
PART 7 – DEVELOPMENT PERMIT GUIDELINES AND EXEMPTIONS

Information Note: Section 919.1 of the Local Government Act currently provides that an Official Community Plan may designate areas for the protection of the natural environment, its ecosystems and biological diversity; revitalization of an area in which a commercial use is permitted; and establishment of objectives for the form and character of commercial, industrial or multi-family residential development. The Bowen Island Official Community Plan establishes such areas.

When land is designated as a Development Permit Area, no land within the designated area shall be subdivided nor construction of, addition to or alteration of a building or structure commenced unless the owner first obtains a development permit or is exempted under a condition that specifies when a development permit would not be required. Land within areas for the protection of the natural environment, its ecosystem and biological diversity or revitalization of an area in which a commercial use is permitted must not be altered without first obtaining a development permit.

Development permit guidelines and conditions under which a development permit would not be required are provided below.

7.1 CAPE ROGER CURTIS DEVELOPMENT PERMIT AREA

Guidelines

The following guidelines apply to the Cape Roger Curtis Development Permit Area.

- 1) Construction shall be avoided on slopes over 25 degrees (approximately 46%) where possible.
- 2) On slopes over 30 per cent septic fields are not permitted and on slopes over 12 per cent the applicant shall be required to furnish at their expense, a report, certified by a Professional Engineer with experience in geo-technical engineering, to determine if any hazards arise from the installation of a septic field or whether there will be degradation of water and whether conditions addressing such installation should be incorporated into the development permit.
- 3) All natural water courses shall be dedicated at the time of registration of a subdivision plan.
- 4) Disturbance to wetlands and watercourses and their riparian zone should be avoided or mitigated wherever possible. Where wetland or watercourses are disturbed, subject to approval of other agencies having jurisdiction, compensation equal to 100% of the disturbed area shall be provided.
- 5) Areas within an average of 30 metres above the natural boundary of a watercourse and no less than 15 metres in any location from the top of a bank of

any watercourse shall remain free of development except in accordance with conditions of the development permit which are determined from the following guidelines:

- a) Development permit applications in this category should include a report prepared by an *Environmental Consultant* including the following information:
 - mapping to a more detailed scale identifying the environmentally sensitive areas within the site;
 - criteria used to define the boundaries of environmentally sensitive areas;
 - inventory of fisheries species and related habitat classification within the site and a statement of significance;
 - impact statement describing effects of proposed development on natural conditions;
 - guidelines for mitigating habitat degradation, including limits of proposed leave strips;
 - habitat compensation alternatives, where compensation is approved based on no net loss of fish habitat.
- b) The application shall include design details of the proposed mitigating measures in an environmental management plan.
- c) Guidelines as provided in Schedule "D" Land development Guidelines for the Protection of Aquatic Habitat shall apply.
- d) Clearing, unless requested by the Minister of Water, Land and Air Protection, and grubbing or altering of grades in the proposed leave area is not permitted. Grades shall be feathered and rounded immediately outside the leave area to meet existing adjacent grade. Slopes adjacent to the leave area shall not exceed 3:1 for a distance of 5 metres from the leave area boundary.
- e) Access shall be restricted or fencing provided to environmentally sensitive areas in accordance with the report of the *Environmental Consultant*.
- f) An erosion and sedimentation plan designed in accordance with Schedule "D" Land Development Guidelines shall be provided as part of the application. Erosion control measures might include retention of existing vegetation, revegetation, diversion swales, silt fence, settlement ponds and careful scheduling of construction.
- g) Storm-water detention for the site shall meet the minimum requirements of Schedule "D" Land Development Guidelines.
- h) Storm-water outflows to the stream or leave area shall have water quality and erosion control features included in accordance with Schedule "D" Land Development Guidelines.
- i) If storm drain inlets are located within this Development Permit Area they shall be marked in accordance with the DFO storm drain marking program.

- j) Instream work and stream crossings shall meet the requirements of Schedule "D" Land Development Guidelines and the *B.C. Water Act*.
 - k) Timing of works in and about a stream and construction practices should be in accordance with Schedule "D" Land Development Guidelines, the B.C. Water Act, and requires specific written approval granted by Planning and Assessment of Ministry of Water, Land and Air Protection in addition to any development permit issued before work begins.
 - l) Applications should include a vegetation management plan indicating the extent of proposed leave strip, and any proposed management of the vegetation in the leave areas. Clearing, grubbing or removal of trees or undergrowth from the leave area of the site requires approval of the Department of Fisheries and Oceans and the Minister of Water, Land and Air Protection when requested.
 - m) Revegetation within and adjacent to leave areas should be with native species appropriate to the site.
 - n) Bonding or other acceptable security may be required for up to 100 percent of the value of the erosion control and environmental management work.
 - o) A report may be required from a qualified Environmental Monitor that the required measures have been implemented substantially as designed.
- 6) Bridges should be provided across all watercourses and where they are not feasible, culvert installation or other alternatives shall only be permitted where approved by Ministry of Water, Land and Air Protection.
 - 7) Roadbanks shall be regraded to a maximum of 10 metres in vertical height.
 - 8) Cut and fill for road construction shall be within 10% of "balanced"
 - 9) Development shall be phased in accordance with the terms of a development permit to alleviate impacts upon the special conditions of this site including but not limited to:
 - limitation of works that may impact established seasonal habitat of wildlife;
 - minimizing land disturbance in areas subject to possible erosion during seasonal periods of high rainfall;
 - 10) All telephone, power, community sewer and water services, except storage tanks if required, will be provided underground.

Exemptions

A development permit shall not be required in the Cape Roger Curtis Development Permit Area for the following conditions:

- 1) A proposed subdivision:
 - that consolidates lots; or
 - is subject to a covenant to which the Municipality is a grantee that establishes that there shall be no alteration of the land from that which existed prior to the subdivision.

- 2) There is a proposed alteration of an existing building or structure for purposes of maintenance and repair, any alteration of the interior of a building or structure, any addition of exterior features to a building or structure that does not require an additional alteration or support of the land, any unenclosed stairwell, any open deck not exceeding 25 per cent of the existing building footprint, or any construction that is not subject to a requirement for a building permit.