

Streamside Development Permit Area – FAQ's

District of North Vancouver
Environment Department - 355 West Queens Rd, North Vancouver, BC V7N 4N5

Questions about this form: Phone: 604-990-2311 or Email: enviopermits@dnv.org

1) Why Streamside Protection?

The federal *Fisheries Act* and the provincial *Riparian Areas Regulation (RAR)* under the *Fish Protection Act* require local governments to protect streamside areas for their fish habitat values during development activities. The District's Streamside Development Permit Area (DPA) has been adopted to meet the requirement to protect fish habitat, as well as to safeguard other important environmental values associated with streamside areas. It guides how development occurs to protect these streamside and environmental values.

2) What is a Stream?

For the purposes of habitat protection, and as defined by RAR, a stream is a watercourse, whether usually containing water or not, groundwater, a lake, river, creek, spring, ravine, swamp, gulch, or wetland.

3) Where can I see a map of all of the Streamside Protection areas in the District?

The Streamside Protection areas are identified on Geoweb on the District's GIS website at <http://geoweb.dnv.org/> under: applications, properties, layers, layer manager, DPA Streamside. Alternatively the Streamside Protection Development Permit Area map can be viewed at our website at the following link; <http://www.dnv.org/article.asp?a=5623>

The Streamside DPA also applies to any unmapped streams that may not yet be on the Streamside DPA map.

4) What properties are included in the Streamside DPA?

All properties or portions of properties that are:

- Within 15 metres of the top of bank of a stream or;
- Within 10 metres of the top of bank of a ravine more than 60 metres wide or;
- Within 30 metres of the top of bank of a stream for properties greater than 0.5 ha in size located on or adjacent to Capilano River, Lynn Creek, Seymour River, or MacKay Creek at any point south of Marine Drive (See *Schedule B* of the *District's Official Community Plan*)

The Streamside DPA also applies to any unmapped streams that may not yet be on the Streamside DPA map.

5) What is the Streamside Protected Area?

The Streamside Protected Area is commonly called the setback area or Streamside Protection and Environment Area (SPEA) and is the area between the existing or proposed development and the Top of Bank of the nearest stream or wetland. The Streamside DPA establishes a Streamside Protected Area where development should not occur either 10m or 15m from the top of bank depending on the width of the stream ravine. For large sites greater than 0.5 ha along major rivers including Capilano, the DPA guideline is for a 30 m SPEA.

6) When would I need a Development Permit?

If your property is in the Streamside DPA, and you are planning to carry out “development” activity, as defined in the District’s Official Community Plan (OCP), a Development Permit (DP) may be required. Certain exemptions apply (see Exemptions).

7) What are some common Exemptions (where no DP is required)?

Regular maintenance of existing buildings or landscaping, and any development that takes place outside the Streamside Protected Area does not require a Development Permit. Repair or minor renovation to a building on its existing foundation is also exempt.

8) I am just doing an interior renovation; do I still need to get a Development Permit?

No. Interior only renovations are exempt from requiring a Streamside Development Permit.

9) What information do I need to apply for a Streamside Development Permit?

A legal topographical survey showing the top of bank (TOB) of the stream, the applicable Streamside Protected Area (either 10m, 15m or 30m setback), a site plan showing the proposed location of all the development to be undertaken.

Additional information may be required including a report from a Qualified Environmental Professional (QEP) identifying any impacts to the stream and the mitigation and/or compensation measures to be undertaken. This may include a requirement for a Detailed Assessment following RAR protocol including a legal topographical survey of the natural boundary of the stream.

10) How do I know where the Top Of Bank (TOB) is?

TOB is generally defined as the first significant break in slope away from the stream beyond which the land is flatter than a 3H: 1V slope for a minimum distance of 15 metres. For Streamside Development Permits the DNV requires that the TOB is determined by a QEP and then shown on a legal topographical survey to the satisfaction of District staff.

11) How do I know where 15m (Streamside Protected Area) from the TOB is?

After the TOB is determined by a QEP, both the TOB and the 15m Streamside Protected Area are transferred to a legal topographical survey. To determine the 15m Streamside Protected Area line you must measure from the surveyed TOB outward and away from the creek.

12) My house is already inside the Streamside Protected Area, what should I do now?

The DPA guidelines recognize that on many properties in the District, the house, yard and existing landscaping already lie within the Streamside Protected Area. Any existing and lawfully constructed buildings, existing landscaping and other pre-existing land uses are considered to be “grandparented”, that is, they can remain in place as they are. A Development Permit is required only if new development activity is proposed within the Streamside Protected Area or if a new home is being constructed.

13) What is a Qualified Environmental Professional (QEP)? Where do I find one?

A Qualified Environmental Professional (QEP) is a person, acting alone or in conjunction with other QEP’s, with expertise in the assessment and restoration of fish habitat and is also a registered member, in good standing, of the respective BC professional association constituted under an Act of BC law (Biology, Agrology, Forestry, Geoscience and Engineering). The individual’s area of expertise must be recognized in the Riparian Area Regulations (RAR) assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of the particular development proposal under review. Typically for streamside DPA assessments, the District recommends that a QEP should be a Registered Professional Biologist or accepted alternative who has undertaken the accredited RAR assessment course.

14) Who do I hire for professional reports, surveys, cost estimates, planting plans, etc.?

It is up to the homeowner or applicant to hire appropriately qualified professionals that can provide the type of information required by the DNV. However, if we require a report by a QEP they must have the appropriate qualifications as set out in the QEP definition above.

15) What is “Habitat Compensation”?

Habitat means an area where any species of fish or wildlife naturally occurs and depends on this area to carry out its life processes. When new development cannot take place outside the Streamside Protected Area, resulting habitat losses need to be offset by habitat gains. This reflects a basic principle of “no net loss” whereby unavoidable habitat losses are balanced by new habitat replacement. The amount and type of habitat compensation will be determined in consultation with District Environment staff in accordance with standard habitat enhancement techniques and typically require input from QEP(s).

Habitat compensation can take place as new riparian planting, removing existing structures from within the Streamside Protected Area, treating and removing invasive plant species, stream restoration or a combination of all of these measures. The Department of Fisheries and Oceans has recently developed a *Proponent’s Guide to Offsetting* which provides guidance for larger projects that can cause serious harm to fish under the *Fisheries Act* <http://www.dfo-mpo.gc.ca/pnw-ppe/offsetting-guide-compensation/index-eng.html>

16) What is a habitat compensation plan?

Includes but is not limited to:

- A plan that describes how the proposed project will ensure “no net loss”
- A habitat compensation balance sheet showing areas/types of habitat lost and gained
- A planting plan written or otherwise of native plant species, listing each species (name), location(s) of plants and each plant’s size
- A tree planting plan based on a 3:1 ratio of replacement trees to trees removed
- Details of soil removal or importing work, grading and drainage
- Details of other proposed mitigation measures such as nesting boxes, wildlife trees/snags or habitat piles or in-stream structures
- An invasive species removal, treatment and monitoring plan

There may be additional requirements for larger projects that can cause serious harm to fish under the *Fisheries Act*. To assist proponents, the Department of Fisheries and Oceans has recently developed a *Proponent’s Guide to Offsetting* which provides guidance (see Q.15)

17) How long does the Streamside DP process take?

Process time varies depending on whether or not there are any other DPs required, the completeness and accuracy of the reports and information received and the overall complexity of the project. There is often a pre-application stage to gather the environmental baseline information, and an application review stage which involves screening the information. Once all information is received, then processing generally takes 4 – 6 weeks. This may depend on whether additional information is required to process the application.

18) How much does a Streamside DP cost?

The fees are set out in the Fees and Charges Bylaw. In 2014, the Development Permit fee is \$105 for a renovation or \$530 for a new home, plus a \$50 scanning fee.

19) What is the security deposit for and how is the amount determined?

If habitat compensation is required as part of a Development Permit, a quote outlining all of the costs to implement the compensation measures needs to be submitted to staff. This includes design costs, materials costs and all labour costs. The value of the security deposit is set by bylaw and equal to 125% of the value of the compensation work to be done.

20) How do I get my security deposit back?

Once all the habitat compensation work, including any monitoring, has been completed, Environment staff will conduct a site inspection to determine if the habitat compensation work has been done according to the approved habitat compensation plan.

21) How will the Streamside DPA affect my property for future development?

Foundations of lawfully constructed structures are grandparented in their present locations until such time as voluntary and complete redevelopment takes place at which time current streamside DP policies will apply.

22) I want to buy a house within the Streamside Development Permit Area and I want to tear it down and build a new home. Can the original footprint of the home be 'grandparented'?

No. When a new home is being built, existing foundations are not grandparented and you would be required to apply for a Streamside DP. Existing footprints or locations of structures are only grandparented in special circumstances involving minor work.

23) Will the Streamside DP affect how large of a home I can build?

Streamside protection is one of a number of legislated requirements of the DNV. Applying this and other requirements may in certain situations decrease the potential gross buildable floor area of a home. It is very important that you review the information on the District's website <http://www.dnv.org/article.asp?a=5623>

24) How will this affect having a basement?

The Streamside DP does not have any bearing on whether or not you can have a basement. See the Zoning Bylaw and Creek Hazard DPA for details regarding basements and Flood Protection.

25) The owner of the property next door / across the street / at the end of my block built a new home, can I build mine as close to the creek as theirs?

Every lot is unique and not all lots are in the Streamside Development Permit Area. Additionally, some lots are in other Development Permit areas (for example Slope, Creek or Wildfire Hazard); therefore it is not possible to compare lots to each other. Any encroachment of new development into the Streamside Protected Area is only determined after consultation with DNV staff whereby habitat compensation is agreed upon and a Development permit issued. The DNV policy requires that all options be explored to reduce the amount of new development inside the Streamside Protected Area.

26) When can I apply for my building permit?

Once staff has accepted a complete DPA package and no further design changes are expected, a Building Permit application will generally be accepted.

27) Will the stream on/near my property flood my home? How can I find out if it will flood or not?

The District has limited information on flood hazards related to individual properties. Please refer to the information on the District's website <http://www.dnv.org/article.asp?c=1110> If you are concerned, please hire a (QEP) engineer or geoscientist with the appropriate experience in assessing flood risk on an individual property.

28) Is there a 5m 'no go' zone or a 5m minimum setback from TOB?

The DNV policy is designed to provide for a 10-30m minimum setback from TOB (see above). The requirement that the area within 5m of the TOB should remain free of any new development or permanent structures would only be used under specific site conditions and could only result from a more detailed variance review where there is undue hardship or special circumstances. If new development or permanent structures must be built within 15m from the TOB because there is no available or reasonable alternative, every effort is made to stay as far away from the TOB as possible. This will likely involve additional work by a QEP and may involve referrals to applicable federal and/or provincial environmental agencies. A Development Permit and Habitat Compensation will be required.

29) I see a stream but it isn't mapped on GeoWeb, is it a mistake?

Unmapped streams can be added to our GeoWeb database after DNV staff has confirmed their location in the field. If there is a stream present but it is not mapped or shown on the DPA map please contact the Environment Section at the District. The Streamside Protection policy applies to properties near streams whether the streams are mapped or unmapped.

30) When did Council adopt legislation designating a Streamside DPA?

The Environmental Protection and Preservation Bylaw adopted in 1993 included guidelines relating to development close to creeks. In April 2008, the OCP was amended to make provision for a DPA for Streamside Protection and ensure District processes are in compliance with the federal *Fisheries Act* and the provincial *Fish Protection Act* and *Water Sustainability Act*.

Current requirements are set out in the most recent OCP adopted in 2012.

31) What do I submit if the property falls into multiple DPAs?

If your property falls into multiple DPAs for Protection of the Environment and/or Protection of Development from Hazardous Conditions, please review all relevant information on the District's website <http://www.dnv.org/> prior to any type of design work. If clarification is still needed, you may contact staff in the Environment Section.

You will need to designate a lead professional to coordinate all aspects of the required DPA reports and review the process with DNV staff.

32) What do I do if the property is also within a DPA for:

- **Form & Character for Commercial, Industrial or Multi-Family Development and / or**
- **Energy & Water Conservation & Reduction of Greenhouse Gas Emissions?**

If your property also falls within one of these DPAs, please review all relevant information on the District's website <http://www.dnv.org/> prior to any type of design work. The lead DNV staff contact will be a Development Planner. You can contact Development Planning by telephone at 604-990-2387 or by email at planning@dnv.org for an appointment.

33) When or does Fisheries and Oceans Canada (DFO) or BC's Ministry of Environment (MOE) become involved in streamside reviews?

The DNV may ask that an applicant and their QEP submit their development proposal, including habitat compensation plan and any other relevant information to DFO and / or the Province for a project review request to ensure compliance with the federal *Fisheries Act* and the provincial *Fish Protection Act* and *Water Sustainability Act*.

District staff may wish to review a DPA application if it is not consistent with the District's guidelines. In these circumstances, the District may require, at the expense of the applicant, a peer review of the any reports associated with the application, by an independent qualified professional consultant. Any concerns/conflicts resulting from a peer review will be directed to the report author and signing qualified professional for consideration. Reports will not be accepted until concerns/conflicts arising from a peer review are satisfactorily resolved.

34) Do District of North Vancouver (DNV) projects have to follow the DPA guidelines?

Yes all DNV projects are expected to follow the DPA guidelines. However, the DNV is responsible for maintaining and providing critical public infrastructure such as roads, bridges, water and sanitary sewer pipes and for maintaining existing community service infrastructure.

Much of this infrastructure was installed many years ago when knowledge and requirements protecting riparian lands were not as prevalent. In many cases there were no regulations governing environmental protection at the time of design and construction. As a result much of this infrastructure is located in areas of sensitive environmental habitat that would be preferable to avoid all together. This is not always possible however the DNV strives to adhere to the most current environmental best management practices in all of our operations and capital projects.