

BOWEN ISLAND MUNICIPALITY

BYLAW NO. 296, 2011

A Bylaw to amend Land Use Bylaw No. 57, 2002

WHEREAS, “Bowen Island Municipality Land Use Bylaw No. 57, 2002”, establishes Development Permit areas;

AND WHEREAS, Council wishes to amend “Bowen Island Municipality Land Use Bylaw No. 57, 2002” in order to establish a Steep Slopes Development Permit Area;

NOW THEREFORE the Council of the Bowen Island Municipality in open meeting assembled enacts as follows:

1. This Bylaw may be cited as the “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 296, 2011.”
2. Part 1, Section 1.1 of Schedule A of Bylaw No. 57, 2002 is hereby amended by inserting the following definition:

“**STEEP SLOPE AREAS** are defined as lands in their natural state that have a slope angle of 30 percent or greater for a minimum horizontal distance of 10 metres.”

3. Part 7 (Development Permit Guidelines and Exemptions) of Schedule A of Bylaw No. 57, 2002 is hereby amended by inserting the following:

“Part 7.6 – STEEP SLOPES DEVELOPMENT PERMIT AREAS

Guidelines

Unless an exemption has been granted, all development within defined Steep Slope Areas will require a Development Permit. Permits issued for proposed development within defined Steep Slope Areas shall be in accordance with the following guidelines:

- A) New development in Steep Slope areas should:
- 1) avoid unstable or hazardous sites that may pose a risk to persons or property;
 - 2) provide safe year-round access for residents, visitors, and service providers;
 - 3) support economic and efficient construction and maintenance standards;

- 4) complement Bowen Island's hillside character by integrating development into its landforms, hilltops and ridgelines, cliff ecosystems, rock outcroppings, talus slopes, ravines, and water features as well as viable existing stands of trees or other vegetation;
- 5) protect wildlife habitat, corridors, and Environmentally Sensitive Areas;
- 6) maintain and/or reinstate vegetation on slopes and within any buffer area above slopes;
- 7) avoid placing fill (including yard clippings), excavated material, sand, or soil within 10.0 metres of the top of slopes or along pre-existing drainage channels;
- 8) divert water away from slopes, yards, and structures in a controlled manner and avoid ponding near slopes;
- 9) design landscaping to divert water away from slopes, yards, and structures in a controlled manner;
- 10) limit the extent of paved or hard surfaced areas and use absorbent or permeable surfaces to increase the rate of on-site infiltration; and
- 11) where appropriate, grade lots so that water is directed toward the street and away from slopes.

The guidelines identified above will be applied during development review and approval (including plans of subdivision) in all areas of Bowen Island that meet the Steep Slopes Areas guidelines identified below.

B) A comprehensive geotechnical investigation *may* be required to support proposed development within Steep Slope Areas. The following guidelines will determine whether such an investigation is required:

- 1) excavation or construction within the face of a Steep Slope Area;
- 2) alteration to the natural drainage within a Steep Slope Area;
- 3) removal of vegetation within the face of a Steep Slope Area;
- 4) proximity of the slope of a proposed development to a Steep Slope Area;
- 5) introduction of new roads and driveways or alteration to existing roads and driveways;
- 6) introduction of new utilities or alteration to existing utilities;
- 7) subdivision that creates additional new lots; and/or
- 8) removal of any well-established tree and/or trees over 20 cm in diameter at breast height.

C) If a geotechnical investigation is required to support development, factors related to the following conditions may need to be considered by the geotechnical expert:

- 1) specific slope characteristics including location related to the top or toe of the slope;
- 2) surface drainage and in-ground disposal of storm water;
- 3) bedrock and surface geology;
- 4) seismic data;

- 5) water well records and hydrogeology;
 - 6) terrain stability assessments;
 - 7) removal of trees and vegetation; and/or
 - 8) previous development.
- D) Where Steep Slope Areas have been disturbed, and remedial activity is necessary to rehabilitate these areas and/or mitigate the potential for hazard, the following guidelines will apply:
- 1) rehabilitative landscaping should minimize the terracing of land and instead follow natural contours;
 - 2) disturbed slopes should be reinforced and re-vegetated, especially where gullied or where bare soil is exposed. Planting should be done in accordance with the recommendations of a Landscape Architect or Registered Professional Forester; and
 - 3) rehabilitation plans should avoid the need for retaining walls and, specifically, large single-plane retaining walls. Retaining walls must be designed by a qualified professional.

Exemptions

The following activities are exempted from the requirements to obtain a Steep Slope Area Development Permit:

- A) A landscaped area (an area set aside from structures and parking which is characterized by lawns, trees, shrubs, vines, hedges, bedding plants, rock and decorative features including paving materials, walls, fences, and street furniture) and/or garden (an area devoted to outdoor cultivation of flowers, fruit, and vegetables and unenclosed by any structure other than a fence) up to 50 square metres in size. Any landscaped or garden area greater than 50 square metres in size will require a staff assessment to determine whether a Development Permit is required.
- B) Alterations to an existing building or structure if construction involves interior renovations or exterior renovations do not change the structural footprint or disturb the existing grade and natural soil conditions.
- C) Agricultural use conducted in a manner consistent with “normal farm practice” as defined in the *Farm Practices Protection (Right to Farm) Act*.
- D) The Provincial public health authority directs that a sewage disposal system shall be upgraded, altered, or repaired to remedy a health hazard as defined by the Sewage Disposal Regulation or *Health Act*.
- E) The Provincial public health authority or *qualified professional* supervises the digging of soil percolation test pits to determine in-ground sewage disposal system capacity.

- F) Any necessary maintenance activities carried out by, or on behalf of, Bowen Island Municipality that are designed to protect and enhance existing road networks and public trails.
- G) Emergency works to prevent or respond to flood or fire damage and land slip events.
- H) The subdivision of land where a conservation covenant satisfactory to and in favour of Bowen Island Municipality, the Islands Trust Fund, or another conservation agency has already been registered for the prevention of soil erosion and/or the protection of development from slope instability hazards.
- I) Emergency actions to prevent, control, or reduce immediate threat to life or property including removal of hazardous trees, fire suppression, flood protection, erosion protection and/or land slip events, or clearing of obstructions in watercourses if the action is reported to the Municipality within two business days. Post-emergency rehabilitative planting may be required in accordance with the provisions of this Bylaw.

READ A FIRST TIME this day of , 2011

READ A SECOND TIME this day of , 2011

PUBLIC HEARING HELD this day of , 2011

READ A THIRD TIME this day of , 2011

RECONSIDERED and FINALLY ADOPTED this day of , 2011

Bob Turner
Mayor

Kathy Lalonde
Corporate Officer