

Overview of Development Permit Areas

1.1. Background

Section 919.1 of the *Local Government Act* permits Council, in an Official Community Plan, to designate Development Permit Areas (DPAs). Council may issue a development permit that may vary or supplement a regulation of the Subdivision or Zoning Bylaw. A development permit cannot vary use, density, or flood plain specifications. Where land is subject to more than one DPA designation, a single development permit is required, however, the application is subject to the requirements of all applicable DPAs.

1.1.1. DESIGNATION

Pursuant to Section 919.1 of the *Local Government Act*, the Town of Smithers has designated Development Permit Areas for:

1. **Environmental areas** for lands shown on Schedule B.
2. **Form and Character** for lands designated as downtown commercial, highway commercial, and multi-family residential and as indicated on Schedule C.

1.1.2. APPLICATION

Within a DPA, an owner must obtain a development permit before subdividing land, constructing, adding to, or altering a building or specifications unless specifically exempted by the plan.

1.1.3. GENERAL EXEMPTIONS

A Development Permit is NOT required for:

1. Construction within a building that does not require exterior alterations.
2. Replacement of exterior finishes using the same or similar materials and colours. This also includes the replacement of signage with no change in location, size, type, or signs approved by a Sign Permit.

Development Permit Areas:

Section 919.1 of the Local Government Act allows Local Governments to designate Development Permit Areas (DPAs) for one of more of the following purposes.

1. *Protection of the natural environment, its ecosystems and biological diversity;*
2. *Protection of development from hazardous conditions;*
3. *Protection of farming;*
4. *Revitalization of an area in which a commercial use is permitted;*
5. *Establishment of objectives for the form and character of intensive residential, commercial, and industrial development;*
6. *Establishment of objectives to promote energy and water conservation;*
7. *Establishment of objectives to promote the reduction of greenhouse gas emissions.*

3. Development or alteration of land occurring outside of the Development Permit Area as determined by a BC Land Surveyor or another qualified person.
4. Planting of trees, shrubs or ground cover.
5. Use of land is for outdoor recreational purposes and does not include buildings and structures other than fencing or nets.
6. Structural alteration of legal or lawful nonconforming buildings and structures within the existing footprint.
7. Placement of impermanent structures provided that there is no site clearing.
8. Emergency actions to prevent, control or reduce erosion or other immediate threats to life, the natural environment, and property including:
 - i. Fire, flood, and erosion protection works;
 - ii. Removal of hazard trees;
 - iii. Protection, repair or replacement of public utilities;
 - iv. Clearing of an obstruction from a bridge, culvert or drainage flow; and Bridge repairs and safety fences in accordance with the Water Act.
9. Construction of a single public or common use trail provided that the trail is designed with the most direct route of feasible passage through the Development Permit Area and designed accordingly (i.e. avoiding erosion prone areas).
10. Repair and maintenance of existing roads, driveways, paths and trails.
11. Construction of a fence.
12. The Town of Smithers as long as development adheres to all policies in the OCP.
13. Agricultural uses within the Agricultural Land Reserve.