



**Review of the Environmentally  
Sensitive Development Permit  
Process in the Regional District of  
Okanagan Similkameen**

A review of the effectiveness of the current  
process with suggestions for the future

June 26, 2023

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# 1 Introduction

Environment and Climate Change Canada (ECCC) and the British Columbia (BC) Ministry of Water, Land, and Resource Stewardship (WLRS), in collaboration with the Regional District of Okanagan-Similkameen (RDOS), has retained Stantec Consulting Ltd. (Stantec) to undertake a third-party review of the current use of Environmentally Sensitive Development Permits (ESDPs) within RDOS jurisdictional boundaries and the effectiveness of how ESDPs are currently administered in managing the conservation of species and ecosystems at risk within RDOS.

Bylaw amendments have been proposed to limit the applicability of ESDPs to subdivisions by omitting other development projects that currently trigger an ESDP, such as single-family home construction. The proposed bylaw amendments are an attempt to address the regulatory burden on applicants and administrative burden on RDOS staff posed by the current ESDP system that was introduced in 2017.

This has raised concerns within ECCC and WLRS about the potential implications of this bylaw amendment, as it represents a significant change in how ESDPs are applied and the effectiveness of the proposed ESDP changes to avoid or mitigate urban and rural land development impacts on environmentally sensitive lands.

This review has been prepared for ECCC and the Province to evaluate of the effectiveness of the current ESDP bylaws as a conservation tool and to provide recommendations to RDOS to consider to better provide protections to sensitive environmental areas during development. This report aims to answer the following questions that were posed in the Statement of Work, provided by ECCC:

- Are ESDPs effective at mitigating impacts of development on sensitive habitats?
- Is the ESDP process having measurable benefits to the natural environment?
- Is the ESDP process reasonable from a cost/benefit perspective?
- What are ESDPs helpful for and what are they ineffective for? (e.g., large subdivision of greenfield vs. additional development on existing residential parcel)
- Are there other tools that can be effective?

To answer the above questions, Stantec undertook a 4-phase approach:

- Review of ESDPs issued by RDOS from 2017 to 2022 (Section 2)
- Post-construction ESDP audits and reviews (Section 3)
- Review and comparison of similar DP processes used by other local governments in BC (Section 4)
- Recommendations on how the ESDP process can be enhanced within RDOS's jurisdiction (Section 5)



This report has been prepared to summarize the findings of the first three review phases, provide a discussion around what aspects of the current RDOS ESDP process are functioning effectively and which are not, and provide recommendations on how the RDOS ESDP system could be made to function more effectively. The intent of this review is to provide a planning-level summary to facilitate discussions between RDOS and federal and provincial regulatory agencies (i.e., ECCC and WLRS).

## **1.1 Background on ESDPs in RDOS**

The RDOS encompasses the Okanagan Valley generally south of Peachland, and the Similkameen River Valley, and is the southernmost portion of the Okanagan Ecoregion, specifically the southern portions of the Central Okanagan and North Cascades Ecosection and the northern portion of the Okanagan Highlands Ecosection, which extends south into the United States. As a result of this unique geography, the South Okanagan-Similkameen area is one of the most biodiverse regions in Canada and provides unique and rare habitats for species at risk that occur no where else in Canada.

Municipal and regional governments in BC are granted legislated powers and mechanisms under the *Community Charter* and the *Local Government Act* to manage land development within their jurisdictional boundaries. These legal mechanisms include the use of development permits, which requires additional considerations to the development or conditions to development projects occurring within a Development Permit Area (DPA). These DPAs are designated by the local government in their Official Community Plan (OCP). Development permits are used for:

- The protection of lands, land users, and land use practices, including:
  - Managing the natural environment, its ecosystems and biological diversity
  - Development from hazardous conditions
  - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:
  - Intensive residential or multi-family development
  - Commercial, industrial
  - Development in a resort region
- Promotion of:
  - Energy conservation
  - Water conservation
  - Reduction of greenhouse gas emissions

Within RDOS, there are two DPAs that have been designated with the intent of environmental protection, the Watercourse Development Permit (WDP), and the Environmentally Sensitive Development Permit (ESDP). Generally, the WDP applies for developments within 30 m of a stream that has been mapped and the ESDP applies to sensitive terrestrial areas that are of conservation concern.

The first development permit area for environmental protection was established in 1997, requiring a development permit for areas containing “hot, dry shrub-grasslands habitats” and those identified by the 1990 *South Okanagan Conservation Strategy* as being environmentally sensitive areas.



## **Review of the Environmentally Sensitive Development Permit Process in the Regional District of Okanagan Similkameen**

### **1 Introduction**

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In the first six months of the development permit area being established, three permits were issued, with two of them being for single-family home developments. Concerns were raised during the June 30, 1997 Board meeting about the development permits creating regulatory burden for rate-payers. This led to the creation of an amendment bylaw (Bylaw No. 1778) that created the following list of exemptions for a development permit:

- construction, expansion or repair of single detached dwellings
- development within the Agricultural Land Reserve (ALR), and
- one lot subdivisions, or subdivisions that will create parcels greater than 20 ha

Between 1997 and 2017, RDOS issued 27 development permits, of which 7 were for the construction of a motel in Okanagan Falls, a campground, a tennis court, a dormitory in Naramata, and a water reservoir.

In 2017, RDOS revised the DPA and Official Community Plan guidelines for ESDPs following up on a commitment made by the RDOS Board April 1, 2010 to “Support the development of an inter-regional Biodiversity Conservation Strategy by collaborating with ecosystems experts, including those with traditional ecological knowledge, and balance ecosystems interests with economic and social sustainability”.

As a result of these revisions, RDOS greatly increased the number of permits issued from 1 or 2 per year prior to 2017, to upwards of 40 permits per year in 2019. This led to RDOS staff undertaking a review of the 2017 amendments, identifying the following concerns:

- the ESDP objective of “minimizing the impact of development on the natural environment” is too expansive and ill-defined and not achievable given the significant limitations associated with DPs (outlined below) and the supremacy of zoning (i.e., DPs cannot limit development allowed by zoning)
- the uncertainty that exists around the authority of a local government to ticket for infractions against an ESDP (principal recourse being injunctive action at BC Supreme Court)
- the absence of statutory authority to require post-approval monitoring reports
- the limitations of relying on landscaping bonds to achieve compliance (i.e., seen to be the “cost of doing business”, expense of having a biologist confirm landscaping may exceed value of bond)
- reliance on the Professional Reliance Model and lack of internal resources / expertise to undertake monitoring and compliance
- absence of performance measuring criteria (i.e., it is presently unknown if ESDPs are meeting their objective of minimizing the impacts of development on the environment)

This 2019 review by RDOS staff highlighted the concern that the 2017 ESDP amendments are not meaningfully addressing the objective of the RDOS board to minimize the effects of development on the environment, and have instead created undue regulatory burden on rate payers and RDOS staff.



## **Review of the Environmentally Sensitive Development Permit Process in the Regional District of Okanagan**

### **Similkameen**

#### **1 Introduction**

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In 2020, a Director's Motion was brought forward to the Board that proposed the following:

*THAT the RDOS Board apply Environmentally sensitive development permits (ESDPs) to only Subdivisions and rezonings; and further,*

*THAT Staff report back to the Board on the options to make ESDPs more effective at Subdivisions and rezonings; and further,*

*THAT ESDPs should in no way prevent or discourage residents from firesmarting their properties according to the firesmart principles.*

The motion was carried at the next meeting of the Board and are pending adoption by the Board.





## 2 RDOS Permit Document Review and Analysis

### 2.1 Overview

The initial phase of the Project entailed a review of the ESDPs issued by RDOS between 2017 to 2022. This was done to develop an overview of the types of projects that ESDPs have been issued for as well as to better understand the environmental assessments that were completed to support the DP application and how ESDPs are being used to guide developments to minimize their effect on the environment.

To standardize the review of each permit so the same data was gathered for each file, reviews were conducted using a data entry form prepared using Microsoft Forms. The form had three-parts:

1. General Overview and File Details,
2. Environmental Assessment Details, and
3. an Analysis section to evaluate the appropriateness of the methods used, permitting context, and how the natural environment was protected from adverse impacts.

### 2.2 Findings

A total of 236 permits had been issued between 2017 to 2022. Of these permits, 210 utilized the Rapid Environmental Assessment (REA), with only 26 having had a full Environmental Impact Assessment (EIA) completed: 4 in 2017, 6 in 2018, 6 in 2019, 2 in 2020, 6 in 2021, and 2 in 2022.

Of the 236 permits reviewed, Stantec reviewed 131 permits in detail. This included the 26 permits which had an EIA completed for them, and 105 permits which utilized the REA. The decision not to review the remaining 101 permits in more detail was made because the degree of repetition observed in the ESDPs using the REA method, and the available information in the issued permit, made further analysis of the 101 additional permits unnecessary, as there was little new information that would be obtained by further review of the REA permits. As well, many of the permits had been issued for the development of individual lots within the same subdivision, and so the content and the findings of the REAs completed for lots adjacent or in proximity to each other were generally similar.

The findings have been summarized in Sections 2.2.1 to 2.2.10 below, and the results of the permit reviews are visually summarized in Figure 2.1 to Figure 2.7 at the end of this section.



The following questions were used to guide the review and the analysis of the permits issued to date.

### **2.2.1 How many Environmentally Sensitive Development Permits were applied for and how many were issued?**

This question could not be fully answered as the RDOS does not keep track of instances where permits were applied for, but not issued (e.g., instances where the development project was abandoned, or applications were withdrawn). However, based on conversations with administration, RDOS said that, should an application be submitted with the supporting documentation as requested by a QEP, the permit would be granted. It is Stantec's understanding that all permit applications since 2017 that have met the application requirements have been approved.

Based on the files reviewed, it appears that 236 environmentally sensitive development permits were issued between 2017 and 2022.

### **2.2.2 What area (m<sup>2</sup>) of the parcel was affected by the proposed development, and what proportion of the total parcel area was that?**

In general, information for both parcel size and the development footprint area were not available or stated in the permits or the assessments. Of the 131 permits reviewed, only 56 had both property size and the development footprint size stated.

The average proportion of reviewed properties affected by development was 7% with the median proportion of the property affected by proposed developments being approximately 2%, however this was subject to the development type, location, overall lot size, and the range of the proportions of the property affected by proposed developments ranged from less than 0% to 62%, often the developments reviewed with higher proportions of property impacted by development occurred on smaller lot sizes. Although most permits included some detail on parcel size, most permits did not indicate the development footprint or other means necessary to determine the actual extent of proposed parcel disturbance outside of a simplified map. As such, the value of further analysis is limited given the information provided in the ESDPs.

### **2.2.3 How many ESDPs had any indication the landowner's original proposal was altered by the QEP recommendations in order to avoid or lessen impacts on natural values?**

The issued ESDPs provided by RDOS generally only contained final approval information and the final QEP report. As such, Stantec was only able to review the final report that was provided for the review. There was no indication as to whether any redesigns had occurred following the site assessment or at the recommendation of the QEP.

Of the 131 reports audited, 65 were found to show some evidence of consideration of the natural environment, in that the development appeared to mitigate or avoid potential environmental impacts through design practices such as focusing development on previous disturbance, incorporation of natural landscaping for environmental enhancement, or the use of low impact materials or design elements.



As outlined in Section 3.2 Findings of the Process Audit, the landowners that provided feedback during interviews about the RDOS process indicated they did not modify their proposals as a result of QEP feedback.

#### **2.2.4 Quantification of features that were avoided/ preserved – type, volume?**

A quantification of the amounts, areas, or volumes of natural features that had been conserved as a result of ESDP conditions was not possible given the level of information available in the permits issued by RDOS. This is not generally assessed in the REA methodology and is not often explicitly provided in the EIA reports that were reviewed.

Despite this, the majority of the permits had some recommendations made by QEPs specifically indicating areas within the property of high environmental value that should be conserved. Features that were avoided or protected as a result of an ESDP included intact native vegetation communities present on properties, wildlife trees where present and safe to do so, and rocky outcrops and rock piles, and areas where the QEP had indicated higher environmental sensitivity (e.g., areas classed as high or very high environmentally sensitive areas under the Development Procedures Bylaw [No. 2500, 2011]).

#### **2.2.5 Select representative sample of ESDPs and determine the nature of recommendations made by the QPs to avoid, minimize, or mitigate impacts to species and ecosystems at risk?**

From the reviewed permits, the predominant method of environmental conservation was through the avoidance of sensitive features where possible. All permits with a QEP report included had some form of mitigation plan or recommended measures for environmental protection. Many of the reviewed permits had recommendations of no-disturbance areas or areas to maintain as natural and identified areas of high habitat value to be protected during development. Erosion and sediment control measures, management of noxious weeds and invasive species, and the use of timing windows were standard measures applied in the majority of the reports.

Of the 131 permits reviewed, 91 properties were found to have a mitigation plan that was developed for specific site conditions, and 22 properties had mitigations recommended that were considered to be generic best practices and not necessarily tailored specifically to the subject property or the development. The remaining sites were found to have either no mitigation measures proposed, or that the measures proposed may be insufficient (either not clearly and explicitly provided, not addressing specific sensitive features, or were unable to be reviewed as they were missing from the reviewed permit package).

#### **2.2.6 How many ESDPs may have been unnecessary, and what kind (i.e., expanding a deck, installing a pool where no Sensitive features exist)**

During Stantec's review, it was of the opinion of the reviewers that 41 of the 131 permits unnecessarily triggered an ESDP, including 5 permits that had an EIA completed (a sixth permit that utilized an EIA was deemed as unnecessary, however the complete report was not included with the application, and so the applicability was not able to be fully evaluated during the audit).



Of the reviewed permits that were considered as being unnecessary, the leading reason was that the property had been highly disturbed previously, and so natural features were either not onsite, or were not at risk of impact by further development on the property within existing disturbances. A number of sites were also found to have such a small footprint of disturbance relative to the overall property, or were triggered by the construction of house modifications or outbuildings that would not significantly change the footprint of existing disturbance on the property. ESDPs issued for some areas were considered unnecessary as the ESDP area had been mapped to account for the development of subdivision servicing infrastructure and preparation of lots for future construction, but the ESDP areas were still present on small portions of the parcel so the construction of a single detached house on these properties required an ESDP despite the footprint generally occurring within areas already prepared for development. One permit issued for the development of a vineyard and agricultural operation was found to be unnecessary, as farm operations are able to operate with special exemptions and are not subject to some of the requirements of other development types due to “right-to-farm” practices at the provincial level.

It was also found that many ESDPs were being completed for multiple stages of development at the same property. Environmental assessments and permits were completed at the subdivision level, and were also required prior to the development of individual lots that had been created as part of an already assessed subdivision. As well, ESDPs were required for further developments on lots with existing development.

### **2.2.7 How many ESDPs were ineffective because they lacked measures to preserve environmental values?**

This question is unable to be answered definitively at this time, as the information required to determine whether the ESDP was ineffective in a particular instance was not available to Stantec when conducting the review.

Almost all reviewed permits had mitigation measures proposed as part of the environmental assessments completed for the development. In general, the mitigation measures recommended appeared to be sufficient in the context of specific properties and the proposed development, given that the risk of environmental damage was generally minimized through the design of the developments (e.g., avoidance of undisturbed areas where possible, prioritized use of pre-existing disturbance or degraded areas). However, there is minimal information available on how effectively the recommended mitigation measures were adhered to or applied during construction as environmental monitoring was often not required for the development to proceed.

### **2.2.8 How many were ineffective because QEP direction was not followed in the long-term?**

This question could not be answered as RDOS does not track whether the recommendations and requirements of the QEP were followed. Additionally, 3 out of 5 landowners that responded to the questionnaire (Section 3.2.1) about the RDOS process indicated there was no follow-up after they obtained development approval to ensure their development followed the guidelines requested in the EIA report.



### **2.2.9 Are there categorical areas where ESDP and mapping Does Not work? E.g., Anarchist where everything is already developed?**

During the review of the issued permits, there were several instances of bare-land residential subdivisions that had ESDPs submitted for each individual lot as they were being developed by the individual landowners. Given that subdivisions are a trigger for an ESDP, this likely means that each property will have two ESDPs applied for, one at the subdivision level, and another when the property is being developed. This may be a result of the ESDP mapping not being updated to reflect the changing state of disturbance in the area.

Some areas such as Anarchist Mountain have had the ESDP mapping modified to account for the subdivision, with the mapping being drawn to exclude areas of existing permanent disturbance. The issue encountered in this instance is that the mapping modification does not appear to take into account that the area will be developed to a higher intensity as a result of the approved subdivision, and, because home construction is occurring on a lot-by-lot basis, development is still ongoing.

Many of the newly created lots have had some degree of site preparation, including a rough building pad being created, and utility and road services pre-built. The ESDP mapping in this area excludes these pre-disturbed areas, however the remainder of the lots were subject to ESDP requirements and so required an ESDP to proceed with construction. This will still result in these areas requiring ESDPs twice through the initial development process (i.e., during subdivision, and then during construction).

### **2.2.10 Average cost of ESDP for landowners (QEP report and other required documentation) and workload for RDOS- Cost/Benefit analysis?**

The cost of an ESDP application on the landowner varies depending on the type of development proposed, the assessments required, and the amount of liaising with local governments, the landowner, and other development or construction professionals (e.g., architect, engineers, geologists).

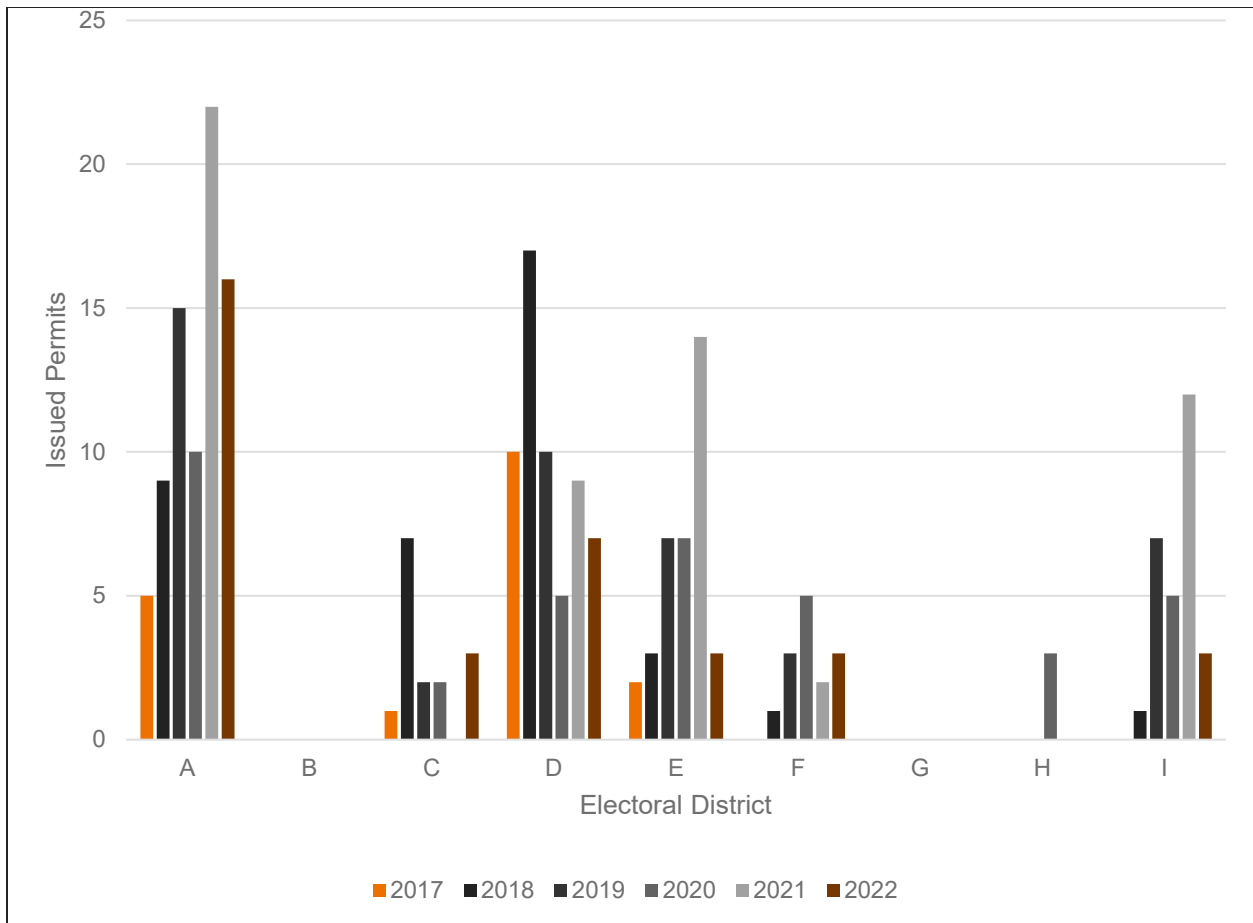
This information was not able to be obtained by the permit reviews, however the information obtained from the surveys distributed by QEPs indicated a typical fee range of \$1,000-\$2,000 for a rapid environmental assessment and between \$3,000 to \$8,000 for a full EIA report.

### **2.2.11 Figures Summarizing Permit Review Results**

The results of the permit reviews are visually summarized in Figure 2.1 to Figure 2.7, below.



Figure 2.1 The number of ESDP permits issued by RDOS since 2017

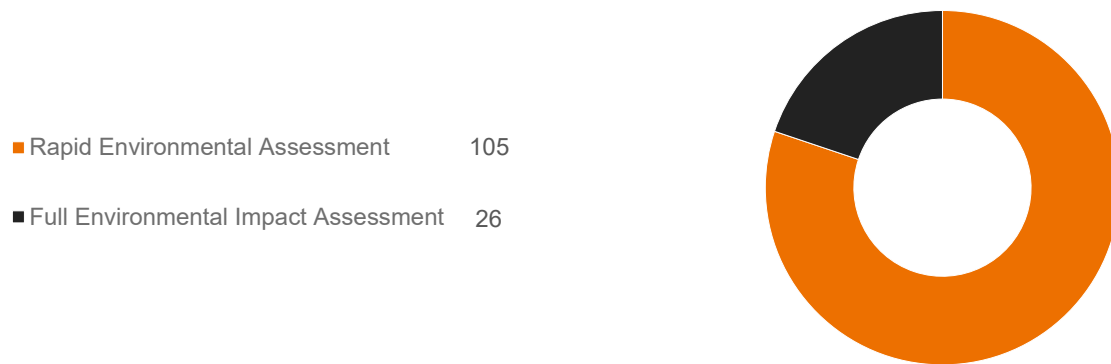


Note: Electoral Area B does not currently have an OCP and the OCP of Electoral Area G was implemented in December of 2022<sup>1</sup>

<sup>1</sup> <https://www.rdos.bc.ca/regional-government/regional-bylaws/>



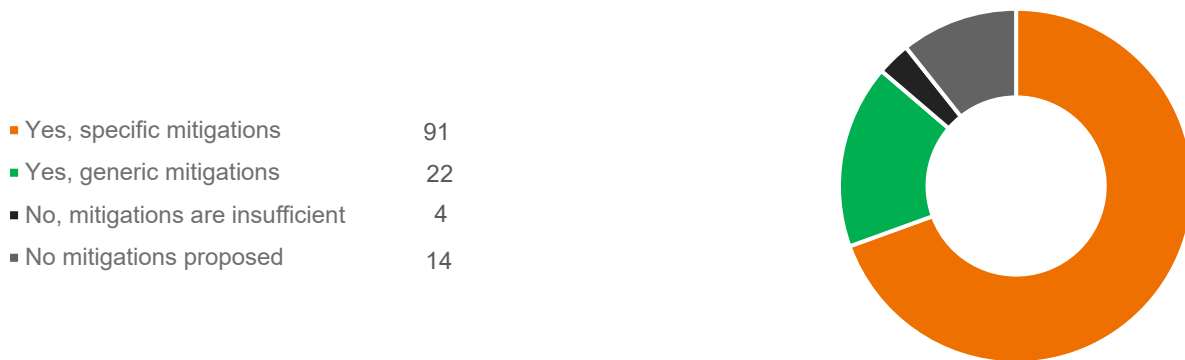
**Figure 2.2** Assessment methodology used on ESDP permits reviewed.



**Figure 2.3** Instances of pre-existing disturbance present on reviewed ESDP permits



**Figure 2.4** Were mitigations proposed in the reviewed permits



**Figure 2.5** Was a monitoring plan prescribed by the QEP?



**Figure 2.6** Were offsetting plan or enhancement measures proposed in the reviewed permits?





Figure 2.7 Was the reviewed permit considered necessary?



## 3 Permitting Process Review

### 3.1 Review guidelines

To provide additional information regarding how effective RDOS's ESDP process is, questionnaires were sent out to previous applicants and QEPs that had been through the process. As the level of information and detail assumed to be held by each of the two audiences was significantly different, two different questionnaires were used: one tailored to landowners and one to QEPs. In addition, both a short and longer version of the survey were available to landowners to account for respondents who likely would not have access to or interest in providing specific application details.

#### 3.1.1 Limitations

Several limitations to the success of this audit were identified; namely, only completed permit approvals were kept on file by RDOS, with incomplete or abandoned ESDP applications not available to Stantec during the review. As such, only those who successfully obtained a permit were contacted to share their experiences. While it was discussed that a community-wide engagement could be done to support this review, it was out of scope of this review, and was not undertaken by Stantec.

### 3.2 Findings

In total, 50 landowner surveys were sent out, with 5 being completed: 2 short-form and 3 long-form; and 30 surveys were sent out to QEPs, with 11 QEPs responding. A summary of all responses has been included in Appendix A with high-level summaries of responses is described below.

In accordance with the Project scope of work, the surveys were designed to answer several questions, summarized in the following sections.

#### 3.2.1 What did landowners think about the process?

As outlined in the limited feedback gathered from landowners, when asked how difficult they found the process of obtaining development approval for lands in the ESDP area, the average response was 3.4 out of 5, with 1 being very difficult and 5 being very simple. Of the detailed responses gathered, all respondents met with RDOS in advance of their application to discuss the process and felt they understood "fairly well" what was required.

When asked how well they felt the ESDP process worked at protecting the natural values present on their parcel however, the average response was 2.8 out of 5, with 1 being not at all and 5 being very well. This sentiment was supported by other responses that indicated 4 out of 5 respondents felt the ESDP process was not necessary for their specific development proposal. Comment responses suggested a disconnect between mapped values and ground-truthed values. This was followed up in a later question where a respondent suggested that a site visit should be used to confirm environmentally sensitive features are present and may be impacted prior to requiring landowners go through the process.



### **3.2.2 What did QEPs think about the process?**

Overall themes from the responses provided by surveyed QEPs were that they often felt unclear on the requirements of the reports they provided, as well as the inconsistency when to use REAs and EIAs, and an overall frustration with environmental protection measures being applied and developer adherence to DP conditions.

Where QEPs stated that they were unclear on reporting format and content required, which was generally based on past experiences of feedback received from RDOS on submitted reports. Some comments shared by QEPs highlighted that there has been a wide inconsistency in the feedback they have received on their reports from RDOS-outsourced reviewers (e.g., reviewers from the South Okanagan-Similkameen Conservation Stewardship Program supporting RDOS). This also affects the ability to RDOS to provide clear and consistent guidance on how/where/when the DPs apply.

The variability of ESDP requirements between different local governments within the Okanagan was also stated as a source of potential confusion by QEPs, as each local government administers their environmental DPAs slightly differently and requires slight differences in the content and layout of technical reports between jurisdictions. One QEP suggested that “more collaboration should be pursued between RDOS, the Central Okanagan Regional District, the North Okanagan Regional District, and the incorporated municipalities in the Okanagan-Similkameen. Having consistency between these local governments would eliminate some confusion about practicing in different areas of the Okanagan, helping to harmonize conservation planning initiatives, and potentially allow for the sharing of technical resources or staff between municipalities to address any staffing shortfalls present across the Okanagan local governments”.

Many QEPs noted the reality of environmental protection measures being followed often does not align with the ESDP conditions for the development. The lack of monitoring and follow-up compounds this issue, as does the inability or ineffectiveness of enforcing ESDP requirements on developers. Additionally unpermitted developments, development creep, and subsequent developments in an area further compound the incremental loss of natural habitat features.

Another key issued raised is the clarification and confirmation of the role of a QEP in the DP process. Under the Professional Reliance Model, the role of a QEP is to act as a third-party and provide an objective, and impartial conclusion as to the impacts of the work. A QEP should not be relied upon to make development approval decisions by regulators. The decision to approve development needs to be made by knowledgeable RDOS staff, as the consideration of whether a project should be approved or not is often outside of their contract scope or professional authority when hired by a landowner or developer. As QEPs completing the assessments under the ESPD requirements are retained by the developer, there is a potential conflict of interest in being relied upon to make land use decisions, as the system of finding and retaining a QEP is often a competitive bid, with the landowner or developer deciding which QEP to work with. As such, QEPs hired on behalf of a landowner or developer are in a position where getting what their client wants may lead to further work and additional projects.

Another area raised by the QEPs surveyed was that many landowners are unaware of environmentally sensitive areas or environmental conservation measures that may be required when they pursue



development. Often, this role falls to QEPs to educate their clients and coach them on how the ESDP application system works which may frustrate landowners unaware of constraints on how they can develop their property. There could be more information or education provided by RDOS in this respect.

### **3.2.3 Did QEPs negotiate with landowners in advance to modify their proposals to minimize mitigations necessary to ease the regulatory process of getting a permit?**

Of the landowners who provided feedback it was indicated they did not modify their proposal based on recommendations from their QEP to avoid or lessen impacts on the natural environment. In contrast, QEPs that responded to the survey said that modifications to work plans or development plans were generally recommended in the majority of instances.

QEPs that provided feedback indicated that in instances where design changes are recommended, clients or developers tend to be lukewarm about any design changes that would further protect the natural environment from the subject development. Often QEPs feel like the recommendations they make are not followed once the ESDP is obtained. The general lack of follow up or environmental monitoring during construction makes this a difficult item to track, as there is a general not a requirement of the ESDP.

### **3.2.4 Change comparison and post construction follow up**

The ability to compare the post-construction condition of permitted developments was limited during this review. Available aerial imagery from third party sources, as well as available from RDOS was generally limited in reflecting current land use conditions. This was also an item identified by QEPs responding to the feedback survey as an area that could be enhanced to better streamline the ESDP process.

Additionally, the majority of the permits issued (136 of 236 ESDPs) were approved between 2020 and 2022, which limited the ability to utilize aerial imagery effectively, as these are often not available until the year following the completion of the imaging project, at a minimum.

Given the limitations in verifying the status via desktop methods, overall lack of post-construction follow up monitoring and timing constraints of this review project, an evaluation of change comparison was not able to be effectively done. Stantec recommends this evaluation be included in future reviews or technical information projects.



## 4 Summary of Similar Environmental DPA Bylaw Processes in BC

To inform the recommendations of this report, a desktop review was completed examining the practices of other comparable regional districts. While reviewing how effective DP processes of other local municipalities and regional districts are at conserving environmentally sensitive areas is outside the scope of this report, comparing how these processes are implemented can provide insight on the strengths or gaps in the ESDP process utilized by RDOS.

### 4.1 Comparable review guidelines

When selecting regional districts to review, those of comparable population and geographical location were selected. To ensure the comparison between the RDOS's use of their ESDP areas to other regional districts was relevant, it was necessary to clarify the ESDP's purpose and role. As outlined in the RDOS Environmental and Watercourse Development Permits brochure, "...Environmentally Sensitive Development Permit (ESDP) areas have been designated for the protection of the natural environment, its ecosystems, and natural biological diversity." While this definition does not exclude aquatic environments from its scope, the RDOS also identifies Watercourse Development Permit (WDP) areas, separate from the ESDP areas, to address developments' adherence to Riparian Areas Protection Regulations; as such, it can be determined that ESDP areas in the RDOS are intended to protect primarily non-aquatic environments.

### 4.2 Findings

In accordance with the project contract, the following questions were used to guide the review; a summary of the findings has been provided below with more detailed information included in a tabular format as shown in Table 4.1

#### 4.2.1 Which other comparable regional districts in BC are currently using an ESDP process?

Based on a review of publicly available information from Regional District websites, it was determined that 5 other comparable regional districts were using environmental development permit areas that would be considered comparable to that used in the RDOS, namely those that were intended to protect non-aquatic environments.

Comparable districts using environmentally sensitive development permit areas, for similar purpose to that used by RDOS, include Regional District of Central Okanagan, Regional District of North Okanagan, Regional District of Central Kootenay, Regional District of East Kootenay, and Fraser Valley Regional District.



## **4.2.2 What public documents are available?**

To support applicants' understanding of the development permit process, its purpose, and its requirements, regional districts use online resources such as one-page brochures or FAQ landing page websites to answer commonly asked questions. A general review of these resources would suggest they are intended to be accessed primarily by the public, should the public know if/ where to look for such information on the website, and provide them with a high-level overview. Information and wording included in these resources are primarily legislative context and while accurate, is not necessarily "plain language" information that could be easily understood by either landowners or consultants without experience in these applications. In the opinion of this review, the most helpful tool available on regional district websites is a clear willingness of the staff to meet with potential applicants to go over their application and help guide them through the development permit requirements and application process.

Where maps are provided by RDOS to illustrate the environmentally sensitive areas used to justify the development permit areas, they are most often included in the official community plans, and drawn at a scale that is difficult to view for individual properties or specific applications of the DPA. While an online, open-data web map does exist (i.e., RDOS Parcel Viewer), it may not be the most accessible or easy to use tool for members of the public to use. It was the experience of Stantec that a learning curve does exist for both using the mapping platform as well as finding and toggling mapping data to visualize DPAs.

## **4.2.3 How are the ESDPs provided for in bylaws**

Official Community Plans (OCPs) are the bylaw tool used to establish ESDP areas. Regional districts often have developed OCPs for different electoral districts, it was seen that some of the OCPs in a regional district included ESDPs and others did not. Of those that used ESDP areas, wording was reviewed to determine how applicability of the policy would be applied and how exemptions would be considered and summarized in Table 4-1. Key wording was found to be included in the ESDP bylaws to provide clarity about the policies' applicability and enhance its effectiveness in protecting environmentally sensitive areas. This wording is focused on ensuring ESDPs were used only in situations where a proposed development was anticipated to potentially negatively impact a known environmentally sensitive area and confirming that applicability prior to requiring the applicant complete any additional work. Specific types of phrasing included:

- Indicating that only where impacts to the land would be anticipated should the requirements apply.
- Confirming environmentally sensitive areas exist within the proposed development area, through site visits completed by technically knowledgeable administrative staff or QEPs.
- Clarification regarding the types of uses that proposed development would be for, often excluding farm-related uses, those associated with public utilities or transportation corridors (e.g., roadways, railways), and those managed by other levels of government (e.g., provincial parks).

These instances of specific wording or phrasings are indicated by bolded text in Table 4.1.



#### **4.2.4 How many permits are issued annually?**

The number of development permits issued annually for comparable types of permits is not published or made readily available for public access on many of the other regional district websites; as such, it is unknown how many environmentally sensitive development area permits are issued by comparable regional districts annually. Future follow up works could involve meetings or interviews with other municipalities to review how they issue ESDPs and how their review process compares to RDOS.

#### **4.2.5 How many enforcement actions have been taken?**

Enforcement actions were not published on reviewed regional district websites.

#### **4.2.6 What is the penalty for non-compliance?**

Information outlining penalties for non-compliance with development permits was not readily published on most of the reviewed regional district websites.

In the case of RDOS, the following information on enforcement actions on ESDP permitted developments was provided to Stantec:

- There were 94 records of securities provided to RDOS related to environmental protection.
  - Of the securities on record, 68 have been returned to-date, with 52 securities being returned prior to the implementation of the new procedure in 2017, and 16 additional securities returned after the new procedure was implemented.
  - Of the 52 securities that were returned prior to the new procedure's implementation, approximately 90 % of the files have had a QEP monitoring report. There were a few instances where the securities that were approved for return did not have any QEP monitoring, however the reason for why was not provided for in the materials shared with Stantec.
  - There are 26 securities (with 3 over \$25,000) which are still being held by RDOS, however it was indicated to Stantec that these are in the process of being returned.

It was also noted by RDOS during meetings related to this review project that this data may also include WDP securities, as well as ones required from ESDP applications.



Table 4.1 Review of Regional Districts' Use of Comparable Development Permit Areas

Comparable Regional District	Environmental Development Permit Areas	Link	Comparable to the RDOS ESDP		Publicly Available Tools	Bylaw Wording Select Extracts Only, See Link for Complete Context	Permits Issued		Number of Enforcement Actions	Penalty for Non-Compliance
			Yes	No			2021	2022		
RD of Central Okanagan	Aquatic ecosystem DPA	<a href="#">Link</a>		X						
	Sensitive Terrestrial DPA	<a href="#">Link</a>	X		<ul style="list-style-type: none"> <li><a href="#">Online FAQ landing page</a></li> <li><a href="#">Development Permit Process Brochure</a></li> <li><a href="#">Terrestrial DPA Brochure</a></li> <li><a href="#">Online GIS Mapping of DPA areas</a></li> </ul>	<p><a href="#">Link</a></p> <p>In Terrestrial Ecosystem Development Permit Areas, a Development Permit must be approved before land is altered or subdivided (including but not limited to land clearing, preparation for the construction of services or roads, and blasting); and, before construction of, addition to or alteration of a building or structure.</p> <p><b>Development Permit is not required where;</b></p> <ol style="list-style-type: none"> <li><b>A development permit of this type has already been issued or a covenant dealing with Sensitive Terrestrial Ecosystem issues is registered on property title for the area in the past</b>, and the conditions in the development permit or covenant have all been met, and the conditions addressed in the previous development permit or covenant will not be affected, or</li> <li>The Development Permit Area is fenced in a way acceptable to the Director of Development Services in order to prevent any accidental disturbance, and, there is a permanent protection of the DP area by means such as a restrictive covenant, return to Crown Land, provided as public park, or similar method acceptable to the Director of Development Services, or</li> <li>A site inspection is conducted and a professional report by a Registered Biologist with experience in rare and endangered species, is submitted to the Director of Development Services, documenting that ecosystem attributes on the site have been lost due to previously approved development, or</li> <li>There is change of use, repair, renovation or reconstruction of a building in which the building "footprint" is not altered or increased or alteration or addition to buildings and structures that are less than 10m<sup>2</sup> area, or</li> <li>There is placement of temporary construction and project sales offices, or storage of construction materials on a site provided that the use is removed within 20 days of completion of the project and the activities do not disturb or damage the identified ecosystem attributes, or</li> <li>The activity involves timber harvest, forest road construction, open livestock range, grazing enhancement, forest recreation or other forest management activity on Crown Land that is conducted under the auspices of the District Forest Manager, or</li> <li>The activity involves water management works conducted under the auspices of the Regional Water Manager, or</li> <li>The activity involves replanting or replacement of agricultural crops on areas of a site that are currently in crop production, or</li> <li>The activity occurs on land designated provincial "Agricultural Land Reserve", and relates solely to normal farm practices in accordance with the Farm Practices Protection Act, or</li> <li>The activity involves the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester registered in British Columbia and in accordance with provincial "Firesmart" standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program, or</li> <li>The activity is conducted under direction of the Provincial Emergency Program. Development Permits issued in this area will be in accordance with the following objectives and guidelines: a. Development Permit Objectives and Guidelines for Sensitive Terrestrial Ecosystems (Appendix 3)</li> </ol>	Not published	Not published	Forfeit of bonding	
RD of North Okanagan	Environmentally Sensitive Lands DPA (Elec. B, Elec. C, Silver Star)	<a href="#">Link</a>	X		<ul style="list-style-type: none"> <li><a href="#">Online Development Applications landing page</a></li> <li><a href="#">Development Permit Process Brochure</a></li> </ul>	<p><a href="#">Link</a></p> <p>16.3.3 The Planning Department will provide a copy of the conservation rank mapping as it relates to the applicants property. All development permit applications should use available sensitive ecosystems inventories and other sources as a general guide, but <b>site-specific field investigation may be required to determine the actual environmental values.</b></p> <p><b>Development Permit Submission Requirements</b></p> <p><u>General Guidelines (High Conservation Ranking)</u></p> <p>16.3.5 Environmentally Sensitive Lands Development Permit applications should be considered in accordance with the following guidelines:</p> <ol style="list-style-type: none"> <li>Development should be consistent with relevant provincial and federal legislation and regulations (Fisheries Act, Waste Management Act, and guidelines "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia"; "Wetland Ways: Interim Guidelines for Wetland Protection and</li> </ol>	Not published	Not published	Not published	





Review of the Environmentally Sensitive Development Permit Process in the Regional District of Okanagan Similkameen  
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Comparable Regional District	Environmental Development Permit Areas	Link	Comparable to the RDOS ESDP		Publicly Available Tools	Bylaw Wording Select Extracts Only, See Link for Complete Context	Permits Issued		Number of Enforcement Actions	Penalty for Non-Compliance
			Yes	No			2021	2022		
						<p>Conservation in British Columbia 2009'; and 'Designing and Implementing Ecosystem Connectivity in the Okanagan').</p> <p>b. Site plans should minimize fragmentation of large forest or grassland patches through careful siting of roads, infrastructure and development.</p> <p>c. Developments and subdivisions should be designed to protect endangered, threatened, or vulnerable species and plant communities, including critical habitat such as a watercourse, pond, lake, vegetation stands, and wildlife habitats.</p> <p>d. Careful site planning should avoid disturbance of steep slopes, particularly those known to support sensitive plant or wildlife communities.</p> <p>e. In areas of High Conservation Ranking <b>where the scope and scale of development or subdivision could have a significant impact (habitat destruction and or fragmentation) on the sensitive lands and features present, with an area of disturbance exceeding 500m<sup>2</sup>, an applicant may be required to supply an environmental impact assessment and/or habitat assessment, prepared by a Qualified Environmental Professional</b> or person with similar qualifications and acting in their area of expertise, which inventories the existing environmentally sensitive feature(s) and assesses the environmental impact of the proposed development and prescribes appropriate recommendations for construction, mitigation and protection of habitat.</p> <p><u>Guidelines (Very High Conservation Ranking)</u></p> <p>...</p> <p>16.3.7 In addition to the above noted guidelines in Section 16.3.5 <b>lands that fall within the Very High Environmentally Sensitive Lands Development Permit Area are required to supply an environmental impact assessment and/or habitat assessment, prepared by a Qualified Environmental Professional.</b> The QEP's report shall consider the site specific natural and environmentally sensitive features that support ecosystem function, natural geological processes, wildlife ecology, and unique ecosystems. These include, but are not limited to:</p> <p>...</p> <p><b>Exemptions</b></p> <p>16.3.13 Notwithstanding the Policies of this Section and pursuant to Section 919.1 (4) of the Local Government Act, the following development proposals may not require Development Permits:</p> <p>a. Development, upon submission to the Regional District of a <b>written statement from a Qualified Environmental Professional confirming the absence of an environmentally sensitive ecosystem within the area that would be affected by the proposed work.</b> The QEP must identify the methodology used which should be of the same or higher standard than that used in the development of the Conservation Ranking; or</p> <p>b. Subdivision of land where minimum parcel sizes are met, and it has been <b>deemed that a sufficient building envelope, suitable building site and sewage disposal area can be provided outside of the Environmentally Sensitive Development Permit Area;</b> or</p> <p>c. Reconstruction, renovation or repair of a legal permanent structure that <b>maintains the same footprint</b> in accordance with provisions of the relevant section of the Local Government Act; or</p> <p>d. Alterations or repairs to existing roads, paths or driveways, provided there is <b>no further disturbance of land or vegetation;</b> or</p> <p>e. Accessory residential or agricultural buildings with a <b>total gross floor area of less than 55 m<sup>2</sup></b> and meeting the setbacks of the Zoning Bylaw; or</p> <p>f. the construction, alteration, addition, repair, demolition and maintenance of <b>farm buildings, farm fences and normal farm practices</b> as they are subject to the Farm Practices Protection (Right to Farm) Act</p>				
RD of Kootenay Boundary	Waterfront Environmentally Sensitive (Elec. C)	<a href="#">Link</a>		X						
	ESA Map, but no DPA (Elec. D and Elec. E)			X						
RD of Central Kootenay	Environmentally Sensitive Development Permit (Elec. A - riparian)	<a href="#">Link</a>		X						
	Watercourse Development Permit			X						



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Comparable Regional District	Environmental Development Permit Areas	Link	Comparable to the RDOS ESDP		Publicly Available Tools	Bylaw Wording Select Extracts Only, See Link for Complete Context	Permits Issued		Number of Enforcement Actions	Penalty for Non-Compliance
			Yes	No			2021	2022		
RD of East Kootenay	Environmentally Sensitive Development Permit	<a href="#">Link</a>	X		<ul style="list-style-type: none"> <li><a href="#">Online Development Permit Areas landing page</a></li> <li><a href="#">Online FAQ landing page</a></li> </ul>	<p><a href="#">Link</a></p> <p><b>Requirements</b></p> <p>(a) Within Development Permit Area #2, owners must obtain a Development Permit before:</p> <p>(i) Subdivision creating one or more <b>vacant</b> parcel(s) where any portion of the parent parcel under application is located within Development Permit Area #2;</p> <p>(ii) Construction, addition or alteration of a building or structure where any portion of the proposed <b>development footprint</b> is located within Development Permit Area #2; or</p> <p>(iii) Alteration of land, including the removal of vegetation or site grading, where any portion of the proposed <b>development footprint</b> is located within Development Permit Area #2.</p> <p><b>Exemptions</b></p> <p>(a) A Development Permit is not required within Development Permit Area #2 under the following conditions:</p> <p>(i) The proposed activity is limited to <b>internal</b> alterations to buildings or structures.</p> <p>(ii) The proposed activity is limited to the <b>reconstruction, renovation, repair of, or addition to existing buildings or structures which increase the development footprint by an amount less than 25% of the area</b> existing at the time this OCP was adopted.</p> <p>(iii) The proposed activity is limited to the installation, repair or placement of utilities infrastructure within a <b>public right of way</b>.</p> <p>(iv) The proposed activity is limited to general road or railway construction or maintenance within a <b>public road right of way or railway right of way</b>.</p> <p>(v) The proposed activity is limited to:</p> <p>(A) the removal or pruning of <b>hazardous trees</b> as identified by a qualified hazard tree assessor;</p> <p>(B) an <b>ecosystem restoration project</b> approved by a Qualified Environmental Professional (QEP); or</p> <p>(C) supplementing or maintaining <b>natural existing vegetation</b>.</p> <p>(vi) The proposed activities are considered to be <b>normal agricultural practices</b> as defined in the Farm Practices Protection (Right to Farm) Act or designated as farm use within the Agricultural Land Commission Act and Regulations.</p> <p>(vii) With respect to subdivision under section 20.3(4)(a)(i) [subdivision], either:</p> <p>(A) <b>RDEK staff conducts a site visit and confirms that the ESA identified</b> in Schedules K and K1 to K3 is not present on the parcel under application. If identifying the presence or absence of the ESA identified in Schedules K and K1 to K3 is beyond the expertise of RDEK staff, then section 20.3(5)(a)(vii)(B) applies.</p> <p>(B) <b>A QEP conducts a site visit and confirms in a signed letter that the ESA identified</b> in Schedules K and K1 to K3 is not present on the parcel under application.</p> <p>(viii) With respect to development under 20.3(4)(a)(ii) [subdivision] or (iii) [construction], either:</p> <p>(A) <b>RDEK staff conducts a site visit and confirms that the proposed development footprint is not an ESA, even though it is within the area identified</b> in Schedules K and K1 to K3, provided that if identifying the presence or absence of the ESA is beyond the expertise of RDEK staff, then Section 20.3(5)(a)(viii)(B) applies.</p> <p>(B) <b>A QEP conducts a site visit and confirms in a signed letter that the proposed development footprint is not an ESA, even though it is within the area identified</b> in Schedules K and K1 to K3.</p> <p>(ix) The land and ESA values within Development Permit Area #2 have been permanently and adequately protected by means such as a conservation covenant, returned to Crown ownership, provided as public park, or similar method as is acceptable to the Planning &amp; Development Services Manager. Any reference in section 20.3 to the RDEK accepting a conservation covenant is at the discretion of the RDEK.</p> <p>(x) The proposed activity is limited to <b>timber harvesting, forest road construction, grazing enhancement, forest recreation or other forest management activities</b> on Crown land that are conducted under the auspices of the appropriate provincial Ministry.</p> <p>(xi) The proposed activity is conducted under the authority of the <b>Provincial Emergency Program</b>, is intended to resolve emergency situations that present an immediate danger to life or property including procedures related to flooding or erosion.</p> <p>(xii) The proposed activity is limited to emergency repairs to buildings or structures where there is a demonstrable and immediate risk to personal or public safety and property. (xiii) The proposed activity is limited to <b>drilling a well, or the siting, construction or installation of a septic tank, drainage field, or sewage treatment system</b> in accordance with provincial regulations. This exemption does not apply to the siting, construction or installation of a septic tank, drainage field, or sewage treatment system located in the riparian buffer area described in section</p>	Not published	Not published	Not published	



**Review of the Environmentally Sensitive Development Permit Process in the Regional District of Okanagan Similkameen**  
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Comparable Regional District	Environmental Development Permit Areas	Link	Comparable to the RDOS ESDP		Publicly Available Tools	Bylaw Wording Select Extracts Only, See Link for Complete Context	Permits Issued		Number of Enforcement Actions	Penalty for Non-Compliance
			Yes	No			2021	2022		
	Shoreline DPA			X		20.3(7)(b)(iv) unless section 20.3(5)(a)(viii) applies. Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779 Page 49  (xiv) The proposed activity is limited to the siting, construction or installation of a <b>retaining wall or shoreline/bank protection device</b> in accordance with applicable legislation, regulations and best practices. (xv) The proposed activity is limited to subdivision which solely involves <b>parcel line adjustments</b> . (xvi) The proposed activity is <b>substantially consistent with a development permit previously</b> issued under section 20.3(4)(a)(i). (xvii) The proposed activity involves the development or management of a <b>provincial park</b> ; is conducted within the boundaries of a provincial park; and is compliant with the provincial Park Act.				
Columbia-Shuswap RD	Lakes 100m DPA	<a href="#">Link</a>		X						
	Riparian Areas Regulation DPA			X						
	Foreshore and Water DPA			X						
	Greeley Environmental DPA 1 (Elec. Area B)		X		<ul style="list-style-type: none"> <li><a href="#">Online Development Permits landing page</a></li> <li><a href="#">Development Permit Application Guide brochure</a></li> </ul>	<p><a href="#">Link</a> <b>Guidelines</b> A development permit is required, except where exempt under Exemptions Section 5.5.3.4 Exemptions, for commercial or recreational development, including:</p> <ol style="list-style-type: none"> <li><b>Removal, alteration, disruption or destruction of vegetation involving more than 100 m2 of vegetation coverage area;</b></li> <li><b>Construction</b> of hiking, horse, or cycling trails and infrastructure <b>within the Riparian Assessment Area of a waterbody or stream;</b></li> <li>Construction or erection of buildings and structures with a <b>sum total footprint in excess of 200m2</b></li> <li>Creation of <b>non-structural impervious or semi-impervious surfaces in excess of 100 m2;</b> or</li> <li>Subdivision as defined in the Land Title Act, and including the division of land into 2 or more parcels.</li> </ol> <p>A Greeley Environmental Development Permit may be issued once the following guidelines have been met:</p> <ol style="list-style-type: none"> <li>A professionally prepared report completed by a Qualified Professional that identifies wildlife, plants, and plant communities, wildlife corridors, aquatic animals and high value habitat, and recommends:                             <ol style="list-style-type: none"> <li>Development patterns and servicing to minimize impact on rare, endangered or sensitive wildlife plants;</li> <li>Mitigation and enhancement strategies; and</li> <li>Storm water management plans that maintain predevelopment water quality and quantity.</li> </ol> </li> </ol> <p><b>Exemptions</b> The GEDP1 does not apply to the following:</p> <ol style="list-style-type: none"> <li>The construction, alteration, addition, repair, demolition and maintenance of <b>farm buildings;</b></li> <li><b>Institutional development</b> containing no residential, commercial or industrial uses;</li> <li>An area for which a <b>Development Permit has already been issued in the past</b> and a <b>QEP can confirm that the conditions in the Development Permit have all been met,</b> or the conditions addressed in the previous Development Permit will not be affected;</li> <li>Reconstruction, renovation or repair of a legal permanent structure if the structure remains on its <b>existing foundation</b> in accordance with provisions of the relevant section of the Local Government Act.</li> </ol>	Not published	Not published	Unclear	
	Shelter Bay Environment DPA1 (Elec. Area B)		X		<p><a href="#">Link</a> <b>Guidelines</b> 4.4.35 A development permit is required, except where exempt under Exemptions Section 4.4.37, for large-scale residential, commercial and industrial development, defined as:</p> <ol style="list-style-type: none"> <li><b>Removal, alteration, disruption or destruction of vegetation involving more than 100 m2 of vegetation coverage area;</b></li> <li>Construction or erection of buildings and structures with a <b>sum total footprint in excess of 200 m2</b></li> <li>Creation of non-structural <b>impervious or semi-impervious surfaces in excess of 100 m2 ;</b> or</li> <li>Subdivision as defined in the Land Title Act, and including the division of land into 2 or more parcels.</li> </ol>					



**Review of the Environmentally Sensitive Development Permit Process in the Regional District of Okanagan Similkameen**  
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Comparable Regional District	Environmental Development Permit Areas	Link	Comparable to the RDOS ESDP		Publicly Available Tools	Bylaw Wording Select Extracts Only, See Link for Complete Context	Permits Issued		Number of Enforcement Actions	Penalty for Non-Compliance
			Yes	No			2021	2022		
						4.4.36 A Shelter Bay Environmental Development Permit may be issued once the following guidelines have been met: a. A professionally prepared report completed by a Qualified Professional that identifies wildlife, plants, and plant communities, wildlife corridors, aquatic animals and high value habitat, and recommends: i. Development patterns and servicing to minimize impact on rare, endangered or sensitive wildlife plants; ii. Mitigation and enhancement strategies; and iii. Storm water management plans that maintain predevelopment water quality and quantity. <b>Exemptions</b> 4.4.37 The SBEDP1 does not apply to the following: a. The construction, alteration, addition, repair, demolition and maintenance of <b>farm buildings</b> ; b. <b>Institutional development</b> containing no residential, commercial or industrial uses c. Reconstruction, renovation or repair of a legal permanent structure <b>if the structure remains on its existing foundation</b> in accordance with provisions of the relevant section of the Local Government Act.				
Thompson-Nicola RD	Riparian and Watercourse Protection DPA	<a href="#">Link</a>		X						
Fraser Valley RD	Environmentally Sensitive Habitat Resources DPA (Portions of Area C: Morris Valley, Harrison Milles, Lake Errock)	<a href="#">Link</a>	X		<ul style="list-style-type: none"> <li><a href="#">Online FAQ landing page</a></li> <li><a href="#">Online Development Permit Procedures landing page</a></li> </ul>	<a href="#">Link</a> <b>Guidelines:</b> In issuing development permits in this area the following guidelines will apply: 9.2.1 Subdivision or development <b>proposals involving more than one single family dwelling or accessory residential building, may require an environmental impact assessment study</b> , the terms of reference of which are laid out in the document Terms of Reference for a Bio-Inventory available from the Ministry of Environment, Ecosystems Branch. [Byl # 1262, 2014] 9.2.2 Where an environmental impact assessment study is required all road crossings will be in the form recommended in the environmental impact assessment study so that impacts to stream banks, channels and wildlife corridors be minimized. [Byl # 1262, 2014] 9.2.3 In areas identified by an environmental impact assessment study as having important wildlife habitat areas and migration corridors, leave strips of 100 metres or at a distance determined by the environmental impact assessment study will be required. [Byl # 1262, 2014]	Not published		Not published	Not published
Squamish-Lillooet RD	Riparian Assessment	<a href="#">Link</a>		X						



## 5 Summary of Findings and Suggestions for the Future

This report has sought to answer five questions in the relation to the Regional District of Okanagan-Similkameen's (RDOS) Environmentally Sensitive Development Permit (ESDP) Area designation (see Section 1):

- Are ESDPs effective at mitigating impacts of development on sensitive habitats?
- Is the ESDP process having measurable benefits to the natural environment?
- Is the ESDP process reasonable from a cost/benefit perspective?
- What are ESDPs helpful for and what are they ineffective for? (e.g., large subdivision of greenfield vs. additional development on existing residential parcel)
- Are there other tools that can be effective?

A summary of Stantec's findings with respect to these five questions is provided below.

### 5.1 Findings

#### 5.1.1 Are ESDPs effective at mitigating impacts of development on sensitive habitats?

Effective mitigation requires monitoring and adaptive management of implemented measures to ensure they are sufficiently addressing the effects of a development project. Following the completion of a project, follow-up monitoring is needed to ensure that permanent mitigation measures, such as habitat restoration or erosion protection measures, are successfully being implemented. During Stantec's review, it was found that records of monitoring during site construction, or post-development follow-up were generally absent, meaning there was little to no information to use in this regard to understand whether the mitigation measures proposed by QEPs during the ESDP process were effective. While mitigation measures and recommendations for environmental protection were made during ESDP applications, the absence of monitoring reports means that the effectiveness of the issued ESDPs in mitigating impacts of development is unclear, and this question cannot be definitively answered at this time.

QEPs surveyed during the review were unclear on how they can effectively provide environmental mitigations under the ESDP system and ensure they are followed, as the recommendations they make are non-binding or unable to be enforced under any authority. The general lack of required monitoring during construction, as well as follow-up after DPs are issued limits the ability to determine how effective ESDPs are at managing the impacts of development on the environment.

There also appeared to be a lack of clarity on which ESDP assessment streams to follow and when (i.e., REA vs. EIA). It was found during the audit that both assessment pathways were utilized inconsistently, with full EIA assessments and REAs methods completed for projects with similar development types and site conditions. It was also raised by QEPs that there has been a general lack of consistency in the feedback they receive on submitted reports, when reports are returned requesting additional information.



As the current process relies heavily on QEPs to navigate the requirements of ESDP submissions on behalf of their clients and provide a determination as to whether the development should proceed, it makes it difficult for them to effectively guide landowners and developers through the process in a way that will minimize environmental impacts. QEPs do not have the ability to enforce or direct development as there is no legal mechanism that can compel a landowner to follow their recommendations, and the lack of enforcement options provided by DPs create instances where the proposed mitigation measures may not be sufficient to manage impacts on sensitive habitats.

### **5.1.2 Is the ESDP process having measurable benefits to the natural environment?**

As described in Section 5.1.1, the absence of significant post-construction follow-up monitoring records limits the evaluation as to the degree that the current ESDP process benefits environmental values. It can be concluded, however, that there is some benefit gained through the use of ESDPs as a development planning tool, through identification of sensitive environmental features, and QEP involvement during the development planning process.

From the information in the permit applications that Stantec reviewed, most permits had recommendations made by QEPs specifically indicating areas within the property of high environmental value that should be conserved. From the designs included in the audited permits, approximately half showed some evidence of consideration of the natural environment, in that the development appeared to mitigate or avoid potential environmental impacts through design practices such as focusing development on previous disturbance, incorporation of natural landscaping for environmental enhancement, or the use of low impact materials or design elements.

The predominant method of environmental conservation was through avoidance of these sensitive areas whenever possible, which ultimately came down to actions taken by the landowners after the DP was granted. While just over half of the permitted developments (51%) had monitoring plans prescribed, lack of records for this monitoring make it difficult to gauge the measurable benefit the ESDP process has on the natural environment. Lack of knowledge or understanding of ESDP requirements by landowners, as well as the lack of follow-up after permits are issued, may result in inadvertent contraventions of OCP guidelines, thus possibly causing environmental damage after the permitting process has been completed.

### **5.1.3 Is the ESDP process reasonable from a cost/benefit perspective?**

From the permits reviewed by Stantec, it appeared that the process was implemented inefficiently at times. Partly, this may be due to confusion as to the permitting pathway that should be followed (EIA or REA), as both EIA and REA reports were prepared for a number of projects that were otherwise similar in development scope and property characteristics. This may be due to confusion on the part of QEPs, being unclear on how to apply the different assessment pathways, or as a result of contradictory feedback that QEPs had received in the past on reports submitted to RDOS. While the ESDP process likely provides some benefit to the environment, the inefficiencies in the process may reduce the overall cost/benefit ratio, and can be improved.



Additionally, it was the opinion of the reviewers that almost a third (31%) of permits may have been unnecessary. This was mainly due to assessments either being done on property that was previously disturbed, or within developments that had a relatively small footprint of disturbance when compared to the overall property.

It was also found that a number of ESDPs were completed at both the subdivision and individual lot scale. For example, areas that have required an ESDP to subdivide into smaller parcels are not reflected in ESDP mapping or exempted from further assessment. As such, subdivisions within sensitive areas may result in as many applications as there are lots, in addition to the original subdivision permit. This increases costs to both landowners and RDOS, as it leads to additional administrative burden.

Despite the instances of inefficiencies or unnecessary permitting, it was found during Stantec's review that the majority of the permits issued (69%) were deemed necessary based on the presence of sensitive habitat features as described in the QEP reports, and the need for recommending mitigation measures. The cost of these types of permits would ideally be outweighed by the benefits, but identifying these sensitive ecosystems is only the first step in preventing environmental damage. The benefit is likely reduced, however, as it was not clear that the mitigation measures and other QEP recommendations had been followed, as records of monitoring were generally absent and it was unclear whether QEP recommendations of design changes were followed in the permits reviewed by Stantec. In the survey responses collected by Stantec, the landowner and QEP feedback project proponents were generally not eager to make design changes to further protect the natural environment based on QEP advice. Most QEPs responded to the survey felt as though their recommendations are not often followed completely after the ESDP is obtained.

#### **5.1.4 What are ESDPs helpful for and what are they ineffective for?**

From the findings of this review, ESDPs are useful tools in guiding development in areas where sensitive environmental features are present. While areas subject to ESDPs are limited by the detail and age of the mapping, they generally adhere to areas where additional environmental considerations should be part of the development plan. Involving QEPs to assess the risk to the environment as well as providing mitigation planning is useful to inform RDOS in making their determination as to whether the development can proceed as planned, or if the developer must alter their designs to better avoid or reduce risk to sensitive environmental features. The identification of areas of environmental sensitivity, subject to ESDP conditions is also a useful measure of indicating to landowners that sensitive areas and habitats are present on their property.

As there was little to no information available as to the monitoring during construction, or post-construction, to ensure that QEP recommendations were being followed, it is difficult to comment on how effective the mitigation measures recommended by QEPs were, post-development. This is partly a result of the legal framework provided for development permitting in general, and the resultant limitations of DPs in placing enforceable constraints on land development.



### **5.1.5 Are there other tools that can be effective?**

The tools available to local governments to conserve the environment are provided for under the *Local Governments Act* and the *Community Charter*. As such, municipalities' options to direct development are generally limited to designation of development permit areas, under Section 488(1) of the *Local Governments Act*, the use of zoning bylaws, and regulatory bylaws. The challenges of the ESDP process currently administered by RDOS are described in more detail in Section 5.2. The largest challenge with ESDPs managing development are tied to the enforceability of the permit conditions, given the legal framework that DPs are established under.

Additional regulatory bylaws may be an option to be considered, such as bylaws regulating the protection of environmentally sensitive areas. When used in conjunction with ESDPs as a screening mechanism, permits required by regulatory bylaws may provide a more enforceable means of managing the impacts of development on the environment. Revision of zoning areas, with additional requirements under zoning bylaws for properties designated as "potentially environmentally sensitive" may be an alternative means to supplement the effectiveness of development permits.

## **5.2 Challenges in using DPs for managing development**

A summary of identified issues with the DP process is as follows:

### **The legal framework of DPs creates issues with managing land use**

The conditions given by ESDPs are based on guidelines for developments occurring within a DPA under an OCP. As such the legal power of the DP poses a challenge to enforce or limit certain types of developments in an area. DP guidelines cannot supersede zoning or land-use bylaws, and so if a land use on a property is allowed under the current zoning, then a DP cannot be denied. Legal cases from Saanich and Rossland where DPs were denied or refused to be issued by the local governments illustrate how DPs fall in the legal framework of property and land developments.

### **Challenges with denying Permits**

While DPs cannot be denied for legally zoned developments, the ability of local governments to directly enforce DP conditions through methods such as ticketing landowners for contraventions under an ESDP is legally unknown and untested. The legal opinion of UBCM is that the province must provide local governments with the authority to do so, whereas the province believes that this authority already exists. Until a clearer policy statement is developed, the main recourse for local governments, currently is through injunctive action at the BC supreme court, which is a costly and time-consuming process.

### **Post-approval monitoring and follow up**

No authority exists within the DP legal framework to require post-approval monitoring, and the use of landscape bonds are rarely effective as the cost for landowners to recover the bond is often higher than the value of the bond itself (e.g., retaining a Professional Biologist to provide post-construction reports).





## **Effectively enforcing ESDPs at the local government level can be a challenge.**

### **5 Summary of Findings and Suggestions for the Future**

June 26, 2023

RDOS does not have the capacity to undertake post-development monitoring or audits or undertake environmental remediation projects.

The BC Professional reliance model constrains QEPs in that they have limited ability to enforce or direct development, as there is no legal mechanism that can compel a landowner to follow their recommendations.

## **Effectively enforcing ESDPs at the local government level can be a challenge.**

While local governments are best positioned to provide effective enforcement of environmental protection measures for land developments within their jurisdictional boundaries, the ability for local governments to do so varies considerably. Local governments with smaller, rural populations and in areas of lower economic activity or less desirable geographies will have a smaller tax base than local governments that represent larger population centres, and so are limited in the amount of staffing or internally funded initiatives that they can provide.

The lower density of development often present in these rural regional districts often comes with additional environmental conservation challenges, as historical disturbance on the landscape is much less prevalent, and so the need for environmental protection, and guiding development to work with the natural landscape often has a much larger demand than a municipality that has been developed much more intensely.

## **Managing development related impacts on a regional scale**

Managing development-related impacts to the environment requires a wholistic approach, and the most effective means of mitigation are those that can completely avoid or eliminate potential effects before they are at risk of occurring. Managing impacts using DPs for single-lot developments is a difficult process, given that the legal requirements of adhering to DP conditions and methods of enforcing DP conditions are limited and they cannot override approved zoning land uses. As such, DPs are not the best tool to utilize in instances of managing effects on an area. DPs are tools that function best for planning purposes with development, and so make sense for use in larger land development projects, such as subdivisions, where they can inform and guide how daughter-lots are created from the larger, parent-lot, and recommend how development should proceed to protect environmental values within the subdivision.

As DPs cannot limit development on legal lots, provided that the development adheres to the zoning and land use bylaws, a DP is limited in its effectiveness in these instances. Often small impacts are distributed across a community, making the relative importance of any habitat features in the area less valuable than equivalent features in an intact landscape. The focus of ESDPs would be misdirected as the means to effectively minimizing the effect of development on the environment as a whole. The ESDPs are focused on managing impacts from building, however effective environmental conservation requires land use decisions to be made at the subdivision or community plan level to maintain contiguous, intact habitat areas, rather than managing cumulative effects following the fragmentation of larger, undeveloped parcels into smaller residential lots as mitigation efforts would be divided and unable to address the overarching risk factors to the environment posed by incremental development.



## 5.3 Suggestions for the Future

### 5.3.1 Future Studies and reviews

To further assess the effectiveness of ESDPs in managing impacts of development, it is Stantec suggests that future studies be completed that include more in-depth reviews of whether the recommendations of QEPs had been followed long term, and comparisons of pre and post development condition of environmentally sensitive areas. This review was limited in this aspect given the lack of information available from monitoring reports, and availability of aerial imagery. It was found during the review, that the maps and plans included with the ESDPs reviewed were rather coarse and not entirely clear as to footprint sizes. Additionally aerial imagery available for use during the review was often out-of-date, and so did not reflect the post-construction condition of the properties audited.

We also suggest that RDOS consider a more expansive and thorough community and QEP engagement program to solicit insight from ESDP applicants, QEPs, and the public-at-large within RDOS. The responses received from the feedback surveys distributed during this review were limited, which may be a result of the use of a different engagement methodology than would be typically employed by RDOS staff. Timing constraints and the limits of the scope of this review were likely factors that affected the number of responses received. A dedicated ESDP engagement project may generate more feedback from the community, as well as provide more opportunity for focused interviews or workshops with QEPs and landowners.

### 5.3.2 Improvements to Mapping and Planning tools

A review of the current ESDP mapped area was outside of the scope of this review, however it would be beneficial for RDOS to undertake a review of the current mapped ESDP area compare it to existing mapped disturbances and other environmental sensitivity mapping layers or projects to determine if, and how, the mapped area could be revised.

A common issue identified during previous reviews completed by others, QEP feedback provided as part of this report, and findings while reviewing issued permits, was that the ESDP area within RDOS could be remapped to refine boundaries and reflect current site conditions.

Landowner and QEP comments suggested a disconnect between mapped and ground-truthed values, and it was found during the review that some areas mapped within the ESDPA have extensive disturbance. This may have caused confusion in interpreting sensitive habitat features on the ground, especially in the shorter rapid assessments that have less spatial information and site photos.

The static nature of ESDP mapped areas poses a problem regarding the effective lifespan of the mapped areas. Ideally, the areas mapped as environmentally sensitive should be “living” and be able to be updated to reflect new disturbance areas, as well as the creation of new conservation areas or covenants to ensure that environmental protection is maintained where it is most required or will be most effective.

As well, consolidation of environmental sensitivity mapping layers and data into one resource that also includes the relevant RDOS planning layers would be helpful as well. Currently, the RDOS map is limited



in the available information on sensitive environmental features. Including wildlife connectivity corridors in the mapping and developing long-term development plans to maintain these corridors are also a way to enhance the conservation of regional habitat values often missed with individual project-level assessments.

More staffing would allow for RDOS to provide monitoring of ESDP compliance, as well as increasing the capacity of RDOS to maintain QEPs on staff to help review and manage DP applications. Feedback from QEPs has been mixed on past RDOS use of an external, contract reviewer, as often the requirements of the application change between reviewers. This lack of consistency in required content and format leads to a wide range of reports being completed, and often makes gathering usable data during audits, such as in this instance, difficult.

An alternative option would be furthering efforts between other regional districts and municipalities to harmonize how ESDPs are implemented, tracked, and monitored, as well as sharing data on regionally environmentally sensitive values or initiatives.



### 5.3.3 Process modifications

Process modifications would involve changes to how ESDPs are applied for, how they are approved, or how they are enforced. The modifications presented in this section are higher-level conceptual ideas, that would require additional refinement and review before being put into place by policy or bylaw.

#### 5.3.3.1 ESDP Exemptions

Opportunities to refine the applicability of ESDPs to properties lie in amending the exemption criteria. This was the original approach proposed by RDOS staff in 2019, however a more nuanced approach to exemption amendments would be a more precautionary and conservative approach to improving how exemptions to ESDPs are applied, as there are cases where ESDPs can be effective at the single-lot development level in addressing potential effects where they occur.

Generally, exemptions to ESDPs could include:

- Repairs, renovations, reconstruction, or maintenance of existing legal buildings, structures, or roads, provided that the development footprint is not changing.
- Allowing activities substantially consistent with previously issued ESDPs, should the additional development activity not result in any changes to the original environmental impact assessment findings (e.g., not occurring in an area that had been found to be environmentally sensitive).
- Exempting developments from ESDPs following confirmation by a QEP, in a letter or report, that there are no environmentally sensitive features on the property, or that the development will not interact with environmentally sensitive features.
- Providing a threshold to the size or type of addition to an existing development that could occur as a notification, or under other regulatory bylaw permits, rather than requiring an ESDP application (e.g., addition of a pool adjacent to a house and within existing disturbance).

#### 5.3.3.2 Development of Additional Regulatory Bylaws or Plans

While a review of the other methods RDOS employs to manage development in environmentally sensitive areas was out of the scope of this review, employing additional regulatory bylaws in concert with ESDPs may be an option for RDOS to pursue. This may include options such as requiring a vegetation removal permit within environmentally sensitive areas, as identified during an environmental assessment completed during an ESDP, and requiring habitat offsetting and monitoring.

Additionally, zoning bylaws could include additional designations for lots identified as having environmentally sensitive features and provide conditions for monitoring and implementation of mitigation measures as recommended by a QEP.

#### 5.3.3.3 Manage Instances of issuing multiple ESDPs for known future development

As ESDPs are currently required for much of the land development work that occurs within ESDP areas, they are utilized at multiple stages of development projects, from subdivisions, development on individual lots, and for additional developments occurring on properties where development already exists.



It was found that there were instances where multiple assessments were completed for an area, under different ESDP applications. This is an area of inefficiency that could be addressed either through an exemption in bylaws, or by the use of a screening level assessment.

If ESDPs will only be required for subdivisions, as the bylaw amendments proposed in 2020 suggest, then any lots created from the subdivision which have environmentally sensitive features identified could be flagged for further review when that lot is developed in the future. However, an ESDP area that applied to the large, parent lot, will not be as effective if the subdivision has been approved, and further ESDP permits are required to address the development of individual lots, because at that point, the area has already been environmentally fragmented and piecemeal conservation is not an effective practice.

#### **5.3.3.4 Screening Mechanisms and Clarification About the Expedited Development Permit**

In addition to the proposed exemption wording in the described in Section 5.2.1, the ESDP process administered by RDOS could be revised to include an initial screening process that can rule out the need for a DP in situations they may not be required. While RDOS has a two-level assessment system (i.e., REA and EIA methodologies) in place, these are both applications for an ESDP. As a number of ESDPs issued between 2017 and 2022 were found to be unnecessary and increase in ESDP volume since 2017 has raised concerns by RDOS staff about unnecessary administrative burden, a screening process may be an option to reduce the number of ESDPs required. Screening frameworks are used by multiple federal and provincial government agencies, including the DFO *Fisheries Act* Authorization Process. Alternatively, a list of works that may require a notification, but no formal ESDP permit could be established, similar to the List of Approved Works under the *Water Sustainability Regulation*. Works that meet the conditions of the List of Approved Works require a notification to be submitted, however this functions more as a check by provincial staff, rather than a full review.

Based on a review of the existing wording of the RDOS OCP, and findings of the comparable regional districts' bylaws, amending the OCP to clarify the scope of applicability to only potential developments that would impact environmentally sensitive areas is an option for RDOS to consider. These amendments can be made in a manner of RDOS deems suitable, and could such as those involving land disturbance, and improve readers' understanding regarding the use of the Expedited Development Permit process, for on-the-ground confirmation of environmental values. While this information may be written in the bylaw's existing text, it is clear from the number of Rapid Environmental Assessment Forms submitted with full Environmental Assessments, that this is not being understood.

#### **5.3.4 Monitoring and enforcement**

Increased staffing, training, and funding to bylaw enforcement or environmental staff who may function similar to building inspectors may allow for increased compliance with DP conditions. As the legal enforcement of DP conditions is in question, a determination as to the authority of local governments should be reached between the province and UBCM. If local governments are empowered and responsible for enforcing DP contraventions, additional funding opportunities may be required by the Province or the Federal Government to allow for local governments with smaller tax bases to provide effective enforcement services.



Agreements for shared inspections or enforcement staff could also be sought and reached by adjacent municipalities, if increasing staffing and training costs are prohibitive within RDOS. Such discussions occur as part of larger regional land-use planning discussions, and via opportunities such as participation in UBCM conferences, workshops, or initiatives, or regional conservation boards or groups (e.g., Okanagan Basin Water Board, Okanagan Collaborative Conservation Program, South Okanagan-Similkameen Conservation Program).



## 6 Conclusions

This report provides a high-level review of ESDPs issued between 2017 and 2022 and is intended to provide an overview of the effectiveness of the current process, and identify areas where potential exists to address gaps or limitations in the current process. This report is intended to facilitate discussions between RDOS, the province, and ECCC on how best to manage species and ecosystems at risk in the south Okanagan-Similkameen and their habitat needs, while ensuring that RDOS continues to serve its ratepayers and residents through the continuation of socioeconomic development within its jurisdictional boundaries.



# **Appendix A**





## **Appendix A      Summary of Responses from Landowner and QEP Surveys**



# ESDP Review for RDOS - Landowner Survey

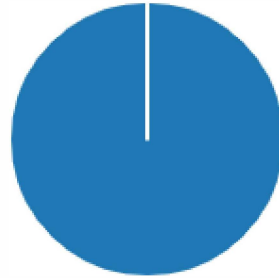
**5**  
Responses

**09:08**  
Average time to complete

**Closed**  
Status

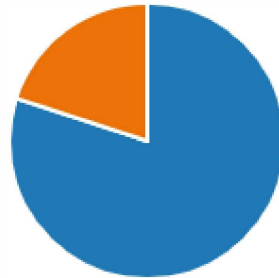
1. Have you ever applied for an Environmentally Sensitive Development Permit (ESDP)?

● Yes	5
● No	0



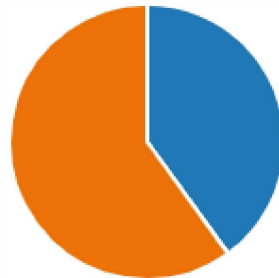
2. In total, how many ESDPs have you applied for?

● 1	4
● 2	1
● 3	0
● 4	0
● 5+	0



3. To effectively gather more information and save respondents' time, please select from one of the following two survey options:

● <b>Detailed Survey:</b> Approximat...	2
● <b>Quick Survey</b> Approximately ...	3



4. Please provide the locational information below for the application you are going to be describing in the format show below. (Optional)

2  
Responses

Latest Responses  
"16 Savanna rd Summerland BC"

5. Total size of the land parcel you were applying for; please include the unit of measurement.

2  
Responses

Latest Responses  
"10 acres "

6. What type of development you were applying to undertake. Please check all that apply:

- Subdivision 0
- Construction of a building (e.g... 2
- Construction of a non-buildin... 0
- An addition to an existing buil... 0
- An addition to a non-building ... 0
- An alteration to an existing bu... 0
- An alternation to a non-buildi... 0
- Grading 0
- Removal of vegetation 0
- Import or removal of soil 0
- Paving 0
- Installation of drainage 0
- Installation of underground se... 0
- Don't remember 0
- Other 0



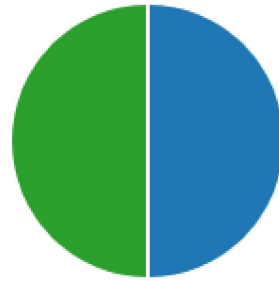
7. Total portion of your parcel that was going to be impacted by the proposed development; please include the unit of measurement or percentage of total parcel.

2  
Responses

Latest Responses  
"5000 ft2"

8. Was your property identified as being within a mapped Species or Ecosystems at Risk Area?

● Yes	1
● No	0
● Don't remember	1



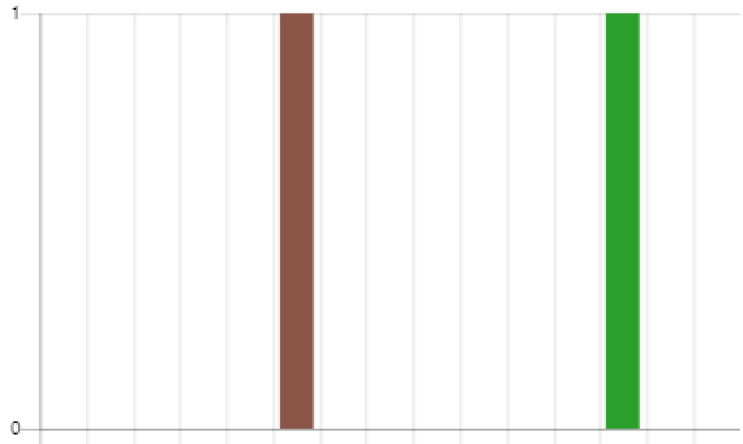
9. Total area of your parcel that was considered a Species or Ecosystem at Risk area; please include the unit of measurement or percentage of total parcel.

0  
Responses

Latest Responses

10. Which of the following natural environment protection methods was proposed in your application. Please check all that apply:

- Donation of areas to the RDOS 0
- Donation of areas to the Gove... 0
- Donation of areas to a land tr... 0
- Introduction of conservation a... 0
- Designation of protectionary z... 0
- Creation of conservation cove... 1
- Establishment of statutory rig... 0
- Establishment of long-term le... 0
- Land stewardship and particip... 0
- Consideration of alternative d... 0
- Offsetting of development im... 0
- Altering designs to avoid dist... 0
- None of the above 1
- Don't remember 0
- Other 0



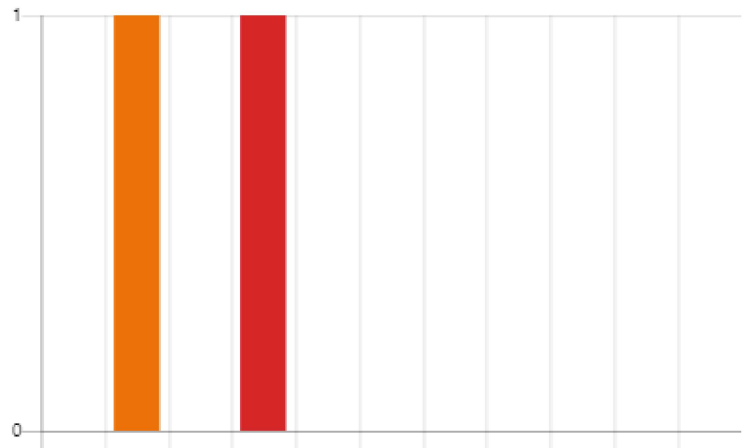
11. If natural environmental protection methods were used, please describe how they were applied during the development of your property.

1  
Responses

Latest Responses

12. Which of the following publicly available resources did you reference before submitting your development application? Please check all that apply.

- RDOS: Official Community Plan 0
- RDOS: Environmentally Sensiti... 1
- RDOS: Environmental and Wat... 0
- RDOS: Qualified Environmenta... 1
- RDOS: Development Procedur... 0
- RDOS: Subdivision Application... 0
- Species at Risk Public Registry 0
- BC Conservation Data Centre (... 0
- SEI: Vernon to Osoyoos 0
- None of the above 0
- Don't remember 0



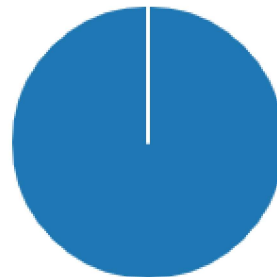
13. After reviewing the publicly available resources, how well did you feel you understood the RDOS's process and requirements for obtaining the approval you were seeking?

2  
Responses



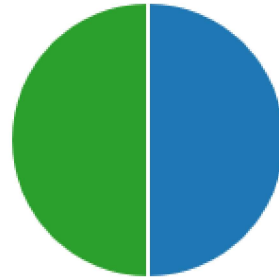
14. Did you as the landowner correspond or meet with the RDOS before submitting your application to discuss your proposal, the process, and what requirements you would need to meet?

- Yes 2
- No 0
- Don't remember 0



15. In what format did you meet with a representative from the RDOS?

- In-person meeting 1
- Online meeting 0
- Correspondence over the pho... 1
- E-mail correspondence 0
- Other 0



16. After corresponding with the RDOS, how did your understanding of the RDOS's process and requirements for obtaining the approval you were seeking change?

2  
Responses



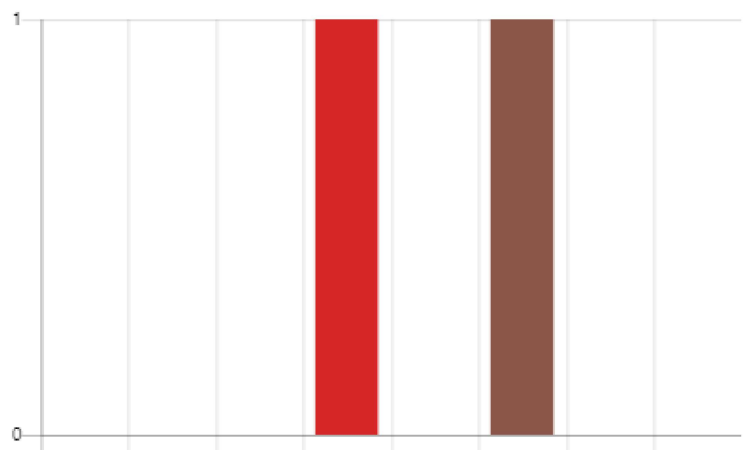
17. How difficult did you find the process of obtaining a QEP to work with you on your application?

2  
Responses



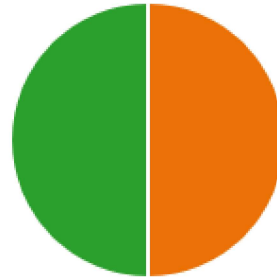
18. What sources did you use in finding a QEP to work with? Please select all that apply.

- Google (or other search engine) 0
- College of Applied Biology (or... 0
- South Okanagan-Similkameen... 0
- Word of mouth from a friend/... 1
- Contractor/Developer 0
- Recommendation from RDOS ... 1
- Don't remember 0
- Other 0



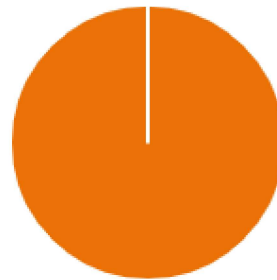
19. Approximately how many QEPs did you consider before finding the one you worked with?

0	0
1	1
2-5	1
5+	0
Don't remember	0



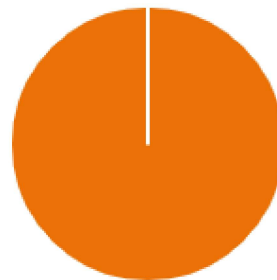
20. Had you worked with this QEP before?

Yes	0
No	2
No, but worked with others in ...	0



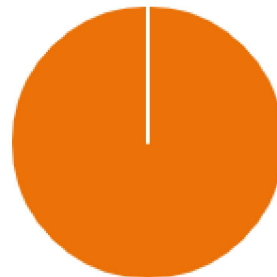
21. Did you work with other QEPs on the application in question, before the one who ultimately helped you get your application approved?

Yes	0
No	2
Don't remember	0



22. Which of the following reports did your QEP prepare to support your application?

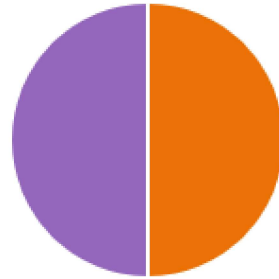
Environmental Impact Assess...	0
Rapid Environmental Assessm...	2
Don't remember	0
Other	0





23. Approximately how much did it cost you to work with a QEP through your application process (excluding application fees or any bonding required by RDOS)?

● Less than \$1,000	0
● \$1,001 - \$3,000	1
● \$3,001 - \$5,000	0
● Over \$5,000	0
● Don't remember	1



24. Please specify the approximate cost of working with a QEP through your application process.

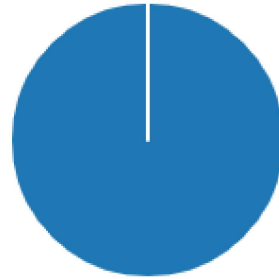
0

Responses

Latest Responses

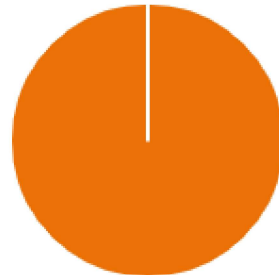
25. Were there any measures outlined in the reports your QEP prepared intended to protect environmental values specific to your property (e.g., avoid certain trees or key areas)?

● Yes	2
● No	0
● Don't remember	0



26. Did you alter your proposed development plan following recommendations from your QEP to avoid or lessen impacts on the natural environment?

● Yes	0
● No	2
● Don't remember	0



27. What was the area (m2) of your proposed development that was modified as result of QEP recommendations?

0

Responses

Latest Responses

28. How would you best categorize the concept modification you made? Please check all that apply.

- Avoidance of impacts to speci... 0
- Avoidance of impacts to ecosy... 0
- Minimization of impacts to sp... 0
- Minimization of impacts to ec... 0
- Mitigation of impacts to speci... 0
- Mitigation of impacts to ecosy... 0
- Don't remember 0



29. If you modified your designs to protect a specific species, please indicate which species you were aiming to protect.

0

Responses

Latest Responses

30. If you modified your designs to protect an ecosystem, please indicate what ecosystem(s) you were aiming to protect.

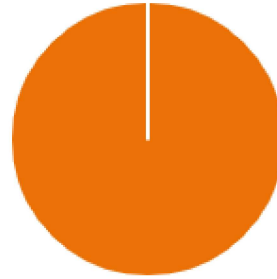
0

Responses

Latest Responses

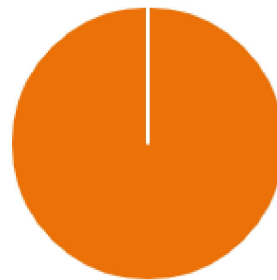
31. Did environmental monitoring occur during the development of your property (e.g., environmental inspections, nest sweeps)?

● Yes	0
● No	2
● Don't remember	0



32. Were there any environmental issues encountered during the development of your property that required work to stop or workplans to change?

● Yes	0
● No	2
● Don't remember	0



33. You answered that there were environmental issues during the development of your property that required work to stop or workplans to change.

Please describe what occurred and what changes were implemented, as best as you can remember.

0

Responses

Latest Responses

34. Overall, how difficult did you find the process of obtaining development approval for lands in the ESDP area?

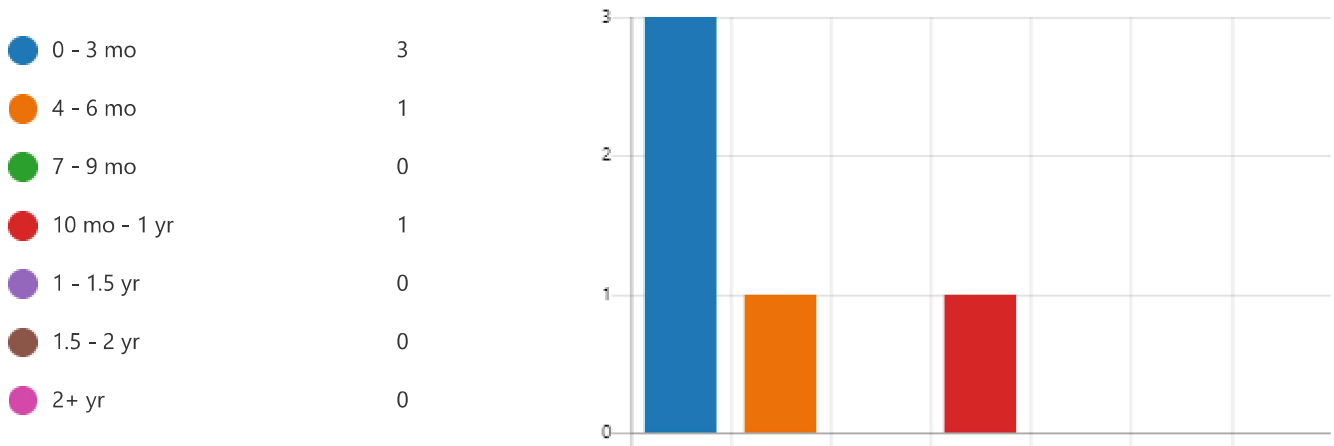
5

Responses

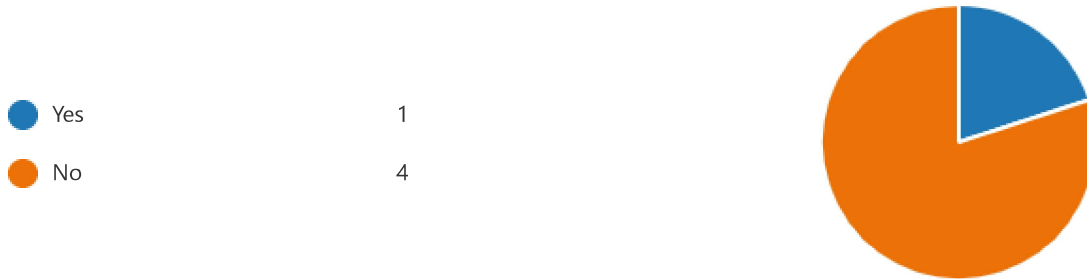


3.40 Average Rating

35. Approximately how long did it take you to work through your ESDP process, from pre-application to submission?



36. Do you feel that following the ESDP process was necessary for, or relevant to, your specific development application?



37. Please describe why, or why not, you feel that following the ESDP process was necessary for, or relevant to, your specific development application.

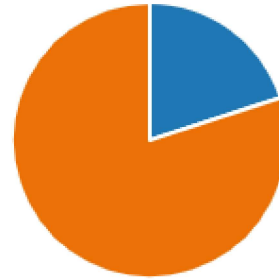
4  
Responses

Latest Responses

- "Process was identified as being necessary from mapping only. No feat...
- "I built an access road on land that in my view should not have been cl...
- "We installed a septic system, the ESDP seemed unnecessary."

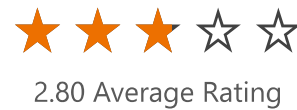
38. Was there any follow-up after you obtained your development approval to ensure your development followed the guidelines requested in Environmental Impact Assessment report or Rapid Environmental Assessment report?

● Yes	1
● No	4
● Don't remember	0



39. When thinking only of your application, how well do you feel the ESDP process worked to protect natural values present on your parcel?

5  
Responses



40. Do you have any recommendations for how the RDOS's ESDP process could be improved?

4  
Responses

Latest Responses

- "Look at real sensitive areas that my be impacted by the development ..."*
- "I thought the process was efficient. The only issue I have is how the la..."*
- "Perhaps look at providing group approvals or exclusions to cover zone..."*

# ESDP Review for RDOS - QEP Survey

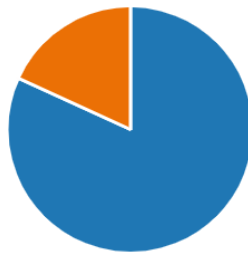
**11**  
Responses

**32:40**  
Average time to complete

**Active**  
Status

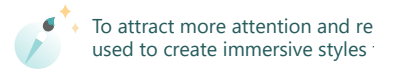
1. Have you ever attempted, successfully or not, to apply for an Environmentally Sensitive Development Permit (ESDP) within the Regional District of Okanagan-Similkameen?

- Yes 9
- No 2



2. How many ESDPs have you applied for?

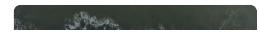
- Less than 5 1
- 6 to 10 4
- More than 10 4



ESDP Review for RDOS



ESDP Re



Background music

3. Has an ESDP application that you have submitted to RDOS been rejected before?

Yes	0
No	9



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4. Please describe why it was rejected

0 Responses Latest Responses

---

5. Was the project eventually approved?

Yes	0
No	0

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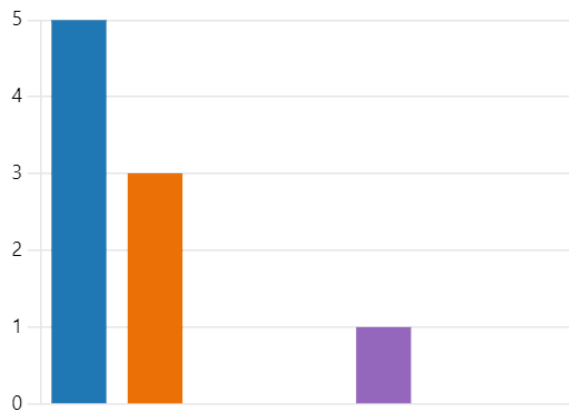
6. Please briefly elaborate on what was amended for RDOS to eventually approve the application

0 Responses Latest Responses

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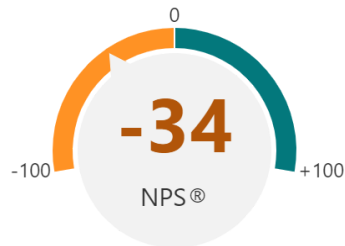
7. How long, on average, does it take you to work through a typical ESDP application, from when you are first contacted by the client until the application is submitted and approved?

0-3 months	5
4-6 months	3
7-9 months	0
10-12 months	0
12-18 months	1
18-24 months	0
2 or more years	0



8. How regularly do you contact RDOS to discuss approval requirements for projects you are working on prior to submitting an application?

Promoters	3
Passives	0
Detractors	6





9. If you are typically in contact with RDOS or other regulators during the pre-submission phase of the application, at what point of the project do you typically contact them?

9  
Responses

Latest Responses

"at the very start, sometimes even before committin..."

"na"

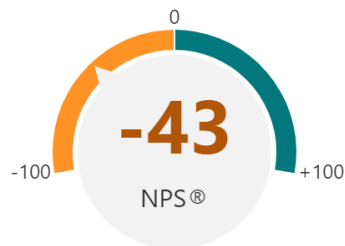
10. Have you completed Environmental Development Permits in other BC municipalities or regional districts?

Yes	7
No	2
Other	0



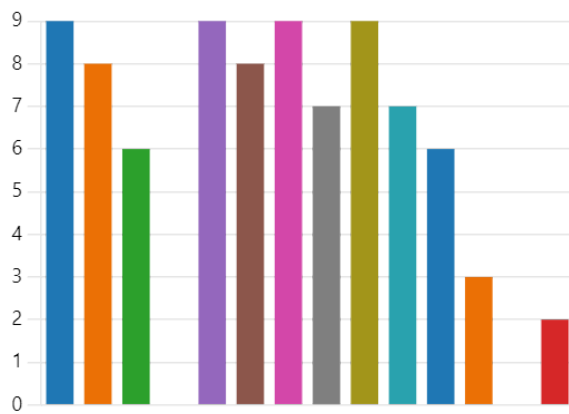
11. Overall, how difficult do you find navigating the RDOS ESDP process, particularly in comparison to other municipalities or regional districts in the Okanagan?

Promoters	1
Passives	2
Detractors	4



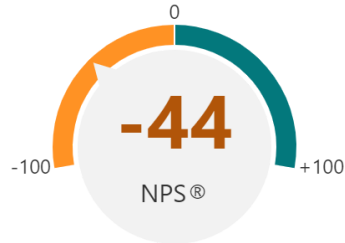
12. Of the following data sources, which do you consult when conducting desktop assessments and planning field visits for RDOS ESDPs? Please check all that apply.

- RDOS Official Community Plan 9
- RDOS Environmentally Sensitive... 8
- RDOS Development Procedures ... 6
- RDOS Subdivision Application b... 0
- RDOS Parcel Viewer Webtool 9
- Species at Risk Public Registry 8
- BC Conservation Data Centre (C... 9
- BC Habitat Wizard 7
- BC Species and Ecosystems Expl... 9
- SEI Mapping reports 7
- Okanagan Habitat Atlas 6
- South Okanagan-Similkameen C... 3
- None of the Above 0
- Other 2



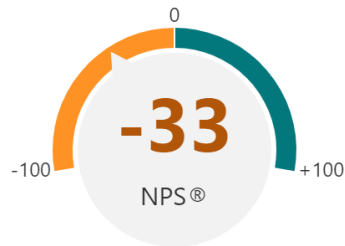
13. How effective do you find the RDOS Parcel View Online Tool in completing desktop reviews

Promoters	0
Passives	5
Detractors	4



14. How accurate do you find the existing mapping (e.g., TEM, SEI, Conservation Area Rankings) in relation to what you have observed on the ground

Promoters	0
Passives	6
Detractors	3



15. Is there any mapping data that you feel needs to be updated to be considered "reasonably accurate"?

9  
Responses

Latest Responses  
"presence of streams (when they are not actually th..."  
"no"

16. If you could pick one thing to change with the current RDOS ESDP process and/or policies, what would it be?

9  
Responses

Latest Responses

"So hard to pick just one. Its not effective to change ..."  
"ESDPs in the IDF have few target species, (some ha..."

17. Are there aspects of how another municipality administers their Environmental Development Permit process that you think RDOS should implement?

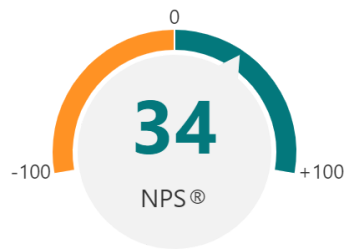
9  
Responses

Latest Responses

"RDCO - Bonding: When landscaping and/or remed..."  
"The City of Penticton has environmental protection..."

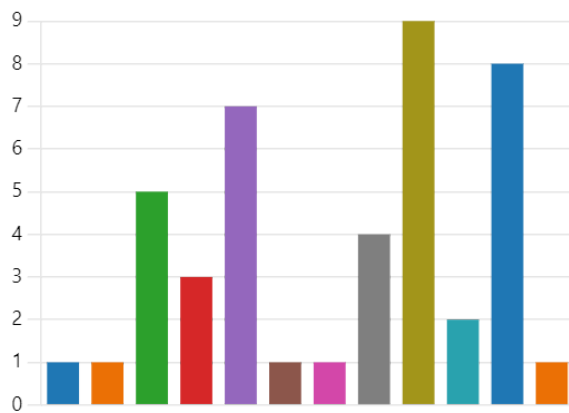
18. How often do you find it necessary to make specific recommendations to mitigate or offset permanent adverse effects from a proposed development?

Promoters	5
Passives	2
Detractors	2



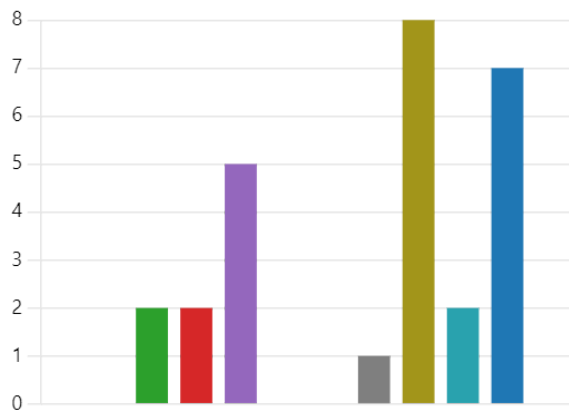
19. Which of the following natural environment protection methods have you included to manage effects of permanent disturbance from development as part of an ESDP?

- Donation of areas to RDOS 1
- Donation of areas to the Crown 1
- Introduction of a conservation a... 5
- Use of Protectionary Zoning 3
- Creation of a conservation cove... 7
- Establishment of easements or s... 1
- Establishment of long-term leas... 1
- Land stewardship practices and/... 4
- Offsetting impacts through land... 9
- Offsetting impacts through parti... 2
- Inclusion of structures or specifi... 8
- Other 1



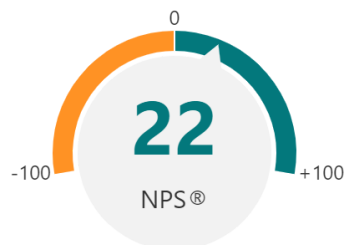
20. Of the methods you have used, which of the options would you say you find the most successful?

- Donation of areas to RDOS 0
- Donation of areas to the Crown 0
- Introduction of a conservation a... 2
- Use of Protectionary Zoning 2
- Creation of a conservation cove... 5
- Establishment of easements or s... 0
- Establishment of long-term leas... 0
- Land stewardship practices and/... 1
- Offsetting impacts through land... 8
- Offsetting impacts through parti... 2
- Inclusion of structures or specifi... 7
- Other 0



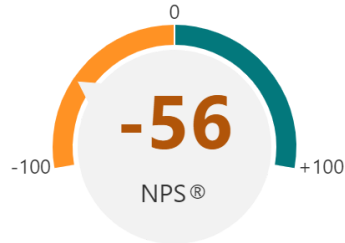
21. What percentage of assessments do you recommend that the proposed designs be altered to avoid environmental impacts?

- Promoters 4
- Passives 3
- Detractors 2



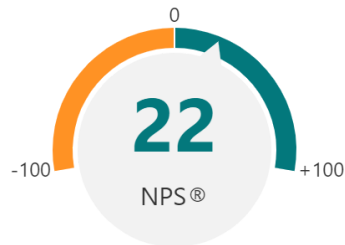
22. Of the times where alterations to development plans have been recommended, how receptive were your clients to making changes?

Promoters	0
Passives	4
Detractors	5



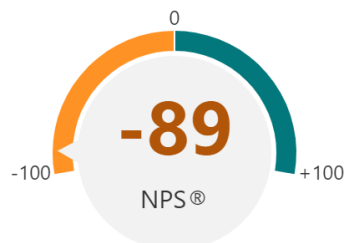
23. How often are your recommendations for alterations to the design of developments followed?

Promoters	4
Passives	3
Detractors	2



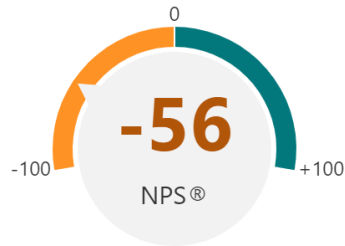
24. How often would you say that follow-up monitoring occurs post-development to ensure that the natural environment protection methods recommended in the assessments were implemented successfully?

Promoters	0
Passives	1
Detractors	8



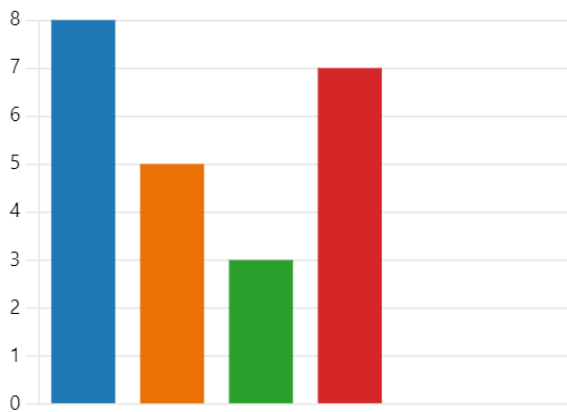
25. In your opinion, how effective are the environmental protection measures available to a QEP at the development permit level in managing adverse effects of development?

Promoters	0
Passives	4
Detractors	5



26. How would you best describe your typical clientele for ESDP projects?

Private landowner, residential	8
Private landowner, commercial ...	5
Third-party consultant	3
Developer or Architect	7
Government agency	0
Other	0



27. Approximately how much do you charge, on average, to complete a Rapid Environmental Assessment (REA)?

9  
Responses

Latest Responses  
"1500"  
"\$900"



28. Approximately how much do you charge, on average, to complete an Environmental Impact Assessment (EIA)?

9  
Responses

Latest Responses  
"2500"

"depends how big the property is, \$1,200 for a small.."

29. In total, approximately how much do you charge on average to work with clients through your application process (excluding application fees or any bonding required by RDOS)?

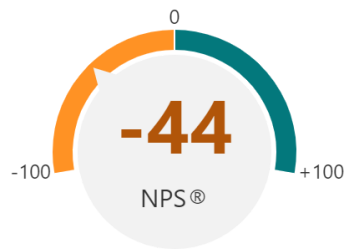
6  
Responses

Latest Responses

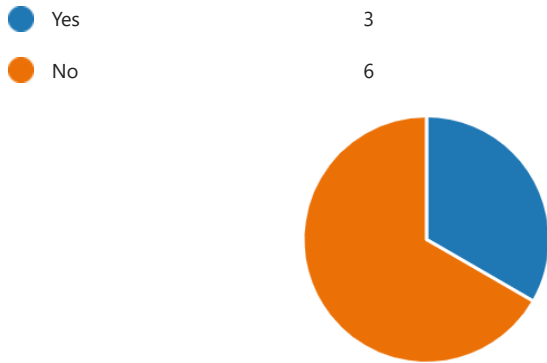
"not sure what this means compared to the last 2 q..."

30. When thinking only of the developments you have worked on within RDOS, how well do you feel that the ESDP process worked to protect natural values?

Promoters	0
Passives	5
Detractors	4



31. Are there areas within RDOS that are currently included in the mapped ESDP area, that you feel should not be included, or should be re-mapped?



32. Which areas should not be included in the mapped ESDP area, or have the mapping in the area revised?

3  
Responses

Latest Responses  
*"I already discussed the IDF"*

33. Are there areas, in your option, that should have more environmental protection than is provided under the ESDP, or areas not included as within the ESDP area that should be?

9  
Responses

Latest Responses  
*"Not necessarily, the process just needs improvemen..."*  
*"Bunchgrass biogeoclimatic zone"*

34. Do you have any recommendations for how the RDOS's ESDP process could be improved?

9  
Responses

Latest Responses  
*"While this survey is an attempt to improve the proc..."*  
*"people need to know that there property is within ..."*

35. Do you have any other thoughts or comments on the ESDP process used by RDOS?

8  
Responses

Latest Responses

*"The ESDP process is a valuable tool that has unique...*

*"Local governments can't give people development ...*

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