



DEVELOPMENT SERVICES APPLICATION PACKAGE

Guide to

WATERCOURSE DEVELOPMENT PERMITS

This handout is prepared for your convenience as a general guide to requirements for watercourse development permit applications in the City of Port Coquitlam. Changes to the information may be made where circumstances warrant. Please consult the bylaws and other documents including the *Community Charter; Local Government Act; Land Title Act; Strata Property Act* and the City of Port Coquitlam Official Community Plan, Zoning Bylaw, 2008, No.3630, Parking and Development Management Bylaw No. 3525, Development Procedures and Fees Bylaw No. 3632, Subdivision Servicing Bylaw No. 2241, Tree Bylaw No. 3474, Soil Removal and Deposit Bylaw No. 3331 and other municipal legislation and policies as may be applicable for specific requirements. You may view municipal documents on the City of Port Coquitlam web site, www.portcoquitlam.ca, at the Terry Fox library or you may obtain copies at City Hall. For further information, please contact the Planning Division at 604-927-5442.






Last updated April 2010

INTRODUCTION

The City of Port Coquitlam's 2005 Official Community Plan (OCP) designates lands within 50 metres of watercourses as Development Permit Areas (DPAs) for the purposes of protecting the natural environment (biodiversity) and protecting development from hazardous conditions. No filling, alteration or damage to any watercourse, ditch or adjacent environmentally sensitive lands can occur in designated development permit areas unless the owner first obtains a Watercourse Development Permit (Watercourse DP) or an exemption from these requirements from the City.

Watercourse DP areas are designated in the OCP to protect the natural environment. The goal is to conserve and restore riparian and associated areas while recognizing that these areas provide public and private amenities such as trails and private yards.

The objectives of the Watercourse DPAs are to:

-  Protect and conserve natural environments, ecosystems and biological diversity of watercourses;
-  Restore or enhance these habitats to an ecologically healthy condition;
-  Maintain drainage and flood protection function of watercourses;
-  Facilitate development compatible with the conservation of the watercourse; and
-  Regulate development activities within and near watercourses.

This handout describes the requirements and process for review of proposals within areas designated as Watercourse DPAs and the procedures for obtaining a Watercourse DP. If one or more different types of application processes are also involved, such as Subdivision or Rezoning, then they will run concurrently with a Watercourse DP application, but the procedures are distinct. For more information, please refer to Section 9.8, **Watercourse Protection**, of the OCP and the Development Procedures and Fees Bylaw 3632 (posted on the website, www.portcoquitlam.ca).






BACKGROUND TO WATERCOURSE DEVELOPMENT

Watercourse Development Permit Area (Watercourse DPA)

Land within 50 metres from the top of bank of a watercourse is automatically subject to a review of Watercourse DP requirements. Watercourses include ponds, lakes, rivers, creeks, brooks, ditches, springs, wetlands, and surface drainage (whether containing water or not). The top of bank is generally defined as a break in the slope of land closest to the wetted area.

The **Watercourse DPA is a study area** where any alteration of land or development is subject to review: it is not an area within which no development may occur. For most sites within 30m, a qualified professional must be engaged to determine the location of a watercourse, define the top of bank and confirm the extent of the Watercourse Protection Area.

A Watercourse DP will be required for any activities which would impact watercourses, in the opinion of the City, including:

-  subdivision,
-  removal, alteration, disruption or destruction of land or vegetation or soil disturbance,
-  construction of buildings, structures, roads, services or flood protection works,
-  creation of non-structural impervious or semi-impervious surfaces (e.g. paving),
-  development of utility corridors or drainage systems.

Watercourse Protection Area

The Watercourse Protection Area is the area of environmentally sensitive land adjacent to a watercourse, including riparian and upland vegetation. Until a Watercourse DP is issued, the onus is on the owner to preserve and protect all lands that might be included in the watercourse protection area. The extent of environmentally sensitive lands is determined through the environmental review process required by the DP designation.

The nature of the watercourse and its existing and potential vegetation conditions are significant in the determination of the applicable width of a Watercourse Protection Area. This setback, however; can only be determined through completion of the DP process and Committee approval.

All land must remain free of development within a Watercourse Protection Area, except in accordance with conditions that may be specified in a Watercourse DP. Measures to protect, restore or enhance the Watercourse Protection Area to a natural condition may be imposed by the Watercourse DP. For example, the City may require preservation or enhancement of existing native vegetation through habitat and replanting of native riparian species and removal of invasive plant species.

Stream Classification

Watercourses in Port Coquitlam are defined as Class A, AO or B and the streamside setbacks and required protection measures vary depending on this classification. Map 26 of the OCP, *DPA Watercourse Protection Map*, illustrates watercourses by class as a guideline. Further environmental assessment would be required to confirm the status of a specific watercourse.

PROCESS FOR A WATERCOURSE DP APPLICATION

1. Preliminary Proposals

An owner may submit a preliminary proposal to the Planning Division to determine if a Watercourse DP is required. A preliminary proposal must include:

- a. The name of the applicant and contact information;
- b. If the applicant is not the owner, written authority from the owner to submit a preliminary proposal;
- c. A written description of the type of work proposed and its potential impact on the watercourse and associated riparian area; and
- d. Accurate dimensioned site map(s) to show:
 - Property and lot lines
 - Location of the watercourse, top of bank and lands within 50 metres of the top of bank
 - The extent of area in which it is proposed to alter land
 - Siting of all existing and proposed buildings, structures, retaining walls, infrastructure, major vegetation, and impervious surfaces.

NOTE: The site map for the preliminary proposal may require a survey prepared by a BC Land Surveyor.

There is no charge for staff review of a preliminary proposal. Based upon the nature and scope of the proposed activity, objectives and guidelines of the DPA and availability of existing relevant information, the City will determine if a Watercourse DP application is required.

If a Watercourse DP is required, the following procedures apply.

2. Submit Application

Submit a **complete** Watercourse DP application with all required attachments to the Planning Division and pay the application fee. The applicant shall have an environmental study prepared by a qualified professional and provide all information required to comply with the guidelines set out in Division 5 of the Development Procedures and Fees Bylaw No. 3632. A complete application shall include:

- a. Current **Certificate(s) of Title** dated no more than six months prior to date of application must be provided along with a description of any restrictions on title.
- b. **Letter of Authorization** from the owner for an agent to act on behalf of the owner (if the registered owner is not the applicant) must be provided. A copy of an Option to Purchase or a copy of Purchase under Registered Agreement will also provide for authorization.
- c. **Site Survey** of the property(ies) prepared by a BC Land Surveyor identifying the top of bank of the watercourse, lot dimensions, total area of lot(s), location and setbacks of existing structure(s), any statutory right-of-way(s), restrictive covenant areas and easements, proposed excavation areas, and topographic contours at intervals of one metre.
- d. **Environmental study** conducted by a qualified professional to include the following:
 - i. **Description of all permanent and non-permanent watercourses**, as established by the qualified professional, including the location of the natural boundary, the top-of-bank, and crest of dike, as applicable, for any watercourses on the lot.
 - ii. Inventory and description of significant **natural biophysical features** on the site including:
 - Environmental context including linkage to other habitats within the same watershed
 - Soil and terrain conditions
 - Any potential hazard of land slippage, bank erosion, flooding, or drainage blockage
 - Significant trees showing diameter at breast height, species, and drip-line, including trees on adjacent properties that extend into the lot in question
 - Major vegetation
 - Wildlife species and potential species-at-risk, including their habitats; and nests of hawks, owls, and other raptors, herons, as well as species protected by the *Wildlife Act*
 - iii. **Project description** to include:
 - Dimensions, location, and footprint of existing and proposed buildings and structures
 - Excavation areas, depth of excavation, and fill requirements and locations
 - Location and depth of underground foundations including parking areas
 - Dimensions, location, and footprint of existing and proposed impervious surfaces, such as driveways, walks, and patios
 - Building setback as required by the Zoning Bylaw, 2008, No. 3630, as amended
 - Proposed building site coverage, floor area, height, number of storeys, number of units, and parking requirements
 - Site grading plans including existing and proposed grades at corners of buildings, driveways, and other structures, and cut and fill areas that affect the Watercourse Protection Area

- Proposed drainage, collection, retention, and discharge works, as well as calculations showing the effect of these works on pre-development runoff rates in receiving waters
 - Vegetation and land areas of the Watercourse Protection Area that will be disturbed
- iv. **Environmental Assessment of Proposed Watercourse Protection Area** to include:
- The location of the Watercourse Protection Area and the identification of existing and potential areas of vegetation as required under Section 9.8.4 of the Official Community Plan
 - Any proposed variation in the location of the boundaries of the Watercourse Protection Area under the terms of Section 9.8.4B of the Official Community Plan, if applicable
 - The rationale and criteria for any variation in the location of the Watercourse Protection Area required in Section 9.8.4 of the Official Community Plan
 - An assessment of the effects of the proposed development on the natural environment, ecosystems, and biodiversity of the Watercourse Protection Area, including fish and wildlife habitat and the effects of proposed development on vegetation – watercourse interactions and groundwater flows
 - Proposed mitigation measures to protect, restore, and enhance the Watercourse Protection Area and to reduce the impacts of development on this area
- v. An **Environmental Protection Plan** for construction and erosion control that defines guidelines to prevent or minimize disturbance to fish and wildlife and that includes:
- Prescribe guidelines according to best management practices that minimize disturbance and impacts on fish and wildlife, and their habitats
 - Address in stream work, disposal of storm water runoff from the site, erosion and sediment control, silt fences, fish salvage activities, wildlife and wildlife habitat protection, construction timing, vegetation protection, spill response, and environmental monitoring and reporting
 - Define schedules, in consultation with environmental agencies, for in stream and near-stream work for such time windows and for watercourse conditions that are suitable for watercourse work without harming fish
 - Define how monitoring and compliance with guidelines will be assured prior, during, and after land clearing, site preparation, and construction
- vi. A **Watercourse Protection Area Management Plan** must:
- Include a survey plan prepared by a BC Land Surveyor (BCLS) identifying the Watercourse Protection Area and the tenure of the Area
 - Include a scale drawing of the site, location and type of riparian planting, and plant list including species and plant size and commitments for how they will be maintained, including provisions for replacing unhealthy, dying or dead plants
 - Describe how human intrusions into the Watercourse Protection Area will be controlled, including the design of fencing or landscape barriers
 - Describe how the applicant will comply with Section 9.8.6 of the Official Community Plan including schedules and deadlines
 - Include enforceable provisions for monitoring and ensuring compliance with the Plan by the applicant and future owners of the lot or lots

- e. A **Site Profile** may be required by the Engineering & Operations Department in accordance with the *Waste Management Act* and *Contaminated Sites Regulation*. A Site Profile package should be obtained from the Engineering Department or online and the completed Site Profile submitted to the Engineering Department concurrently with, or prior to, a DP application.
- f. The Provincial Ministry of Environment requires the submission of a **Riparian Area Regulation (RAR) assessment**. The City of Port Coquitlam will await confirmation from the MOE that it has accepted the RAR submission prior to proceeding to the SGC for a decision.
- g. The deposit of the **Landscape Security** may be required as a condition of issuance of the Watercourse DP to secure landscaping works and measures to provide for protection of the natural environment. An estimate of this cost must be submitted during the application review. The landscaping security may be cash or an irrevocable Letter of Credit from a financial institution in the form acceptable to the City Treasurer (refer attached sample format). The security amount shall be 110% of the value of the approved landscaping works as determined by a registered B.C. Landscape Architect.

3. Staff Review

The appointed Planning File Manager will review the application and circulate it to other departments and any applicable outside agencies. Any requests for further information or revisions will be brought to the attention of the primary contact. Enquiries about the status of the application review should be directed to the Planning File Manager.

4. Environmental Review Committee (ERC) *(which typically meets four times a year)*

Planning will submit the application for consideration by the ERC, a Committee comprised of municipal staff and a representative from Fisheries & Oceans Canada (DFO). The ERC provides interdepartmental and interagency review of proposals that involve watercourse issues.

5. SGC Decision

Staff will forward a report on the application to the Smart Growth Committee (SGC) for consideration. The Committee will give detailed consideration to the compliance of the application with watercourse protection requirements and may approve the Development Permit, request additional information or reject the application.



PLEASE NOTE: Watercourse DP applications are often required in conjunction with other site applications, including OCP amendments, rezonings, development permits and development variance permits. If more than one development application is required for a given site, all applications are to be submitted as one comprehensive package for review.

APPLICATION FEES FOR WATERCOURSE DEVELOPMENT PERMITS

Please refer to Development Procedures and Fees Bylaw, 2008, No. 3632 for complete information.

ZONE / PROPOSED ZONE	FEE
Residential Single & Residential Duplex; Agricultural	\$1000
Multiple Family, Commercial, Industrial, Institutional, Park and Comprehensive Development	\$4000
	PLUS
Document Fee	\$ 300

ADDITIONAL INFORMATION

Amendments to Watercourse Development Permits

Prior to Watercourse DP Issuance: If any amendments are requested to the original set of DP plans, subsequent plan submissions must include a revised date and a written description of the change.

After Watercourse DP Issuance: If a building permit is required, it must be issued in accordance with the Watercourse DP. Any changes to an issued Watercourse DP, including landscape changes, must be brought to the attention of the Planning Division to evaluate options for consideration of the requested amendment, including fee requirements.

Legal Costs

Restrictive covenants, statutory rights-of-ways or other legal agreements and documents may be required. At the direction of the applicant, the City will provide standard documents or request its solicitor to draft non-standard documents. It is the applicant's responsibility to seek independent legal advice in respect of any document or agreement and to pay any costs incurred by the City for drafting and review of legal documents. The charge will be levied prior to final approval of any authorizing bylaw or issuance of the permit or plans, whichever is applicable.

Time Frame

The time it takes to obtain a decision on a Watercourse DP application depends on its complexity and completeness of the application, if time is needed to revise information and/or plans in response to identified issues, and timing of Committee meetings.

CONTACT INFORMATION

Planning Division

#200 2564 Shaughnessy St.

604-926-5442

planning@portcoquitlam.ca

LETTER OF CREDIT FORMAT

On Bank, Credit Union or Trust Company Letterhead

Letter of Credit # _____

Amount \$ _____

Initial Expiry Date _____

Development Permit No. _____

The City of Port Coquitlam
2580 Shaughnessy Street
Port Coquitlam, BC V3C 2A8

We hereby authorize you to draw on the (bank) _____
for the account of (who) _____ up to the total amount of
\$ _____ available on demand.

Pursuant to the request of our customer _____ we hereby establish
and give you our irrevocable Letter of Credit in your favour in the above amount which may be drawn
on by you at any time and from time to time, upon written demand for payment made upon us by you,
which demand we shall honour without inquiring whether you have the right as between yourself and
the said customer to make such demand, and without recognizing any claim of our said customer, or
objection by it to payment by us.

The Corporation of the City of Port Coquitlam may reduce the amount of this Letter of Credit from time
to time as advised by notice in writing to the undersigned.

This Letter of Credit will continue in force for a period of one year, subject only to the conditions
hereinafter set forth.

It is a condition of this Letter of Credit that it shall be deemed to be automatically extended without
amendment from year to year from the present or any future expiration date hereof, unless at least 30
days prior to any such future expiration date, we notify you in writing by registered mail, that we elect
not to consider this Letter of Credit to be renewable for any additional period.

Dated at _____ this the _____ day of _____.

Name of Bank:

per:

**THE CORPORATION OF THE CITY OF PORT COQUITLAM
APPLICATION FOR WATERCOURSE DEVELOPMENT PERMIT**

File No: _____

Application Date: _____

TO BE COMPLETED BY APPLICANT - Please print clearly

Applicant's Name: _____ Registered Owner: _____

Applicant's Address: _____ Owner's Address: _____

Postal Code _____

Applicant's e-Mail _____

Applicant's Phone _____

Primary contact:

Contact's Name: _____ Contact's Position _____

Contact's Address: _____

Contact's Phone _____ Contact's e-mail _____

Legal Description of Property (ies) _____

PID _____

Civic Address: _____

Present Use of Property: _____

Present Zoning of Property: _____

Present OCP Land Use Designation: _____

Proposed Development: _____

OFFICE USE: Associated Applications

_____ OCP Amendment _____ OCP _____

_____ Rezoning _____ R _____

_____ Development Permit _____ DP _____

_____ Development Variance Permit _____ DVP _____

_____ Other _____

APPLICANT: Please initial the following to confirm application requirements:

Initial	Comment	Submission Requirements
_____	_____	a. Current Certificate(s) of Title
_____	_____	b. Letter of Authorization or copy of option to purchase
_____	_____	c. Site Survey
_____	_____	d. Environment Study
_____	_____	i. Description of all Watercourses
_____	_____	ii. Natural Biophysical Features Inventory
_____	_____	iii. Project Description
_____	_____	iv. Environmental Assessment of Watercourse Area
_____	_____	v. Environmental Protection Plan – Construction & Erosion Control
_____	_____	vi. Watercourse Protection Area Management Plan
_____	_____	e. Confirmation of a completed Site Profile
_____	_____	f. Riparian Area Regulation (RAR) Assessment
_____	_____	g. Landscape Security
_____	_____	h. Additional Information (<i>if required</i>)

The undersigned make this application to the Director of Development Services, have fulfilled the complete application requirements, and agree to pay any additional costs incurred by the City for services in processing the application.

Authorized Signature: _____ Date: _____
 Print Name _____

Note: Any documentation or information relating to the application that is in the custody or control of the City is subject to the *Freedom of Information and Protection of Privacy Act* (B.C.).

TO BE COMPLETED BY OFFICE

Application Fees (per Development Procedures and Fees Bylaw, 2008, No. 3632)

The non-refundable fee is the higher of the Calculated Fee or Minimum Application Fee. It is calculated as follows for this application: _____

Non-refundable fee	_____
Refundable fee (Document Fee)	\$ 300.00
TOTAL for application	_____

DATE: _____ RECEIPT NUMBER _____