



Islands Trust

Development Permit Areas

G A B R I O L A I S L A N D

GABRIOLA ISLAND DEVELOPMENT PERMIT AREAS:

- 1) **The Tunnel**
- 2) **Lock Bay Area**
- 3) **Hoggan Lake Area**
- 4) **Flat Top Islands Area**
- 5) **Gabriola Pass Area**
- 6) **Escarpment Areas**
- 7) **The Village Centre**
- 8) **Multi-dwelling Affordable Housing Areas**
- 9) **Light Industrial Use Areas**

What is a Development Permit Area?

A Development Permit Area (DPA) is an area of land or water that has been designated by the Gabriola Island Local Trust Committee to achieve protection or address design criteria. DPAs can be established for more than one purpose, but all are regulated by the *Local Government Act*. DPAs must be established by bylaw and there must be a public hearing prior to bylaw adoption. Once an area has been designated as a DPA, land alteration, construction / structural alteration, and subdivision within the designated area are restricted until a Development Permit is obtained. A Development Permit may not restrict the use or density of use of

the land from what is permitted in zoning, except where a restriction is clearly related to health, safety or protection of the property from damage related to hazardous conditions. Currently, Gabriola Island has nine DPA designations. These DPAs are designed to protect the natural environment, protect development from hazardous conditions or address aesthetic concerns for certain types of residential, commercial and industrial development. Other types of DPAs can also be established to promote the conservation of water, energy and the reduction of greenhouse gas emissions.

Why do local governments establish Development Permit Areas?

Local governments establish DPAs to give an extra level of attention to specific areas during the development process. In addition, the designation of DPAs recognizes the fact that many people increasingly desire communities that actively protect and integrate natural features and spaces, and consider the appearance of commercial, industrial and multi-dwelling developments. Section 919.1(1) of the *Local Government Act* enables local governments to establish DPAs for 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.



Development Permit Areas have been in place on Gabriola Island since 1998 and have played an important role in shaping how the island looks today



WHAT DOES A DEVELOPMENT PERMIT COST?

The application fee varies depending on the type of DPA. For DPAs that protect the natural environment and DPAs that protect development from hazardous conditions, the fee is \$450. For DPAs that guide form and character of commercial, residential and industrial development, the fee is \$550.

How do Development Permit Areas affect future development decisions?

Once a local government has established a DPA by bylaw, affected property owners are usually required to obtain a Development Permit before they begin certain types of development on land within the DPA. The *Local Government Act* further regulates the use of DPAs by limiting the conditions that can be included in a Development Permit to those that are specifically authorized by the *Local Government Act* and that are related to a specific guideline in the DPA. In addition, a local government cannot impose the conditions relating to a DPA outside of the designated area for that DPA. Where a property owner proposes a development that meets the DPA guidelines, a permit must be issued. In other words, unlike other applications such as a rezoning, the LTC has no discretion to refuse a Development Permit if all guidelines are met. Public input is not an element of the decision-making process for a Development Permit. In this way, a Development Permit is like a building permit: the application either meets the guidelines or it doesn't.

How do I know if my property is in a Development Permit Area?

To determine whether your land is impacted by a DPA, refer to Schedule C of the Gabriola Island Official Community Plan (OCP). Copies of the OCP are available from the Islands Trust Northern Office and at the Gabriola Island page of the Islands Trust website. Where more than one DPA applies, development is subject to the guidelines for each applicable DPA. However, if you need a Development Permit, you will only need to submit one application and pay one fee. Islands Trust planning staff will assist you if you have any questions. Contact information is provided at the end of this document.

How do I know if I need to obtain a Development Permit?

If you plan to build on, alter or subdivide land that is located within a DPA, you will probably need to get a Development Permit. To check, refer to Section 7 of the OCP. This section sets out the guidelines for each DPA designation. These guidelines exempt certain kinds of development within designated DPAs from the requirement of obtaining a permit. Also, should your proposed development fall outside of construction / structural alteration, land alteration or subdivision, the guidelines may not apply. Some exceptions are in regard to design guidelines for the form and character of certain commercial, industrial and residential developments. In addition, provincial regulations may exempt land within a DPA from the guidelines. If you have any questions, contact Islands Trust planning staff. Contact information is listed at the end of this document.

How do I apply for a Development Permit?

If you need a Development Permit, request an application form from the Islands Trust, pick one up at the Northern Trust office, or download the online application form from the Gabriola Page of the Islands Trust website. The form is accompanied by a Development Permit Application Guide, which further explains the steps in the Development Permit application process. It is strongly recommended that you contact Islands Trust staff before proceeding with a Development Permit application in order to fully understand the requirements and options available to you.

How long does it take to get a Development Permit?

It depends on the nature of the application. If Islands Trust planning staff has determined that a permit is required, the application will have to be processed by planning staff and put before the Gabriola Island Local Trust Committee (LTC) for its review and decision. The LTC meets monthly. Prospective applicants should submit their application at least 4-6 weeks prior to a LTC meeting to give staff adequate review and processing time.

Existing Gabriola Island Development Permit Areas

Since 1998, a number of areas on Gabriola Island have been designated as DPAs, within which a Development Permit is required prior to commencing certain types of development. Guidelines set out in the Official Community Plan (OCP) specify the conditions that must be met for the Development Permit to be issued.

Development Permits for Protection of the Natural Environment

DP-1 The Tunnel

The shrub and tree canopy along North Road is an important scenic, heritage and environmental amenity. This DPA establishes a 183 metre wide tree canopy and shrub buffer along North Road, measured to 90.8 metres on either side of the centre line of the existing right-of-way. Construction in the buffer area is limited to roads, trails and public utility works. Tree removal and damage to trees of a certain size is not permitted, the number of road accesses is limited and landowners may be required to seek professional advice in determining buffers from development to eagle or other bird species nesting trees.

DP-2 Lock Bay Area

This DPA has been identified as a unique beach of sand and gravel isolating a marsh of about 40 acres. No alteration causing a negative impact on the foreshore in this area is permitted. Guidelines for this DPA establish setbacks to watercourses and the sea for a variety of activities and developments. Landowners are required to obtain an assessment of environmental impacts of proposed development or expansion, including mitigation measures, and may be required to seek professional advice in determining buffers from trees with eagle nests.

DP-3 Hoggan Lake Area

This DPA has been identified as having moderate to high wildlife, freshwater and vegetation natural features, as well as an area with sizable bird populations. The guidelines for this DPA require that setbacks from the natural boundary of the lake and other watercourses be left in a natural condition to protect essential riparian habitat, control erosion and mitigate flooding. Buffers to eagle nesting trees should be determined by a professional.

DP-4 Flat Top Islands Area

The Flat Top Islands and Breakwater Island have been identified as having important marine, vegetation and wildlife natural features. The guidelines for this DPA are similar to those for DP-2, but also include a requirement that properties, other than those within existing marine lease areas, undergo an assessment of environmental impacts and mitigation measures prior to any expansions or new developments.

DP-5 Gabriola Pass Area

The intertidal area is boulder-tiered ledges, sandstone and shale formations and sand and gravel banks. Tide pools exist along the length of the island, and the sub-tidal area is largely devoid of human impact and is exceptionally rich in an abundance of marine life. The guidelines for this DPA specify that no alteration or disturbance occur in this DPA that would result in negative impact on to foreshore habitat. An assessment of environmental impacts and mitigation measures is required prior to any alteration to marine uses outside of areas with marine leases.

Development Permits for the Protection of Development from Hazardous Conditions

DP-6 Escarpment Areas

This DPA pertains to areas encompassing a land slope of greater than 80%. These areas are often unsuitable for development as they may be subject to erosion, land slip, rock falls, subsidence, or other hazards. The guidelines for this DPA do not permit the construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems, or the removal of trees and vegetation unless a geotechnical engineer recommends that such construction or removal may occur without subjecting the escarpment area to increased slope instability. A development permit will not be required in cases when the Regional District building inspector requires a report from a geotechnical engineer.

The LTC may consider the following amendments to the current DP Areas:

- *Amendment & expansion of DP-3 (Hoggan Lake Area) to include the provincially-mandated Riparian Areas Regulation under the Fish Protection Act.*
- *Amendment of DP-6 (Escarpment Areas) based upon recently completed mapping which provides more precise detail for hazardous slope areas*
- *Establishment of a greenhouse gas emissions reduction DPA and a water conservation DPA*
- *Update of the DPA guidelines for the Village Centre*

Properties affected by environmental DPAs may qualify for the Natural Areas Protection Tax Exemption Program (NAPTEP), which confers a 65% saving on property taxes over areas covenanted under this program. More information on NAPTEP is available from islands Trust staff at

www.islandtrust.bc.ca/naptep.cfm

Existing Gabriola Island Development Permit Areas Continued

Development Permits to Establish Objectives and Guidelines for the Form and Character of Commercial, Industrial and Multiple Family Residential Development

DP-7 The Village Centre

This DPA requires that the character of Folklife Village should set the tone for development in the Village Centre. The guidelines for this DPA specify that natural vegetation be retained or planted and maintained for screening, and exterior surfaces and signs be made of natural materials. Developments shall incorporate small-scale building designs and provide amenities such as pedestrian walkways and public open spaces. Lighting should be kept to the minimum for pedestrian safety, and off-street parking shall be as unobtrusive as possible and, where possible, located at the rear of buildings. Certain exceptions for minor repairs are included for this DPA as well.

DP-8 Special Needs and Seniors Multi-Family Development Permit Areas

Currently, this DPA applies to the two existing sites designated for special needs and senior's multi-family housing on Gabriola. Guidelines for this DPA are similar to those for DP-7, as are the exceptions for obtaining a Development Permit.

DP-9 Light Industrial Use Development Permit Areas

This DPA only applies to sites designated Industrial in the planning area. The guidelines for this DPA specify that no buildings be located closer than 30 metres from a watercourse or the high water mark of the sea. In addition, a site plan must be provided by the applicant to illustrate where off-street parking and equipment storage will be accommodated. No equipment, materials or vehicles associated with the industrial use are to be located on an adjoining parcel or public right of way.

DEVELOPMENT PERMIT ENFORCEMENT
If you need a Development Permit for the work you are planning, you must obtain the permit prior to commencing work. Work begun without a permit is a violation of the requirements of the OCP and the Local Government Act and could be subject to bylaw enforcement procedures. You may also be subject to bylaw enforcement if you make alterations beyond those allowed under an approved permit.



Islands Trust Northern Office
700 North Road
Gabriola Island, BC
V0R 1X3

Phone: 250-247-2063
Fax: 250-247-7514
E-mail: northinfo@islandstrust.bc.ca
Website: www.islandstrust.bc.ca

Contact us Toll Free via Enquiry BC at:
1-800-663-7867