

Section 36 Bear Creek Valley

- 36.1 This Section shall apply to all development located on lots abutting the top of bank of the Bear Creek Valley, excepting all lands east of 102 Street, and Lot 18, Block 5, Plan 812-0725 in Mission Heights.
- 36.2 As part of a subdivision application, development permit or Land Use Bylaw amendment application, the location of Top of Bank shall be determined by survey by a geotechnical engineer, recognized by APEGA, or other method satisfactory to the Development Authority, and shall be identified on the application.
- 36.3 All buildings shall be set back a minimum of 7.62m from the top of bank, and shall not exceed 4.9m in height. For each additional 3.05m of setback provided, the height of the building may be increased 3.05m. The Development Authority may increase the minimum setback and impose any other requirements considered appropriate after reviewing the geotechnical analysis referred to in Section 36.5.
- 36.4 All development applications shall include a cross-sectional view of the development showing the height and location of any proposed grades and vegetation.
- 36.5 Any development may be subject to a geotechnical analysis that demonstrates the suitability of the development to the site and considers potential modifications to the bank and the effect of the proposed development on the stability of the slope and the structure of the proposed development. A geotechnical engineer, recognized by APEGA, shall carry out such geotechnical analysis at the sole expense of the applicant. The City, at its discretion, may seek an independent review of any geotechnical analysis provided by the Applicant prior to reviewing the recommendations in the analysis.
- 36.6 Notwithstanding Section 36.3, buildings may be built closer to the top of bank of the Bear Creek Valley than provided in this Bylaw, if the Development Authority is satisfied through the geotechnical analysis referred to in Section 36.5 that a lesser setback is warranted, considering the following criteria:
- a. The purpose of the proposed development;
 - b. The relative need for the development to be in its proposed location versus other locations;
 - c. The extent and nature of landscaping to be incorporated within the development;
 - d. The impact of the proposed development on the recreational potential of the Bear Creek Valley and reservoir;
 - e. The height of the development;
 - f. The architectural merits of the proposed development; and,
 - g. Any other criteria the Development Authority considers appropriate.
- 36.7 The Development Authority may require the applicant to enter into a restrictive covenant in a form acceptable to the Development Authority which will be registered in the Land Titles Office.