



DATE OF MEETING: June 20, 2023

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Narissa Chadwick, acting RPM
Robert Kojima, Regional Planning Manager

SUBJECT: District Lot 14 Rezoning Application – Preliminary Report

Applicant: Tahirih Rockafella

Location: STRATA LOTS 1, 2, 3, 4, and 5, DISTRICT LOT 14 GALIANO ISLAND COWICHAN DISTRICT STRATA PLAN VIS4887 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2023.1 (Rockafella) and to prepare draft bylaws.

REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application GL-RZ-2023.1 (Rockafella) 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 as proposed would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property from Forest 1 (F1) to a split zoned lot: 80 hectare to be a site-specific Forest 3 (F3) zone and 2 hectares to a site-specific Forest Industrial (FI) zone. An amendment to the Galiano Island Official Community Plan Bylaw No. 108 would be required to re-designate the 2 hectare portion of the lot from Forest (F) designation to Forest Industrial (FI) designation.

BACKGROUND

District Lot 14 is approximately 85 hectares in area and is located on the southern end of Galiano Island. As stated by the applicant, the property zoned Forest 1 (F1) currently contains the following buildings:

- Four (4) buildings all with a floor area of approximately 60 m² (650 ft²):
 - Two (2) are empty or used for storage and do not have a water or electricity connection/components, nor windows or floors.
 - One (1) has electricity but does not have a water connection or facilities.

- One (1) is being used as a cottage and has electricity, a water connection, and living facilities. This building is the furthest west (next to the BC Hydro property).
- One (1) structures with a floor area of approximately 300 ft² has no electricity, water, or facilities and is currently used as an 'office' at the sawmill site.

The previously cleared 2 hectare portion of the property right off Haulback Road is currently being used as a sawmill.

In 1999, the former property owner created a building strata subdivision, stratifying the five (5) building envelopes (Strata Lots 1 to 5) with the remaining parcel as Common Property. Strata Lots 1, 3, and 4 are 64 m² (689 ft²) in area, Strata Lot 2 is 63 m² (678 ft²) in area, and Strata Lot 5 is 21 m² (226 ft²). Staff are not aware of the history regarding the deposit of the bare land strata to the Land Title Office in 1999, but are under the assumption it was successfully submitted as it complies with Section 241(1) and 242(2) of the *Strata Property Act*.

There are two large water tanks near the sawmill area to be used for fire emergencies. There are also three wells located near Strata Lot 2, 3, and 4; two of which are not in use.

Staff visited the property early in June 2023 and met with the applicant to discuss the proposal. Attachment 1 provides additional site context. Attachment 2 provides relevant maps, orthophotos, and site visit photos. A cover letter provided by the applicant is included as Attachment 3.

Application Rationale

As stated by the applicant, the rationale for the proposed rezoning is as follows:

- The property was purchased in 2017 with the existing 5 buildings and sawmilling area. At that time, about half the property had been recently clear-cut (in early 2000s) and the remainder had been cut about forty years earlier. A sawmill was in operation near the entrance (Haulback Road) which has eliminated any regeneration or restoration possibilities, as is evidenced by satellite imagery.
- The intent is to rezone the degraded area to FI (Forest Industrial). This would increase the availability of approved light industrial zoning on Galiano while also implementing a restrictive sustainable forestry covenant on the remaining land (F3) to ensure the forest has the opportunity to regenerate in a healthy and supported manner in keeping with the Islands Trust policies and mandate.
- The applicant will register a sustainable forestry covenant on the common property (except for the 5 hectare Forest Industrial zoned area).
- The applicant is proposing the registration of a s.219 covenant to restrict dwelling size and prohibit subdivision of the lot in the future.
- Ensures no further activity will take place (other than the existing buildings and sawmill) until the land is successfully rezoned. This applies to the structures as well; no improvements or building would take place until permitted.
- Applicant believes retaining the large 80 hectare parcel of land is the best way in preserving the integrity of Galiano's forest lots.

Figure 1 - Site Plan

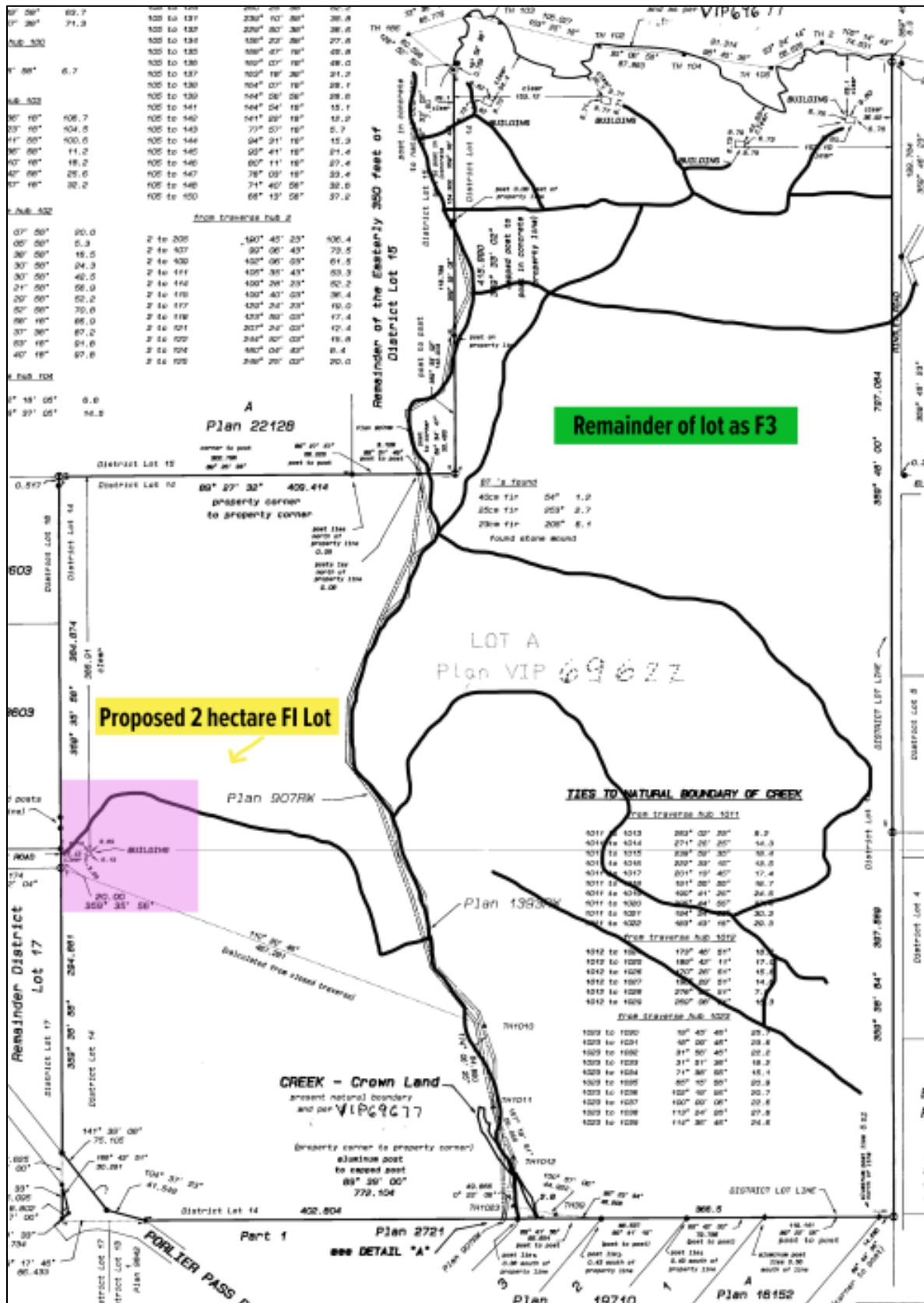
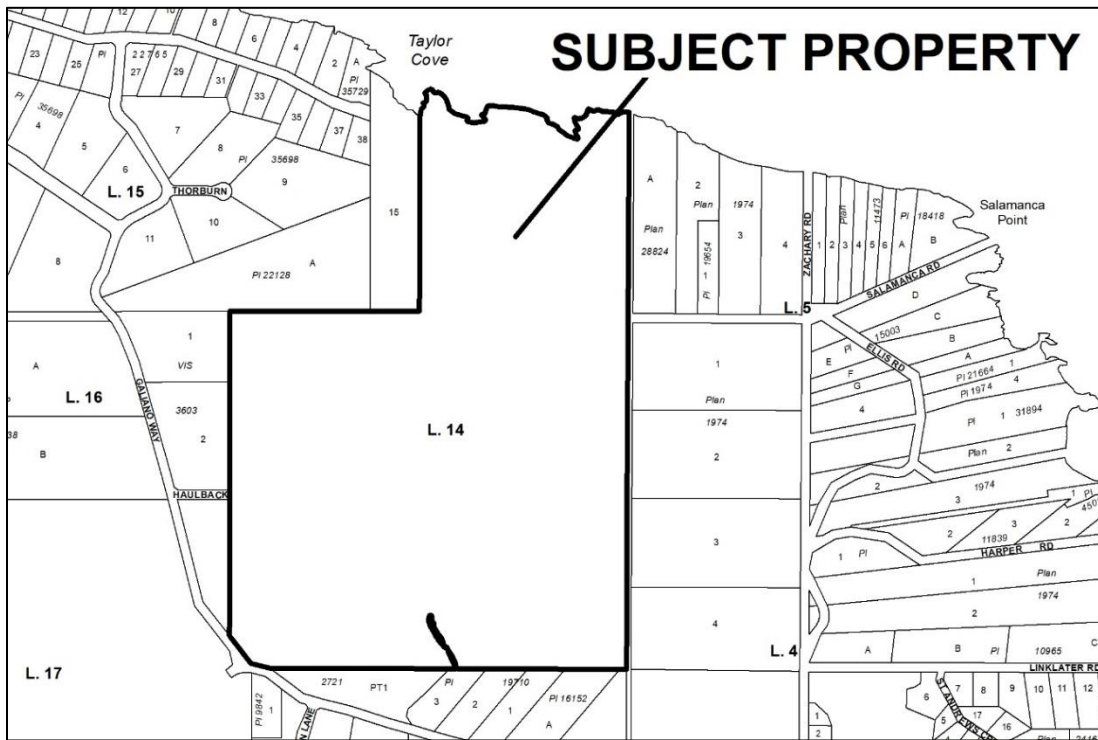


Figure 2. Location of Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

The most relevant policies of the Islands Trust Policy Statement (ITPS) relating to this rezoning proposal are:

3.2.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.

4.2.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.

4.2.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.

4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

Other ITPS policies that are also relevant include:

3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.

5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

If LTC decides to proceed with drafting bylaws, the ITPS policy checklist would be presented to LTC for review and consideration in a future staff report if at such time draft bylaws are presented for first reading.

Official Community Plan

The OCP land use designation for the subject-property is currently Forest (F). An Amendment to the Galiano Island OCP should be required to change the OCP designation for the 2 hectare portion of the property to Forest Industrial (FI).

OCP Forest Policies:

- A) *The principal use shall be forestry. All structures including dwellings (except dwellings on land rezoned to RR or CF) must be accessory to the principal forestry use and no uses should impair the long-term natural processes of forest growth and regeneration. Unplanned proliferation of residential uses throughout the forest would be contrary to many of the objectives and policies in this plan, including particularly those dealing with the integrity of forest ecosystems and surface water and groundwater supplies and the impact of residential services such as roads. Instead, in order to preserve and protect the forest resource, the plan favours the clustering of residential uses on sites within the forest, carefully selected as the basis of sound planning principles, with the balance of the lands being set aside for forest uses in perpetuity.*
- B) *Dwellings are permitted in the Forest designation in the following circumstances*
 - ii) *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.*
- G) *Appropriate small scale forest related activities such as the sustainable gathering of greenery products, food crops, hiking, bird watching and wildlife viewing, education and value added industry shall be encouraged.*

The rezoning proposal is consistent with the OCP Forest policies as Policy b)ii) states that a Forest property may be rezoned **to permit one dwelling per 20 hectares** if the lot complies Land Transportation Policy o) and a sustainable forestry covenant is registered on title. Policy b)ii) does not require the property to be subdivided. As the subject property is approximately 85 hectares in area it may have up to 4 dwellings .

The applicant would be required to establish **developable areas** for the four dwellings on the F3 zoned portion of the lot with the location selected to minimize impact. The property owner has 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.

Development Permit Areas (DPAs)

Figure 2.4 in Attachment 2 shows the following DPAs on the subject property:

- DPA 1 - Riparian Areas,
- DPA 5 – Sensitive Ecosystem, and,
- DPA 7 – Steep Slope Moderate Hazard

The building areas for the dwellings are not located within any DPAs, except for DPA 3 mentioned below. There is a small area of DPA 7 Steep Slope Moderate Hazard within the area to be rezoned to Forest Industrial. The entire Galiano Island local trust area is designated within DPA 3 – Tree Cutting and Removal for the purpose of cutting and removal of trees. One exemption for this DPA is for those areas with a registered sustainable forestry covenant.

Figure 3 – Road Network Map (OCP Schedule C)

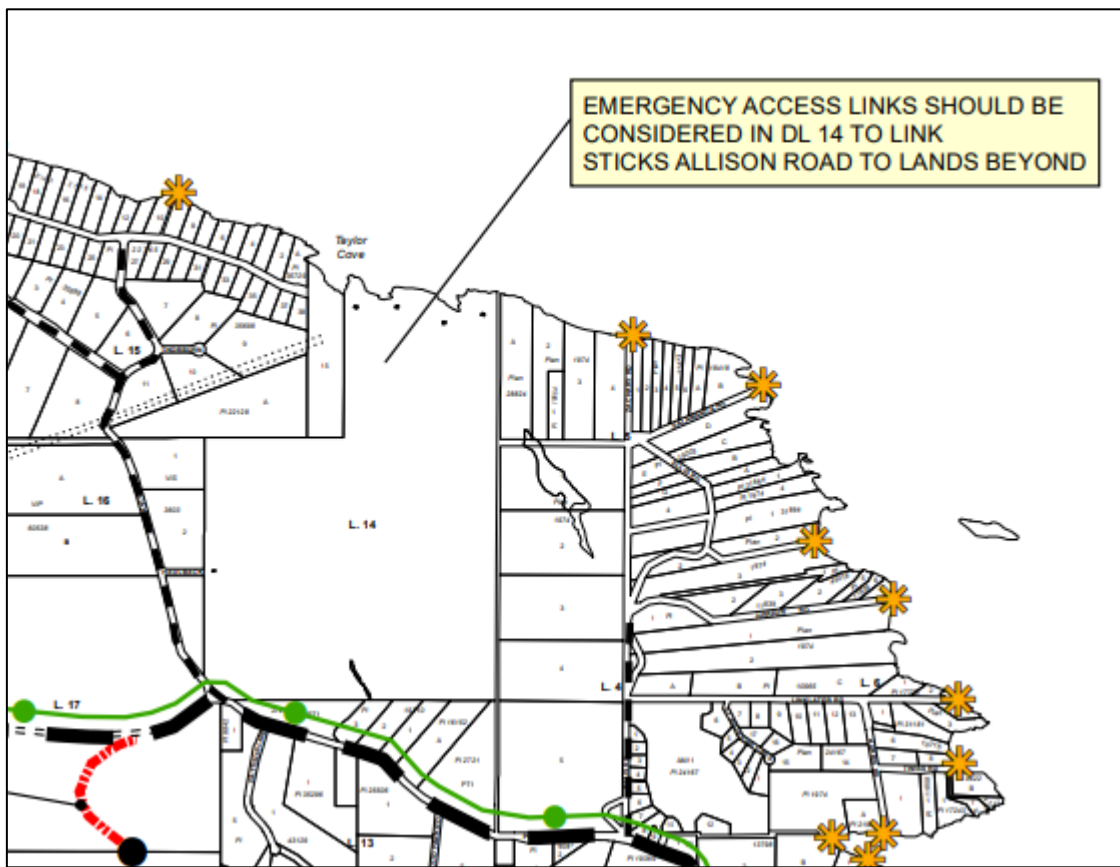
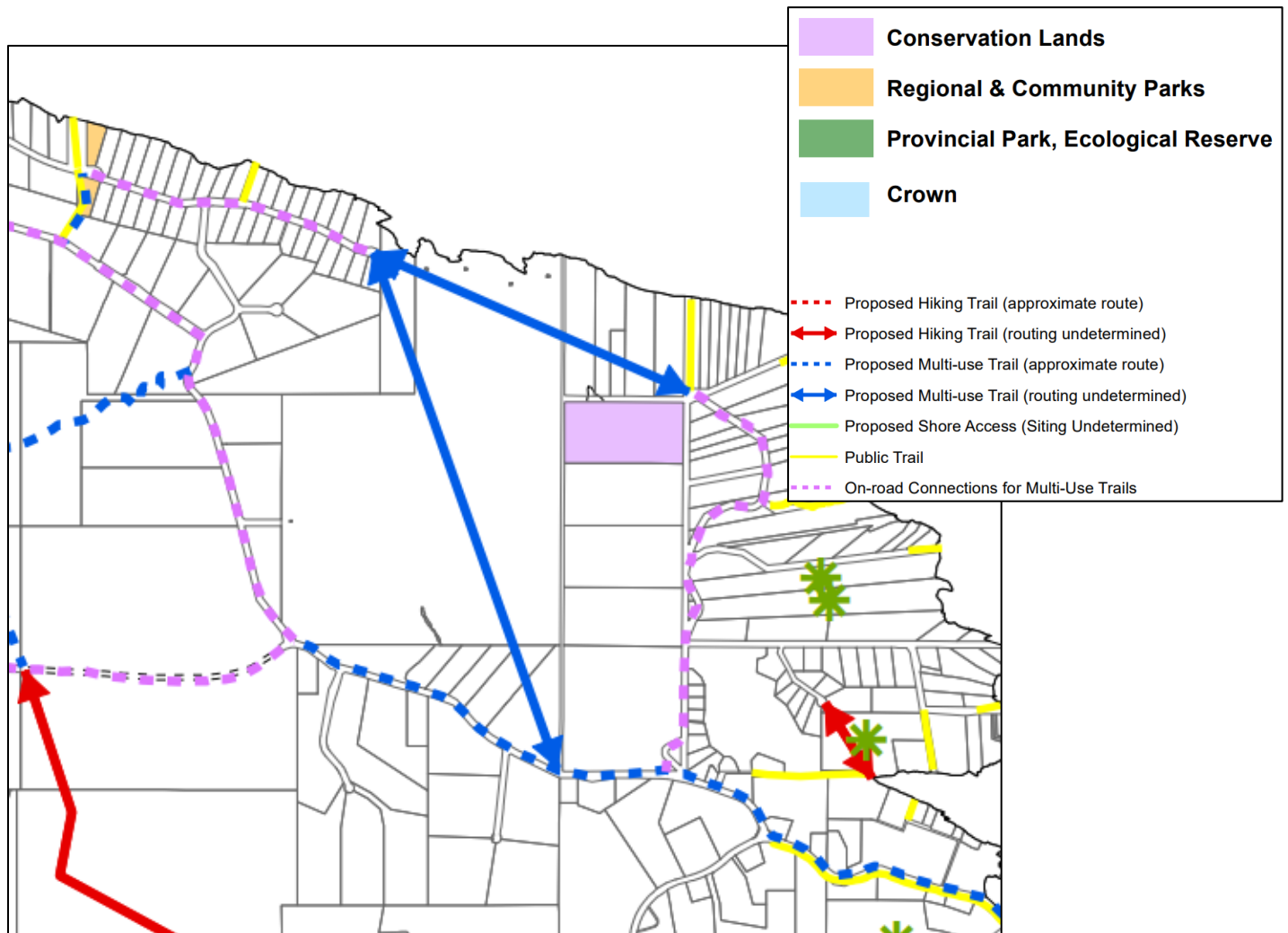


Figure 4 – Parks & Trail Map (OCP Schedule E)



OCP Schedules

The Road Network Map (Schedule C) in the OCP identifies the subject property as a possible emergency access to link Sticks Allison Road to lands beyond – see Figure 3. As a condition of rezoning, the LTC could request a Statutory Right of Way (SRoW) agreement with the Capital Regional District for the purposes of emergency access. If the LTC supports this condition, staff will research the feasibility of an emergency access across the subject property.

The Parks & Trail Map (Schedule E) identifies a ‘Proposed Multi-use Trail (routing undetermined)’ on the subject property – see Figure 4. A formalized trail across the subject property could be a condition of rezoning and staff can report back on options to the LTC if requested.

Land Use Bylaw

The subject property is zoned Forest 1 (F1) in the Galiano Island Land Use Bylaw No. 103. The F1 zone only permits timber production and harvesting, and, accessory forestry uses including; the sawmilling and planing of timber harvested on the same lot, and the growing of seedlings in nurseries. Residential use (dwellings) are not a permitted use in the F1 zone.

In order to legalize the siting of the four dwellings, the majority of the property would have to be rezoned to a site-specific Forest 3 (F3). This site-specific F3 zone would permit four (4) dwellings. The applicant has agreed to register a s. 219 covenant on the subject property to restrict subdivision.

The 2 ha area portion of the property, currently used as a sawmill, would be rezoned to a site-specific Forest Industrial (FI). The FI zone in the Galiano Island LUB currently permits the following uses:

- Warehouses;
- contractors' workshops and yards;
- sale of building materials and supplies manufactured on the lot;
- sawmilling, planing and manufacturing of wood products;
- mechanical repairs including boat repairs and boat building;
- gravel processing and storage; and,
- one self-contained accessory dwelling unit for the owner or operator of a principle use.

The applicant (attachment 3) has indicated that all uses permitted in the FI zone are not required and suggest limiting the use of the Forest Industrial zoned portion to the following uses:

- contractors' workshops and yards;
- sale of building materials and supplies manufactured on the lot;
- sawmilling, planing and manufacturing of wood products;
- gravel processing and storage; and,
- one self-contained accessory dwelling unit for the owner or operator of a principle use.

Terms of Reference

Should the LTC decide to proceed with the application, a terms of reference will be issued to the applicant from staff that provides specific guidance on application requirements that is consistent with the Galiano Island Development Approval Information Bylaw No. 148 (DAI Bylaw).

A Groundwater Assessment prepared by a professional Engineer or Hydrogeologist with experience in groundwater hydrogeology and water resources management will be a requirement of the rezoning application. The Groundwater Assessment should ensure each well has sufficient quality and quantity for the proposed use, and that the extraction of groundwater water in respect of each permitted building, structure or use will not adversely affect the quantity or quality of any existing groundwater well or surface water used as a source of potable water.

As there is no well near the proposed Forest Industrial zoned area staff recommend the applicant register a s.219 covenant that restricts any further use on that portion of the property (with the exception of the sawmill) until a well is drilled. A secondary Groundwater Assessment would be required to ensure there is sufficient quality and quantity water for the proposed uses (contractor's yard, sale of building materials, etc.).

Archaeological Material

Islands Trust staff has indicated to the applicant that there is a registered archaeological site on the subject property. The applicant is in the process of retaining information on this registered site. The site is not located within the residential developable areas, and can be protected by registration of a covenant. Further discussion and next steps are required from the BC Archaeological Branch. The applicant has also been notified that:

- 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.

Consultation

Statutory Requirements

In accordance with regular statutory requirements a public hearing is required. It is common 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 should the application proceed to that stage.

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

First Nations

Staff have identified the following First Nations for bylaw referral based on the Province's database:

- 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
- Malahat First Nation
- Snuneymuxw First Nation
- WSANEC Leadership Council

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 rezoning proposal to the Galiano Island Advisory Planning Commission by resolution.

- Ministry of Transportation and Infrastructure
- Ministry of Forests
- Island Health
- BC Hydro
- BC Archaeological Branch

- Managed Forest Council
- CRD, Planning and Protective Services, Building Inspection
- Galiano Island Fire Rescue – South Department
- Islands Trust Conservancy
- Galiano Conservancy Association
- Mayne Island Local Trust Committee
- Thetis Island Local Trust Committee
- Salt Spring Island Local Trust Committee

Rationale for Recommendation

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

- The application is reasonable as proposed and is consistent with OCP policies;
- The rezoning would address the issue of the existing buildings on the lot;
- A sustainable forestry covenant would be registered on the 80 ha of Forest 3 zoned portion of the lot with the purpose of encouraging sustainable forest practices and management.
- The proposal is to retain a large tract of forest-zoned land and reduce residential uses to small buildable footprints.
- Provides additional Forest Industrial land which could provide small forest-related economic opportunities for community members.
- A groundwater assessment would be required to ensure quality and quantity of groundwater for the proposed uses; and,
- Proceeding with the preparation of draft bylaws would allow for next steps in the process to proceed including the initiation of First Nations engagement, referrals to potentially affected agencies, and the consideration of further input from the public including adjacent property owners.

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 for GL-RZ-2023.1 submit to the Islands Trust _____.

2. Send Rezoning Application to the Galiano Advisory Planning Commission

Resolution:

That the Galiano Island Local Trust Committee refer rezoning application GL-RZ-2023.1 (Rockafella) to the Galiano Advisory Planning Commission for the following purpose _____.

3. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2023.1 (Rockafella).

NEXT STEPS

With direction from the LTC, Staff will draft amending bylaws for further consideration by the LTC.

Submitted By:	Kim Stockdill, Island Planner	June 12, 2023
Concurrence:	Narissa Chadwick, Acting Regional Planning Manager	June 13, 2022

ATTACHMENTS

1. Site Context
2. Maps, Plans, Ortho-photos
3. Cover Letter from applicant

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	STRATA LOTS 1, 2, 3, 4, and 5, DISTRICT LOT 14 GALIANO ISLAND COWICHAN DISTRICT STRATA PLAN VIS4887 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1
PID	024-621-013, 024-621-021, 024-621-030, 024-621-048, and 024-621-056
Civic Address	Haulback Road, Galiano Island
Lot Size	87 hectares (215 acres)

LAND USE

Current Land Use	Forest and Residential
Surrounding Land Use	Forest, Residential, Utility, and Nature Protection

HISTORICAL ACTIVITY

File No.	Purpose
None	N/A

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 (F1)
Other Regulations	Private Managed Forest Lands (PMFL)
Covenants	None
Bylaw Enforcement	GL-BE-2017.12 - Closed

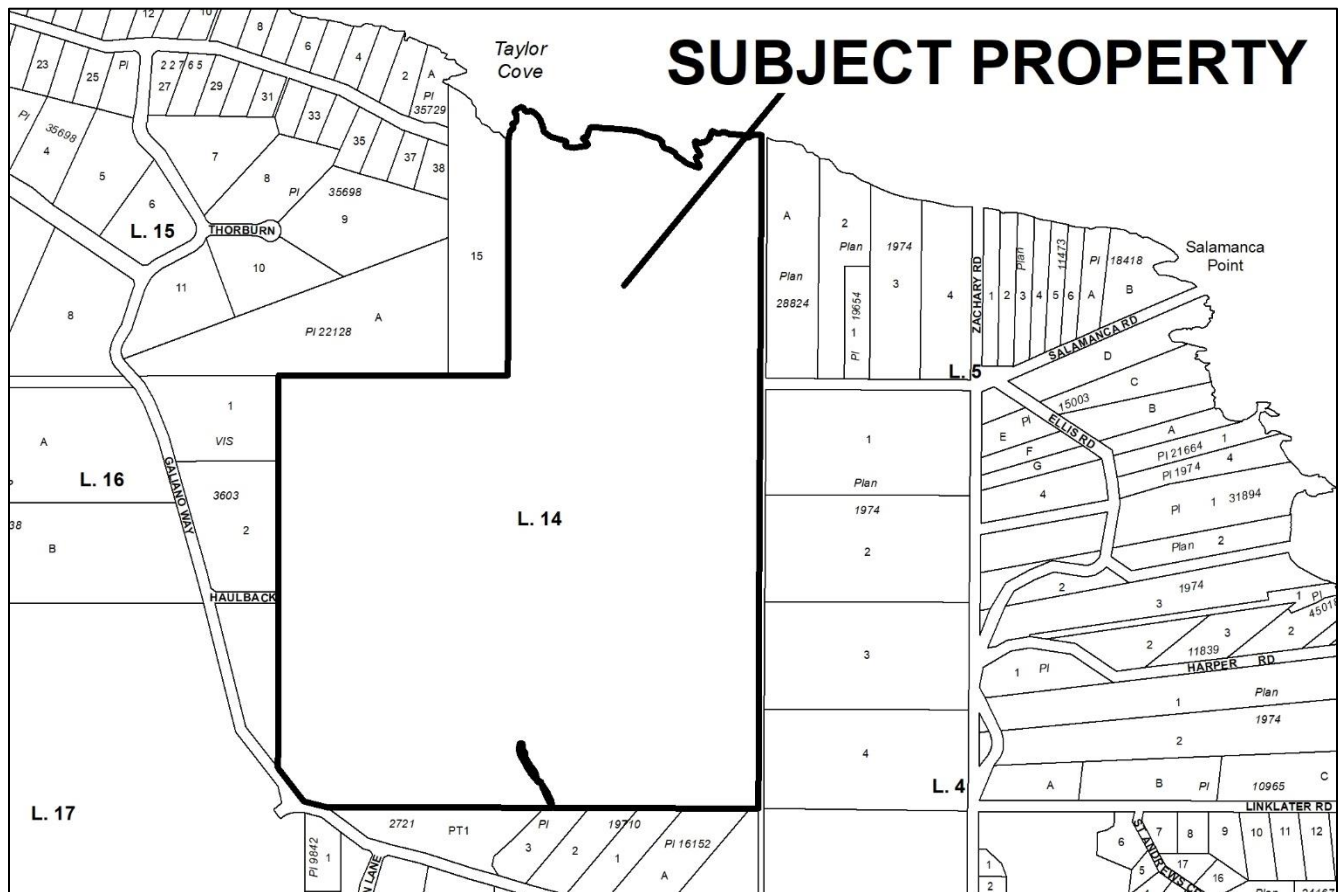
SITE INFLUENCES

Islands Trust Conservancy	The Islands Trust Conservancy covenants (Finlay Lake Covenant – PID 006-620-965) is directly east of the subject property; therefore a referral will be made to the ITC Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	Portions of riparian and wetland
Hazard Areas	A very small portion of small and medium risk steep slope on property
Archaeological Sites	There is a registered archaeological site on the subject property. Staff have directed the applicant to the following guidelines:

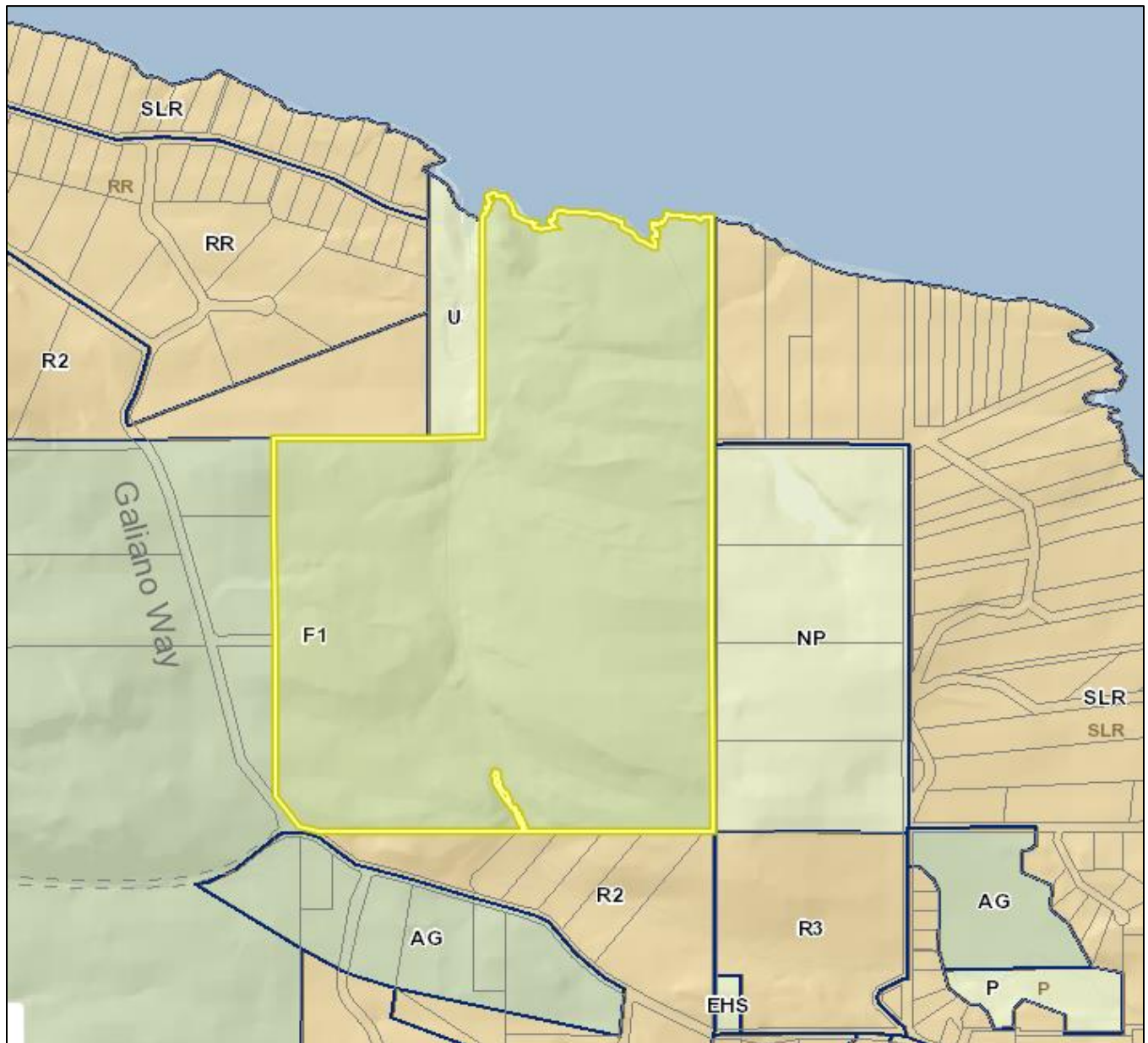
	<ul style="list-style-type: none"> • Applicant to contact the BC Archaeological Branch for further information regarding the registered archaeological site. • All archaeological and cultural heritage is protected under the <i>Heritage Conservation Act</i> and areas of archaeological potential may contain 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.
Climate Change Adaptation and Mitigation	
Shoreline Classification	Cliff
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, ORTHO-PHOTOS

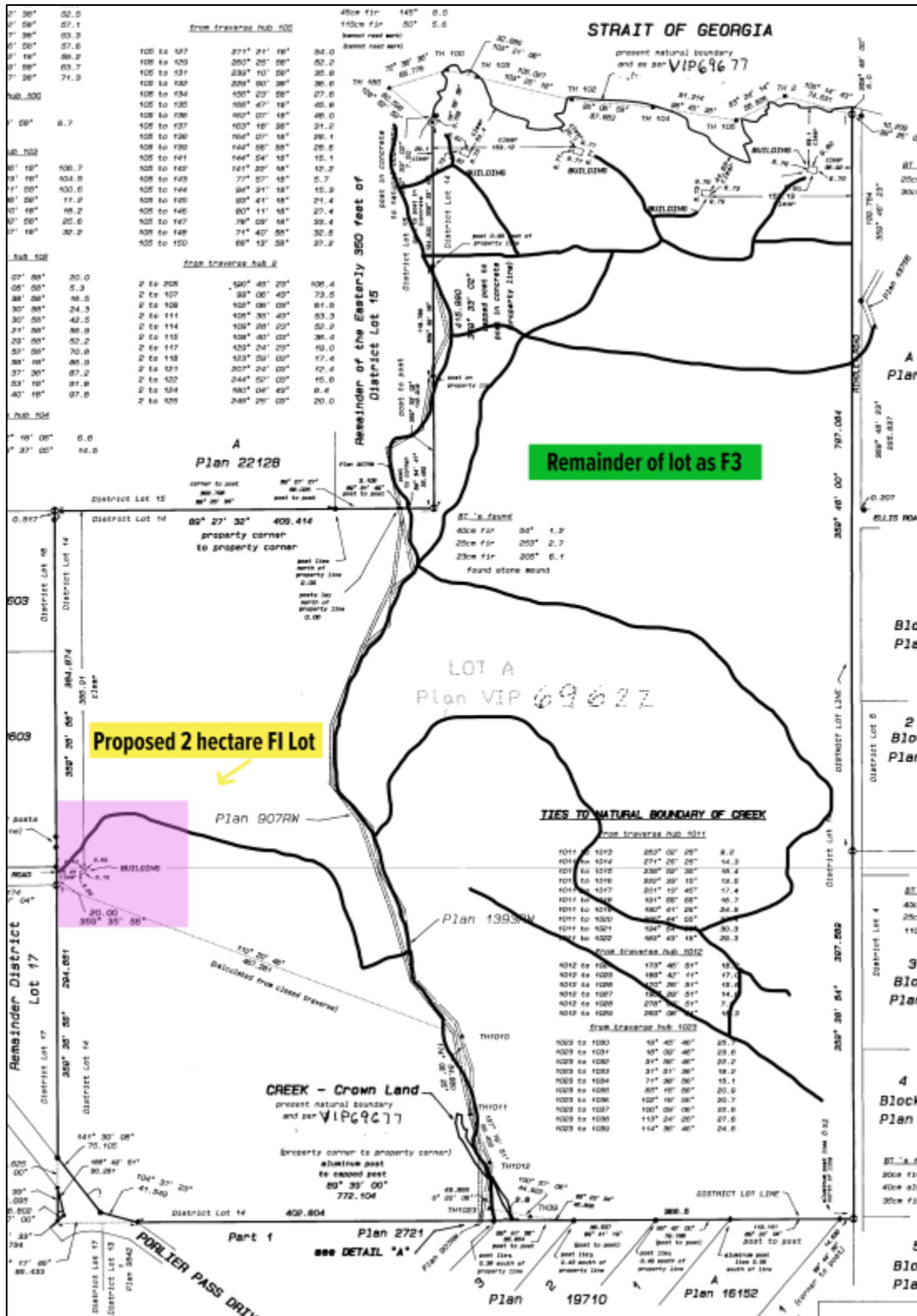
2.1 SUBJECT PROPERTY MAP



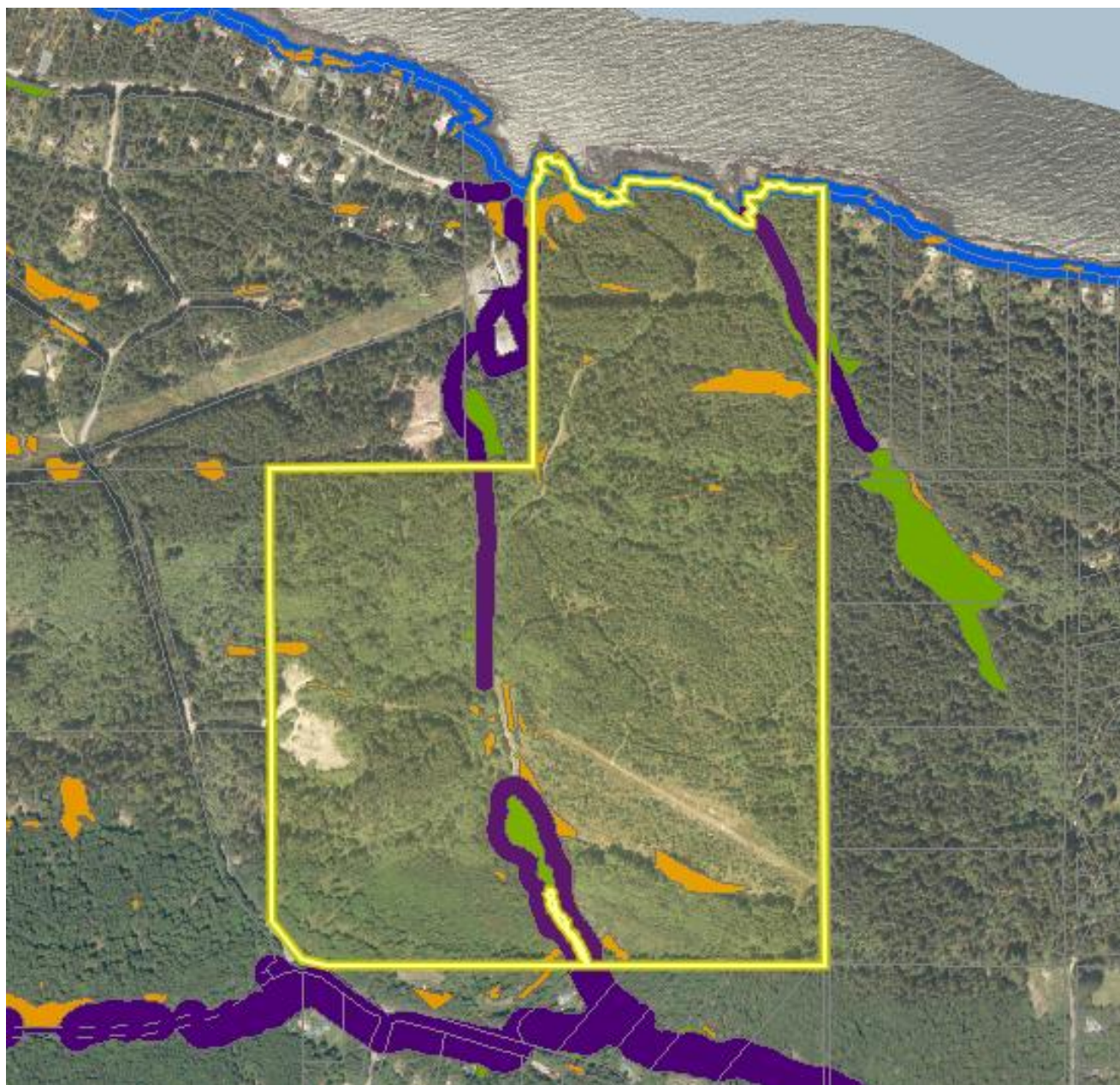
2.2 ZONING AND ORTHO



2.3 PROPOSED REZONING



2.4 DEVELOPMENT PERMIT AREAS



-  DPA 1 – Riparian Areas
-  DPA 5 - Sensitive Ecosystems
-  DPA 7 - Steep Slope Moderate Hazard
-  DPA 2 - Shoreline & Marine

2.5 SENSITIVE ECOSYSTEM MAPPING



Wetland

Riparian

2.6 10 METRE CONTOURS



2.7 SITE VISIT PHOTOS



STRATA LOT 1 DWELLING (ONLY DWELLING WITH POWER AND WATER)



BUILDING (WITH NO POWER OR WATER)

2.7 SITE VISIT PHOTOS, CONT...



VIEW TO STRATA LOT 2 (WELL HEAD TO THE LEFT)



DRIVEWAY ACCESS TO BUILDINGS

2.7 SITE VISIT PHOTOS, CONT...



VIEW TO EAST



TWO WATER TANKS FOR FIRE EMERGENCIES

2.7 SITE VISIT PHOTOS, CONT...



PROPOSED 'FOREST INDUSTRIAL' ZONED AREA



SAWMILL

Application Description for DL 14 rezoning from F1 to F3/FI

Galiano Island

Contact: Tahirih Rockafella

Existing uses of the land and buildings on the subject property:

Currently, there are 5 buildings on Lot 14 which is zoned F1 (Forest1).

-Two of the structures are 650 sq. ft. and are either empty or used for storage; they are not plumbed in, do not have electricity, no facilities, and have no windows or flooring (just earthen floor) etc.

-One of the structures is 650 sq. ft. and has electricity but is not plumbed in and does not have any facilities.

-One structure is 650 sq. ft. and is equipped as a cottage (power, water, facilities).

-One structure is used as an 'office' at the mill site. The structure is approx. 300 sq. ft. and has no power, water, or facilities.

Proposed uses of the land and buildings on the subject property:

The applicant is proposing 2 hectares of land (previously clearcut about 25 years ago by the previous owner, with no regeneration given the sawmilling activities that have taken place) be rezoned to FI (Forest Industrial) to allow for limited light industrial uses:

- a) contractor yard and workshop
- b) sawmilling, planing and manufacturing of wood products
- c) sale of building materials and supplies manufactured on the lot
- d) gravel processing and storage
- e) one self-contained accessory dwelling unit for the owner or operator of a principle use

The remaining approx. 85 hectares will be rezoned to F3 (Forest3) with a sustainable forestry covenant. As stated in the LUB, "dwellings accessory to timber production and harvesting uses and home occupations, on lots having an area of 20 hectares and more and highway access" are permitted, therefore the applicant is proposing to approve the 4 dwelling sites that currently exist (to limit further ecosystem damage), however without subdivision, as the applicant believes maintaining large parcels of land is in the best interest in preserving the integrity of Galiano's forest lots. The applicant will also be proposing further restrictions in a sect. 219 covenant regarding dwelling size restrictions and prohibiting subdivision of the lot in the future.

Proposed timing of the development or commencement of use:

Currently, the only light industrial activity that is taking place is sawmilling, which is permitted in the F1 zone. No additional activity would take place until the land was fully rezoned. This applies to the structures as well; no improvements or building would take place until permitted.

Existing uses of the land and buildings on adjacent properties:

*See attached Map

Across the street (to the NW) is an F1 lot that is currently being considered for rezoning to F3. To the north is a small, seasonal residential property. Below that is the Hydro Station. To the east is Crown Land.

Describe the reasons in support of the bylaw amendment(s).

DL 14 was purchased by Lony Rockafella in 2017. At that time, about half the property had been recently clearcut (in early 2000s) and the remainder had been cut about forty years earlier. A sawmill was in operation near the entrance (Haulback Rd.) which has eliminated any regeneration or restoration possibilities, as is evidenced by satellite imagery.

The intent is to rezone the degraded area to FI (Forest Industrial), therefore increasing the availability of approved light industrial zoning on Galiano, while also implementing a restrictive sustainable forestry covenant on the remaining land (F3) to ensure the forest has the opportunity to regenerate in a healthy and supported manner, in keeping with the Islands Trust policies and mandate.

Attachments:

I have attached a Forest Cover Report commissioned by Lony in 2017 after he purchased the property, as it may be of interest.