

**VILLAGE OF PORT ALICE  
BYLAW NO. 569**

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**A Bylaw to Establish Development Approval Information Requirements  
and Procedures**

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WHEREAS section 920.01 of the *Local Government Act* enables the Village of Port Alice to designate areas for which development approval information may be required from an applicant for an amendment to a zoning bylaw, a development permit or a temporary-use permit;

AND WHEREAS section 920.1 of the *Local Government Act* requires the Village of Port Alice, by bylaw, to establish procedures and policies on the process for requiring development approval information and the substance of the information that may be required;

AND WHEREAS the Village of Port Alice has established development approval information areas in its Official Community Plan;

NOW THEREFORE, the Council of the Village of Port Alice enacts as follows:

1. Definitions:

- a) "Applicant" means a person who applies for:
  - i. An amendment to a zoning bylaw under section 903 of the *Local Government Act*;
  - ii. A development permit under section 920 of the *Local Government Act*;
  - iii. A temporary-use permit under section 921 of the *Local Government Act*; or
  - iv. A comprehensive development agreement in accordance with section 4.3 of the Village of Port Alice Official Community Plan.
  
- b) "Appropriate Professional" means:
  - i. Registered Professional Biologist (R.P. Bio.)
  - ii. Hydrological Engineer (P. Eng.)
  - iii. Geotechnical Engineer (P. Eng.)
  - iv. Professional Geologist (P. Geo.)
  - v. Member of Canadian Institute of Planners (MCIP)
  - vi. Registered Professional Forester (RPF)
  - vii. Architect (MAIBC)
  - viii. Landscape Architect (BCSLA)
  
- c) "Fish Habitat" means aquatic environments deemed important for the life history of fish.
  
- d) "Infrastructure" means public and utility infrastructure, including but not limited to public works facilities; roads and sidewalks; water

storage, supply and distribution systems; sanitary and storm sewer systems; power, cable and telephone systems and facilities.

- e) “Wildfire Hazard Interface Areas” are areas where development is located or proposed in close proximity to forested areas and where an interface fire could span between the forested area and the developed area.
  - f) “Wildlife Habitat” means an area where any red- or blue-listed species, as specified in the British Columbia Conservation Data Centre, exist.
2. This bylaw applies to lands that have been designated in the Village of Port Alice Official Community Plan as development approval information areas.
  3. Where the Official Community Plan identifies land as being an area for which development approval information may be required, the procedures and policies for requiring such information and the substance of such information are set out in this bylaw.
  4. If the lands which are the subject of an application for development have been designated as a development approval information area under the Official Community Plan, the Village of Port Alice will determine whether and to what extent development approval information will be required in accordance with this bylaw.
  5. Where development approval information is to be provided, the information will be provided by the Applicant, at the Applicant’s cost, in the form of a report prepared by the Appropriate Professional to the Village of Port Alice within 120 days of the Applicant receiving a written request from the Village of Port Alice to provide a report.
  6. If the Village of Port Alice requires information in the form of an Appropriate Professional’s report relating to the impact of development on the natural environment or for the protection of development from hazardous conditions, the report must contain:
    - a) A legal description of the property;
    - b) A description of all relevant restrictive covenants registered on title for the subject property;
    - c) A location map depicting property location and adjacent uses;
    - d) A detailed map of the site at a scale of not less than 1:2000 showing any of the following physical features present on the subject site:
      - i. Contours at not greater than 1-metre intervals, specifically identifying any slopes with an incline of 30 degrees or more;
      - ii. Subsidence;
      - iii. Wetlands and bogs;
      - iv. Watercourses, streams, creeks or rivers, either permanent or intermittent;
      - v. Surface water drainage patterns;
      - vi. Tree cover and vegetation;
      - vii. Fish Habitat and Wildlife Habitat;
      - viii. Soil conditions;

- ix. Bedrock;
  - x. Wildfire Hazard Interface Areas;
  - xi. Any archaeological or historical features; and
  - xii. Ecosystems and any other significant features.
- e) A description of the methodology and assumptions used to undertake the assessment. The methodology should be described in sufficient detail to facilitate a professional peer review;
  - f) A terrain analysis describing or depicting the slope of the land;
  - g) A description of any relevant climatic, hydrometric, hydrogeological, geological, ecological or other related information;
  - h) 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. 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;
  - i) A review of current and historical air photographs;
  - j) Where applicable, flood construction levels, prescribing an elevation at the building site, or by specifying a geodetic elevation, or by a combination of both;
  - k) 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;
  - l) A description of any proposed mitigation works and actions designed to mitigate any hazard or impact of development;
  - m) 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;
  - n) Where mitigation works and actions designed to reduce hazards or impacts are contemplated, confirmation that the works and actions will be acceptable to the Village of Port Alice and that they will meet regulatory requirements, prior to completing the report and a detailed design; and
  - o) A quality assurance statement with the signatures and seals of all Appropriate Professionals. Some assessment reports may require the involvement of one or more Appropriate Professionals and a peer review process.
- 7.
- a) Within 60 days of receiving a report from an Applicant, the Village of Port Alice will have the report reviewed by an Appropriate Professional as required and decide whether the report is complete.
  - b) If the Village of Port Alice decides 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 of Port Alice's notification that the report is incomplete or deficient.
  - c) Within 40 days of receiving a corrected report, the Village of Port Alice will decide whether the corrected report is complete and will notify the Applicant accordingly.

- d) If the Village of Port Alice determines that a corrected report is incomplete or deficient, the Applicant will be required to submit corrected reports until all incomplete components and all deficiencies are corrected.
8. The Village of Port Alice may distribute a report and publicize the results of a report.
9. If any section, subsection, sentence, clause, definition, 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.
10. This Bylaw may be cited as the "Development Approval Information Area Bylaw No. 569, 2010".

**READ A FIRST TIME THIS 11<sup>th</sup> day of August, 2010**

**READ A SECOND TIME THIS 25<sup>th</sup> day of August, 2010**

**READ A THIRD TIME THIS 26<sup>th</sup> day of September, 2010**

**ADOPTED THIS 27<sup>th</sup> day of October, 2010**

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Mayor

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Chief Administrative Officer

Certified to be a true and correct copy of  
the " Village of Port Alice Development Approval  
Information Area Bylaw No. 569, 2010"  
adopted by the Council of the Village of Port Alice  
this day of 27<sup>th</sup> day of October, 2010.

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Chief Administrative Officer