

**THE CITY OF PRINCE RUPERT**  
**DEVELOPMENT APPROVAL INFORMATION BYLAW**  
**BYLAW 3468, 2021**

**A BYLAW TO ESTABLISH THE POLICIES AND PROCEDURES FOR REQUIRING DEVELOPMENT APPROVAL INFORMATION**

This Bylaw may be cited as “Development Approval Information Bylaw No. 3468, 2021”.

**WHEREAS** section 485 of the *Local Government Act* (RSBC, 2015) allows for the City of Prince Rupert to designate areas where development approval information may be required by an applicant for the amendment to the Zoning Bylaw, a Development Permit, or a Temporary Use Permit;

**AND WHEREAS** section 486 of the *Local Government Act* (RSBS, 2015) requires the City of Prince Rupert to create a bylaw that establishes the procedures and policies on the process for requiring development approval information and the substance of the information that may be required;

**AND WHEREAS** the Council of the City of Prince Rupert has established development approval information areas in its Official Community Plan.

**NOW THEREFORE** the Council of the City of Prince Rupert in open meeting assembled enacts as follow:

- 1) That the Schedule “A” – Development Approval Information Bylaw, attached to and forming part of this Bylaw comes into force upon final consideration and adoption.
- 2) That the Schedule “B” – Terms of Reference for Development Approval Information, attached to and forming part of this Bylaw comes into force upon final consideration and adoption.

**READ A FIRST TIME THIS 25th day of January, 2021**

**READ A SECOND TIME THIS 25<sup>th</sup> day of January, 2021**

**READ A THIRD TIME THIS 25<sup>th</sup> day of January, 2021**

**FINALLY CONSIDERED AND ADOPTED THIS 8<sup>th</sup> day of February, 2021**

This Bylaw was adopted by Council.

To view the signed original,  
contact City Hall Administration at  
(250) 627 0934 or email  
cityhall@princerupert.ca

\_\_\_\_\_  
Mayor

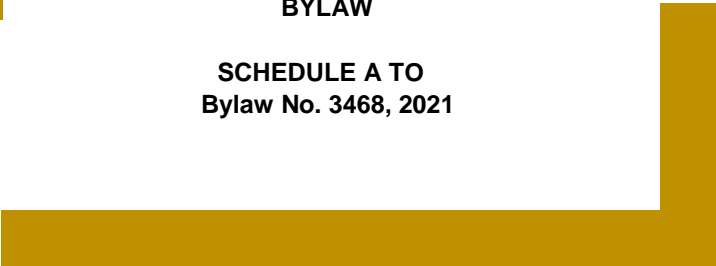
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Corporate Administrator



**City of Prince Rupert**

**DEVELOPMENT  
APPROVAL INFORMATION  
BYLAW**

**SCHEDULE A TO  
Bylaw No. 3468, 2021**



## Table of contents:

|   |   |
|---|---|
| Section 1 – Definitions.....              | 3 |
| Section 2 – Procedures and Policies ..... | 3 |
| Section 3 – Terms of Reference .....      | 4 |
| Section 4 – Report Review .....           | 5 |
| Section 5 – Reconsideration .....         | 5 |
| Section 6 – Severability.....             | 5 |

## 1.0 Definitions

This Bylaw includes a number of words that have specific meanings with respect to development procedures. These words and phrases are defined in this section.

### In this Bylaw:

**APPLICANT** means a person who makes an application for:

- a) an amendment to the current Zoning Bylaw, under Section 479 of the *Local Government Act*;
- b) a development permit under Section 488 of the *Local Government Act*; or
- c) a temporary use permit under Section 493 of the *Local Government Act*.

**APPROVING OFFICER** means the person who was appointed by Council to that position, it can include a person designated to act in their place.

**CITY** means the City of Prince Rupert.

**COUNCIL** means the appointed Council of the City of Prince Rupert.

**DIRECTOR OF OPERATIONS** means the person who was appointed by Council to that position.

**CITY PLANNER** means the person who was appointed by Council to that position.

**QUALIFIED PROFESSIONAL** means a registered professional who is listed in the table under Section 2.6 of this Bylaw 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 intends to fulfil the requirements of this Bylaw.

## 2.0 Procedures and Policies

2.1 Where the Official Community Plan Bylaw identifies the circumstances in which the development approval information is required, the procedures and policies for requiring development approval information is set out in this Bylaw.

2.2 An official referred to in Section 2.3 may require that an Applicant will provide the development approval information in accordance to this Bylaw when giving consideration to the following applications:

- a. An amendment to the Zoning Bylaw;
- b. A development permit; or

- c. A temporary use permit.

2.3 Listed below are the officials who may require the development approval information from the applicant by writing a letter detailing the Terms of Reference for the Report:

- a. Director of Operations;
- b. Approving Officer; and
- c. City Planner.

2.4 The development approval information must be provided by the Applicant at their own expense. The development approval information must be in the form of a report completed by a Qualified Professional.

2.5 The development approval information report must comply with and fully address the Terms of Reference that were provided by an official.

2.6 A report provided under Section 2.4 must be prepared by a Qualified Professional according to the table below:

|           | <b>SUBJECT</b>          | <b>QUALIFIED PROFESSIONAL</b>  |
|-----------|-------------------------|--|
| <b>A.</b> | Transportation          | Traffic Engineer (P. Eng.)   |
| <b>B.</b> | Local Infrastructure    | Civil Engineer (P. Eng.)   |
| <b>C.</b> | The Natural Environment | Registered Professional Biologist (R.P. Bio)   |
| <b>D.</b> | Hazardous Conditions    | Hydrological Engineer (P. Eng.)<br>Geotechnical Engineer (P. Eng.)<br>Professional Geologist (P. Geo.) |

2.7 Within the report, a quality assurance statement with the signatures and seals of the Qualified Professionals involved must be included.

2.8 The City may distribute and publicize the results of the Applicant's report.

### **3.0 Terms of Reference**

3.1 The Terms of Reference can require one or more reports that are related to any number of the following subject areas:

- A. Transportation
- B. Local Infrastructure
- C. Natural Environment
- D. Hazardous Conditions

3.2 The Terms of Reference can require the Applicant's report to include all of, or part of, the information outlined in 'Schedule B' of this Bylaw.

3.3 Unless specified otherwise, the Applicant's Report must include the following components:

- a. The property's legal description and property identifier (PID);
- b. A descriptive list of all of the relevant land use covenants, easements, statutory rights of way, or other charges that could potentially affect the use and development of the property registered on title for the subject property;
- c. The properties location and context map;
- d. The description of the report's methodology and assumptions, or sufficient detail regarding the methodology and assessment to facilitate a professional peer review if required under Section 4.2.
- e. Identification and definition of the context, interaction, scope, magnitude, and significance of the possible impacts the proposed activity or development poses. This report must also include the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts of the activity or development could contribute to the present risks, stressors, and threats; and
- f. Recommendations for either conditions or requirements that the City Council or other government official may impose to reduce the possible impacts.

#### **4.0 Report Review**

- 4.1 If the City of Prince Rupert finds that the submitted report is incomplete or deficient, it shall notify the Applicant in the form of a written detail of the deficiencies. In order to proceed, the Applicant must submit a new report addressing these deficiencies.
- 4.2 Without limiting Section 4.1, the Director of Operations, the City Planner, or the Approving Officer may require a peer review of the submitted report after reviewing such report. This is done so at the Applicant's expense if the initial report does not meet satisfaction in a standard, guideline, policy, or other matter within this Bylaw.
  - a. If an official outlined in Section 2.3 requires a peer review, one peer within the class of the applicable professionals referred to in the Section 2.6 list will be selected to carry out this peer review. The peer selected is agreed to by both the City of Prince Rupert and the Applicant.

#### **5.0 Reconsideration**

- 5.1 The Applicant may apply to ask the Council to reconsider an administrative decision requiring development approval information under this Bylaw. This can be done by submitting a written application for reconsideration to the City of Prince Rupert within the 30 days after the decision was made in writing.
- 5.2 If the Applicant applies for a reconsideration, they must establish the grounds upon which they consider inappropriate or inadequate. The Applicant must also state what decision the Council should substitute, including any materials the Applicant may consider relevant to the reconsideration.
- 5.3 The City of Prince Rupert must appropriately place each application for reconsideration on the Council's agenda as soon as reasonably practicable after the application for reconsideration has been submitted. Once established, the City must notify the Applicant of the date in which the meeting will take place.
- 5.4 At the meeting for reconsideration, the Council may hear from the Applicant and any other parties of interest, there they can confirm the current decision or establish a substitute decision.

#### **6.0 Severability**

- 6.1 If any part of this Bylaw is found invalid by any court or competent jurisdiction, the remaining portions of this Bylaw will remain valid.

## **Schedule B to Bylaw 3468, 2021: Terms of Reference for Development Approval Information**

The Local Government Act specifies under Section 484 of Division 6 that development approval information is defined as the information on an anticipated impact of a proposed activity or development on the community. This can include information on the following matters

### **A. Transportation**

If the City of Prince Rupert requires the development approval information when a development or activity may relate to transportation patterns, the following information may be required:

- Provide a traffic impact assessment for the given development or activity. This must consider the growth areas identified in the City of Prince Rupert's Official Community Plan, as well as areas of potential growth that are adjacent to the City. This includes the provincial highway and other city facilities.
- Provide an analysis on the development or activities impact on any public right of way.
- Provide a breakdown of the traffic flows, this includes different days of the week and time of day. Additionally, the report must also provide an estimate of the additional number of vehicles generated by the proposed development or activity.
- An identification of certain public right of way's that will need upgrading or reconfiguration so it can accommodate the additional trips by pedestrians, bicycles, and vehicles generated by the development or activity. This includes provincial highways and city facilities.
- An identification of any pedestrian sidewalks, paths, and bicycle lanes/infrastructure that will be provided in order to accommodate for the development. It must also be identified how they will be integrated into the City's transportation network.
- An identification of any opportunity or improvement that will be required to facilitate transit use.
- An analysis of any safety concerns for the planned road network.
- Provide a context map that illustrates the connections between the proposed development and existing city road networks, trails, and/or bicycle and pedestrian infrastructure.

### **B. Local Infrastructure**

If the City of Prince Rupert requires the development approval information in the form of a report when a development or activity may impact local infrastructure, the following information may be required:

- An identification of any potential deficiencies and the impact of the proposed development on existing local infrastructure and site servicing. This can include but is not restricted to drainage and water sewers.
- Provide a conceptual plan on site servicing, this must show the proposed water-main network, water pressure zones, and any applicable pumping stations that are associated with the development.

- An average estimate on the potential water demand that the proposed development poses, and an outline on the conservation measures and impacts.
- An analysis of the current public water system, with an outline of the options proposed for the supply and delivery of water to the development proposed. This should include an analysis of the developments potential impact on the city's water pressure zones and water reservoir.
- An analysis that outlines the current sewage treatment and disposal systems, including the developments proposed options for sewage disposal and treatment.
- An estimate of the overall amount of surface drainage water that the proposed development will generate, including the developments proposed drainage options for collection, storage, and dispersal.
- The life cycle costs of any new infrastructure.
- An identification of the new capital works of the water, sewer and drainage systems for the proposed development. This should include the systems costs and potential funding sources.

### **C. The Natural Environment and Hazardous Conditions**

If the City of Prince Rupert requires the development approval information that relate to the impact from a development or activity on the natural environment, or for the protection from hazardous conditions, the following information may be required:

- Both an analysis and report on the natural environment. These include an analysis on ecosystems, biological diversity, species at risk, regionally significant species, and riparian zones.
- An analysis on the bio-inventory in the area. This should utilize the Ministry of Environments literature *"Develop with Care: Bio-Inventory Terms of Reference"*.
- Recommendations to protect, maintain, and restore environmentally valuable resources that are within a development's boundaries.
- An analysis of any environmental impact. This can include, but is not limited to noise, vibration, glare, and electronic interference.
- A tree analysis on the development's property, and an analysis on any possible impacts from tree removal that the development will pose on neighbouring properties.
- A hydrological and/or hydrogeological assessment of the proposed development site. This should include infiltration, interception, groundwater, aquifers, overland flow, accretion, and erosion.
- An analysis on the proposed developments possible impact on nearby fish habitat as well as both ground and surface water quality, this should include pollution, silts, pathogens, and nutrients.
- An analysis of the overall geotechnical conditions on the proposed development's site. This should include, but is not limited to, soil composition and profiles, geologic process and terrain stability, and slopes greater than 30 degrees at one metre contours.

- An analysis of all hazardous conditions present on the proposed development's site. This should include, but is not limited to, mud flow, debris torrents, land erosion, rock falls, avalanche areas with the specified setbacks from the natural boundary required, property boundary or feature, the ecosystem or hazard area with a statement of the lands safety for the intended developments infrastructure from a professional engineers or geoscientist registered in British Columbia.
- A map and overlay onto the site plan for the proposed development, at a suitable scale, with the results from the required natural environment and/or Hazardous Conditions analysis.
- A site plan should be provided that outlines soil removal and soil deposit on the site.