

Kootenay Lake

Development Permit Area

Frequently Asked Questions

WHAT ARE RIPARIAN AREAS AND WHY ARE THEY IMPORTANT?

Riparian areas border watercourses. They are the transition zones between water and upland areas. They provide the vegetation and wildlife habitat needed for the health of our aquatic environments, such as lakes, rivers, creeks, streams, ravines and wetlands.

Where a riparian area occurs on a property and what is commonly found there are shown in the figure below.

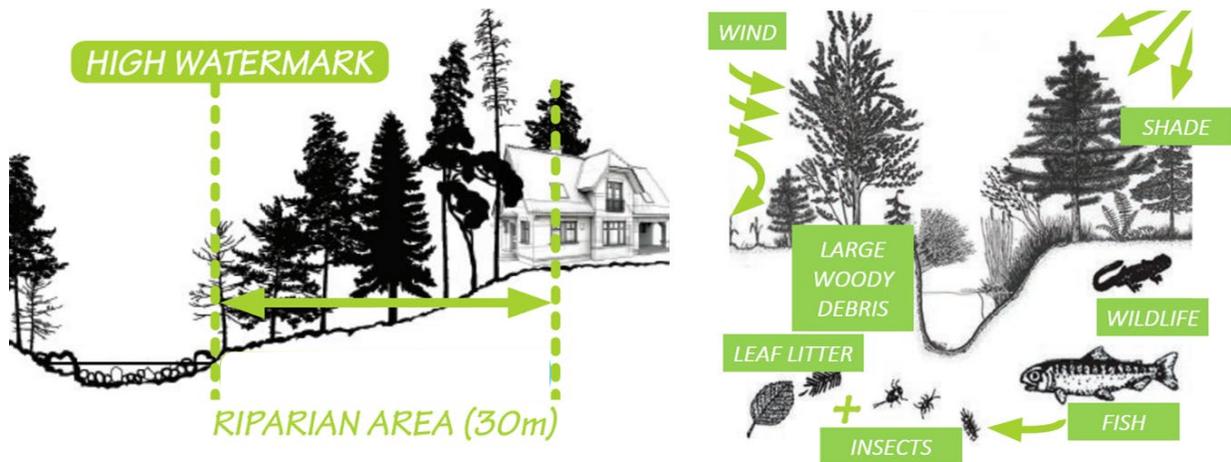


Figure 1 - Source: Adapted from BC Ministry of Forests.

The vegetation and wildlife habitat associated with riparian areas serve an important function in enhancing water quality and the natural environment. Trees, bushes and other plants that make up riparian area vegetation are some of the most important pieces of a healthy lake. Their major benefits are shown in the table below.

<i>Benefits of Riparian Area Vegetation</i>	
<i>Water Quality</i>	<i>Wildlife Habitat</i>
Stabilizes slopes and absorbs stormwater runoff, preventing erosion and sedimentation into watercourses	Provides shade, resulting in cooler water temperatures needed for fish health. Salmonids – like Trout, Kokanee, and Char – require cool, clear waters to survive
Naturally absorbs wave energy to protect the foreshore and upland property from erosion	Provides organic matter, which is a food source for the organisms that fish consume
Helps hold native gravels, fines, and minerals in place to filter rain and stormwater runoff and trap harmful sediments and contaminants	Creates good fish habitat by reducing stormwater runoff and sedimentation that makes it difficult for fish to breathe
Absorbs water faster than bare soil to slow the impacts of runoff during the spring and early summer	Provides cover to protect fish from overconsumption by predators

WHY ARE NATIVE SOILS IMPORTANT FOR RIPARIAN AREAS?

Native soils serve many important functions like providing fish and wildlife habitat and cover, as well as ideal growing mediums which encourage natural plant regeneration, in turn anchoring against erosion.

When native upland soils (above high water mark) and instream substrate (below high water mark) are moved, covered, or removed, the important functions they serve can be diminished. Generally, we see reductions in the natural regeneration of plants, increased instances and severity of erosion, difficulty maintaining existing native plants, and increased persistence of invasive species. These negative impacts can be detrimental to the health of riparian areas and their adjacent aquatic ecosystems. They can also be costly to address and restore balance.

Clearing rocks on the beach and creating rock piles into the water, like the ones shown in the picture, is known as a 'groyne'. Groynes force young fish to swim into deeper water where they are at greater risk of being preyed upon. Groynes and the removal or covering of native soils are some of the most prevalent disturbances, both of which have reduced the quality of fish and wildlife habitat along the shoreline.



WHAT IS A DEVELOPMENT PERMIT AREA?

Development Permit Areas (DPAs) are designated areas where a planning permit is required before construction or land alteration/disturbance can occur.

DPAs are designated for areas that require special treatment or consideration when they are developed. DPAs contain specific development policies and guidelines to ensure that new development in that area is consistent with the objectives outlined within the Official Community Plan (OCP).

DPAs can be created to support the OCP objectives of protecting the natural environment, including sensitive ecosystems and biodiversity, and protecting developments from hazardous conditions in the environment (such as flooding, erosion, land slip, rock falls, and fire hazards). Development permits can also be created to support other OCP objectives for industrial, commercial, and multi-family residential development.

If a property lies within a DPA, a Development Permit is required prior to a building permit being issued or development taking place, and all work must be completed in accordance with the conditions of the Development Permit unless exempted.

See the following links for more information on Development Permit Area(s):

- [Development Permit Areas in the RDCK \(Video\)](#)
- [Development Permits \(Webpage\)](#)

WHAT IS AN OFFICIAL COMMUNITY PLAN?

An Official Community Plan (OCP) is a general statement of the long-term vision for an area and the broad objectives and policies of the local government respecting the character of existing and proposed land use and servicing requirements in the area covered by the Plan.

The purpose of an Official Community Plan is to provide policy directions to guide future land use decisions. They are developed closely with the communities that they apply to in order to understand and work towards the shared

vision for that area. OCPs are also the documents where Development Permit Areas are formally designated. When changes are made to a DPA in an area where there is already an OCP in place, it is done by amending the OCP.

More information on OCPs can be found on the RDCK's [Community Planning Page](#).

WHAT IS AN ENVIRONMENTAL DPA?

Environmental DPAs are areas where development activity must follow certain guidelines to ensure it will not negatively impact the natural environment, including sensitive ecosystems and biodiversity.

A Development Permit is required in these areas prior to undertaking any development activities. A list of the development activities that trigger the requirement for a development permit, as well as exemptions, is included in the **“Do I need a Development Permit now?”** section below. An overview of Environmental DPA requirements on Kootenay Lake is also covered in [this YouTube video](#).

The Environmental DPAs for Kootenay Lake are illustrated in the image below:

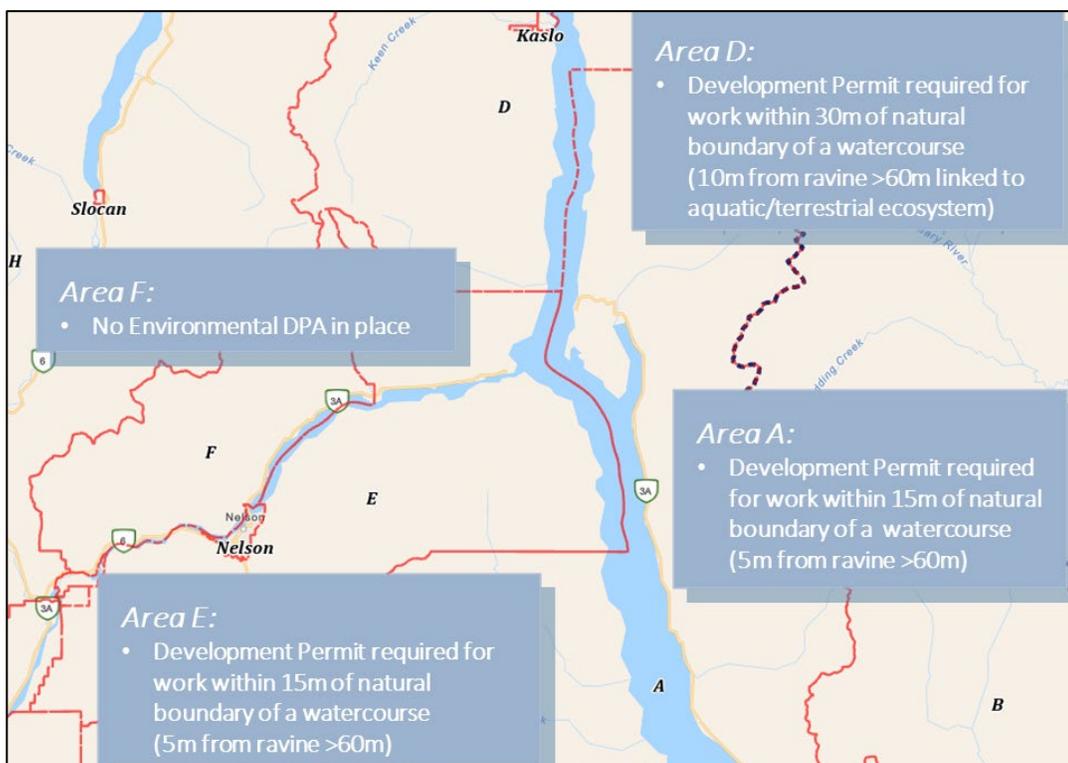


Figure 2 - Environmental DPAs along Kootenay Lake

WHAT IS THE PURPOSE OF ENVIRONMENTAL DPAs?

Environmental DPAs ensure that we understand habitat values present on a piece of land and mitigate any potential negative impacts before development activity takes place.

The intention of Environmental DPAs is to protect the natural areas surrounding Kootenay Lake in order to reduce the impacts of development on the lake. Ideally, riparian areas would be avoided altogether in development. However, this would be incredibly difficult to do because of how land near Kootenay Lake was developed in the past.

The Development Permit process balances the needs of individuals with the needs of the environment in recognition of this challenge. It encourages property owners to retain native riparian vegetation, avoid environmentally sensitive

areas, limit the amount of disturbance to riparian areas, restore damaged aquatic habitats where possible, and choose the most appropriate areas for constructing new buildings.

Development activity within an Environmental DPA, unless exempt (see **“Do I need a Development Permit now?”** below), must first be reviewed by a Qualified Environmental Professional or Registered Professional Biologist. The professional will evaluate the activity and propose a set of recommendations and mitigation options to ensure that development will take place in a way that is sensitive to the natural environment.

DO I NEED A DEVELOPMENT PERMIT NOW?

A Development Permit is required for any development activity within an Environmental DPA.

Development activities that require a Development Permit include:

- Removal, alteration, disruption or destruction of vegetation
- Disturbance of soils
- Construction or erection of buildings and structures
- Creation of non-structural impervious or semi-impervious surfaces (such as patios or parking areas)
- Flood protection works
- Construction of roads, trails, docks, wharves and bridges
- Provision and maintenance of sewer and water services
- Development of drainage systems
- Development of utility corridors (such as water or power lines)
- Subdivision

Not all development activity, however, requires a permit. The following activities are currently exempt from a Development Permit:

- Existing construction, alteration, addition, repair, demolition and maintenance of farm buildings, and agricultural activities including clearing of land for agricultural purposes
- Existing institutional development containing no residential, commercial or industrial use
- Construction, renovation, or repair of a permanent structure if the structure remains on an existing foundation in the Development Permit Area. If the foundation is moved or extended a Development Permit is required.
- Where the conditions of the DPA have already been met
- When a Development Permit has already been issued for the project and addresses all proposed development activities in the DPA

WILL CHANGES TO DPAs ALONG KOOTENAY LAKE MAKE IT HARDER TO GET A DEVELOPMENT PERMIT?

The expectations for development along Kootenay Lake’s shoreline are not likely to change or make getting a permit harder.

The review seeks to better capture the expectations for shoreline development in the DPA guidelines to be more transparent. **The Kootenay Lake DPA Review Project has two primary goals:**

1. Providing greater clarity in the development guidelines and exemptions to make them more user-friendly
2. To align the DPAs along Kootenay Lake with best management practices, the [Kootenay Lake Shoreline Guidance Document](#), and resident values

IS THE RDCK PROPOSING A 30 METRE SETBACK FROM KOOTENAY LAKE?

RDCK Staff has proposed a 30 metre wide DPA to the RDCK Board of Directors. A DPA is different from a setback.

Setbacks are areas where building or certain types of land uses are prohibited. Setbacks from Kootenay Lake are based on the recommendations of the professionals evaluating the development activity.

The DPA is the area that the professionals look at in making their recommendations for a setback and mitigating potential negative impacts to the riparian areas surrounding Kootenay Lake. Building and other development activities can still take place within the DPA, but must meet the guidelines to ensure negative impacts are avoided.



Currently, the DPA is inconsistent around Kootenay Lake (see map above). Through DPA implementation over the past 10+ years, RDCK staff have observed cases where important riparian habitat can extend up to 30 metres from the water's edge. Where the DPA is less than 30 metres wide, cases such as this have resulted in permanent losses of riparian habitat. Because of these losses, staff have proposed a 30 metre wide DPA – that is, a larger area that the professional is looking at – to better account for potential impacts and slow the loss of riparian habitat. A 30 metre wide DPA would not prohibit development within 30 metres of the Lake. Instead, it would ensure that riparian habitat values are better understood before development takes place.

WHY IS 30 METRES THE DPA WIDTH THAT STAFF IS RECOMMENDING?

Staff have recommended a 30 metre wide DPA to better account for riparian habitat along the shoreline and align the RDCK's approach with best management practices.

30 metres is the standard "riparian assessment area" that professionals examine in most parts of the Province, and is based on environmental best practices.

WHEN DO I NEED A PERMIT FROM THE PROVINCE?

When work on your property extends below the "present natural boundary" of, or has an impact on, a watercourse (such as Kootenay Lake).

Local governments like the Regional District of Central Kootenay are responsible for all land above the "present natural boundary" of a watercourse and the Provincial and Federal governments are responsible for all land below it. The Province of BC defines the present natural boundary as:

"The visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself."
(Province of BC Land Act)

The present natural boundary is usually identifiable by a change in vegetation but a professional should confirm its exact location.

All work related to building a dock, placing a buoy, removing an old structure near the water's edge or doing anything else that would disturb the shoreline may require a permit from the Province. The best starting point is to contact

FrontCounter BC at 1-877-855-3222 or by email at FrontCounterBC@gov.bc.ca. They will determine whether a permit is required for the proposed work. More information can be found by visiting [the FrontCounter BC website](#).

Some activities near the water, such as the removal of old structures, requires disturbance both above and below the present natural boundary. In cases such as this, a permit from the Province as well as a Development Permit from the RDCK may be required.