

Relevant Excerpts from
Electoral Area C Official Community Plan Bylaw No. 725
South Shuswap Zoning Bylaw No. 701

(See [Bylaw No. 725](#) and [Bylaw No. 701](#) for all policies and land use regulations)

Bylaw No. 725

12.1 Hazardous Lands Development Permit Areas (Steep Slope)

12.1.1 Purpose

The Hazardous Lands Development Permit Area is designated under the Local Government Act for the purpose of protecting development from steep slope hazardous conditions.

12.1.2 Justification

Whereas steep slopes pose a potential landslide risk, a Hazardous Lands Development Permit Area is justified so that DP guidelines and recommendations from qualified engineering professionals are utilised prior to development in steep slope areas in order to provide a high level of protection from ground instability and/or slope failure.

12.1.3 Area

All properties, any portion of which, contain slopes 30% or greater are designated as Hazardous Lands Development Permit Area (Steep Slope). These are referred to as 'steep slope' areas below. The CSRD requires a slope assessment of slope conditions as a condition of development permit issuance. Provincial 1:20,000 TRIM mapping, using 20m (66ft) contour information, may provide preliminary slope assessment; however, a more detailed site assessment may be required.

12.1.4 Exemptions

A Hazardous Lands Development Permit is not required for the following:

- .1 A single storey accessory building with a gross floor area less than 10 m² (107.4 ft²) which are placed on slopes of less than 30%;
- .2 Non-structural **external** repairs or alterations exempted by the BC Building Code; or
- .3 Non-structural **internal** repairs or alterations exempted by the BC Building Code which do not create sleeping accommodations or bedrooms.

12.1.5 Guidelines

- .1 Whenever possible placement of buildings and structures should be considered first in non-steeply sloped areas, i.e. less than 30% slope;

- .2 In order to protect against the loss of life and to minimize property damage associated with ground instability and/or slope failure, development in steep slope areas is discouraged;
- .3 Occupant and public safety shall be the prime consideration of the qualified geotechnical professional and the CSRD prior to approval of development in steeply sloped areas; and,
- .4 Geotechnical reports from qualified geotechnical professionals must address best engineering practices in the field of geotechnical engineering and provide detailed recommendations. At the discretion of CSRD staff an independent third party review of the submitted report(s) may be undertaken.

Where steep slope areas are required for development, development permits addressing Steep Slopes shall be in accordance with the following:

For subdivision, either 12.1.5.5 or 12.1.5.6 applies:

- .5 Submission of a geotechnical report by an Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) registered professional with experience in geotechnical engineering.
 - a. The geotechnical report, which the Regional District will use to determine the conditions and requirements of the development permit, must certify that the land may be used safely for the use intended.
 - b. The geotechnical report must explicitly confirm all work was undertaken in accordance with the APEGBC Legislated Landslide Assessment Guidelines.
 - c. The report should include the following types of analysis and information:
 - i. site map showing area of investigation, including existing and proposed: buildings, structures, septic tank & field locations, drinking water sources and natural features, including watercourses;
 - ii. strength and structure of rock material, bedding sequences, slope gradient, landform shape, soil depth, soil strength and clay mineralogy;
 - iii. surface & subsurface water flows & drainage;
 - iv. vegetation: plant rooting, clear-cutting, vegetation conversion, etc.
 - v. recommended setbacks from the toe and top of the slope;
 - vi. recommended mitigation measures; and
 - vii. recommended 'no-build' areas.
 - d. Development in steep slopes should avoid:
 - i. cutting into a slope without providing adequate mechanical support;
 - ii. adding water to a slope that would cause decreased stability;
 - iii. adding weight to the top of a slope, including fill or waste;

- iv. removing vegetation from a slope;
 - v. creating steeper slopes; and
 - vi. siting Type 1, 2 and 3 septic systems and fields within steep slopes.
 - e. A Covenant may be registered on title identifying the hazard and remedial requirements as specified in the geotechnical or engineering reports for the benefit and safe use of future owners.
- .6 Registration of a Covenant on title identifying hazards and restrictions regarding construction, habitation or other structures or uses on slopes of 30% and greater.

For construction of, addition to or alteration of a building or other structure:

Compliance with and submission of the relevant geotechnical sections of Schedule B-1, B-2 and C-B of the BC Building Code by an Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) registered professional with experience in geotechnical engineering. A Covenant may be registered on title identifying hazards and restrictions regarding construction, habitation or other structures or uses on slopes of 30% or greater.

12.3 Lakes 100 m Development Permit Area

.1 Purpose

The Shuswap Lake Development Permit Area (DPA) is designated under the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

.2 Justification

The intent of the Shuswap Lake DPA is to prevent or mitigate potential negative impacts on the lake environment from larger-scale development (generally defined as development beyond a single-family residence and specifically defined in the Area section below) and Type 1 and 2 sewerage systems. Larger-scale development close to the lake has the potential to impact natural drainage patterns, disrupt stormwater infiltration and increase surface run-off into the lake. Involving a qualified professional who understands soil, drainage and hydrogeology before installing Type 1 and 2 sewerage systems close to the lake will reduce potential negative impacts improper effluent drainage may have on lake water quality.

.3 Area

The Lakes DPA applies to areas within 100 metres (328.1 feet) of Shuswap Lake, White Lake and Little White Lake. For the purposes of calculating distance from Shuswap Lake, White Lake and Little White Lake, the 1:5 year High Water Mark shall be used.

Where a development proposal involves multiple buildings, structures or phases, calculation of the size of the development shall include the entire build-out of the development.

.4 Exemptions

A Lakes DPA is not required for the following:

- .1 Removal, alteration, disruption or destruction of vegetation involving less than 1000 m² (10,763.9 feet²) of vegetation coverage area;
- .2 Construction or erection of buildings and structures with a sum total footprint less than 200 m² (2,152.8 feet²); or
- .3 Creation of non-structural impervious or semi-impervious surfaces less than 100 m² (1,076.4 feet²).

.5 Guidelines

- .1 Preservation of natural features, functions and conditions that support fish and animal habitat is the primary objective of the Lakes DPA;
- .2 Impacts to watercourses from proposed development is not desirable. Such impacts must be minimized to the greatest extent possible and addressed in a report from a QEP, including mitigative measures;
- .3 Construction or erection of buildings and structures with a sum total footprint less than 200 m² (2,152.8 feet²); or
- .4 Disturbance of soils and removal of vegetation should be minimized in the development process;
- .5 Use of non-impervious and natural landscaping, including for driving surfaces, is desired;
- .6 Compact and cluster development is desired in order to leave natural areas untouched to the greatest extent possible;
- .7 Use of natural landscaping materials is desired as material treated with creosote, paint or other chemicals can be toxic to fish and other organisms;
- .8 A development permit may be issued based upon the above guidelines and following the submission of a report from a Qualified Environmental Professional (QEP). This written submission shall be used to determine the conditions of the development permit and shall include:
 - a. Site map showing area of investigation, including existing and proposed: buildings, structures, septic tank & field locations, drinking water sources and natural features;
 - b. Existing vegetation and any proposed vegetation removal;

- c. Assessment of hydrogeology, including soil types, drainage characteristics, seepage zones, springs and seasonally saturated areas, groundwater depth, flow direction & pathways, and shallow bedrock;
- d. The suitability for site soils to accept stormwater infiltration and post-development landscape irrigation;
- e. Potential impacts to other watercourses or water bodies, e.g. Shuswap Lake; and,
- f. Recommendations and mitigative measures.

12.4 Riparian Areas Regulation (RAR) Development Permit Area

.1 Purpose

The Riparian Areas Regulation Development Permit Area (RAR DPA) is designated under the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

.2 Justification

The primary objective of the RAR DPA designation is to regulate development activities in watercourses and their riparian areas in order to preserve natural features, functions and conditions that support fish life processes. Development impact on watercourses can be minimized by careful project examination and implementation of appropriate measures to preserve environmentally sensitive riparian areas.

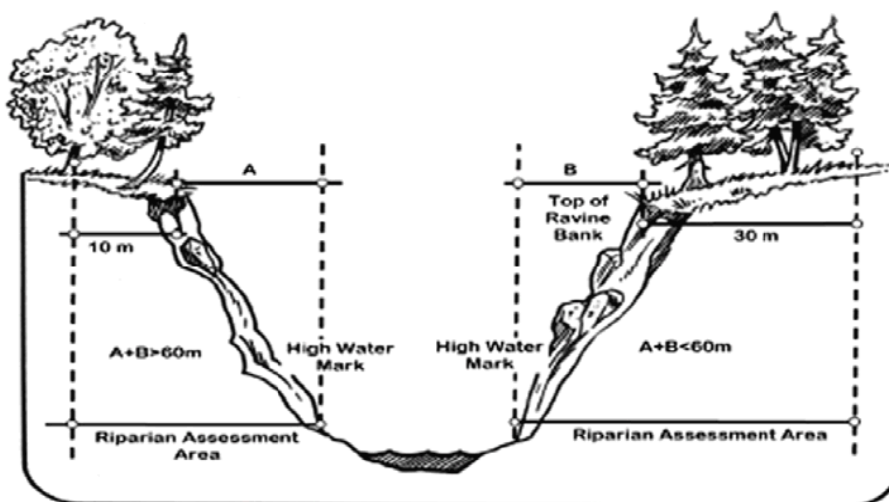
.3 Area

The RAR DPA is comprised of Riparian assessment areas for fish habitat, which include all watercourses and adjacent lands shown on Provincial TRIM map series at 1:20,000, as well as unmapped watercourses.

As illustrated in Figure 12.1, the area comprises:

- Within 30m (98.4 feet) of the high water mark of the watercourse;
- Within 30m (98.4 feet) of the top of the ravine bank in the case of a ravine less than 60m (196.8 feet) wide;
- Within 10m (32.8 feet) of the top of a ravine bank for ravines 60 metres (196.8 feet) or greater in width that link aquatic and terrestrial ecosystems that exert an influence on the watercourse.

Figure 12.1



Unless the proposed development or alteration of land is clearly outside the riparian assessment area the location of the development shall be determined accurately by survey in relation to the RAR DPA to determine whether a development permit application is required.

.4 Exemptions

The RAR DPA does not apply to the following:

- a. Construction, alteration, addition, repair, demolition and maintenance of farm buildings;
- b. Clearing of land for agriculture;
- c. Institutional development containing no residential, commercial or industrial aspect;
- d. Reconstruction, alteration, addition or repair of a legal permanent structure if the structure remains on its existing foundation. Only if the existing foundation is moved or extended into a riparian assessment area would a RAR DPA be required;
- e. A QEP can confirm that the conditions of the RAR DPA have already been satisfied;
- f. A Development Permit for the same area has already been issued in the past and a QEP can confirm that the conditions in the Development Permit have all been met, or the conditions addressed in the previous Development Permit will not be affected; and,
- g. A letter is provided by a QEP confirming that there is no visible channel.

.5 Guidelines

- .1 Preservation of water courses, waterbodies, and adjacent, natural features, functions and conditions of riparian areas that support fish and animal habitat is the primary objective of the RAR DPA;
- .2 Impacts to watercourses and riparian areas from proposed development is not desirable. Such impacts must be minimized to the greatest extent possible and addressed in a report from a QEP, including mitigative measures;
- .3 Disturbance of soils and removal of vegetation should be minimized in the development process;
- .4 Whenever possible development or land altering activities shall be located outside of the 30m setback to the riparian area unless a QEP permits a reduced setback area;
- .5 Development requiring a Development Permit shall include, but may not be limited to, any of the following activities associated with or resulting from residential, commercial or industrial activities or ancillary activities, subject to local government powers under the Local Government Act:
 - a. Removal, alteration, disruption or destruction of vegetation within 30m (98.4 feet) of a watercourse.
 - b. Disturbance of soils, within 30m (98.4 feet) of a watercourse;
 - c. Construction or erection of buildings and structures within 30m (98.4 feet) of a watercourse;
 - d. Creation of non-structural impervious or semi-impervious surfaces within 30m (98.4 feet) of a watercourse;
 - e. Flood protection works within 30m (98.4 feet) of a watercourse;
 - f. Construction of roads, trails, docks, wharves and bridges within 30m (98.4 feet) of a watercourse;
 - g. Provision and maintenance of sewer and water services within 30m (98.4 feet) of a watercourse;
 - h. Development of drainage systems within 30m (98.4 feet) of a watercourse;
 - i. Development of utility corridors within 30m (98.4 feet) of a watercourse; and
 - j. Subdivision as defined in the Land Title Act, and including the division of land into 2 or more parcels within 30m (98.4 feet) of a watercourse.
- .6 A development permit may be issued following the submission of a report from a Qualified Environmental Professional (QEP). This written submission shall be used to determine the conditions of the development permit and shall include:

- a. Site map showing area of investigation, including existing and proposed: buildings, structures, septic tank & field locations, drinking water sources and natural features;
- b. Existing vegetation and any proposed vegetation removal;
- c. Assessment of hydrogeology, including soil types, drainage characteristics, seepage zones, springs and seasonally saturated areas, groundwater depth, flow direction & pathways, and shallow bedrock;
- d. The suitability for site soils to accept stormwater infiltration and post-development landscape irrigation;
- e. Potential impacts to other water courses or water bodies, e.g. Shuswap Lake; and,
- f. Recommendations and mitigative measures.

.6 Role of the QEP and CSRD in the RAR Development Permit Process

The RAR regulations place considerable emphasis on QEPs to research established standards for the protection of riparian areas. It is the QEP's responsibility to consider federal and provincial regulations regarding fish, water and riparian protection and consult with appropriate agencies as necessary. Since the responsibility rests with the QEP for conducting research and providing technical information and recommendations specific to an application required under this RAR DP section the extent to which the CSRD will be involved in the technical details of the permitting process is reduced. If the RAR DP guidelines are met by the QEP, and the QEP report is submitted to and accepted by the BC Ministry of Environment, the CSRD role becomes more administrative in nature and the DP can be considered for approval.

Bylaw No. 701

Section 7 : RR1 – Rural Residential Zone (4000 m²)

Permitted Uses

7.1 The following uses and no others are permitted in the RR1 zone:

- .1 single family dwelling;
- .2 cottage, permitted only on parcels greater than 4,000 m²;
- .3 bed and breakfast;
- .4 home business;
- .5 accessory use.

Regulations

7.2 On a parcel zoned RR1, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations established in the table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I MATTER TO BE REGULATED	COLUMN II REGULATIONS
.1 Minimum Parcel Size for New Subdivisions	1 ha
.2 Maximum Number of Single Family Dwellings Per Parcel	1
.3 Maximum Number of Cottages Per Parcel	1
.4 Maximum height for: <ul style="list-style-type: none">• Principal buildings and structures• Accessory buildings	<ul style="list-style-type: none">• 10 m (32.81 ft.)• 6 m (19.69 ft.)
.5 Minimum Setback from: <ul style="list-style-type: none">• front parcel line• exterior side parcel line• interior side parcel line• rear parcel line	<ul style="list-style-type: none">5 m4.5 m2 m5 m
.6 Maximum Coverage on Parcels Less than 4000 m ²	40 %

Section 1: Definitions

ACCESSORY BUILDING means a building or structure that is subordinate and supplementary to the principal building or use permitted on the same parcel such as a garage, carport or storage shed.

ACCESSORY USE means a use that is subordinate and supplementary to the principal building or use permitted on the same parcel.

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy.

PARCEL LINE, FRONT means the parcel line that is the shortest parcel boundary common to the lot and an abutting *highway* or access route in a bare land strata plan, and where and in the case of a *panhandle lot* means the line separating the *panhandle driveway* from the main part of the lot.

SETBACK means the required minimum distance between a structure, building or use and each of the respective property lines.

Section 3: General Regulations

Setback Exceptions

3.5 No building or structure other than the following shall be located in the area of setback required in this Bylaw:

- .1 steps, provided they are not closer than 1m from any side parcel line;
- .2 signs, provided they are not closer than 1m from any parcel lines;
- .3 uncovered patios or terraces, provided they are not closer than 2 m from any parcel line;
- .4 arbors, trellises, fishponds, ornaments, flag poles, or similar landscaping, provided they are not closer than 1m from any side parcel line;
- .5 hot tubs and uncovered swimming pools provided they are not located between the principal building and the front parcel line or closer than 2 m from any other parcel line;
- .6 fences, in compliance with the regulations set out in Section 3, General Regulations, subsection 3.7 Sight Triangles;
- .7 landscape screens;
- .8 eaves and gutters, provided they are not closer than 1 m from any parcel line.
- .9 *landscape retaining structures*, provided that such structures must be separated from each other by a minimum 1.5 m distance measured horizontally from the face (or from the toe of the upper wall to the top face of the lower wall, if the *landscape retaining structures* are not vertical) of each *landscape retaining structure* and specifically excludes *landscape retaining structures* proposed to be constructed adjacent to a Section 42 road, as defined in the Transportation Act, or in the sight triangle. Landscape retaining structures proposed to be located adjacent to a Highway must comply with Ministry of Transportation and Infrastructure regulations and may require the approval of that Ministry.