

## Town of Ladysmith

### BYLAW NO. 1887

#### **A Bylaw to establish procedures and policies for requiring development approval information.**

WHEREAS under Section 920.01 of the *Local Government Act*, Council has specified in the Official Community Plan certain circumstances and designated areas for which development approval information may be required.

AND WHEREAS Council wishes to obtain information on the anticipated impact of proposed activities or proposed development on the community.

AND WHEREAS Section 920.1(2) of the *Local Government Act* requires the Town of Ladysmith to establish the procedures and policies on the process for requiring development approval information and the substance of the information that may be required.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

#### **INTERPRETATION**

1. In this Bylaw:

“*Applicant*” means a person who applies for: a) an amendment to the Zoning Bylaw, under Section 903 of the *Local Government Act*; b) a development permit under Section 920 of the *Local Government Act*; or c) a temporary use permit under Section 921 of the *Local Government Act*.

“*Approving Officer*” means the person appointed by Council to that position, and includes their lawful deputy or a person designated by Council to act in their place.

“*Town*” means the Town of Ladysmith.

“*Council*” means the Council of the Town of Ladysmith.

“*Director of Development Services*” means the person appointed by Council to that position, and includes a person designated to act in their place.

“*Director of Infrastructure Services*” means the person appointed by Council to that position, and includes a person designated to act in their place.

“*Qualified Professional*” means a professional listed in the table provided in Section 9 in the subject matter about which an Applicant may be required to provide a Report under this Bylaw.

“*Report*” means any study or information containing development approval information that fulfils or is intended to fulfil the requirements of this Bylaw.

“*Terms of Reference*” means a document prepared by the Town having regard to the matters outlined in Schedule A that defines the scope of development approval information and the deliverables required to be provided by the Applicant.

#### **PROCEDURES AND POLICIES**

2. Where *Official Community Plan Bylaw 2003, No. 1488* identifies circumstances for which development approval information may be required, then the procedures and policies for requiring such information and the substance of that information are set out in this Bylaw.

3. An official referred to in section 4 may require that an Applicant provide development approval information in accordance with this Bylaw when considering the following types of applications:

- a) an amendment to the Zoning Bylaw;
- b) development permit; or
- c) temporary use permit.

4. The following officials of the Town of Ladysmith may require development approval information by writing a letter to the Applicant that outlines the Terms of Reference for the Report:
  - a) Director of Development Services,
  - b) Director of Infrastructure Services, or
  - c) Approving Officer
5. The development approval information must be provided by the Applicant at the Applicant's expense, in the form of a Report certified by a Qualified Professional.
6. A Report provided under section 5 must comply with and fully address the Terms of Reference that are provided.
7. A Report provided under section 5 must be prepared by a Qualified Professional as outlined in the table below:

	SUBJECT	QUALIFIED PROFESSIONAL
A	Transportation	Traffic Engineer (P. Eng.)
B	Local Infrastructure	Civil Engineer (P. Eng.)
C	Natural Environment	Registered Professional Biologist (R.P. Bio) Hydrological Engineer (P. Eng.) Geotechnical Engineer (P. Eng.) Professional Geologist (P. Geo.) Registered Professional Forester (RPF) Architect (MAIBC) Landscape Architect (BCSLA) Professional Agrologist (P. Ag.)
D	Public facilities (including community services, parks and schools)	Certified Planner (MCIP, RPP) Architect (MAIBC) Civil Engineer (P. Eng.) Registered Social Worker (BCCSW) Chartered Professional Accountant (CPA)
E	Economic and Social Development	Certified Planner (MCIP, RPP) Chartered Professional Accountant (CPA) Economist Appraiser (AIC) Land Economist (DULE)
F	Archaeology	Registered Professional Archaeologist (BCAPA)
	Heritage	Qualified Heritage Conservation Professional
G	Form and Character/Built Environment	Certified Planner (MCIP, RPP) Architect (MAIBC) Landscape Architect (BCSLA) LEED Approved Professional (AP)
H	Climate Action	Certified Planner (MCIP, RPP) Architect (MAIBC) Electrical and/or Mechanical Engineer (P. Eng.) Landscape Architect (BCSLA) Certified Energy Advisor LEED Approved Professional (AP) Graduate Degree in Climate Science Professional Hydrologist

8. The Report must include a quality assurance statement with the signatures and seals of the Qualified Professional involved in its creation.
9. The Town may distribute the Report and publicize the results of any Report.



## TERMS OF REFERENCE

10. The Terms of Reference may require one or more Reports related to one or more of the following subject areas:
  - A. Transportation
  - B. Local Infrastructure
  - C. Natural Environment
  - D. Public Facilities (including community services, parks, recreation and schools)
  - E. Economic and Social Development
  - F. Archaeology and Heritage
  - G. Form and Character
  - H. Climate Action (greenhouse gas reduction, energy conservation, and water conservation)
11. The Terms of Reference may require that Report provide all or part of the information contained in 'Schedule A' attached to this bylaw.
12. In general, a Report must contain the following:
  - a) The legal description and property identifier (PID) for the property;
  - b) A description of all relevant land use covenants, easements, statutory rights of way or other charges that affect the use and development of the property registered on title for the subject property;
  - c) A location and context map for the property;
  - d) A description of the methodology and assumptions used to undertake the Report or sufficient detail regarding assessment and the methodology to facilitate a professional peer review, if required under section 14;
  - e) Identification and definition of the context, interaction, scope, magnitude and significance of the anticipated impacts of the proposed activity or development, 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; and
  - f) Recommendations for conditions or requirements that Council, the Director of Development Services, Director of Infrastructure Services or the Approving Officer may impose to mitigate the anticipated impacts.

## REPORT REVIEW

13. If the Town determines that a Report is incomplete or deficient it will notify the Applicant in writing of the nature of the deficiencies. The Applicant will be required to submit a new Report to address the deficiencies.
14.
  - (a) Without limiting Section 13, the Director of Development Services, Director of Infrastructure Services, or the Approving Officer may, after receiving and reviewing a Report under this Bylaw, require a peer review of a Report, at the expense of the Applicant, if such person considers that the initial Report fails to satisfy the requirements of this Bylaw, including by failing to satisfy a standard, guideline, policy or other matter set out in or incorporated by reference in this Bylaw.
  - (b) If a peer review of a Report is required under this section, one peer of the class of applicable professionals referred to in the Section 7 list, as agreed to by the Town and the Applicant, shall be selected to conduct the review.

## RECONSIDERATION

15. An Applicant may apply to Council for the reconsideration of an administrative decision to require development approval information under this Bylaw by delivering to the Town a written application for reconsideration within 30 days after the decision is communicated in writing to the Applicant.
16. An application for reconsideration must set out the grounds upon which the Applicant considers the decision inappropriate and what, if any, decision the Applicant considers

the Council ought to substitute, and must include a copy of any materials considered by the Applicant to be relevant to the reconsideration by Council.

- 17. The Town must place each application for reconsideration on the agenda of a regular meeting of Council as soon as reasonable practicable after delivery of the application for reconsideration, and must notify the Applicant of the date of the meeting at which the reconsideration will occur.
- 18. At the meeting, Council may hear from the Applicant and any other person interested in the matter under reconsideration who wishes to be heard, and may either confirm the decision or substitute its own decision.

**SEVERABILITY**


- 19. If any section, subsection, sentence, clause, definition, or 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.

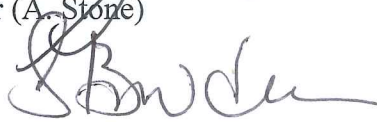
**CITATION**

This Bylaw may be cited for all purposes as “Development Approval Information Bylaw 2015, No. 1887”.

READ A FIRST TIME	on the 17 <sup>th</sup>	day of	August, 2015
READ A SECOND TIME	on the 17 <sup>th</sup>	day of	August, 2015
READ A THIRD TIME	on the 17 <sup>th</sup>	day of	August, 2015
THIRD READING RESCINDED	on the 28 <sup>th</sup>	day of	September, 2015
READ A THIRD TIME AS AMENDED	on the 28 <sup>th</sup>	day of	September, 2015
ADOPTED	on the 7 <sup>th</sup>	day of	December, 2015



  
\_\_\_\_\_  
Mayor (A. Stone)

  
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Corporate Officer (S. Bowden)



## **Bylaw No. 1887**

### **Schedule A**

#### **A. Transportation**

If the Town requires development approval information relating to transportation patterns the following information may be required:

- ☐ Provide a traffic impact assessment for the proposed development considering any and all growth areas identified in the Town's OCP and other potential growth areas adjacent to the Town, including Town facilities and the Provincial highway.
- ☐ Provide an analysis of the proposed development's impact on the public right of way which could include Town roads and the Provincial highway (i.e. traffic circulation, vehicular capacity of the road, size and configuration of intersections, turning lanes, traffic lights, bike lanes, sidewalks, etc.).
- ☐ Provide a breakdown of traffic flows (i.e. weekday, weekend, peak morning and evening) and estimate the number of additional vehicle trips per day to be generated by the proposed development, including origin-destination analysis, and an analysis of the impact on nearby uses of land and intersection points (i.e. sidewalks, cycling paths, train crossings).
- ☐ Identify any public right-of-way upgrading, reconstruction, reconfiguration, or expansion that may be necessary to accommodate the additional pedestrian, bicycle and vehicle trips per day to be generated by the proposed development, including Town facilities and the Provincial highway.
- ☐ Identify pedestrian sidewalks, paths and cycling infrastructure that will be provided to accommodate the proposed development and increase in usage and how they will be integrated into the overall transportation network (including access points).
- ☐ Identify opportunities and improvements required for facilitating transit use.
- ☐ Provide an analysis of any future safety concerns for the planned road network such as the horizontal and vertical profiles, intersection geometrics, pedestrian crossing locations, truck routes, emergency routes and sight visibility.
- ☐ Provide a context map to illustrate connections to the existing Town network of roads, pedestrian routes, bicycle route, and trails.

#### **B. Local Infrastructure**

If the Town requires development approval information in the form of a Report relating to the impact of development on local infrastructure, the following information may be required:

- ☐ Identify the possible deficiencies as well as the impact that the proposed development may have on the existing local infrastructure and site servicing including drainage, water, sewer, and other utilities.
- ☐ Provide a conceptual site servicing plan showing the proposed water-main network, water pressure zones, and associated pumping stations if applicable.
- ☐ Estimate the water demand to be generated by the proposed development and conservation measures and impacts.
- ☐ Provide an analysis of the existing public water system and the options available for the supply and delivery of water to the proposed development including an analysis of the impact of the development on the Town's water pressure zones and water reservoir.
- ☐ Provide an analysis of the existing system for disposal and treatment of sewage and the options available for the treatment and disposal of sewage from the proposed development.
- ☐ Estimate the amount of surface drainage waters that would be generated by the proposed development and the options available for collection, storage and dispersal of such drainage using best practices.



- ☐ Identify the new capital works required for the proposed development for water, sewer and drainage systems and their cost and the potential funding sources for these expenditures.
- ☐ Estimate the life-cycle costs of new infrastructure.

### **C. Natural Environment / Hazardous Conditions**

If the Town requires development approval information that relates to the impact of development on the natural environment or for the protection of development from hazardous conditions, the following information may be required:

- ☐ Provide an analysis and Report on the natural environment including ecosystems, biological diversity, species at risk, regionally significant species, and riparian ecosystems.
- ☐ Provide a 'Bio-Inventory' utilizing the most recent edition of the '*Develop with Care: Bio-Inventory Terms of Reference*' Ministry of Environment, Province of British Columbia.
- ☐ Provide recommendations for protecting, retaining and restoring environmentally valuable resources.
- ☐ Provide an analysis of the environmental impacts such as noise, vibration, glare, and electrical interference.
- ☐ Provide a tree analysis and detailed tree retention strategy for the site and any potential impacts on adjacent property from tree removal.
- ☐ Provide a hydrological or hydrogeological assessment of the site, or both, including infiltration, interception, groundwater, aquifers, overland flow, accretion, and erosion.
- ☐ Provide an analysis of the proposed development's impact on fish habitat as well as ground (i.e. aquifer) and surface water quality including pollution, nutrients, silts, and pathogens.
- ☐ Provide an analysis of the geotechnical conditions of the site including, but not limited to, soil composition, profiles, agricultural suitability and capability, geologic process and/or terrain stability and subsidence, and slopes greater than 30 degrees at one metre contours.
- ☐ Provide an analysis of the hazardous conditions of the site including, but not limited to, mud flow, debris torrents, erosion, land slip, rock fails, and avalanche and specify required setback distances from a natural boundary, property boundary or feature, ecosystem or hazard area and state that the lands are safe for the intended building(s) and use(s), in accordance the Association of Professional Engineers and Geoscientists of British Columbia.
- ☐ At a suitable scale, map and overly onto the site plan for the proposed development the findings from the required Natural Environment / Hazardous Conditions analysis.
- ☐ Provide a soil removal and soil deposit plan for the proposed development.
- ☐ Provide wildfire interface planning recommendations for the proposed development.

### **D. Public Facilities and Services**

If the Town requires development approval information relating to public facilities (including community services, parks and schools) the following information may be required:

- ☐ Identify services within a five minute walking distance of the proposed development.
- ☐ Identify the local community services that would be affected by the proposed development including, without limitation, any of the following: the provision of current or future school services, protective services such as fire and police, health care, parks, and recreational services.
- ☐ Examine the potential financial impacts of the proposed development on the existing community public facilities such as schools, fire halls, police detachments, recreation

facilities and parks; and examine the impact on the number of users of existing community services and public facilities.

- ☐ Outline any potential costs and identify possible strategies to mitigate against the potential impacts including an outline of the potential funding sources for the provision of additional community services and public facilities that may be required as a consequence of the proposed development.
- ☐ Provide recommendations for the location of proposed trails within environmental sensitive areas.

#### **E. Economic and Social Development**

If the Town requires development approval information relating to economic and social development the following information may be required:

- ☐ Provide an analysis of the economic impacts of the proposed development and how it may affect the day to day quality of life of residents, visitors and the community, including direct and indirect economic impacts, demographics, housing, local services and sociocultural issues.
- ☐ Provide an analysis of the retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, the effects on tenancy, and the impacts on neighbourhood or sector stability.
- ☐ Provide an analysis of the proposed development's impact on the supply, use and quality of industrial land.
- ☐ Provide a market analysis and project pro forma to evaluate and demonstrate the viability of the proposed development.
- ☐ Provide a community amenity contribution policy analysis where community amenities are proposed.
- ☐ Provide an analysis of the affordability of the dwelling units in the proposed development, and/or an analysis of the loss of affordable housing as a result of the proposed development.
- ☐ Provide information about how the proposed development meets adaptable housing needs, elder care needs, and/or child care needs.
- ☐ Provide an analysis of the proposed development's impact on the diversity of residential unit sizes and types in the community.
- ☐ Provide an analysis of the proposed development's impact on the supply, use and quality of agricultural land.

#### **F. Archaeology and Heritage**

If the Town requires development approval information relating to archaeology and/or heritage the following information may be required:

- ☐ Identify potential heritage and archaeological features on the development site, including First Nations sites that are protected under the *'Heritage Conservation Act'*.
- ☐ Complete an archaeological impact assessment and impact mitigation study that provides an analysis of the proposed development's impact on historical, cultural and archaeological buildings, sites or assets.
- ☐ Complete a heritage impact assessment and impact mitigation study that provides an analysis of the proposed development's impact on historical, cultural and heritage buildings, sites or assets.
- ☐ Demonstrate how the proposal responds to the most recent edition of the 'Standards and Guidelines for the Conservation of Historic Places in Canada' (Parks Canada)
- ☐ Provide an analysis of how a building or site design reflects, preserves or enhances the heritage of the area.



- ☐ For all of the above demonstrate how the applicable First Nation(s) for the area was involved in the heritage or archaeology study.

## **G. Form and Character and Built Environment**

If the Town requires development approval information relating to the form and character or built environment of a development the following information may be required:

- ☐ Provide an analysis of the proposed development's compatibility with adjacent and community land uses, functions, form, character, aesthetic, grade, and scale of development;
- ☐ Provide an analysis of landscape and visual impacts, including the impact on view corridors, the creation of shadows, prominent features, experiential characteristics, and landscape character (including grade) considering views to and from the proposed development.
- ☐ Provide information about the phasing and timing of the activity or development and how this may impact the surrounding neighbourhood.
- ☐ Provide a Vision context statement explaining how the proposal meets the "Community Vision for a Sustainable West Coast Town".

## **H. Climate Action**

If the Town requires development approval information relating to climate action the following information may be required:

- ☐ Identify in detail how the proposed project will contribute to community greenhouse gas emission reduction targets, energy conservation, and/or water conservation.
- ☐ Provide a climate change risk and vulnerability assessment of the development site and adaptation measures for the proposed development (i.e. wildfire, flooding, sea level rise, extreme storm events).
- ☐ Provide an energy audit of the proposed buildings and/or of the proposed development.
- ☐ Provide an analysis of the proposed development on air quality impacts including, but not limited to, pollution, dust, fumes, smoke and odours.
- ☐ Provide the following information with respect to the proposed development:
  - renewable energy technologies being utilized;
  - water efficiency;
  - materials and resources to be used;
  - the indoor environmental quality;
  - innovation in design; and
  - alternative transportation options supported in the development.