

## ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** March 2, 2023

**RE:** Watercourse Development Permits (WDP) – Provincial Review of Assessment Reports

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### Administrative Recommendation:

**THAT the Watercourse Development Permit (WDP) Area Guidelines in the Electoral Area Official Community Plan (OCP) Bylaws be amended to include the following:**

***if the provincial ministry responsible for reviewing Assessment Reports has indicated to the Regional District that Assessment Reports are unlikely to be reviewed and forwarded to the District within three (3) months of being submitted, then a Watercourse Development Permit (WDP) may be considered for issuance without an “Assessment Report” having been received from the responsible provincial Minister, provided that an Assessment Report prepared in accordance with the Riparian Areas Protection Regulation has been submitted directly to the Regional District, certifying that the proposed development:***

- i) will not occur in the streamside protection and enhancement area (SPEA), and***
  - ii) if the Assessment Report is based on a detailed assessment, will not result in any harmful alteration, disruption or destruction (HADD) of natural features, functions and conditions in the streamside protection and enhancement area that support the life processes of protected fish.***
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### Purpose:

Due to significant delays in the provincial review of “Assessment Reports” prepared in accordance with the *Riparian Area Protection Regulation* (RAPR) – currently estimated at 9-11 months - it is being proposed that the Regional District Board revise its guidelines.

Specifically, that the Regional District will consider the issuance of a Watercourse Development Permit (WDP) without an “Assessment Report” having been reviewed by the province, and that this be in effect whenever provincial processing times exceed three (3) months.

### Background:

On March 31, 2005, the Provincial *Riparian Areas Regulation* (RAR) came into effect with the purpose of establishing “directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.”

At Section 3 of the *Regulation*, the Provincial government listed 14 regional districts — including the Regional District of Okanagan-Similkameen — that are required to implement RAR through their land use bylaws.

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At its meeting of June 8, 2006, the Regional District Board adopted Amendment Bylaw No. 2337, 2006, which introduced Watercourse Development Permit (WDP) Area designations into the Electoral Area OCP Bylaws.

In administering WDPs, the Regional District relies on the “professional reliance” model wherein a “qualified environmental professional” (QEP) prepares an assessment report based on “prescriptive, repeatable assessment methodology” established by the Provincial government, and that this report forms the basis of a permit.

In 2018, the Province completed a *Professional Reliance Review* that made a number of recommendations in relation to RAR, including the introduction of “provincial authority to reject riparian assessments.”

On November 1, 2019, a new Provincial *Riparian Area Protection Regulation* (RAPR) came into effect. One of the more consequential changes was a requirement that a local government not issue a WDP until such time as the relevant Minister has forwarded a copy of a QEP’s assessment report.

At its meeting of February 20, 2020, the Board adopted Amendment Bylaw No. 2876, 2020, which updated the various Electoral Area OCP Bylaws to reflect the introduction of RAPR. This included a requirement that the Regional District receive an “Assessment Report”, prepared in accordance with RAPR, from the responsible provincial minister prior to the issuance of a permit.

#### **Analysis:**

The Ministry is currently advising that it is taking 9-11 months for it to review an “Assessment Report” prepared by a QEP in support of a development in a riparian area.

Administration also understands that the current backlog of “Assessment Reports” to be reviewed by Ministry staff is approximately 800 and, while the Province has recently announced plans to hire additional staff to assist in the processing of “Assessment Reports” as part of its *Permitting Strategy for Housing*, it is unclear when this will occur and the back-log addressed.

Accordingly, and to avoid undue delay and hardship for property owners within the Electoral Areas that are attempting to undertake development in designated WDP Areas, it is being recommended that the Regional District revise its guidelines that an “Assessment Report” be reviewed by the Province prior to it considering the issuance of a WDP.

In place of the Provincial review, it is being proposed that QEPs submit the “Assessment Report” required by RAPR directly to the Regional District and that these be reviewed by Regional District staff *only* to confirm the following:

- a Streamside Protection and Enhancement Area (SPEA) has been established; and
- a Harmful Alteration, Disruption and Destruction (HADD) has been indicated as not resulting from the proposed development.

If these criteria are confirmed by the QEP in the “Assessment Report”, the Regional District would then be prepared to consider the issuance of a WDP.

It is recommended that this allowance be temporary in nature and be in effect whenever provincial processing times exceed three (3) months.

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If supported, this approach would allow for a more timely consideration of WDP applications, but Regional District staff would not be able to provide the same level of review as provincial staff whom, it is believed, are QEPs.

**Alternative:**

.1 Status Quo.

**Respectfully submitted:**

A handwritten signature in blue ink, appearing to read 'C. Garrish', is written over a horizontal line.

C. Garrish, Planning Manager