

From: Sheila Anderson <[REDACTED]>
Sent: Tuesday, September 27, 2022 1:18 PM
To: Brad Smith <bsmith@islandstrust.bc.ca>
Cc: Jane Wolverton <jwolverton@islandstrust.bc.ca>; Tahirih Rockafella <trockafella@islandstrust.bc.ca>; Dan Rogers <drogers@islandstrust.bc.ca>
Subject: Re: CMS proposal is noncompliance with LUB

To Brad Smith,

I think its pretty much goes hand in hand that hooking two lots separated by land means one is not going to have any direct public road frontage or access. I certainly thought I asked you if hooked lots were allowed by LUB regs, however worded.

In addition to LUB 13.7 our OCP Transportation policy s) states the LTC does not consider it to be in the public interest for lots without public road access or without access to a bare land strata road, connecting to the public road system, services and the ferry, to be created by subdivision on Galiano Island. Please see Page 30 of OCP for exact wording of Policy s) I don't recall this policy or LUB 13.7 ever being mentioned in reports on this proposal, but perhaps they were.

The hook is not a real connection to the public road system. The Approving Officer has been respecting policy s) and LUB 13 .7. Only BC Parks has bypassed 13.7 and policy s) although I don't think the hooked lot in Collinson Point Park is used for dwellings.

Yes, it is the LTC's decision because the opportunity for subdivision is in their control. Clearly hooked development lots divided by land creates sprawl and increases fragmentation when applied to the Forest land designation or any large tracts of land. If the LTC choose to support it just because it is what the applicant wants, then they are failing the very object of their duty.

Our bylaws provide the LTC with the framework and planning tools for minimizing and limiting the impact of development on the land, environment and natural resources.

The LTC has more than one practical alternative.

- 1) They could deny further consideration of application, or
- 2) They could decide not to proceed further until the applicant agrees to give up on the upper development and instead add that amount of area to the lower development.

Either alternative is practical from the LTC perspective of achieving the Islands Trust object, and respecting policy directives, local OCP policy and LUB regulations. Either alternative is within their authority. While the applicants may consider the 2nd alternative undesirable, it could still be very practical in reducing the need for duplicated infrastructure and a means of achieving the compliance they need.

As far as the community benefit contained in the current hooked lot proposal I personally don't think the benefit is worth the loss. Protection of unfragmented forest land base should not be trumped by protection of isolated stands of second growth trees on residential zoned land. There are other means of protecting most of the trees on lot 9, But that is a whole other discussion.

Sincerely,
Sheila Anderson

On Tue., Sep. 27, 2022, 10:36 a.m. Brad Smith, <bsmith@islandstrust.bc.ca> wrote:
The question you asked at the meeting was not with respect to whether a hooked lot could be created it was whether highway access as part of the creation of new lots was required in the Islands Trust subdivision regulations. After review of the regulations I answered that there's nothing in the islands trust requirements for a lot to have public road access and that it is more a requirement of the province. Keith further responded that it is his understanding that there is highway access that meets ministry standards on the Devina portion and that highway access does not need to be provided to all hooked portions of the new lot to meet ministry standards.

With respect to 13.7 it does not establish an outright prohibition of a hooked lot configuration, it would allow it if there is no practical alternative. In this case given the proponent is unwilling to not have the upper ridge included as part of their proposal to transfer the 75% which would serve as the community amenity it could be deemed that there is no practical alternative, particularly given that connecting the two parcels is impractical when there is no access between the upper and lower ridge and that the islands trust conservancy would be opposed to having the wetland in between separated by a strip of private land to connect the two sub-parcels. As such, it is ultimately up to the LTC to decide if they accept the proposal as is or refuse it and require the applicant to consider a different approach without the upper ridge included.

Best regards Brad

On Sep 26, 2022, at 9:54 AM, Sheila Anderson <[REDACTED]> wrote:

TO: The Galiano Island Local Trust Committee

RE: Crystal Mountain Society rezoning proposal September 2022

Dear Chair Rogers and Trustees Wolverton and Rockafella,

At the Crystal Mountain Society (CMS) Community Information Meeting (CIM) September 24/22, I asked a question of staff as to whether hooked lot configuration was even allowed by our Land Use Bylaw (LUB). I had not planned to ask this question and did not have a copy of the bylaw in hand. I acknowledged the fact that some hooked lots exist where lots created in the past are divided by a public road. I also mentioned that BC Parks created one when it purchased Collinson Point Park...a process that occurred between BC Parks and the landowner and did not involve a rezoning application before the Local Trust Committee (LTC) or public process in advance.

After looking through the LUB document staff reported to those attending the CIM that there is no prohibition on the creation of hooked lots in our LUB.

I write to you today to bring to your attention that Staff were mistaken. **L.U.B. 13 Subdivision and Development Regulations**

13.7 states "No lot divided into two or more areas by highway or other land may be created unless there is no practical alternative configuration" (page 48)

This regulation clearly prohibits the creation of hooked lots. The "unless" included might be reasonably used in a case where land already zoned for a density that permitted subdivision could not achieve the zone's lot average without a hooked lot, because original parcel crossed a road dedication, which is quite common on Galiano.

CMS proposes to create a hooked lot configuration on land that presently has no pre-existing right to subdivide. They want to create two parcels, separated by land, and call them one lot.

However, it is only by the LTC's approval of rezoning that the possibility of subdivision would be created at all.

The LTC has a duty to uphold and respect our subdivision regulatory bylaws in a rezoning that requires subdivision. Our bylaws contain protective measures to be applied in land use changes. On Forest designated land there is no question that two or more hooked lots separated by land, will result in increased fragmentation of the forest land base, which goes against the Trust Policy directive to minimize fragmentation.

The LTC has an alternative to allowing this proposed configuration of development.

I respectfully ask that somehow you ensure that the incorrect information presented to the CIM regarding our LUB position on hooked lot configurations is corrected.

Sincerely

Sheila Anderson

