

**City of Burnaby Environmental Review Committee (ERC)
Guide for Applicants
2022**

This Guide summarizes the ERC process for project review including applications for a relaxation (variance) to the development setback required under the Streamside Protection and Enhancement Areas Bylaw (Zoning Bylaw Section 6.23). Applicants are asked to ensure all the required documentation has been submitted to the City in advance of the ERC submission deadline, preferably with enough time to re-submit any missing documentation if required.

It is the responsibility of all applicants to ensure the submission package is complete; incomplete submissions may not be accepted and may result in delays for project review and approval. Please see the checklist at the end of this Guide.

1. Before Submitting an ERC Application

- a. Contact the City Planning Department to ensure your project is subject to the Streamside Bylaw and ERC review, what particular information is required, and which application form (Type 1, 2, or 3) should be used for the submission. The ERC Checklist below is a guide only, and may not address site-specific considerations.
- b. **The following fees apply to ERC applications, beginning in 2022:** \$1,200 for a Type 1 application and \$600 for a Type 2 application, in accordance with the Planning and Building Fees Bylaw.
- c. Refer to the ERC Submission Deadlines and Meeting Schedule below, and plan accordingly.
- d. If the application entails a request for a relaxation in streamside setbacks, consider what modifications to the proposed development could be made instead of or along with a setback relaxation, to allow for the maximum feasible protection of the stream, respecting the intent of the Bylaw.
- e. If the application entails a request for a relaxation to the streamside setbacks, there is typically an expectation for enhancement to and long-term protection of the habitat within the streamside setback area, where such opportunities exist. Depending on the nature and scale of the proposal, this could include removal of invasive plants, replanting with native plants, restoration or enhancement of the stream channel (with appropriate regulatory approval and professional consultation), registration of a restrictive covenant over the setback area (Section 219 covenant) and maintenance and monitoring of restored areas. Identifying such opportunities and indicating a commitment to undertake them, at an early stage of the project, is a prudent step.
- f. If the proposal is likely to cause harm to fish habitat under the Federal Fisheries Act, there may be a requirement from Fisheries and Oceans Canada (DFO) to create compensation habitat. Generally, enhancement of existing habitat is not sufficient in this situation, and new habitat would be required. Where feasible, the compensation habitat should be created on-site.

- g.** The ERC process is designed to meet the City's Streamside Bylaw as well as federal and provincial fisheries regulations. The ERC process was implemented to allow for flexibility, to consider relaxations to streamside setbacks where appropriate, while also upholding the City's longstanding commitment to the protection of sensitive ecosystems. City staff can help applicants to design a project for a better likelihood of a successful outcome, however insofar as federal/provincial regulations also apply, the outcome of an application cannot be guaranteed.

2. Submitting an ERC Application and payment of fees

- a.** Refer to the ERC Checklist at the end of this Guide regarding necessary information to include in the submission package.
- b.** Provide **one** hard copy of the submission package, delivered to the front desk of the Planning Department, attention to "Environmental Planning", by 4:00 pm on the day of the ERC submission deadline, two weeks prior to the ERC meeting (contact Environmental Planning staff for a current schedule).
- c.** Provide **one** digital copy of the submission package, in PDF format, to the Planning department (planning@burnaby.ca), by 4:00 pm on the day of the ERC submission deadline. Digital files may be emailed to (planning@burnaby.ca), with 'ERC Submission' in the subject line. If you are not able to create a digital copy, please make this known to the Planning Department when you drop off your hard copy submission.
- d.** Front counter staff in the Planning Department will generate an invoice for the ERC application fee upon confirming that the submission is complete based on the ERC Checklist (see following section of this document). The invoice will be provided to the applicant for payment (in person) at the cashier on the main floor of the main building at City Hall.
- e.** The application fee must be paid in full a minimum of 1 week prior to the ERC meeting. If payment is not received by that time, the application will be removed from the agenda.
- f.** A refund on an ERC application is not granted, except under the following circumstances: Partial refund equal to the amount of the ERC application fee minus \$100.00 is granted if the application is withdrawn prior to the scheduled ERC meeting.

3. The ERC Meeting

- a.** Applicants will be advised of the time when their application is to be reviewed, in advance of the ERC meeting. Applicants or their representative(s) are welcome to attend the ERC meeting, but are not required to do so. Most applicants choose to attend, so they can answer questions from the ERC members to clarify details of the proposed development.
- b.** ERC meetings are normally held in the Planning Department, on the third floor of Burnaby City Hall.

- c. It is recommended to arrive at the Planning Department 15 minutes prior to the scheduled time of the ERC meeting, and to allow for some potential delay in the start time of the meeting, due to the uncertain time required for review of other applications on the agenda.
- d. During the ERC meeting, applicants will be asked to provide a brief overview of their project proposal. ERC members may ask the applicant questions of clarification. The applicant will then leave the meeting and the ERC will discuss the project and document their recommendations.

4. After the ERC Meeting

- a. The ERC will finalize the meeting recommendations, and, if a relaxation to the streamside setback is required, forward those recommendations to the Director Planning and Building for approval. Consultation with other City departments will also be carried out as required after the meeting.
- b. Applicants will be advised of the outcome of the ERC meeting as soon as possible; please allow for a minimum of ten (10) business days following the ERC meeting.
- c. ERC decisions will be integrated into other City approvals (development applications) and requirements.

ERC CHECKLIST

The following information is normally required for all submissions to the ERC, however note that additional site-specific information may also be required; please contact Environmental Planning staff to confirm what information is appropriate for the submission.

Note that project types are classified as follows:

- **Type 1 (Application fee \$1,200):** Local Area Plans, Rezoning, Subdivision, Preliminary Plan Approval or Fill Permit.
- **Type 2 (Application fee \$600):** Single or Two-Family Development (includes new construction, additions, and accessory buildings or structures).
- **Type 3 (No fee):** Infrastructure and development within Environmentally Sensitive Areas (ESAs), e.g. utility corridors, communications infrastructure, trail development, new City infrastructure in ESAs.

Table 2: Documentation Required for ERC	Type 1	Type 2	Type 3
ERC Application Form filled out in full – note, ALL fields must be filled in, even if additional information is attached.	✓	✓	✓
Location map indicating location of property/site in relation to City streets and nearby stream(s) – may entail airphoto or street map location, e.g. from Burnaby WebMap GIS.	✓	✓	✓
Airphoto focused on the subject property / site, showing property lines and stream(s). Contact the Planning Department for assistance if you do not have access to the Burnaby WebMap GIS.	✓	✓	✓
Survey Plan showing existing site features and proposed development (<i>see requirements on page 5</i>).	✓	✓	✓
Geotechnical report (upon request, for sites with steep slopes or soil stability concerns only).	TBD	TBD	TBD
Environmental assessment report (e.g. stream channel characteristics, vegetation/wildlife species present, Species at Risk considerations, anticipated impacts and mitigation measures).	✓	+	✓
Site plans, building plans or design drawings of proposed engineering works.			✓
Summary of construction impacts mitigation (erosion and sediment control, site clearing, scheduling, monitoring, re-vegetation, bank stabilization, etc.).	✓	+	✓
Photographs showing representative site conditions.	✓	+	✓
Planting Plan identifying at a minimum the area proposed to be planted, restored or enhanced; planting details can also be shown in the application, or may be requested by the ERC as a condition of approval.	✓	✓	✓

+ Indicates item is not mandatory (however may support the application)

Survey Plan Requirements: ALL the items below must be shown where they occur on the subject property (unless not applicable to the project); more than one drawing may be provided if the plan is unclear with all items shown together, however in that case they must be produced at the same scale.

Table 3: Survey Plan Requirements
<ul style="list-style-type: none"> • Property lines, public rights of way, easements.
<ul style="list-style-type: none"> • Areas proposed or required by City for right of way dedication.
<ul style="list-style-type: none"> • Include name of stream(s) and location of stream(s) and/or watercourses, including stream channel, wetland boundary, lakeshore, ditch or pond.
<ul style="list-style-type: none"> • Top of bank or top of ravine bank (note definition from City Streamside Bylaw below).
<ul style="list-style-type: none"> • City Bylaw-mandated streamside setback as per Planning Department confirmation (MUST be shown even if project is applying for a relaxation).
<ul style="list-style-type: none"> • Contour lines, where steep slopes are involved.
<ul style="list-style-type: none"> • Tree survey, including location, diameter at breast height and species, at a minimum for all trees within and immediately adjacent to the development footprint and adjacent to the setback.
<ul style="list-style-type: none"> • Location of <u>existing and proposed</u> development elements, clearly labelled , including: <ul style="list-style-type: none"> – Building footprint(s) – principle building and accessory buildings or structures – Road – public or private – Driveway – Retaining wall – Patio or other engineered land surface treatment (concrete, asphalt, artificial turf, etc.) – Location/description of utilities (sewer / water / storm main, storm service connections, Hydro or gas lines); indicate any proposed changes to utilities. NOTE: Undisclosed utility works in streamside areas associated with the project may require further ERC review, with potential project delay.
<ul style="list-style-type: none"> • Proposed streamside setback (if different from Bylaw-mandated setback)
<ul style="list-style-type: none"> • Survey Plans MUST be drawn in METRIC, and must include a SCALE BAR, NORTH ARROW and LEGEND

From Burnaby Zoning Bylaw Section 6.23:

‘top of bank’ means:
(a) the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum of 15 metres measured perpendicularly from the break, and
(b) for a floodplain area not contained in a ravine, the edge of the active floodplain of a stream where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from edge;

‘top of ravine bank’ means: *the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break and the break does not include a bench within the ravine that could be developed.*

ERC Submission Deadlines and Meeting Schedule

All meetings will be held from 1:00pm-4:00pm on the last Wednesday of every second month, unless otherwise indicated in the schedule below. Normally meetings are held in the Planning Conference Room (3rd Floor, City Hall). However, due to social distancing measures, all meetings are currently being held virtually.

2022

Application Deadline (two weeks prior to meeting)	Meeting Date
November 10, 2021	November 24, 2021
January 12, 2022	January 26, 2022
March 16, 2022	March 30, 2022
May 11, 2022	May 25, 2022
July 14, 2022	July 28, 2022
September 14, 2022	September 28, 2022
November 16, 2022	November 30, 2022