

THE CORPORATION OF THE VILLAGE SALMO

BYLAW NO. 688

A BYLAW TO ESTABLISH PROCEDURES AND POLICIES FOR REQUIRING DEVELOPMENT APPROVAL INFORMATION

WHEREAS under section 484 of the *Local Government Act*, Council has specified in the Official Community Plan designated areas and certain circumstances for which development approval information may be required.

AND WHEREAS Council wishes to obtain information on the anticipated impact of proposed activities or proposed development in the community.

AND WHEREAS Section 486 of the *Local Government Act* requires the Village of Salmo to establish the procedures and policies on the process for requiring development approval information and the substance of the information that may be required.

NOW THEREFORE the Council of the Village of Salmo in open meeting assembled hereby enacts as follows:

TITLE

1. This Bylaw shall be cited as the Village of Salmo **"DEVELOPMENT APPROVAL INFORMATION BYLAW NO. 688, 2017"**.

INTERPRETATION

2. In this Bylaw:
"Applicant" means a person who applies for:
 - (a) An amendment to a zoning bylaw in force from time to time under Section 487(a) of the *Local Government Act*;
 - (b) A development permit under Section 487(b) of the *Local Government Act*;
 - (c) A temporary use permit under Section 487(c) of the *Local Government Act*;

"Approving Officer" means the person appointed by Council to that position, and includes their lawful deputy or a person designated by Council to act in their place;

"Village" means the Village of Salmo;

"Council" means the Council of the Village of Salmo;

"Chief Administrative Officer" means the person appointed by Council to this position, and includes their lawful deputy or a person designated by Council to act in their place;

"Qualified professional" means a professional listed in the table provided in Section 11 who has expertise in the subject matter about which an applicant may be required to provide a report under this Bylaw.

APPLICATION

3. This Bylaw applies to those circumstances that have been specified in the Official Community Plan as requiring development approval information.
4. Where the Official Community Plan specifies circumstances in which development approval information may be required, then the procedures and policies for requiring such information and the substance of that information are set out in this Bylaw.
5. Without limitation, development approval information is required under the following circumstances:
 - (1) Where the development results in any of the following:
 - (a) A change in zoning;
 - (b) A requirement for a development permit; or,
 - (c) A requirement for a temporary use permit;
 - (2) Where the development may result in impacts on:
 - (a) The natural environment.
6. This Bylaw does not apply to a proposed activity or development that is a reviewable project under the *Environmental Assessment Act*.

DEVELOPMENT APPROVAL INFORMATION

7. Where an Official Community Plan and this Bylaw specify circumstances or designates areas where development approval information is required, the Approving Officer may require in writing that the applicant provide development approval information in a report certified by a Qualified Professional and the report must:
 - (1) Comply with and fully address the terms of reference that are provided by the Approving Officer to the applicant, based on the Province of this Bylaw;
 - (2) Identify and define the context, interaction, scope, magnitude and significance of the anticipated impacts of the activity or development, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats;
 - (3) Provide recommendations for conditions or requirements that Council or the Approving Officer may impose to mitigate the anticipated impacts;
 - (4) Provide recommendations and detailed costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts;
 - (5) Comply with all applicable requirements as set out in the Official Community Plan with respect to development permits, including development permit guidelines, policies and objectives, as well as any other relevant Village bylaws and policies.
8. The terms of reference provided by the Approving Officer may require the applicant to provide information on, and a systematic detailed assessment of the following:
 - (1) Compliance of the activity or development with the Official Community Plan and any other relevant Village bylaw, plan or policy in preparation or adopted by Council;
 - (2) Compatibility with adjacent and community land uses, functions, form, character, aesthetic and scale of development;
 - (3) The impact on ground and surface water quality including, but not limited to, pollution, temperature, oxygen levels, acidity, nutrients, silts, and pathogens;
 - (4) Geotechnical conditions including, but not limited to, soil composition, profile, classification, agricultural suitability and capability, geologic process and terrain stability;
 - (5) Hydrological or hydrogeological assessment, or both, including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
 - (6) The phasing and timing of the activity or development;
 - (7) Compatibility with adjacent Village owned land, ROW, covenants and easements;
 - (8) Other impacts of the proposed activity or development considered important by the Approving Officer.
9. Where development approval information is to be provided under this Bylaw, then the information must be provided by the applicant and at the applicant's cost, in the form of a report prepared by the appropriate qualified professional.
10. Where the Village requires the applicant to provide a report that relates to the impact of development on the natural environment or for the protection of development from hazardous conditions, then the report must contain the following:
 - (1) A legal description of the property;
 - (2) A description of all relevant restrictive covenants registered on title for the subject property;

- (3) A location map depicting the property location and adjacent uses;
- (4) A detailed map of the site at a scale of not more than 1:1,500 or, with the approval of the Village, an appropriate scale showing any of the following physical features present on the subject site:
 - (a) subsidence;
 - (b) wetlands and bogs;
 - (c) watercourses, streams, creeks or rivers, either permanent or intermittent;
 - (d) groundwater sources;
 - (e) steep slopes;
 - (f) surface water drainage patterns;
 - (g) tree cover and vegetation;
 - (h) fish habitat and wildlife habitat;
 - (i) soil conditions;
 - (j) bedrock;
 - (k) wildfire hazard interface areas;
 - (l) any archaeological or historical features; and,
 - (m) Ecosystems and any other significant features.
- (5) A description of the methodology and assumptions used to undertake the assessment;
- (6) The methodology should be described in sufficient detail to facilitate a professional peer review;
- (7) A terrain analysis describing or depicting the slope of the land;
- (8) A description of any relevant climatic, hydrometric, hydrogeological, geological, ecological or other related information;
- (9) Estimate the volumes of surface drainage waters that would be directed to watercourses and the methods to be used to ensure that contaminants are not released into these waters as a result of the proposed development, and in the case of phased development, each phase of the development;
- (10) A geotechnical assessment of the location of all proposed buildings or development sites by specifying setback distances from a natural boundary, property boundary or feature, ecosystem or hazard area and stating that the lands are safe for the intended use, in accordance with guidelines for legislated assessments for proposed residential developments in British Columbia produced by the Association of Professional Engineers and Geoscientists of British Columbia.
- (11) Examine how the proposed development may impact the environment on the site of the proposed development and adjacent properties;
- (12) Identify how the applicant intends to ensure that no foreign materials enter into any groundwater or surface water courses, including, without limitation, greases, oils, gasoline, sediments and other contaminants during and after the construction phase of the proposed development;
- (13) Examine how the applicant proposes to mitigate any potential impacts on the environment;
- (14) A description of any proposed mitigation works and actions designed to mitigate any hazard or impact of development;
- (15) Where mitigation works and actions are proposed, an assessment of the effects that the proposed works and actions may have on other properties, including infrastructure or lands;
- (16) Where mitigation works and actions designed to reduce hazards or impacts are contemplated, confirmation that the works and actions will meet regulatory requirements, prior to completing the report and a detailed design; and,
- (17) Provide a plan of revegetation to be undertaken by the applicant during and following the construction of the proposed development to preserve disturbed soils, prevent erosion and sloughing and restore native flora.

11. The required development approval information must be prepared by a Qualified Professional as outlined in the table below:

| TYPE OF INFORMATION | QUALIFIED PROFESSIONAL |
|---------------------|--|
| Natural Environment | Registered Professional Biologist (R.P.Bio) Hydrological Engineer (P. Eng.) Geotechnical Engineer (P. Eng.) Professional Geologist (P. Geo.) Member of Canadian Institute of Planners (MCIP) Registered Professional Forester (RPF) Architect (MAIBC) Landscape Architect (BCSLA) Professional Agrologist (P. Ag.) |

12. If a report includes text and maps, the maps are to be drawn at a scale of 1:500 or, with the approval of the Village, at a scale of 1:1000.
13. The report must include a quality assurance statement with the signatures and seals of all appropriate professionals involved in its creation.
14. The Village may distribute the report and publicize the results of a report.
15. The applicant must provide the report to the Village within 120 days after the applicant receiving a written request from the Village to provide the report.
16. If the Village decides that a report is incomplete or deficient, it will notify the applicant in writing of the nature of the deficiencies within 80 days of receiving it from the applicant, and the applicant must resubmit the corrected report within 40 days of the Village's notification that the report is incomplete or deficient.
17. Within 40 days of receiving a corrected report, the Village will decide whether the corrected report is complete and will notify the applicant accordingly.
18. If the Village determines that a corrected report is incomplete or deficient, then the applicant will be required to submit corrected reports until all incomplete components and all deficiencies are corrected.

PEER REVIEW

19. Without limiting Section 18, the Approving Officer, after receiving and reviewing a report under this Bylaw, may require a peer review report if the initial report fails to satisfy the requirements of this Bylaw, including by failing to satisfy a standard, guideline, policy or other matter set out in or incorporated by reference in this Bylaw. If a peer review report is required, the Approving Officer will select one peer of the class of applicable professionals referred to in Section 11 from a list of peers nominated by the applicant and the original professional.

RECONSIDERATION

20. An applicant may apply to Council for the reconsideration of an administrative decision made under this Bylaw by delivering to the Approving Officer a written application for reconsideration within 30 days after the decision is communicated in writing to the applicant.
21. An application for reconsideration must set out the grounds upon which the applicant considers the decision inappropriate and what, if any, decision the applicant considers the Council ought to substitute, and must include a copy of any materials considered by the applicant to be relevant to the reconsideration by Council.
22. The Chief Administrative Officer must place each application for reconsideration on the agenda of a regular meeting of Council held at least two weeks after delivery of the application for reconsideration, and must notify the applicant and any other party who the Approving Officer reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.
23. At the meeting, Council may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard, and may either confirm the decision or substitute its own decision.

SEVERABILITY

24. If any section, subsection, sentence, clause, definition, or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of the Bylaw.

EFFECTIVE DATE

25. This bylaw shall be considered to have come into force and effect on the day of adoption.

READ A FIRST TIME

this 28th day of November, 2017

READ A SECOND TIME

this 28th day of November, 2017

READ A THIRD TIME

this 28th day of November, 2017

FINALLY PASSED AND ADOPTED

this 12th day of December, 2017



Mayor



CAO/Corporate Officer

CERTIFIED A TRUE AND CORRECT COPY OF THE VILLAGE OF SALMO "DEVELOPMENT APPROVAL INFORMATION BYLAW NO. 688, 2017".



Diane Kalen-Sukra
CAO/Corporate Officer