

## City of Chilliwack

### Bylaw No. 3815

#### A bylaw to require development approval information

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WHEREAS under Section 920.1 of the *Local Government Act*, Council has specified in the Official Community Plan certain areas and circumstances for which development approval information may be required.

AND WHEREAS Council wishes to obtain information on the anticipated impact of proposed activities or development on the community prior to development so that the City can evaluate the impact of the development on the community.

AND WHEREAS Section 920.1 of the *Local Government Act* requires the City of Chilliwack, by bylaw, 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 City of Chilliwack in open meeting assembled enacts as follows:

1. This Bylaw may be cited as “**Development Approval Information Bylaw 2011, No. 3815**”.

#### INTERPRETATION

2. In this Bylaw:

“applicant” means a person who applies for;

- (1) an amendment to the Official Community Plan;
- (2) an amendment to the “Zoning Bylaw 2001, No. 2800”, in force from time to time, under Section 903 of the *Local Government Act*;
- (3) a development permit under Section 920 of the *Local Government Act*; or
- (4) a temporary use permit under Section 921 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;

“City” means the City of Chilliwack;

“Council” means the Council of the City of Chilliwack;

“Director of Planning and Strategic Initiatives or Director of Development and Regulatory Enforcement Services” means person appointed by Council to that position, and includes their lawful deputy or a person designated by Council to act in their place;

“fish habitat” means aquatic environments important for the life history of fish;

“qualified professional” means a professional listed in the table provided in Section 14 who has expertise in the subject matter about which an applicant may be required to provide a report under this Bylaw.

“wildlife habitat” means an area where any red or blue-listed species exist, as specified by the British Columbia Conservation Data Centre.

“wildfire hazard interface area” means an area where development is located or proposed in close proximity to forested areas and where an interface fire could span the forested area and the developed area.

## APPLICATION

3. *This Bylaw applies to those circumstances that have been specified in the Official Community Plan as requiring development approval information. (AB#3917)*
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.(AB#3917)*
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 Official Community Plan, including a land use designation;
    - (b) a change in zoning;
    - (c) a requirement for a development permit; or,
    - (d) a requirement for a temporary use permit;
  - (2) where the development may result in impacts on:
    - (a) transportation patterns and traffic flow;
    - (b) infrastructure including sewer, water, roads, drainage, street lighting, and other infrastructure;
    - (c) public facilities such as schools and parks;
    - (d) community services; or,
    - (e) the natural environment.
6. This bylaw does not apply to a proposed activity or development that is a reviewable project as defined in Section 1 of 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, Director of Planning and Strategic Initiatives, Director of Development and Regulatory Enforcement Services or 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 addresses the terms of reference that are provided by the Director of Planning and Strategic Initiatives, Director of Regulatory and Enforcement Services or 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, the Director of Planning and Strategic Initiatives, Director of Regulatory and Enforcement Services 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) satisfy the standards and requirements of the documents set out in Schedule “A”, attached hereto, copies of which may be obtained from the Approving Officer, as those reports existed as of the date of adoption of this Bylaw;
- (6) 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.

**8.** The terms of reference provided by the Director of Planning and Strategic Initiatives, Director of Regulatory and Enforcement Services or 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 City 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) socioeconomic impacts affecting the day to day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, local services and sociocultural issues;
- (4) land use impacts such as noise, vibration, glare and electrical interference;
- (5) the nature, significance and magnitude of landscape and visual impacts, including the impact on view corridors, the creation of shadows, visual envelope, prominent features, experiential characteristics, and landscape character;

- (6) transportation demand management strategies, including, but not limited to, transportation impacts, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity and accessibility;
- (7) retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, the effects on tenancy, and the impacts to neighbourhood/sector stability;
- (8) air quality impacts including, but not limited to, pollution, dust, fumes, smoke and odours;
- (9) the impact on ground and surface water quality including, but not limited to, pollution, temperature, oxygen levels, acidity, nutrients, silts, and pathogens;
- (10) geotechnical conditions including, but not limited to, soil composition, profile, classification, agricultural suitability and capability, geologic process and terrain stability;
- (11) 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;
- (12) terrestrial and aquatic ecology including, but not limited to, biological diversity, impacts on flora and fauna, habitat size, complexity, fragmentation or isolation, change to suitability or capability, restoration, creation or enhancement;
- (13) any impact on historical, cultural and archaeological buildings, sites or assets;
- (14) the phasing and timing of the activity or development;
- (15) hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation (including appropriate construction elevations and setbacks or other hazard);
- (16) compatibility with adjacent City owned land, rights of way, covenants and easements;
- (17) local infrastructure and site servicing including, but not limited to, drainage, water, sewer or other utilities;
- (18) community facilities and services including, but not limited to, schools, parks, recreation, emergency protective and health services; and,
- (19) other impacts of the proposed activity or development considered important by the Approving Officer.

**REPORT**

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 professional.
10. Without limitation, where the City requires information in the form of a report related to transportation patterns, including traffic flow, the report must contain a site impact study if:
  - (1) the proposed development will generate 100 or more 2-way motor vehicular trips during the afternoon peak hour;
  - (2) the proposed development will generate less than 100 such trips, but the traffic impacts existing high accident locations or congested areas; or,
  - (3) a site impact study must be prepared and submitted in accordance with the City of Chilliwack Policy G-23 “Traffic Site Impact Analysis Studies”, and the standard created by the Ministry of Transportation and Infrastructure, Province of British Columbia “Site Impact Analysis Requirements Manual”, as amended from time to time.
11. If the City requires information in the form of a report relating to the impact of development on local infrastructure, the report must address and satisfy the requirements and standards set out in the City’s Subdivision and Land Development Bylaw; Sanitary Sewer System Regulation Bylaw; and Waterworks Regulation Bylaw; as amended from time to time, and without limitation must:
  - (1) estimate the demand to be generated by the proposed development for water, and in the case of phased development, by each phase of the development;
  - (2) provide an analysis of existing public water systems and the options available for the supply and delivery of water to the proposed development;
  - (3) provide an analysis of existing systems for disposal and treatment of sewage, if any, and the options available for the treatment and disposal of sewage from the proposed development;
  - (4) estimate the amount of surface drainage waters that would be generated by the proposed development and the options available for collection, storage and disbursement of such drainage;
  - (5) identify any possible deficiencies of the current water, sewer and drainage systems in dealing with the proposed development; and,
  - (6) identify the new capital works required for the proposed development for water, sewer and drainage systems and their cost and the potential funding sources for these expenditures.

12. If the City requires a report containing information relating to community services and public facilities, including schools and parks, the report must:
  - (1) identify the local community services that would be affected by the proposed development including, without limitation, any of the following: the provision of school services, protective services such as fire and police, health care, and recreational services;
  - (2) examine the potential financial impacts of the proposed development on the existing community services and public facilities;
  - (3) examine the impact of the proposed development on the number of users of existing community services and public facilities; and,
  - (4) outline any potential costs and identify possible strategies to mitigate against the potential impacts including an outline of the potential funding sources for the provision of additional community services and public facilities that may be required as a consequence of the proposed development.
  
13. Where the City 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 1:1500 or, with the approval of the City, an appropriate scale showing any of the following physical features present on the subject site:
    - (a) any slopes with an incline of 30 degrees or more;
    - (b) subsidence;
    - (c) wetlands and bogs;
    - (d) watercourses, streams, creeks or rivers, either permanent or intermittent;
    - (e) lakeshore regions;
    - (f) groundwater sources;
    - (g) steep slopes;
    - (h) surface water drainage patterns;
    - (i) tree cover and vegetation;
    - (j) fish habitat and wildlife habitat;
    - (k) soil conditions;
    - (l) bedrock;
    - (m) wildfire hazard interface areas;
    - (n) any archaeological or historical features; and,
    - (o) 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 the impact of any proposed road and bridge construction on the watercourses and the banks of such watercourses;
- (12) examine the impact of the proposed development on the forest, if any, including the trees and under storey, by determining the number and type of trees and type and extent of vegetation, which would be removed to accommodate the proposed development;
- (13) examine the impact of the proposed development on the fish and wildlife habitat, if any, and alteration of the native fauna associated with such habitat;
- (14) examine the proposed development’s impact on the discharge of surface drainage waters in relation to fish habitats;
- (15) examine how the proposed development may impact the environment on the site of the proposed development and adjacent properties;
- (16) examine the potential for the slipping of soil, sand or silt into water courses as a result of the construction of buildings and structures and the installation of paved areas and the removal of trees and other vegetation in connection with the proposed development;
- (17) areas depicted on maps be delineated with sufficient accuracy and detail to allow the preparation of a legal reference plan for attachment to a restrictive covenant;
- (18) a review of current and historical air photographs;

- (19) where applicable, flood construction levels, prescribing an elevation at the building site, or by specifying a geodetic elevation, or by a combination of both;
- (20) provide recommendations on safe use of a site, clearly stated with sufficient detail and clarity to facilitate inclusion of a *Land Title Act* Section 219 covenant, and recommendations to reduce the risk of damage to the land, buildings, structures and any infrastructure, works or services;
- (21) identify how the applicant intends to ensure that no foreign materials enter into any water courses, including, without limitation, greases, oils, gasoline, sediments and other contaminants during and after the construction phase of the proposed development.
- (22) examine how the applicant proposes to mitigate any potential impacts on the environment;
- (23) a description of any proposed mitigation works and actions designed to mitigate any hazard or impact of development;
- (24) 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;
- (25) 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,
- (26) 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.

**14.** The required development approval information must be prepared by an Qualified Professional as outlined in the table below:

TYPE OF INFORMATION	CONSULTANT
Transportation	Traffic Engineer (P. Eng.)
Local Infrastructure	Civil Engineer (P. Eng.)
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.)



Public Facilities and Community Services	Member of Canadian Institute of Planners (MCIP) Architect (MAIBC) Civil Engineer (P. Eng.)
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- 15. 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 City, at a scale of 1:1000.
- 16. The report must include a quality assurance statement with the signatures and seals of all appropriate professionals involved in its creation.
- 17. The City may distribute the report and publicize the results of a report.
- 18. The applicant must provide the report to the City within 120 days after the applicant receiving a written request from the City to provide the report.
- 19. If the City 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 City’s notification that the report is incomplete or deficient.
- 20. Within 40 days of receiving a corrected report, the City will decide whether the corrected report is complete and will notify the applicant accordingly.
- 21. If the City 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**

- 22. Without limiting Section 21, the Director of Planning and Strategic Initiatives, Director of Regulatory Enforcement Services or 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 Director of Planning and Strategic Initiatives, Director of Regulatory Enforcement Services or Approving Officer will select one peer of the class of applicable professional referred to in Section 14 from a list of peers nominated by the applicant and the original professional.

**RECONSIDERATION**

- 23. An applicant may apply to Council for the reconsideration of an administrative decision made under this Bylaw by delivering to the Director of Planning and Strategic Initiatives or the Director of Development and Regulatory Enforcement Services a written application for reconsideration within 30 days after the decision is communicated in writing to the applicant.
- 24. 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.

25. The Director of Planning and Strategic Initiatives or the Director of Development and Regulatory Enforcement Services must place each application for reconsideration on the agenda of a regular meeting of Council held at least 2 weeks after delivery of the application for reconsideration, and must notify the applicant and any other party who the Director of Planning and Strategic Initiatives or the Director of Development and Regulatory Enforcement Services reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.
26. 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.

### ***DEVELOPMENT PERMITS***

27. *No person shall:*
  - (1) *alter a building or land in a Development Permit Area, as designated in the City of Chilliwack’s “Official Community Plan Bylaw 2014, No. 4025”, as amended, or permit a building or land in a Development Permit Area to be altered, unless that person or the owner of the building or land holds a valid development permit issued by the City pursuant to Division 7 of Part 14 of the Local Government Act and the Official Community Plan Bylaw. (AB#4718)*
  - (2) *alter a building or land that is subject to a development permit, or permit a building or land that is subject to a development permit to be altered, except in accordance with the requirements, conditions, and standards imposed by the development permit. (AB#4718)*

### **OFFENCE AND PENALTY**

28. *Every person who violates any provision of this Bylaw, or who allows or permits an act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against this Bylaw. (AB#4718)*
29. *Every person who commits an offence contrary to the provisions of this Bylaw is liable upon summary conviction to a penalty of not more than \$10,000 as allowed by the Offence Act, as amended, in addition to the costs of the prosecution. (AB#4718)*
30. *Notwithstanding remedies, penalties, and fines specified within this Bylaw, a person in violation of the regulations contained in this Bylaw may be subject to penalties specified in the City of Chilliwack’s Bylaw Notice Enforcement Bylaw and the Municipal Ticket Information Bylaw, as amended. (AB#4718)*

**SEVERABILITY**

31. 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.

Received first reading on the 15<sup>th</sup> day of November, 2011.

Received second reading on the 15<sup>th</sup> day of November, 2011.

Received third reading on the 15<sup>th</sup> day of November, 2011.

Finally passed and adopted on the 10<sup>th</sup> day of January, 2012.

Amendment Bylaw No. 3938 adopted on the 2<sup>nd</sup> day of July, 2013.

Amendment Bylaw No. 4718 adopted on the 7<sup>th</sup> day of January, 2020.

“Sharon Gaetz”

.....  
Mayor

“Karla D. Graham”

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Clerk

## Schedule A

### City Guidelines and Policies

1. Policy and Design Criteria Manual for Surface Water Management, May 2002;
2. Geotechnical Sensitivity Mapping and Guidelines for Geotechnical Report Submission, December 2002;
3. *Policy Directive No. G-24 – “Hillside Development Standards Policy” (AB #3938)*