TOWN OF CRESTON

Consolidated to October 27, 2026

BYLAW NO. 1855

A bylaw of the Town of Creston to delegate powers, duties and functions to municipal officers.

WHEREAS under Section 146 of the *Community Charter*, the Council must, by bylaw, establish officer positions in relation to the powers, duties and functions under sections 148 and 149 and assign powers, duties and functions to its officer positions; **BL#2020**

AND WHEREAS the *Officers and Employees Bylaw No. 1925, 2020* establishes municipal officer positions for the Town of Creston; **BL#2020**

AND WHEREAS under Section 154 of the *Community Charter*, Council may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees; **BL#2020**

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows: **BL#2020**

Part 1 Citation

1.1 This Bylaw may be cited as “Delegation of Authority Bylaw No. 1855, 2017”.

Part 2 Severability

2.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Definitions

3.1 The definitions found in the Official Community Plan Bylaw No. 1854, 2017, Zoning Bylaw No. 1958, 2022, and Development Application Procedures Bylaw No. 1984, 2024, as amended from time to time, apply to this Bylaw, except those listed below:

“Authorized Staff” means the Chief Administrative Officer and Town Directors.

"Council" means the Council of the Town of Creston.

"Officer" means a person holding the offices of the Town of Creston as set out in the Officers and Employees Bylaw No. 1925, 2020, as amended or replaced from time to time.

“Town” means the Town of Creston.

BL#2020

Part 4 Delegation of Persons Holding Officer Positions

4.1 Where this Bylaw delegates a power, duty or function to a named position, the delegation is to the person who holds the position and to any person who is from time to time the deputy of that person.

4.2 For clarity, subject to the Charter, unless a power, duty or function of the Council has been expressly delegated by this Bylaw or another Bylaw, all of the powers, duties, and functions of the Council remain with Council. **BL#2020**

Part 5 No delegation by Persons Holding Officer Position

5.1 A person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated in this bylaw.

Part 6 Land Use Agreement Delegation

6.1 Council hereby delegates to the Chief Administrative Officer and Director of Community Services all of the powers, duties, and functions of Council in respect to the approval, amendment, execution or discharge (where appropriate and no longer required) of the following: **BL#2020**

6.1.1 Easement agreements

6.1.2 Statutory right-of-way agreements

6.1.3 Encroachment agreements

6.1.4 Covenant agreements

6.1.5 Works and Services agreements

6.1.6 Latecomer Charge agreements

6.1.7 Latecomer Charge waiver agreements

6.1.8 Licence of Occupation renewals, where the renewed Licence of Occupation is granted on substantially the same terms and conditions as the expiring Licence of Occupation. **BL#2065**

6.1.9 Lease renewals, where the renewed Lease is granted on substantially the same terms and conditions as the expiring Lease. **BL#2065**

6.2 DELETED **BL#2031**

6.3 Council delegates to the Chief Administrative Officer, the Corporate Officer, the Director of Community Services, or their designate, the powers, the duties, and the functions of Council in respect to the issuance of Event Bookings, in accordance with the Events Bylaw No. 2029, 2025, as amended from time to time. **BL#2031**

Part 7 Development Variance Permit Delegation **BL#2065**

7.1 Council hereby delegates to the Chief Administrative Officer and Director of Community Services all of the powers, duties, and functions of Council in respect to the cancellation of Development Variance Permits in the following circumstances:

7.1.1 Development Variance Permits that have lapsed under section 504 of the *Local Government Act*.

7.1.2 Where the Development Variance Permit is no longer required, has become obsolete, provided that such cancellation does not result in a contravention of any applicable land use regulation, permit, approval, covenant, agreement, or other statutory requirement.

Part 8 Development Permit Delegation

8.1 Council hereby delegates to the Chief Administrative Officer and Director of Community Services all of the powers, duties and functions of the Council in respect of: **BL#2020**

8.1.1 Development permits under Section 489 of the *Local Government Act* for subdivisions, changes in colour schemes, signage, and any other developments or exterior renovations that do not exceed $100,000.00 in value.

8.1.2 Minor revisions to all development permits in accordance with the intent of the Development Permit Area Guidelines of the Official Community Plan Bylaw.

8.2 The delegation under Section 8.1 of this Bylaw does not include:

8.2.1 Development permits that do not meet the established Official Community Plan Development Permit Area guidelines or require a variance; and

8.2.2 Development permits within a development permit area where a concurrent rezoning and development permit application is required.

Part 9 Development Approvals – Application Forms, Permits, and Supplemental Procedures Delegation

9.1 Pursuant to the *Local Government Act*, Council delegates to the Chief Administrative Officer and Director of Community Services the duties and powers of Council as follows:

9.1.1 To establish and revise Application forms applicable to the Development Application Procedures Bylaw No. 1984 (in this Part, “Bylaw No. 1984”);

9.1.2 To establish and revise the forms of Permit applicable to Bylaw No. 1984 (noting the forms included in the Bylaw No. 1984 Schedules are for convenience and may be updated without amendment of Bylaw No. 1984);

9.1.3 To determine whether to waive, in consideration of the type and magnitude of the Application:

(a) the requirement for a Surveyors Certificate prepared by a BC Land Surveyor;

(b) the level of detail required for Site Plans required with Applications;

9.1.4 To determine whether a Public Information Meeting is required as per section 6.2.2 of Bylaw No. 1984;

9.1.5 To determine whether to require additional information to be submitted with an Application, in consideration of the type and magnitude of the Application;

9.1.6 To determine information requirements and procedures for other applications for approvals or agreements, related to development, not explicitly outlined in Bylaw No. 1984;

9.1.7 To determine what information may be required on the Applicant's Public Notification Signage;

9.1.8 To determine and provide Notice of First Reading in accordance with section 464 and 467 of the *Local Government Act*, and to prepare a zoning amendment bylaw for consideration by Council for Zoning Bylaw amendment applications that do not require, or are prohibited from having, a Public Hearing;

9.1.9 To determine whether and when to give notice for Development Variance Permits, subject to compliance with the *Local Government Act*;

9.1.10 For an Official Community Plan Amendment, to determine whether and what level of consultation is required with the government agencies, First Nations and other bodies listed in section 475(2)(b) of the *Local Government Act*;

9.1.11 In order to avoid a permit lapsing, to approve or deny a written request for one extension up to twelve (12) months to an issued Development Permit or Development Variance Permit, provided no change in the issued permit is proposed and provided there have been no material changes in the applicable guidelines. Any change to a permit or further extension of a permit will require a new Application; and

9.1.12 To approve or deny a written request for minor amendments (as considered by the Director) to issue minor amendments to issued Development Permits.

9.2 Where Bylaw No. 1984 delegates a power, duty or function, the delegation is also to the person who holds the deputy of that position when the Director is not available.

9.3 A person to whom a power, duty or function has been delegated has no authority to further delegate to another person any power, duty or function that has been delegated by Bylaw No. 1984.

BL#1985

Part 10 Authorization to Require Development Approval Information

10.1 Pursuant to the Official Community Plan attached to Bylaw No. 1854, the Director of Community Services is authorized to require that the Applicant provide Development Approval Information for any Application to amend the Zoning Bylaw or to obtain a Development Permit or Temporary Use Permit.

10.2 The Director may require in writing that the Applicant provide, at the Applicant's expense, Development Approval Information in a report that is certified by a Qualified Professional, which:

10.2.1 complies with and fully addresses terms of reference which are provided by the Director in accordance with Section 10.4;

10.2.2 identifies and defines the context, interaction, scope, magnitude and significance of the anticipated impacts of the activity or development on the community, 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;

10.2.3 provides recommendations for conditions or requirements Council or the Director may impose to mitigate or ameliorate the anticipated impacts identified; and

10.2.4 provides recommendations and details costs for modifications to the environment, or construction of works, required to mitigate or ameliorate the anticipated impacts.

10.3 The Director may require the Applicant to provide information on, and a systematic detailed assessment of the following:

10.3.1 compliance of the activity or development with the Official Community Plan and any other relevant Town bylaw, plan or policy in preparation or adopted by Council;

10.3.2 compatibility with adjacent and community land uses, functions, form, character, aesthetics and scale of development;

10.3.3 socio-economic impacts affecting the day-to-day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, housing impacts including tenant relocation assistance, local services and socio-cultural issues;

10.3.4 land use impacts such as noise, vibration, glare and electrical interference;

10.3.5 landscape and visual impacts including their nature, significance and magnitude and including impacts on view corridors and shadows, visual envelope, prominent features, experiential characteristics, and landscape character;

10.3.6 transportation including, but not limited to transportation impacts, public transit service and requirements, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity and accessibility;

10.3.7 retail trade impacts of a proposed commercial development, including but not limited to, the effects of additional competition, the effects on commercial vacancy rates, and the impacts to neighbourhood/sector stability;

10.3.8 air quality impacts including, but not limited to, pollution, dust, fumes, smoke and odours;

10.3.9 impacts to ground and surface water quality including, but not limited to, pollution, temperature, oxygen levels, acidity, nutrients, silts, and pathogens;

10.3.10 geotechnical conditions including, but not limited to, soil composition, profile, classification, agricultural suitability and capability, geologic process and terrain stability;

10.3.11 hydrological and/or hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;

10.3.12 terrestrial and aquatic ecology including, but not limited to, biological diversity, impacts to flora and fauna, habitat size, complexity, fragmentation or isolation, change to suitability or capability, restoration, creation or enhancement;

10.3.13 historical, heritage, cultural and archaeological buildings, sites or assets;

10.3.14 the phasing and timing of the activity or development;

10.3.15 hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, and inundation (including appropriate construction elevations and setbacks) or other hazards;

10.3.16 compatibility of the activity or project with adjacent Town owned land, rights of way, covenants and easements;

10.3.17 local infrastructure and site servicing including, but not limited to, drainage, rainwater management, water, storm sewer, sanitary sewer, and other utilities;

10.3.18 community facilities and services including, but not limited to, schools, parks, recreation, protective, emergency, and health services;

10.3.19 climate change impacts including energy and greenhouse gas emission impacts; and

10.3.20 any other topic in relation to which the Director considers the proposed activity or development impacts the jurisdiction of the Town.

10.4 Where applicable, an assessment required under this section must make recommendations on measures to mitigate and to compensate for any impacts identified.

10.5 If the Director is not satisfied that the information is sufficient to comply with this section in scope, level of detail, accuracy, or any other respect, the Director may, within 15 business days of receipt of the information submitted by the Applicant to provide, at the Applicant's expense, further information reasonably required to comply with this section.

10.6 The information that is provided to the Town pursuant to this section is required by the Town in the exercise of its powers under the *Local Government Act*. Every report or other document provided to the Town pursuant to this section must accordingly contain an express grant of permission to the Town to use and reproduce the information contained in the report or other document for non-commercial purposes.

10.7 The Director may require that the information be reviewed, at the Applicant's expense, by a second Qualified Professional unrelated to and independent of the Qualified Professional who made the initial submission.

BL#1985

Part 11 Security for Land Use Permits

11.1 The Director is authorized to require security as a pre-condition or as a condition of the issuance of a Land Use Permit, noting the following guidelines:

11.1.1 For landscaping security, see Schedule G of Development Application Procedures Bylaw No. 1984;

11.1.2 In addition to landscaping security, the Director may require that the Applicant provide security in an amount equal to 125% of the cost of work that the Director reasonably considers may be required, in view of the scale and nature of the development being authorized, the nature of the site, and the cost to the Town of undertaking the work to correct an unsafe condition that could result from the contravention of a condition of the permit, including the cost of repairing any damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work;

11.1.3 In addition to landscaping security, the Director may require that the Applicant provide security in an amount equal to 125% of the cost of work that the Director reasonably considers may be required, in view of the scale and nature of the development being authorized and the nature of the site, and the cost to the Town of restoring or enhancing the natural environment to compensate for and correct damage to the environment that could result from the contravention of a condition of the permit;

11.1.4 When security is required, the Owner shall provide the security before undertaking any activity authorized by the permit, and:

(a) when required as a pre-condition to a permit, before the Director signs and issues the permit; or

(b) when required as a condition of a permit, or incorporated into the terms of the permit, before receiving a building permit (failure to do so being cause to revoke such permit).

BL#1985

Part 12 Subdivision Approvals – Subdivision Servicing, Development Works, Parkland Deferral, Highway Frontage Exemption

12.1 Council hereby delegates to the Town's Approving Officer all of the powers, duties, and functions of Council in respect to the approval, amendment, execution or discharge (where appropriate and no longer required) of the following:

12.1.1 Subdivision servicing agreements;

12.1.2 Development works agreements;

12.1.3 Parkland deferral agreements; and

12.1.4 Exemption of a parcel from the minimum highway frontage requirement of the *Local Government Act* or any Town bylaw. **BL#1985**

Part 13 Reconsideration by Council **BL#1985**

13.1 An applicant may have a decision of the Chief Administrative Officer or Director of Community Services (the 'Delegate(s)') in relation to a development permit, development approval information, security, and highway frontage exemption, reconsidered by Council by submitting a written request for reconsideration to the Corporate Officer or his/her designate, within thirty days after the decision is delivered to or made available to the applicant. **BL#1985 and BL#2020**

13.2 The request for reconsideration must include the following:

(a) The applicant's address for receiving correspondence related to the request for reconsideration;

(b) A copy of the written decision;

(c) Reasons why the applicant wishes the decision to be reconsidered by Council;

(d) The decision which the applicant requests be made by Council;

(e) Reasons in support of the decision requested from Council; and

(f) A copy of any documents which support the applicant's request for reconsideration by Council.

13.3 At the reconsideration of a decision, the applicant is entitled to be heard by the Council in person or by a representative.

13.4 The Council may, following completion of its reconsideration, do one or more of the following:

(a) Confirm all or part of the Delegate's decision.

(b) Amend the Delegate's decision or make a new decision.

(c) Set aside all or part of the Delegate's decision and substitute the decision of Council.

13.5 The Council may adjourn a reconsideration to another date, if required, under this section.

Part 14 Notice of Reconsideration **BL#1985**

14.1 The Corporate Officer must, upon receiving an application for reconsideration:

(a) Place the request for reconsideration on the agenda for a regular meeting of Council to be held at least two weeks after the date on which the request for reconsideration is delivered to the Corporate Officer.

(b) Notify the applicant of the date for reconsideration by regular mail sent to the applicant's address provided under Section 13.2.

(c) If the Chief Administrative Officer or Director of Community Services provided notice to any person other than the applicant regarding the initial application for a development permit, in addition to the notice requirements under Section 14.1(b), similar notice must be given of the reconsideration. **BL#2020**

Part 15 Delegation of Signing Authorities

15.1 The Mayor, an appointed member of Council, Chief Administrative Officer, Corporate Officer, or Director of Finance and Corporate Services, will be authorized signatories.

15.2 Any two of the authorized signing authorities may execute forms, contracts, instruments and other documents that Council has authorized by bylaw, policy, or Council resolution. **BL#2020**

Part 16 Delegation of Purchasing Power

16.1 Council delegates to the Chief Administrative Officer and/or Authorized staff, the authority to acquire, negotiate and purchase goods and services on behalf of the Town, in accordance with Town purchasing policies, as amended from time to time.

16.2 The Chief Administrative Officer and Corporate Officer have the delegated authority to instruct the Town's solicitor to provide legal advice, up to $30,000. **BL#2020**

Part 17 Effective Date

17.1 This Bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 10th day of January, 2017.

READ A THIRD TIME by title this 10th day of January, 2017.

ADOPTED this 24th day of January, 2017.

"Ron Toyota"
Mayor Ron Toyota

"Bev Caldwell"
Bev Caldwell, Executive Assistant

INDEX OF AMENDING BYLAWS

Bylaw #1864 ..... Adopted January 23, 2018
Bylaw #1870 ..... Adopted June 12, 2018
Bylaw #1910 ..... Adopted July 28, 2020
Bylaw #1985 ..... Adopted April 16, 2024
Bylaw #1997 ..... Adopted April 23, 2024
Bylaw #2020 ..... Adopted April 8, 2025
Bylaw #2031 ..... Adopted December 2, 2025
Bylaw #2065 ..... Adopted October 27, 2026

NOTE TO USERS

“WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws”, pursuant to ‘Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.