

Understanding the Keats Island Planning Review Process

Frequently Asked Questions

Answered by Kim Benson, Local Trustee, Islands Trust

During the first Phase of the Keats Planning Review Process, Keats Islanders overwhelmingly said they wanted the process to accomplish 6 outcomes: (1) to preserve Keats Island as much as is possible like it is now; (2) to preserve the ecological integrity and natural beauty of Keats Island; (3) to preserve the island's privacy, peace and quiet; (4) to encourage and maintain a sense of island-wide community; (5) to preserve Keats Island's "unique rural character"; and (6) to manage growth and development on Keats Island in a manner consistent with the above 5 goals.

The main challenge for the Gambier Local Trust Committee, and our planning staff, is to accomplish these ends using the goals, objectives & policies, zoning and subdivision regulation tools provided to the Islands Trust under the *Islands Trust Act* and *Local Government Act*. All of this is to be implemented through the adoption of a new Rural Land Use Bylaw for Keats Island and surrounding islets, in a manner consistent with the values and wishes of the Keats Island community as a whole.

The members of the Gambier LTC have read, with a great deal of interest, the community input received thus far. As your local trustees, we are trying very hard to balance all the interests, desires, aspirations and concerns expressed to us by Keats Islanders. And as public input continues to be received and analyzed, certain policies in the DRAFT RLUB will be modified and revised accordingly.

As one means of trying to provide clarification on some of the issues being dealt with in the proposed RLUB, I will try to answer some frequently asked questions, related to the Keats Planning Review, and some of the proposals being considered in the bylaw review process.

1. Is the new Keats Rural Land Use Bylaw proposing to increase the Island's density?

No. Under the current zoning bylaw No. 96, and Subdivision Bylaw No. 103, it's estimated that Keats, which is about 1500 acres in size, could eventually have up to 501 residential lots, if all remaining sub-dividable lots were developed under the current 10-acre rules.

Technically speaking, the zoning we have now would allow 391 of these 501 lots each to have 2 dwellings per parcel (under their Land Use Contract, the 110 lease-hold lots on District Lot 696 - the Keats Camp property- can only have 1 dwelling per parcel). This means that under the current situation, theoretically there could be a total of 892 residential dwellings on Keats Island, or a total residential density of about 1 "primary" (or full-sized) residential dwelling per 1.7 acres.

Under the proposed RLUB, total island density, both the total number of potential residential lots and the total number of potential full-sized or "primary" residential dwellings could actually be reduced, by a number of voluntary mechanisms, to a maximum density of about 552 "primary" dwellings, or 1 "primary" dwelling per about 2.7 acres.

It is proposed that a number of specific zones be created, based on lot size and the intended use of land. For example, the Eastbourne Community Association owns 3 lots for community water supply purposes. At Melody Point, there are 31 upland lots that the people of Melody Point own in common and wish to preserve as a privately owned green space buffer and watershed. Barnabas Family Ministries owns a 52-acre portion of District Lot 1469 (the Corkum Farm property) and with the exception of a caretaker's residence, Barnabas will be using their portion of property for private institutional camp use, not residential development. As such, under the proposed RLUB, the potential number of residential lots on Keats Island could be reduced by a total of about 39 lots, from 501 to about 462 lots through voluntary site-specific zoning mechanisms implemented on individual parcels.

It is also being proposed that the residential dwelling density per parcel be reduced somewhat, in relation to: (1) the size of the lot and its capability for providing on-site water and sewage disposal; and (2) whether or not community benefits such as public trail ways or areas to be left in a natural state have been voluntarily created by the owner of the lot.

The new Keats Island RLUB proposes no changes to the density provisions of the Land Use Contract (ie. 1 dwelling per parcel at Keats Landing). In Eastbourne, Melody Point, and any other existing lots that are under 2 acres, 1 dwelling per parcel, plus, perhaps a small "sleeping cabin" of limited size (probably somewhere under 200 sq. ft) would be allowed. On parcels 2 acres or more, the permitted density would be 1 "primary" dwelling per parcel, plus an "auxiliary guest cottage" of limited size (probably somewhere between 500 and 1000 sq. Ft.). On lots 5 acres or larger, it is being considered that, where a conservation covenant to protect natural green space, a public trail easement, or some other form of community betterment is provided by the owner, then an extra dwelling might be permitted on the lot as a "density bonus". This provision would create a maximum of

another additional 86 dwellings on the island. But this provision has the potential of protecting an additional 400 acres of land in its natural state, and/or creating public trails or community benefits where none now exist.

The bottom line is that, under the current bylaws, we can expect no more than an additional 31 acres of additional parkland and very few public trail easements to be created through subdivision of land on Keats Island. The current bylaws allow 822 “primary” residential dwellings with very little or no protection of green space or provision of public benefits.

On the other hand, the new Keats RLUB would allow for the creation of no more than 552 “primary” dwellings (including the density bonus dwellings), 104 “auxiliary guest cottages”, and 243 small “sleeping cabins”, while creating the possibility for the voluntary protection of much more in the way of undeveloped natural green spaces, trail easements and/or community benefits than could be required at the time of subdivision, under the existing regulations.

2. What is a Conservation Covenant?

A conservation covenant is a voluntary, written agreement in which a landowner promises to protect their land in specific ways. It can cover all or just part of the landowner’s property. The agreement is between the landowner and, either the local trust committee, or a conservation organization such as the Islands Trust Fund. The covenant is attached to the title of the land, registered in the Land Title Office, and binds future owners of the land, not just the current owner.

The purpose of a conservation covenant is to provide a means for voluntary conservation of privately owned land. Such a covenant offers a way of protecting land for a variety of uses such as natural area and wildlife habitat protection, watershed protection, and low-density residential use. The landowner retains all rights to the property that are consistent with the terms of the agreement, including the right to control access, and sell or bequeath the title. There is no automatic obligation to provide public access, unless it is negotiated under the terms of the covenant, consistent with the wishes of the landowner. Conservation covenants are a cost-effective way of protecting land without having to buy it at public expense.

3. What is being proposed regarding Commercial undertakings on the Island? Home Occupations?

Commercial Visitor Accommodation? And is what’s being proposed different from what is currently permitted under the existing bylaws?

No. The draft Keats RLUB is proposing to “hold the line” with respect to commercial undertakings on Keats Island. Under the current zoning Bylaw No. 96, the only business activities permitted on residential properties are agriculture, forestry, and “domestic industry” (more commonly known as Home Occupation). Home Occupations are, characteristically, some form of “professional practice, home craft or other occupation, provided that the use is conducted by the resident, and is confined to the interior of a dwelling”, where the use is clearly “accessory” to the residential use of the property.

Uses of property for commercial “retail sale of goods”, or for commercial overnight “tourist accommodation” (including bed and breakfast), or commercial “vacation rentals”, are not currently permitted on Keats. Someone wishing to establish such a business on Keats would need to apply for a rezoning of his or her property. Rezonings would be considered on an application-by-application basis.

The new Keats RLUB is proposing that the current situation not be changed, because there is not enough community consensus on these issues to warrant a change at this time. This way, the Keats Island Community will have a say, through the Public Hearing process, as to when, where, and if such businesses can be established on the Island, based on the merits of each individual rezoning application, and on the level of community support for each proposal.

Long term rentals of properties for residential purposes, and occasional, non-commercial, short-term cottage rentals to family or friends is permitted now, and would continue to be permitted under the new Keats RLUB.

4. Is the new Keats Island Rural Land Use Bylaw going to impose an additional layer of unnecessary regulation and bureaucracy on Keats Island property owners?

No. The philosophy being proposed within the Keats RLUB is to recognize and “enshrine” existing and traditional uses of Keats and surrounding islets land and foreshore within the new bylaw. This means that routine applications for development, which are consistent with the goals, objectives, policies, and regulations in the new RLUB should proceed with a minimum of “bureaucratic intervention”.

Where proposals for new development are outside or beyond the level of development envisioned within the new RLUB, clear guidelines will be provided for consideration of applications for rezoning of land or foreshore. The requirements for rezoning (including a public hearing), where a change of land or foreshore use is being proposed, ensures not that there will be additional “bureaucratic intervention”, but rather that community consultation and a public process will be required before substantial changes or extraordinary expansions in use can occur. This

should provide Keats Islanders with a greater degree of comfort, compared with the existing situation where there is little clarity, certainty or guidance regarding changes or expansions in existing uses.

Let us know what you think about these proposals. Send written comments to the Gambier Island Local Trust Committee,

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