



DATE OF MEETING: December 6, 2021
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: District Lot 86 Rezoning Application – Preliminary Report
Applicant: Andy Gaylor (McElhanney Ltd.) on behalf of Corinne Matheson and Wayne and Ed Bairstow
Location: District Lot 86 Galiano Island Cowichan District

RECOMMENDATION

1. **That the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2021.2 (Gaylor) and to prepare draft bylaws.**

REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application GL-RZ-2021.2 (Gaylor) and to seek direction from the Galiano Island Local Trust Committee (LTC) to proceed, or not proceed, with the application, including the preparation of draft bylaws.

The application would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**. The proposal would also require subdivision to create four new lots.

The above recommendation is supported as:

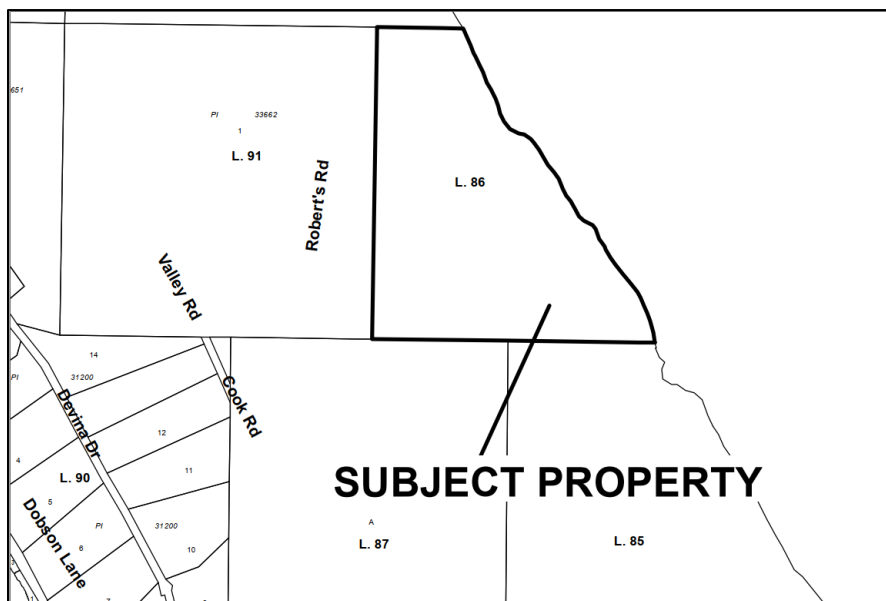
- The rezoning would require amendments to both the Galiano Island Land use Bylaw No. 127 (LUB) and the Galiano Island Official Community Plan No. 108 (OCP);
- The proposal is reasonable and is consistent with Galiano Island Official Community Plan No. 108 (OCP) forest, rural residential and parks and recreation policies;
- The property owner is prepared to enter into sustainable forestry covenant with the LTC and a 3rd party covenant holder for the proposed F3 lot and to donate at least 75% of the remainder;
- The property owner has demonstrated a willingness to collect the additional information required to support LTC's decision-making; and,
- Proceeding with a draft bylaw will facilitate First Nations, public and agency consultation to identify any outstanding issues or concerns with the proposed rezoning and use of the property.

BACKGROUND

A rezoning application for the approximately 38.8 hectare subject property was received on August 23, 2021. Ownership of the subject property has recently transferred, and the new owners are now seeking to rezone the property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**.

The subject property is located at the north end of Galiano Island (Figure 1). There is one illegal dwelling on the property that is subject to bylaw enforcement file GL-BE-2019.16. Adjacent land uses include Dionisio Park to the north (DL 92), Therah Village Community to the east (DL 91), and F1 zoned lots to the south. DL 85 is privately owned and it is understood by staff that a rezoning application may be submitted by the property owners soon. DL 87 is provincial Crown land.

Figure 1. Location of Subject Property



Attachment 1 provides additional site context. Attachment 2 provides relevant maps and ortho-photos. Staff plan to visit the property on November 30, 2021 in preparation for the December 6, 2021 LTC meeting.

ANALYSIS

Application Proposal

The rezoning proposal is to create four new lots (through subdivision at time of rezoning adoption) with two minimum 2.01 hectare lots zoned as RR, one lot zoned as F3, and the remainder zoned to NP via land donation, likely to BC Parks. Figure 2, as provided by the applicant, provides a breakdown of the approximate total area of land proposed to be included within each zone type.

Figure 2. Approximate Total Area Proposed per Zone Type (from applicant)

Proposed Zone	Area (ha / acres)*	% of total land base
Forest 3	22.45 ha (55.5 acres)	58%
Rural Residential	4 ha (9.9 acres)	10%
Parkland / Road	12.35 ha (30.5 acres)	32%
Total	38.8 ha (96 acres)	100%

The lot layout for the rezoning proposal is shown in Figure 3. A cover letter provided by the applicant is included as Attachment 3. It provides additional information and rationale for the rezoning as proposed by the applicant.

Figure 3. Preliminary Layout Plan



Terms of Reference

A TOR for this application has been provided to the applicant and is included for LTC's reference as Attachment 4. The TOR is consistent with the Galiano Island Development Approval Information Bylaw No. 148 (DAI Bylaw) and provides specific guidance on application requirements and considerations including:

- Provision of a professionally prepared site plan including identification of **developable areas** for each of the three proposed lots with residential uses (developable area includes the area required for the dwelling, accessory buildings and structures, well, septic field, driveways and parking areas)
- Provision of a professionally prepared groundwater report demonstrating proof of water to meet the residential potable water standard of 2275 litres/day for each of the three proposed lots with residential uses;
- Provision of a professionally prepared septic disposal report confirming septic viability and proposed siting for each of the three proposed lots with residential uses;
- Provision of a professionally Ecological Overview and Forestry covenant baseline reports;
- Development Permit Area requirements;
- Road dedication requirements including the potential need for a variance to section 13.7 of the Galiano Island Land Use Bylaw No. 127 (LUB); and,
- Information with respect to potential for archaeological material.

As indicated in their cover letter (Attachment 3), the applicant is working on many of these items already.

Policy/Regulatory

Islands Trust Policy Statement

At the outset, the proposal appears consistent with Islands Trust Policy Statement (ITPS) policies, in particular with respect to policies related to Forest Ecosystems (s.3.2) Freshwater (s.3.3), Forests (s.4.2), and Growth and Development (s.5.2). Hydrogeological reports from the applicant will help to determine consistency with Policy 4.4.2 (Freshwater Resources).

If LTC decides to proceed, the ITPS policy checklist will be presented to LTC for review and consideration in a future staff report when the draft bylaws are presented for 1st reading.

Official Community Plan

The OCP land use designation for the subject-property is currently **Forestry**. Rezoning as proposed would result in the following changes to the OCP schedule B for the four newly configured lots (Figure 4).

Figure 4. OCP Designations for New Lots

LUB Zoning	OCP Designation/Location	# Lots
Rural Residential	Rural Residential (Section II, Article 1.2)	2
Forest 3	Forestry (Section II, Subsection 3)	1
Nature Protection	Nature Protection (Section II, Subsection 7)	1

Lot 1 - Forest 1 to Forest 3 Rezoning

The applicant is proposing to create one ~22.45 hectare F3 zoned lot. OCP Forest Policy b)ii) states that:

Land whose owner grants to the Silva Forest Foundation and the Local Trust Committee or any other covenantee satisfactory to the Local Trust Committee a covenant to manage the land in accordance with sustainable forest practices and prohibiting subdivision of the land into lots less than 20 hectares (49.4 acres), may be rezoned to permit one accessory dwelling per 20 hectares (49.4 acres) if the lot complies with Land Transportation Policy o). The location of the dwelling and any accessory buildings or structures must be selected to minimize their impact and the impact of related services on the forest, and the land use bylaw amendment must specify the location of the buildings.

As proposed, the application is consistent with this Forestry policy, including compliance with Land Transportation Policy o). The applicant will also be required to establish a **developable area** on the F3 lot with the location selected to minimize impact.

Subject to further clarification of details, the property owner has also indicated a willingness to enter into a sustainable forestry covenant with the LTC and a 3rd party covenant holder. The covenant would restrict forest activities based on a Sustainable Forestry Management Plan that includes consideration of sensitive species and habitats identified in a baseline report.

With respect to a 3rd party covenant holder, staff have advised the applicant to contact the Galiano Conservancy as a starting point, should LTC decide to proceed.

Lots 2 and 3 - Forest 1 to Rural Residential and Nature Protection

Although there are no specific OCP forestry policies with respect to the transfer of at least 75% of land in exchange for the remaining 25% to be rezoned to **RR** with a minimum average 2.0 hectare lot size, there are site specific instances in the OCP rural residential policies where LTC has approved rezoning under these terms (RR OCP Policies 1.4 e, f and g).

In this case, the proposed land transfer would be approximately 12.35 hectares (equalling 77% of the remaining lands once the F3 lot is removed), with the other 4.0 hectares used to create the two RR zoned lots. This is consistent with previous examples under RR OCP Policies 1.4 e, f and g. The applicant will also be required to establish **developable areas** on the two lots that with locations selected to minimize impact.

The 12.35 hectare portion designated **Nature Protection** would likely go to BC Parks. Discussions have not yet been initiated by the applicant with BC Parks. If LTC decides to proceed, staff will support the applicant in moving these discussions forward as a next step.

The land transfer is consistent with the **Nature Protection** policies of the OCP, and would provide a considerable community amenity if realized.

Potentially, if the land is subsequently incorporated into Dionisio Park, the lands could be re-zoned and re-designated to Park at that time.

Land Use Bylaw

The subject property is currently zoned **F1** in the LUB. The Permitted uses in this zone are:

- timber production and harvesting;
- accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries

For Lot 1, rezoning to **F3** would permit:

- timber production and harvesting;
- dwellings accessory to timber production and harvesting uses and home occupations, on lots having an area of 20 hectares and more and highway access as defined in subsection 17.1.16;
- accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries.

Based on the minimum rezoning requirement of one accessory dwelling per 20 hectares, rezoning from F1 to F3 would allow for up to one dwelling along with permitted accessory uses that do include an accessory cottage.

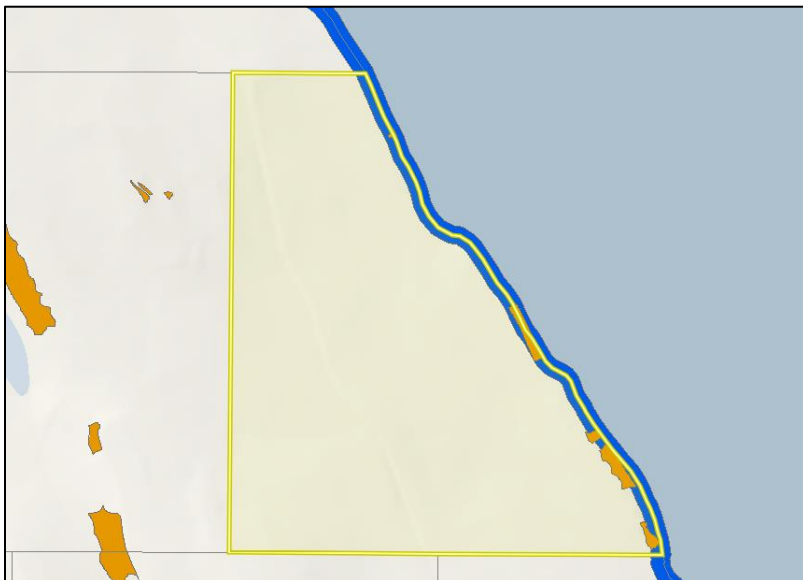
For Lots 2 and 3, rezoning to **RR** would permit on each lot:

- one dwelling (with no maximum floor area) and one accessory cottage with a maximum floor area of 80 m² (to be located within pre-defined **developable areas** determined at time of rezoning);
- home occupations;
- a secondary suite (if no accessory cottage is already built on the lot).

Development Permit Areas

Figure 5 shows the DPA 2 – Shoreline and Marine (DPA 2 - Blue) and DPA 7 Steep Slope –moderate (DPA 7 – Orange) on the subject property.

Figure 5. DPA 2 – Shoreline and Marine (Blue) and DPA 7 Steep Slope (Orange)



DPA 2

DPA 2 includes all land 15 m upland of the natural boundary of the sea. The OCP states that a development permit is required for all subdivision of land where DPA 2 is present.

The preliminary layout plan identifies building sites that may be located within DPA 2. Any proposed development within DPA 2 would also need to be considered in a development permit.

The development permit may be issued at the same time as rezoning or deferred to subdivision stage.

DPA 7

The preliminary layout plan identifies building sites that may be located within DPA 7. The applicant will need to either verify that the proposed **developable area** for each lot does not fall within DPA 7, or provide a geotechnical assessment confirming a suitable building site(s) within the proposed **developable areas** that contain DPA 7 (See TOR for more details).

DPA 3 – Tree Cutting and Removal

The entire Galiano Island local trust area is designated as a development permit area for the purpose of cutting and removal of trees. A DPA 3 development permit is not required for the subdivision of land. However, the applicant should be aware a DPA 3 development permit may be required for future residential development on the three proposed lots if removal of greater than 12 m³ of timber per hectare occurs over a 3 year period.

The DPA 3 guidelines also state that “activities permitted by the Land Use Bylaw and necessitating the removal of trees should be conducted at those locations on the lot that will involve removal of the fewest trees and the removal of no Garry Oak trees.”

For the proposed F3 lot, the DPA 3 guidelines provide the following exception to requiring a permit on the areas of land restricted to forest use only (i.e. areas outside of the **developable area**):

- *the cutting or removal of any tree from the Agricultural Land Reserve or from any area charged by a covenant granted pursuant to Forest policy b)ii) of this Plan that restricts the use of the area to forest uses exclusively.*

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. With direction from LTC, these would be scheduled either separately or concurrently after draft bylaws are complete, reviewed and have received at least First Reading.

Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing.

Agencies

Staff have identified the following agencies for bylaw referral; the LTC may direct staff to include other agencies not listed. The LTC may also choose to refer the proposal to the Galiano Island Advisory Planning Commission.

- Ministry of Transportation and Infrastructure
- BC Parks

- Island Health
- CRD, Building Inspection Services
- CRD, Galiano Island Parks and Recreation Commission
- Galiano Trails Society
- Galiano Island Fire Rescue – North Department
- Mayne Island Local Trust Committee
- Thetis Island Local Trust Committee
- Salt Spring Island Local Trust Committee

First Nations

Staff have identified the following First Nations for bylaw referral:

- Stz'uminus First Nation
- Lake Cowichan First Nation
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Pauquachin First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Cowichan Tribes
- Tsawwassen First Nation
- Tsawout First Nation
- Musqueam Indian Band
- WSANEC Leadership Council

Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, staff have directed the applicant to the following guidelines:

- All archaeological and cultural heritage is protected under the *Heritage Conservation Act* and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the *Heritage Conservation Act* (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>.
- In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.
- Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.
- For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca.

In this case, staff have also directed the applicant to contact the BC Archaeology Branch to determine if an archaeological permit would be required prior to commencing any development.

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as:

- The rezoning would require amendments to both the Galiano Island Land use Bylaw No. 127 (LUB) and the Galiano Island Official Community Plan No. 1098 (OCP);
- The proposal is reasonable and is consistent with Galiano Island Official Community Plan No. 108 (OCP) forest and rural residential policies;
- The property owner is prepared to enter into sustainable forestry covenant with the LTC and a 3rd party covenant holder for the proposed F3 lot and to donate at least 75% of the remainder;
- The property owner has demonstrated a willingness to collect the additional information required to support LTC's decision-making; and,
- Proceeding with a draft bylaw will facilitate First Nations, public and agency consultation to identify any outstanding issues or concerns with the proposed rezoning and use of the property.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust

_____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2021.2 (Gaylor).

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

That the Galiano Island Local Trust Committee hold application GL-RZ-2021.2 (Gaylor) in abeyance.

NEXT STEPS

With direction from the LTC, Staff will:

- Draft the amending bylaws, and
- Further direct the applicant to complete the requirements of the TOR

Submitted By:	Brad Smith, Island Planner	November 25, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	November 25, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Ortho-photos
3. Cover Letter from applicant
4. DAI Letter - Terms of Reference

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	District Lot 86, Galiano Island, Cowichan District
PID	008-015-961
Civic Address	DL 86, Cook Road, Galiano Island
Lot Size	38.45 hectares (95 acres)

LAND USE

Current Land Use	Forest 1
Surrounding Land Use	Forest 1, Rural 2, Marine, Park, Marine Park

HISTORICAL ACTIVITY

File No.	Purpose
GL-RZ-2008.1	Rezoning to amend OCP and to rezone properties to RR and FH with policy amendment to consider BC Parks as eligible to hold FH zoned land as Park. DLs 79, 85, 86 and 87. LTC directed to proceed no further in March, 2009.
GL-SUB-1993.15	Subdivision to residential – did not proceed

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: Forest (F)
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Forest 1
Other Regulations	None
Covenants	None
Bylaw Enforcement	GL-BE-2019.16 – Unlawful dwelling

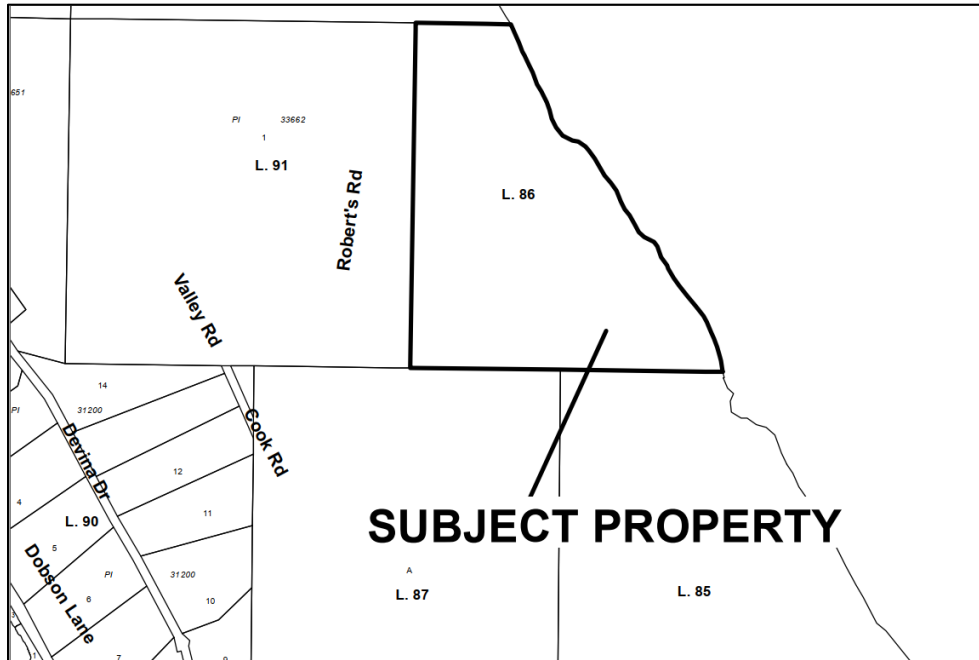
SITE INFLUENCES

Islands Trust Conservancy	There are no Islands Trust Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	Raptor nest near potential building sites on proposed lots 2 and 3, a second raptor nest in area proposed to be donated to BC Parks
Sensitive Ecosystems	Property is largely predominantly <i>Young Forest</i> with a narrow band of <i>Mature Forest</i> along the foreshore. The <i>Mature Forest</i> is mostly protected in the 15 m band of DPA 2 – Shoreline and Marine.
Hazard Areas	There are portions of the property identified as Steep Slope Moderate Risk close to or within the proposed developable areas.

Archaeological Sites	<p>There is potential for the presence of archaeological material. Staff have directed the applicant to the following guidelines:</p> <ul style="list-style-type: none"> • All archaeological and cultural heritage is protected under the <i>Heritage Conservation Act</i> and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the <i>Heritage Conservation Act</i> (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits. • In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca. • Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork. • For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca, or contact Islands Trust to access mapping of the subject property.
Climate Change Adaptation and Mitigation	None
Shoreline Classification	Low Rock/Boulder
Shoreline Data in TAPIS	None

ATTACHMENT 2 – MAPS, PLANS, ORTHO-PHOTOS

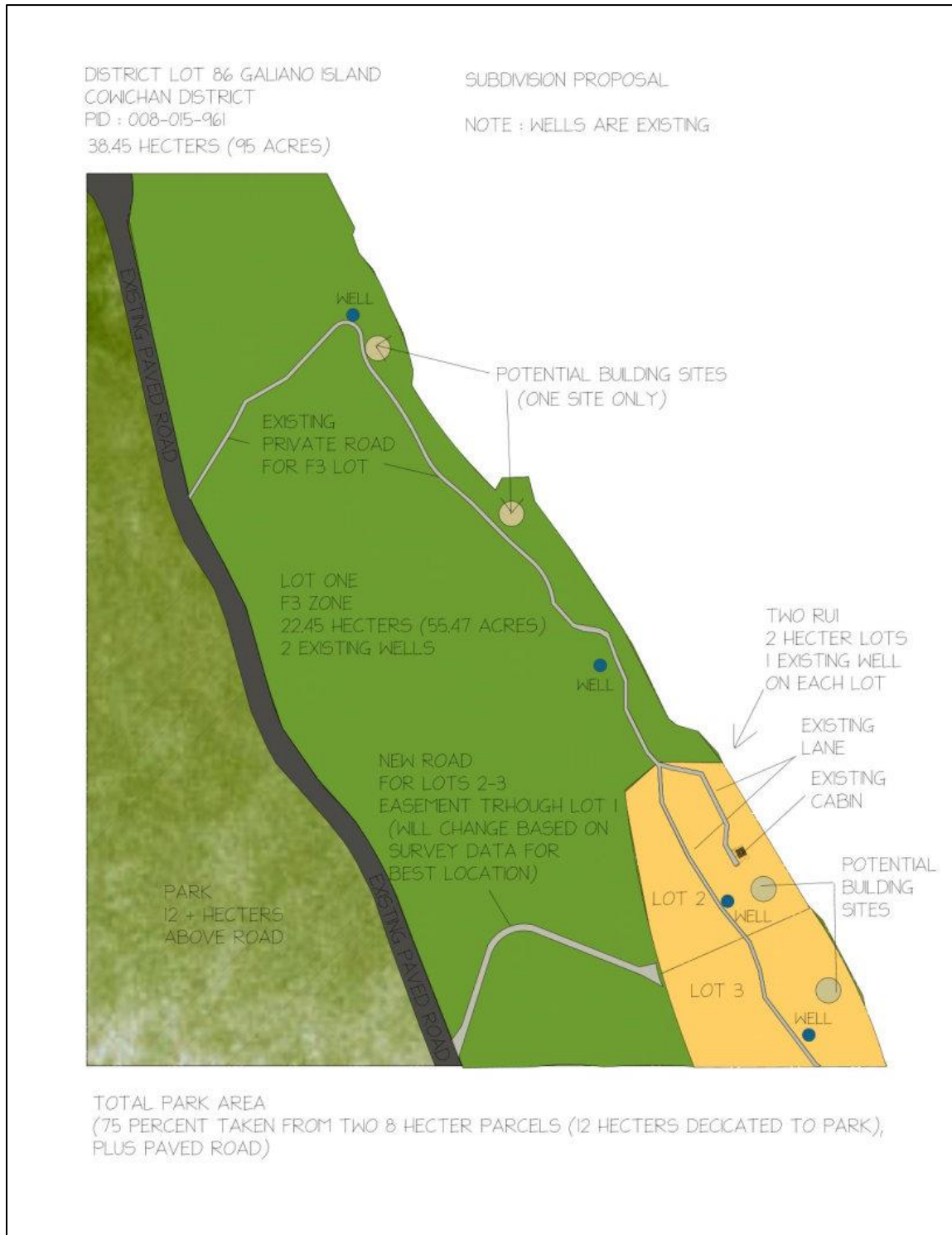
2.1 SUBJECT PROPERTY MAP



2.2 ZONING AND ORTHO

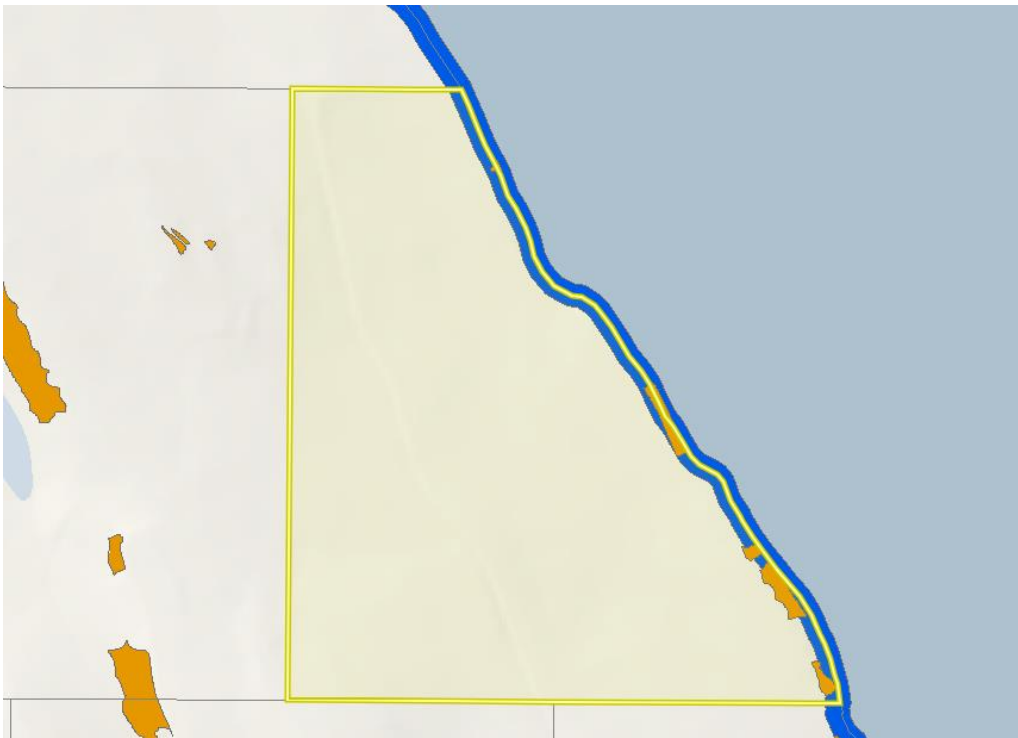


2.3 PRELIMINARY SITE PLAN RENDERING

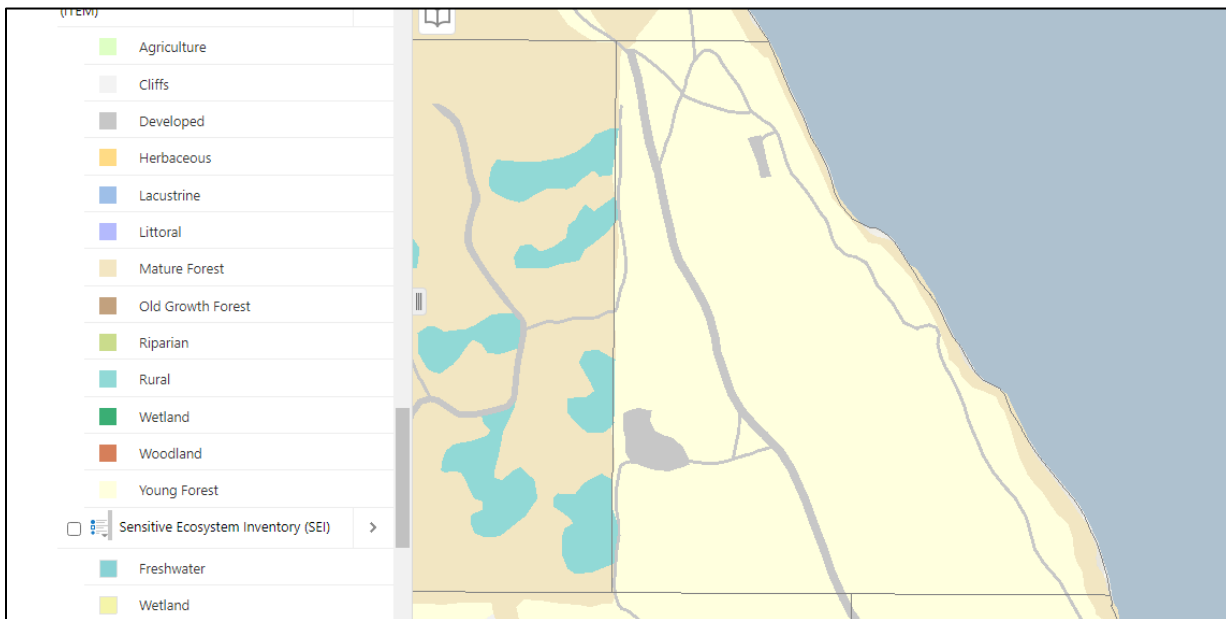


2.4 DEVELOPMENT PERMIT AREAS

DPA 2 (Shoreline and Marine) and DPA 7 (Steep Slope Moderate)



2.5 SENSITIVE ECOSYSTEM MAPPING



August 13, 2021

Islands Trust (Southern Office)
200-1627 Fort Street
Victoria, BC, V8R 1H8

Attention: Brad Smith, P. Ag, Island Planner

Rezoning Cover Letter: D.L. 86

On behalf of my clients, I am pleased to submit this application to amend the Forest One (F-1) Zoning of the subject property. Please consider this as a preliminary application, recognizing that Islands Trust staff, upon initial evaluation of the proposal, will provide Terms of Reference to guide the preparation of further technical studies.

Accordingly, please find attached the following in support of this rezoning application:

- 1) Cover Sheet
- 2) Completed application form
- 3) Application fee (\$4,400)
- 4) Statement of Intent
- 5) Statement of Title Certificate
- 6) Site Disclosure Statement
- 7) Preliminary concept plan

It should be noted that we have also commenced with the preparation of the following studies, in anticipation of upcoming Development Approvals Information requirements:

- 1) Environmental assessment (to evaluate both marine and upland terrestrial ecosystem values) prepared by a qualified environmental professional.
- 2) Forestry assessment prepared by a qualified forester.
- 3) Survey plan prepared by a BCLS.
- 4) Well water study, prepared by a hydrogeologist.
- 5) Septic Disposal report, prepared by a registered onsite wastewater practitioner.

If you have any questions, preliminary comments or require further information, please contact me directly. We look forward to working with you.

Sincerely,
McElhanney Ltd.

A handwritten signature in black ink, appearing to read 'Andy Gaylor', with a stylized flourish at the end.

Andy Gaylor, MCIP, RPP, Planner
agaylor@mcelhanney.com 250-718-7274

August 16, 2021

Islands Trust (Southern Office)
200 – 1627 Fort Street
Victoria, BC
V8R1H8

Attention: Brad Smith, PAg, Island Planner

Application to Amend OCP and Rezone – D.L. 86 (Galiano Island)

On behalf of my clients, Corinne Matheson and Wayne and Edward Bairstow, I am pleased to submit this application to amend the Galiano Island Official Community Plan (OCP) and rezone the 96-acre subject property, D.L.86, on Galiano Island. The purpose of this rezoning application is to rezone the lands from their current Forest 1 (F1) Zone to the following:

Proposed Zone	Area (ha / acres)*	% of total land base
Forest 3	22.45 ha (55.5 acres)	58%
Rural Residential	4 ha (9.9 acres)	10%
Parkland / Road	12.35 ha (30.5 acres)	32%
Total	38.8 ha (96 acres)	100%

*These figures are approximate, with further refinement to occur at later stages of development.

The proposed OCP amendment, from a Forest designation to a Residential Designation, only applies to the proposed 'Rural Residential' areas – 10% of the total parcel area.

The purpose of this application is to recognize the role that forestry and timber harvesting has played in the evolution of Galiano Island. Rezoning the majority (58%) of the subject lands to Forest 3 will ensure that forestry remains the primary use of the subject lands. To this end, this application also includes a request to include the use of an "enclosed sawmill" within the proposed Land Use Bylaw amendment. We have engaged the services of both a Qualified Environmental Professional (QEP) and forester to prepare

a Forest Management Plan and we are fully committed to working with a third-party conservation group and register a Sustainable Forestry Covenant on property title as a condition of zoning approval.

Following similar precedents set in areas near the subject property, it is proposed that two, 2-hectare, waterfront parcels be permitted, with the remainder of the subject property (above the existing road) being dedicated as both parkland and public road (77% of the lands, once the F3 zoned areas are removed from the equation). Establishing a 20.0m road right-of-way through the subject property is in recognition of the fact that the current and only access into Dionisio Point Park is via an easement road not accessible to the public.

The proposed concept has been developed to align with the “Forest” objectives contained within Galiano’s Official Community Plan. For example, the proposal “*preserves the forest land base*” by ensuring that 90% of the property area will be either be used for sustainable forestry practices and parkland. Registration of a sustainable forestry covenant and parkland dedication will also ensure that the forest’s “*biodiversity, integrity and ecological services*” remain protected. As noted, we are requesting a minor amendment to the Galiano OCP, from Forest to Residential, to allow the two Rural Residential zoned properties.

We believe that this proposal successfully balances the OCP’s goal of promoting sustainable forestry with providing additional public parkland opportunities, adjacent to the existing Dionisio Point Park, alongside some limited residential uses.

Thank you for considering our application and we look forward to working with you.

Sincerely,
McElhanney Ltd.



Andy Gaylor, MPA, MCIP, RPP
agaylor@mcelhanney.com 250-718-7274

cc: Corinne Matheson, Wayne and Garth Bairstow





200-1627 Fort Street, Victoria, BC V8R 1H8
Telephone 250 405-5151 Fax 250 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

October 5, 2021

File Number: GL-RZ-2021.2 (Gaylor)

Attn: Andy Gaylor, McElhanney Ltd.
Via email:

Dear Andy Gaylor:

Re: Rezoning Application GL-RZ-2021.2 (Gaylor) - Terms of Reference - District Lot 86, Galiano Island, Cowichan District (PID 008-015-961).

The Islands Trust has completed a preliminary review of the rezoning application for District Lot 86 on Galiano Island submitted by you on behalf of your clients on August 13, 2021.

The purpose of this letter is to identify information that is required from the applicant pursuant to the [Galiano Island Development Approval Information Bylaw No. 148](#) (DAI Bylaw). Under the DAI bylaw, a zoning amendment application uses a 'terms of reference' (TOR) approach to information collection. The objective of this TOR is to identify and request any anticipated information from the applicant in a timely manner, and as early as possible in the process.

The information received by Islands Trust in your application package includes:

1. Cover Sheet
2. Completed application form
3. Statement of Intent
4. Statement of Title Certificate
5. Site Disclosure Statement
6. Preliminary concept plan

As per this TOR, additional information that is required to proceed with your application for consideration by the Galiano Island Local Trust Committee (LTC) includes:

- 1) A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating all proposed lot lines along with the '**developable area**' and associated features for each of the three (3) proposed residential lots, the applicable development permit area boundaries, existing buildings and structures, roads and driveways, topographic features, and any significant sensitive habitat features.
 - a. The **developable area** for each residential lot includes the portion identified for the dwelling, accessory buildings and structures, along with the associated location of the well, septic field, driveways and parking areas.
- 2) A groundwater report, prepared by a professional hydrogeologist, demonstrating proof of water to meet the residential potable water standard of **2275 litres/day** for each of the three (3) proposed residential lots. Staff can provide technical guidance on a terms of reference for demonstrating proof of potable water if requested by the applicant.

- 3) A septic disposal report, prepared by a registered onsite wastewater practitioner, confirming septic viability and proposed siting for the three (3) proposed lots.
- 4) Ecological Overview Report

While the Galiano Island Official Community Plan No. 108 (OCP) does not have a specific policy enabling rezoning from Forest 1 to Rural Residential zoning (RR), the LTC has considered applications based on the approach that the applicant transfer title to at least 75% of their land base in exchange for the remaining 25% that would then allow for a house and accessory cottage per a minimum of each two hectares.

An agreement between the property owner and a new title holder (e.g. BC Parks) will be required based on terms amenable to all parties (including the LTC). While staff can provide some technical guidance, it is largely the responsibility of the applicant to negotiate this land transfer agreement.

To ensure that LTC and staff understand the entire scope and ecological significance of both the lands proposed for transfer and those to be retained by the applicant, an **ecological overview report** is required that considers the entire property. The **ecological overview report** should include at a minimum:

- a. Property location and description including existing legal encumbrances and history of use
- b. Identification of existing structures, roadways and other development features
- c. A desktop GIS inventory that includes:
 - i. Identification of habitat by type and calculation of percentage of each type in relation to proposed 75/25% lot lines (e.g. of total parcel, XX % consists of YY habitat type, of which XX percentage is located within the 75% transfer portion)
 - ii. Identification of significant or sensitive terrestrial and aquatic ecosystem features
- d. Identification of development permit areas (DPAs) and an assessment of ecological impacts of any proposed **developable areas** within those DPAs
- e. Ground-truthing of desktop inventory findings as required
- f. Maps, Photos and other relevant materials

5) Forestry Covenant Baseline Report

The OCP policy enabling rezoning from F1 to F3 requires the granting of a sustainable forest management covenant with a 3rd party covenant holder. An agreement between the property owner and a 3rd party sustainable forestry covenant holder for the proposed F3 lot will be required based on terms amenable to all parties (including the LTC).

While staff can provide some technical guidance, it is largely the responsibility of the applicant to negotiate this agreement with a 3rd party covenant holder. This typically involves providing a **baseline report** and an endowment for monitoring.

The covenant will restrict forest activities based on an approved Sustainable Forestry Management Plan that includes consideration of sensitive species and habitats identified in the **baseline report**.

The **baseline report** for the proposed F3 lot should include at a minimum:

- a. Biological Inventory by Ecosystem Type including:
 - i. Plant and Tree Inventory
 - ii. Wildlife and Wildlife Habitat

- iii. Soil Type
- iv. Disturbance History
- v. Succession
- vi. Restoration Recommendations
- vii. Potential threats
- b. Maps, Photos and other relevant materials

A separate report can be prepared, or this baseline information specific to the F3 lot may be incorporated into the same **ecological overview report** as required in item #5 above.

6) Development Permit Areas

DPA 2 – Shoreline and Marine

DPA 2 includes all land 15 m upland of the natural boundary of the sea. The OCP states that a development permit is required for all subdivision of land where DPA 2 is present (Attachment 1). This is dealt with through a separate application process (and separate fee). The application guide is located here: <https://islandstrust.bc.ca/document/schedule-b-development-permits-application-form/>

The preliminary concept plan identifies building sites that may be located within DPA 2. Any proposed development within DPA 2 would also need to be considered in a development permit.

The development permit may be issued at the same time as rezoning. It could also be deferred to subdivision stage.

DPA 7 – Steep Slope (moderate)

The preliminary concept plan identifies building sites that may be located within DPA 7 (Attachment 1). The applicant will need to either verify that the proposed **developable area** for each lot does not fall within DPA 7, or provide a **geotechnical assessment** confirming a suitable building site(s) for the proposed use within the proposed **developable areas** that contains DPA 7. The assessment should be undertaken by a certified Geotechnical Engineer (P.Eng.) and delineate:

- a. 'safe' buildable areas within the proposed developable area without mitigative measures;
- b. areas that could be built upon with mitigative measures (if applicable); and/or
- c. areas where building is unsafe (if applicable)

7) Road Dedication

The Ministry of Transportation and Infrastructure (MOTI) is the provincial agency that authorizes subdivision approval on Galiano Island. Staff direct the applicant to contact MOTI to determine if the proposed subdivision layout that includes an easement road to access proposed lots 2 and 3 is viable.

If MOTI requires that this easement road be a dedicated provincial highway as a condition of subdivision approval, the applicant will be required to seek development variance from section 13.7 of the Galiano Island Land Use Bylaw No. 127 (LUB) which states:

13.7 No lot divided into two or more areas by a highway or other land may be created unless there is no practical alternative to such configuration.

The applicant will need to consider other sections of Part 13 of the LUB in relation to lot layout (Subdivision and Development Regulations). Islands Trust is a referral agency in the MOTI subdivision process. Once directed by MOTI, the applicant will need to apply again through a separate process (with a separate fee) for Islands Trust to review the proposed subdivision against Part 13 of the LUB. Islands Trust will then respond to MOTI and the applicant with proposed conditions of approval that MOTI typically includes in a preliminary layout review letter to the applicant.

8) Archaeological Material

Regarding the potential for archaeological material to be found on the property, Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, staff direct the applicant to contact the BC Archaeology Branch to determine if an archaeological permit would be required prior to commencing development.

Reporting Requirements

With respect to any reporting requirements listed above, the applicant and/or professional must, in accordance with generally accepted impact assessment methodology, ensure the reports:

- (a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
- (b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;
- (c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
- (d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided, and
- (e) make recommendations as to measures that may restore or enhance natural functions or features that have been damaged or degraded prior to development or that would be impacted by the proposed development.

This information must be prepared by a professional or professionals in good standing with his/her professional organization within British Columbia, acting within his/her area of expertise, and with demonstrated and pertinent experience and/or training.

Please also note that the Islands Trust reserves the right to require additional information or clarification in response to the project reports. Any additional requirements will be provided in writing and will identify the additional information required in as clear and specific manner as possible.

Next Steps

Staff will present your application to the LTC at the December 6, 2021 LTC meeting via a preliminary staff report. The staff report will outline the basic parameters of your rezoning proposal and will seek LTC direction to proceed with next steps including the drafting of amending bylaws.

Staff appreciate that providing all of the above information in advance of that meeting may not reasonably be expected. As such, the staff report will include an update on the current status of your application materials along with a copy of this letter. Assuming LTC decides to proceed with your

application, you will then be expected to complete the remainder of these TOR requirements before your application may be considered for final approval.

I will also arrange an onsite meeting with you some time in the fall of 2021 so that I can get a first-hand perspective of your property and the associated rezoning proposal.

If you have any questions concerning the application or TOR requirements stated above, please do not hesitate to contact me.

Sincerely,

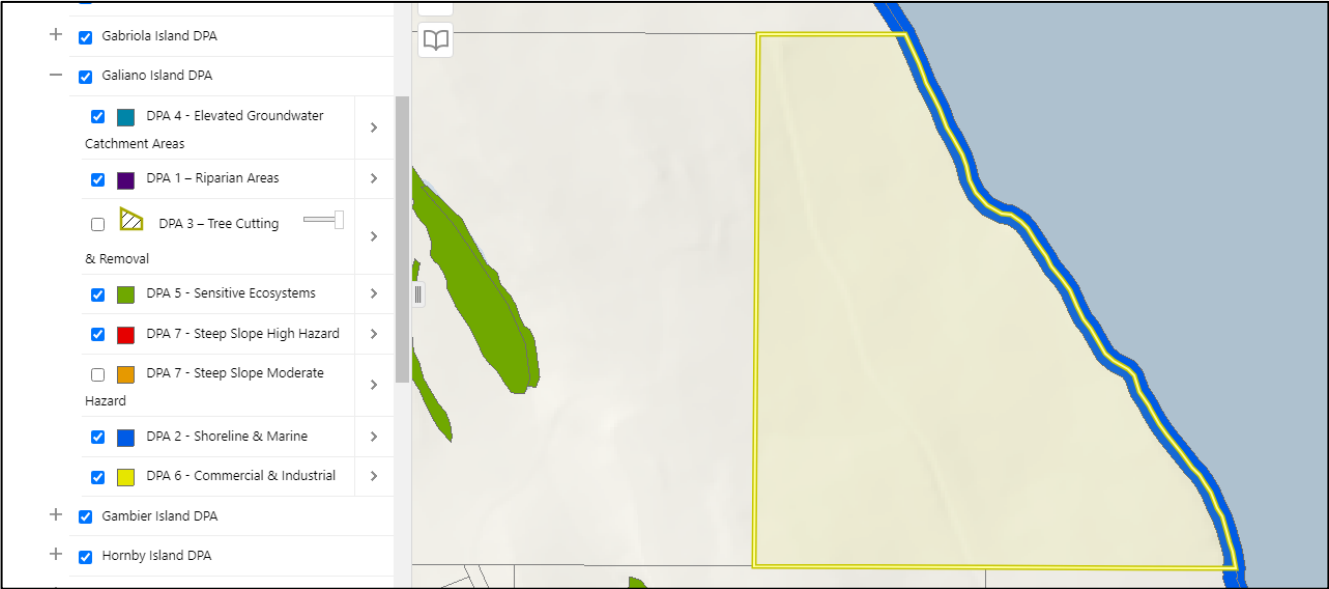
BSmith

Brad Smith
Island Planner, Galiano Island Local Trust Area

pc: Robert Kojima, Regional Planning Manager

Attachment 1: Development Permit Area Maps

DPA 2 Shoreline and Marine



DPA 7 - Steep Slope (Moderate and High Hazard)

