



DATE OF MEETING: October 10, 2023

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: District Lot 14 Rezoning Application – Staff 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

**No recommendations at this time. This staff report is to provide an update to the Galiano Island Local Trust Committee (LTC).**

## REPORT SUMMARY

The purpose of this staff report is to provide the Galiano Island LTC with further information regarding the rezoning application, to present a draft Terms of Reference for the applicant, and to present a draft Land Use Bylaw (LUB) amendment bylaw (draft Bylaw No. 291).

## BACKGROUND

The application as proposed would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the 85 hectare subject property from Forest 1 (F1) to two split-zones: 82.5 hectare to be a site-specific Forest 3 a (F3(a)) zone and 2.7 hectares to a site-specific Forest Industrial b (FI(b)) zone.

At the June 20, 2023 staff presented a preliminary staff report to the Galiano LTC. The LTC at the meeting passed the following resolution:

### **GL-2023-38**

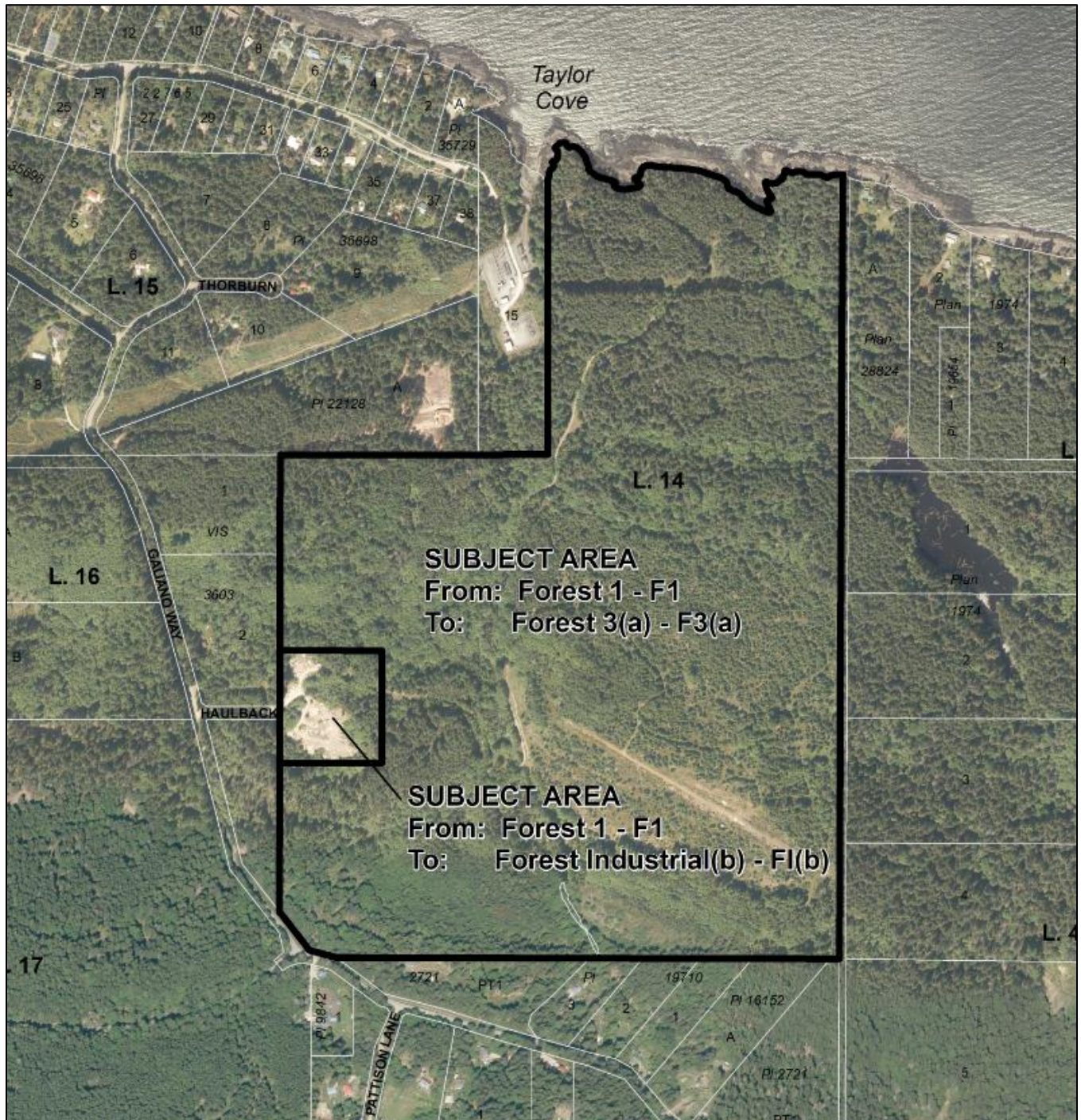
**It was Moved and Seconded,**

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

**CARRIED**

The LTC requested the following information to be included in a subsequent staff report: address Official Community Plan (OCP) Schedule C and E, access to four lots south of subject property, affordable housing options, and consultation with First Nations. This staff report will address each one of these topics.

**Figure 1 –Proposed Zoning Map**



**ANALYSIS**

**Policy/Regulatory**

**Official Community Plan**

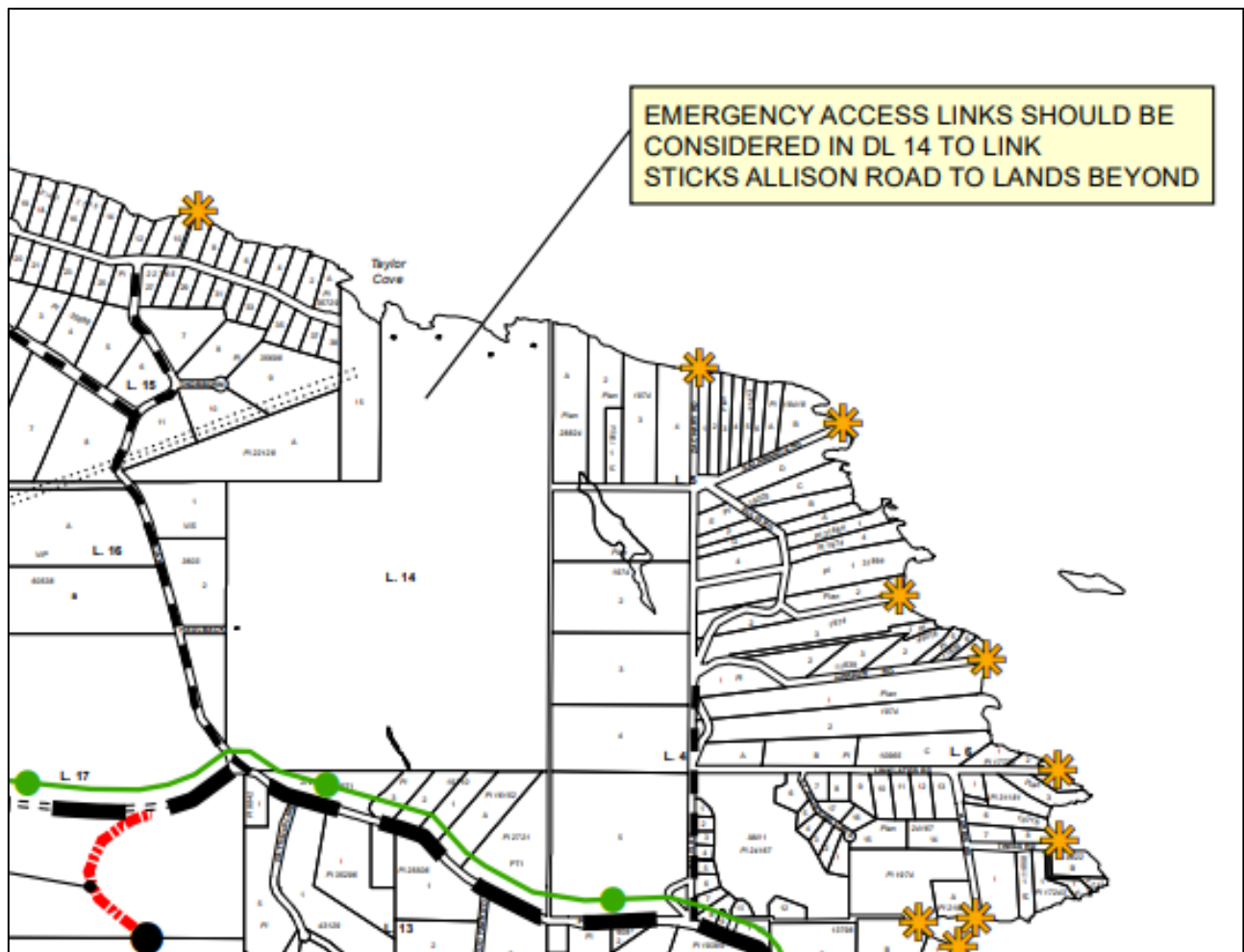
Below is a table summarizing the applicable OCP policies and how the application will comply with each policy.

**Table 1 – OCP Policy Compliance**

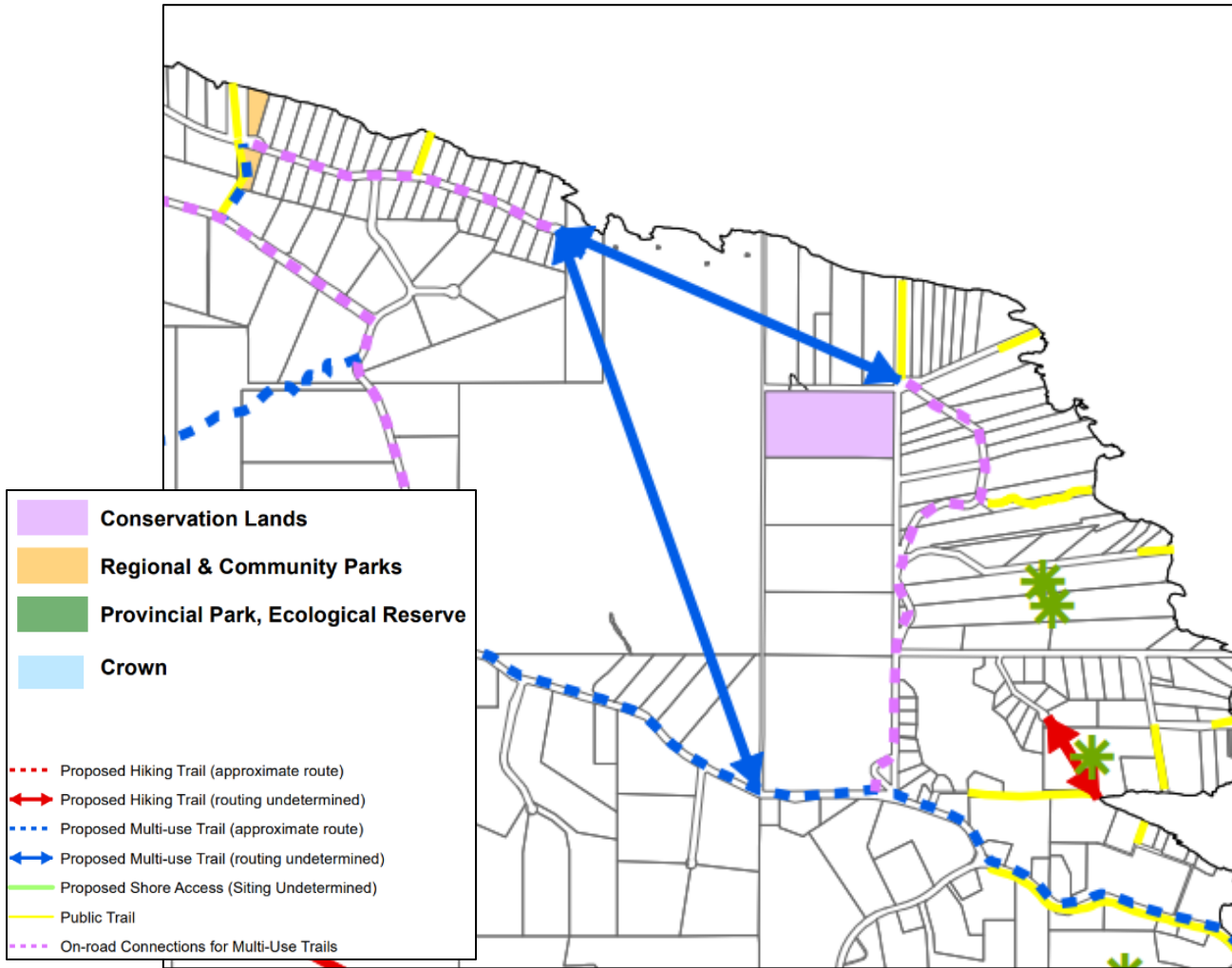
<b>Policy</b>	<b>Policy Wording (excerpts)</b>	<b>Compliance</b>
<b>Forest Policy A</b>	<i>The principal use shall be forestry. All structures including <u>dwelling</u>s (except dwellings on land rezoned to RR or CF) <u>must be accessory to the principal forestry use</u> and no uses should impair the long-term natural processes of forest growth and regeneration...</i>	Draft Bylaw No. 291 states that the four dwellings must be accessory to timber production and harvesting uses.
<b>Forest Policy A</b>	<i>...Instead, in order to preserve and protect the forest resource, <u>the plan favours the clustering of residential uses</u> 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.</i>	Draft Bylaw No. 291 will include the site plan (will be added to Schedule D) that shows the clustering of residential uses – the developable area.
<b>Forest Policy B ii</b>	<i>Dwellings are permitted in the Forest designation in the following circumstances:</i>	
	<i>... 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), <b><u>may be rezoned to permit one accessory dwelling per 20 hectares</u></b> (49.4 acres) if the lot complies with Land Transportation Policy o).</i>	A sustainable forestry covenant is required as a condition of rezoning. 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 covenant will also restrict subdivision.
	<i>...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.</i>	The sustainable forestry covenant would include restrictions on the residential developable area.
<b>Land Transportation Policy C</b>	<i>The Road Network shown on Schedule C represents both existing and proposed roads, and is subject to the following: i) the locations of proposed highways and emergency access routes shall be considered approximate locations; ii) locations of proposed highways and emergency access routes shall be confirmed at time of rezoning, subdivision or building permit;</i>	Staff are in the process of meeting with the Capital Regional District (CRD) to determine if an emergency access is desirable for the CRD.
<b>Land Transportation Policy O</b>	<i>Residential use should only be permitted on any lot on Galiano Island where there is access to the lot providing continuous road access to the Sturdies Bay Ferry</i>	The subject property is accessed via a dedicated highway (Haulback Road).

	<i>Terminal by any combination of dedicated highway, statutory right of way and private easement identified on Schedule C as Proposed Highway or Proposed Emergency Access.</i>	
<b>Water Supply Policy E</b>	<i>Any rezoning application involving an increase in density or intensity of use should be required to provide an assessment of the availability of sustainable, long-term groundwater. Any additional density or intensity of use that would negatively affect the quality or quantity of groundwater should not be permitted in critical groundwater areas.</i>	As stated in the Terms of Reference, the applicant must provide a Groundwater Assessment referencing the quality and quantity of groundwater. See the Terms of Reference for particular requirements of the Groundwater Assessment.

**Figure 2 – Road Network Map (OCP Schedule C)**



**Figure 3 – Parks & Trail Map (OCP Schedule E)**



***OCP Schedules C & E***

The OCP Schedule C Road Network Plan (RNP) depicts proposed emergency access across the subject parcel (Figure 2) connecting the Sticks Allison Road neighbourhood to Ellis Road. Although the subject property has old forestry roads connecting the west side of the property to the east, there is no constructed road that would connect to Ellis Road. In addition, road dedication north of Finlay Lake (conservation area) is undeveloped. The five properties north of Finlay Lake and the undeveloped road dedication are accessed from Ellis Road via an easement across all five properties. The CRD would need to confirm with all five property owners if the easement could be used during an emergency.

The Parks & Trail Map (Schedule E) identifies a ‘Proposed Multi-use Trail (routing undetermined)’ on the subject property – see Figure 4. As noted on Schedule E, the proposed multi-use trail would transverse across the BC Hydro property, cross the subject property, and then cross private property to connect to Ellis Road or Porlier Pass Road. The probability of private property owners other than the applicant granting a public trail across their property is low.

Islands Trust staff are in the process with meeting CRD staff to discuss the viability of both an emergency access and public trails prior to a referral to the CRD Parks Commission. Staff will report back to the applicant and the LTC when more information is received.

### **Draft Bylaw**

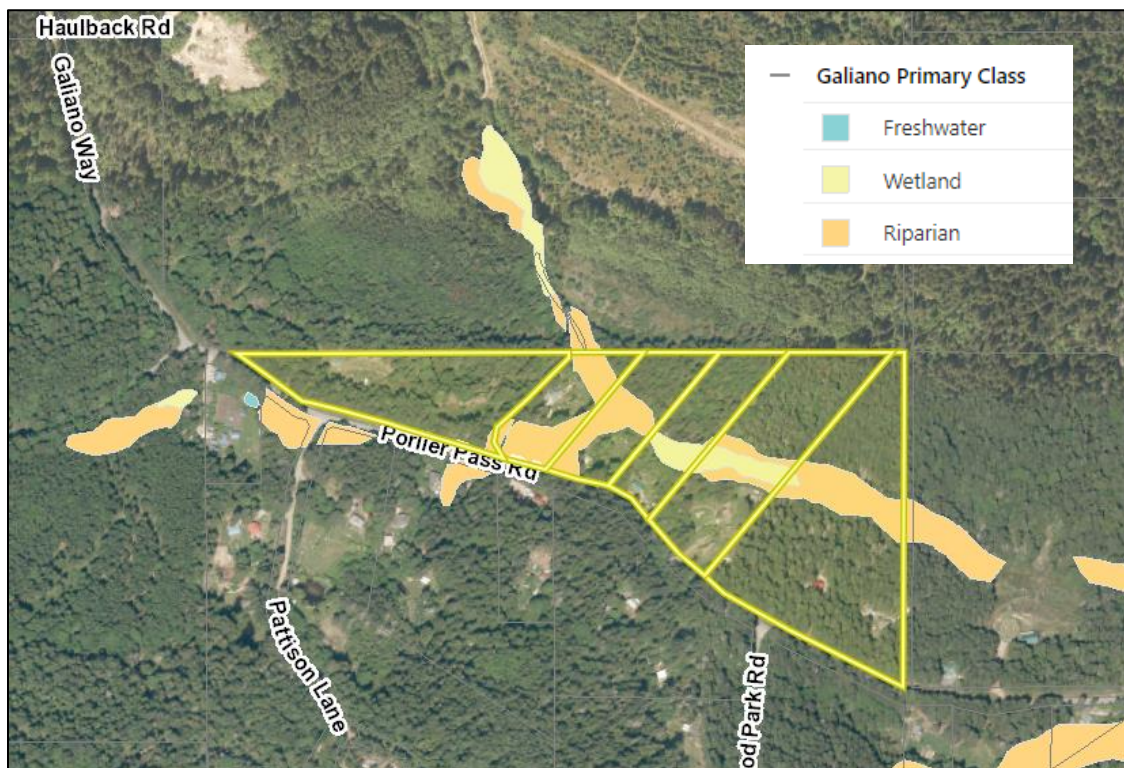
In order to legalize the siting of the four existing dwellings, the majority of the property (82.5 hectares) will be rezoned to a site-specific Forest 3(a) zone (see attached draft Bylaw No. 291). All other uses and regulations of the Forest 3 zone would be retained with the exception of allowing 4 dwellings on this one lot.

The 2.68 ha area portion of the property, currently used as a sawmill, would be rezoned to a site-specific Forest Industrial (b) zone. The FI(b) zone would allow all uses in the Forest Industrial zone, but would not permit an accessory dwelling unit.

### **Upper Access to Porlier Pass Road Properties**

The LTC requested further information regarding accessing properties along Porlier Pass Road from the southern lot line of the subject property. As seen in Figure No. 4, Putter Creek (protected under the *Riparian Area Protection Regulation*) runs west to east across the Porlier Pass Rd properties. An arm of Putter Creek also extends from District Lot 14 and connects to the larger Creek that bisects the Porlier Pass properties. Sensitive ecosystems (wetland and riparian) also buffer around Putter Creek. Establishing a northern access to these properties from District Lot 14 may impact these sensitive ecosystems and Putter Creek and therefore staff do not recommend the LTC pursue this option as a condition of rezoning.

**Figure 4 – Sensitive Ecosystems**



### ***Affordable Housing Requirement***

Community Housing (CH) OCP policy e states:

*“A portion of lands rezoned to permit a density increase under another policy in this plan, may, if the area is deemed suitable for the purpose by the Local Trust Committee, be rezoned to CH (Community Housing) to permit affordable housing, including housing for senior citizens or persons with special needs, and the land required to be simultaneously transferred to an incorporated non-profit society...”*

Previous Forest 1 to Forest 3 rezoning applications where a density increase is requested have not been required to provide affordable housing as a condition of rezoning. Policy (e) is not a requirement for all rezonings applications where there is a request for a higher density. The policy states that the LTC “may, if the area is deemed suitable for the purpose by the LTC be rezoned to CH...” therefore the LTC should have a strong rationale as to why this particular F3 rezoning should be required to satisfy CH OCP policy (e) when other F3 zonings have not. In addition, Forest OCP policy b)ii) clearly states that the amenity required for an increase in density is for the applicant to grant a sustainable forestry covenant.

### ***First Nations Engagement & Consultation***

Staff have discussed the rezoning proposal with members of the Coast Salish Peoples of Galiano Society, and also a member of the Georgeson family. Staff also intends to present this rezoning application to the Penelakut Tribe in an upcoming meeting to gather early comments regarding the rezoning application. After these early conversations are complete, staff will send an early engagement letter to all First Nations asking for comments on the zoning proposal and draft bylaw.

If the application proceeds to First Reading, staff will send out referrals to First Nations to formally comment on the proposal. A second referral will be sent notifying those of the Community Information Meeting and Public Hearing.

### ***Terms of Reference***

The terms of reference includes specific guidance on application requirements that are consistent with the Galiano Island Development Approval Information Bylaw No. 148 (DAI Bylaw). The terms of reference requests the following information from the applicant:

- Developable areas site plan
- Hydrogeologist Groundwater Assessment
- Septic servicing information
- Sustainable forestry covenant
- Possibility for emergency access or public trail based on CRD recommendations

The terms of reference is attached to the staff report. The LTC has the ability to request further information or conditions to be included in the terms of reference.

## 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 82.5 ha of Forest 3 zoned portion of the lot with the purpose of encouraging sustainable forest practices and management.
- 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 application 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. Amend Terms of Reference

The LTC may request to amend the draft Terms of Reference.

Resolution:

*That the Galiano Island Local Trust Committee amend the Terms of Reference GL-RZ-2023.1 by adding/deleting \_\_\_\_\_.*

### 2. 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 \_\_\_\_\_.*

### 3. 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 \_\_\_\_\_.*

### 4. 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 send the Terms of Reference to the applicant, and will meet with the CRD to discuss OCP Schedules E and C.

Submitted By:	Kim Stockdill, Island Planner	October 3, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	October 3, 2023

**ATTACHMENTS**

- 1. Draft Terms of Reference
- 2. Draft LUB Bylaw No. 291



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](mailto:information@islandstrust.bc.ca)  
Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

October 10, 2023

File Number: GL-RZ-2023.1 (Rockafella)

Attn: Tahirih Rockafella

Via email: [info@solomonrose.com](mailto:info@solomonrose.com)

Dear Tahirih Rockafella:

**Re:** Rezoning Application GL-RZ-2023.1 (Rockafella) - Terms of Reference - District Lot 14, Galiano Island, Cowichan District.

The Islands Trust has completed a preliminary review of your rezoning application for District Lot 14 on Galiano Island.

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 to date pertaining to your application includes:

- Signed and dated land use application seeking rezoning of the subject parcel from Forest 1 (F1) to site-specific Forest 3 (F3) and Forest Industrial (FI) zones;
- A brief summary of property history, background and proposed uses;
- Layout map with lot boundary and proposed area of development;
- A current land title search for the subject property; and,
- A land classification and terrestrial ecosystem report prepared by Andrew Simon, B.A. & B.Sc. dated July 2017.

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 the proposed '**developable areas**' and associated features, the applicable development permit area boundaries, existing buildings and structures, roads and driveways, topographic features, and any significant sensitive environmental or habitat features.
  - a. The **developable areas** includes the areas identified for the four dwellings, any accessory buildings and structures on the common property, along with location of the three wells, existing or proposed septic fields, driveways and parking areas.
  - b. Based on current bylaw provisions, rezoning from F1 to a site-specific F3 zone for the subject property would allow for up to four dwelling units along with permitted principal and accessory uses.

- c. The **developable areas** site plan must be included in the amending bylaw (Bylaw No. 291) in order to be added to the Galiano Island Land Use Bylaw Schedule D.

2) Hydrogeologist's\* Report

- a. A written statement confirming the existing and proposed connections of the four dwellings to the three existing wells.
- b. Confirmation that each well has sufficient available groundwater to provide the daily required volume of potable water to supply 2275 litres for each dwelling the well is servicing.
- c. Confirmation that the quality of groundwater from each well meets or exceeds the Guidelines for Canadian Drinking Water Quality.
- d. Inclusion of recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled wells and to lower the risk of saltwater intrusion.

Prior to initiating the assessment, staff recommend the Hydrogeologist contact the Islands Trust Senior Freshwater Specialist ([wshulba@islandstrust.bc.ca](mailto:wshulba@islandstrust.bc.ca)) regarding the requirements and contents of the assessment report.

\*Hydrogeologist means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the *Professional Governance Act, Engineers and Geoscientists Regulation*.

3) Verify, in writing, your proposed **septic servicing** for all **developable areas**.

- 4) The OCP policy enabling rezoning from F1 to F3 requires the granting of a sustainable forest management covenant with a 3<sup>rd</sup> party covenant holder. An agreement between the property owner and a 3<sup>rd</sup> party sustainable forestry covenant holder 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 the 3<sup>rd</sup> 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 should include at a minimum:

- a. Property location and description including existing legal encumbrances and history of use
- b. Identification of existing buildings, structures, roadways and other development features
- c. Identification of significant sensitive terrestrial and aquatic ecosystem features
- d. 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
- e. Maps, Photos and other relevant materials

The covenant must also include:

- a. Restricting subdivision of the land into lots less than 20 hectares
  - b. Location of the dwellings 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
- 5) 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.
  - 6) The OCP Schedule C Road Network Plan (RNP) depicts proposed emergency access across the subject parcel. The purpose would be to connect Sticks Allison Road properties to Ellis Road. Staff are in the process of referring your application to the Capital Regional District (CRD) to determine if an emergency access across the subject property is viable and desirable. If the CRD determines an emergency access is required, a Statutory Right of Way granted to the CRD will be a condition of this rezoning application.
  - 7) A future public trail ('unconfirmed route') is identified on Schedule E (Parks and Trails) of the OCP. Your application will be referred the CRD Galiano Island Parks and Recreation Commission for comment. Depending on the LTC's direction, provision of a public trail may be requested by LTC for consideration as part of your rezoning proposal.

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.

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

Sincerely,

Kim Stockdill  
Island Planner, Galiano Island Local Trust Area

cc: *Robert Kojima, Regional Planning Manager*  
*Galiano Island Local Trust Committee*

# DRAFT

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 291

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### A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2023”.

2. Galiano Island Local Trust Committee Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999,” is amended as follows:

2.1 By adding the following new Subsection under Section 7.3 ‘Forest 3 Zone’:

**“Site-Specific Regulations**

7.3.8 The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

<b>Table 7.3</b>			
	1	2	3
	<b>Site-Specific Zone</b>	<b>Location Description</b>	<b>Site Specific Regulations</b>
1	F3(a)	A Portion of District Lot 14, Galiano Island, Cowichan District	1) Despite Subsection 7.3.3, four dwellings accessory to timber production and harvesting uses with a maximum floor area of 65 m <sup>2</sup> (700 ft <sup>2</sup> ) are permitted in the Forest 3 (a) zone.

2.2 By adding the following new Section 9.6(C):

**“9.6(C) Forest Industrial Zone B – FI(B)**

The intent of the FI(B) zone is to permit limited industrial uses within a prescribed area of a forest lot.

Permitted Uses

9.6(C).1 In the Forest Industrial FI(B) zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

- 9.6(C).1.1 warehouses
- 9.6(C).1.2 contractors' workshops and yards
- 9.6(C).1.3 sale of building materials and supplies manufactured on the lot
- 9.6(C).1.4 sawmilling, planning and manufacturing of wood products
- 9.6(C).1.5 mechanical repairs including boat repairs and boat building
- 9.6(C).1.6 gravel processing and storage

Permitted Density

- 9.6(C).2 Lot coverage must not exceed 20% of any lot.

Permitted Height

- 9.6(C).3 No building or structure for a use permitted by this section may exceed 9 metres in height. Accessory buildings and structures must not exceed one storey and a height of 5 metres.

Minimum Setbacks

- 9.6(C).4 Buildings and structures must be sited
  - 9.6(C).4.1 at least 7.5 metres from a front or rear lot line;
  - 9.6(C).4.2 at least 6 metres from each interior side lot line, except where the lot line is common to a lot in a commercial or industrial zone, in which case the required distance is 3 metres; and
  - 9.6(C).4.3 at least 4.5 metres from any exterior side lot line.

Minimum Lot Size

- 9.6(C).5 No lot having an area less than 2.6-hectare may be created by subdivision.

Screening

- 9.6(C).6 Lots on which light industrial uses are carried on must be screened by a landscape screen not less than 2 metres in height and complying with the requirements of Part 15 of this bylaw."

2.3 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of District Lot 14, Galiano Island, Cowichan District from Forest 1 to Forest 3(a) and from Forest 1 to Forest Industrial (B), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" to Bylaw No. 127 as are required to effect this change.

2.4 Schedule "D" is amended by inserting 'Plan No. 2' attached to and forming part of this bylaw as Schedule D as a new "Plan 6".

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

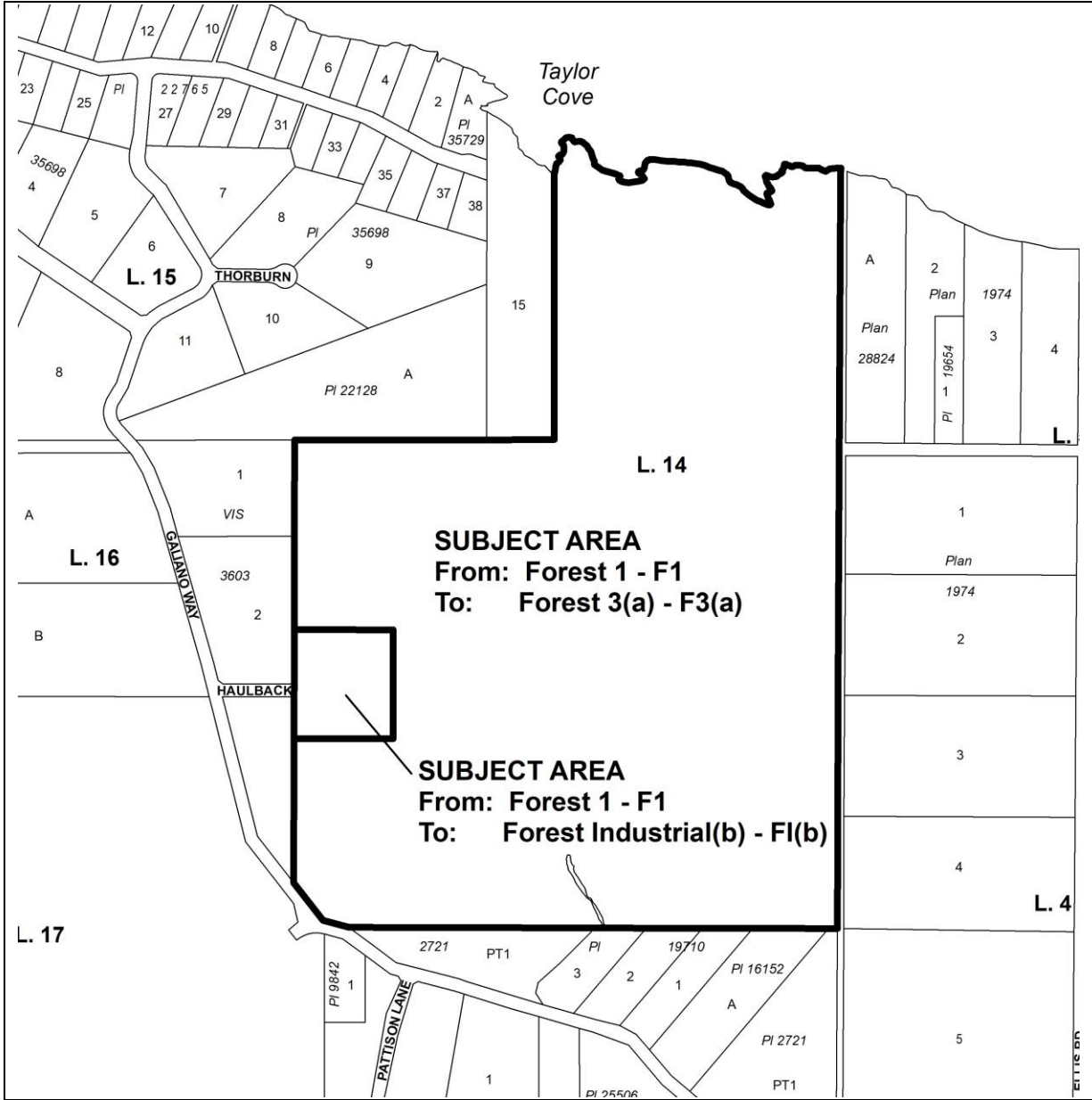
\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY



GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 291

Plan No. 1



**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 291**

**Plan No. 2**

**[PLAN TO BE INCLUDED]**