AN ESA DEVELOPMENT PERMIT

LEGAL DESCRIPTION (see your Tax Assessment Notice or Certificate of Indefeasible Title)

Name of Street:		Street Number (if known):	
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OWNER

Name(s):			
Mailing Address:			
City:	Prov:	Postal Code:	
Tel:	Business Tel:	Fax:	
Cell:	Email:		

AGENT (NOTE: a letter of agent Authorization is required if the agent is not the property owner)

Name(s):			
Mailing Address:			
City:	Prov:	Postal Code:	
Tel:	Business Tel:	Fax:	
Cell:	Email:		

THIS IS AN APPLICATION TO THE REGIONAL DISTRICT FOR A DEVELOPMENT PERMIT FOR THE PURPOSE OF:

Aquatic: <input type="checkbox"/>	Eagle Nest: <input type="checkbox"/>	Heron Nest: <input type="checkbox"/>
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SITE INFORMATION

Existing Buildings on Site:	None: <input type="checkbox"/>	Yes: <i>What type of buildings?</i> Single Family Dwelling <input type="checkbox"/> Accessory <input type="checkbox"/> Other <input type="checkbox"/>
If yes, show dimensions and location (including distance to proposed construction) on your attached sketch.		

ENVIRONMENTALLY SENSITIVE AREAS

Is the proposed construction within 100m (328ft) of the sea, a lake, river, stream, creek, wetland, swampy area, bog, cliff, sand dune(s), gravel area, etc.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, show dimensions and location (including distance to proposed construction) on your attached sketch.		

Signature of Owner or Authorized Agent	Date
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Site Declaration: <input type="checkbox"/>	Site Profile: <input type="checkbox"/>	Sent to Site Registry? <input type="checkbox"/>	Sent to MoE Regional Branch Manager? <input type="checkbox"/>
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Date Received:	Rec'd by:	File No.:
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PID:	Folio:
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Site Declaration: <input type="checkbox"/>	Site Profile: <input type="checkbox"/>	Sent to Site Registry? <input type="checkbox"/>	Sent to MoE Regional Branch Manager? <input type="checkbox"/>
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SITE DECLARATION

Section 40.1 of the Environmental Management Act, requires a site profile to be completed with an application when the applicant knows, or reasonably should know, that a site has been used or is being used for commercial or industrial purposes. If any activities found in Schedule 2 of the Contaminated Sites Regulation apply to your property, you are required to complete a site profile. A copy of Schedule 2 activities is available at the front counter.

If any of the listed activities does not apply, simply complete the following declaration:

PROPERTY DESCRIPTION

Civic Address:	
Legal Description of Property:	

NAME OF PROPERTY OWNER / AGENT

Surname:		Given Names:	
Company (if applicable):			
Mailing Address:			
City:		Prov:	
		Tel:	
Email:		Fax:	

DECLARATION

I declare that, based upon my current knowledge of the subject property, no Schedule 2 activities have been carried out.	
Signature:	Date:

Date Rec'd:	File No.:	Electoral Area:
PID:	Folio:	