

Development Permit Area H1 – Hazardous Lands

Category:	A – Protection of development from hazardous conditions
Area:	This Development Permit Area is shown on map ‘Schedule 2.5’ and is applicable to flood-prone lands, coastal properties that are susceptible to storm damage including, but not limited to, all those lands within the Plan area with a natural grade greater than 30%.
Justification:	Lands including or susceptible to natural hazards may experience erosion, degradation or mass movement and require great care and consideration if development and/or disturbance are to occur.
Guidelines:	<ol style="list-style-type: none"> 1. Development within a Hazardous Land Development Permit Area will generally only be considered where historical subdivision or construction of structures has occurred in the area prior to the designation of Hazardous Lands Development Permit Areas and: <ol style="list-style-type: none"> i. The Hazardous Lands Development Permit Area takes up so much of a lot that it makes the lot undevelopable for the use permitted under its existing zoning; or ii. Due to topographic, natural hazard, or other environmental constraints on the lot, there is no acceptable building site outside the Hazardous Lands Development Permit Area; or iii. All opportunities to relax other development requirements (such as the minimum setback requirements from lot lines) have been exhausted. 2. The onus lies with the applicant to demonstrate that encroaching into a Hazardous Lands Development Permit Area is necessary, due to the above circumstances, in order to allow the use of the site as otherwise permitted under the existing zoning. 3. Where there is no alternative to use flood-prone lands for development, such development is to be located only where there is no risk to life and where measures can be taken to safeguard buildings from flood or erosion damage. 4. Placement of fill within a floodplain is to be restricted to provide passage of floodwaters without increasing the flood levels, redirecting flood flows, decreasing natural flood storage, or resulting in higher flood flows downstream. 5. To maintain swamps and wetlands in their natural state, to enhance natural flood storage and protect environmentally-sensitive qualities. 6. The following information may be required with an application for a Development Permit with the Hazardous Lands Development Permit Area: <ol style="list-style-type: none"> i. A site plan showing: <ol style="list-style-type: none"> a. Legal data; property lines, scale, date, north arrow; b. Dimensions and location of proposed building and impermeable surfaces (driveways, walks, patios, etc.); c. Building setbacks (as required under the Zoning Bylaw); d. Any easements or rights of way, if applicable;

	<ul style="list-style-type: none">e. Significant trees showing drip-line and other trees greater than 100 mm diameter that are impacted by the proposed development, including drip lines of trees on adjacent properties that extend into the property in question;f. Vegetation in the Hazardous Lands Development Permit Area that will be disturbed;g. Site grading: existing and proposed grades at corners of buildings, driveways and other structures; cut and fill areas that affect the leave strip;h. Topographic contours: intervals of 1 m (typically required only for projects larger than 1 residential lot). <p>The site plan should be equivalent to professional drafting quality. Legal data, watercourse boundaries and top of bank or natural boundary shall be BCLS certified.</p> <ul style="list-style-type: none">ii. Building specifications: area, height, number of units, number of storeys, gross and net floor area, site coverage, parking requirements.iii. An assessment of the potential natural hazard prepared by a professional engineer with experience in geotechnical engineering or a certified erosion control specialist. This assessment shall include recommendations or mitigation strategies with respect to the potential natural hazards, and where applicable, vegetation protection and retention measures and control of silt and erosion on site.iv. Where, after the adoption of the OCP, damage to hazardous or environmentally-sensitive areas is caused by alteration or clearing of land, a report from an independent professional biologist experienced in these matters will be required to determine the extent of damage to habitat, riparian areas or natural features within the permit area, and such report shall include recommendations for works required to restore the habitat, watercourse, riparian areas or other specified features of the environment.v. Written rationale and assessment:<ul style="list-style-type: none">a) A statement of purpose for the proposed development, and rationale for why the development needs to encroach into the leave strip (e.g. building envelope too small; site difficulties in building outside leave strip);b) An assessment of the potential impacts on aquatic habitat and/or neighbouring land uses, including proposed measures to minimize or mitigate disturbance of the Hazardous Lands, including an Erosion control plan, revegetation in leave strip, habitat restoration and other mitigation measures.
--	---

Development Requirements

7. Where development in the Hazardous Lands Development Permit Area is deemed necessary, the development will:
 - i. Take a form that minimizes the area of encroachment into, and impact on, the Hazardous Lands Development Permit Area;
 - ii. Be located so as to cause the least impact on the environmental values of the Hazardous Lands Development Permit Area;
 - iii. Be conducted at a time of year, and use construction methods, that minimize the impact on the Hazardous Lands Development Permit area;
 - iv. Require works to be constructed to preserve, protect, restore or enhance habitat, natural watercourses or other specified natural features of the environment.
8. Mitigation and restoration measures shall be required as part of development approval requirements for:
 - i. Development control;
 - ii. Erosion control;
 - iii. Vegetation management and restoration;
 - iv. Habitat enhancement or compensation;

These requirements may be adapted to the needs of a particular site and development.

Exemptions

9. The following development activities are allowed to occur in this Development Permit Area without a Hazardous Land Development Permit:
 - a) Emergency procedures to prevent, control, or reduce flooding, erosion or other immediate threats to life and property including:
 - Emergency flood or erosion protection works;
 - Clearing an obstruction from a bridge, culvert, or drainage flow;
 - Repairs to bridges and safety fences.
 - b) The cutting down of hazardous trees, as determined by the certified arborist, that present an immediate danger to the safety of persons or are likely to damage public or private property.
 - c) The construction of a trail across Hazardous Lands if the following conditions are met:
 - Only one trail is built;

	<ul style="list-style-type: none">• The trail is for non-motorized use;• No trees that are over 100 mm in diameter are removed;• The trail's surface is permeable (allows water to filter through, i.e. soil, gravel, mulch);• The overall slope of the trail is less than 10%, and in portions of the trail with a slope greater than 10%, the trail is designed to prevent erosion;• Movement of soil, fill, or aggregates occurs within a corridor less than 2 metres in width. <p>d) Construction repair, and maintenance of works by the Town of Qualicum Beach or its authorized agents and contractors.</p> <p>e) In the case of an application to subdivide, a development permit is not required for the subdivision of lands containing the hazardous lands where:</p> <ul style="list-style-type: none">• Minimum lot areas are met exclusive of the hazardous lands;• No development activities (such as grading, clearing, trenching, installation of pipes, etc.) relating to the creation of lots or provision of services for those lots that will occur within the hazardous lands. <p>f) Farm fences.</p> <p>g) Subdivision of land or construction of a building or other structure or the structural alteration of, or addition to, an existing building or other structure where the Subdivision Approving Officer or the Building Inspector, pursuant to Section 56 of the <i>Community Charter</i>, can require the owner of land to provide the Building Inspector or Subdivision Approving Officer with a report certified by a qualified professional that the land may be used safely for the use intended.</p> <p>h) Actions listed under 'Actions not requiring an Ecological Greenway Development Permit' under Development Permit Area G1 to G12 "Ecological Greenway Development Permit Area Guidelines"</p>
--	---