

DRAFT
TERMS OF REFERENCE

**Requirements for Land Use Impact Assessment Report
786 Conception Bay Highway
Town of Conception Bay South**

**Issued
May 5, 2023**

**Application to Re-Develop an Existing Single Dwelling at
786 Conception Bay Highway**

Proponent: The Property Owner

Background

The property owner is proposing to re-develop an existing single dwelling at 786 Conception Bay Highway. The property has an area of 2311m² and is located on the corner of Conception Bay Highway and Craigs Lane in Conception Bay South. There is an existing dwelling on the property which appears to be in excess of 50 years old. The dwelling is currently in poor condition, to a point that renovation of the existing structure may not be feasible. Therefore, the proponent intends to demolish the existing structure and re-develop a single dwelling within the same footprint as the existing dwelling.



Figure 1: 786 Conception Bay Highway Approximate Property Boundary

The Town received an application to re-develop the property in the manner described above on February 20, 2023. The Town considered the application and issued an Approval in Principle in accordance with Section 4.10 of the Town's Development Regulations subject to a number of conditions, including that the applicant complete a Land Use Impact Assessment Report. Before any development can proceed, the Town will have to consider the Land Use Impact Assessment Report, and if deemed acceptable, a final development approval would be required.

Regulatory Context

The property at 786 Conception Bay Highway is zoned Commercial Main Street (C-1). The C-1 land use zone within the Conception Bay South Development Regulations allows for the re-development of existing single dwellings within the limits of the C-1 land use zone, provided that the residential development complies with the standards of Residential Medium Density (R-2) land use zone.

The existing residential dwelling at 786 Conception Bay Highway is non-conforming with respect to the standards of the R-2 land use zone. Specifically, the building does not meet the minimum flanking street side yard setback requirement from Craigs Lane. The *Urban and Rural Planning Act, 2000* and the Town's Development Regulations provide that existing structures that are non-conforming with respect to standards may be expanded or replaced in the same non-conforming manner, as long as the non-conformity is not increased.

Land in the general area extending from the shoreline of Kelligrews Pond to Conception Bay Highway (Route 60) is identified as high and moderate geological hazard risk on the Environmental Overlay Map of the Conception Bay South Municipal Plan. Specifically, the property at 786 Conception Bay Highway is located within the moderate risk area. The moderate and high-risk areas are illustrated by orange (moderate) and red (high) in the excerpt from the Town Geographic Information System in Figure 2. Figure 2 also includes the property boundaries (outlined in black) of 786 Conception Bay Highway.

The geological hazard classifications are derived from a report and hazard map prepared by the Geological Survey Division of the Department of Natural Resources with the Government of Newfoundland and Labrador¹. The high-risk area coincides with the immediate shoreline and low-lying areas adjacent to the shoreline. The report recommended further study, analysis and delineation of the hazard areas identified to confirm site specific conditions when proposed development is considered within the moderate and high hazard areas.

¹ Batterson M. and Stapleton N. 2011. Report on Vulnerability to Geological Hazard in the Town of Conception Bay South. Geological Survey Division, Department of Natural Resources.

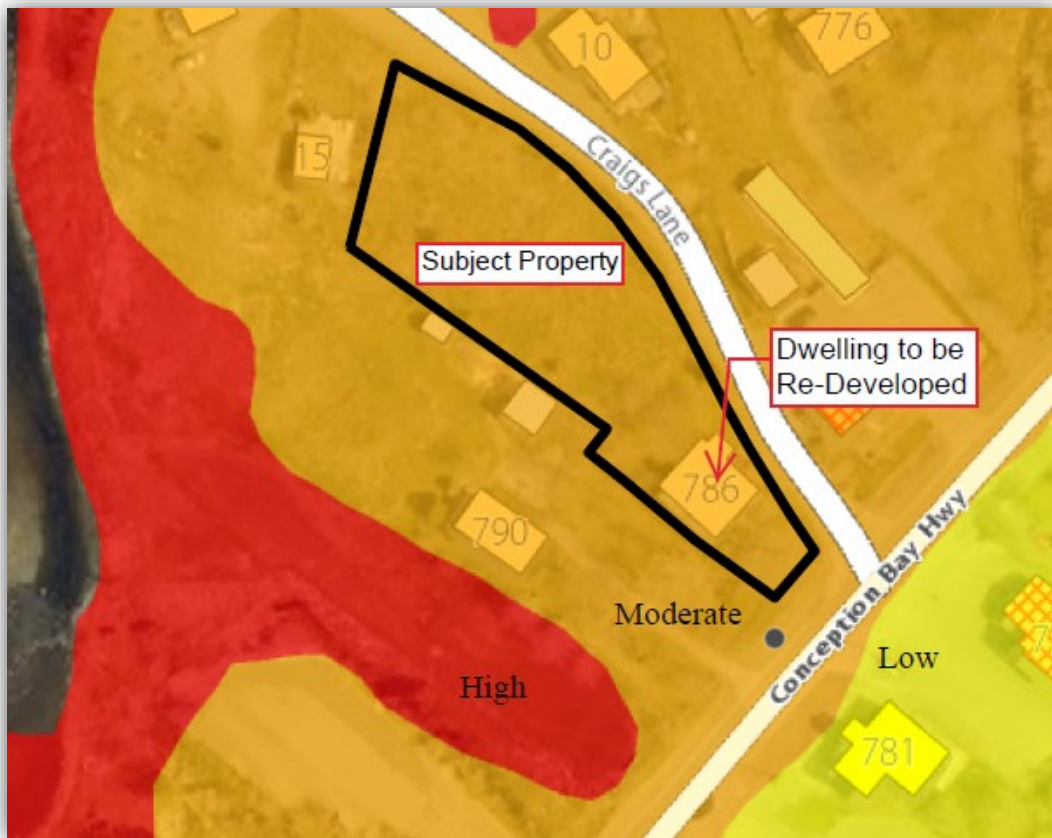


Figure 2 Geological Hazard Classifications, Conception Bay South Municipal Plan

The Town's Municipal Plan also includes statements regarding the need for further studies and information when proposal may have impacts on the natural environment. The Municipal Plan provides a mechanism for a Land Use Impact Assessment Report to assist with identifying potential impacts and how those impact could or should be mitigated.

The purpose of the Land Use Impact Assessment Report is to assess both the long and short-term implications in the vicinity of the proposed development and to recommend appropriate cost-effective mitigation measures to address any adverse effects that may be caused by the development.

Policy 4.3.8 of the Town of Conception Bay South Municipal Plan outlines under what scenarios a land use impact assessment report would be required and what it is to include. Policy 4.3.8 states:

“Where a development or use is proposed that cannot be adequately evaluated, the Town may require the preparation of a Land Use Assessment Report. A Land Use Assessment Report is a report prepared by suitably qualified persons to assess any significant impacts a use or development may have on the urban environment and/or surrounding lands or neighbourhood. The report and any supporting documentation shall be prepared at the expense of the developer unless otherwise determined by Council. The report shall evaluate the impacts identified in a Terms of Reference prepared by the Town, evaluate their importance and recommend measures of control and mitigation where appropriate.”

Additionally, policy 4.3.14 of the Municipal Plan relates to “Natural Hazard Areas”, and states:

“Anticipating and addressing the impacts of climate change will become increasingly important over the planning period. Of particular importance is the identification of lands that are susceptible to geological hazards such as low-lying coastal areas and areas of steep slopes. Schedule A – Environmental Overlay Map identifies areas vulnerable to geological hazard in Conception Bay South based on work carried out by the Geological Survey Division, Department of Natural Resources.

- 1) Residential development shall be prohibited in areas identified in Schedule A (of the Municipal Plan) as high hazard.*
- 2) Residential development may be considered in areas identified as moderate hazard subject to site specific study to determine the level of hazard risk and suitability of the site for development.*
- 3) In areas identified as moderate or high hazard, development of commercial, industrial or other non-residential uses may require a site specific study, prepared by suitably qualified persons to evaluate the level of hazard risk, taking into consideration the susceptibility of the proposed development to storm surges. Such studies will consider elevation, topography and erodibility (geomorphology).*
- 4) Development in any area identified as moderate or high hazard may also be required to assess the biophysical impact on the coastal ecosystem including the potential to contaminate (such as, hazardous materials storage), harmful disruption of natural habitats and disruption of natural coastal processes such as littoral drift.*
- 5) In approving a development in an area with known or potential hazard, the Town may require additional engineering design or other measures to*

mitigate identified hazards as a condition of development. In any event, no private development in an area of known or potential hazard risk shall result in public liability or public cost.

- 6) *The Town will continue to monitor and address the impacts of climate change and, where necessary, introduce new standards and operational approaches to reduce climate change impacts.”*

The Town of Conception Bay South Development Regulations provide requirements for how the Town should manage the development, review and consideration of a Land Use Impact Assessment Report.

Section 4.15 of the Town’s Development Regulations, titled “Land Use Impact Assessment” states:

1. *Assessment Required – The Authority may require a Land Use Impact Assessment to evaluate any proposed land use or development that affects the policies contained in the Municipal Plan.*
2. *Terms of Reference – The Terms of Reference for a Land Use Impact Assessment shall be prepared and approved by the Authority.*
3. *Impact Assessment Report - The report and any supporting studies shall be prepared at the expense of the applicant unless otherwise determined by the Authority.*
4. *Mitigation Plan – The report shall identify significant impacts, evaluate their importance, and recommend measures of control or mitigation, where appropriate.*
5. *Public Review –The Authority shall provide adequate time for public review and comment with regards to the items to be addressed in the Terms of Reference for the Land Use Impact Assessment. The Authority may provide an opportunity for public review and comment on the Land Use Impact Assessment report prior to its approval.*

The Town developed and made public this initial draft of the Terms of Reference for the Land Use Impact Assessment Report. After receiving and considering input from the public, Council will determine whether any modifications are required for this Terms of Reference.

Council has discretion to determine if further public and stakeholder consultation upon submission of the Land Use Impact Assessment Report is required prior to a final development decision on the application.

TERMS OF REFERENCE

A. GENERAL REQUIREMENTS

- a. Provide a description of the development project;
- b. Identify the name of property owners, legal survey and description, street address/geographical location, including a location map depicting the property location and any other regionally significant information;
- c. Provide a site plan which identifies the proposed use of all land within the limits of the development proposal;
- d. Locate the property including land servicing components in relationship to the Town's land use plan and zoning map;
- e. Describe how the development project relates to the Town's land use policies and zoning in effect for the property;
- f. Describe how the development proposal relates to the surrounding land uses and neighbourhood;
- g. Acknowledge that the report is prepared as a pre-condition for the consideration of development approval and any development permits; and,
- h. Identify that the report has been prepared for and at the expense of the owner of the subject property and the qualified persons conducting the report have not acted for or as an agent of the Town of Conception Bay South in preparation of the report.

B. REPORT REQUIREMENTS

The report shall provide a detailed description of the project, including site plans, details on construction plans and timelines.

The proponent shall identify impacts, and if present, outline necessary efforts to mitigate those impacts on all aspects of the proposed project. All information is to be submitted under one report in a form that can be reproduced in hard and digital copy for dissemination and review. The number and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of this Terms of Reference shall be included as part of the report.

A list of those persons/agencies who prepared the Land Use Impact Assessment Report shall be provided as part of the report. The list should include the expertise of each person or agency relevant to the assessment.

In addition, the following items shall be addressed by the proponent at its expense:

1. A description of the site conditions (including reference to technical reports, research studies and/or technical experts), that were reviewed/consulted to evaluate elevation, topography, geomorphology, etc. Evaluate the level of

- hazard and/or risk in relation to the areas susceptible to flooding, storm surges, erosion and the suitability/acceptability of the site for the proposal.
2. A description of the potential impacts, positive or negative, on adjacent land and water uses (i.e. nearby waterways, adjacent properties and associated water, sanitary and storm infrastructure, etc.). The report must identify potential impacts on the area both during construction and after completion. Recommended mitigation measures must be identified within the report.
 3. A description of environmental impacts of the proposal, including but not limited to: aesthetic impact, impacts to habitats and ecosystems whether they be marine or on land, impacts related to the removal of material from the area (i.e. potential hazardous material), heavy equipment working in close proximity to the water, etc. Mitigation measures must be identified within the report for any noted impacts. The report must also provide a plan for identifying, mitigating and rectifying any accidental environmental issues (ie. fluid spills from excavating equipment, trucks, etc.).
 4. Any correspondence, or previously issued approvals, from applicable regulatory bodies.
 5. Provide a list of regulatory approvals required from federal or provincial agencies required for the development of this project, including but not limited to Fisheries and Oceans Canada, Transport Canada, the Provincial Department of Environment and Climate Change (Water Resources Management and Environmental Assessment Divisions), and the Town of Conception Bay South. Only those required for this specific proposal are to be identified in the report.
 6. Provide a full set of site plans for the project, prepared by professional engineer, architect or surveyor licensed to practice in Newfoundland and Labrador, identifying proposed top of concrete elevations, exact existing locations and dimensions of the dwelling on the property, proposed location plan for the new dwelling, existing infrastructure locations for water, sewer and storm for the subject property and adjacent properties which may impact this proposal (i.e. water line location for 10 Craigs Lane, and storm drainage from 782 Conception Bay highway which may bisect the subject property).

C. DOCUMENTS TO BE INCLUDED

All documents required under Section B – Report Requirements plus,

1. Inclusion of a Location Plan showing the location of the proposed development in relation to the surrounding area
2. Inclusion of a Detailed Site Plan showing the location of the proposed structure relative to the property boundaries, and relative to the existing structure.
3. Any technical reports, studies, or data reference throughout the report.

D. SUBMISSION

- a. A digital copy of the report in PDF format
- b. Digital copies of all maps and plans produced in AutoCAD or ARC GIS compatible file formats.

A digital copy of the Land Use Impact Assessment Report, along with any appendices, design drawings, field data, in adobe PDF format and AutoCAD DXF or DWG files for design drawings, should be submitted to:

Planning and Development Department
11 Remembrance Square
P.O. Box 14040, Stn. Manuels
Conception Bay South, NL A1W 3J1
Email: planning@conceptionbaysouth.ca