

July 29, 2010

File No.: GL-RZ-2005.2

To: Galiano Island Local Trust Committee
David Marlor, RPM
Prepared for the August 9, 2010 LTC Meeting

From: Gary Richardson
Island Planner

Re: Rezoning application for Lot B, DL 88 and 89, Cowichan District, Plan 68079, Galiano Island

Owner: Thomas Smith / Victor Romagnoli
Applicant: Same
Location: North Galiano Island - Cook Road and Porlier Pass Road

Preliminary Report

1) THE PROPOSAL:

This is an application to rezone the subject property from Forest 1 (F1) to Forest 3 (F3).

2) CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The following policies may have relevance to the consideration of this application:

- 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.*

- 5.2.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.*

Official Community Plan:

- a. Land Use Designation - The property is designated Forestry on Land Use Designation Map Schedule B.
- b. Water Resources -The property is within the North Trincamoli Groundwater Region and Spotlight Creek is identified on the property on Map Schedule D.
- c. Environmental Resources, Sensitive Areas and Heritage Resources - The upper elevations of the property towards Cook Road are identified as being within a Groundwater Recharge Area. Possible hazard lands are also identified.
- d. Development Permit Areas - The riparian areas of Spotlight Creek are designated as a development permit area for the protection of the natural environment, its ecosystem and biological diversity.
- e. Policy - Forest Policies provide that the principal use of forest lands shall be forestry and that all structures including dwellings must be accessory to forestry. Policy also provides that the location of residential use on forestry lots should be planned to minimize their impact and the impact of related services on the forest. (sketch showing proposed building site attached as Map 1)

Forest Policy b) provides that a dwelling is permitted on land whose owner grants to the Silva Forest Foundation and the Local Trust Committee or any other covanantee satisfactory to the LTC a covenant to manage the land in accordance with sustainable forest practices and prohibiting the subdivision of he land into lots less than 20 hectares. Policy b) also requires that the lot must comply with Land Transportation Policy o.

- f. Land Transportation Policy o) states that residential use shall not be permitted on any lot on Galiano Island unless there is public access to the lot or a statutory right of way has been granted to the LTC for road access purposes.

Land Use / Zoning Bylaw:

The property is zoned Forest 1 (F1). Uses permitted include timber production and harvesting and accessory forest uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries.

The applicants are requesting to rezone to Forest 3 (F3). The F3 zone allows all of the uses permitted in the F1 zone and also allows for one dwelling accessory to timber

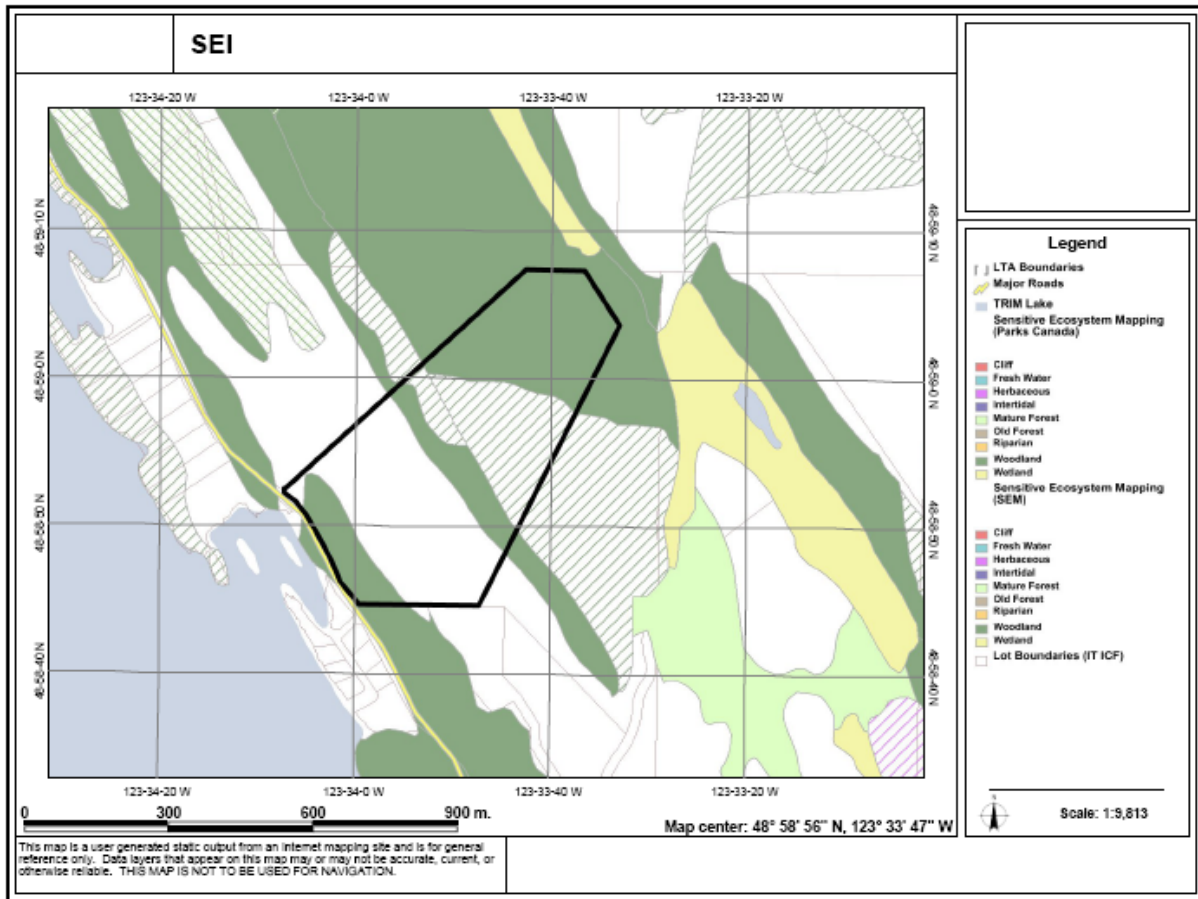
production and harvesting uses and home occupations, on lots having an area of 20 hectares and more and highway access.

Archaeological Sites:

Based on the Provincial Remote Archaeological Data (RAAD) there are no archaeological sites on the subject lot.

Sensitive Ecosystems

The SEI map shown below shows woodland and mixed woodland.



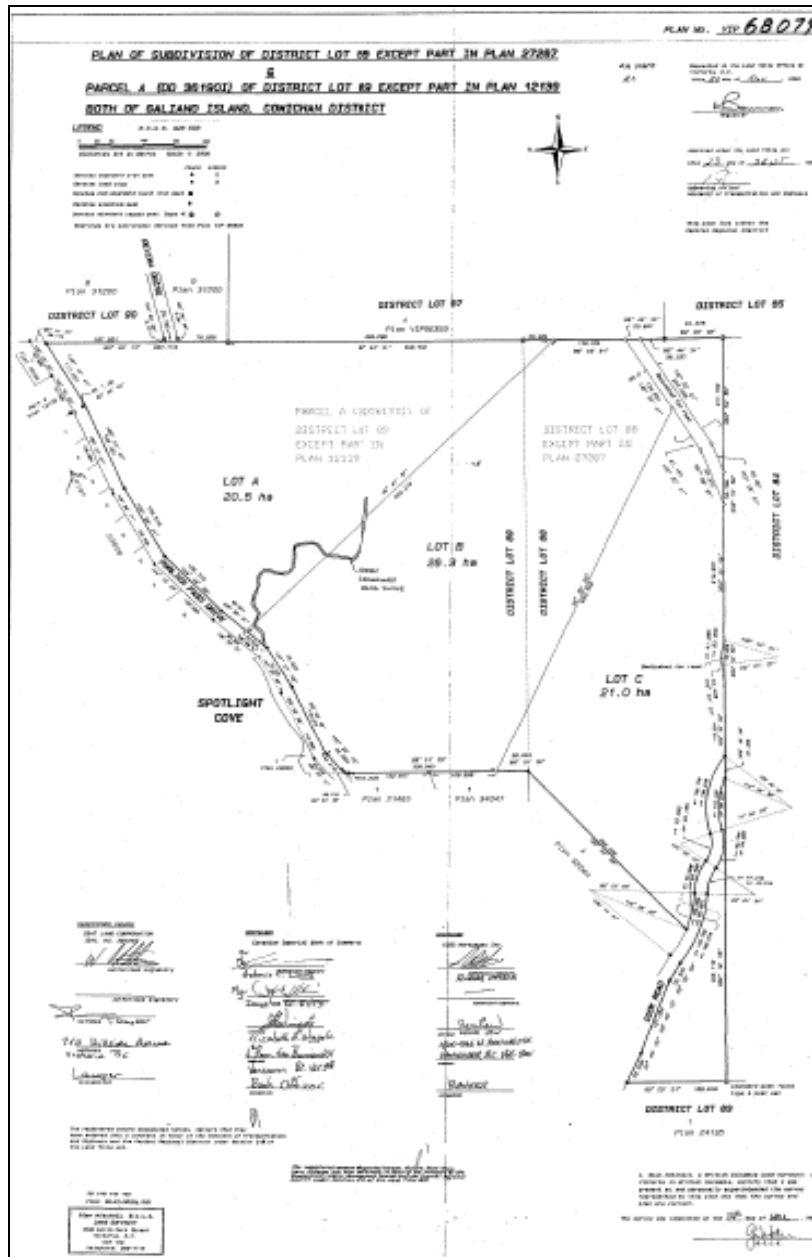
Covenants

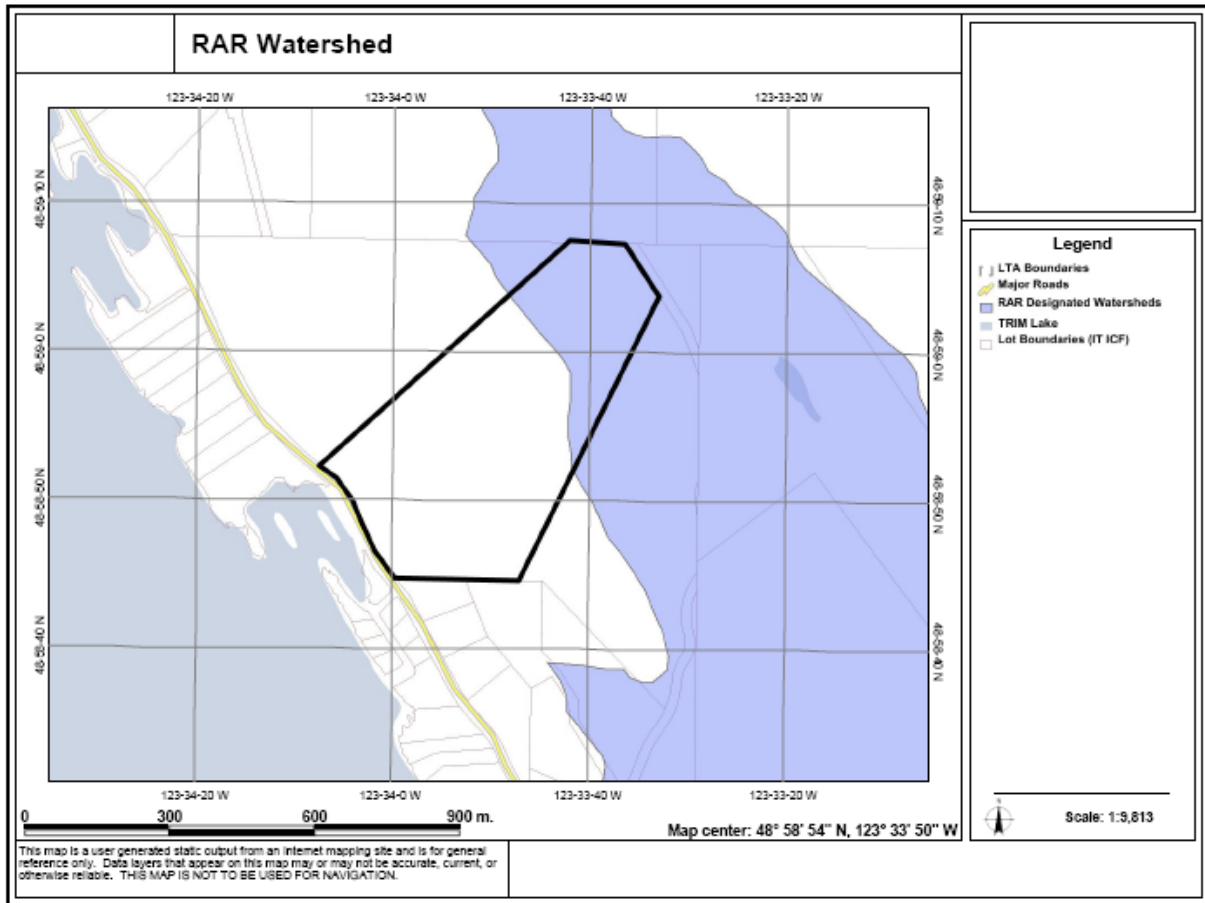
There are two covenants on the property:

1. One covenant limits development adjacent to Spotlight Creek. The applicants' building site does not conflict with this covenant requirement.
2. The other covenant requires that a professional engineer provide a report if building is to be initiated in certain defined areas on the property due to the

The property is 26.3 hectares and is vacant. Spotlight Creek flows through part of the property. The registered land survey identifies the creek as crown land that meanders between Lot B and the adjacent Lot A (see map below for stream location). A portion of the lot has been designated as a Riparian Areas Regulation watershed (see RAR Watershed map below); however the stream is not within the designated area. Topographical mapping identifies that the property rises abruptly from Porlier Pass Road and then generally levels off until about half way up the property. A steep cliff rises approximately 100 feet to approximately 340 feet in elevation at the highest point of land. At the time of preparation of this report, a site visit had not yet been undertaken.

Stream Location





4) COMMUNITY INFORMATION MEETING(S):

None held to date.

5) RESULTS OF CIRCULATION:

No circulation to date.

6) ISSUES SUMMARY:

1. Compliance with OCP

The property is currently designated as Forestry and consideration of any rezoning to Forest 3 (F3) would be in compliance with OCP policy subject to the applicants granting a covenant to manage the land in accordance with sustainable forestry and to prevent subdivision into lots less than 20 hectares.

The applicants advise in their application that they are willing to grant a covenant for sustainable forestry practices. They have been provided with a copy of the sample F3 covenant together with supporting documentation. A draft covenant has been prepared by the applicant.

The OCP requires that the location of building sites be selected to minimize their impact and the impact of related services on the forest. Consistent with the requirements of the OCP the applicants have identified a building location at the upper elevations of the property near Cook Road. The site was apparently cleared by a previous owner and access is available by an existing logging road on the property. Staff will review the proposed site in more detail if this application proceeds.

The OCP requires public road access to the lot. This lot has frontage on Cook Road and Porlier Pass Road. Staff has not carried out a site review to determine if those roads can provide suitable access.

7) STAFF COMMENTS:

The Local Trust Committee should consider whether they wish to advance this application for further consideration.

If the application is advanced for further consideration, the LTC should direct staff to initiate discussions with the applicants regarding the proposed forestry covenant. The applicants will have to identify who they wish to grant the covenant to, including the LTC. The applicants should then contact the proposed covenant holders to determine whether there is a willingness to be party to the covenants in principle and enter into discussions regarding the development of the documentation. The applicant will be required to cover all legal costs of developing the covenant including the cost of Islands Trust Legal review if required.

Also if the application is advanced staff will carry out a site review and provide further comments in a supplementary report regarding the proposed building site, road access and general site characteristics.

8) RECOMMENDATIONS:

1. Staff recommends that the Galiano Island Local Trust Committee agree to further consideration of this application;
2. Staff recommends that the Galiano Island Local Trust Committee direct staff to contact the applicants to initiate discussions regarding the proposed covenant;
3. Staff recommends that the Galiano Island Local Trust Committee direct staff to enquire of the applicants as to who they wish to be covenantees to the covenant; and

4. Staff recommends that the Galiano Island Local Trust Committee direct staff to bring responses to the above communications back to the Local Trust Committee for confirmation as to adherence to OCP policy and to confirm acceptance of the proposed covenantees.

Prepared and Submitted by:

Gary Richardson
Gary Richardson, Island Planner

July 30, 2010
Date

Concurred in by:

David Marlor, MCIP
Regional Planning Manager

July 30, 2010
Date

MAP 1

