

This “Public Hearing Information Package” has been compiled to provide information pertaining to the subject property.

Public Hearing Date: May 6, 2024

File: OCP Text Amendment to DPA E

If you have questions regarding this information, please contact Planning at (604) 820-3748 or planning@mission.ca.

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CITY OF MISSION

OCP Amending Bylaw 6271-2024-5670(46)

A Bylaw to amend "District of Mission
Official Community Plan Bylaw 5670-2017"

WHEREAS, under the provisions of the *Local Government Act*, a Council may, by bylaw, adopt one or more community plans for one or more areas;

AND WHEREAS the Council of the City of Mission has adopted "District of Mission Official Community Plan Bylaw 5670-2017" and amended same from time to time;

AND WHEREAS the Council deems it desirable and in the public interest to further amend the Official Community Plan Bylaw;

NOW THEREFORE the Council of the City of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "City of Mission Official Community Plan Amending Bylaw 6271-2024-5670(46)."
2. "District of Mission Official Community Plan Bylaw 5670-2017" as amended, is hereby further amended by:
 - a) Deleting section 9.7 DP Area E: NATURAL ENVIRONMENT DEVELOPMENT PERMIT AREA in its entirety and replacing it with a new section as shown in Schedule "1" attached to and forming part of this Bylaw.
 - b) Deleting Map 14 and replacing it with Map 14a and 14b as shown in Schedule "2" attached to and forming part of this Bylaw.
 - c) Updating the table of contents and repaginating as required.

READ A FIRST TIME this 4th day of March, 2024

READ A SECOND TIME this 15th day of April, 2024

COUNCIL CONSIDERATION OF SECTION 477 OF
THE *LOCAL GOVERNMENT ACT* given this 15th day of April, 2024

PUBLIC HEARING held this ___ day of ___, 2024

READ A THIRD TIME this ___ day of ___, 2024

ADOPTED this ___ day of ___, 2024

PAUL HORN
MAYOR

JENNIFER RUSSELL
CORPORATE OFFICER

Schedule 1

9.7 DEVELOPMENT PERMIT AREA E: NATURAL ENVIRONMENT

The natural environment provides immeasurable ecologic, economic, social, and cultural benefits to the community. Environmental protection should be prioritized for the welfare of future generations. Development must be regulated to ensure that it adheres to a carefully curated list of practices which serves the best interests of the public, fish and wildlife, and the environment.

A Development Permit Area (DPA) can establish conditions by which development within a given area may be permitted. Guidelines are the tools by which the special conditions and objectives justifying the DPA designation are addressed, and they enable the imposition of conditions which may be included in a Development Permit (DP).

LEGISLATIVE AUTHORITY

Section 488 (1) (a) of the [Local Government Act](#) authorizes an Official Community Plan (OCP) to designate a DPA for the protection of the natural environment, its ecosystems, and biological diversity.

Section 491 describes the scope permitted to environmental DPA guidelines:

491 (1) For land within a DPA designated under Section 488 (1) (a) [protection of natural environment], a DP may do one or more of the following:

- a) specify areas of land that must remain free of development, except in accordance with any conditions contained in the permit;
- b) specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;
- c) require natural watercourses to be dedicated;
- d) require works to be constructed to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;
- e) require protection measures, including that vegetation or trees be planted or retained to:
 - i. preserve, protect, restore, or enhance fish habitat or riparian areas,
 - ii. control drainage, or
 - iii. control erosion or protect banks.

Unless an activity is exempted, Section 489 of the [Local Government Act](#) requires local government approval of a DP in an area designated for protection of the natural environment, its ecosystems and biological diversity before the:

- subdivision of land;
- commencement of construction of, addition to or alteration of a building or other structure; and
- alteration of land.

Collectively, **DPA E1** (Forest Ecosystems) and **DPA E2** (Riparian Protection) have been designated to regulate land clearing within the municipality.

DEFINITIONS

Area of Human Disturbance means an area that is subject to enduring disturbance due to human occupation or activity and includes, without limitation:

- a) footprints of buildings and other structures; and
- b) areas where soil or vegetation has been added, removed, or altered.

Assessment Report means an assessment under Section 12 of the [Riparian Areas Protection Regulation](#).

Certified Arborist means a person certified by the [International Society of Arboriculture](#).

Development means any activity referred to in Section 489 of the [Local Government Act](#) and includes alteration or development of land for residential, commercial, industrial, institutional, service or utility uses or activities, to the extent that these uses or activities are subject to local government powers.

Fish means all life stages of salmonids, game fish and regionally significant fish.

Fish Habitat means water frequented by Fish and any other areas on which Fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas.

Hazard Tree means a tree having a defect sufficient to significantly increase the likelihood that all or part of the tree will fall resulting in a risk of personal injury or property damage, as determined by a Certified Arborist with a Certified Tree Risk Assessor designation from the [International Society of Arboriculture](#).

Land Disturbance means any activity that changes the physical conditions of the landform, vegetation, or hydrology, creates bare soil, or otherwise may cause erosion and sedimentation.

Qualified Environmental Professional means an applied scientist or technologist if the individual is:

- a) registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, in compliance with code of ethics and subject to disciplinary action by that association; and
- b) in compliance with the code of ethics and would be otherwise subject to disciplinary action by their respective affiliation; and
- c) acting within their area of expertise.

Stream includes any of the following that provides Fish Habitat:

- a) a watercourse or body of water, whether usually containing water or not, and
- b) any of the following that is connected by surface flow to a watercourse or body of water referred to in paragraph (a):
 - i. a ditch, whether usually containing water or not;
 - ii. a spring, whether usually containing water or not; and
 - iii. a wetland.
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b) of the [Riparian Areas Protection Regulation](#).

Stream Boundary in relation to a Stream, means whichever of the following is farther from the centre of the Stream:

- a) the visible high-water mark of a Stream 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 Stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; or
- b) the boundary of the active floodplain, if any, of the Stream.

Streamside Protection and Enhancement Area has the meaning given to it in Section 9 of the [Riparian Areas Protection Regulation](#).

Wetland means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a Stream.

DEVELOPMENT PERMIT AREA E1

The Forest Ecosystems Development Permit Area (**DPA E1**) applies to all properties identified on **Map 14a** of the [Official Community Plan Bylaw No. 5670-2017](#) or as updated.

JUSTIFICATION

Mission is located within the Coastal Western Hemlock Zone which is highly productive and biodiverse; however, critical habitat within the Fraser Valley has been significantly degraded or permanently destroyed through urbanization, agriculture, and other industry. Responsible land management and conservation is vital for further preventing the endangerment and extirpation of native species. Old growth and secondary forest ecosystems are a form of natural capital for the region. The well-being of residents is dependent on forests which perform critical functions such as storing carbon, cycling nutrients, purifying water, stabilizing soil, and improving air quality.

Although forestry has historically been a dominant industry, Mission is still endowed with many mature tree specimens and stands. Land clearing, development, and other site alterations have the potential to impair the ecological value of the remaining forested areas through gradual degradation and unsustainable practices. Areas identified on [Map 14a](#) may include intact and fragmented forest ecosystems which provide economic, recreational, social, and environmental benefits to the community. [DPA E1](#) applies to the entire municipality with exception to First Nation Reserve Land. Although most properties in the core neighborhoods will be subject to an exemption, they have not been omitted from the DPA. This is in recognition of the many large parcels within the Urban Growth Boundary which contribute to the urban tree canopy. This designation does not address tree replacement; however, this will be an integral component of the overall phased land clearing management program.

EXEMPTIONS

Any of the following circumstances or activities in [DPA E1](#) are exempted from the requirements to obtain a DP:

1. The proposed activity will not result in Land Disturbance surpassing the following cumulative areas on a given parcel or contiguous parcels in any calendar year:
 - **200 m²**, within the Urban Growth Boundary; and
 - **500 m²**, outside the Urban Growth Boundary.

This exemption is intended to enable responsible land stewardship and other miscellaneous tasks associated with private land ownership. For example, this may include property maintenance following extreme weather events, blazing for survey sight lines, or selective harvest for firewood. Please note that this exemption does not apply to lands subject to:

- [DPA E2](#) (Riparian Protection) and [DPA G](#) (Geotechnical Hazards, slopes exceeding 30%);
- conservation covenants; and
- other safeguards or restrictions associated with municipal zoning and senior legislation.

All Land Disturbance should consider the implications of the [Migratory Birds Convention Act](#) and [Wildlife Act](#) and associated regulations. Collectively, this legislation protects birds and their eggs, including nests that are occupied by either. In addition, there are nests of several species which are always protected, regardless of activity. These nests may be inconspicuous as it includes species which burrow or excavate cavities. Land Disturbance should be conducted outside of the [Regional Nesting Period](#), whenever possible.

2. Routine maintenance of an **existing** Area of Human Disturbance, private utilities, rights-of-way, and easements, including mowing, pruning, and trimming.
3. Construction, maintenance, or operation of:
 - a) municipal works and services undertaken or authorized by the City;
 - b) park works and services undertaken or authorized by the City; and
 - c) federal and provincial works.
4. Subdivisions which consist of lot consolidation only.
5. Removal of noxious weeds, as identified in the [Weed Control Regulation](#) and other known invasive species, provided that any disturbed areas are immediately replanted with native vegetation suitable to local conditions (refer to Guideline 9).

6. Emergency actions required to prevent, control, or reduce an immediate threat to human life, the natural environment or public and private property including:
 - a) forest fire, flood and erosion protection works;
 - b) protection, repair or replacement of public utilities;
 - c) clearing of an obstruction from a bridge, culvert or stream;
 - d) bridge repairs;
 - e) removal or modification of trees deemed to be hazardous by a Certified Arborist; and
 - f) protection, repair, or replacement of private or public septic system.
7. Any development conducted under the direction of the Provincial Emergency Program.
8. Preventative removal of vegetation in accordance with Provincial [FireSmart](#) Standards as outlined in a site specific Wildfire Urban Interface Report prepared by a Certified Forestry Professional.
9. Farming activities associated with a farm business as defined in the [Farm Practices Protection Act](#).
10. Mining activities, hydroelectric facilities and forestry activities on Crown land or privately managed forest lands as defined under the [Private Managed Forest Land Act](#).
11. The implementation of a habitat mitigation, ecological restoration, or enhancement project under the supervision of a QEP, which has been authorized or otherwise directed by senior government ministry or agency with jurisdiction.

APPLICATION REQUIREMENTS

PRELIMINARY SITE SURVEY

Submission of a preliminary site survey prepared by a QEP in collaboration with other professionals of relevant expertise, if warranted. The primary QEP retained to prepare the preliminary site survey must have specific knowledge of local flora and fauna.

At a minimum, the preliminary site survey should:

- review available environmental literature and inventory information;
- consist of a site inspection to catalogue and describe all environmentally valuable resources;
- ground truth or otherwise identify features subject to the [Water Sustainability Act](#) and [Riparian Areas Protection Regulation](#); and
- provide recommended mitigation measures accordingly.

Please refer to any applicable Neighbourhood Plan for additional requirements.

GUIDELINES

The general guidelines for the issuance of a DP in **DPA E1** are listed below; however, not all guidelines will apply to all developments.

SITE DESIGN

1. **Minimize land alterations and ensure that the design is informed by the preliminary site survey.**
2. To the greatest extent possible, design development in a manner that:
 - a) supports the maintenance and restoration of natural system functions including hydrology and groundwater recharge;

- b) retains natural landforms and topography;
 - c) maintains connectivity with adjacent sensitive ecosystems and other habitat areas to reduce fragmentation;
 - d) considers endangered, threatened, or vulnerable species or communities;
 - e) prioritizes tree retention, particularly within the Urban Growth Boundary; and
 - f) preserves critical habitat structures such as mature and old growth trees, snags, cavities, talus, and ephemeral wetlands.
3. Specify lighting in accordance with [Dark Sky](#) policies to limit ambient light pollution and reduce impacts on those habitat areas reliant on darkness.
 4. Incorporate bird-friendly design into building architecture and prevent mortality via window strikes.
 5. Create landscapes that provide or enhance habitat value such as planting flowering vegetation for pollinators or incorporating habitat complexing.
 6. Avoid dangerous wildlife attraction by installing secure waste enclosures in residential, commercial, and industrial developments.
 7. Consider stormwater management which:
 - a) strives to reduce the amount of impervious surfaces;
 - b) promotes the use of permeable surface materials;
 - c) maximizes infiltration from frequently occurring rain events;
 - d) maintains or improves water quality from the development site;
 - e) integrates energy dissipators into stormwater outfalls; and
 - f) locates stormwater facilities to minimize impacts to sensitive habitat areas.

HABITAT RESTORATION

8. Implement a plan to eradicate or control invasive plant species and replant vegetation which is:
 - a) native to the CWHZ and complementary to existing habitat conditions;
 - b) appropriate for the region or climate, with preference for drought-tolerant species; and
 - c) in accordance with the current [BC Landscape and Nursery Standards](#) for quality and of plants, spacing and installation.
9. Prepare a restoration plan under the direction of a QEP if disturbance has occurred within an environmentally sensitive area to address:
 - a) the extent of the damage;
 - b) replanting requirements which include species, spacing, and timing;
 - c) specifications for any habitat complexing; and
 - d) recommended monitoring or maintenance.

ENVIRONMENTAL PROTECTION

10. Promote the protection of environmentally sensitive areas by utilizing voluntary stewardships such as restrictive covenants, contracts, leases, or trusts for environmental protection.
11. Delineate the boundaries of any environmentally sensitive areas identified during the preliminary site survey with a highly visible physical barrier prior to undertaking any development.

12. Avoid development during nesting periods and other critical life stages. If this is not possible, a QEP should be retained to conduct a survey or salvage for nesting birds and other wildlife, respectively.
13. Follow [Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia](#) or as updated.

EROSION & SEDIMENT CONTROL

14. Minimize erosion by retaining trees and natural vegetation, replanting, or stabilizing disturbed areas, limiting cuts, fills, and grading; and reducing areas of exposed soils by phasing development and implementing on-site controls.
15. Implement a phased erosion and sediment control plan that reflects measures prescribed in the [Land Development Guidelines for the Protection of Aquatic Habitat](#), the requirements of the [Development and Subdivision Control Bylaw 5650-2017](#) and other standards or guidelines adopted or approved by the City.

MONITORING

16. Monitor the development as directed or recommended by a QEP. As a condition of the DP, the City may require the oversight of a QEP to monitor the implementation and effectiveness of mitigation measures.

DEVELOPMENT PERMIT AREA E2

The Riparian Protection Development Permit Area (**DPA E2**) applies to all areas depicted on **Map 14b** of the [Official Community Plan Bylaw No. 5670-2017](#) or as updated, and any other lands within the Riparian Assessment Area (RAA) as defined by the [Riparian Areas Protection Regulation](#).

The **DPA E2** follows the [Riparian Areas Protection Regulation](#) and applies to any RAA and, without limitation, must include those depicted on **Map 14b** and all streams that have yet to be surveyed, that are fish bearing or have surficial connectivity to fish habitat, including the following:

- a) for a stream that is not in a ravine, the 30 m wide strip on both sides of the stream, measured perpendicularly from the stream boundary or the active floodplain;
- b) for a ravine less than 60 m wide, a strip on both sides of the stream measured perpendicularly from the stream boundary to a point that is 30 m beyond the top of the ravine bank;
- c) for a ravine 60 m wide or greater, a strip on both sides of the stream measured perpendicularly from the stream boundary to a point that is 10 m beyond the top of the ravine bank; and
- d) where there is uncertainty or a discrepancy regarding the width of ravine or the presence of a stream, this shall be determined by a QEP at the expense of the applicant.

Map 14b was derived from the watercourse layer which is depicted on the City's [WebMap](#). This layer is a compilation of different data sets, collected as available, at various intervals, and is therefore not necessarily complete. As much of the municipality is rural and forested, there are numerous tributaries that have yet to be surveyed or are misaligned. As additional watercourses are identified through Lidar interpretation or geospatially surveyed during the environmental review process, this information will supplement our database and the corresponding layer will be updated accordingly.

JUSTIFICATION

The purpose of the [Riparian Areas Protection Regulation](#) is to protect the many and varied features, functions and conditions that are vital for maintaining stream health and productivity. Streams and riparian areas collectively prevent flooding, control erosion, reduce sedimentation, filter contaminants, recharge groundwater, and provide corridors for the movement of wildlife. Streams, as defined by the [Riparian Areas Protection Regulation](#), may include a roadside ditch, ephemeral creek, wetland, or a larger waterbody such as Silvermere Lake.

The primary objectives of **DPA E2** are to:

- protect streams, their riparian areas and adjacent upland areas that exert an influence on streams from development pressures; and
- promote the restoration and enhancement of riparian areas to support biologically diverse wildlife habitat, corridors for wildlife movement, and the natural features, functions and conditions that support fish life processes.

The [Riparian Areas Protection Regulation](#) directs local governments to protect riparian areas during residential, commercial and industrial development, using their authority outlined in Part 14 of the [Local Government Act](#). Local governments may use their zoning, land use management bylaws and permits to implement riparian area protection provisions. The implementation of a DPA is the most common tool utilized by local governments for adopting the [Riparian Areas Protection Regulation](#) standards and protecting riparian areas. They allow a local government to regulate a wide range of development activities that involve various forms of site alteration beyond construction, such as the removal of vegetation and the disturbance of soils.

Under the [Riparian Areas Protection Regulation](#), a local government must not approve a development activity within the RAA unless a QEP has prepared an Assessment Report that provides a professional opinion that there will be no adverse effect on the natural features, functions, and conditions that support fish life processes provided the:

- development is implemented as proposed; or
- conditions are imposed such that the development proceeds as proposed in the Assessment Report and complies with any recommended measures.

EXEMPTIONS

The following circumstances or activities in **DKA E2** are exempted from the requirements to obtain a DP:

1. If a QEP provides written confirmation that the stream does not support fish or otherwise drain into a stream that supports fish (e.g. an isolated pond).
2. Where an applicant asserts that their development is not within an RAA or there is a potential discrepancy on **Map 14b**, provided that this is ground-truthed by a QEP and confirmed in a written statement to the City.
3. Subdivision or alteration of land that is subject to a restrictive covenant which exceeds [Riparian Areas Protection Regulation](#) standards or is based on a previous Assessment Report that is registered against the title under Section 219 of the [Land Title Act](#).
4. Alterations to an existing building or structure if construction involves interior or exterior renovations that do not change the structural footprint or disturb the existing grade and natural soil conditions.
5. Routine maintenance of **pre-existing** areas of human disturbance, private utilities, rights-of-way, and easements, including mowing, rototilling, pruning, and trimming.
6. Construction, maintenance, or operation of:
 - a) municipal works and services undertaken or authorized by the City;
 - b) park works and services undertaken or authorized by the City; and
 - c) federal and provincial works.
7. Emergency actions required to prevent, control, or reduce an immediate threat to human life, the natural environment or public or private property including:
 - a) forest fire, flood and erosion protection works;
 - b) protection, repair or replacement of public utilities;
 - c) clearing of an obstruction from a bridge, culvert or stream;
 - d) bridge repairs;

- e) removal or modification of trees deemed to be hazardous by a Certified Arborist; and
 - f) protection, repair, or replacement of private or public septic system.
8. Development of federal lands and first nation reserve lands.
 9. Institutional developments in accordance with [Zoning Bylaw 5949-2020](#). Please note that institutional developments are still subject to the [Fisheries Act](#) and [Water Sustainability Act](#).
 10. Farming activities associated with a farm business as defined in the [Farm Practices Protection Act](#).
 11. Mining activities, hydroelectric facilities and forestry activities on Crown land or privately managed forest lands as defined under the [Private Managed Forest Land Act](#).

APPLICATION REQUIREMENTS

ASSESSMENT REPORT

Submission of an approved Assessment Report prepared by a QEP with expertise appropriate to the evaluation being performed, as defined in Part 1, Division 1 of the [Riparian Areas Protection Regulation](#). Secondary QEPs with specialized expertise may be required to provide advice where specific site characteristics warrant. The Assessment Report must specify the appropriate Streamside Protection and Enhancement Area (SPEA) width by following the applicable methodology and outline the measures required to maintain the integrity of the SPEA. The Assessment Report must be filed electronically to the Riparian Areas Protection Regulation Notification System (RARNS), accessible through the ministry [webpage](#). Recommendations within the Assessment Report may become conditions of the DP.

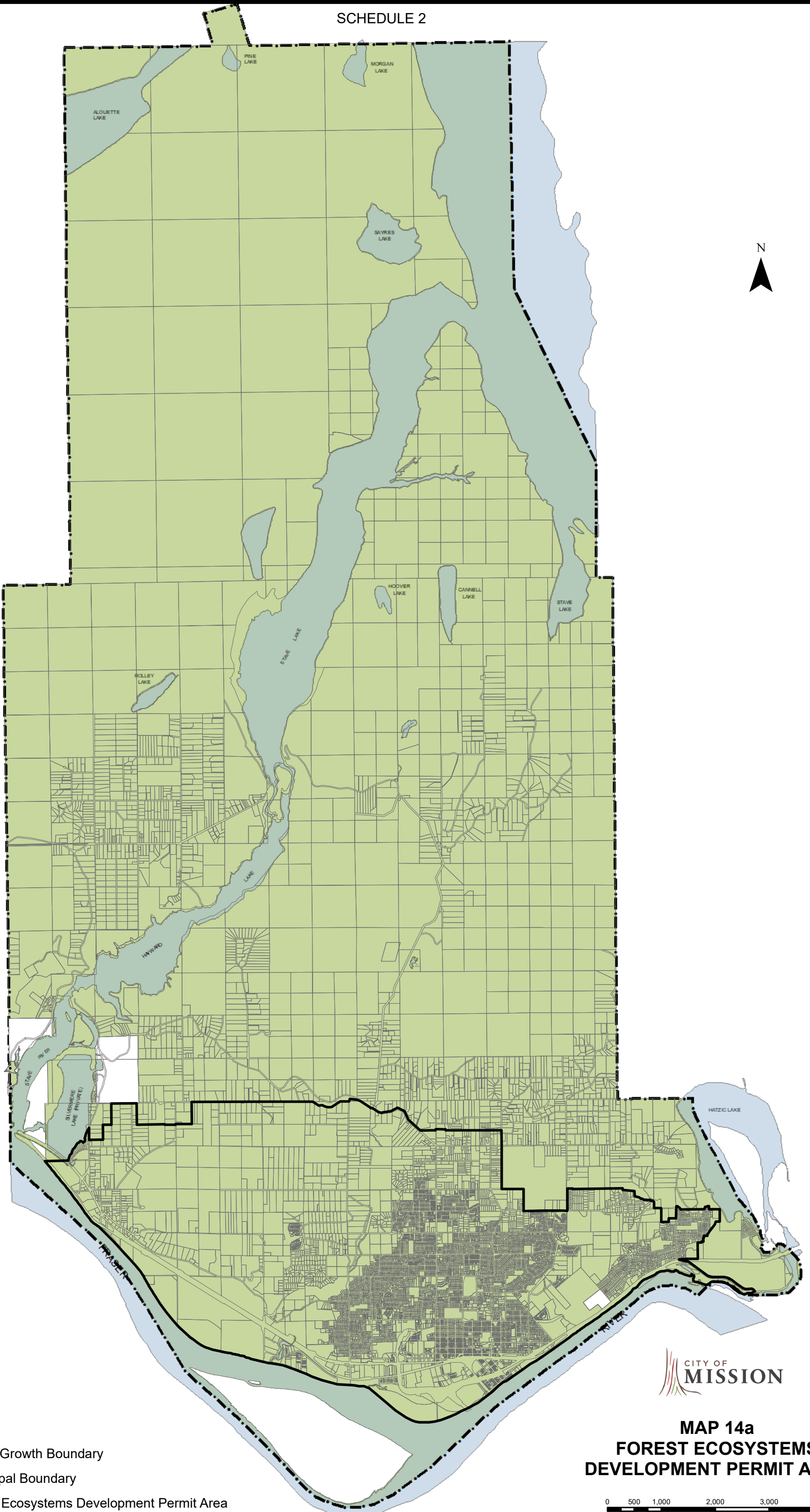
GUIDELINES

The general guidelines for the issuance of a DP in **DPA E2** are listed below; however, not all guidelines will apply to all developments.




1. No development should occur within a SPEA unless:
 - a) the works are authorized under the [Fisheries Act](#) or its regulations; and
 - b) the works are authorized under the [Water Sustainability Act](#) or its regulations.
2. Retain lands within the SPEA in their natural state by preserving native vegetation and trees.
3. During construction, protect the root zones of trees located within the SPEA and those identified for retention outside the SPEA as identified by a Certified Arborist.
4. Remove and/or control invasive plant species within the SPEA.
5. Restore previously disturbed areas within the SPEA to a natural condition based on a local reference ecosystem identified by the QEP.
6. Mitigate disruption and impedance to fish passage through the installation of an embedded box or open-bottom culverts and clear-span bridges for **necessary** stream crossings.
7. Eliminate existing anthropogenic fish barriers wherever possible. This may consist of a retrofit (e.g. installation of weirs), replacement, or removal, depending on the circumstance.
8. Dedicate streams and riparian setbacks to the City or register a restrictive covenant in favor of the City as per Section 219 of the [Land Title Act](#), complete with a reference plan.
9. Develop and implement a soil erosion and sediment control plan to prevent the discharge of sediment laden water and other contaminants into streams.
10. Minimize alteration to the contours of the land outside the areas approved for buildings, structures, and site accesses by minimizing the deposit of fill and the removal of soil.

11. Address terrain stability as identified by a Professional Engineer or Geoscientist that may have an impact on the SPEA.
12. Install temporary or permanent fencing and signage to prevent encroachment into the SPEA during land preparation and construction.
13. Locate buildings, structures, driveways, and other infrastructure to maximize separation from the SPEA.
14. Exceed the minimum [*Riparian Areas Protection Regulation*](#) standards wherever possible. When establishing the SPEA, consider the habitat requirements of other species reliant on riparian areas such as amphibians, birds, and mammals.

Schedule 2

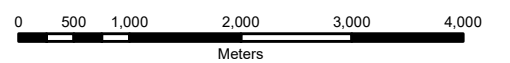


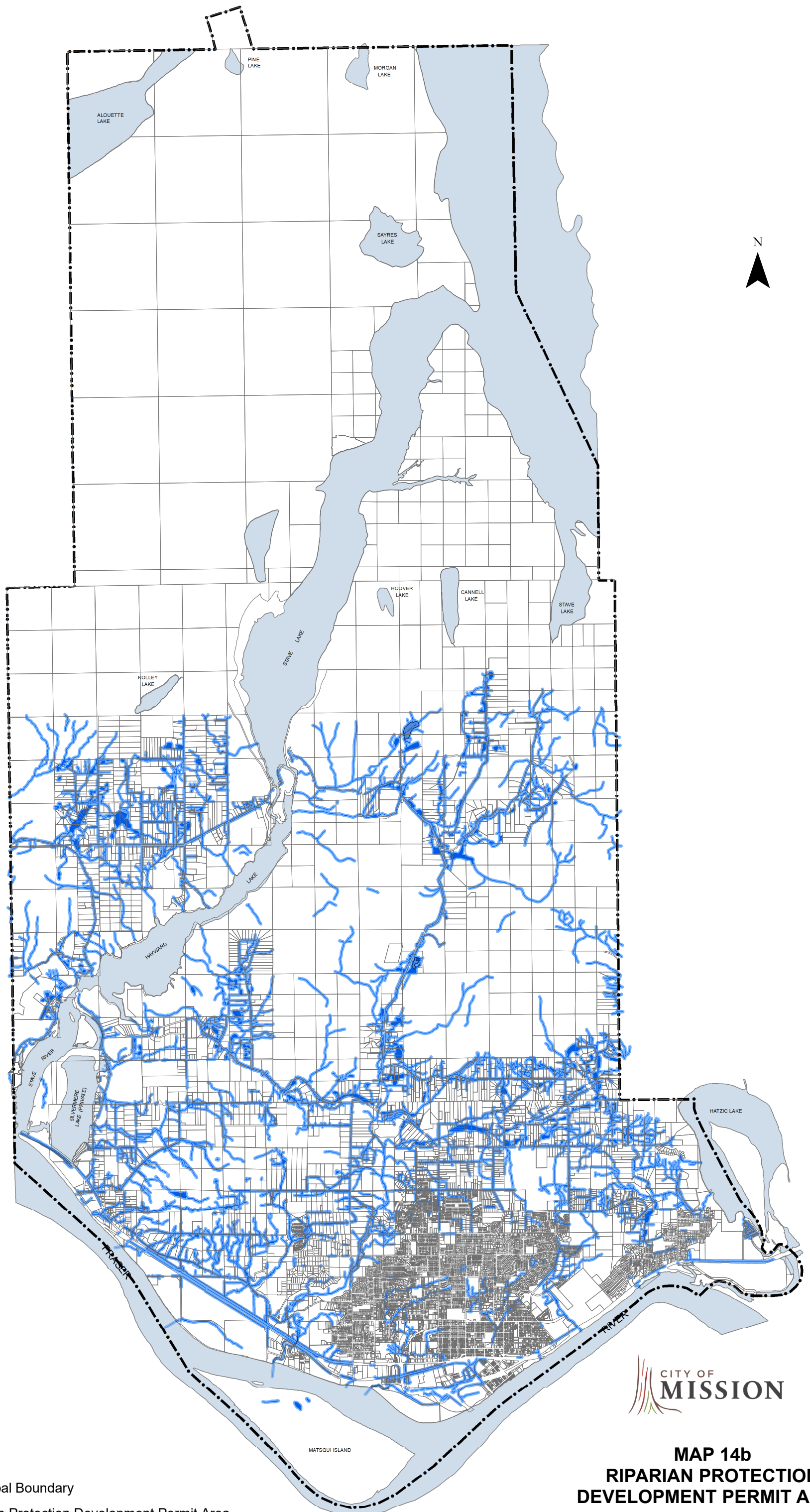
Legend

-  Urban Growth Boundary
-  Municipal Boundary
-  Forest Ecosystems Development Permit Area





MAP 14a
FOREST ECOSYSTEMS
DEVELOPMENT PERMIT AREA



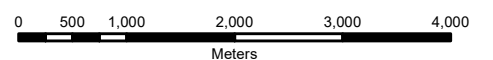


Legend

-  Municipal Boundary
-  Riparian Protection Development Permit Area



**MAP 14b
RIPARIAN PROTECTION
DEVELOPMENT PERMIT AREA**



To: Chief Administrative Officer **Date:** March 4, 2024
From: Kyle D'Appolonia, Environmental Coordinator
Subject: **Land Clearing Management Program**

Recommendation(s)

1. That Council grant first reading to Official Community Plan (OCP) Amending Bylaw 6271-2024-5670(46), which proposes to amend the OCP, Development Permit Area E for protection of the Natural Environment by replacing Section 9.7 and Map 14 with a new Section 9.7 and Maps 14a and 14b as shown in Attachments A and B to the report from the Environmental Coordinator dated March 4, 2024;
2. That, upon due consideration of Section 475 of the Local Government Act, referrals go forward for OCP Amending Bylaw 6271-2024-5670(46) in accordance with Council Policy LAN.47, and that persons, organizations and authorities receiving those consultation referrals are those affected for the purposes of Section 475; and
3. That, subject to the Bylaw receiving first reading, a Public Hearing be scheduled for a date to be determined.

Purpose

The purpose of this report is to provide council with the finalized suggested updates to Development Permit Area (DPA) – E and associated maps in the Official Community Plan (OCP) and obtain first reading to the associated Bylaw update. This will act as the first phase of implementation of the Land Clearing Management Program (LCMP) approved for development by Council in November 2023.

Background

Mission has been subject to significant development pressure in recent years. This has resulted in deforestation and the degradation of natural ecosystems within the municipality. To address this issue, staff were initially instructed to prepare a bylaw; however, upon further review it was determined that the use of DPAs would be more effective to meet Council's expectations.

In September 2023, staff presented proposed amendments to the existing Natural Environment DPA. Council indicated a desire for a more fulsome program and communication plan and deferred the report to a Special Council Meeting which was held in November 2023. At that time, Council approved staff recommendations to develop a LCMP to provide structured control measures to regulate land clearing. The LCMP was drafted, and a referral was issued to internal departments with a deadline of February 21, 2024. The draft was revised accordingly based on the feedback which was received.

Discussion and Analysis

The LCMP has been divided into three main phases and will be implemented in sequential order. The components of the LCMP are summarized below; however, this report pertains solely to the required OCP amendment outlined in Phase 1.

PHASE 1 - EDUCATION

To facilitate the first phase of the LCMP, staff are recommending that the existing Natural Environment DPA be removed and replaced with two new designations: DPA-E1 (Forest Ecosystems) and DPA-E2 (Riparian Areas).

In most cases, this proposed OCP amendment would not regulate the cutting of individual trees, but rather the clearing of land near streams, on slopes, and previously undisturbed or regenerated forests. DPA-G (Geotechnical Hazards, slopes exceeding 30%) already exists; however, it should be reviewed during the scope of the concurrent OCP update. It is included here as it relates to land clearing and the LCMP provides an opportunity to consolidate this information for residents.

The LCMP is not intended to hinder private property owners from conducting routine maintenance, minor brushing, farming, or selective timber harvest for personal consumption (ie. firewood). These were some of the primary concerns received during consultation for the previously proposed Tree Management Bylaw, which was not adopted. Typically, a Development Permit (DP) would not be required for these activities due to the exemptions provided in DPA-E1 and DPA-E2, respectively.

The main objective of DPA-E1 is to ensure that environmentally valuable resources are considered prior to any land disturbance and, if present, protected voluntarily or in accordance with any applicable government legislation. DPA-E1 is also intended to promote practices to reduce impacts to the natural environment as a result of development. Although DPA-E2 includes additional best management practices, its primary function is to ensure that the *Riparian Areas Protection Regulation* (RAPR) is triggered by any proposed development within the Riparian Assessment Area (RAA). The draft DPA-E1 and E2 documents and maps are attached to this report (Attachment A).

To supplement the amended Natural Environment DPAs, the LCMP will include:

- A public information package in multiple languages; and
- An education component on the importance of maintaining healthy ecosystems.

PHASE 2 - ENFORCEMENT

To establish enforcement powers to the LCMP when DPA requirements are neglected, language will need to be added to the:

- Land Use Application Procedures and Fees Bylaw 3612-2003;
- Schedules of the Ticket Information Bylaw 2646-1993; and
- Schedules of the Bylaw Notice Enforcement Bylaw 5700-2018.

Staff have already received legal advice and have prepared drafts accordingly. Council will have an opportunity to review these bylaw revisions at a subsequent meeting. These bylaw amendments were deliberately removed from this agenda to simplify the LCMP roll-out. This delay will promote education rather than enforcement for the initial implementation.

PHASE 3 – STEWARDSHIP

Staff are currently exploring updates to Policy LAN. 32 – Tree Retention & Replanting to include a section on land clearing without a DP. This will likely include replanting requirements, provisions for the City to track properties cleared without a DP, and potential implications to future rezoning and development applications. It should be noted that staff are already formally recording instances of environmental non-compliances or concerns on an internal WebMap layer which is considered during the review of development applications.

In addition, staff have recognized that the watercourse layer on WebMap is deficient. Most streams are misaligned with the orthophotographs or have not been surveyed. The existing data was presumably collected through physical observation with a handheld GPS. This would result in many limitations including access restrictions and a relatively high margin of error. This layer is frequently referenced by residents and qualified professionals and is fundamental to DPA-E2. With technological advances, staff can use Lidar to infer flow paths with precision from a desktop computer. This method is efficient, less intrusive, and the product will yield a comprehensive layer that will better serve users. Staff are allocating resources to this task; however, no completion date has been assigned.

Financial Implications

The current DPA-E fee is \$100, which staff recommend emulating for the proposed DPA-E1 and DPA-E2. Staff also recommend the fee be doubled to \$200 if it is obtained after work has commenced, as is done with building permits.

The updates to the bylaws required for enforcement will allow for fines of \$500 for failure to comply with DPA requirements. This will assist in offsetting the cost of staff time used to investigate resident complaints regarding land clearing.

Environmental Division staff are trained in issuing Bylaw Notice Enforcement tickets. The enforcement of the LCMP will not require additional staffing and is not expected to add pressure to the Bylaw Enforcement department.

Communication

An information package on all aspects of the LCMP will be developed in multiple languages, which will include a section on the importance of maintaining healthy urban ecosystems.

Discussions with the Manger of Communications and Public Engagement have been initiated and a draft brochure is appended as Attachment C to this report.

All information related to the LCMP will be available on the City website and City social media pages will be used for sharing educational posts.

Direct communication with the development community will occur through the Development Liaison Committee (DLC). Staff provided an overview of the proposed changes to the existing Natural Environment DPA during a meeting in October 2023 and took the feedback into consideration.

Summary and Conclusion

Staff are recommending the implementation of an LCMP that includes amendments to the existing Natural Environment DPA. Amendments to associated bylaws required for enforcement will be presented for adoption at a later date. The initial phase will focus on education and public outreach relating to the OCP amendment.

Report Prepared by: Kyle D'Appolonia, Environmental Coordinator
Reviewed by: Erin Blaney, Manager of Environmental Services
Reviewed by: Tracy Kyle, Director of Engineering & Public Works
Approved for Inclusion: Mike Younie, Chief Administrative Officer

Attachment(s)

Attachment A: Development Permit Area E: Natural Areas – Draft Proposed Amendment
Attachment B: Development Permit Area E: Maps – Draft Proposed Amendment
Attachment C: Draft Brochure – Land Clearing Management Information



9.7. DEVELOPMENT PERMIT AREA E: NATURAL ENVIRONMENT

The natural environment provides immeasurable ecologic, economic, social, and cultural benefits to the community. Environmental protection should be prioritized for the welfare of future generations. Development must be regulated to ensure that it adheres to a carefully curated list of practices which serves the best interests of the public, fish and wildlife, and the environment.

A Development Permit Area (DPA) can establish conditions by which development within a given area may be permitted. Guidelines are the tools by which the special conditions and objectives justifying the DPA designation are addressed, and they enable the imposition of conditions which may be included in a Development Permit (DP).

LEGISLATIVE AUTHORITY

Section 488 (1) (a) of the [Local Government Act](#) authorizes an Official Community Plan (OCP) to designate a DPA for the protection of the natural environment, its ecosystems, and biological diversity.

Section 491 describes the scope permitted to environmental DPA guidelines:

491 (1) For land within a DPA designated under Section 488 (1) (a) [protection of natural environment], a DP may do one or more of the following:

- a) specify areas of land that must remain free of development, except in accordance with any conditions contained in the permit;
- b) specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;
- c) require natural watercourses to be dedicated;
- d) require works to be constructed to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;
- e) require protection measures, including that vegetation or trees be planted or retained to:
 - i. preserve, protect, restore, or enhance fish habitat or riparian areas,
 - ii. control drainage, or
 - iii. control erosion or protect banks.

Unless an activity is exempted, Section 489 of the [Local Government Act](#) requires local government approval of a DP in an area designated for protection of the natural environment, its ecosystems and biological diversity before the:

- subdivision of land;
- commencement of construction of, addition to or alteration of a building or other structure; and
- alteration of land.

Collectively, **DPA E1** (Forest Ecosystems) and **DPA E2** (Riparian Protection) have been designated to regulate land clearing within the municipality.

DEFINITIONS

Area of Human Disturbance means an area that is subject to enduring disturbance due to human occupation or activity and includes, without limitation:

- a) footprints of buildings and other structures; and
- b) areas where soil or vegetation has been added, removed, or altered.

Assessment Report means an assessment under Section 12 of the [Riparian Areas Protection Regulation](#).

Certified Arborist means a person certified by the [International Society of Arboriculture](#).

Development means any activity referred to in Section 489 of the [Local Government Act](#) and includes alteration or development of land for residential, commercial, industrial, institutional, service or utility uses or activities, to the extent that these uses or activities are subject to local government powers.

Fish means all life stages of salmonids, game fish and regionally significant fish.

Fish Habitat means water frequented by Fish and any other areas on which Fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas.

Hazard Tree means a tree having a defect sufficient to significantly increase the likelihood that all or part of the tree will fall resulting in a risk of personal injury or property damage, as determined by a Certified Arborist with a Certified Tree Risk Assessor designation from the [International Society of Arboriculture](#).

Land Disturbance means any activity that changes the physical conditions of the landform, vegetation, or hydrology, creates bare soil, or otherwise may cause erosion and sedimentation.

Qualified Environmental Professional means an applied scientist or technologist if the individual is:

- a) registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, in compliance with code of ethics and subject to disciplinary action by that association; and
- b) in compliance with the code of ethics and would be otherwise subject to disciplinary action by their respective affiliation; and
- c) acting within their area of expertise.

Stream includes any of the following that provides Fish Habitat:

- a) a watercourse or body of water, whether usually containing water or not, and
- b) any of the following that is connected by surface flow to a watercourse or body of water referred to in paragraph (a):
 - i. a ditch, whether usually containing water or not;
 - ii. a spring, whether usually containing water or not; and
 - iii. a wetland.
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b) of the [Riparian Areas Protection Regulation](#).

Stream Boundary in relation to a Stream, means whichever of the following is farther from the centre of the Stream:

- a) the visible high-water mark of a Stream 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 Stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; or
- b) the boundary of the active floodplain, if any, of the Stream.

Streamside Protection and Enhancement Area has the meaning given to it in Section 9 of the *Riparian Areas Protection Regulation*.

Wetland means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a Stream.

DEVELOPMENT PERMIT AREA E1

The Forest Ecosystems Development Permit Area (**DPA E1**) applies to all properties identified on **Map 14a** of the *Official Community Plan Bylaw No. 5670-2017* or as updated.

JUSTIFICATION

Mission is located within the Coastal Western Hemlock Zone (CWHZ) which is highly productive and biodiverse; however, critical habitat within the Fraser Valley has been significantly degraded or permanently destroyed through urbanization, agriculture, and other industry. Responsible land management and conservation is vital for further preventing the endangerment and extirpation of native species. Old growth and secondary forest ecosystems are a form of natural capital for the region. The well-being of residents is dependent on forests which perform critical functions such as storing carbon, cycling nutrients, purifying water, stabilizing soil, and improving air quality.

Although forestry has historically been a dominant industry, Mission is still endowed with many mature tree specimens and stands. Land clearing, development, and other site alterations have the potential to impair the ecological value of the remaining forested areas through gradual degradation and unsustainable practices. Areas identified on **Map 14a** may include intact and fragmented forest ecosystems which provide economic, recreational, social, and environmental benefits to the community. **DPA E1** applies to the entire municipality with exception to First Nation Reserve Land. Although most properties in the core neighborhoods will be subject to an exemption, they have not been omitted from the DPA. This is in recognition of the many large parcels within the Urban Growth Boundary which contribute to the urban tree canopy. This designation does not address tree replacement; however, this will be an integral component of the overall phased land clearing management program.

EXEMPTIONS

Any of the following circumstances or activities in **DPA E1** are exempted from the requirements to obtain a DP:

1. The proposed activity will not result in Land Disturbance surpassing the following cumulative areas on a given parcel or contiguous parcels in any calendar year:
 - **200 m²**, within the Urban Growth Boundary; and
 - **500 m²**, outside the Urban Growth Boundary.

This exemption is intended to enable responsible land stewardship and other miscellaneous tasks associated with private land ownership. For example, this may include property maintenance following extreme weather events, blazing for survey sight lines, or selective harvest for firewood. Please note that this exemption does not apply to lands subject to:

- **DPA E2** (Riparian Protection) and **DPA G** (Geotechnical Hazards, slopes exceeding 30%);
- conservation covenants; and
- other safeguards or restrictions associated with municipal zoning and senior legislation.

All Land Disturbance should consider the implications of the [Migratory Birds Convention Act](#) and [Wildlife Act](#) and associated regulations. Collectively, this legislation protects birds and their eggs, including nests that are occupied by either. In addition, there are nests of several species which are always protected, regardless of activity. These nests may be inconspicuous as it includes species which burrow or excavate cavities. Land Disturbance should be conducted outside of the [Regional Nesting Period](#), whenever possible.

2. Routine maintenance of an **existing** Area of Human Disturbance, private utilities, rights-of-way, and easements, including mowing, pruning, and trimming.
3. Construction, maintenance, or operation of:
 - a) municipal works and services undertaken or authorized by the City;
 - b) park works and services undertaken or authorized by the City; and
 - c) federal and provincial works.
4. Subdivisions which consist of lot consolidation only.
5. Removal of noxious weeds, as identified in the [Weed Control Regulation](#) and other known invasive species, provided that any disturbed areas are immediately replanted with native vegetation suitable to local conditions (refer to Guideline 9).
6. Emergency actions required to prevent, control, or reduce an immediate threat to human life, the natural environment or public and private property including:
 - a) forest fire, flood and erosion protection works;
 - b) protection, repair or replacement of public utilities;
 - c) clearing of an obstruction from a bridge, culvert or stream;
 - d) bridge repairs;
 - e) removal or modification of trees deemed to be hazardous by a Certified Arborist; and
 - f) protection, repair, or replacement of private or public septic system.
7. Any development conducted under the direction of the Provincial Emergency Program.
8. Preventative removal of vegetation in accordance with Provincial [FireSmart](#) Standards as outlined in a site specific Wildfire Urban Interface Report prepared by a Registered Forestry Professional.
9. Farming activities associated with a farm business as defined in the [Farm Practices Protection Act](#).
10. Mining activities, hydroelectric facilities and forestry activities on Crown land, including TFL26, or privately managed forest lands as defined under the [Private Managed Forest Land Act](#).
11. The implementation of a habitat mitigation, ecological restoration, or enhancement project under the supervision of a QEP, which has been authorized or otherwise directed by senior government ministry or agency with jurisdiction.

APPLICATION REQUIREMENTS

PRELIMINARY SITE SURVEY

Submission of a preliminary site survey prepared by a QEP in collaboration with other professionals of relevant expertise, if warranted. The primary QEP retained to prepare the preliminary site survey must have specific knowledge of local flora and fauna.

At a minimum, the preliminary site survey should:

- review available environmental literature and inventory information;
- consist of a site inspection to catalogue and describe all environmentally valuable resources;
- ground truth or otherwise identify features subject to the [Water Sustainability Act](#) and [Riparian Areas Protection Regulation](#); and
- provide recommended mitigation measures accordingly.

Please refer to any applicable Neighbourhood Plan for additional requirements.

GUIDELINES

The general guidelines for the issuance of a DP in **DPA E1** are listed below; however, not all guidelines will apply to all developments.

SITE DESIGN

1. **Minimize land alterations and ensure that the design is informed by the preliminary site survey.**
2. To the greatest extent possible, design development in a manner that:
 - a) supports the maintenance and restoration of natural system functions including hydrology and groundwater recharge;
 - b) retains natural landforms and topography;
 - c) maintains connectivity with adjacent sensitive ecosystems and other habitat areas to reduce fragmentation;
 - d) considers endangered, threatened, or vulnerable species or communities;
 - e) prioritizes tree retention, particularly within the Urban Growth Boundary; and
 - f) preserves critical habitat structures such as mature and old growth trees, snags, cavities, talus, and ephemeral wetlands.
3. Specify lighting in accordance with [Dark Sky](#) policies to limit ambient light pollution and reduce impacts on those habitat areas reliant on darkness.
4. Incorporate bird-friendly design into building architecture and prevent mortality via window strikes.
5. Create landscapes that provide or enhance habitat value such as planting flowering vegetation for pollinators or incorporating habitat complexing.
6. Avoid dangerous wildlife attraction by installing secure waste enclosures in residential, commercial, and industrial developments.

7. Consider stormwater management which:
 - a) strives to reduce the amount of impervious surfaces;
 - b) promotes the use of permeable surface materials;
 - c) maximizes infiltration from frequently occurring rain events;
 - d) maintains or improves water quality from the development site;
 - e) integrates energy dissipators into stormwater outfalls; and
 - f) locates stormwater facilities to minimize impacts to sensitive habitat areas.

HABITAT RESTORATION

8. Implement a plan to eradicate or control invasive plant species and replant vegetation which is:
 - a) native to the CWHZ and complementary to existing habitat conditions;
 - b) appropriate for the region or climate, with preference for drought-tolerant species; and
 - c) in accordance with the current [BC Landscape and Nursery Standards](#) for quality and of plants, spacing and installation.
9. Prepare a restoration plan under the direction of a QEP if disturbance has occurred within an environmentally sensitive area to address:
 - a) the extent of the damage;
 - b) replanting requirements which include species, spacing, and timing;
 - c) specifications for any habitat complexing; and
 - d) recommended monitoring or maintenance.

ENVIRONMENTAL PROTECTION

10. Promote the protection of environmentally sensitive areas by utilizing voluntary stewardships such as restrictive covenants, contracts, leases, or trusts for environmental protection.
11. Delineate the boundaries of any environmentally sensitive areas identified during the preliminary site survey with a highly visible physical barrier prior to undertaking any development.
12. Avoid development during nesting periods and other critical life stages. If this is not possible, a QEP should be retained to conduct a survey or salvage for nesting birds and other wildlife, respectively.
13. Follow [Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia](#) or as updated.

EROSION & SEDIMENT CONTROL

14. Minimize erosion by retaining trees and natural vegetation, replanting, or stabilizing disturbed areas, limiting cuts, fills, and grading; and reducing areas of exposed soils by phasing development and implementing on-site controls.

15. Implement a phased erosion and sediment control plan that reflects measures prescribed in the [Land Development Guidelines for the Protection of Aquatic Habitat](#), the requirements of the [Development and Subdivision Control Bylaw 5650-2017](#) and other standards or guidelines adopted or approved by the City.

MONITORING

16. Monitor the development as directed or recommended by a QEP. As a condition of the DP, the City may require the oversight of a QEP to monitor the implementation and effectiveness of mitigation measures.

DEVELOPMENT PERMIT AREA E2

The Riparian Protection Development Permit Area (**DPA E2**) applies to all areas depicted on **Map 14b** of the [Official Community Plan Bylaw No. 5670-2017](#) or as updated, and any other lands within the Riparian Assessment Area (RAA) as defined by the [Riparian Areas Protection Regulation](#).

The **DPA E2** follows the [Riparian Areas Protection Regulation](#) and applies to any RAA and, without limitation, must include those depicted on **Map 14b** and all streams that have yet to be surveyed, that are fish bearing or have surficial connectivity to fish habitat, including the following:

- a) for a stream that is not in a ravine, the 30 m wide strip on both sides of the stream, measured perpendicularly from the stream boundary or the active floodplain;
- b) for a ravine less than 60 m wide, a strip on both sides of the stream measured perpendicularly from the stream boundary to a point that is 30 m beyond the top of the ravine bank;
- c) for a ravine 60 m wide or greater, a strip on both sides of the stream measured perpendicularly from the stream boundary to a point that is 10 m beyond the top of the ravine bank; and
- d) where there is uncertainty or a discrepancy regarding the width of ravine or the presence of a stream, this shall be determined by a QEP at the expense of the applicant.

Map 14b was derived from the watercourse layer which is depicted on the City's [WebMap](#). This layer is a compilation of different data sets, collected as available, at various intervals, and is therefore not necessarily complete. As much of the municipality is rural and forested, there are numerous tributaries that have yet to be surveyed or are misaligned. As additional watercourses are identified through Lidar interpretation or geospatially surveyed during the environmental review process, this information will supplement our database and the corresponding layer will be updated accordingly.

JUSTIFICATION

The purpose of the [Riparian Areas Protection Regulation](#) is to protect the many and varied features, functions and conditions that are vital for maintaining stream health and productivity. Streams and riparian areas collectively prevent flooding, control erosion, reduce sedimentation, filter contaminants, recharge groundwater, and provide corridors for the movement of wildlife. Streams, as defined by the [Riparian Areas Protection Regulation](#), may include a roadside ditch, ephemeral creek, wetland, or a larger waterbody such as Silvermere Lake.

The primary objectives of **DPA E2** are to:

- protect streams, their riparian areas and adjacent upland areas that exert an influence on streams from development pressures; and
- promote the restoration and enhancement of riparian areas to support biologically diverse wildlife habitat, corridors for wildlife movement, and the natural features, functions and conditions that support fish life processes.

The [Riparian Areas Protection Regulation](#) directs local governments to protect riparian areas during residential, commercial and industrial development, using their authority outlined in Part 14 of the [Local Government Act](#). Local governments may use their zoning, land use management bylaws and permits to implement riparian area protection provisions. The implementation of a DPA is the most common tool utilized by local governments for adopting the [Riparian Areas Protection Regulation](#) standards and protecting riparian areas. They allow a local government to regulate a wide range of development activities that involve various forms of site alteration beyond construction, such as the removal of vegetation and the disturbance of soils.

Under the [Riparian Areas Protection Regulation](#), a local government must not approve a development activity within the RAA unless a QEP has prepared an Assessment Report that provides a professional opinion that there will be no adverse effect on the natural features, functions, and conditions that support fish life processes provided the:

- development is implemented as proposed; or
- conditions are imposed such that the development proceeds as proposed in the Assessment Report and complies with any recommended measures.

EXEMPTIONS

The following circumstances or activities in **DPA E2** are exempted from the requirements to obtain a DP:

1. If a QEP provides written confirmation that the stream does not support fish or otherwise drain into a stream that supports fish (e.g. an isolated pond).
2. Where an applicant asserts that their development is not within an RAA or there is a potential discrepancy on **Map 14b**, provided that this is ground-truthed by a QEP and confirmed in a written statement to the City.
3. Subdivision or alteration of land that is subject to a restrictive covenant which exceeds [Riparian Areas Protection Regulation](#) standards or is based on a previous Assessment Report that is registered against the title under Section 219 of the [Land Title Act](#).
4. Alterations to an existing building or structure if construction involves interior or exterior renovations that do not change the structural footprint or disturb the existing grade and natural soil conditions.
5. Routine maintenance of **pre-existing** areas of human disturbance, private utilities, rights-of-way, and easements, including mowing, rototilling, pruning, and trimming.
6. Construction, maintenance, or operation of:
 - a) municipal works and services undertaken or authorized by the City;
 - b) park works and services undertaken or authorized by the City; and
 - c) federal and provincial works.
7. Emergency actions required to prevent, control, or reduce an immediate threat to human life, the natural environment or public or private property including:
 - a) forest fire, flood and erosion protection works;
 - b) protection, repair or replacement of public utilities;
 - c) clearing of an obstruction from a bridge, culvert or stream;
 - d) bridge repairs;

- e) removal or modification of trees deemed to be hazardous by a Certified Arborist; and
 - f) protection, repair, or replacement of private or public septic system.
8. Development of federal lands and first nation reserve lands.
 9. Institutional developments in accordance with [Zoning Bylaw 5949-2020](#). Please note that institutional developments are still subject to the [Fisheries Act](#) and [Water Sustainability Act](#).
 10. Farming activities associated with a farm business as defined in the [Farm Practices Protection Act](#).
 11. Mining activities, hydroelectric facilities and forestry activities on Crown land, including TFL26, or privately managed forest lands as defined under the [Private Managed Forest Land Act](#).

APPLICATION REQUIREMENTS

ASSESSMENT REPORT

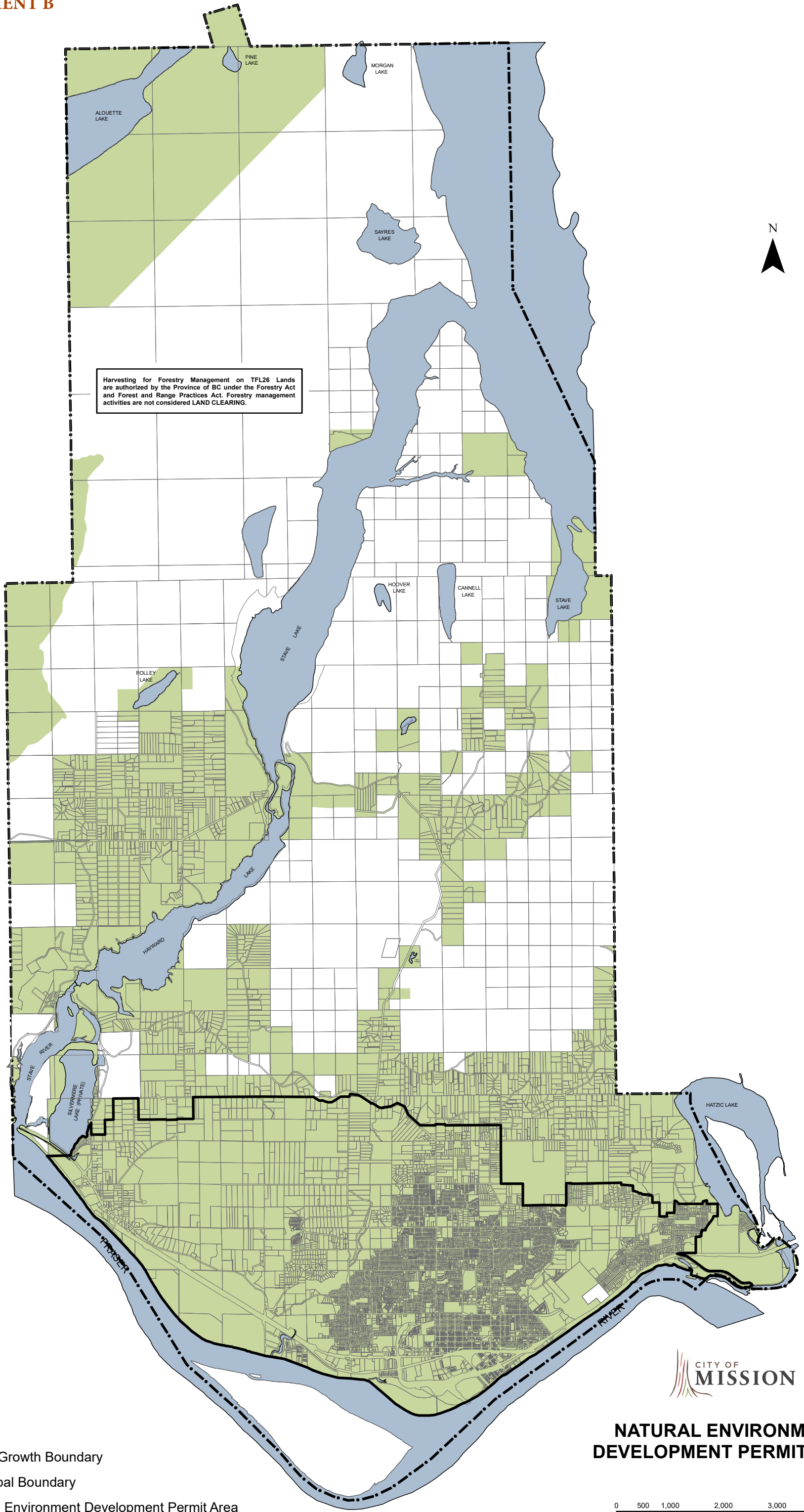
Submission of an approved Assessment Report prepared by a QEP with expertise appropriate to the evaluation being performed, as defined in Part 1, Division 1 of the [Riparian Areas Protection Regulation](#). Secondary QEPs with specialized expertise may be required to provide advice where specific site characteristics warrant. The Assessment Report must specify the appropriate Streamside Protection and Enhancement Area (SPEA) width by following the applicable methodology and outline the measures required to maintain the integrity of the SPEA. The Assessment Report must be filed electronically to the Riparian Areas Protection Regulation Notification System (RARNS), accessible through the ministry [webpage](#). Recommendations within the Assessment Report may become conditions of the DP.

GUIDELINES




The general guidelines for the issuance of a DP in **DPA E2** are listed below; however, not all guidelines will apply to all developments.

1. No development should occur within a SPEA unless:
 - a) the works are authorized under the [Fisheries Act](#) or its regulations; and
 - b) the works are authorized under the [Water Sustainability Act](#) or its regulations.
2. Retain lands within the SPEA in their natural state by preserving native vegetation and trees.
3. During construction, protect the root zones of trees located within the SPEA and those identified for retention outside the SPEA as identified by a Certified Arborist.
4. Remove and/or control invasive plant species within the SPEA.
5. Restore previously disturbed areas within the SPEA to a natural condition based on a local reference ecosystem identified by the QEP.
6. Mitigate disruption and impedance to fish passage through the installation of an embedded box or open-bottom culverts and clear-span bridges for **necessary** stream crossings.
7. Eliminate existing anthropogenic fish barriers wherever possible. This may consist of a retrofit (e.g. installation of weirs), replacement, or removal, depending on the circumstance.
8. Dedicate streams and riparian setbacks to the City or register a restrictive covenant in favor of the City as per Section 219 of the [Land Title Act](#), complete with a reference plan.

9. Develop and implement a soil erosion and sediment control plan to prevent the discharge of sediment laden water and other contaminants into streams.
10. Minimize alteration to the contours of the land outside the areas approved for buildings, structures, and site accesses by minimizing the deposit of fill and the removal of soil.
11. Address terrain stability as identified by a Professional Engineer or Geoscientist that may have an impact on the SPEA.
12. Install temporary or permanent fencing and signage to prevent encroachment into the SPEA during land preparation and construction.
13. Locate buildings, structures, driveways, and other infrastructure to maximize separation from the SPEA.
14. Exceed the minimum Riparian Areas Protection Regulation standards wherever possible. When establishing the SPEA, consider the habitat requirements of other species reliant on riparian areas such as amphibians, birds, and mammals.

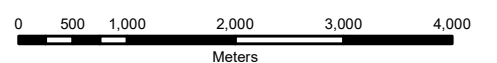


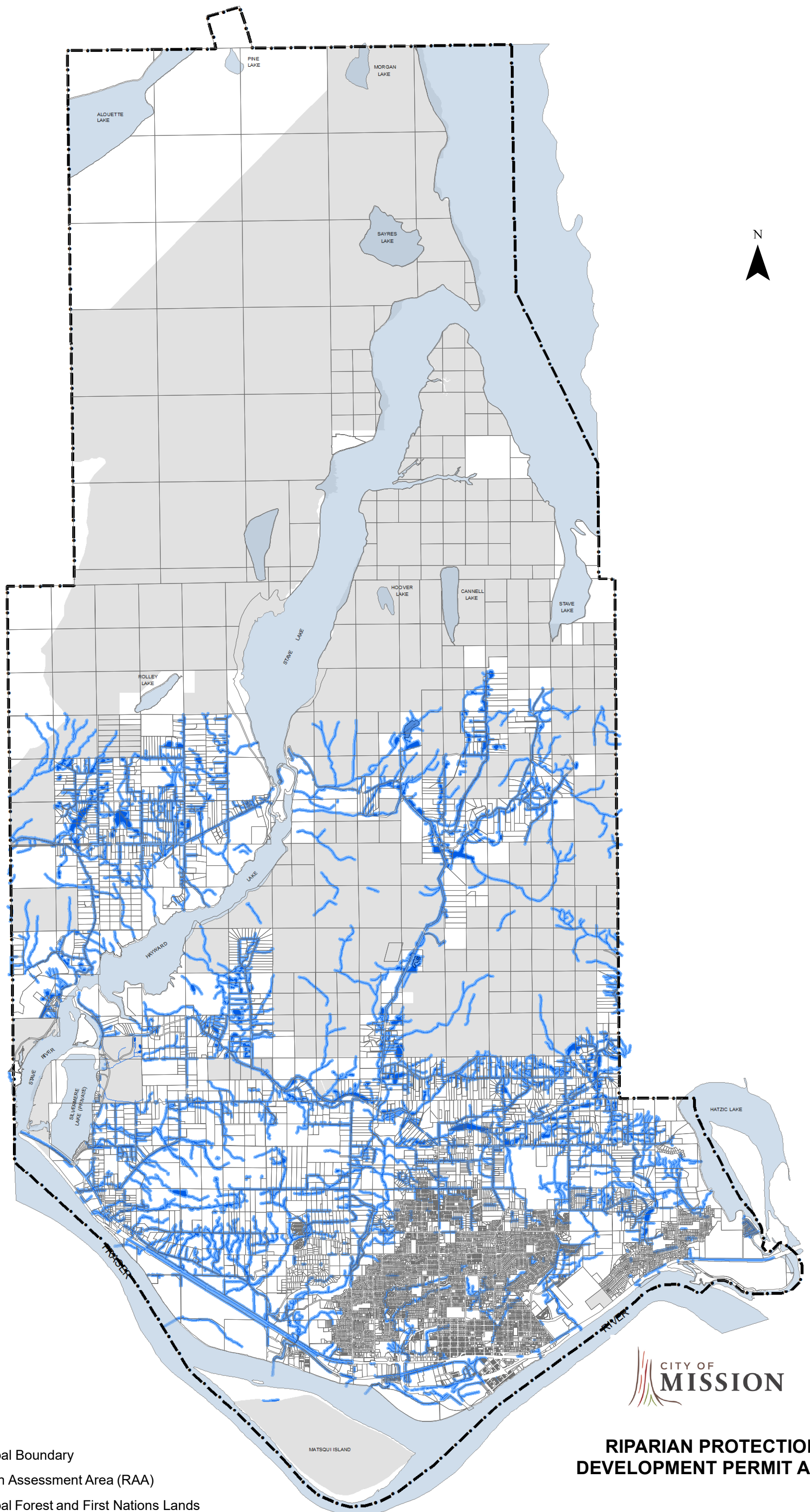
Legend

-  Urban Growth Boundary
-  Municipal Boundary
-  Natural Environment Development Permit Area






NATURAL ENVIRONMENT DEVELOPMENT PERMIT AREA



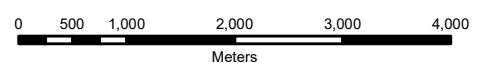


Legend

-  Municipal Boundary
-  Riparian Assessment Area (RAA)
-  Municipal Forest and First Nations Lands



**RIPARIAN PROTECTION
DEVELOPMENT PERMIT AREA**



ATTACHMENT C

PROTECTING OUR ECOSYSTEM

The City uses the Official Community Plan and other policies to protect the natural environment.

LAND CLEARING MANAGEMENT IN THE OCP

Development Permit Area E in the OCP supports conservation, protection, and enhancement of Mission's natural areas.

Development Permit Area E has been updated and now includes two distinct areas:

- Forest ecosystems (DPA E1); and
- Riparian zones (DPA E2).

PERMITS AND FINES

The following activities in Development Permit Area E require prior approval by the City of Mission:

- Subdivision of land,
- Commencement of construction of, addition to or alteration of a building or other structure; and
- Alteration of land.

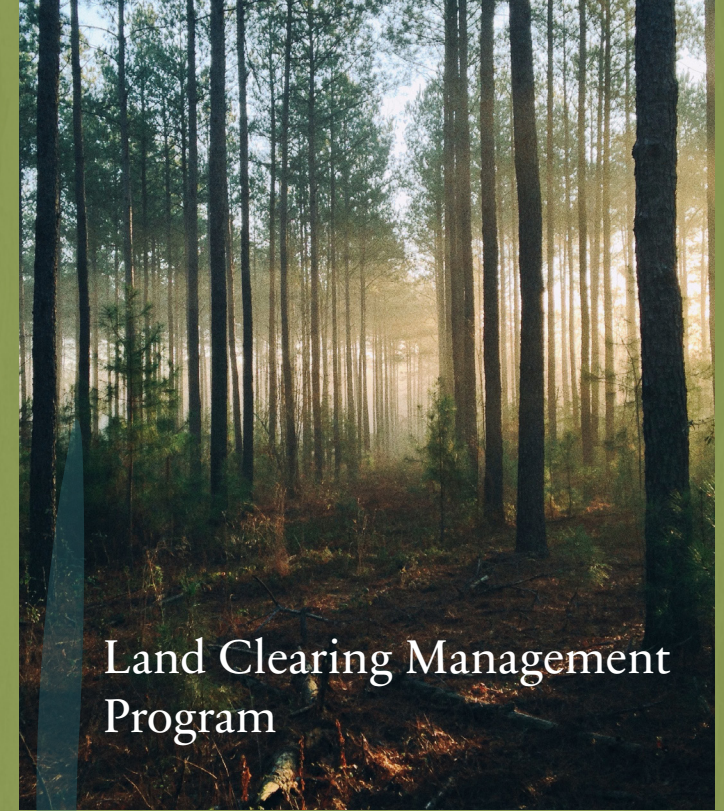
Failure to obtain a permit for subdivision or alteration of land, building or other structure within a Development Permit Area and other violations can result in fines from the City of Mission from \$500 to \$1,000 per day.

LEARN MORE

Find more about Land Clearing Management Program requirements, development guidelines, maps, and related policies on mission.ca.

QUESTIONS

environment@mission.ca



Land Clearing Management Program

The City of Mission uses the tools in the Land Clearing Management Program to regulate any activity that may change the physical condition of the land, including vegetation, soil, and water.

This guide shares an overview of what property owners need to know before disturbing or altering land.

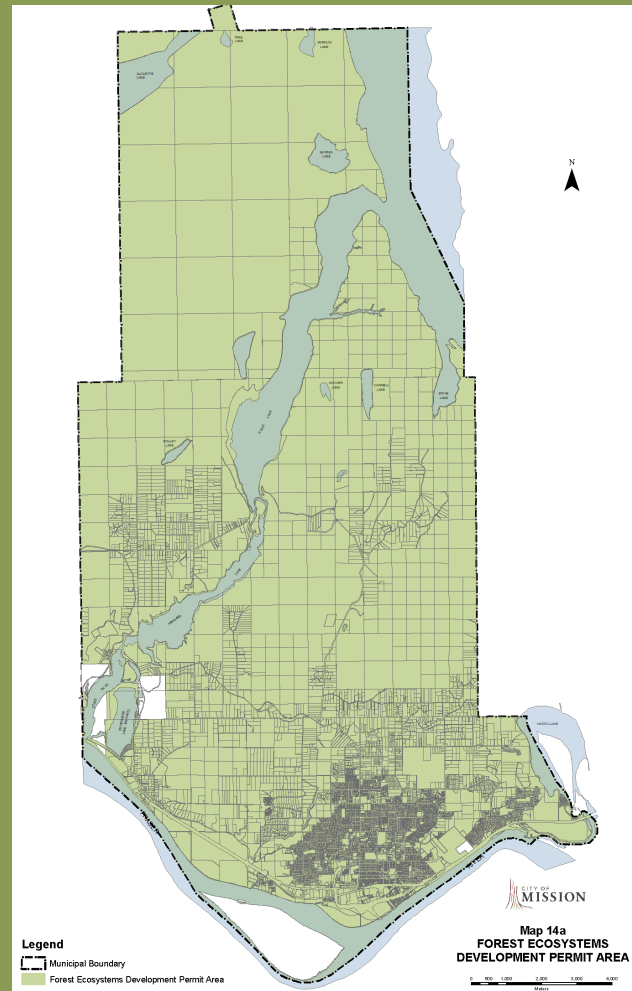


CLEARING IN FORESTED AREAS

Land disturbance of cumulative areas larger than:

- 200 m² within the Urban Growth Boundary; and
- 500 m² outside the Urban Growth Boundary.

Unless exempted, areas identified in Map 14A require a permit, and the submission of a preliminary site survey prepared by a qualified environmental professional prior to any land disturbance.



MAP 14A: DPA E1 FOREST ECOSYSTEMS

Several exemptions may apply and enable reasonable land stewardship by private property owners without requiring a permit. Exemptions include the routine maintenance of existing areas of human disturbance, removal of noxious weeds, and habitat restoration. The exemptions are also intended to allow for maintenance following extreme weather events, survey sight lines, and selective harvest of firewood for personal consumption.



CLEARING NEAR STREAMS

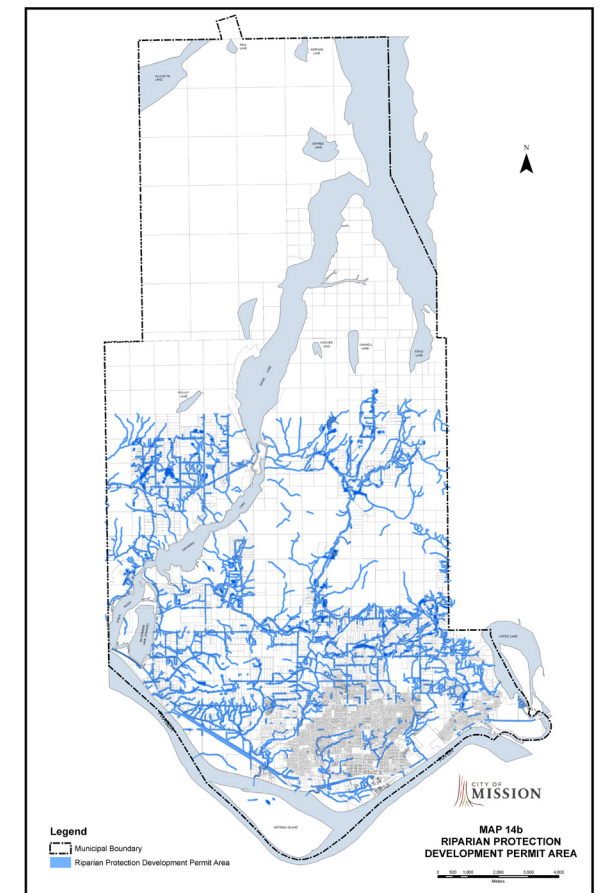
The Land Clearing Management Program intends to protect fish habitat, including streams and adjacent upland areas from development pressures. It also promotes the restoration and enhancement of streamside areas to support biologically diverse wildlife habitat, corridors for wildlife movement, and the natural features, functions and conditions that support fish life processes.

Permits are required for all development in areas depicted on Map 14b in the OCP and any other lands within the Riparian Assessment Area (RAA) as defined by the Riparian Areas Protection Regulation (RAPR).



Requirements:

The RAPR directs local governments to protect streams during residential, commercial, and industrial development. Development activity cannot be approved within the RAA unless a qualified environmental professional has prepared an Assessment Report that includes a professional opinion that there will be no adverse effects based on the proposal and imposed conditions.



MAP 14B: DPA E2 RIPARIAN ZONES



To: Chief Administrative Officer **Date:** April 15, 2024
From: Kyle D'Appolonia, Environmental Coordinator
Subject: Land Clearing Management Program – Referral Summary

Recommendation(s)

1. That Official Community Plan (OCP) Amending Bylaw 6271-2024-5670(46) be granted second reading;
2. That OCP Amending Bylaw 6271-2024-5670(46) is considered in conjunction with the City's Financial Plan and Waste Management Plan; and
3. That, subject to OCP Amending Bylaw 6271-2024-5670(46) receiving second reading, a Public Hearing be scheduled for May 6, 2024.

Purpose

The purpose of this report is to provide Council with a summary of referral comments which were received in consideration of Section 475 of the *Local Government Act* (LGA) for the proposed updates to Development Permit Area (DPA) – E and associated maps in the OCP.

Background

To accommodate the first phase of the Land Clearing Management Program (LCMP), staff have prepared updates to DPA-E and associated maps in the OCP. These updates received first reading on March 4, 2024. As the OCP will be amended, referrals were submitted to applicable organizations and authorities, in consideration of Section 475 of the LGA.

Discussion and Analysis

Referrals were issued on March 5, 2024, and recipients were given until 4:00 pm on April 2, 2024, to provide comment.

As of the closing date and time, no responses were received from the following groups:

- Kwantlen First Nation;
- Leq'a:mel First Nation;
- Leq'a:mel, Matsqui, Sumas (LMS) Society;
- Matsqui First Nation;
- People of the River Referral Office; and
- Sumas First Nation.

No concerns, comments, or objections were identified by representative respondents from the following entities:

- The Board of School Trustees of School District #75 (Mission);
- Ministry of Transportation and Infrastructure; and
- Agricultural Land Commission (ALR).

To reiterate, the existing DPA-E will be repealed, updated, and divided into two components, DPA-E1 and DPA-E2. The main objective of DPA-E1 is to ensure that environmentally valuable resources are considered prior to any land disturbance and, if present, protected voluntarily or in accordance with any applicable government legislation. DPA-E1 is also intended to promote practices to reduce impacts to the natural environment as a result of development. Although DPA-E2 includes additional best management practices, its primary function is to ensure that the *Riparian Areas Protection Regulation* (RAPR) is triggered by any proposed development within the Riparian Assessment Area (RAA).

Financial Implications

The current DPA-E fee is \$100, which staff recommend emulating for the proposed DPA-E1 and DPA-E2. Staff also recommend the fee be doubled to \$200 if it is obtained after work has commenced, as is done with building permits.

Staff have received legal advice and have prepared draft amendments to the following bylaws in order to establish enforcement powers:

- Land Use Application Procedures and Fees Bylaw 3612-2003;
- Schedules of the Ticket Information Bylaw 2646-1993; and
- Schedules of the Bylaw Notice Enforcement Bylaw 5700-2018.

The updates will enable fines of \$500 for failure to comply with DPA or permit requirements. This will assist in offsetting the cost of staff time used to investigate resident complaints regarding land clearing.

Environmental Division staff are trained in issuing Bylaw Notice Enforcement tickets. The enforcement of the LCMP will not require additional staffing and is not expected to add pressure to the Bylaw Enforcement division. These bylaw amendments are not expected to have any impact on the City's Financial Plan or Waste Management Plan.

Communication

An information package on all aspects of the LCMP will be developed in multiple languages, which will include a section on the importance of maintaining healthy urban ecosystems.

Discussions with the Manger of Communications and Public Engagement have been initiated and a draft brochure was presented on March 4, 2024.

All information related to the LCMP will be available on the City website and City social media pages will be used for sharing educational posts.

Staff are also working on a process to keep track of unauthorized land clearing which will include use of the City's mapping software and potential changes to related policy.

Summary and Conclusion

Staff are recommending the implementation of an LCMP that includes amendments to the existing DPA-E. Amendments to associated bylaws required for enforcement will be brought forth shortly. The initial phase will focus on education and public outreach relating to the OCP amendment.

Report Prepared by: Kyle D'Appolonia, Environmental Coordinator

Reviewed by: Erin Blaney, Manager of Environmental Services

Approved for Inclusion: Mike Younie, Chief Administrative Officer

