

-----Original Message-----

From: Art Moses <[REDACTED]>

Sent: Monday, December 11, 2023 12:30 PM

To: Lisa Gauvreau <[lgauvreau@islandstrust.bc.ca](mailto:lgauvreau@islandstrust.bc.ca)>; Ben Mabblerley <[bmabblerley@islandstrust.bc.ca](mailto:bmabblerley@islandstrust.bc.ca)>;

Timothy Peterson <[tpeterson@islandstrust.bc.ca](mailto:tpeterson@islandstrust.bc.ca)>

Cc: Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>; Art Moses <[REDACTED]>

Subject: Proposed rezoning of DL 86 and DL 85

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> To: Trustee Lisa Gauvreau [lgauvreau@islandstrust.bc.ca](mailto:lgauvreau@islandstrust.bc.ca)

> Trustee Ben Mabblerley [bmabblerley@islandstrust.ba.ca](mailto:bmabblerley@islandstrust.ba.ca)

> Chair Tim Peterson [tpeterson@islandstrust.bc.ca](mailto:tpeterson@islandstrust.bc.ca) Dear

> trustees,

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> I welcome the effort by the owners of District Lots 86 and 85 to rezone their forest zoned (F1) land for residential uses. I am also pleased that the proposal involves transferring land to the Penelakut Tribe as part of the exchange of land in return for increased residential density, rather than to BC Parks.

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> Unfortunately the lot layouts as they are currently configured run counter to the forest policies in our Official Community Plan and to long standing LTC policies and precedents intended to preserve forest ecosystems and maximize public benefit.

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> I urge the LTC not to accept these lot layouts and ask staff to work with the applicants to revise them.

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> Currently the only option in the OCP for rezoning F1 land for residential use is to rezone to F3, which permits one dwelling accessory to forestry with a minimum density of one dwelling per 50 acres and a sustainable forestry covenant signed with a third party acceptable to the LTC.

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> The former Rural Residential/Heritage Forest rezoning option was removed from the OCP in 2009 on the advice of legal counsel. However, trustees have followed that model for some subsequent F1 rezonings, creating 5-acre residential lots in exchange for land transferred to a conservation or recreation organization, most recently BC Parks and the Capital Regional District Parks Department.

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> The applicants propose to combine elements of both options. However, in both DL 86 and DL 85 their lot layouts ignore a key requirement of the RR/HF option - that a large portion of available waterfront must be part of the land transfer and must not be part of the rural residential subdivision. This was part of the bylaw to ensure intact, preserved forest ecosystems and to provide potential public access to waterfront.

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> The language from the old policy is quite clear on this point:

> "... with the area proposed to be rezoned to RR occupying not more than one-third of any waterfront boundary of any lot proposed to be rezoned."

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> The preservation and transfer of significant amounts of waterfront are precisely what the owners of adjacent District Lot 79 did when they combined the two F1 rezoning options a few years ago. The result was a new CRD waterfront park next to their development area. Similar transfers of waterfront should be followed for DLs 85 and 86.

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> When I raised this issue at the July 2023 LTC meeting, an owner of DL 85 replied that the difference is that the DL 79 owners planned to sell their lots, while the owners of DL 85 planned to live on them. This is certainly not a valid reason for violating longstanding LTC policy to secure public and ecological benefits from rezoning.

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> Another issue is there is also no provision in the OCP or policy drawing on the RR/HF model for the creation of an undersized small lot residential lot in an F1 rezoning, as both applicants are proposing.

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> I urge trustees to ask staff to work with the applicants to revise their proposal to conform with LTC policy and precedents to maximize ecological protection and public benefit.

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> Thanks for your attention.

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> Art Moses,

> [REDACTED]

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> Sent from my iPad