



## BYLAW NO. 47

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### A BYLAW TO AMEND BYLAW NO. 5, BEING "PLANNING PROCEDURES & FEES BYLAW, 2008"

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**WHEREAS** the Strathcona Regional District has, by Bylaw No. 5, adopted a bylaw to establish general procedures and impose application fees for all Electoral Areas pursuant to Sections 794 and 931 of the *Local Government Act*;

**AND WHEREAS** the Regional District wishes to amend the provisions of the aforesaid Bylaw No. 5;

**NOW THEREFORE** the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

#### Amendment

1. Bylaw No. 5, being "Planning Procedures & Fees Bylaw, 2008" is hereby amended as set out in Schedule "A" attached to and forming part of this bylaw.

#### Citation

2. This bylaw may be cited for all purposes as Bylaw No. 47 being "Planning Procedures & Fees Bylaw, 2008, Amendment No. 2".

**READ A FIRST TIME ON THE 23<sup>rd</sup> DAY OF SEPTEMBER, 2010**

**READ A SECOND TIME ON THE 23<sup>rd</sup> DAY OF SEPTEMBER, 2010**

**READ A THIRD TIME ON THE 23<sup>rd</sup> DAY OF SEPTEMBER, 2010**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 23<sup>rd</sup> DAY OF SEPTEMBER, 2010**

  
\_\_\_\_\_  
Chair

  
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Corporate Officer

**SCHEDULE 'A'**

**SECTION ONE TEXT AMENDMENT**

1. Bylaw No. 5 is hereby amended by replacing all reference to either Temporary Commercial or Temporary Industrial Use Permits with: Temporary Use Permits.
2. The 'Table of Contents' section is hereby amended to include the following schedule:

|             |  |  |
|-------------|--|--|
| <b>A-16</b> | <b><i>Assessment of Subdivision Applications referred to the SRD</i></b> |  |
|-------------|--|--|

3. Section 2 'Application' is hereby amended to:
  - a) insert the following below i) and renumber accordingly:
    - ii) All development within the Strathcona Regional District is subject to the Provincial Riparian Areas Regulation (RAR) as outlined in Schedule 'A'.
  - b) include the following item below the last entry within 2 'Application':
 

*xviii) Guidelines for the assessment of subdivision applications referred to the Regional District by the Ministry of Transportation including the requirement for compliance with the provincial Riparian Areas Regulation are set out in Schedule 'A-16' attached hereto, which forms a part of this bylaw.*
4. The bylaw is hereby amended to insert a new Schedule 'A' Riparian Areas Regulation (RAR) prior to the existing schedule A-1 as follows:

The Provincial Riparian Areas Regulation (RAR) applies to all development, as defined by RAR, within the Strathcona Regional District (SRD) as follows:

**Riparian Areas Regulation (RAR) Requirements**

*If development, as defined by RAR, is to take place within 30.0 metres (98.4 feet) of a stream connected to fish habitat, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:*

- i) certifies that the qualified environmental professional is qualified to carry out the assessment,*
- ii) certifies that the assessment methods have been followed, and*
- iii) provides the professional opinion of the qualified environmental professional that:*
  - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or*
  - (b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.*

**Guidelines for Development Activities that Trigger a Riparian Area Assessment:**

- a) Subdivision, as defined by the *Local Government Act*;
- b) Alteration of land, including the disturbance of soils;
- c) Land clearing, including the removal, alteration, disruption or destruction of vegetation;
- d) The siting and construction of:
  - i) Buildings and structures with a building floor area greater than 10 m<sup>2</sup>, including additions to existing buildings or structures *within the Riparian Assessment Area*;
  - ii) Retaining walls;
  - iii) Septic tanks, drainage fields, sewage treatment systems and discharges, irrigation or water systems, swimming pools and *stormwater management systems*;
  - iv) Impervious paving, roads, and driveways;
  - v) Docks, wharves, bridges, shoreline protection devices and flood protection works; and
- e) The placement or storage of:
  - i) Contaminated soils and substances.

**Exemptions**

- a) Construction of farm buildings, excluding residential and associated structures;
- b) Construction involving a building floor area of 10m<sup>2</sup> or less;
- c) Internal alterations and renovations to a building or structure *or repair or reconstruction on an existing foundation*;
- d) Growing, rearing, producing and harvesting of agricultural products in accordance with recognized standards of the *Farm Practices Protection Act* and the *Code of Agricultural Practice*;
- e) Forestry activity on *Private Managed Forest Land* in accordance with the *Private Managed Forest Lands Act*;
- f) Stream habitat enhancement work and environmental compensation work directed by senior government agencies;
- g) *'In-stream' work as defined by and in compliance with the Water Act*;
- h) *Mining activities as defined by and in compliance with the Mines Act*;
- i) *Hydroelectric facilities as defined by and in compliance with the Utilities Commission Act*;
- j) *Restoration of natural ecosystems and removal of invasive species, provided bank instability will not result from the proposed action.*
- k) *Removal of hazard trees where there is an immediate threat to the safety of persons or property where an approved authorization from DFO is received.*
- l) *Subdivisions that are not included within the Local Government Act definition, (boundary adjustments and lot consolidations not involving the installation of underground services or the construction of roads, and plans dedicating highways or parks).*
- m) *Replacement of the roof of a structure, its exterior finish or sign faces.*
- n) *Private residential trails up to a maximum of 1.5 metres in width to access the shoreline, provided no tree removal is required for the trail's construction.*

5. 'Schedule A-3 - Application for DVP' is hereby amended to replace the existing 9.iv)(f) with the following:

*9.iv)(f) Where development, as defined by RAR, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:*

- i) certifies that the qualified environmental professional is qualified to carry out the assessment,*
- ii) certifies that the assessment methods have been followed, and*
- iii) provides the professional opinion of the qualified environmental professional that:
  - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or*
  - (b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.**

6. 'Schedule A-4 - Application for Development Permit' is hereby amended to replace the current 8.(vi) with the following:

*8.(vi) Where development, as defined by RAR, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:*

- i) certifies that the qualified environmental professional is qualified to carry out the assessment,*
- ii) certifies that the assessment methods have been followed, and*
- iii) provides the professional opinion of the qualified environmental professional that:
  - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or*
  - (b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.**

7. 'Schedule A-5 - Application for Environmentally Sensitive Areas Development Permit' is hereby amended to replace the current 8.(v) with the following:

*8.(v) Where development, as defined by RAR, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:*

- i) certifies that the qualified environmental professional is qualified to carry out the assessment,*
- ii) certifies that the assessment methods have been followed, and*
- iii) provides the professional opinion of the qualified environmental professional that:*
  - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or*
  - (b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.*

8. 'Schedule A-6 – Application to the Board of Variance' is hereby amended to include the following text:

*8.(v) Where development, as defined by RAR, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:*

- i) certifies that the qualified environmental professional is qualified to carry out the assessment,*
- ii) certifies that the assessment methods have been followed, and*
- iii) provides the professional opinion of the qualified environmental professional that:*
  - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or*
  - (b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.*

9. 'Schedule A-7 - Application for Temporary Commercial or Temporary Industrial Use Permit is hereby amended to:

a) *Replace all reference to Temporary Commercial or Temporary Industrial Use Permit to 'Temporary Use Permit'; AND*

b) *Replace the current 9.(v) with the following:*

*9.(v) Where development, as defined by RAR, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:*

*i) certifies that the qualified environmental professional is qualified to carry out the assessment,*

*ii) certifies that the assessment methods have been followed, and*

*iii) provides the professional opinion of the qualified environmental professional that:*

*(a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or*

*(b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.*

10. 'Schedule A-9 - Application for Mobile Home Park Permit' is hereby amended to replace the existing 8.iv)(f) with the following:

*8.iv)(f) Where development, as defined by RAR, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:*

*i) certifies that the qualified environmental professional is qualified to carry out the assessment,*

*ii) certifies that the assessment methods have been followed, and*

*iii) provides the professional opinion of the qualified environmental professional that:*

*(a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or*

*(b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.*

11. 'Schedule A-10 - Application Quadra Siting' is hereby amended to replace the current 6.(v) with the following:

6.(v) *Where development, as defined by RAR, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:*

- i) certifies that the qualified environmental professional is qualified to carry out the assessment,*
- ii) certifies that the assessment methods have been followed, and*
- iii) provides the professional opinion of the qualified environmental professional that:*

*(a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or*

*(b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.*

12. That the bylaw be amended to include a new 'Schedule A-16 - Application for the Assessment of Subdivision Applications' as follows:

**GUIDELINES FOR THE ASSESSMENT OF SUBDIVISION APPLICATIONS REFERRED TO THE REGIONAL DISTRICT BY THE MINISTRY OF TRANSPORTATION**

**1. Application Procedure**

*This Schedule applies to the subdivision of land in all electoral areas of the Strathcona Regional District (SRD).*

- a) Applicants are encouraged to obtain preliminary advice from SRD planning staff prior to making an application through the Ministry of Transportation (MoT). Once received, an application for subdivision will be referred by the MoT to the SRD for review and comment. The SRD undertakes a detailed assessment of each application. A typical assessment includes an analysis of a variety of matters and interests that may include, but are not limited to:*
  - i) ensuring that the applicable zoning regulations, such as minimum lot size and lot frontage are adhered to;*
  - ii) identifying the potential for land use conflicts and making recommendations for mitigating conflicts;*
  - iii) payment of applicable development cost charges;*
  - iv) ensuring that arrangements related to parks services have been provided;*
  - v) ensuring arrangements related to the provision of community services such as sanitary sewer and water are made;*
  - vi) determining if there are any environmentally sensitive areas located on or within proximity to the affected property(ies) and the need to undertake an assessment of the potential impacts development may have on these features.*

- b) *Where development, as defined by RAR and including subdivision, as defined by the Local Government Act, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:*
- i) *certifies that the qualified environmental professional is qualified to carry out the assessment,*
  - ii) *certifies that the assessment methods have been followed, and*
  - iii) *provides the professional opinion of the qualified environmental professional that:*
    - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or*
    - (b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.*

*Upon completion of the SRD's review of the subdivision proposal, comments will be forwarded to MoT for consideration in the processing and final approval of the application.*

**2. Fees**

*The sum as specified in Schedule A-1 shall be paid to the regional district at the time of application. No processing of the referral shall be done until fees are paid in full.*

**3. Reapplication**

*Where an application has been withdrawn or denied, fees as per Schedule A-1 are applicable to any new application.*