

Local Government Act

Designation of development permit areas

919.1 (1) An official community plan may designate development permit areas for one or more of the following purposes:

- (a) protection of the natural environment, its ecosystems and biological diversity;
- (b) protection of development from hazardous conditions;
- (c) protection of farming;
- (d) revitalization of an area in which a commercial use is permitted;
- (e) establishment of objectives for the form and character of intensive residential development;
- (f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
- (g) in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
- (h) establishment of objectives to promote energy conservation;
- (i) establishment of objectives to promote water conservation;
- (j) establishment of objectives to promote the reduction of greenhouse gas emissions.

(2) With respect to areas designated under subsection (1), the official community plan must

- (a) describe the special conditions or objectives that justify the designation, and
- (b) specify guidelines respecting the manner by which the special conditions or objectives will be addressed.

(3) As an exception to subsection (2) (b), the guidelines referred to in that subsection may be specified by zoning bylaw but, in this

case, the designation is not effective until the zoning bylaw has been adopted.

(4) If an official community plan designates areas under subsection (1), the plan or a zoning bylaw may, with respect to those areas, specify conditions under which a development permit under section 920 (1) would not be required.

Development permits

920 (1) If an official community plan designates areas under section 919.1 (1), the following prohibitions apply unless an exemption under section 919.1 (4) applies or the owner first obtains a development permit under this section:

- (a) land within the area must not be subdivided;
- (b) construction of, addition to or alteration of a building or other structure must not be started;
- (c) [Repealed 1999-38-53.]
- (d) land within an area designated under section 919.1 (1) (a) or (b) must not be altered;
- (e) land within an area designated under section 919.1 (1) (d), (h), (i) or (j), or a building or other structure on that land, must not be altered.

(2) Subject to subsections (3) to (6), a local government may, by resolution, issue a development permit that

- (a) varies or supplements a bylaw under Division 7 or 11 of this Part,
- (b) includes requirements and conditions or sets standards under subsections (7) to (10.2), and
- (c) imposes conditions respecting the sequence and timing of construction.

(3) The authority under subsection (2) must be exercised only in accordance with the applicable guidelines specified under section 919.1 in an official community plan or zoning bylaw.

(4) A development permit must not vary the use or density of the land from that permitted in the bylaw except as authorized by subsection (5).

(5) If the land was designated under section 919.1 (1) (b), the conditions and requirements referred to in subsection (7.1) of this section may vary that use or density, but only as they relate to health, safety or protection of property from damage.

(6) A development permit must not vary a flood plain specification under section 910 (2).

(7) For land designated under section 919.1 (1) (a), a development permit may do one or more of the following:

(a) specify areas of land that must remain free of development, except in accordance with any conditions contained in the permit;

(b) require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;

(c) require natural water courses to be dedicated;

(d) require works to be constructed to preserve, protect, restore or enhance natural water courses or other specified natural features of the environment;

(e) require protection measures, including that vegetation or trees be planted or retained in order to

(i) preserve, protect, restore or enhance fish habitat or riparian areas,

(ii) control drainage, or

(iii) control erosion or protect banks.

(7.1) For land designated under section 919.1 (1) (b), a development permit may do one or more of the following:

(a) specify areas of land that may be subject to flooding, mud flows, torrents of debris, erosion, land slip, rock falls, subsidence, tsunami, avalanche or wildfire, or to another hazard if this other hazard is specified under section 919.1 (1) (b), as areas that must remain free of development, except in accordance with any conditions contained in the permit;

(b) require, in an area that the permit designates as containing unstable soil or water which is subject to degradation, that no septic tank, drainage and deposit fields or irrigation or water systems be constructed;

(c) in relation to wildfire hazard, include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures;

(d) in relation to wildfire hazard, establish restrictions on the type and placement of trees and other vegetation in proximity to the development.

(8) If land has been designated under section 919.1 (1)(d), (e), (f) or (g), a development permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

(9) If land has been designated under section 919.1 (1) (f), a development permit may include requirements respecting the character of the development, as referred to in subsection (8) of this section, but only in relation to the general character of the development and not to particulars of the landscaping or of the exterior design and finish of buildings and other structures.

(10) A development permit for land that has been designated under section 919.1 (1) (c) may include requirements for screening, landscaping, fencing and siting of buildings or other structures, in order to provide for the buffering or separation of

development from farming on adjoining or reasonably adjacent land.

(10.1) A development permit for land designated under section 919.1 (1) (h), (i) or (j) may include requirements respecting

- (a) landscaping,
- (b) siting of buildings and other structures,
- (c) form and exterior design of buildings and other structures,
- (d) specific features in the development, and
- (e) machinery, equipment and systems external to buildings and other structures

in order to provide for energy and water conservation and the reduction of greenhouse gas emissions.

(10.2) A development permit for land designated under section 919.1 (1) (h), (i) or (j) may establish restrictions on the type and placement of trees and other vegetation in proximity to the buildings and other structures in order to provide for energy and water conservation and the reduction of greenhouse gas emissions.

(11) Before issuing a development permit under this section, a local government may require the applicant to provide, at the applicant's expense, a report, certified by a professional engineer with experience relevant to the applicable matter, to **assist** the local government in determining what conditions or requirements under subsection (7.1) it will impose in the permit.

(12) If a local government delegates the power to issue a development permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

Requirement for security

925 (1) As a condition of the issue of a permit under this Division but for the purposes only of subsections (2) and (2.1), a local government may require that the applicant for the permit provide security in an amount stated in the permit by whichever of the following the applicant chooses:

- (a) an irrevocable letter of credit;
- (b) the deposit of securities in a form satisfactory to the local government.

(2) Subsection (2.1) applies if a local government considers that

- (a) a condition in a permit respecting landscaping has not been satisfied,
- (b) an unsafe condition has resulted as a consequence of contravention of a condition in a permit, or
- (c) damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.

(2.1) In the circumstance referred to in subsection (2), the local government may

- (a) undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment, and
- (b) apply the security under subsection (1) in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit.

(3) Interest earned on the security provided under subsection (1) accrues to the holder of the permit and must be paid to the holder immediately on return of the security or, on default, becomes part of the amount of the security.

(4) If a local government delegates the power to require security under subsection (1), the delegation bylaw must include guidelines for the delegate as to how the amount of security is to be determined.

