



Islands Trust

# APPLICATION GUIDE

## Development Permit

### ***What is a Development Permit?***

British Columbia's *Local Government Act* enables communities to designate parts of their planning area as Development Permit Areas so they can set objectives and guidelines for development within those areas. No building construction, demolition, land alteration, or subdivision of land may occur in a Development Permit Area without a Development Permit.

Development Permit Areas are designated under Section 879(1) of the Local Government Act to:

- establish objectives for the form and character of commercial, industrial, or multi-family residential development,
- protect the natural environment,
- revitalize specific commercial areas,
- protect heritage areas,
- protect development from hazardous conditions,
- protect farming,
- promote energy conservation,
- promote water conservation, and
- promote the reduction of greenhouse gas emissions.

Development Permits can be used to vary certain land use controls such as signage, parking, landscaping, and subdivision servicing conditions where the development permit guidelines in the Official Community Plan or Land Use Bylaw specifically allow and where such variances help to achieve the desired objectives of the development permit. Development Permits cannot vary the use or density of the land.

A Development Permit is not a building permit. You will still need to apply to the Regional District for a building permit before you can build structures on the land, except on Denman and Hornby Islands where a Siting and Use Permit from the Local Trust Committee is required instead of a Building Permit.

The reasons for the establishment of the development permit areas and maps showing the lands designated as development permit areas are included in the Official Community Plan. Guidelines used to evaluate the application are included in the Official Community Plan or in the Land Use Bylaw. Official Community Plans and Land Use Bylaws can be viewed on our website [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca) under the relevant Local Trust Committee links. Projects within development permit areas do not require permits if the Official Community Plan or Land Use Bylaw specifically exempts them.

### ***When Do You Need to Apply For a Development Permit?***

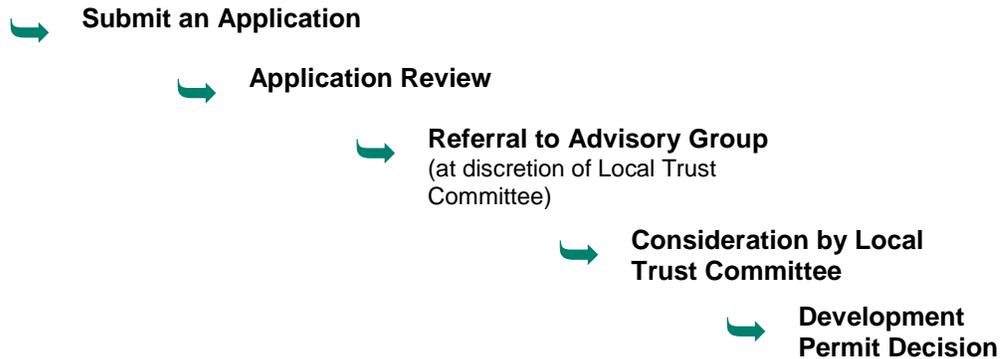
You need to apply for a Development Permit in the following cases:

- when you propose to alter land, subdivide land, build, add to or alter a building or structure on property within a development permit area, unless that activity is specifically exempted from permitting by provisions of the Official Community Plan
- when you want to amend an existing Development Permit

## *The Development Permit Application Process*

The major stages in the Development Permit Application Process are:

### **Pre Application**



### *Step 1 — Pre-Application*

Before submitting your development proposal, you may wish to contact or meet with planning staff to review bylaws, policies, and regulations that may affect your project. Before submitting a Development Permit application, review of the following regulations will be useful:

- Zoning maps, Land Use Bylaws, and other applicable Bylaws: Each property in the Trust Area is subject to specific zoning regulations, some of which may impact your proposal. It may also be useful to review the applicable Official Community Plan policies for the area and the Islands Trust Policy Statement
- Development Permit Area Guidelines: Identify the Development Permit Area in which your property is located and review the development permit area guidelines contained in the Official Community Plan or Land Use Bylaw to consider how they may affect your project
- Other Regulations: It may be necessary to contact additional agencies to take care of other matters, such as adequate services to the site, access to a highway, or building code requirements
- Specific Requirements: In some cases, you may need to hire a qualified consultant to address specific concerns with your application. Such consultants may include engineers, biologists, architects, or planners, depending on the location of your property and the nature of your proposal.

### *Step 2 — Submit an Application*

Once you have reviewed all applicable regulations and completed your project plans, you must complete a Development Permit application form and submit it to the Islands Trust office, with the applicable fee. Islands Trust staff will be available to assist you; however you must provide the following information with your application:

- A recent State of Title Certificate indicating the owner(s) name. If the applicant is an agent of the owner, then a letter of authorization is required from the owner(s). The State of Title Certificate will also indicate if there are any covenants or easements that may affect the proposed development. Attach any covenants or easements to the application.
- A brief description of the proposed development.

- Copies of plans in a quantity and quality established in the application guide. Your drawings should be titled and contain pertinent information about setbacks, building heights, the number of parking stalls, etc. as detailed in the application form.
- A plan signed by a BC Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to the lot and zoned boundaries, water courses, wells and the sea, and in relation to other buildings on the lot may be required depending upon your application and local bylaws.

### *Step 3 — Application Review*

Once a complete application is received, planning staff will evaluate your proposed development against development permit guidelines, zoning regulations, and policies contained in the Official Community Plan and the Islands Trust Policy Statement. The application review may involve outside agencies such as the Ministry of Transportation and Infrastructure, the Regional District and Health Inspectors.

*Your efforts to provide a complete application with all the necessary information will help expedite the processing of your application.*

### *Step 4 — Referral to Advisory Group*

Your application may be referred by the Local Trust Committee to an advisory body for review and comment. There are various types of advisory groups on each island but the most common advisory group that reviews development permit applications is the Advisory Planning Commission. The advisory group may provide advice to the Local Trust Committee regarding the design of projects and whether the project meets the guidelines set out for the Development Permit Area. You, or your consultant, will be expected to present the proposal to the advisory group.

The advisory group may recommend to the Local Trust Committee one of the following:

- approve the project to proceed
- approve the plans with conditions to be met
- require major revisions to the plan and a second presentation to the advisory group

Although the terms of reference may differ for each type of advisory group, the process for reviewing a Development Permit will generally be the same for all advisory groups.

### *Step 5 — Consideration by Local Trust Committee*

Staff will prepare a report for consideration by the Local Trust Committee. The report will include supporting documentation, any recommendations of the advisory group and a staff evaluation and recommendations. The Local Trust Committee will either approve the application and recommend that the permit be issued, table the application pending receipt of additional information, or reject it. Development permits must be issued if they meet the applicable guidelines.

### *Step 6 — Development Permit Decision*

A Development Permit will be approved and issued if the Local Trust Committee is satisfied that the project meets the applicable guidelines for the Development Permit Area outlined in the Official Community Plan. Once approved, the conditions of the Development Permit are binding on existing and future owners.

Approval of a Development Permit may be subject to certain conditions such as a Letter of Credit to secure landscaping, or a security deposit to complete unfinished work or correct an unsafe situation. Once these conditions have been met, staff will forward a draft Development Permit to the Local Trust Committee for issuance.

If a permit is issued, Islands Trust staff will file a notice with the Land Titles Office that there is a Development Permit on the property and it will be registered on the title of the property. A copy of the permit will be sent to the owner and appropriate agencies and a copy will be maintained on file at the Islands Trust office.

In the case of “form and character” Development Permits, and in some other situations as stipulated in the conditions listed in the issued permit, during any required final building or site inspections, the Development Permit will be compared with the actual development to ensure that all conditions of the Permit have been met. When it has been determined that the property development conforms to the conditions of the permit, any posted securities deposited with Islands Trust will be returned to the applicant.

A Development Permit will state that if construction does not substantially commence within two years of the Development Permit issue date (or an earlier date specified in the permit), the permit will lapse. After this period, you will be required to submit a new Development Permit application if you wish to proceed with the development.

### ***For Further Information. . .***

This information is intended to provide guidance only and should not be interpreted as a right to a development approval if the steps indicated are followed. Please consult the Local Government Act and its regulations, as well as the other Islands Trust applicable bylaws for the definitive requirements and procedures. For any further information, please contact your Islands Trust Office (see next page).

Contact Information

<b>Victoria Office</b>	<b>Salt Spring Office</b>	<b>Northern Office</b>
<i>Email</i> information@islandstrust.bc.ca	<i>Email</i> ssiinfo@islandstrust.bc.ca	<i>Email</i> northinfo@islandstrust.bc.ca
<i>Address</i> 200 1627 Fort St Victoria, BC V8R 1H8	<i>Address</i> 1-500 Lower Ganges Road Salt Spring Island, BC V8K 2N8	<i>Address</i> 700 North Road Gabriola Island, BC V0R 1X3
<i>Telephone</i> 250.405.5151	<i>Telephone</i> 250.537.9144	<i>Telephone</i> 250.247.2063
<i>Fax</i> 250.405.5155	<i>Fax</i> 250.537.9116	<i>Fax</i> 250.247.7514
Galiano Mayne North Pender Saturna South Pender Executive Islands	Salt Spring	Denman Gabriola Gambier Hornby Lasqueti Thetis

*Calls can be made toll-free via Enquiry BC:*

In Victoria call: 250.387.6121

In Vancouver call: 604.660.2421

Elsewhere in BC call: 1.800.663.7867