

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 238

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. That the Denman Island Local Trust Committee Bylaw No. 186 cited as “Denman Island Land Use Bylaw, 2008” is amended as shown on Schedule “1” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2019".

READ A FIRST TIME THIS	21 ST	DAY OF	JANUARY	, 2020
READ A SECOND TIME THIS	xx	DAY OF		, 202x
PUBLIC HEARING HELD THIS	xx	DAY OF		, 202x
READ A THIRD TIME THIS	xx	DAY OF		, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	xx	DAY OF		, 202x
ADOPTED THIS	xx	DAY OF		, 202x

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 238

Schedule "1"

1. Schedule "A" – Land Use Bylaw of the Denman Island Local Trust Committee Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008" is amended as follows:

- 1.1 **PART 4 DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding the following text before Section 4.1:

"Use of the word "should" in a guideline does not indicate that compliance is at the option of the applicant. Rather, that compliance to the guideline will be required as a condition of issuance of a development permit, unless the Local Trust Committee determines there are bona fide reasons why the guideline should not be applied to its fullest extent. Use of the term "encourage" indicates that compliance with a guideline may, at the discretion of the Local Trust Committee, be required as a condition of the issuance of the development permit."

- 1.2 **PART 4 DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding the following new Development Permit Area after section 4.7 "Development Permit Area No.7: Light Industrial - Guidelines":

"4.8 Development Permit Area No. 8: Residential Density Increase - Guidelines

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must meet any other applicable local, provincial or federal requirements:

- a) Subdivision application that results in the consolidation of one or more lots;
- b) The placement of impermanent structures such as benches, tables and garden ornaments;
- c) The 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 of the land or any construction that is not subject to a requirement for a siting and use permit;
- d) The construction of a small accessory building or structure that is less than 10 m² in size.
- e) Restoration or enhancement of a vegetated buffer zone as directed by a qualified environmental professional;
- f) Emergencies: Procedures to prevent, control or reduce flooding, erosion or other immediate threats to life or property;
- g) Cutting down of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property, as indicated in a report by an arborist certified in B.C.;
- h) Yard and garden maintenance within an existing landscaped area.

Protection of the Natural Environment and Biodiversity

- Guideline 1 Before any land clearing takes place, and before development design begins, an application for a development permit requires a biological site inventory prepared by a qualified professional biologist together with other professionals of different and relevant expertise, as the project warrants. The biological site inventory should be in

accordance with the most current edition of the terms of reference in the “*Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia*” or equivalent terms of reference approved by the Local Trust Committee. Additional conditions should be included in a development permit to incorporate recommendations within the biophysical inventory.

- Guideline 2 Subdivision layout should protect sensitive ecosystems and contiguous tracts of habitat through the use of lot clustering; vegetated buffers adjacent to sensitive ecosystems and habitats; pre-designation of no-build areas in areas with high ecological value or potential for regeneration; and pre-designation of building sites in areas with reduced ecological value. A Section 219 covenant as per the *Land Title Act* may be required to restrict development and removal of natural vegetation in identified areas.
- Guideline 3 The provision of shared driveways should be considered as a condition of a permit.
- Guideline 4 Areas of slope 30% or greater should remain free of development including land clearing, except in accordance with any conditions contained in the Permit.
- Guideline 5 Following ‘dark sky principles’, all exterior lighting should be directed and/or shielded to illuminate the ground only, to prevent light pollution.
- Guideline 6 Previously disturbed or degraded sites should be re-vegetated using plant materials indigenous to the coastal Douglas-fir biogeoclimatic zone.

Protection of Farmland

- Guideline 7 Subdivision design should minimize the impacts that may occur between farm and non-farm uses on adjacent lands in the Agricultural Land Reserve.
- Guideline 8 A 15 metre wide vegetated buffer should be retained or established and maintained on land adjacent to an Agricultural Land Reserve Boundary. Mature trees and existing vegetation should be preserved and where possible integrated with any new landscaping. The buffer should generally be designed and landscaped in accordance with the British Columbia ‘*Guide to Edge Planning*’ or any subsequent editions. The buffer should be installed prior to commencing construction or land alteration, or prior to final subdivision approval. A Section 219 covenant as per the *Land Title Act* may be required to restrict development and removal of vegetation in identified areas.
- Guideline 9 New buildings and structures, except for fencing should not be situated within the 15 metre vegetated buffer area.

Promotion of Energy, Water Conservation and Greenhouse Gas Emission Reduction

- Guideline 10 A qualified professional retained by the applicant is required to provide a written report summarizing the proposed building design measures to be incorporated in the proposed development of new buildings to address the following approaches:
- a) Passive design strategies;
 - b) Reduction in a building’s energy and water consumption;
 - c) Improved occupant thermal comfort;
 - d) Improved indoor air quality;

- e) Utilization of locally or regionally sourced building materials;
- f) Opportunities for the distribution of natural daylight into a building's interior spaces to reduce the energy consumption of electric lighting;
- g) Capture and re-use of rainwater for domestic use and irrigation;
- h) Incorporation of universal access design principles.

Upon completion of construction the applicant is required to provide the Local Trust Committee with a written report prepared by a qualified professional confirming compliance with the stated requirements of this guideline.