Strathcona
REGIONAL DISTRICT

BYLAW NO. 82

A BYLAW TO AMEND BYLAW NO. 1857, BEING "OYSTER BAY-BUTTLE LAKE OFFICIAL COMMUNITY PLAN BYLAW, 1996"

WHEREAS the former Comox Strathcona Regional District has, by Bylaw No. 1857, adopted an official community plan for part of Electoral Area 'D' (Oyster Bay-Buttle Lake) pursuant to Part 26 of the *Local Government Act*;

AND WHEREAS a bylaw of the former Comox Strathcona Regional District that regulates the use or development of land within the area comprising the Strathcona Regional District remains in force until amended or repealed;

AND WHEREAS the provisions of B.C.Reg.376/2004 enacted pursuant to the *Fish Protection Act* require the Regional District to regulate certain types of development within riparian areas;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Amendments

1. Bylaw No. 1857, being "Oyster Bay-Buttle Lake Official Community Plan Bylaw, 1996" is hereby amended as set out in Schedule "A" attached to and forming part of this bylaw.

Citation

2. This bylaw may be citied for all purposes as Bylaw No. 82, being "Oyster Bay-Buttle Lake Official Community Plan Bylaw, 1996", Amendment No. 20".

READ A FIRST TIME ON THE 23RD DAY OF SEPTEMBER, 2010

READ A SECOND TIME ON THE 23RD DAY OF SEPTEMBER, 2010

PUBLIC HEARING HELD ON THE 10TH DAY OF NOVEMBER, 2010

READ A THIRD TIME ON THE 25TH DAY OF NOVEMBER, 2010

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT ON THE 13TH DAY OF MARCH, 2012

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 26TH DAY OF APRIL, 2012

Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE TEXT AMENDMENT

1. Part 306 'Environmentally Sensitive Areas' is hereby amended by inserting the following as item 3. and renumbering the subsequent items accordingly:

   Policies

   3. The provincial Riparian Areas Regulation (RAR) shall be applied to all development, as defined by the RAR, within the Strathcona Regional District.

2. Part 404 is hereby amended by replacing Part 404.1 with the following:

   404 PROTECTION OF THE NATURAL ENVIRONMENT, ITS ECOSYSTEMS AND BIOLOGICAL DIVERSITY

   Areas:

   Development Permit Area No. 404.1:
   Watercourse Environmentally Sensitive Areas (Watercourse ESAs)

   To comply with the Ministry of Environment's (MOE's) Riparian Areas Regulations (RAR) requirements and to protect the natural environment, a development permit is required for any area located within 30.0 metres from top of bank of a stream connected to fish habitat as identified within the Regional District's Sensitive Habitat Atlas, including all map amendments, or as defined by RAR.

3. Part 404 'Guidelines' is hereby amended by deleting items 1, 2 and 3 of this section in their entirety and replacing with the following:

   Guidelines:

   The following activities will require the issuance of a development permit and, where applicable, trigger RAR and the subsequent requirement for a Riparian Area Assessment:

   a) Subdivision, as defined by the *Local Government Act*;
   b) Alteration of land, including the disturbance of soils;
   c) Land clearing, including the removal, alteration, disruption or destruction of vegetation;
   d) The siting and construction of:
      i) Buildings and structures with a building floor area greater than 10 m^2, including additions to existing buildings or structures within the Riparian Assessment Area;
      ii) Retaining walls;
      iii) Septic tanks, drainage fields, sewage treatment systems and discharges, irrigation or water systems, swimming pools and stormwater management systems;
      iv) Impervious paving, roads, and driveways;
      v) Docks, wharves, bridges, shoreline protection devices and flood protection works; and
   e) The placement or storage of:
      i) Contaminated soils and substances.

4. Part 404 is hereby amended by deleting the existing 'Exemptions' section in its entirety and replacing with the following:

Exemptions:

Where the following applies, the requirement for an RAR assessment and/or development permit is not applicable:

a) Construction of farm buildings, excluding residential and associated structures;
b) Construction involving a building floor area of $10m^2$ or less;
c) Internal alterations and renovations to a building or structure or repair or reconstruction on an existing foundation;
d) Growing, rearing, producing and harvesting of agricultural products in accordance with recognized standards of the Farm Practices Protection Act and the Code of Agricultural Practice;
e) Forestry activity on Private Managed Forest Land in accordance with the Private Managed Forest Lands Act;
f) Stream habitat enhancement work and environmental compensation work directed by senior government agencies;
g) 'In-stream' work as defined by and in compliance with the Water Act;
h) Mining activities as defined by and in compliance with the Mines Act;
i) Hydroelectric facilities as defined by and in compliance with the Utilities Commission Act;
j) Restoration of natural ecosystems and removal of invasive species, provided bank instability will not result from the proposed action.
k) Removal of hazard trees where there is an immediate threat to the safety of persons or property where an approved authorization from DFO is received.
l) Subdivisions that are not included within the Local Government Act definition, (boundary adjustments and lot consolidations not involving the installation of underground services or the construction of roads, and plans dedicating highways or parks).
m) Replacement of the roof of a structure, its exterior finish or sign faces.
n) Private residential trails up to a maximum of 1.5 metres in width to access the shoreline, provided no tree removal is required for the trail's construction.

5. Delete the existing 'Application Requirements' section and move to the end of Section 404 to be listed as the last item as follows:

Application Requirements

As specified within Schedule A-5 of Bylaw No. 5, being the "Planning Procedures & Fees Bylaw, 2008", as amended.

6. Part 600 'GLOSSARY OF TERMS' is hereby amended by the replacement and addition of the following terms:

a) Replace the following terms:

RIPARIAN AREA means a Streamside Protection and Enhancement Area (SPEA).

RIPARIAN ASSESSMENT AREA means:
(a) for a stream, the 30.0 metre strip on both sides of the stream, measured from the high water mark,
(b) for a ravine less than 60.0 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30.0 metres beyond the top of the ravine bank, and
(c) for a ravine 60.0 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10.0 metres beyond the top of the ravine bank.

STREAM includes any of the following that provides fish habitat:
(a) a watercourse, whether it usually contains water or not;
(b) a pond, lake, river, creek or brook;
(c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

WETLAND includes land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.

b) Include the following terms:

DEVELOPMENT *means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the Local Government Act:*
(a) removal, alteration, disruption or destruction of vegetation;
(b) disturbance of soils;
(c) construction or erection of buildings and structures;
(d) creation of non-structural impervious or semi-impervious surfaces;
(e) flood protection works;
(f) construction of roads, trails, docks, wharves and bridges;
(g) provision and maintenance of sewer and water services;
(h) development of drainage systems;
(i) development of utility corridors;
(j) subdivision as defined in section 872 of the Local Government Act.

QUALIFIED ENVIRONMENTAL PROFESSIONAL *means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:*
(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
(c) the individual is acting within that individual's area of expertise.

STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA) means an area:
(a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and
(b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.