

# PROPOSED

## GAMBIER ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 145

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#### A BYLAW TO AMEND GAMBIER ASSOCIATED ISLANDS OFFICIAL COMMUNITY PLAN, 2009

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

1. Bylaw No. 109, cited as “Gambier Associated Islands Official Community Plan, 2009” is amended as shown on Schedule 1.
2. This bylaw may be cited for all purposes as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”.

READ A FIRST TIME THIS	1 <sup>ST</sup>	DAY OF	OCTOBER	, 2020
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	, 201x
READ A SECOND TIME THIS	_____	DAY OF	_____	, 201x
READ A THIRD TIME THIS	_____	DAY OF	_____	, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	, 201x
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	, 201x
ADOPTED THIS	_____	DAY OF	_____	, 201x

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**SECRETARY**

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**CHAIRPERSON**

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 145

SCHEDULE 1

Gambier Island Local Trust Committee Bylaw No. 109, cited as “Gambier Associated Islands Official Community Plan, 2009” is amended as follows:

2.1 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Background** is amended by replacing the reference “Section 919.1(1)” with “Section 488”.

2.2 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas** is amended as follows:

- a) By replacing the reference “Section 919.1(1)(a)” with “488(1)”.
- b) By replacing the reference “Section 920.01” with “485(1)”.
- c) By replacing the reference “*Riparian Areas Regulation*” with “*Riparian Areas Protection Regulation*”.
- d) By replacing the reference “(RAR)” with “(RAPR)”.

2.3 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas, Location** is amended by removing the following text:

“The Riparian Areas Development Permit Area, DP-1, includes all land designated on Schedule E of this plan, and any of the following that provides fish habitat:

- (a) watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook; or
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

For a stream that is not located in a ravine, the development permit area is a 30 metre (98.42 feet) strip on both sides of the stream measured from the high water mark;

For a stream located within a ravine that is less than 60 metres (196.8 feet) wide, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 30 metres (98.42 feet) beyond the top of the ravine bank;

For a stream located within a ravine that is 60 metres (196.8 feet) wide or greater, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 10 metres (32.8 feet) beyond the top of the ravine bank;

For a lake, wetland or other water body, the development permit area is 30 metres (98.42) around the water body measured from the high water mark of the water body;”

And replacing it with:

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“The Riparian Areas Development Permit Area, DP-1, includes all land designated on Schedule E of this plan, and any of the following that provides fish habitat, as defined as a stream in accordance with *RAPR*:

- a) a watercourse or body of water, whether or not usually containing water; and
- b) any of the following that is connected by surface flow to a watercourse or body of water referred to in (a):
  - (i) a ditch, whether or not usually containing water;
  - (ii) a spring, whether or not usually containing water;
  - (iii) wetland.

For a stream that is not located in a ravine, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary.

For a stream located within a ravine less than 60 metres wide, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary to a point that is 30 metres beyond the top of the ravine bank.

For a stream located within a ravine that is 60 or more metres wide, the development permit area is a 10 metre strip on each side of the stream, measured from the stream boundary to a point that is 10 metres beyond the top of the ravine bank.”

2.4 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas, Development Approval Information** is amended by replacing the reference “920.01” with “485.1”.

2.5 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas** is amended by removing the following text:

*“Information Note: Development Permit Area Guidelines for DP-1 Riparian Areas are in the Gambier Associated Islands Land Use Bylaw.”*

And replacing with:

*“Information Note: Development Permit Area Guidelines for DP-1 Riparian Areas are in the Gambier Associated Islands Land Use Bylaw, 2013 and the Bowyer and Passage Islands Land Use Bylaw, 2011.”*

2.6 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, is amended as follows:

- a) The following text is inserted after **Development Permit Area 1: Riparian Areas** and prior to Section 6.2 TEMPORARY USE PERMITS:

### **Development Permit Area 2: Streamside Protection**

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This Development Permit Area (DPA) is established, pursuant to Section 488(1) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

### Location

The Streamside Protection Development Permit Area, DP-2, includes all land designated on Schedule E of this plan. The development permit area is 30 metres (98.4 feet) measured from the natural boundary of the stream.

### Justification

Streamside areas support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support aquatic life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing potential for erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Land use practices, including land clearing, road building, construction of buildings and structures, and location of septic systems in or near riparian areas, can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, its ecosystems and biological diversity.

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

### Objectives:

The objectives of this development permit area are as follows:

- 6.2.1 To protect biological diversity and habitat values of streamside and aquatic ecosystems;
- 6.2.2 To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas.

### Development Approval Information

Development Permit Area 2 is designated as an area for which development approval information may be required as authorized by Section 485(1) of the *Local Government Act*. Development approval information in the form of a report from a Qualified Environmental Professional (QEP) or another professional may be required due to the special conditions and objectives described above.

*"Information Note: Development Permit Area Guidelines for DP-2 Streamside Protection is in the Gambier Associated Islands Land Use Bylaw, 2013."*

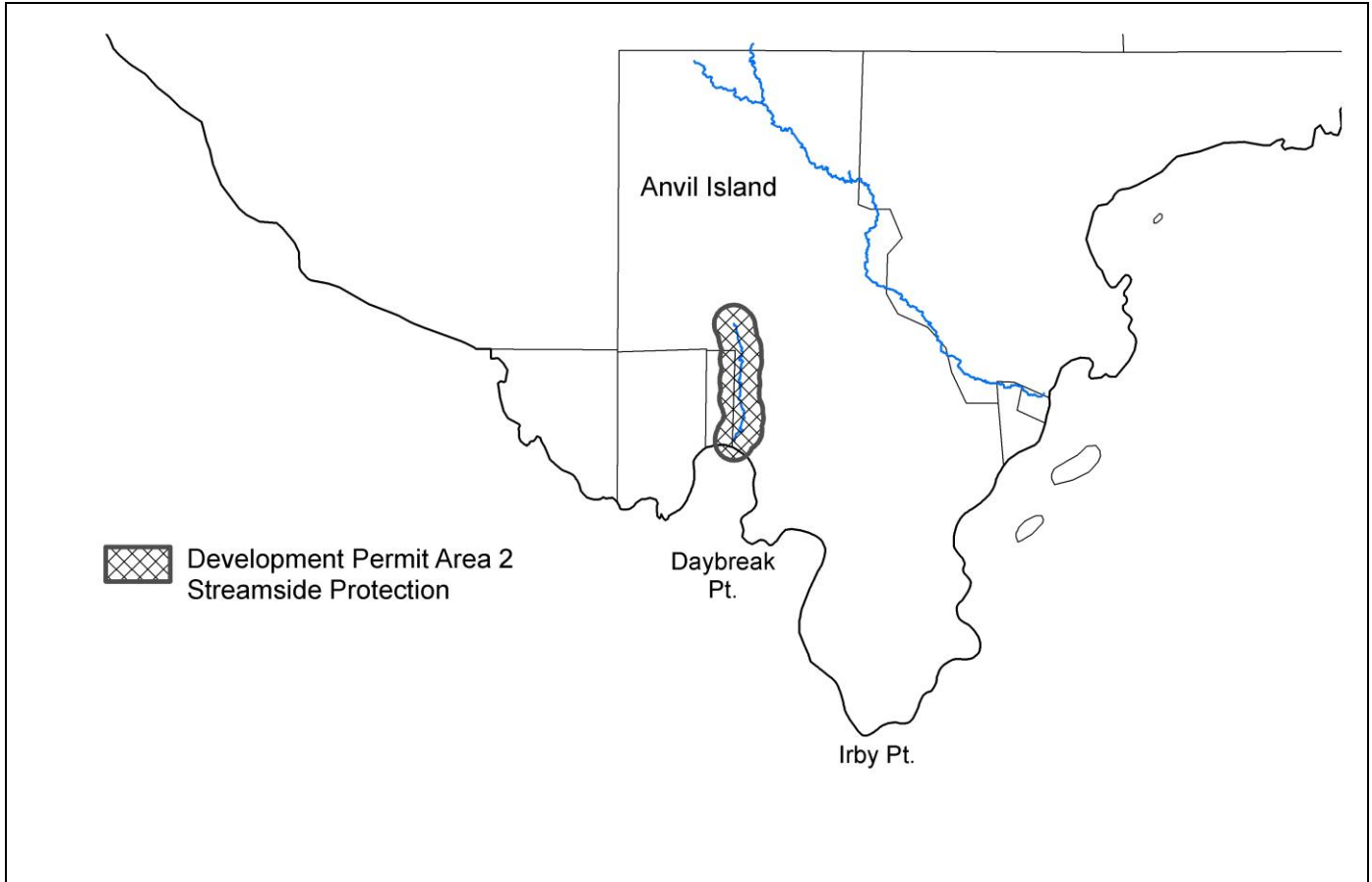
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2.2 **SCHEDULE E – DEVELOPMENT PERMIT AREAS** is amended by adding Plans 1 and 2, which are attached to and form part of this bylaw.

GAMBIER ISLAND LOCAL TRUST COMMITTEE

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PLAN NO. 1



GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

PLAN NO. 2

