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TSAWWASSEN FIRST NATION
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Land Use Planning and Development Act

DEVELOPMENT PERMIT GUIDELINES REGULATION

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Application

- 1 All Tsawwassen Lands are designated Development Permit Areas.

Approvals

- 2 Unless exemptions apply, Development Permits must be approved by Executive Council before:
 - (a) subdivision of land;
 - (b) alteration of land, including but not limited to clearing, grading, filling, blasting, preparation for or construction of services and roads; and/or
 - (c) construction of, addition to or alteration of, a building or structure.

Development permits

- 3 Development Permits shall not vary the use or density of land, except for unstable soil considerations and must be consistent with Zoning Regulations; otherwise a rezoning application will be required.

Executive Council to issue development permits

- 4 Executive Council can issue a Development Permit that:
 - (a) imposes conditions respecting the sequence and timing of construction;
 - (b) varies or supplements a regulation dealing with servicing requirements or land use designation (zoning) requirements, other than issues relating to use or density;
 - (c) includes requirements and conditions or sets standards for:
 - (i) areas of land that must remain free of development, except in accordance with any conditions contained in the permit;
 - (ii) specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;
 - (iii) areas of land to be dedicated; and
 - (iv) works, services or conditions to be provided or constructed to obtain approval for the Development Permit.

Executive Council may require the applicant to execute a Development Agreement to secure performance of obligations and conditions required for the approval of the Development Permit.

Security

- 5 Executive Council may require security to ensure compliance with the conditions or requirements determined in a Development Permit and to ensure the mitigation strategies, recommendations and conditions identified in professional reports are implemented.

Covenants

- 6 A covenant registered at the Land Title Office may be required to notify property owners of the conditions for issuing a Development Permit and indemnify and save harmless Tsawwassen First Nation from any claims arising out of damages, harm or loss of life caused by flooding, unstable soil, or impact on the environment. It must be in an acceptable form, granted in priority of all liens, charges and encumbrances and executed in registerable form by the person who owns the land. During the construction phase enforcement of the covenant provisions are the responsibility of the applicant and the professional consultant.

Development approval information

- 7 Executive Council may request, at the applicant's expense, development approval information to assist with determining conditions or requirements to be imposed in a Development Permit. Further, if the property requires a Siting, Design and Construction Permit, both applications shall be considered at the same time.

Exemptions

- 8 A Development Permit may not be required for:
- (a) Actions or activities performed by the Tsawwassen First Nation, its authorized agents or contractors to prevent, control, or reduce flooding, erosion or other immediate threats to life or property, including but not limited to:
 - (i) emergency flood or erosion protection works;
 - (ii) clearing of an obstruction from a bridge, culvert or drainage flow; and
 - (iii) emergency repairs to bridges, roads, drainage systems or safety fences;
 - (b) The repair or maintenance of public works and facilities by the Tsawwassen First Nation or its authorized agents and contractors;
 - (c) A renovation, repair or alteration of an existing structure provided the addition(s) does not exceed 50 percent of the existing floor area.

Development Permit Guidelines

- 9 Development Permit guidelines are set forth below:
- (a) All applications must be consistent with the Land Use Plan and the Zoning Regulations.
 - (b) Development Permit applications shall facilitate discussions pertaining to provision of community needs and amenities; this may require land exchange, land dedication, land acquisition, land purchase, road closure and/or land set asides.
 - (c) All applications shall ensure development does not unduly burden the ability of Tsawwassen First Nation to process development approvals and manage its infrastructure over the long-term.
 - (d) In support of the development proposal applicants shall complete or provide for upgrades to offsite infrastructure, including improvements not owned by Tsawwassen First Nation.
 - (e) Applicants shall provide an equitable share of current and future expenditures made by Tsawwassen First Nation, and others, to complete works and services which directly or indirectly benefit the development proposal.
 - (f) Development Permit approvals may identify and address conditions or requirements imposed by other governments and external agencies affected by the development proposal.
 - (g) Reports, assessments, studies, designs and plans shall be prepared by qualified professionals, acceptable to Executive Council, to determine impacts of the development proposal in terms of environmental, geotechnical, grading/filling, stormwater management, visual, traffic, archaeological, heritage, infrastructure, sustainability, financial, community, social, economic, agricultural and other conditions. Development proposals shall address each identified impact to the satisfaction of the Executive Council.
 - (h) Reports, assessments and studies shall be prepared, signed and sealed by appropriately qualified professional(s), and reviewed by a suitably qualified professional responsible for quality control.
 - (i) Reports must consider and integrate relevant findings and recommendations from other studies completed or underway for the development proposal.
 - (j) A professional peer review may be requested by Tsawwassen First Nation. Each peer review shall be completed by a qualified professional selected by Tsawwassen First Nation from a list

proposed by the applicant. Any costs incurred to conduct a peer review shall be borne by the applicant.

- (k) Applicants shall address phasing and sequencing of development to minimize the financial, environmental and social impact on the community.
- (l) Applicants shall consider all requests of the Director of Lands, and Executive Council, in relation to the development proposal.