

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

BYLAW NO. 2338

Application to establish Riparian Areas Regulations for Electoral Areas 'A', 'C', 'D-1', 'D-2', 'E', 'F' and 'H' in the Regional District Okanagan-Similkameen

The REGIONAL BOARD of the Regional District Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "**Riparian Areas Regulation AMENDMENT BYLAW NO. 2338, 2005**" for Electoral Areas 'A', 'C', 'D-1', 'D-2', 'E', 'F' and 'H'.
 - A) The Riparian Areas Regulations Section for the Regional District Okanagan-Similkameen's Zoning and Rural Land Use Bylaws are amended by:

Electoral Area 'A'

- a) Deleting from Section 4.0 under "Definitions" "**natural boundary**" and "**top of bank**," deleting and replacing "**watercourse**," and adding definitions for "**high water mark**," "**qualified environmental professional**," "**riparian assessment area**" and "**top of ravine bank**" in the Osoyoos Rural Zoning Bylaw No. 2261, 2004, as follows:

"high water mark" means the visible high water mark of a watercourse where the presence and action of the water are so common and unusual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

“qualified environmental professional” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if 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; 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; the individual is acting within that individual’s area of expertise;

“riparian assessment area” means the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

“top of ravine bank” means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

“watercourse” includes any of the following that provides fish habitat: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a watercourse.”

- b) Deleting section 7.23 “Siting Buildings and Structures Adjacent to Watercourses” in the Osoyoos Rural Zoning Bylaw No. 2261, 2004, and replacing it with the following:**

7.23 Riparian Assessment Area

- .1 For residential, commercial and or industrial uses no alteration of land or development shall be permitted:**

- a) within the “riparian assessment area” defined as the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide. and within 10 metres of the top of the ravine bank in the case of a wider ravine;

Electoral Area ‘C’

- c) Deleting from Section 4.0 under “Definitions” **“natural boundary”** and **“top of bank,”** deleting and replacing **“watercourse”** and adding definitions for **“high water mark,” “qualified environmental professional,” “riparian assessment area”** and **“top of ravine bank”** the Oliver Rural Zoning Bylaw No. 2123, 2002, as follows:

“high water mark” means the visible high water mark of a watercourse where the presence and action of the water are so common and unusual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

“qualified environmental professional” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if 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; 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; the individual is acting within that individual’s area of expertise;

“riparian assessment area” means the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

“top of ravine bank” means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

“watercourse” includes any of the following that provides fish habitat: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a watercourse.”

- d) Deleting section 7.25 **“Siting Buildings and Structures Adjacent to Watercourses”** in the Oliver Rural Zoning Bylaw No. 2123, 2002 and replacing it with the following:

7.25 Riparian Assessment Area

- .1 **For residential, commercial and or industrial uses no alteration of land or development shall be permitted:**

- a) **within the “riparian assessment area” defined as the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine;**

Electoral Area ‘D-1’

- e) Deleting from Section 3.3 under “Definitions” **“natural boundary,” “leavestrip” and “top of bank,”** deleting and replacing **“watercourse,”** and adding definitions for **“high water mark,” “qualified environmental professional,” “riparian assessment area” and “top of ravine bank”** in the Electoral Area ‘D’ Kalden-Apex Southwest Sector Zoning Bylaw No. 1883, 1999, as follows:

“high water mark” means the visible high water mark of a watercourse where the presence and action of the water are so common and unusual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well

as in the nature of the soil itself, and includes the active floodplain;

“qualified environmental professional” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if 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; 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; the individual is acting within that individual’s area of expertise;

“riparian assessment area” means the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

“top of ravine bank” means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

“watercourse” includes any of the following that provides fish habitat: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a watercourse.”

- f) Adding section 4.15 and sub-section 4.15.1 in the Electoral Area ‘D’ Kaleden-Apex Southwest Sector Zoning Bylaw No. 1883, 1999 to read as follows:

4.15 Riparian Assessment Area

.1 For residential, commercial and or industrial uses no alteration of land or development shall be permitted:

a) within the “riparian assessment area” defined as the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine;

g) Re-numbering the “**General Regulations**” sub-sections that immediately follow sub-section 4.15 .3.

Electoral Area ‘D-2’

h) Deleting from Section 4.0 under “Definitions” “**natural boundary**” and “**top of bank**,” deleting and replacing “**watercourse**,” and adding definitions for “**high water mark**,” “**qualified environmental professional**,” “**riparian assessment area**” and “**top of ravine bank**” in the Electoral Area ‘D’ East Skaha, Vaseux Zoning Bylaw No. 1801, 1998, as follows:

“**high water mark**” means the visible high water mark of a watercourse where the presence and action of the water are so common and unusual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

“**qualified environmental professional**” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if 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; 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; the individual is acting within that individual’s area of expertise;

“riparian assessment area” means the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

“top of ravine bank” means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

“watercourse” includes any of the following that provides fish habitat: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a watercourse.”

- i) Adding section 7.18 and sub-section 7.18.1 in the Electoral Area ‘D’ East Skaha, Vaseux Zoning Bylaw No. 1801, 1998 to read as follows:

7.18 Riparian Assessment Area

- .1 **For residential, commercial and or industrial uses no alteration of land or development shall be permitted:**

- a) **within the “riparian assessment area” defined as the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine;**

Electoral Area ‘E’

- j) Deleting from Section III. under “Definitions” **“natural boundary”** and **“top of bank,”** deleting and replacing **“watercourse,”** and adding definitions for **“high water mark,” “qualified environmental professional,” “riparian assessment area”** and **“top of ravine bank”** in the Electoral Area ‘E’ Zoning Bylaw No. 1566, 1995, as follows:

“high water mark” means the visible high water mark of a watercourse where the presence and action of the water are so common and unusual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

“qualified environmental professional” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if 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; 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; the individual is acting within that individual’s area of expertise;

“riparian assessment area” means the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

“top of ravine bank” means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

“watercourse” includes any of the following that provides fish habitat: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a watercourse.”

- k) Adding section 19. and sub-section 19. (A) in the Electoral Area ‘E’ Zoning Bylaw No. 1566, 1995 to read as follows:**

19. Riparian Assessment Area

.1 For residential, commercial and or industrial uses no alteration of land or development shall be permitted:

- a) within the “riparian assessment area” defined as the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine;**

Electoral Area ‘F’

- l) Deleting from Section 5.2 under “Definitions” “natural boundary,” deleting and replacing the definitions for “high water mark” and “watercourse,” and adding definitions for and “qualified environmental professional,” “riparian assessment area” and “top of ravine bank” in the Electoral Area ‘F’ Rural Land Use Bylaw No. 1742, 1997, as follows:**

“high water mark” means the visible high water mark of a watercourse where the presence and action of the water are so common and unusual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

“qualified environmental professional” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if 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; 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; the individual is acting within that individual’s area of expertise;

“riparian assessment area” means the area within 30 metres of the high water mark of a watercourse; within 30 metres of the

top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

“top of ravine bank” means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

“watercourse” includes any of the following that provides fish habitat: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a watercourse.”

- m) Deleting section 6.2 and sub-section 6.2 1) **“Environmental Control Provisions”** and 6.2 Table I **“Setback Requirements from Riparian Areas”** in the Electoral Area ‘F’ Rural Land Use Bylaw No. 1742, 1997 and replacing it with the following:

6.2 Riparian Assessment Area

- .1 **For residential, commercial and or industrial uses no alteration of land or development shall be permitted:**

- a) **within the “riparian assessment area” defined as the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine;**

Electoral Area ‘H’

- n) Deleting from Section 5.2 under “Definitions” **“natural boundary,”** replacing the definition for **“high water mark”** and **“watercourse,”** and adding definitions for **“qualified environmental professional,” “riparian assessment area”** and **“top of ravine bank”** in the Electoral Area ‘H’ Rural Land Use Bylaw No. 1725, 1997, as follows:

“high water mark” means the visible high water mark of a watercourse where the presence and action of the water are so common and unusual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

“qualified environmental professional” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if 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; 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; the individual is acting within that individual’s area of expertise;

“riparian assessment area” means the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

“top of ravine bank” means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

“watercourse” includes any of the following that provides fish habitat: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a watercourse.”

- o) Replacing section 6.2 “**Environmental Control Provisions**” and adding sub-section 6.2 .1, .2 and .3 in the Electoral Area ‘H’ Rural Land Use Bylaw No. 1725, 1997 to read as follows:

6.2 Riparian Assessment Area

- .1 **For residential, commercial and or industrial uses no alteration of land or development shall be permitted:**

- a) **within the “riparian assessment area” defined as the area within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine;**

- p) Re-numbering the “**General Regulations**” sub-sections that immediately follow sub-section 6. 2 .3.

READ A FIRST AND SECOND TIME this 16th day of June, 2005.

PUBLIC HEARING held on this 21st day of February, 2006.

READ A THIRD TIME this 6th day of April, 2006.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2338 cited as the "Riparian Areas Regulation Amendment Bylaw No. 2338, 2005" as read a Third time by the Regional Board on this 6th day of April, 2006.

APPROVED pursuant to the provisions of the Transportation Act this 29th day of May, 2006.

ADOPTED this _____ day of _____, 2006.

Chairman

Director of Administration Services