



TSAWWASSEN FIRST NATION
s'cəwaθən məsteyəx^w

Land Use Planning and Development Act

DEVELOPMENT PERMIT AREA REGULATION

Date Enacted: 4 December 2013

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Table of Regulation Changes

Section(s) Amended	Date	Order number
s.4(8) added s.7(3)(a) amended s.8(2) amended s.11(3)(b) amended Sch. A-7 added	29/04/2015	O.022-2015
Sch. A-7: s.1 repealed and replaced, other sections renumbered	03/09/2015	O.059-2015

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Definitions

- 1 (1) In this regulation,
- “**Act**” means the *Land Use Planning and Development Act*;
 - “**applicant**” means a land holder in a development area or an authorized person working on their behalf who submits an application for a development permit;
 - “**Contaminated Site Regulation**” means the *Contaminated Sites Regulation under the Environmental Management Act (British Columbia)*
 - “**Director**” means Director of Lands for Tsawwassen First Nation, or designate;
 - “**Floor**” means the underside of the floor system or the top of the concrete slab;
 - “**CGD**” means Canadian Geodetic Datum;
 - “**Improvement**” means any building or structure (including hard and soft landscaping) constructed or installed on Tsawwassen Lands;
 - “**land holder**” means the holder of an interest in Tsawwassen Lands;
 - “**North Neighbourhood Plan**” means the Tsawwassen First Nation Neighbourhood Plan – Residential/Commercial Enterprise Area approved in March 2011 by the Tsawwassen Legislature, as amended from time to time;
 - “**qualified professional**” means a licenced professional engineer, environmental professional, registered architect, landscape architect, or other credentialed professional who is deemed by the Director to be qualified to provide any reports, assessments, studies, designs and plans required under section 5 of this regulation;
 - “**Small Scale Development**” means a development plan where the associated value of a building permit related to the proposed development is less than \$500,000 in the sole opinion of the Director;
 - “**Tsawwassen Drainage Master Plan**” means a plan that addresses drainage maintenance, upgrading and development servicing requirements identified by the Director; and
 - “**Zoning Regulation**” means the *Zoning Regulation (Tsawwassen)* as amended from time to time.
- (2) Unless specifically provided otherwise in these regulations, the terms used have the same meaning as defined in the Act.

Designation of development permit areas

- 2 For the purposes of the Act and these regulations, development permit areas are those identified in the Schedules to this regulation.

Applicable guidelines and requirements in development permit areas

- 3 (1) A person shall obtain a valid development permit(s) before undertaking activities outlined in Part 8 of the Act, as amended from time to time.
- (2) Each development permit area is subject to specific guidelines and requirements outlined in the Schedules to this regulation.
- (3) The Director may only issue a development permit when satisfied that the proposed development meets the guidelines, requirements, and objectives applicable to the development permit area(s) within which the development is located.

General application requirements

- 4 (1) To acquire a development permit, a land holder of land in a development area or a person acting on the land holder’s behalf, shall submit an application to the Director.

- (2) An application for any development permit shall:
- (a) include information respecting how the proposed application complies with the applicable development permit guidelines set out in schedules to this regulation,
 - (b) include information that demonstrates compliance with the land use plan, applicable neighbourhood plan, the *Zoning Regulation*, the *Sign Regulation*;
 - (c) describe anticipated phasing and sequencing of development on the site;
 - (e) include the applicable fee set out in the *Consolidated Planning and Development Application Fees Regulation*;
 - (f) include, at the applicants expense, any other information the Director may reasonably require at the applicant's expense, including:
 - (i) development approval information, as defined in the Act that identifies the anticipated impact of the proposed development activity and addresses each impact to the satisfaction of the Director as outlined in s. 4(3), 4(4), 4(5), 4(6), 4(7), 4(8) of this Regulation, and
 - (ii) any reports, assessments, studies, designs and plans the Director reasonably requires as part of his or her review of an application.
- (3) In addition to the requirements in section 4(2), an application for an environmental protection development permit shall include:
- (a) if required by the Director, an environmental assessment prepared by a qualified professional that assesses and demonstrates methods to protect, restore, enhance and preserve ecosystems and wildlife habitat within the development area.
- (4) In addition to the requirements in section 4(2), an application for a heritage conservation development permit shall include an archaeological assessment report acceptable to the Director, that:
- (a) has been prepared by a qualified professional
 - (b) identifies and inventories heritage and cultural resources on the development site;
 - (b) identifies heritage and cultural resources that may be impacted by the development construction process;
 - (c) sets out procedures to protect, preserve, limit, and or mitigate impacts on identified resources during the development and construction process; and
 - (d) is supported by onsite investigation and fieldwork.
- (5) In addition to the requirements in section 4(2), an application for a soil stability / land fill development permit shall include a geotechnical assessment report acceptable to the Director, that:
- (a) has been prepared by a qualified professional;
 - (b) includes bore hole sampling at a spacing identified by the qualified professional; and
 - (c) certifies at a minimum, that:
 - (i) there will be no settlement or subsidence of land or structures on adjoining property resulting from proposed filling or earthmoving at the site;
 - (ii) that the placement of fill, movement of earth and or any resultant settlement or subsidence will not prevent any permitted or discretionary use under the *Zoning Regulation*;
 - (iii) that the site is geotechnically suitable for the intended uses if certain specified works are undertaken and subsequently certified by the qualified professional; and
 - (iv) that the site is suitable for its intended use, from an environmental perspective, based on the requirements and conditions of the Environmental Management Act and the Contaminated Sites Regulation, and that the chemical concentrations in environmental media (such as soil, water, vapour, sediment) are in compliance with applicable environmental standards for the intended use.

- (6) In addition to the requirements in section 4(2), an application for an industrial form and character development permit shall include a plan that includes, unless otherwise determined by the Director:
- (a) planned land uses, with types of activities;
 - (b) planned building, loading, outside storage and parking layouts;
 - (c) conceptual building materials, facades, rooflines and signage;
 - (d) mitigation strategies with adjoining existing and proposed land uses, including agricultural lands beyond Tsawwassen Lands;
 - (e) internal circulation network, road design, emergency access, rail spur line locations;
 - (f) a lighting plan, prepared by a registered electrical engineer that which outlines how lighting at the street, building, entry paths, pedestrian linkages, and parking area has been integrated into the site design;
 - (g) landscape plans, prepared by a Landscape Architect registered with the British Columbia Society of Landscape Architects, or equivalent Society in another province having regard for the unique local weather, soil and environmental conditions;
 - (h) Crime Prevention through Environmental Design (CPTED) assessment;
 - (i) in the absence of a Works and Services Agreement, a servicing design report acceptable to the Director outlining proposed upgrades to onsite infrastructure, and setting out how the proposed upgrades will meet servicing requirements, including preliminary water, sewer, drainage, grading and power servicing assessments.
 - (j) access and traffic assessment on the road network; and,
 - (k) noise mitigation from internal production/manufacturing and external road and rail access.
- (7) In addition to the requirements in section 4(2), an application for a commercial mixed use development permit area shall submit a comprehensive master plan that includes at a minimum unless otherwise determined by the Director:
- (a) planned land uses, with types of activities;
 - (b) planned building, loading, outside storage and parking layouts;
 - (c) conceptual building materials, facades, rooflines and signage;
 - (d) internal circulation network, road design, transit, cycling and pedestrian access and emergency access;
 - (e) access and traffic assessment on neighbouring properties and road network;
 - (f) a lighting plan, prepared by a registered electrical engineer that which outlines how lighting at the street, building, entry paths, pedestrian linkages, and parking area has been integrated into the site design;
 - (g) landscape plans, prepared by a Landscape Architect registered with the British Columbia Society of Landscape Architects, or equivalent Society in another province having regard for the unique local weather, soil and environmental conditions;
 - (h) Crime Prevention through Environmental Design (CPTED) assessment; and
 - (i) in the absence of a Works and Services Agreement, a servicing design report acceptable to the Director outlining proposed upgrades to onsite infrastructure, and setting out how the proposed upgrades will meet servicing requirements, including preliminary water, sewer, drainage, grading and power servicing assessments.
- (8) In addition the requirements in section 4(2), an application for a Multi-Family Residential Development Permit Area shall submit a comprehensive master plan that includes, as a minimum, unless otherwise determined by the Director:

- (a) Planned land uses, with types of activities;
- (b) Planned buildings, loading, outside storage and parking layouts;
- (c) Conceptual building materials, facades, rooflines and signage;
- (d) A lighting plan, prepared by a registered electrical engineer which outlines how lighting at the street, building, entry paths, pedestrian linkages, and parking area has been integrated into the site design;
- (e) Landscape plans, prepared by a Landscape Architect registered with the British Columbia Society of Landscape Architects, or equivalent Society in another province, having regard for the unique local weather, soil, and environmental conditions;
- (f) Crime Prevention through Environmental Design (CPTED) assessment; and,
- (g) In the absence of a Works and Services Agreement, a servicing design report acceptable to the Director outlining proposed upgrades to onsite infrastructure, and setting out how the proposed upgrades will meet servicing requirements, including preliminary water, sewer, drainage, grading and power servicing assessments.

[Amended by Order number O.022-2015]

Reports, assessments, studies, designs, plans

- 5** (1) All reports, assessments, studies, designs and plans required under this regulation shall:
- (a) be prepared, signed, and sealed by qualified professionals, and
 - (b) consider and integrate relevant findings and recommendations from other studies provided by the Director to the applicant.
- (2) In consultation with the applicant, the Director, acting reasonably, may require a professional peer review of supplementary reports completed by a qualified professional acceptable to the Director. Any costs incurred to conduct a peer review shall be borne by the applicant.

Acceptance of development permit application

- 6** (1) If the Director determines that an application is complete, the Director shall review the application.
- (2) If the Director determines that an application is incomplete, the Director shall inform the applicant in writing as soon as is practicable and set out the reasons why the application is incomplete.

Advisory Design Panel

- 7** (1) Executive Council shall appoint an Advisory Design Panel comprised of five members as follows: two professional registered architects of good standing, a professional landscape architect of good standing, a professional engineer of good standing, and a Tsawwassen Member. Executive Council shall appoint one member of the Advisory Design Panel to be chairperson of the Panel, and one member of the Advisory Design Panel to be secretary.
- (2) Members of the Advisory Design Panel shall be appointed on two year terms and are eligible for reappointment.
- (3) The duty and function of the Advisory Design Panel is to:
- (a) act in an advisory capacity by evaluating and making recommendations in the form of an advisory review summary to Executive Council respecting Industrial Development Permit applications, Commercial-Mixed Use Development Permit applications, and Multi-Family Residential Use Development Permit applications specifically as it relates to meeting requirements or guidelines set out in Schedule A-4, Schedule A-6, and Schedule A-7 of this Regulation, as applicable.

- (b) establish procedures for its operation and carrying out its duties.

[Amended by Order number O.022-2015]

- (4) The Advisory Design Panel shall meet as required to carry out its duties.
- (5) The Advisory Design Panel meetings open to all persons, however only invited Tsawwassen First Nation employees or representatives, and the applicant, and or representatives may address the Advisory Design Panel.
- (6) The applicant and its representatives shall be invited to present the application to the Advisory Design Panel and shall be given the opportunity to respond to the Advisory Design Panel review summary in writing prior to consideration of the application by the Executive Council.
- (7) At the discretion of the Director, the Advisory Design Panel may be substituted with a professional peer review team established by TFN comprised of two professional registered architects of good standing, a professional landscape architect of good standing, a professional engineer of good standing, and a Tsawwassen Member.

Review of development permit application

- 8 (1) If the Director has determined that a development permit application is compliant with all applicable development permit guidelines, then he or she shall prepare a report for the consideration of the Executive Council as soon as is practicable following receipt of a complete application, but no later than 60 days following receipt of a complete application.
- (2) On review of an application for a development permit for a development that is within the Industrial Development Permit Area, the Commercial-Mixed Use Development Permit Area, or the Multi-Family Residential Use Development Area, the Director shall refer the application to the Advisory Design Panel or professional peer review team where applicable. The Director shall submit a report for consideration of the Executive Council that includes an advisory review summary of the application from the Advisory Design Panel.

[Amended by Order number O.022-2015]

- (3) Upon receiving a report from the Director under this section, including the application for a development permit, Executive Council shall consider the report and application and may at its sole discretion decide to:
 - (a) issue a development permit with or without conditions;
 - (b) require more information from the applicant in order to further consider the application; or
 - (c) not issue a development permit.
- (4) The Executive Council may apply conditions or requirements to a development permit in order to:
 - (a) reduce anticipated land use impacts of the proposed development activity;
 - (b) ensure compliance with the guidelines that are applicable to each development permit area;
 - (c) impose conditions respecting the sequence, phasing and or timing of construction;
 - (d) vary or supplement a regulation dealing with on-site servicing requirements or zoning requirements, other than issues relating to use or density, or a flood plain specification;
 - (e) set standards for:
 - (i) areas of land that shall remain free of development;
 - (ii) natural features or areas to be preserved, protected, restored or enhanced;

- (iii) areas of land to be dedicated to Tsawwassen First Nation government; and
 - (iv) works or services to be constructed.
- (5) If a development permit application is not approved following a review by the Executive Council, then the Executive Council will provide the applicant with a notice outlining why the permit was not approved.

Review of development permit application for a Small Scale Development

- 9** (1) If the Director is satisfied that the application for a Small Scale Development is compliant with all applicable development permit guidelines, then he or she may, at his or her discretion,
- (a) issue the permit with or without conditions;
 - (b) require more information from the applicant in order to further consider the application;
 - (c) not issue the Development Permit; or
 - (d) refer the development application to Executive Council, following procedures set out in section 8 of this regulation
- (2) The Director or Executive Council, as applicable, may apply conditions or requirements to a development permit for a Small Scale Development as set out in Section 8 (4).
- (3) If a development permit application for a Small Scale Development is not approved following a review by the Director or Executive Council, as applicable, then the Director will provide the applicant with a notice outlining why the permit was not approved.

Appeal and review

- 10** (1) On matters of application of Tsawwassen First Nation laws or regulations, a person who has applied for a Development Permit and who has had that application denied may apply within 30 days of receipt of a notice under section 8(5) or section 9(3) to the Judicial Council for a review of the decision.
- (2) No more than 15 days after the receipt of a notice of appeal, the Judicial Council shall consider and rule on the right to appeal.
- (3) If an appeal is granted, as soon as is practicable after granting an appeal, the Judicial Council shall conduct the review applied for, and by order may
- (a) set aside the decision of the Executive Council or the Director as the case may be; or
 - (b) confirm the decision.
- (4) As soon as is practicable after completion of the review, the Director shall notify the affected person of the outcome of the review.

Security

- 11** (1) As a condition of the issuance of a development permit, the Director may require that the applicant provide security as outlined in 12(3)a and 12(3)b. Such security shall be in one of the following forms:
- (a) an irrevocable letter of credit, cash, or certified cheque in a form satisfactory to the Director; or
 - (b) the Director may accept equivalent security upon the Director's recommendation at the Director's sole discretion and upon a resolution of Executive Council.
- (2) If the Executive Council or the Director considers that
- (a) a condition in a permit respecting landscaping or parking 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;

then the Executive Council or the Director may:

- (d) 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
- (e) 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) The amount of security shall be as follows:

- (a) Environmental Development Permit: Where an Environmental Development Permit identifies important and sensitive environmental features, security in the amount of \$5,000 per acre to a maximum of \$50,000 shall be required unless otherwise captured in a development agreement as outlined in Schedule A-2 (6). Security under this section shall be returned where:
 - (i) the Director determines that full site restoration and obligations in the Environmental Development Permit have been completed.
- (b) Industrial Form and Character Development Permit, Commercial-Mixed Use Development Permit, and Multi-Family Residential Use Development Permit: 125% of the cost estimate for landscaping is required, unless otherwise specified in a Works and Services Agreement. Security under this section may be returned two years after the full installation of all landscaping works where:
 - (i) the Director determines all plantings, landscaping, and other elements included in the approved landscape plan are installed and vegetation plantings survived during this two year period.

[Amended by Order number O.022-2015]

- (4) For security amounting to more than \$2,000,000, applicants may apply to the Director no more than four times per year to draw down part of the security, subject to the retention of any required maintenance security, upon certification of the value of works by a qualified professional, provided such certification is acceptable to the Director. At the discretion of the Director, the Director may consider requests for security drawdowns for security amounting to less than or equal to \$2,000,000 subject to retaining any required maintenance security, no more than four times per year, and upon certification of the value of works completed by a qualified professional accepted by the Director.

Covenants

- 12** (1) As a condition of approving a development permit, Executive Council or the Director may require that a covenant be registered in the Land Title Office against title to the lands being developed at the cost of the applicant to notify property holders of a permit condition or to 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.
- (2) If a covenant is required, it shall be in a form acceptable to the Director, granted in priority to all liens, charges and encumbrances, and executed in registrable form by the person who owns the land. During the construction phase enforcement of the covenant provisions is the responsibility of the applicant and the professional consultant at their sole cost.

Term of approval

- 13** (1) Subject to the terms of the permit, if the holder of a development permit does not substantially start any construction with respect to which the permit was issued within 24 months after the date it is issued, the permit lapses.

- (2) If a permit lapses the Executive Council or the Director shall return any security provided under section 11 to the person who provided it.

Extensions

- 14** (1) An applicant may apply for up to two development permit extensions, each for a period of up to 12 months, provided that the applicant has submitted a request to the Director in writing requesting an extension.
- (2) On receipt of a request for an extension under subsection (1), the Director shall submit the request to Executive Council for their consideration.
- (3) An application to extend the length of a permit shall only be considered if submitted prior to a permit lapsing pursuant to section 14.
- (4) On making an application to extend under this section, the applicant shall pay to the Director a non-refundable application fee of \$200.

Exemptions

- 15** (1) A development permit shall 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;
 - (iii) emergency repairs to bridges, roads, drainage systems or safety fences; or
 - (b) a renovation, repair or alteration of an existing structure provided the addition(s) does not exceed 50 percent of the existing floor area.

Severability

- 16** If any provisions herein contained are found by any Court of competent jurisdiction to be illegal, invalid or for any reason unenforceable or void, then such provision or provisions will be considered severed from this statutory building scheme and the rest of the statutory building scheme will be unaffected by such provision or provisions.

Inspection

- 17** The Building Inspector or a designated Enforcement Officer at any reasonable time may enter onto any premises that is subject to this Regulation to ascertain whether the provisions of this regulation are being complied with.

Obstruction

- 18** No person shall hinder, delay, or obstruct in any manner, directly or indirectly, the Inspector or the designated Enforcement Officer in carrying out their duties or powers under this regulation.

Offences and Penalties

- 19** (1) Any person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this regulation, commits a contravention and shall, in addition to any other provisions of this regulation, be liable:
 - (a) to a penalty as set out in the Tsawwassen First Nation Ticket Regulation; or

- (b) if no penalty is set out for the contravention in the Tsawwassen First Nation Ticket Regulation, then to a fine not exceeding \$2,000.
- (2) Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
- (3) Contraventions of this regulation are designated for enforcement under the Land Use Planning and Development Act (Tsawwassen) or the Laws Enforcement Act (Tsawwassen).
- (4) In addition to the designated Enforcement Officer appointed by Executive Council pursuant to Section 3 (1) (a) of the Laws Enforcement Act, the Building Inspector and the Director is appointed as an enforcement officer for the purposes of this regulation.

Severance

- 20** If a section or lesser portion of this regulation is held to be invalid by the Judicial Council or other court of competent jurisdiction, the invalidity shall not affect the remaining portions of the regulation.

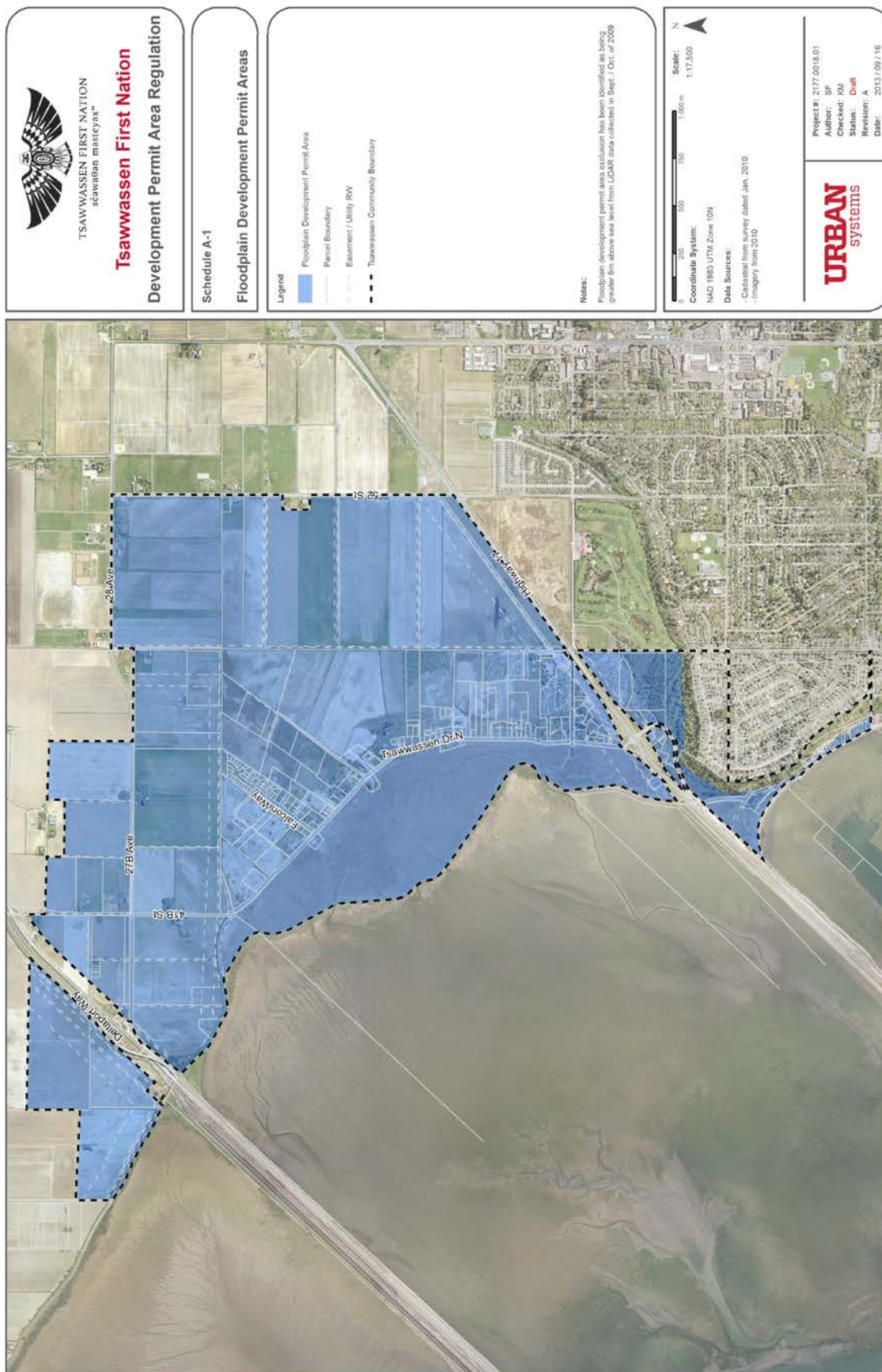
Effective Date

- 21** This regulation comes into force on the date of its enactment by Executive Council.

Schedule A-1 – Floodplain Development Permit Areas

Conditions of floodplain development area

- 1** A save harmless covenant registered at the Land Title Office according to section 13 of this regulation is a requirement for the issuance of all Floodplain Development Permits.
- 2** All principal buildings and accessory buildings or additions to such buildings shall be constructed so that the floor is constructed to a minimum of 3.5 metres CGD.
- 3** Notwithstanding 2, where the addition is no more than 40% of the floor area of the principal building, the minimum CGD for additions to principal buildings may be decreased by the Director.
- 4** Notwithstanding 2, where the minimum CGD for accessory buildings may result in drainage and site configuration issues due to an existing principal building that is below the minimum CGD, the Director may decrease the minimum CGD for accessory buildings.
- 5** Internal roads, public roads, transit stops, transit exchanges, pedestrian and sidewalk access to principal building entrances, pedestrian and sidewalk access to transit stops and transit exchanges, and emergency access routes shall be constructed to a minimum of 2.5 metres CGD datum.
- 6** The Director may decrease the minimum CGD for public roads at the boundary of TFN Lands and on existing public roadways within TFN Lands where a lower CGD is deemed to be suitable by the Director.

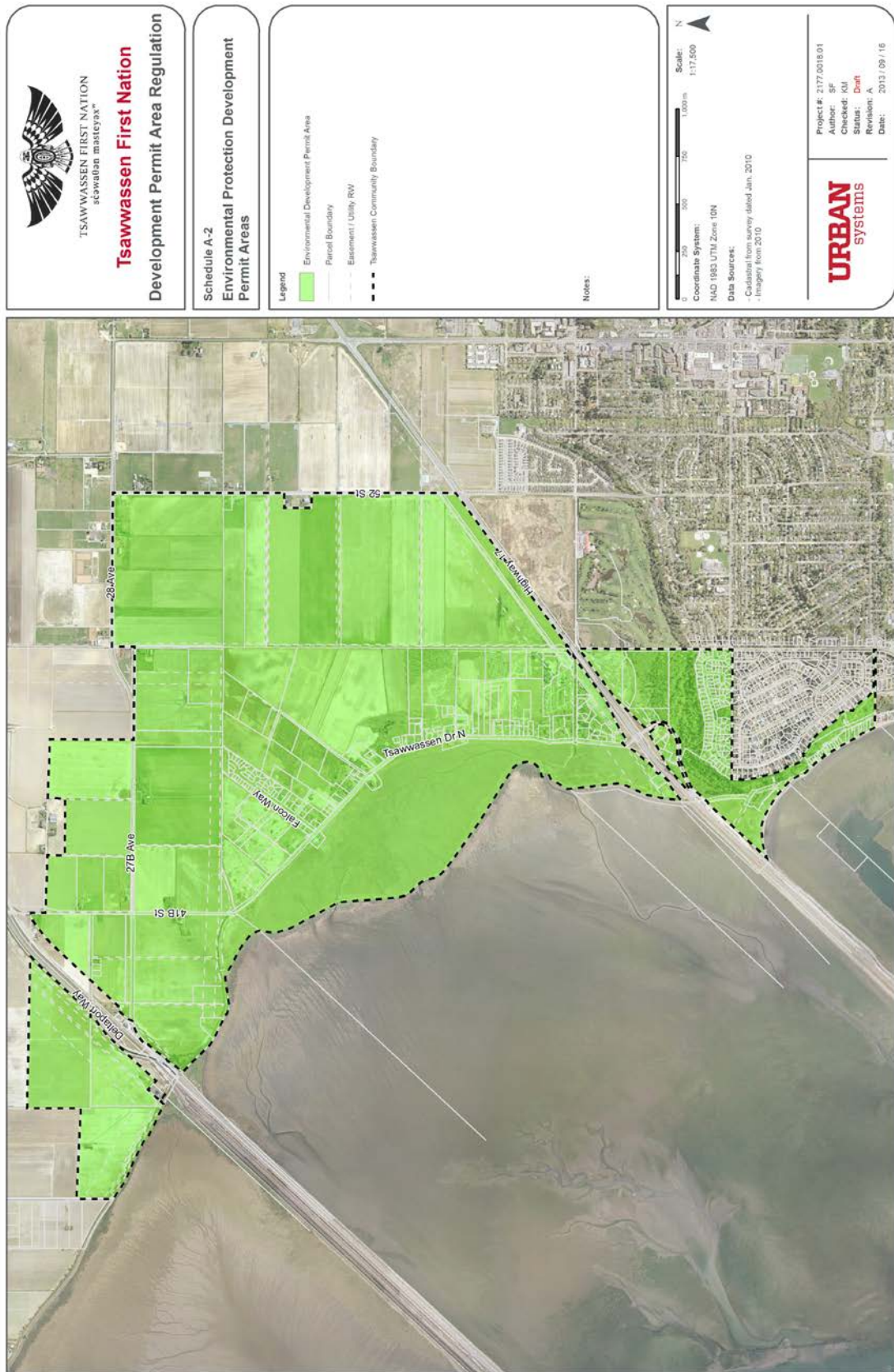


Schedule A-2 – Environmental Protection Development Permit Areas

Conditions of environmental protection development permit areas

- 1** As determined by the qualified professional, the development shall mitigate harm to ecosystems, and maintain or improve the site's capacity to accommodate flood conditions through the width of a no-disturbance setback.
- 2** As determined by the qualified professional, the development may be required to restore and or enhance ecosystems and wildlife habitat.
- 3** Open watercourses and the foreshore shall be preserved and protected, unless enclosure, alteration or relocation is authorized by applicable provincial or federal agencies or departments.
- 4** When using fill material to raise the natural ground elevation, the toe of the landfill slope shall be outside the no-disturbance setback determined in an environmental assessment, and the face of the landfill shall be no steeper than a 3:1 slope unless retained by a structure or is approved by a qualified professional selected by the Director of Lands.
- 5** Prior to approving an environmental protection development permit, Executive Council or the Director of Lands may require the applicant to execute a development agreement to secure performance of obligations and conditions required for the approval of the development permit.

Map of Environmental Protection Development Areas



Schedule A-3 – Heritage Conservation Development Permit Areas

Conditions of heritage conservation development areas

- 1** A Heritage Conservation Development Permit shall be obtained before sites within the Heritage Conservation Development Permit Area may be altered, excavated, or developed.
- 2** As determined by the qualified professional, the development shall protect and preserve heritage and cultural resources during preconstruction site preparation, the development construction process, and within the development design.
- 3** Where mitigation is recommended, any disturbance to heritage and cultural resources shall be minimized.
- 4** For greater certainty, a Heritage Conservation Development Permit shall be subject to laws and regulations of the Province of British Columbia.

Map of Heritage Conservation Development Permit Areas



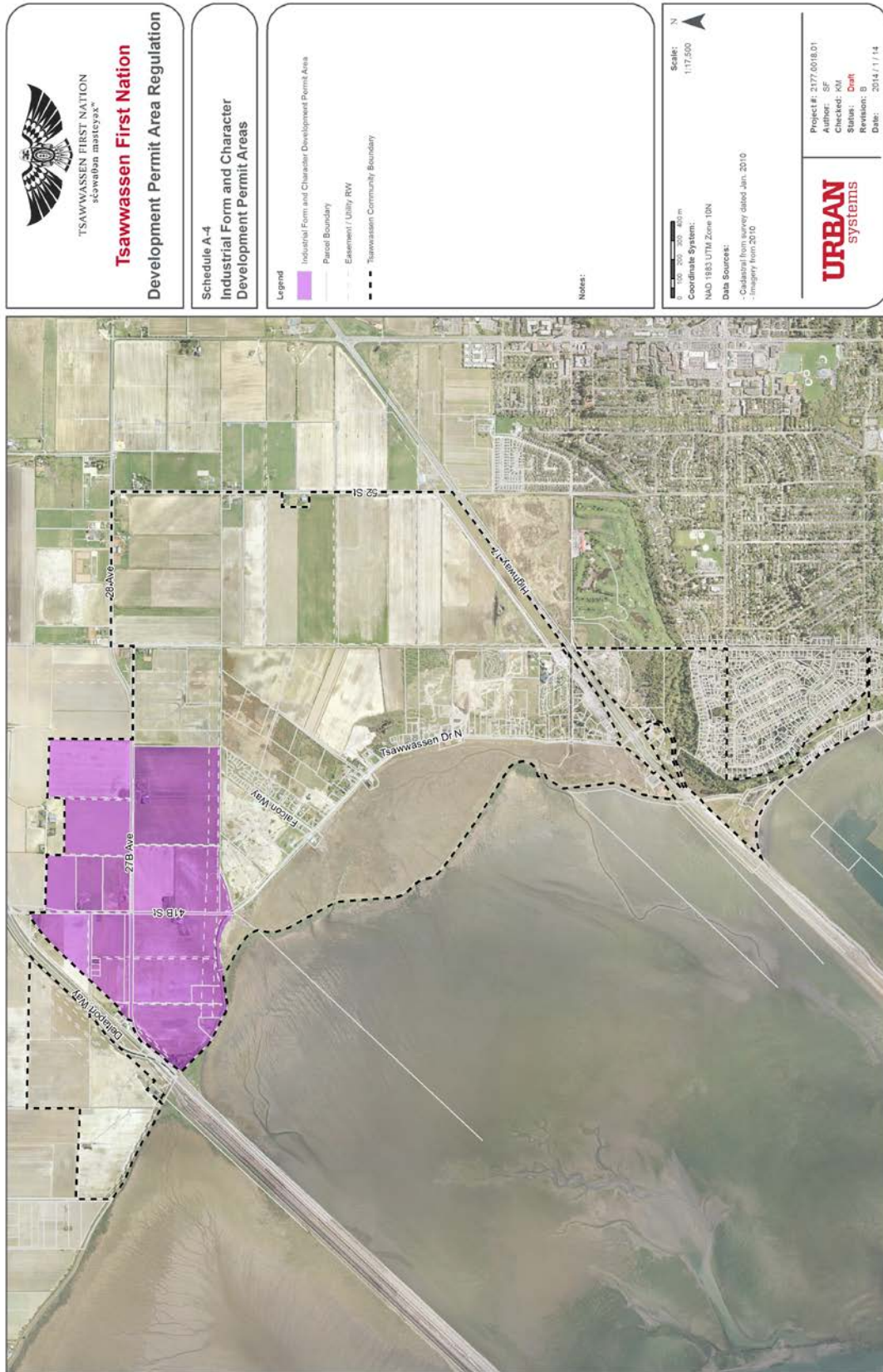
Schedule A-4 – Industrial Form and Character Development Permit Areas

Guidelines of industrial form and character development permit area

- 1** The industrial form and character development permit area shall be phased and designed to create a character that is consistent between all buildings and improvements in the industrial development permit area.
- 2** A plan shall be prepared that addresses all of the following design guidelines, with particular focus and attention given to portions of the development that are visible from adjacent roadways and pedestrian routes:
 - (1)** Cultural - The development shall highlight Coast Salish culture through features such as:
 - (a)** Including Coast Salish design features in the development. The development is encouraged to include Coast Salish public art.
 - (b)** Including building materials and outdoor furnishings that are inspired by Coast Salish culture
 - (c)** Including wayfinding signage at key entrances into the development area and that is encouraged to incorporate Coast Salish design features and is encouraged to incorporate Hun'qum'inum language.
 - (d)** Lighting to highlight significant Coast Salish design features may be incorporated
 - (e)** Including native foreshore and rural grassland within landscaping.
 - (2)** Accessibility - The development shall demonstrate universal accessibility and connectivity to the Tsawwassen First Nation community by:
 - (a)** Providing universally designed accessible pedestrian linkages from key development entrance points to proposed public transportation routes, public transportation stops, existing trails, proposed trails, and sidewalks through the use of design features that provide clear visual connections such as wayfinding signage, or ornamental paving paths.
 - (d)** Enhancing transportation options on Tsawwassen First Nation Lands including walking, cycling, and public transportation.
 - (3)** Public Realm - The development shall create safe spaces that also minimize impacts on surrounding residential and agricultural areas by:
 - (a)** Enhancing natural surveillance and access control by utilizing Crime Prevention Through Environmental Design principles throughout the development area.
 - (b)** Limiting off-site light trespass and glare, including:
 - (i)** Exterior lights should be oriented away from adjacent properties,
 - (ii)** All light fixtures including wall mounted light fixtures shall be full cut-off and have horizontally aligned flush mounted lenses. Sage or drop lenses are not permitted.
 - (c)** Orienting buildings to reduce shadow impacts on outdoor landscaped amenity spaces.
 - (d)** Utilizing noise mitigation design features.
 - (4)** Ecological - The development shall incorporate ecological design principles and demonstrate energy-efficient building design and layout by:
 - (a)** Optimizing the amount of permeable surface on the site.

- (b) Including low maintenance landscaping such as xeriscaping and drought resistant natural; landscaping that limits use of chemicals such as fertilizers, and utilizes environmentally responsible irrigation methods.
 - (c) Including re-use of storm water, recycled or non-potable water for irrigation or plant establishment, where practical.
 - (d) Providing oil/grease separators, bio-swales and greenways to capture parking lot and street pollutants.
 - (e) Utilizing landscaping to reduce heat island effects.
 - (f) Concentrating landscaped areas into larger growing areas.
 - (g) Breaking up employee and visitor parking areas with landscape strips at least 1.5 m in width, planted with shade trees, shrubs and ground covers.
- (5) Attractive Design - The development shall be of a high quality architectural design by:
- (a) Incorporating design features in buildings and structures that create attractive architectural character and pedestrian scale, such as articulated building facades, varied materials, detailing, varied roof lines, massing.
 - (b) Incorporating unifying architectural elements, materials, finishes, glazing and textured surfaces.
 - (c) Incorporating complementary signage that does not dominate the architectural detail of the development.
 - (d) Using landscaping or semi-transparent fencing that is complementary to the scale and materials of the principal building.
 - (e) Locating and screening refuse/ recycling areas, shipping, loading areas, utility areas, communication devices, outdoor vents, mechanical equipment, roof mechanical equipment, transformers, and outdoor storage shall be screened from roads and adjacent uses.(f) The development will create a pleasant work environment by things such as:
 - (i) Including outdoor landscaped areas with gathering spaces for employee passive use.
 - (ii) Including indoor and or outdoor amenity space for employee recreational use is encouraged.
 - (iii) Maximizing natural lighting for indoor work areas is encouraged.

Map of Industrial Form and Character Development Areas

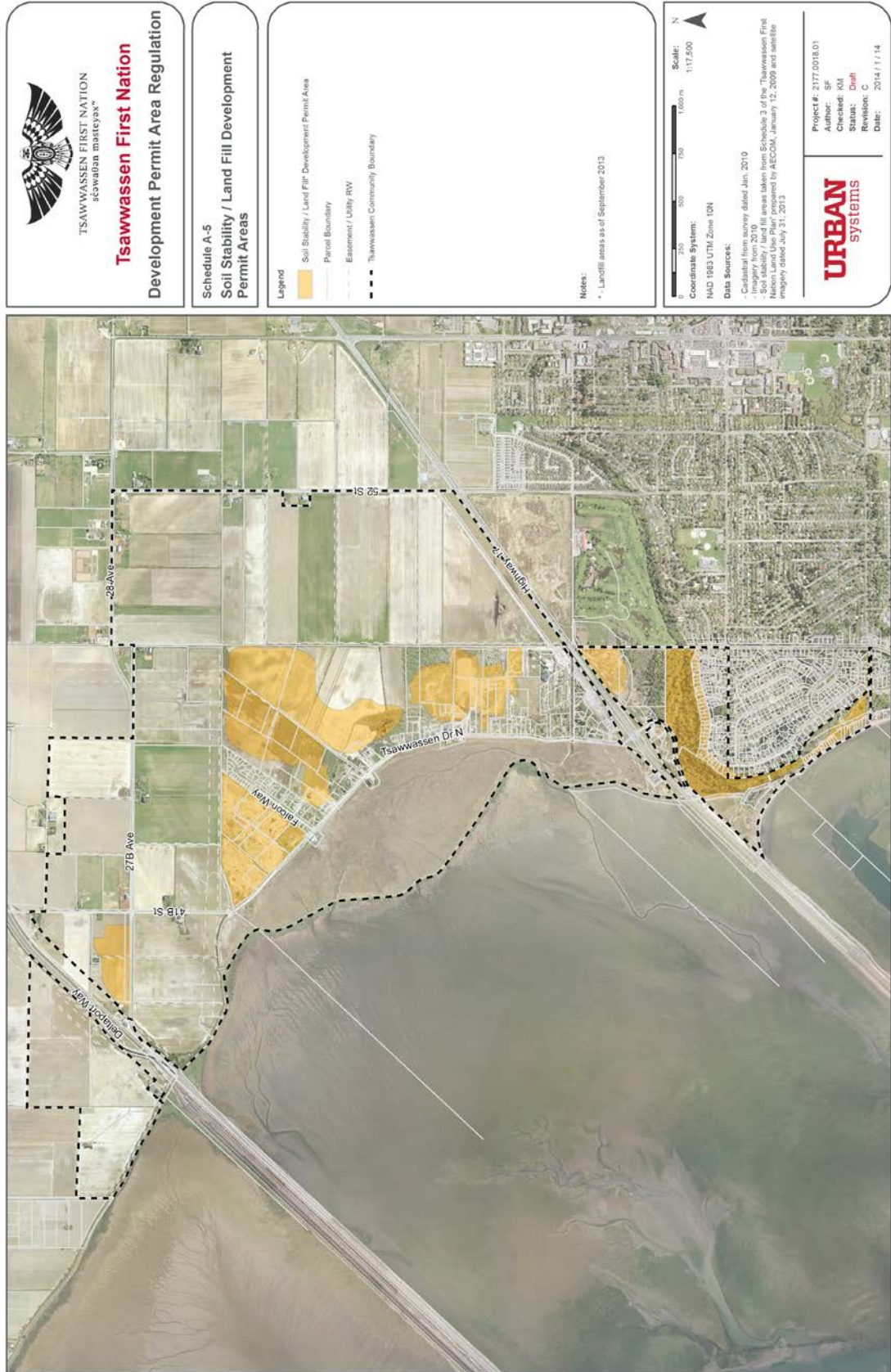


Schedule A-5 – Soil Stability/Land Fill Development Permit Areas

Conditions of soil stability / land fill development permit area:

- 1** Developments shall demonstrate that the risk of soil stability issues is mitigated.
- 2** For further clarity, the Director may withhold any development permit until a Certificate of Compliance issued by the Ministry of the Environment is provided to the Director, or a Determination from the Ministry of Environment is submitted to the Director confirming that no certificate is required.
- 3** The Director may require the registration of a restrictive covenant on the site that includes conditions from the geotechnical report or the entire geotechnical report. Enforcement and certification of the provisions of the geotechnical report and/or restrictive covenants are the responsibility of the applicant and geotechnical engineer and appropriate certification is to be provided to the Director.

Map of Soil Stability / Land Fill Development Permit Areas



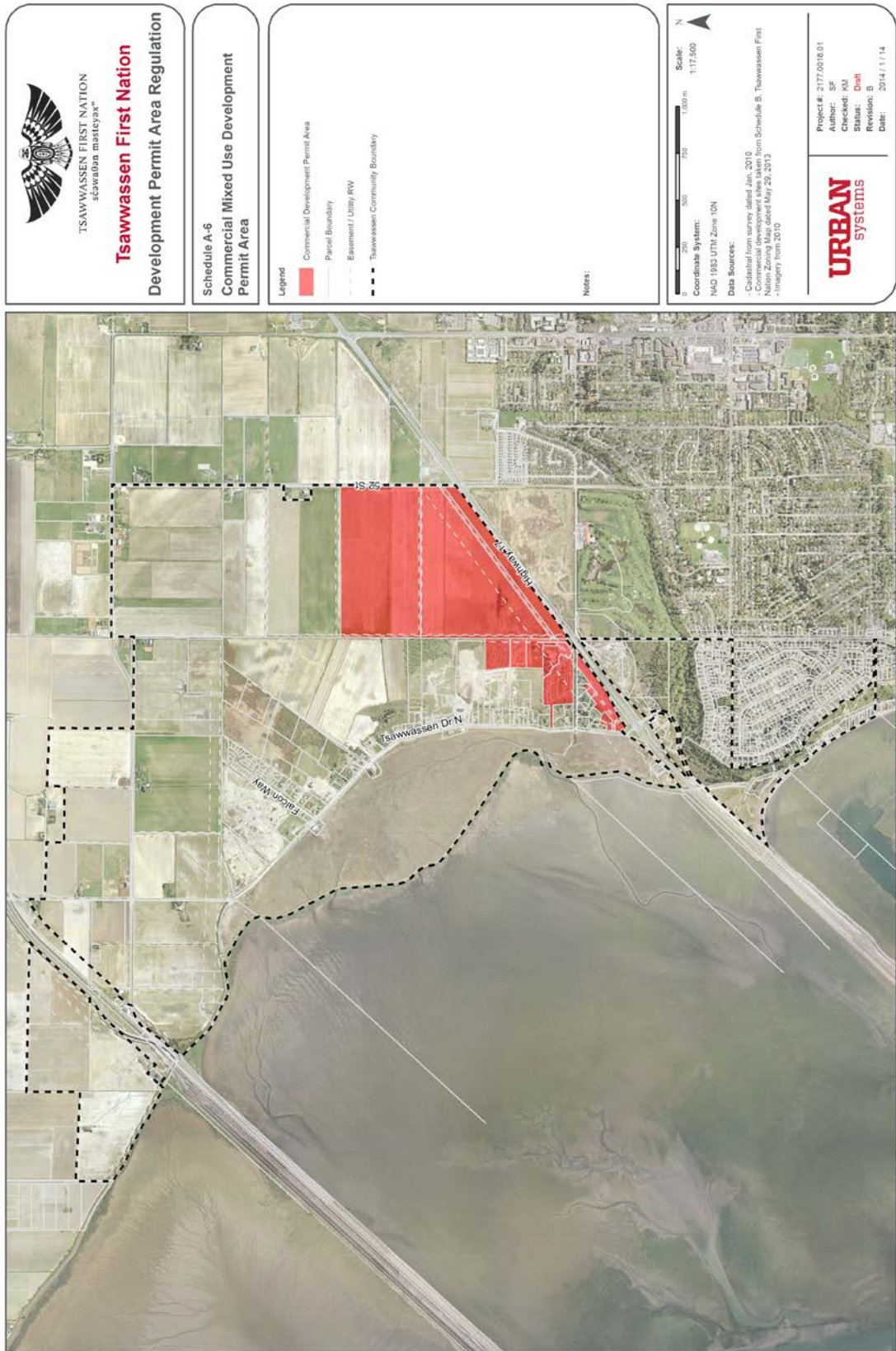
Schedule A-6 – Commercial Mixed Use Development Permit Area

Guidelines of commercial mixed use development permit areas:

- 1** The commercial mixed use development permit area shall be phased and designed to create a character that is consistent between all buildings and improvements in the commercial mixed use development permit area.
- 2** A comprehensive master plan shall be prepared that addresses all of the following design guidelines:
 - (1) Cultural - The development shall highlight Coast Salish culture by:
 - (a) Including Coast Salish design features in the development. The development is encouraged to include Coast Salish public art;
 - (b) Including building materials and outdoor furnishings that are inspired by Coast Salish culture;
 - (c) Including interpretive signage and or wayfinding signage within the development area that incorporates Coast Salish design features and is encouraged to incorporate Hun'qum'inum language;
 - (d) Using lighting to highlight Coast Salish design features may be incorporated; and,
 - (e) Including native foreshore and rural grassland within landscaping.
 - (2) Accessibility - The development shall demonstrate universal accessibility and connectivity to the Tsawwassen First Nation community by:
 - (a) Providing universally designed accessible pedestrian linkages throughout the development and building entrance points to public transportation routes, public transportation stops, existing trails, proposed trails, and sidewalks through the use of design features that provide clear visual connections such as wayfinding signage, ornamental paving paths, and or covered walkways;
 - (b) Providing pedestrian areas that provide continuous pathways to principle transit facilities, that are encouraged to have continuous overhead weather protection, and,
 - (d) Enhancing transportation options on Tsawwassen First Nation Lands including walking, cycling, and public transportation.
 - (3) Public Realm - The development shall create safe spaces that also minimize impacts on surrounding residential and agricultural areas by:
 - (a) Enhancing natural surveillance and access control by utilizing crime prevention through environmental design principles throughout the development area
 - (b) Limiting off-site light trespass and glare, including:
 - (i) Exterior lights should be oriented away from adjacent properties,
 - (ii) All light fixtures including wall mounted light fixtures shall be full cut-off and have horizontally aligned flush mounted lenses. Sage or drop lenses are not permitted.
 - (c) Orienting buildings to reduce shadow impacts on outdoor landscaped amenity spaces
 - (4) Ecological - The development shall incorporate ecological design principles and demonstrate energy-efficient building design and layout by:
 - (a) Incorporating locally-sourced building materials, and documenting the inclusion of such materials is encouraged;

- (b) Optimizing the amount of permeable surface on the site or meeting the provisions of an integrated stormwater management plan for the application area;
 - (c) Including low maintenance landscaping such as xeriscaping and drought resistant natural; landscaping that limits use of chemicals such as fertilizers, and utilizes environmentally responsible irrigation methods;
 - (d) Including re-use of storm water;
, recycled or non-potable water for irrigation or plant establishment, where practical;
 - (e) Providing oil/grease separators, bio-swales and greenways to capture parking lot and street pollutants;
 - (f) Utilizing landscaping to reduce heat island effects;
 - (g) Concentrating landscaped areas into larger growing areas; and
 - (e) Breaking up parking areas with landscape strips at least 1.5 m in width, planted with shade trees, shrubs and ground covers.
- (5) Attractive Design - The development shall have high quality architecturally designed buildings by:
- (a) Incorporating design features in buildings and structures that create attractive architectural character and pedestrian scale, such as articulated building facades, varied materials, detailing, varied roof lines, massing;
 - (b) Incorporating unifying architectural elements, materials, finishes, glazing and textured surfaces;
 - (c) Incorporating signage that is complimentary to the architectural detail of the development; and,
 - (d) Using landscaping or semi-transparent fencing that is complementary to the scale and materials of the principal building.

Map of commercial mixed use development permit area



Schedule A-7 – Multi-Family Residential Use Development Permit Area

Conditions of a multi-family residential use development permit area:

- 1 The following guidelines shall apply to residential projects of 4 dwelling units or greater, including duplex dwellings, townhouses, apartments, congregate housing, and/or congregate living residences, within the area illustrated on the following “Map of multi-family residential use development permit areas”.

[Amended by Order number O.059-2015]

Guidelines of multi-family residential use development permit areas:

- 2 The multi-family residential use development permit area shall be phased and designed to create a character that is consistent between all buildings and improvements in the multi-family residential mixed use development permit area.

- 3 A comprehensive master plan shall be prepared that addresses all of the following design guidelines

(1) Cultural – the development shall highlight Coast Salish culture by:

- (a) Including Coast Salish design features in the development. The development is encouraged to include Coast Salish public art, entry designs, materials, signage;
- (b) Including building materials and outdoor furnishings that are inspired by Coast Salish culture;
- (c) Including interpretive signage and or wayfinding signage within the development area that incorporates Coast Salish design features and is encouraged to incorporate Hun’qum’inum language;
- (d) Using lighting to highlight Coast Salish design features may be incorporated; and,
- (e) Including native foreshore and rural grassland within landscaping.

(2) Accessibility – The development shall demonstrate universal accessibility and connectivity to the Tsawwassen First Nation community by:

- (a) Providing universally designed accessible pedestrian linkages throughout the development and building entrance points to parking, public transportation routes, public transportation stops, existing and proposed trails, and sidewalks through the use of design features that provide clear visual connections such as wayfinding signage, ornamental paving paths;
- (b) Providing pedestrians with continuous pathways to principle transit facilities, and;
- (c) Enhancing transportation options on Tsawwassen First Nation Lands, including walking, cycling, and public transportation.

(3) Public Realm – The development shall create safe spaces that also minimize impacts on surrounding residential, commercial, and agricultural areas by:

- (a) Enhancing natural surveillance and access control by utilizing crime prevention through environmental design principles throughout the development area;
- (b) Providing lighting which improves the safety and security of public, semi-private, and private open spaces through:
 - i. Limiting off-site light trespass and glare;
 - ii. Orienting exterior lights away from adjacent properties;

- iii. Ensuring that all light fixtures including wall mounted light fixtures shall be full cut-off and have horizontally aligned flush mounted lenses. Sage or drop lenses are not permitted; and,
 - iv. Using uniform lighting which gradually transitions from unlit to lit areas; and,
 - (c) Orienting buildings to reduce shadow impacts on outdoor landscaped amenity spaces.
- (4) Ecological – The development shall incorporate ecological design principles and demonstrate energy-efficient building design and layout by:
- (a) Incorporating locally-sourced building materials. Documenting the inclusion of such materials is encouraged;
 - (b) Optimizing the amount of permeable surface on the site or meeting the provisions of an integrated storm water management plan for the application area;
 - (c) Including low maintenance landscaping, such as xeriscaping and drought resistant natural landscaping, that limits use of chemicals and fertilizers, and utilizes environmentally responsible irrigation methods;
 - (d) Including re-use of storm water, recycled, or non-potable water for irrigation or plant establishment, where practical;
 - (e) Providing oil/grease separators, bio-swales and greenways to capture parking lot and street pollutants;
 - (f) Utilizing landscaping to reduce heat island effects; and,
 - (g) Concentrating landscaped areas into larger growing areas.
- (5) Attractive Design – the development shall have high quality architecturally designed buildings by:
- (a) Incorporating design features in buildings and structures that create attractive architectural character and pedestrian scale, such as articulated building facades, varied materials, detailing, varied roof lines, massing;
 - (b) Incorporating unifying architectural elements, materials, finishes, glazing and textured surfaces;
 - (c) Incorporating signage that is complimentary to the architectural detail of the development;
 - (d) Using landscaping or semi-transparent fencing that is complementary to the scale and materials of the principal building; and,
 - (e) Maximizing use of the land between the rear and side parcel lines and any buildings or structures on the parcel as usable open space.

[Amended by Order number O.022-2015]

