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Streamside Protection DPA – Frequently Asked Questions

Environment Department – Phone: 604.990.2480 or Email: environment@dnv.org

1) Why is the Streamside Protection Development Permit Area (DPA) important?

The Streamside Protection DPA was established to protect fish habitat and safeguard other important environmental values associated with streamside areas.

2) What is a stream?

A stream is defined as a watercourse, pond, lake, river, creek, or brook, whether it usually contains water or not. A stream can also mean a ditch, spring, or wetland that is connected by surface flow to one of the aforementioned terms (i.e. watercourse, pond, etc.).

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

All DPA mapping can be found in the District of North Vancouver's (District) Property Viewer App at http://geoweb.dnv.org/.

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

4) Which properties are included in the Streamside Protection DPA?

The Streamside Protection DPA includes properties or portions of properties that are within the Streamside Protected Area. The Streamside Protected Area is defined as the area:

- 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 hectares in size, located on or adjacent to Capilano River, Lynn Creek, Seymour River, or Mackay Creek at any point south of Marine Drive.

5) When would I need a Streamside Protection DPA permit?

If your property is in the Streamside Protection DPA, and you are planning to build or alter the land, a Development Permit (DP) may be required. Your property may be in other DPAs; if so, the DP will need to address all applicable DPAs. Certain exemptions may apply (see #6).

6) What are some common exemptions?

It is important to note that any work occurring within the Streamside Protection DPA will require review from the Environment Department. Either a DP will be issued or a formal exemption will be granted. Drawings and an *Environmental Development Permit Area Application* form are required to be submitted to the Environment Department for a formal exemption. The following are common exemptions, where a DP is not required:

- Development that takes place outside the Streamside Protection DPA;
- Renovation or repair to a permanent structure on its existing foundation, provided that no further extension or encroachment into the streamside protected area occurs, including cantilevered or projecting portions of the permanent structure, and provided that there is no clearing, grading or disturbance to soils, vegetation or trees within the streamside protected area and no drainage alteration; and
- Habitat creation, restoration and enhancement works adjacent to a stream.

7) I am just doing an interior renovation – do I still need to go through this process?

Interior renovations are exempt from requiring a Streamside Protection DP, however a formal exemption will still need to be granted. Drawings and an *Environmental Development Permit Area Application* form are required to be submitted to the Environment Department for a formal exemption.

8) What do I need to apply for a Streamside Protection DP?

The following documents are required for a Streamside Protection DP application:

- Complete *Environmental Development Permit Area Application* form;
- Complex legal topographical survey – see Master Requirement BLD 105 for more details;
- Site plan; and
- A report from a Qualified Environmental Professional (QEP) may be required. The report must:
    - Identify any impacts to the stream;
    - Propose mitigation and/or compensation measures to be undertaken; and
    - Include a habitat compensation plan.

Additional information may be required after review of the submitted documents.

9) How do I know where the top of bank is?

Top of bank is generally defined as the first significant break in slope away from the stream. The land must be flatter than a 3H:1V slope for a minimum distance of 15 metres. For Streamside Protection DPs, the District required that the top of bank is determined by a Qualified Environmental Professional and shown on a legal topographical survey to the satisfaction of District staff.

10) **How do I know where 15 metres from the top of bank is (i.e. the Streamside Protected Area)?**
After the top of bank is determined (see #10), the 15 metres Streamside Protected Area line can be measured from the surveyed top of bank outward, and away from the creek.

11) **What is a "habitat compensation plan"?**
When new development cannot take place outside the Streamside Protection

12) **My existing house is in the Streamside Protection DPA. Do I need to do anything?**
The DPA guidelines recognize that on several properties in the District, the house, yard, and existing landscaping already encroach into the Streamside Protection DPA. 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 DP review is required if any changes are proposed to the existing structures in the Streamside Protection DPA.

13) **I want to tear down a house in the Streamside Protection DPA and build a new home. Can the original footprint of the home be 'grandparented'?**
Only under certain circumstances would a historical foundation be 'grandparented'. Building on the existing footprint would only be considered if the historical foundation meets the other DPA requirements and can be demonstrated to be safe by a Qualified Professional. The foundation must also meet the requirements sent out by the District Building Department.

14) **How will the Creek Hazard DPA affect my property for future development?**
A Qualified Professional Engineer or Geoscientist may be required to assess the proposed development and provide recommendations for risk reduction measures. The proposed development will be required to adhere to the guidelines set out in the Creek Hazard DPA guidelines.

15) **Will the Creek Hazard DPA affect how large of a home I can build?**
Protection from Creek Hazard is one of a number of legislated requirements of the District. Applying this and other requirements may in certain situations decrease the potential gross buildable floor area of a home. It is up to the architect to design a home that meets all of the legislated requirements of the District.

16) **I want to build a basement in a house within the Creek Hazard DPA. What do I have to do?**
Any new habitable space developed within the Creek Hazard DPA requires a DP. See #8 for the requirements for applying for a Creek Hazard DP.

17) **The owner of the property next door/across the street built a new home. Can I build my new home like theirs?**
Every lot is unique and not all lots are in the Creek Hazard DPA. Additionally, some lots are in other Development Permit Areas (e.g. Streamside Protection, Wildfire Hazard, etc.). Therefore, it is not possible to compare lots to each other.

18) **There is an existing storm connection that goes directly to a creek on my property. What happens when I redevelop the lot?**
District staff will determine if a new or alternative storm connection or location will be required during redevelopment. A DP for Creek Hazard and Streamside Protection may be required if alterations are proposed.

19) **How long does the Creek Hazard 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;
- The overall complexity of the project; and
- Whether additional information is required to process the application.

20) **How much does a Creek Hazard DP cost?**
The fees are set out in the *Fees and Charges Bylaw* and changes from year to year.

21) **Who do I hire to complete a creek hazard assessment report?**
A Qualified Environmental Professional (QEP) is a person with expertise in the assessment and restoration of fish habitat. A QEP is also a registered member, in good standing, of their respective professional association (e.g. College of Applied Biology). The QEP must have experience in biology, riparian assessment, and environmental protection.

It is up to the homeowner or applicant to hire appropriately qualified professionals that can provide the type of information required by the District. It is recommended that the QEP selected be a Registered Professional Biologist or accepted alternative.

22) **When can I apply for my building permit?**
Once a DPA package has been reviewed and accepted, staff will inform the applicant that a building permit may be applied for.

23) **Will my creek flood my home? How can I find out if it will flood or not?**
The District has limited information on flood hazards relating to individual properties. Severe weather events, and other factors that lead to flooding, are extremely difficult to predict. If you are concerned, please hire a Qualified Professional Engineer or Geoscientist with the appropriate experience in assessing flood risk.

24) **Does my insurance cover flooding damage to my home?**
Insurance coverage regarding flooding damage is between the homeowner and their insurance provider. Please reach out to your insurance provider for more information.

25) **When did Council adopt legislation requiring a Creek Hazard DPA?**
The requirement for a Creek Hazard DP is set out in Schedule B of the Official Community Plan adopted in July 2012.

26) **What do I submit if the property falls into multiple DPAs?**
If your property falls into multiple DPAs, please review all relevant information for each DPA prior to any type of design work. If clarification is still needed, you can contact the Environment Department for further information. A coordinating professional may be required to coordinate all DP requirements.

27) **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 any relevant information located on the District website prior to any type of design work. If clarification is still needed, you can contact Development Planning by phone at 604.990.2480 or by email at planning@dnv.org.