

Trustee Notebook *By Laura Busheikin*



Protecting Trees and Land on Private Property

When I think about all the calls I've received as a Denman Island Trustee over the years, what stands out most are the ones about cutting trees and digging up land. People are mostly worried about what's happening next door to them, but also they are concerned about special places on the island. They have fears about the impacts on wetlands, watercourses, marine and shoreline ecosystems, plants, wildlife and groundwater.

These calls usually leave me with mixed feelings. I want to help these people. I often share their concerns. But in most cases, I can't offer any comfort. If the land alteration or clearing is happening on private property, it's very likely legal. If it's happening on public land, such as a road right-of-way, I can ensure the right agency knows about it.

The fact is, if you own land, you can (in most cases) cut down trees, dig things up, move dirt around, re-channel water, and introduce new plant life and natural features. Denman Island has regulations on buildings, such as set-backs from lot lines and maximum lot coverage, but (in most cases) these rules don't affect land alteration.

So what tools *do* we have to help keep land alteration to a level that feels reasonably gentle to neighbours and nature?

Let's look at that parenthetical phrase *in most cases*, used above. Those other cases—the ones where you *can't* alter the plants and land at will—are properties that are in development permit areas.

A development permit area (DPA) is special kind of protected area. Anyone wanting to alter land and/or build anything in this area needs to apply for a development permit (DP) first. To get this permit, they may have to prove that they are taking precautions to protect certain features of the property. This might require hiring an environmental professional or other expert to study the land and provide recommendations.

Denman has DPAs for streams, lakes and wetlands; steep slopes; commercial and light industrial zones; and the community boat launch. Other examples of DPAs in the Trust Area include shorelines, sensitive ecosystems, and water protection areas.

Not all landowners welcome the need to apply for DPAs. They can be expensive and time consuming. Sometimes

owners feel their basic rights as property owners are being infringed on (they are likely wrong; legally speaking, it is entirely appropriate for local land use authorities and other agencies to create and enforce regulations on behalf of the community and/or the environment).

DPAs are a great way to provide meaningful protection, while still leaving landowners with options for development. They allow a case-by-case approach to each situation, based on the specific characteristics of the property and the plans for development and for protection, in a way that zoning does not provide.

Development permits can be effective tools to fulfill the environmental "preserve and protect" mandate of the Islands Trust. It's likely we'll be seeing proposals for more DPAs on Denman in the next few years, because the Islands Trust Council (the 26-member council for the whole Trust Area) is working on ways to better protect the rare Coastal Douglas Fir forest, the foreshore, and the marine environment, and to mitigate and adapt to climate change. DPAs can be used for all these purposes.

Aside from regulation, there are many things that can be done to encourage and support thoughtful approaches to altering land. Education, in the form of workshops, courses, web-sites, articles, pamphlets, info-tables, discussion groups, film screenings, and more, seems to really make a difference. The Islands Trust is just one provider of education; Denman Island organizations, individuals and institutions do great work in this area.

As well, the ability of islanders to talk to one another can go a long way. It can be intimidating to talk to a neighbour about your plans to change the landscape, and even more intimidating to bring up something they're doing that you're uneasy about, but when we can do that in a constructive way, we can work together to make good decisions.

Anything that enhances neighbourhood relations, from neighbourhood beach parties to emergency planning meetings, builds social resilience and capacity. This can help us humans make respectful, sustainable choices about how we impact the land we live on.