



File No.: GL-RZ-2023.1 (Rockafella)
Draft Bylaw No. 291

DATE OF MEETING: February 11, 2025

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

1. That, pursuant to Local Government Act s. 464(2), the Galiano Island Local Trust Committee resolves to not hold a public hearing for Bylaw No. 291, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2023” and that staff give notice of First Reading in accordance with s.467 of the Local Government Act after the receipt of a draft sustainable forestry covenant and a groundwater assessment covenant.
2. That the Galiano Local Trust Committee request staff to schedule a Community Information Meeting for draft Bylaw No. 291 prior to First Reading.

REPORT SUMMARY

The purpose of this staff report is to provide the Galiano Island LTC with further information regarding the rezoning application 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

ANALYSIS

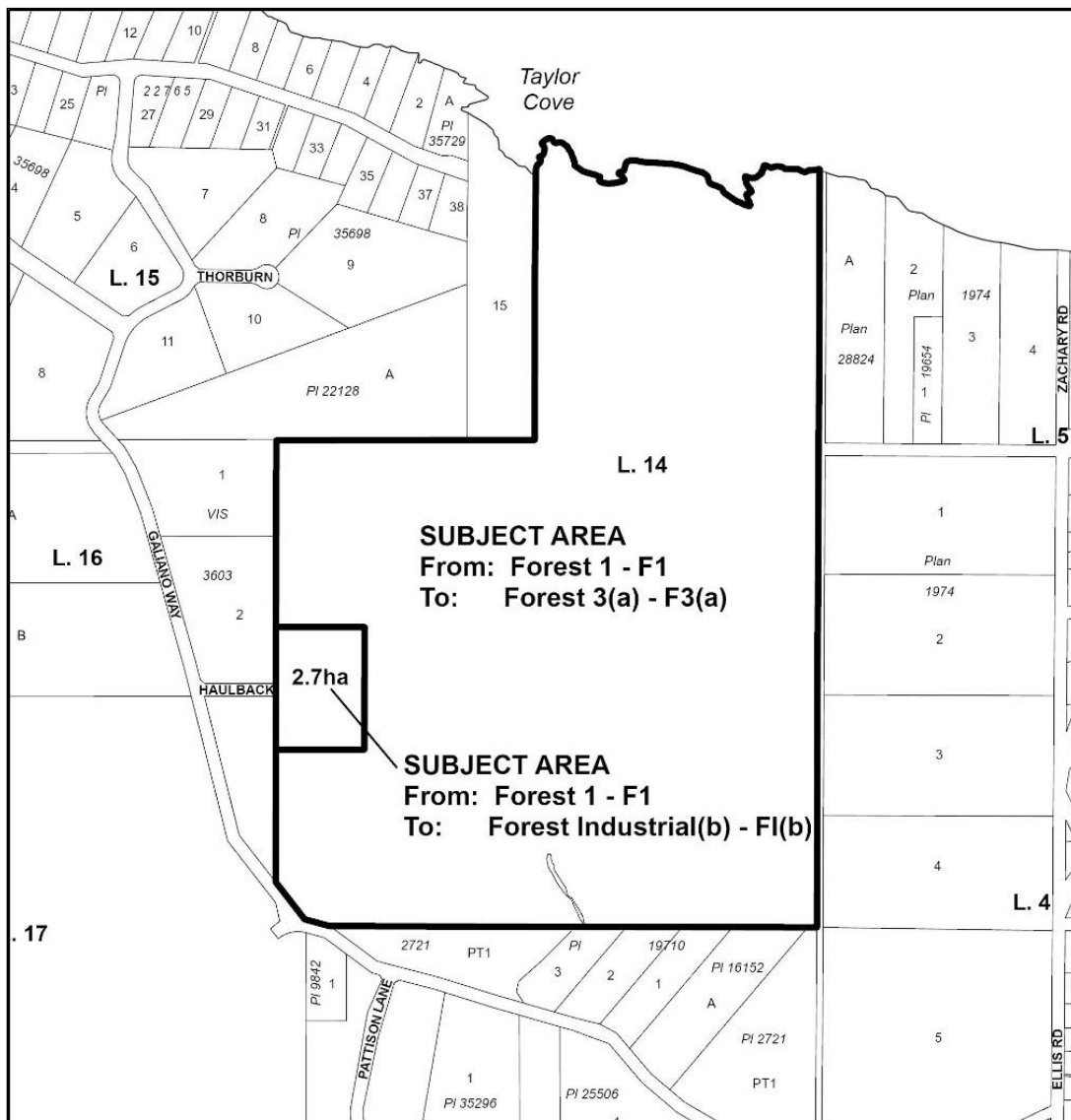
Draft Land Use Bylaw

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). The site-specific regulations for Forest 3(a) are:

- Permitting four dwellings on the subject property
- Limiting the floor area of each dwelling to 93 m² (1000 ft²)
- Permitting one non-residential accessory building/structure per one dwelling

The 2.7 ha area portion of the property, currently used as a sawmill, will be rezoned to a site-specific Forest Industrial (b) zone. The FI(b) zone principal use will be forestry with all other 'forest industrial' uses to be accessory. The FI(b) zone will not permit an accessory dwelling unit.

Figure 1 -Draft LUB Map (Bylaw No. 291)



Official Community Plan (OCP)

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

Figure 2 – OCP Policy Compliance

Policy	Policy Wording (excerpts)	Compliance
Forest Policy A	<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. Forestry will be the principal use in the FI(b) zone with all other uses accessory.
Forest Policy A	<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 to the “developable area”.
Forest Policy B ii	<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), <u>may be rezoned to permit one accessory dwelling per 20 hectares</u> (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 include a baseline report and 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.
Land Transportation Policy C	<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 sending a referral the Capital Regional District (CRD) and BC Hydro to determine if an emergency access is desirable for the CRD.
Land Transportation Policy O	<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>	
Water Supply Policy E	<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>	The applicant has provided Groundwater Assessment referencing the quality and quantity of groundwater. In addition, a Section 219 covenant is required as a condition of rezoning.

Terms of Reference

The [terms of reference](#) (attached to the staff report dated October 10, 2023) 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 – see Plan No. 2 in draft Bylaw No. 291 (attached)
- Hydrogeologist Groundwater Assessment
- Septic servicing information
- Sustainable forestry management covenant
- Possibility for emergency access or public trail, based on CRD recommendations (referral to be sent)

Groundwater Assessment

The applicant provided a [Groundwater Assessment](#) prepared by Hy-Geo Consulting. As part of the assessment a pumping test was conducted on well (WTN10347), which is connected to the existing well. Additionally, water was also tested from the well to ensure compliance with the Galiano Island Land Use Bylaw and the Guidelines for Canadian Drinking Water (Health Canada).

The assessment concludes that:

“Results of the recent pump testing carried out on Well WTN 103407 indicates that the well has a minimum potential long-term yield of potential yield 1.73 L/min (2491 L/day) or 0.45 USgpm while not drawing groundwater levels below sea level. This yield exceeds the bylaw requirements of 2275 L/day. Well WTN 103407 therefore, is more than capable of meeting the minimum standards of 0.42 USgpm (1.58 L/min) or 2275 L/day for potable water supply under Galiano Island Land Use Bylaw No. 127, 1999.

Under normal domestic use of the well up to 2275 L/day the well would not have any detrimental effect on neighbouring wells or nearby surface water sources.

Laboratory results of the August 13, 2024 sampling, indicate the water quality of the subject well met or exceeded the Guidelines for Canadian Drinking Water-Summary Tables (Health Canada, 2022) for all parameters analyzed except for elevated levels of: Turbidity at 3.5 NTU, Total Aluminium at 104 µg/L, and Total Manganese at 30.2 µg/L. The elevated levels of these constituents do not pose a health hazard and are only of aesthetic concern. They may be present in particulate form and may be reduced by filtering.

No Total coliforms or E.Coli bacteria were detected in the recent sampling. These results indicate that the water meets the prescribed standards for potable water as set out in Schedule A of the Drinking Water Protection Regulation (Province of British Columbia, 2024d).”

As a condition of this rezoning application, the applicant will be required to register a Section 219 covenant, which would restrict the connection of the two existing wells to any dwellings until a new Groundwater Assessment is completed. This assessment must:

- Confirm 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
- Confirm the quality of groundwater from each well meets or exceeds the Guidelines for Canadian Drinking Water Quality
- Include recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled wells and to reduce the risk of saltwater intrusion

Additionally, the Section 219 covenant would require a Groundwater Assessment for any future wells on the property and ensure the property owner complies with the *Water Sustainability Act* (e.g., licensing for non-domestic groundwater use).

Septic Servicing Information (provided by applicant)

The applicant provided the following statement regarding septic servicing:

“All potential residential sites were determined to have access to large areas suitable for standard gravity fed septic fields. Specific sites that could efficiently service the existing shed structures were identified and located by a certified septic installer after ground-based examination of soils and topography. Approved locations are shown on the [Site Plan](#).”

Sustainable forestry management covenant

The applicant has hired a R.P.Bio to complete a baseline report which will identify the significant sensitive terrestrial and aquatic ecosystem features and provide a biological inventory. The baseline report will be included as an appendix in the sustainable forestry covenant and will serve as an objective information baseline for monitoring compliance.

The baseline report and draft covenant should be available for staff and the Galiano LTC to review in February. The Galiano Conservancy Association has agreed to act as the third-party covenant holder.

STATUTORY REQUIREMENTS - PUBLIC HEARING

Recent amendments to the *Local Government Act* have changed public hearing procedures. Section 464(2) of the *Local Government Act (LGA)* now states that a local government is not required to hold a public hearing on a proposed land use bylaw if:

- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
- (b) the bylaw is consistent with the official community plan.

If the LTC determines that the proposed land use bylaw amendment meets these conditions, the LTC may choose not to hold a public hearing; however, notice must be given prior to First Reading of the draft bylaw. The LTC may choose to hold a community information meeting prior to First Reading which could in fact act as a de facto public hearing.

The process for not holding a public hearing (in compliance with Section 464(2) of the LGA) would be as follows:

1. LTC gives direction to staff to draft a LUB amending bylaw - completed
2. Staff to initiate bylaw referrals to agencies and First Nations – in process
3. Staff brings forward the draft LUB for LTC’s review – in process
4. LTC gives direction to staff to give Notice of First Reading. This notice would be placed in local newspapers and be posted to the LTC webpage and community notice boards.

5. The LTC has the option to request staff to schedule a Community Information Meeting prior to First Reading.
6. The LTC may give First, Second, and Third reading at a single LTC meeting.

If the LTC opts to hold a public hearing, the normal statutory process will apply. The decision to hold or not hold a public hearing must be made prior to First Reading of the bylaw.

Referrals

Staff are in the process of sending the draft bylaw out on referral to the CRD, BC Hydro, First Nations, Islands Trust Conservancy, and other agencies as listed in the preliminary [staff report dated June 20, 2023](#).

Rationale for Recommendation

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

- The applicant has provided an updated site plan, Groundwater Assessment, and septic servicing information in accordance with the Terms of Reference
- The application complies with the Galiano Island Official Community Plan as shown in Figure 2.

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

- Applicant to provide draft sustainability forestry covenant (expected in February 2025)
- Staff to work with applicant to draft Section 219 groundwater assessment covenant
- Continue discussion with CRD and BC Hydro regarding an emergency access
- Staff to issue Notice of First Reading

Submitted By:	Kim Stockdill, Island Planner	January 31, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	January 31, 2025

ATTACHMENTS

1. Draft LUB Bylaw No. 291

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 291

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

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:

Table 7.3			
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	F3(a)	A Portion of District Lot 14, Galiano Island, Cowichan District	1) Despite Subsection 7.3.2, one single non-residential building or structure for timber production and harvesting uses with a floor area not exceeding 93 square metres is permitted per dwelling, and every such buildings or structure must be screened by a landscape screen not less than 9 metres in height and complying with Subsection 15.1.1 of this bylaw. 2) Despite Subsection 7.3.3, four dwellings accessory to timber production and harvesting uses with a maximum floor area of 93 square metres per dwelling.

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 timber production and harvesting
- 9.6(C).1.2 aggregate processing and storage
- 9.6(C).1.3 storage and repair of forestry equipment and vehicles
- 9.6(C).1.4 accessory sawmilling and planing of timber and the growing of seedlings in nurseries
- 9.6(C).1.5 accessory contractors’ workshops and yards
- 9.6(C).1.6 accessory sale of building materials and supplies manufactured on the lot

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 2.7 hectares 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____

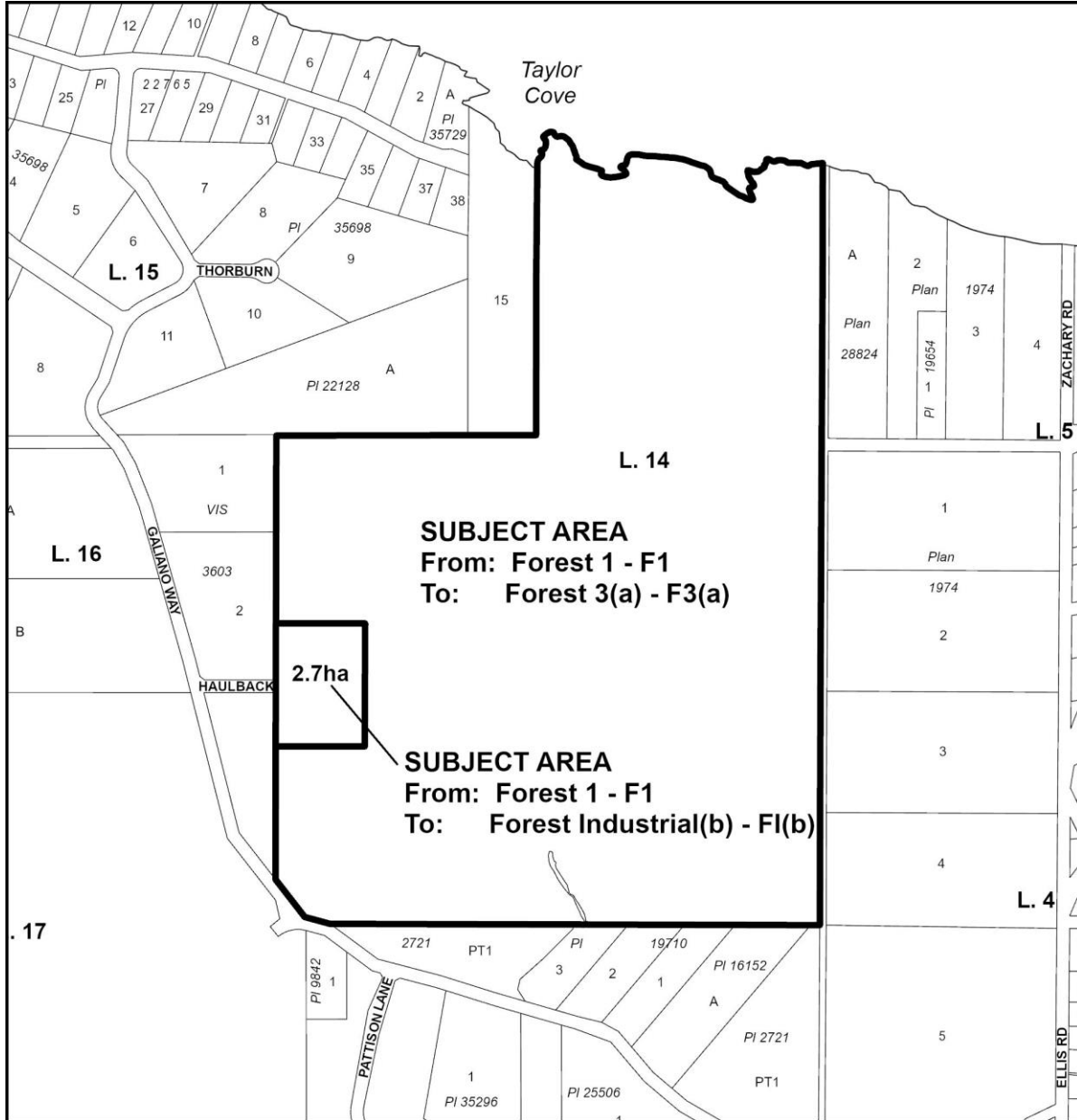
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 291

Plan No. 1



GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 291
Plan No. 2

