
MEETING TYPE AND DATE: REGULAR COUNCIL MEETING – DECEMBER 21, 2021
AUTHOR: CORINE (CORY) GAIN, MANAGER OF PLANNING
SUBJECT: DEVELOPMENT APPROVAL PROCEDURES BYLAW AMENDMENT

ESSENTIAL QUESTION:

Are the proposed bylaw amendments consistent with Council's vision for development process improvements?

OPTIONS:

- A. THAT Development Approval Procedures Amendment Bylaw 1170, 2021 be read a first, second and third time; OR
- B. THAT Development Approval Procedures Amendment Bylaw 1170, 2021 be read a first, second and third time as amended; OR
- C. THAT Development Approval Procedures Amendment Bylaw 1170, 2021 be referred back to staff to address specific issues identified by Council.

EXECUTIVE SUMMARY:

To continue the process improvements envisioned by Council at adoption of Development Approval Procedures Bylaw 1133 on May 25, 2021, amending Bylaw 1170 is offered to:

- correct some mis-references in the numbering;
- rename Technical Development Permits (DPs) to Delegated DPs; and
- expand the types of Development Permits delegated to staff to include circumstances where specific criteria are met including:
 - single detached dwellings and accessory buildings in the Hillside DPA; and
 - lots where only a small portion of a site is designated as a DP Area.

In all cases, the CAO, Director of Planning & Development and Approving Officer will only consider issuing DPs where the proposed development substantially satisfies the DP Guidelines contained in the Official Community Plan.

The bylaw further proposes that the time allowed to satisfy prerequisite conditions be extended to from five months to one year and that one six-month extension be available on application at each of two points, one to extend the time available to satisfy conditions of issuance and another to extend the time to substantially commence development. Both application types are already present in the Fees and Charges Bylaw but have not previously been articulated in the Development Approval Procedures Bylaw. This would rectify that inconsistency and reduce the number of DP applications that would be reviewed by Council. Staff is also recommending a change to the current practice of requiring landscape deposits for Council-issued DPs from prior to Development Permit issuance to prior to Building Permit issuance. Implementation of this change does not require a bylaw change.

BACKGROUND/HISTORY:

Chronology:

<i>Date:</i>	<i>Event:</i>
2021-05-25	Council adopted Development Approval Procedures Bylaw 1133
2021-10-25 to 29	Bylaw implementation through Development Application form updates uncovered the need for several minor corrections to section references in the bylaw and an opportunity to expand the Schedules to improve process definition.
2021-12-21	Council consideration
2021-01-18	Possible adoption date

The process of raising-the-bar for application submissions continues with implementation of Bylaw 1133 through application form, checklist and guidance document updates. The new application forms and information are intended to guide applicants through the process by laying it out in simple terms at the outset. The forms themselves do not require Council approval.

Documentation of Procedures

Documentation of internal processes is also underway, raising-the-bar on consistency through effective communication of up-to-date procedures that reflect process improvements as they are put into practice. Articulation of processes for each of the application types defined in Bylaw 1170 revealed the need to provide direction for additional application types (DP Amendments, Extensions and Exemptions) and highlighted an opportunity to create clarity and realize some service quality objectives by delegating additional DP decisions to staff where in specific circumstances.

Development Permit Exemptions

The Official Community Plan (OCP) provides for a number of circumstances where development is exempt from the requirement to make application for a DP. In the past, staff have tracked exemptions through a formal application process referenced in the Fees and Charges Bylaw as a “Development Permit – Exemption Review”. If Council agrees that exemptions may be acted on without the need to make a formal application, the current practice will be discontinued. However, if a property owner wishes to receive confirmation of the applicability of an exemption, staff will accept and process an application for Exemption Review for the stated fee.

DP Delegation

In recent years, the creation of multiple, very extensive Development Permit Areas throughout the District has resulted in an increased number of Development Permit applications needing to be considered by both staff and Council. An opportunity has been identified to reduce the number of applications that need to be considered by Council and to define efficient process for delegated DPs and to provide clarification with respect to permitted exemptions.

OCP section 21.3 Development Permit Exemptions contains wording as follows:

“The following is a list of exemptions for properties located within a development permit area where the guidelines may not be applicable. The guidelines in this plan should be reviewed on a site-specific basis as parcel contexts vary from site to site and create unique circumstances. That being said, if there are unique circumstances where a parcel should be considered for an exemption but does not meet the exemption criteria listed below, the property owner may apply for a development permit exemption from the District for a fee, as set by Fees Bylaw 987, 2016.” (OCP, p. 21-2)

Staff have struggled with the intention of this provision and the implication of authority for discretionary approvals beyond the guidelines specifically outlined in the OCP and *Local Government Act* section 490(2) (See excerpt of Act in Attachment B). A precedent exists for establishing exemption criteria in a procedures bylaw. The proposed

bylaw amendment is based on that precedent; it includes a definition of the criteria and describes the process to be followed. In this case, staff suggest expanding the types of delegated DPs to allow staff to assess requests within specific parameters and to prepare a report and permits for approval by the delegated authority (CAO, Director of Planning and Development and/or Approving Officer).

Rather than create a new category of DP to address, the attached bylaw proposes to change the name of “Technical” DPs to “Delegated” DPs and to expand the delegated authority where circumstances meet specific criteria identified in the bylaw. A full assessment of the application would be prepared by staff for review and authorization by the CAO, Director of Planning and Development or Approving Officer rather than Council. The new bylaw schedules articulate the delegated approval process (see Attachment A).

The most significant delegation proposed is for the construction of single detached dwellings and accessory buildings in the Hillside DPA. The OCP DPA guidelines are fairly robust; they address both development at the subdivision scale and individual site level. In any case, staff will have the ability to choose to bring a delegated DP to Council if they are uncomfortable with what is being proposed. Planners have estimated that twenty-five (25%) of file load could be diverted from Council’s agenda to the delegated authority supported by a well-defined process. Zoning variances would continue to be dealt with by City Council through a rezoning or DVP process.

Construction costs have increased substantially in recent years, especially through the course of the pandemic. As a result of current market conditions, the threshold of \$50,000 in OCP section 21.3.3(b)(i) wherein construction cost is the trigger for a DP to be considered by Council rather than exempt, is likely impractically low. However, determining a specific amount to use as the appropriate measure is difficult. Leaving some discretion to the CAO, Director of Planning and Development or Approving Officer to determine whether a DP amendment can be considered “minor” would alleviate additional “application congestion”. However, changing provisions in the OCP is beyond the scope of this proposal. Council may wish to consider amendments to both the OCP and the Approval Procedures Bylaw in future to include additional exemptions or DP delegations. Any substantial changes would continue to be presented to Council for consideration (see Bylaw 1170, section 3.3(d)).

Timeline Adjustments

Given the large volume of development applications in process and the limited staff resources to address them, the timelines for application approval are significantly longer than may have been the case in the past. Where multiple applications are in play, a five-month period to accomplish prerequisite conditions is proving insufficient in many cases. Lengthening the time provided to satisfy conditions would assist many applicants and reduce the frequency that applications need to be reconsidered. Similarly, providing the ability to extend the term of issuance for six additional months would allow additional time to substantially commence construction. In total, one additional year could be added to the life of an approval by these proposed changes. Staff will try to minimize the number of DP prior to issuance conditions to avoid this step in the process.

Security Deposits

Operationally, staff have discovered that the wording contained in the bylaw needs to be updated to allow draw-down on security deposits on a phase-by-phase basis while maintaining sufficient funds to complete any remaining phases. Amendments to section 9.3 (h) are intended to accomplish this.

Further, the OCP contains the following statements:

“There are a number of items which must be submitted prior to approval and issuance of a development permit, depending on the type of permit applied for. One such requirement is a security deposit.” (OCP, p. 21-1); and

“To ensure that certain works are completed respecting landscaping, resolution of unsafe conditions, or rehabilitation of the natural environment, all applicants are required to provide the District of Lake

Country with a security deposit in accordance with the District's Development Permit Deposit Policy prior to issuance of any permit.”

The District does not have a policy beyond these statements in the OCP and the process defined in the procedures bylaw. To increase flexibility as to when a security deposit is required, Schedule D section D.3 can be amended to allow Council the option of specifying in the DP itself whether payment will be required prior to DP issuance or prior to Building Permit issuance. Both satisfy the definition of “permit”. Securing landscaping deposits at the time of Building Permit issuance is a common practice in other jurisdictions and offers complete security for the District. Requiring landscape deposits earlier can be difficult for applicants to secure and costly. Delegated DPs will continue to require immediate payment of security because Performance Security is generally associated with environment or hazard issues addressed specifically and may not involve a building permit application.

DISCUSSION/ANAYLSIS:

Legislation & Applicable Policies

Community Charter: CC section 15(1) provides the authority for a local government to establish a system of licenses, permits and approvals to support the land use planning authorities found mainly in Part 14 of the *Local Government Act*.

Local Government Act: Division 7 – Part 14 – Planning and Land Use Management is the principal legislation used in British Columbia to govern land use and the associated processes in a municipality. A number of “tools” available in the Act are described under separate headings. Development Permits sections 488 through 497 provide the authority and guidance for Development Permit Area designation and issuance. In particular, section 490(2) states: “The authority under subsection (1) must be exercised only in accordance with the applicable guidelines specified under section 488 in an official community plan or zoning bylaw.”

Official Community Plan: In the District of Lake Country, Development Permit Areas (DPAs) are designated in the OCP; the plan describes the special conditions and objectives that justify the designation. DPAs identify locations that need special treatment for certain purposes, including the protection of the natural environment, protection of development from hazards, establishing objectives for form and character, revitalization of an area or establishing objectives to promote energy conservation, water conservation or reduction of greenhouse gas emissions. Specifically, section 21 of the OCP contains guidelines for how development proposed in a DPA can address the special conditions or objectives and situations where development is exempt from those requirements.

Zoning Bylaw: Zoning regulations are the principal tool is used to implement local government land use plans. *Local Government Act* section 488(3) provides the opportunity to establish DPA guidelines in a zoning bylaw. Some local governments have found it useful to separate OCP-level policy from guidelines that describe “how” action is to be taken. This would be consistent with the Policy & Regulation Framework previously considered by Council and available at: <https://lakecountry.civicweb.net/filepro/documents/43882?preview=108624>.

Development Application Procedures Bylaw: *Local Government Act* section 460 requires that “a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply” to amend the bylaw or for issuance of a permit in accordance with that plan bylaw. Specific types of information may be required to support the decision-making process; the authority for requiring this information is located in *Local Government Act*, Part 14, Division 6 (sections 484 through 487). A Procedures Bylaw defines standardized procedures for “how” development proposals will be considered by a local government.

Subdivision and Development Servicing Bylaw: Subsequent amendments to the Development Approval Procedures Bylaw may include a schedule to address the subdivision process.

Integrated Community Sustainability Plan: Makes recommendations with respect to the content of DPA guidelines to meet specific objectives.

Technical Considerations:

- **Impact on Infrastructure and Other Municipal Services**

Realignment of application processes from Council to delegated authorities (CAO, Director of Planning and Development and Approving Officer) is not expected to have any impact on infrastructure or other municipal services.

- **Impact on Staff Capacity and Financial Resources (Cost/Benefit Analysis)**

An abbreviated process for delegated DPs will add to the number of DPs that can be processed solely by staff. This will save considerable staff and Council time. It is anticipated that delegated DPs will shift a portion of the file load from the Planners to Planning Technicians allowing a more equal distribution of development application processing.

Comments from Other Government Agencies, Council Committees and Relevant Stakeholders:

- None solicited

Consultation, Public Feedback, and Communication to and from the Public and the Applicant:

The Planning and Development Department Acting-Director, Planners and Planning Technician participated in discussions that led to the proposed bylaw. Should Council approve the proposed changes, formal communication will be sent to stakeholders and posted on the District website.

ANALYSIS OF OPTIONS FOR CONSIDERATION:

OPTION A: Provision of three readings to the proposed amendments shows Council support for the proposed changes and opens the opportunity for adoption at the following Council meeting and implementation of the changes in January 2022.

OPTION B: Amendment of the bylaw presented prior to readings balances changes that may be requested with expediency in implementing the delegated authority by keeping the process moving. A consequence is that limited dialogue can occur prior to implementation and subsequent adjustments to the process may be necessary to address any unforeseen issues.

OPTION C: Provision of specific instructions to staff for amendments or consultation will provide clear direction and keep the process improvements moving.

Respectfully Submitted,

Corine (Cory) Gain
MANAGER OF PLANNING
PLANNING AND DEVELOPMENT

This report has been prepared with the collaboration of the following individuals:

COLLABORATORS	
TITLE	NAME
Director of Corporate Services	Reyna Seabrook

This report has been prepared in consultation with the following departments:

CONCURRENCES	
DEPARTMENT	NAME
Chief Administrative Officer	Tanya Garost
Director of Planning and Development	

ATTACHMENTS:

- A: Development Approval Procedures Amendment Bylaw 1170
- B: *Local Government Act* Excerpt

DISTRICT OF LAKE COUNTRY

BYLAW 1170, 2021

A BYLAW TO AMEND DEVELOPMENT APPROVAL PROCEDURES BYLAW 1133, 2021

The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. Development Approval Procedures Bylaw Number 1133, 2021 is hereby amended as follows:

1.1 Section 3.1 (b) is deleted in its entirety and replaced with the following:

- (b) An application for:
 - (i) Development Permit (DP)
 - (ii) Delegated Development Permit (Delegated DP)
 - (iii) Development Permit Amendments (Content or Time)
 - (iv) Development Permit - Exemption Review
 - (v) Development Variance Permit (DVP); or
 - (vi) Temporary Use Permit (TUP)

1.2 Section 3.2 is deleted in its entirety and replaced with the following:

3.2 Delegation

- (a) Where a power, duty or function is delegated pursuant to this bylaw, that delegation includes the person's deputy but does not include the authority to further delegate a power, duty or function.
- (b) The **CAO, Director or Approving Officer** are delegated the authority to designate the content of all forms related to this bylaw.
- (c) The **CAO, Director or Approving Officer** are delegated the authority to require development approval information for an application from an Applicant at the Applicant's expense.
- (d) Subject to Schedule E of this bylaw, the **CAO, Director or Approving Officer** are delegated the authority to issue, refuse or amend **DPs** in the following **DP** areas:
 - (i) Stability, Erosion and Drainage hazard
 - (ii) Natural Environment
 - (iii) Wildland Fire Hazard
 - (iv) Greenhouse Gas Reduction and Resource Conservation
 - (v) Hillside where development is a single detached dwelling or accessory building
 - (vi) All DP Areas where 50m² or less of the development site is situated within a DP area
- (e) Where a **Delegated DP** is issued, refused or amended pursuant to section (d) above, the **CAO, Director or the Approving Officer** are delegated the authority to:
 - (i) require the applicant to provide security as a condition of the issuance;
 - (ii) establish conditions of the permit; and
 - (iii) determine whether requirements and conditions have been met.

- (f) Where a **DP** has been approved with prior-to conditions or where a DP has been issued and there are no substantial changes to a development when compared to the original authorization, the **CAO, Director or Approving Officer** may approve the following extensions:
- (i) Extend the requirement to satisfy prior-to conditions for one (1) six (6) month period provided the total time to satisfy the prior-to conditions does not exceed eighteen (18) months from the date of approval;
 - (ii) Extend the time to substantially start construction for one (1) six (6) month period provided the total time does not exceed thirty (30) months from the date of approval.
- (g) Notwithstanding section (d) and (f) above, the **CAO, Director or Approving Officer** may only issue, refuse or amend DPs where the DP:
- (i) does not require Ministry approval;
 - (ii) does not impact adjacent or abutting residential developments as determined by a **Qualified Professional**;
 - (iii) does not include variances to the zoning bylaw;
 - (iv) are limited to minor design modifications that do not alter the overall form and character of development.
- (h) The **CAO, Director or the Approving Officer** are delegated the authority to issue or refuse a Confirmation of Exemption or a **Delegated DP**.

1.3 Schedule A-Definitions is amended by adding the following definition in alphabetical order:

Delegated DP means a **DP** that the **Director** is authorized by this bylaw to issue where the development meets the following criteria:

- (a) is not eligible for exemption for a **DP** as per the **OCP**; and
- (b) substantially satisfies the applicable guidelines and policies of the **OCP**; and
- (c) is a single detached dwelling; or
- (d) 50m² or less of the development site is within a **DP** area; or
- (e) is an accessory building in the Hillside Development Permit Area.

1.4 Schedule A-Definitions is amended by deleting the following definitions in their entirety:

Land use permit includes a **DP**, a **TUP**, a **DVP** or other permit under *Local Government Act* Division 10 [Other Permits and Permit Matters].

Technical DP means a **DP** that the **Director** is authorized by this bylaw to issue.

1.5 Section 4.2 (a) is deleted and replaced with the following:

- (a) Applications submitted in accordance with this bylaw will be processed in accordance with the correspondence schedule identified in the table below.

Amendment to OCP Bylaw or Zoning Bylaw	Schedule C
DP (Council)	Schedule D
Delegated DP	Schedule E
DVP	Schedule F
TUP	Schedule G
ALC Applications for land within the ALR	Schedule H

Phased Development Agreement	Schedule I
DP Amendment (Content or Time)	Schedule J

1.6 Section 7.1 (d) is deleted and replaced with the following:

- (d) Where a request for reconsideration is received, the Director or Approving Officer shall:
- (i) provide a written report to Council setting out the rationale for the decision and including a copy of materials considered in making the decision being reconsidered;
 - (ii) place the request for reconsideration on the next available Regular Council Meeting agenda in accordance with section 7.1 (c);
 - (iii) notify the Applicant of the date of the meeting where the reconsideration shall occur.

1.7 Section 9.3 (c) is deleted and replaced with the following:

- (c) In addition to section 9.3 (a) where security is required as a condition of a Natural Environment, Stability, Erosion and Drainage Hazard, or Wildfire Hazard the following shall also apply:
- (i) The works shall be considered substantially complete upon receipt of a letter from a Qualified Professional certifying the works have been completed in accordance with the approved DP, or as determined by Planning & Development.
 - (ii) Upon substantial completion, the District shall return to the Applicant, eighty five percent (85%) of the security deposit for up to two (2) growing seasons.
 - (iii) At least two (2) years after substantial completion of the works and receipt of a Letter of Assurance from a Qualified Professional certifying the works remain in substantial compliance with the approved DP, the District may return the remainder of the security deposit.

1.8 Section 9.3 (e) is deleted and replaced with the following:

- (e) The District shall perform inspections in relation to a **DP** within sixty (60) days of receipt of the inspection request; except between November 1st and April 30th subject to weather conditions.

1.9 Section 9.3 (h) is deleted and replaced with the following:

- (h) If a phased landscape plan has been approved, the security for the works completed may be released for completed phase(s) in accordance with sections 9.3(b)(ii) and (c)(ii) as long as one hundred percent (100%) of the security deposit for the works in subsequent phases is retained by the District until the works are substantially complete in those subsequent phases.

1.10 Section 14.2 is deleted and replaced with the following:

14.2 Permit Issuance and Lapse of Permit

- (a) A DP, DVP or TUP is considered issued on the date it is approved by Council or the **CAO, Director or Approving Officer**, where applicable. Where prior-to conditions exist, a permit is not considered issued until all prior-to conditions have been satisfied.
- (b) Where a **DP, DVP or TUP** has been approved by Council, the **CAO, Director or Approving Officer** where applicable and prior-to conditions exist, the Applicant has twelve (12) months to complete all prior-to conditions.
- (c) Upon receipt of a written application, the **CAO, Director or Approving Officer** may approve

extensions in accordance with Section 3.2 (f). If no request for an extension is received the permit will lapse, and the file will be closed.

- (d) The **Applicant** must substantially start construction within two (2) years from the date a permit is issued. Where substantial construction is not started the permit will lapse, and the file will be closed. Substantial construction is considered started if all of the following criteria are met:

- (i) a valid Building Permit is issued;
- (ii) the **Site** is completely fenced for construction purposes;
- (iii) excavation of the **Site** (partially or entirely);
for a **DP, DVP or TUP** greater than 50% of the approved project footing and foundation is poured; or for an approved phased development, 100% of the footing and foundation of the first phase is poured

- (e) Except for Phased Development Agreements approved pursuant to this bylaw, each phase of an approved phased development must meet the criteria set out in Section 14.2(c) within two (2) years from the date of receiving final occupancy for the preceding phase, or the permit shall lapse.

- 1.11 Section 17.4 is deleted and replaced with the following:

- 17.4 If an application is withdrawn or denied prior to first reading the Applicant may request a refund in accordance with the District's Fees Bylaw.

- 1.12 Section 18.7(a) is deleted and replaced with the following:

- (a) Where applications to amend the Zoning Bylaw or OCP involve ten (10) or more parcels owned by ten (10) or more persons, an Applicant must, at their own cost, erect Development Notice Signs on the land subject to the application, as follows:

- 1.13 Schedule C section C.2 (n) is deleted and replaced with the following:

- (n) Once an Applicant has addressed all outstanding conditions, Council may consider adoption of the bylaw.

- 1.14 Schedule D section D.2 (d) is deleted and replaced with the following:

- (d) Additional information as required by the Director.

- 1.15 Schedule D, Section D.3 item (l) is deleted and replaced with the following:

- (l) Where required in accordance with this bylaw, a Landscape Security will be provided at the time specified in the permit.

- 1.16 Schedule D, Section D.3 item (m) is deleted and replaced with the following:

- (m) Once a DP is issued, a Notice of Permit shall be registered on the State of Title for the subject property(s).

- 1.17 Schedule D, Table D.4 is amended by removing the word "Table" and moving the item to immediately following Section D.3

- 1.18 Schedule E is renamed **DELEGATED DEVELOPMENT PERMIT APPLICATION** and each reference to a **Technical DP** throughout the bylaw shall be amended to **Delegated DP**.
- 1.19 Table E.4 is amended by removing the word “Table” and renumbering the item to “E.4: Additional Submission Requirements by **DP** Area Designation”
- 1.20 The subsections located under Table E.4 currently identified as (a), (a) and (b) are deleted and replaced with the following and moved to immediately before the table:
- (a) Additional information may be required by the Director.
 - (b) Proof of contract between the **Owner(s)** and a **Qualified Professional** to prepare a Monitoring Plan and any associated work.
 - (c) A letter of authorization for Halt Work signed by the **Owner(s)** authorizing the Qualified Professional to halt or modify any construction activity necessary to ensure compliance with the DP.
- 1.21 Schedule E, Section E.5 item (i) is deleted and replaced with the following:
- (i) Where required in accordance with this bylaw, a Performance Security will be provided.
- 1.22 Schedule F, Section F.2 item (l) is deleted and replaced with the following:
- (l) If approved, staff shall prepare the required DVP and related schedules for signature.
- 1.23 Schedule G, Section G.2 item (l) is deleted and replaced with the following:
- (l) Where required in accordance with this bylaw, a Performance Security will be provided.
- 1.24 Adding Schedule A attached to and forming part of this bylaw as a new schedule to Bylaw 1133, 2021 immediately following Schedule I.
2. This bylaw may be cited as “Development Approvals Amendment Bylaw 1170, 2021”.

READ A FIRST TIME this xx day of 2021.

READ A SECOND TIME this xx day of , 2021.

READ A THIRD TIME this xx day of xx, 2021.

ADOPTED this xx day of xx, 2021.

Mayor

Corporate Officer

SCHEDULE A TO BYLAW 1170, 2021
Schedule J

SCHEDULE J DEVELOPMENT PERMIT AMENDMENT APPLICATIONS (Content or Term of Authorization)

- J.1** DP Amendment Applications will be processed in accordance with this Schedule and shall be referred to as DP Amendments whether issued to change content or to extend the Term of Authorization.
- J.2** DP Amendment applications shall include the following information (detailed in Schedule B) which is updated to reflect the amended proposal:
- (a) Items B.1 through B.7
 - (b) Items B.21, B.24, B.28 and B.32 as applicable
 - (c) Technical Report Addendum(s) prepared by a **Qualified Professional** addressing the proposed amendments in accordance with the type of DP set out in Tables D.2 and E.3 and detailed in Schedule B.
 - (d) Proof of contract between the **Owner(s)** and a **Qualified Professional** to update and execute the Monitoring Plan and any associated work, if applicable.
 - (e) An updated Letter of Authorization for Halt Work signed by the property **Owner(s)** authorizing the contracted **Qualified Professional** to halt or to modify any construction activity necessary to ensure compliance with the requirements of the amended **DP**.
- J.3** DP Amendment Applications will be processed as follows:
- (a) Upon receipt of an application to the **District, Planning & Development** will review the application to determine whether it is complete. If incomplete, staff will return the package to the **Applicant** and request the required information be added and resubmitted when complete. Staff will open a file only upon receipt of a complete application.
 - (b) Staff shall issue a fee receipt to the **Applicant**.
 - (c) **Planning & Development** will issue an Acknowledgement of the application, notification of the file number and file manager contact information to the Applicant.
 - (d) **Planning & Development** will evaluate the application for compliance with **District** bylaws and policies. Staff may conduct a **Site** visit as part of the evaluation process.
 - (e) **Planning & Development** will assess whether referrals need to be sent to internal **District** departments, external agencies or advisory bodies, including any adjacent local government where the application may affect the interests of that local government.
 - (f) An internal staff review of the application will be conducted.
 - (g) **Planning & Development** will prepare a staff report, including technical agency comments, advisory body comments and a draft an Amended **DP** for consideration by the **CAO, Director**, or the **Approving Officer**.
 - (h) the **CAO, Director** or **Approving Officer** shall authorize, authorize as amended, reject, deny or otherwise deal with the application.
 - (i) **Planning & Development** will notify the **Applicant** in writing of the decision.
 - (j) If authorized for issuance, staff will prepare DP Amendment for signature by the delegated authority. Staff will obtain the required Landscape Security as applicable.
 - (k) Upon signing by the delegated authority the DP Amendment shall be issued and a Notice of Permit shall be registered on the State of Title for the subject property(s).

Division 7 — Development Permits

signation of development permit areas

- 488** (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 489 would not be required.

Activities that require a development permit

- 489** If an official community plan designates areas under section 488 (1), the following prohibitions apply unless an exemption under section 488 (4) applies or the owner first obtains a development permit under this Division:
- (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) land within an area designated under section 488 (1) (a) or (b) [*natural environment, hazardous conditions*] must not be altered;
 - (d) land within an area designated under section 488 (1) (d), (h), (i) or (j) [*revitalization, energy conservation, water conservation, greenhouse gas reduction*], or a building or other structure on that land, must not be altered.

Development permits: general authority

490 (1) Subject to this section, a local government may, by resolution, issue a development permit that does one or more of the following:

- (a) varies or supplements a land use regulation bylaw or a bylaw under Division 11 [*Subdivision and Development: Requirements and Related Matters*];
- (b) includes requirements and conditions or sets standards under section 491 [*development permits: specific authorities*];
- (c) imposes conditions respecting the sequence and timing of construction.

Authority

- (2) The authority under subsection (1) must be exercised only in accordance with the applicable guidelines specified under section 488 in an official community plan or zoning bylaw.
- (3) A development permit must not
 - (a) vary the use or density of the land from that permitted in the bylaw except as authorized by section 491 (3) [*variation in relation to health, safety or protection of property*], or
 - (b) vary the application of a zoning bylaw in relation to residential rental tenure.
- (4) A development permit must not vary a flood plain specification under section 524 (3).
- (5) 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.

Development permits: specific authorities

491 (1) For land within a development permit area designated under section 488 (1) (a) [*protection of natural environment*], 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.

(2) For land within a development permit area designated under section 488 (1) (b) [*protection from hazardous conditions*], 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, tsunamis, avalanche or wildfire, or to another hazard if this other hazard is specified under section 488 (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.
- (3) Conditions and requirements under subsection (2) may vary the use or density of land, but only as they relate to health, safety or protection of property from damage.
- (4) Before issuing a development permit for land within a development permit area designated under section 488 (1) (b), a local government may require the applicant to provide a report to assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section.
- (5) A report required under subsection (4) must
- (a) be provided by the applicant at the applicant's expense, and
 - (b) be certified by a professional engineer with experience relevant to the applicable matter.
- (6) For land within a development permit area designated under section 488 (1) (c) [*protection of farming*], a development permit 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.
- (7) For land within a development permit area designated under any of the following, 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:
- (a) section 488 (1) (d) [*revitalization of commercial use area*];
 - (b) section 488 (1) (e) [*intensive residential development*];
 - (c) section 488 (1) (f) [*commercial, industrial or multi-family residential development*];
 - (d) section 488 (1) (g) [*resort region development*].
- (8) For land within a development permit area designated under section 488 (1) (f), a development permit may include requirements respecting the character of the development, as referred to in subsection (7) 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.
- (9) For land within a development permit area designated under section 488 (1) (h), (i) or (j) [*energy conservation, water conservation, greenhouse gas reduction*], a development permit may include requirements respecting the following in order to provide for energy and water conservation and the reduction of greenhouse gas emissions:
- (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;

(e) machinery, equipment and systems external to buildings and other structures.

- (10) For land within a development permit area designated under section 488 (1) (h), (i) or (j), a development permit 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.