3
RIPARIAN AREA

NATURAL ENVIRONMENT & HAZARDOUS CONDITIONS DEVELOPMENT PERMIT AREA

CITY OF CHILLIWACK

Area

All lands within the boundaries of the City of Chilliwack are designated as Development Permit Area 3 (DPA 3) for the protection of the natural environment, its ecosystems and biological diversity, and in particular fish and fish habitats and riparian habitats, pursuant to Sections 488(1)(a) and (b) of the *Local Government Act.*

Justification

This DPA defines riparian assessment areas for the protection of fish habitats, based on the information of Map 17, the *Fish Protection Act,* and the *Riparian Areas Protection Regulation*. It enables a site specific, science-based assessment protocol for Qualified Environmental Professionals to establish consistent and appropriate requirements, conditions and standards regarding development within riparian assessment areas.

Objectives

The objectives of this DPA are to:

1. Protect the biological functioning of riparian areas; and
2. Clarify the responsibilities of landowners regarding development of riparian areas.

Definitions

For the purpose of this Development Permit Area, the following definitions shall apply:

1. "Active floodplain" means an area of land within a boundary that is indicated by visible high-water mark or the water level of a stream that is reached during annual flood events.
2. "Development" means any of the following:
    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-pervious 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. The development of utility corridors; or
    j. Subdivision under the *Land Title Act* or the *Strata Property Act.*
3. "Qualified Environmental Professional" (QEP) means a registered professional, acting alone or together with another registered professional, who meets the requirements of Section 21 of the *Riparian Areas Protection Regulation*.

4. “Riparian assessment area” means the riparian area lying within the distance of a watercourse specified below in relation to watercourse classes A through E.
5. “Streamside Protection and Enhancement Area” is the part of the riparian area as defined in Section 9 of the *Riparian Areas Protection Regulation*.
6. “Top of bank” means the point closest to the boundary of the active floodplain of a watercourse where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 (3 horizontal / 1 vertical) at any point for a minimum distance of 15m measured perpendicularly from the boundary of the active floodplain.
7. “Top of ravine bank” means the first significant break in a ravine slope where the break occurs such that the grade beyond is flatter than 3:1 (3 horizontal / 1 vertical) for a minimum distance of 15m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

Requirements and Exemptions

Watercourse Classification: The table below describes the classification system for watercourses within the City of Chilliwack. Map 17 provides a general overview of watercourses within the City of Chilliwack and is intended for informational purposes only.

Watercourse Classification	Description
Class A	Fish present or potentially present if introduced barriers or obstructions are either removed or made passable for fish.
Class B	Not inhabited by fish but provides water, food, and nutrients to a downstream fish-bearing stream or other water body.
Class C	Watercourse with narrow but continuous areas of existing or potential vegetation equal to 15m wide, or discontinuous but occasionally wider areas of vegetation. Does not contain significant food/nutrient value. No fish documented.
Class D	Watercourse with very narrow continuous or discontinuous areas of existing or potential vegetation where vegetation potential is compromised by the presence of permanent structures or permanent improvements such as public roads and parking areas. Does not contain significant food/nutrient value. No fish documented.
Class E	Watercourse for which the presence of fish or value in providing nutrients has not yet been determined.

The following activities require a Development Permit:

- Development within 30m of the top of bank of a watercourse classified as Class “A”;
- Development within 30m of the top of the bank of a watercourse classified as Class “B”, where the existing or potential adjacent vegetation is continuously over 30m wide;

- Development within 15m of the top of bank of a watercourse classified as Class “B”, where the existing or potential adjacent vegetation is less than 30m wide;
- Development within 15m of the top of bank of a watercourse classified as Class “C” or “D”;
- Development within 30m of the top of bank of a watercourse classified on Map 17, as “E” (unclassified) unless it is tributary to Class “C” or “D” watercourse; in which case the distance shall be 15m; and
- Development within 30m of the top of bank of an unmapped watercourse identified at time of development unless it is tributary to Class “C” or “D” watercourse; in which case the distance shall be 15m.

The following activities are exempted from the requirements for a Development Permit:

- Development activities exempt from the *Riparian Areas Protection Regulation*; and,
- Agricultural building and facilities that meet provincial setback requirements.

Note that the above exemptions do not remove setback requirements from watercourses stipulated by the City of Chilliwack Floodplain Regulation Bylaw, as amended, or critical habitat protection requirements established by federal aquatic species at risk recovery strategies (e.g., Salish Sucker), which may come into force periodically. In the event of any inconsistency between the guidelines of this DPA and other DPAs, the guidelines of this DPA shall prevail.

Guidelines

RA-1 In compliance with the *Riparian Areas Protection Regulation*, development may be permitted if the City is notified by the appropriate federal and provincial ministries that they have been notified of the development proposal, and provided with a copy of an assessment report prepared by a QEP that:

a) Certifies that they are qualified to carry out the assessment;

b) Certifies that the prescribed assessment methods under the *Riparian Areas Protection Regulation* have been followed; and

c) Provides a professional opinion, that if the development is implemented as proposed or if the streamside protection and enhancement areas identified in the report are protected from the development and the measures 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**.**

RA-2 In order to implement measures to protect the riparian area, the City may include the following in a Development Permit:

a) Specific conditions to protect riparian areas;

b) Standards in accordance with Section 491 of the *Local Government Act*;

c) Requirements related to the timing and sequencing of construction activities; and

d) Implementation measures based on the recommendations of the QEP, or applicable bylaws adopted under Division 7 or 11 of the *Local Government Act*.

RA-3 In the event that a harmful alteration, disruption or destruction of fish habitat (HADD) cannot be avoided, development may be permitted if the Minister of Fisheries and Oceans or a regulation under the *Fisheries Act* (Canada) authorizes the harmful alteration, disruption or destruction of the riparian assessment area that would result from the implementation of the development proposal.