



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: July 11, 2023
Time: 1:00 pm
Location: North Community Hall
22790 Porlier Pass Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	1:00 PM - 1:20 PM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT		
4.	CHAIR'S REPORT		
5.	ELECTORAL AREA DIRECTOR'S REPORT		
6.	TOWN HALL AND QUESTIONS	1:20 PM - 1:50 PM	
7.	COMMUNITY INFORMATION MEETING - None		
8.	PUBLIC HEARING - None		
9.	MINUTES	1:50 PM - 2:00 PM	
9.1	Local Trust Committee Minutes Dated June 20, 2023 (for Adoption)		3 - 12
9.2	Section 26 Resolutions Without Meeting Report - None		
9.3	Advisory Planning Commission Minutes - None		
10.	BUSINESS ARISING FROM MINUTES		
10.1	Follow-up Action List Dated July 2023		13 - 15
11.	DELEGATIONS	2:00 PM - 2:10 PM	
11.1	Peter Senkpiel re Rezoning Application GL-RZ-2023.1		16 - 17
12.	CORRESPONDENCE		

Correspondence received concerning current applications or projects is posted to the LTC webpage

13.	MEETING BREAK - COMMUNITY UPDATE	
14.	APPLICATIONS AND REFERRALS	2:10 PM - 3:30 PM
14.1	GL-RZ-2021.2 (Matheson-Bairstow) – Staff Report (attached)	18 - 41
14.2	GL-RZ-2023.2 (McElhanney) – Staff Report (attached)	42 - 58
14.3	GL-RZ-2022.2 (Hayes) – Staff Report (attached)	59 - 90
15.	LOCAL TRUST COMMITTEE PROJECTS	
16.	REPORTS	3:30 PM - 3:40 PM
16.1	Work Program Reports (attached)	
16.1.1	<u>Active Projects Report Dated July 2023</u>	91 - 91
16.1.2	<u>Future Projects Report Dated July 2023</u>	92 - 93
16.2	Applications Report Dated July 2023 (attached)	94 - 101
16.3	Trustee and Local Expense Report Dated May 2023 (attached)	102 - 102
16.4	Adopted Policies and Standing Resolutions (attached)	103 - 107
16.5	Local Trust Committee Webpage	
16.6	Islands Trust Conservancy Report - None	
17.	NEW BUSINESS	
18.	UPCOMING MEETINGS	
18.1	Next Regular Meeting Scheduled for September 12, 2023 at the Galiano North Community Hall, Galiano Island	
19.	TOWN HALL	3:40 PM - 4:00 PM
20.	CLOSED MEETING - None	
21.	ADJOURNMENT	4:00 PM - 4:00 PM

Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: June 20, 2023
Location: Galiano North Community Hall
22790 Porlier Pass Road
Galiano Island BC

Members Present: Timothy Peterson, Chair
Ben Mabberley, Local Trustee
Lisa Gauvreau, Local Trustee

Staff Present: Kim Stockdill, Island Planner
Charly Caproff, Planner 1
Warren Dingman, Bylaw Enforcement Manager
Lisa Millard, Recorder

Others Present: Approximately 15 members of the public were present.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 1:21 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

2.1 Add Late Correspondence

By general consent, the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Gauvreau and Trustee Mabberley reported the following:

- Attended the recent public hearing held regarding the Crystal Mountain proposal.
- In May, the Islands Trust posted a Watershed Security Strategy session as part of the Freshwater Sustainability Project.
- Galiano's recent emergency preparedness week provided opportunity and education for the community to review their emergency plans, and she invited people to consider joining the volunteer Galiano Emergency Program.
- Trustee Mabberley acknowledged the community members names that are displayed on the North Community Hall wall. He noted that First Nations families had built the hall as a

school for their children, so the children did not have to attend the residential school on Penelakut Island.

- Trustee Mabblerley introduced Michelle Crocker and welcomed her to speak. Ms. Crocker stated that the meeting was held on the territory of the Penelakut Tribe. She acknowledged the First Nations families who had resided on the land and noted long term challenges between First Nations and Islands Trust.

4. CHAIR'S REPORT

Chair Peterson stated that he had recently attended Executive Committee Meetings in preparation for the upcoming Trust Council meeting being held on Gabriola Island.

5. ELECTORAL AREA DIRECTOR'S REPORT - none

6. TOWN HALL AND QUESTIONS

A member of the public stated that the local bylaws are not specific regarding the percentage of land that is required to be donated to affordable housing at time of rezoning. They further indicated that there is a lack of clarity regarding land donation requirements.

Planner Stockdill noted that historically when a property is rezoned, and 25% of the property is rezoned to Rural Residential, there is a requirement for one lot to be set aside for affordable housing, or alternatively that the proceeds of the sale of said lot are donated to community housing. It was noted that the question was asked from a member of the public that will be making a rezoning application that differs to application GL-RZ-2023.1, and that each application is looked at on its own merits.

A member of the public stated that applications that involve land donations as a result of rezoning should be referred to the Penelakut First Nation.

A member of the public indicated that the 75% / 25% requirement is not ambiguous.

A member of the public stated that the use of the word donation is not accurate but should be referred to as a land transfer in exchange for additional density.

A member of the public noted their objection to items in the minutes as follows:

- The May 6, 2023, Public Hearing minutes state that there were no further submissions. It was determined that hearing a maximum of two submissions from each member of the public was sufficient even though there were more submissions to be made.
- The April 20, 2023, Advisory Planning Commission (APC) minutes Item 4.1 states that roadside parking at Parkside is a safety issue but Montague is a higher priority, however the speaker was concerned about serious parking issues at Spanish Hills Dock, and believed the APC has dismissed these concerns.

A Trustee replied that the parking concerns in this area have been subject to an ongoing discussion, that roadway is in the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI), and that MOTI has not addressed these issues.

A member of the public asked Trustees if the legal advice received regarding the proposed Groundwater Recharge Protection Development Permit Area could be released to the public.

The Chair noted that the request to release the legal opinion would need to be put before the Executive Committee and that legal advice is typically given in-camera to ensure that there are no legal ramifications.

7. COMMUNITY INFORMATION MEETING – None

8. PUBLIC HEARING – None

9. MINUTES

9.1 Local Trust Committee Minutes Dated April 11, 2023 (for Adoption)

The following amendments to the minutes were presented for consideration:

Item 1 strike word traditional

By general consent, the minutes were adopted as amended.

9.2 Local Trust Committee Special Meeting Minutes of May 6, 2023 (for Adoption)

The following amendments to the minutes were presented for consideration:

Item 1 strike word traditional

By general consent, the minutes were adopted as amended.

9.3 Local Trust Committee Public Hearing Record of May 6, 2023 (for Receipt)

Page 5 of the Minutes change the last sentence to “There being no new further submissions”

By general consent, the minutes were adopted as amended.

9.4 Local Trust Committee Special Meeting Minutes Dated May 9, 2023 (for Adoption)

The following amendments to the minutes were presented for consideration:

Item 1 strike word traditional

By general consent, the minutes were adopted as amended.

9.5 Section 26 Resolutions Without Meeting Report – None

9.6 Advisory Planning Commission Minutes Dated April 20, 2023 (for Receipt)

Received for information.

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List Dated June 2023

Planner Stockdill referenced Item 1 and stated that extra speakers were requested but will not be forthcoming at this time, however if there is an ongoing issue they will inquire further.

11. DELEGATIONS

11.1 Wise Island Community Association re Wise Island Rezoning and Bylaw Amendments

A representative from the Wise Island Community Association read a statement (Annex A of the June 20, 2023, Galiano Island Local Trust Committee Meeting Agenda Package) and highlighted the following:

- Wise Island relies on solar power for energy and on direct ocean access from each property for emergency response situations
- The application of Bylaw 127 to Wise Island by Bylaw Enforcement has created several issues related to solar power and water access
- The Association proposes a Small Lot Residential (SLR) zone as part of Bylaw 127.
- This proposed SLR zone would permit solar power, stairs, and walkways within key setback areas
- They request that the LTC move the Wise Island zoning project from the project list and make it a top priority and propose that bylaw enforcement be suspended in the interim

Discussion ensued and Trustees noted that there are different options to consider regarding this matter including a bylaw review resulting in bylaw amendments or consideration of a rezoning application.

12. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage.

12.1 Late Correspondence

Two pieces of late correspondence were received for information.

13. MEETING BREAK - COMMUNITY UPDATE - none

14. APPLICATIONS AND REFERRALS

14.1 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 530 (for response)

GL-2023-36

It was Moved and Seconded,

that the Galiano Island Local Trust Committee recommended approval with the condition of consultation with Coast Salish People of Salt Spring Island.

CARRIED

14.2 GL-ALR-2023.1 (Cupples) - Staff Report

Planner Caproff reviewed the staff report.

A Trustee noted the proposed line that is closest to the barn is also near the bank and if barn needed to be evacuated there would not be an animal corridor. The applicant indicated that they would be willing to move the lot line for any potential future owner's use. Discussion ensued.

GL-2023-37

It was Moved and Seconded,

that the Galiano Island Local Trust Committee supports application GL-ALR-2023.1 on condition of an animal corridor on the southern lot line of proposed Lot 1 and requests staff to forward the application to the Agricultural Land Commission for further consideration.

CARRIED

The meeting was recessed at 2:43 p.m. and reconvened at 3:04 p.m.

14.3 GL-RZ-2023.1 (Rockafella) – Staff Report

Planner Stockdill summarized the staff report and highlighted the following:

- The applicant seeks to rezone the property from Forest 1 (F1) to a split zoned lot with 80 hectares zones as Forest 3 (F3) and 2 hectares zoned to Forest Industrial (FI).
- The existing lot includes five (5) buildings and a site used as a sawmill.
- Staff can look into the potential for public trails and emergency access on the subject property to address Schedules C and E in the Official Community Plan (OCP)

The applicant was present and indicated that the application is based on existing OCP and Land Use Bylaws (LUB).

Discussion ensued and Trustees noted that the following topics should be taken into consideration during discussions regarding this application:

- Access to four land locked lots located at the Porlier Pass side of the property.
- Amenity zoning for the Galiano housing organization.
- Consultation with First Nations.

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

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 DL 64, 68, 72, 87 RZ Project - Proposed Bylaws 231 and 232 - Consideration of Adoption - Staff Report

GL-2023-39

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 231, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 14, 2011." be adopted.

CARRIED

GL-2023-40

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 232, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2011" be adopted.

CARRIED

16. REPORTS

16.1 Work Program Reports

16.1.1 Active Projects Report Dated June 2023

GL-2023-41

It was Moved and Seconded,

that the Galiano Island Local Trust Committee remove the completed applications from the Active Projects List.

CARRIED

16.1.2 Future Projects Report Dated June 2023

Received for information.

16.2 Applications Report Dated June 2023

Received for information.

16.3 Trustee and Local Expense Report Dated June 2023

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage - none

16.6 Islands Trust Conservancy Report – none

17. NEW BUSINESS

17.1 Galiano Island LTC Freedom of Information and Protection of Privacy Bylaw No. 290 - Consideration of Adoption

GL-2023-42

It was Moved and Seconded,

that Galiano Island Local Trust Committee Bylaw No. 290, cited as “Galiano Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 290,2023”, be adopted.

CARRIED

17.2 Galiano Island Local Trust Committee Bylaw No. 289 - Bylaw Enforcement Notification Amendment - Staff Report

Bylaw Enforcement Manager Dingman summarized the amendments.

A Trustee noted that he had not received a report that would justify inclusion of amendments related to farm animal confinement as previously requested, and that the fines outlined in Schedule A require further consideration.

GL-2023-43

It was Moved and Seconded,

that Galiano Island Local Trust Committee Bylaw 289, cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2023”, be read a first time.

CARRIED

For the record Trustee Mabberley stated that he opposed the motion.

GL-2023-44

It was Moved and Seconded,

that Galiano Island Local Trust Committee Bylaw 289, cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2023”, be read a second time.

CARRIED

For the record Trustee Mabberley stated that he opposed the motion.

GL-2023-45

It was Moved and Seconded,

that Galiano Island Local Trust Committee Bylaw 289, cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2023”, be read a third time.

CARRIED

For the record, Trustee Mabberley stated that he opposed the motion.

GL-2023-46

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw 289, cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2023”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

For the record, Trustee Mabberley stated that he opposed the motion.

17.3 Groundwater Sustainability Project – Release of Legal Opinion

GL-2023-47

It was Moved and Seconded,

that the Galiano Island Local Trust Committee release a summary of the legal opinion on Section P Groundwater Sustainability Project.

CARRIED

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for July 11, 2023 at the Galiano North Hall, Galiano Island

19. TOWN HALL

A member of the public stated that both parties that are applying for rezoning on forestry designated lots should have to follow the same requirements for the creation of amenity lots, monetary donations, and number of allowed dwellings.

A member of the public stated that the fines outlined in the Bylaw Enforcement Notification allow for a fine to be levied if a horse goes through a protected lot but not a dog. If the law is meant to alleviate damage from animals it should be looked at in the context of all animals.

A member of the public stated that they would like to encourage the LTC to mitigate the bylaw enforcement issues on Wise Island.

A member of the public stated they would like the LTC to be sensitive to the use of solar energy, particularly in relation to climate change as well as the recent provincial government announcement which encourages use of solar energy. They further request that the LTC support Wise Island residents, who reside in an off-grid community, rather than allow them to be charged with bylaw infractions.

A member of the public requested a Wise Island project be moved up on the LTC priority list.

A member of the public noted that there is confusion about the options available when rezoning forestry lots, and that past LTC practice has been to allow a landowner to remove 25 percent of property from the forestry designation based on an exchange of land for conservation or affordable housing purposes.

20. CLOSED MEETING – None

21. ADJOURNMENT

By general consent, the meeting was adjourned at 4:02 p.m.

Tim Peterson, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Galiano Island

14-Mar-2023

Activity	Responsibility	Dates	Status
1 15.1 1. GL LTC gave First Reading to draft Bylaw Nos. 283 and 284. Staff to update bylaw and post to the website. - DONE 2. Staff to send out referrals for proposed Bylaws Nos. 283 and 284. DONE 3. Proposed Bylaw Nos. 283 and 284 are consistent to the Islands Trust Policy Statement. 4. Staff to schedule a CIM and Public Hearing for proposed Bylaw Nos. 283 and 284 after legal opinion is received.	Jas Chonk Narissa Chadwick	Target: 28-Apr-2023	In Progress
2 17.1 Staff to request APC to investigate siting and use options in relation to Galiano Island. (ON HOLD)	Kim Stockdill	Target: 07-Apr-2023	In Progress
3 IC - GL LTC Bylaw Enforcement Notification Bylaw No. 228 directs staff to prepare amendments to the bylaw for contravention and penalty for free ranging farm animals. Staff to draft bylaw and bring it back to the LTC. Rise and report at next meeting - April 11. - RISE AND REPORT PROVIDED BY CHAIR ON APRIL 11	Jas Chonk Warren Dingman	Target: 28-Apr-2023	Completed

06-May-2023

Activity	Responsibility	Dates	Status
1 5.1 GL-RZ-2014.1 (Crystal Mountain) - staff to initiate and conduct further consultation with the Penelakut Tribe	Brad Smith Jas Chonk	Target: 20-May-2023	In Progress

Follow Up Action Report

Galiano Island

09-May-2023

Activity	Responsibility	Dates	Status
1 Groundwater Sustainability Project - Staff to further engage with Penelakut FN, Coast Salish Peoples of Galiano Society, and the Georgeson Family. (IN PROGRESS)	Kim Stockdill	Target: 28-Jul-2023	In Progress

20-Jun-2023

Activity	Responsibility	Dates	Status
1 9.1 to 9.4 - Minutes of April 11, May 6, and May 9 were adopted as amended.	Emily Bryant	Target: 30-Jun-2023	Completed
2 12.1 - Staff to contact M. Carmita de Menyhart regarding exemption of Community Forest lands in DPA exemption - information to be included in staff report.	Kim Stockdill	Target: 30-Jun-2023	Completed
3 14.1 SSI Bylaw No. 530 - supports approval of bylaw subject to the SSI referring the bylaw to the Coast Salish Peoples of Salt Spring Island.	Jas Chonk	Target: 30-Jun-2023	Completed
4 14.2 GL-ALR-2023.1 - Staff to forward the application onto the ALC on the condition that the ALC considers requiring an animal corridor along southern property line of proposed lot 1. Staff to update TAPIS, and update ALC portal.	Charly Caproff	Target: 07-Jul-2023	In Progress

Follow Up Action Report

Galiano Island

20-Jun-2023

Activity	Responsibility	Dates	Status
5 14.3 GL-RZ-2023.1 1. Direction for staff to prepare bylaws. LC to create bylaw number and bylaw template. Planner to draft bylaw. At this time, only a LUB amendment bylaw is required. OCP amending bylaw *may be* required. 2. Staff to report back with regards to: emergency access, public trails, Groundwater Assessment requirements, access to four properties south of subject property, amenity housing, and consultation options.	Jas Chonk Kim Stockdill	Target: 25-Aug-2023	In Progress
6 15.1 Bylaw Nos. 231 & 232 adopted. Staff to update bylaw adoption dates, post to website, and consolidate with LUB and OCP. Staff to notify GIS that TapisMap must be updated due to bylaw adoption.	Jas Chonk	Target: 14-Jul-2023	In Progress
7 17.1 FOI Bylaw Bylaw No. 290 adopted.	Jas Chonk	Target: 14-Jul-2023	Completed
8 17.2 Bylaw Enforcement Notification Bylaw No. 289 gave First, Second, and Third Reading. Bylaw No. 289 to be sent to EC for approval.	Chloe Cookson Jas Chonk Warren Dingman	Target: 14-Jul-2023	In Progress
9 17.3 LTC request the EC considers releasing a summary of the legal opinion in regards to Exemption 'p' for the Groundwater Sustainability Project. Staff to draft RFD and send to EC for consideration.	Kim Stockdill	Target: 28-Jul-2023	In Progress

From: Peter Senkpiel <psenkpiel@nst.ca>
Sent: Tuesday, July 4, 2023 9:37 AM
To: Peter Senkpiel
Subject: FW: Update on DL 14 rezoning purposal

From: Tahirih <[REDACTED]>
Date: June 22, 2023 at 10:40:56 PM PDT
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>, Robert Kojima <rkojima@islandstrust.bc.ca>, Timothy Peterson <tpeterson@islandstrust.bc.ca>, Ben Mabberley <bmabberley@islandstrust.bc.ca>, Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>, rhotsenpiller@islandstrust.bc.ca
Subject: Update on DL 14 rezoning purposal

Hello all,

After the LTC the other day, it was obvious by my subsequent emails that I was very concerned with the events that had transpired. As I'm no longer a Trustee and don't have access to information offered from Planners etc., I did extensive research online (Young Anderson's published information regarding local governments, the Local Government Act, our OCP and our LUB). This research led me to understand that I require further assistance in this matter, such as legal advice. I will be soliciting this immediately, as I am not confident in the process taking place, and have no other avenue in which to determine my rights.

My number one concern is Ben Mabberley's conflict of interest.

1. He owns an F1 lot that has longstanding non-conforming activities that could be legitimized if he rezoned to the exact formula I have proposed, however, instead he has chosen to engage in a lengthy and costly battle with the Islands Trust to avoid this process. How can he not be biased in this regard? My rezoning could be precedent-setting for F1 lot owners in that if they follow the community approved policies, they could 'live on their land'. I am also proposing a significantly more restrictive forestry covenant in hopes of inspiring the public's awareness of the possibilities available to preserve and protect - my absolute dedication in life.

2. I was a sitting Trustee that voted in favour of bylaw enforcement on his property, the same one that has cost him a lot of money. A. Lot. Of. Money.

There is no possible way that procedural fairness can occur given the above two examples.

I am also concerned about the validity of the process in general. My proposal goes beyond what the Forestry policies in the OCP outline, as well as the policies in the F3 LUB. How, then, is it reasonable to request 'amenity zoning, a purpose built road for properties adjacent to DL 14 to access the upper parts of their residential zoned properties (of which all are accessible from the main route and have dwellings on the lower portions), First Nations hunting rights, and a federally, provincially, and regionally untested and undefined 'consultation' process with two Indigenous groups on the Island of which Ben has extremely close ties with?

The Forestry covenant and restricted residential rights provide the community benefit, as outlined in our community approved policies.

I had hopes to produce an application which would provide an example of what a rezoning that complied with all our policies would look like: a considerate review that addressed emergency access, water, developable areas, and an exemplary eco-system based forestry covenant that the Galiano Conservancy has agreed to hold. However, Ben has ensured that the Islands Trust remains what he wants it to be viewed as: a tangled web of bureaucracy where nothing can be achieved.

I will not be considering the LTCs motion to explore Ben's requests, so please do not waste public funds.

Best wishes,

Tahirih Rockafella

File No.: GL-RZ-2021.2
(Matheson/Bairstow)

DATE OF MEETING: July 11, 2023
TO: Galiano Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: District Lot 86 Rezoning Application – Staff Report
Applicant: Corinne Matheson and Wayne and Ed Bairstow
Location: District Lot 86 Galiano Island Cowichan District

RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2021.2 (Matheson/Bairstow) including preliminary engagement with First Nations.

REPORT SUMMARY

The purpose of this staff report is to provide information regarding rezoning application GL-RZ-2021.2 (Matheson/Bairstow) and to seek direction from the Galiano Island Local Trust Committee (LTC).

The application would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**. The proposal would also require subdivision to create five new lots.

The above recommendation is supported as:

- The property owner has demonstrated a willingness to collect the additional information and amend their proposal to support LTC's decision-making
- Directing staff to proceed with the application will enable staff to begin preliminary engagement with First Nations as a first step to determining the viability of the proposal or other potential options.

BACKGROUND

A rezoning application for the approximately 38.8 hectare subject property was received on August 23, 2021. The property owners seek to rezone the property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**.

The subject property is located at the north end of Galiano Island (Figure 1). There is one illegal dwelling on the property that is subject to bylaw enforcement file GL-BE-2019.16. Adjacent land uses include Dionisio Park to the north (DL 92), Therah Village Community to the east (DL 91), and F1 zoned lots to the south. DL 85 is privately owned and a rezoning application has been submitted to rezone the F1 zoned property. DL 87 is provincial Crown land.

A preliminary staff report was presented to the previous Galiano LTC at the December 6, 2021 meeting. The LTC passed the following resolutions:

GL-2021-101

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to proceed with GL-DVP-2021.2 (Gaylor) and further investigate road and lot layout with potentially effective government agencies and First Nations, in particular considering OCP Transportation Policy S.

CARRIED

GL-2021-102

It was Moved and Seconded,

that the Galiano Island Local Trust Committee ask staff to bring the 1995 Heritage Forest Bylaw Official Community Plan provisions (Bylaw 108) back to the Local Trust Committee to be reviewed for consistency.

CARRIED

GL-2021-103

It was Moved and Seconded,

that the Galiano Island Local Trust Committee seek early consultation and engagement with First Nations on GL-RZ-2021.2 (Gaylor), particularly the Penelakut, regarding cultural heritage sites on DL86.

CARRIED

Staff reported back at the September 6, 2022 Galiano LTC meeting seeking direction on how to proceed with the application. As the Galiano LTC decided to proceed no further with rezoning application for District Lot (DL) 85, the LTC passed the following resolution to defer DL 86's rezoning application:

GL-2022-097

It was Moved and Seconded,

that the Galiano Island Local Trust Committee defer application GL-RZ-2021.2 (Gaylor) to the September 27, 2022 LTC meeting.

CARRIED

Attachment 1 provides additional site context. Attachment 2 provides relevant maps and ortho-photos.

ANALYSIS

Application Proposal

The rezoning proposal is to create five new lots (through subdivision at time of rezoning adoption) with three lots zoned Rural Residential, one lot zoned as Forest 3 (F3), and the remainder zoned to Nature Protection (NP) via land transfer.

A cover letter provided by the applicant (Attachment 3) provides an updated proposal outlining two different subdivision layouts for the LTC's consideration. Both options would create the same number of lots, but the configuration and size of the RR zoned lots differ. Issues with the two options are that the Forest 3 lot and one of the Rural Residential lot does not meet the minimum lot size.

A third option proposed by staff is to rezone and subdivide the subject property into:

- One F1 zoned lot with a lot area of 20 ha

- Two RR zoned lots with a lot area of 2.1 ha each
- One site-specific Small Lot Residential zoned lot with a lot area of 1.2 ha, and a restriction to only permit one dwelling (a cottage would not be permitted) on the lot. By rezoning this lot to the SLR zone, the minimum and average lot size would be met. The sale of this lot would then be donated to an affordable housing society on Galiano Island

The third option would transfer 77 percent of the property (13.05 for NP zoned lot and road, and for the 1.2 ha SLR lot) and the property owners would create two RR zoned 2.1 ha lots at 23 percent.

Figure 1. Location of Subject Property

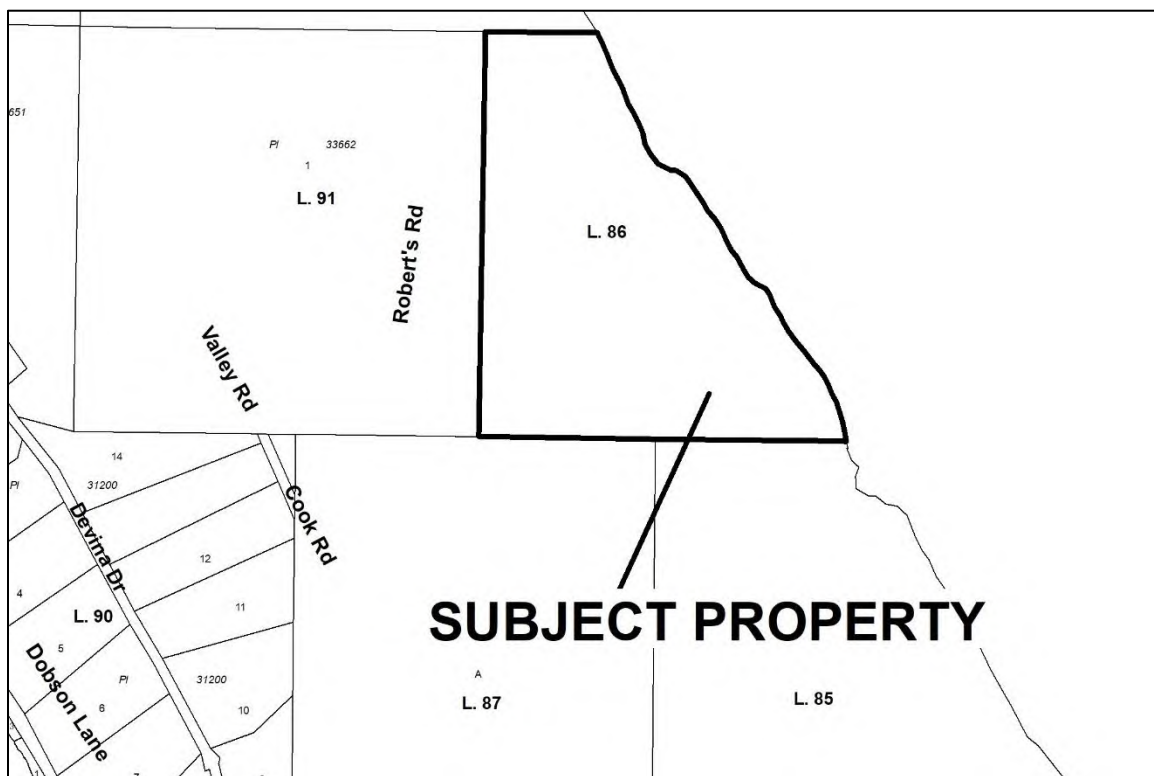


Figure 2 – Option 1

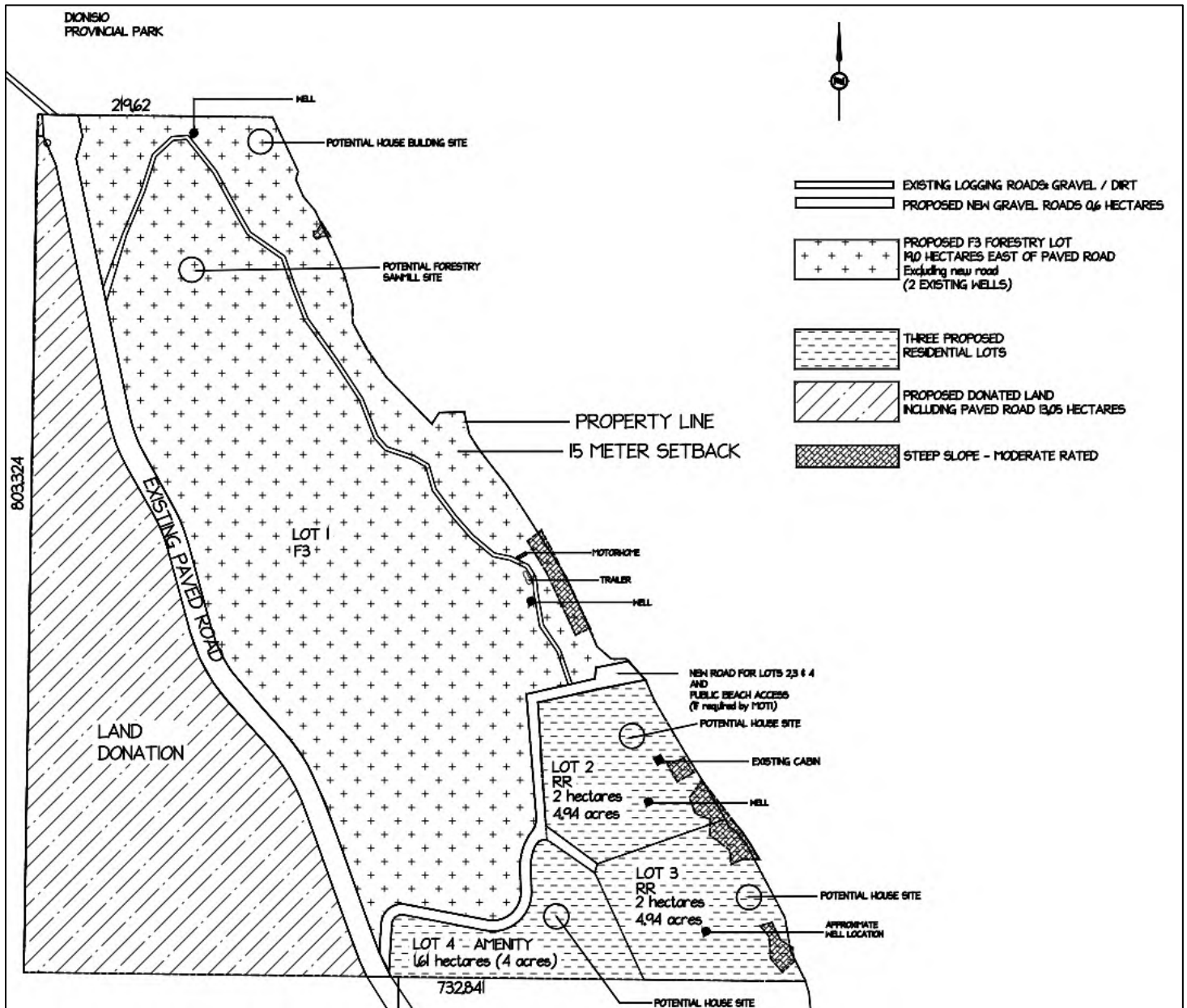
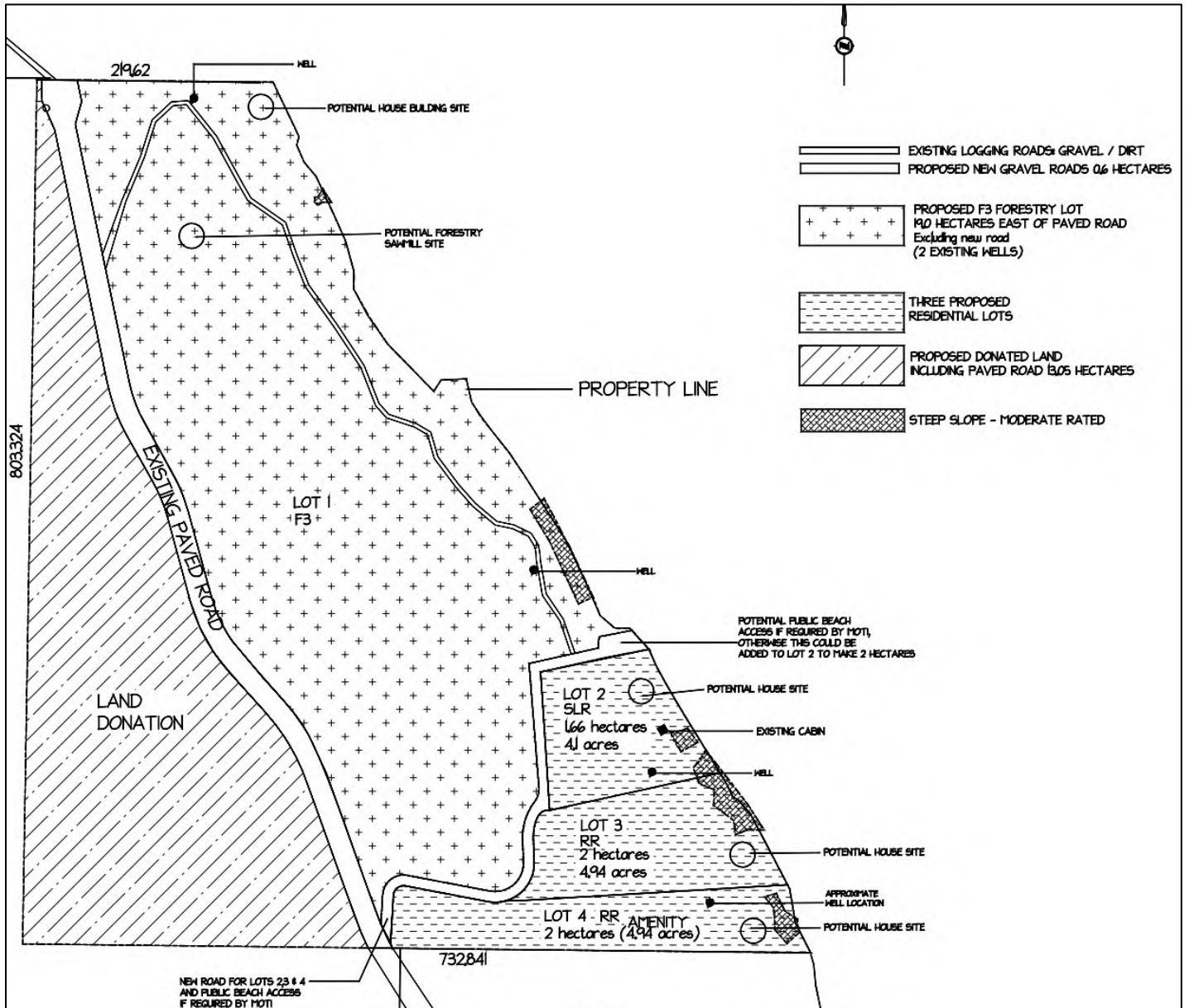


Figure 3 – Option 2



Policy/Regulatory

Official Community Plan

The OCP land use designation for the subject-property is currently **Forestry**. A OCP amending bylaw will be required to change the land use designation for portions of the property.

Lot 1 - Forest 1 to Forest 3 Rezoning

The applicant is proposing to create one ~22.45 hectare F3 zoned lot. OCP Forest Policy b)ii) states that:

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.

As proposed, the application is consistent with this Forestry policy, including compliance with Land Transportation Policy o). The applicant will also be required to establish a **developable area** on the F3 lot with the location selected to minimize impact.

Subject to further clarification of details, the property owner has also 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.

With respect to a 3rd party covenant holder, staff have advised the applicant to contact the Galiano Conservancy as a starting point, should LTC decide to proceed.

Proposed Rural Residential Lots

Although there are no specific OCP forestry policies with respect to the transfer of at least 75% of land in exchange for the remaining 25% to be rezoned to **RR** with a minimum average 2.0 hectare lot size, there are site specific instances in the OCP rural residential policies where LTC has approved rezoning under these terms (RR OCP Policies 1.4 e, f and g).

Nature Protection Lot

The 12.35 hectare portion of the subject property west of the existing paved access is proposed to be designated **Nature Protection**. Staff have engaged with BC Parks to discuss the potential transfer of lands to expand Dionisio Park and to provide public road access to the park, which is currently designated a marine access only park. At that time, BC Parks is reluctant to consider a land transfer given local First Nations have expressed interest in receiving the lands.

Staff is in the process of meeting with the Penelakut First Nation staff and council to discuss the option of land transfer, similar to District Lot 85's rezoning application. The land may also be transferred to other Nations if

interested is expressed. Staff are aware that discussion is required between Nations to determine who receives the land transfer for this application, and future potential applications.

Land Use Bylaw

The subject property is currently zoned **F1** in the LUB. The Permitted uses in this zone are:

- Timber production and harvesting
- Accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries

For Lot 1, rezoning to **F3** would permit:

- Timber production and harvesting
- Dwellings accessory to timber production and harvesting uses and home occupations, on lots having an area of 20 hectares and more and highway access as defined in subsection 17.1.16
- Accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries

Based on the minimum rezoning requirement of one accessory dwelling per 20 hectares, rezoning from F1 to F3 would allow for up to one dwelling along with permitted accessory uses that do include an accessory cottage.

For lots zoned Rural Residential, the following uses would be permitted on each lot:

- One dwelling (with no maximum floor area) and one accessory cottage with a maximum floor area of 80 m² (to be located within pre-defined **developable areas** determined at time of rezoning)
- Home occupations
- A secondary suite (if no accessory cottage is already built on the lot)

Road Access

As stated in the applicant's letter dated June 26, 2023, the applicants have met with Penelakut First Nation Chief and Council regarding transfer land to the Nation. The letter states that the main issue discussed beyond their acquisition of the land is creation of a public road that would access Dionisio Park. The Penelakut Chief and Council expressed a desire to keep vehicle traffic restricted by gating access to DL85 and DL86. Further discussions are required between the Ministry of Transportation and Infrastructure, BC Parks, First Nations, and future property owners regarding access restrictions.

Community Benefit – Amenity Lot

As a condition of rezoning a F1 lot to Rural Residential lots (25 percent of land) and transfer 75 percent of the land for conservancy, a community benefit is requested. This has been addressed by transferring at least 75 percent of the land to nature conservancy, park or to a First Nation, and also donating a residential lot for affordable housing. Due to the location of the subdivision at the north end of Galiano away from services and ferry access, a donation of the sale of a residential lot to an affordable housing society on Galiano Island would be recommended.

The applicant is also requesting the LTC consider a portion of the funds to be donated to the following non-profit societies on Galiano:

- The North Galiano Fire Protection Society

- The Galiano Health Care Society
- One or more Galiano affordable housing organisation(s)

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal 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.

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

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 proposal to the Galiano Island Advisory Planning Commission.

- Ministry of Transportation and Infrastructure
- BC Parks
- Island Health
- CRD, Building Inspection Services
- CRD, Galiano Island Parks and Recreation Commission
- Galiano Trails Society
- Galiano Island Fire Rescue – North Department
- Mayne Island Local Trust Committee
- Thetis Island Local Trust Committee
- Salt Spring Island Local Trust Committee

First Nations

Staff have identified the following First Nations for bylaw referral:

- 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
- WSANEC Leadership Council
- Coast Salish Peoples of Galiano
- Georgeson Family of Galiano

Terms of Reference

A TOR for this application has been provided to the applicant and is included for LTC's reference as Attachment 4. The TOR is consistent with the Galiano Island Development Approval Information Bylaw No. 148 (DAI Bylaw) and provides specific guidance on application requirements and considerations including:

- Provision of a professionally prepared site plan including identification of **developable areas** for each of the proposed Rural Residential lots with residential uses (developable area includes the area required for the dwelling, accessory buildings and structures, well, septic field, driveways and parking areas)
- Provision of a professionally prepared groundwater report demonstrating proof of water to meet the residential potable water standard of 2275 litres/day for each of the three proposed lots with residential uses;
- Provision of a professionally prepared septic disposal report confirming septic viability and proposed siting for each of the three proposed lots with residential uses;
- Provision of a professionally prepared Ecological Overview and Forestry covenant baseline reports;
- Development Permit Area requirements;
- Road dedication requirements including the potential need for a variance to section 13.7 of the Galiano Island Land Use Bylaw No. 127 (LUB); and,
- Information with respect to potential for archaeological material.

Rationale for Recommendation

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

- The property owner has demonstrated a willingness to collect the additional information and amend their proposal to support LTC's decision-making
- Directing staff to proceed with the application will enable staff to begin preliminary engagement with First Nations as a first step to determining the viability of the proposal or other potential options.

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 submit to the Islands Trust

_____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2021.2 (Matheson-Bairstow).

NEXT STEPS

With direction from the LTC, Staff will:

- Draft letter for preliminary engagement with First Nations
- Finalize site plan
- Further direct the applicant to complete the requirements of the TOR

Submitted By:	Kim Stockdill, Island Planner	July 4, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	July 4, 2023

ATTACHMENTS

1. Site Context
2. Maps, Ortho-photos
3. Cover Letter from applicant
4. Plan 1
5. Plan 2
6. DAI Letter - Terms of Reference

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	District Lot 86, Galiano Island, Cowichan District
PID	008-015-961
Civic Address	DL 86, Cook Road, Galiano Island
Lot Size	38.45 hectares (95 acres)

LAND USE

Current Land Use	Forest 1
Surrounding Land Use	Forest 1, Rural 2, Marine, Park, Marine Park

HISTORICAL ACTIVITY

File No.	Purpose
GL-RZ-2008.1	Rezoning to amend OCP and to rezone properties to RR and FH with policy amendment to consider BC Parks as eligible to hold FH zoned land as Park. DLs 79, 85, 86 and 87. LTC directed to proceed no further in March, 2009.
GL-SUB-1993.15	Subdivision to residential – did not proceed

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
Other Regulations	None
Covenants	None
Bylaw Enforcement	GL-BE-2019.16 – Unlawful dwelling

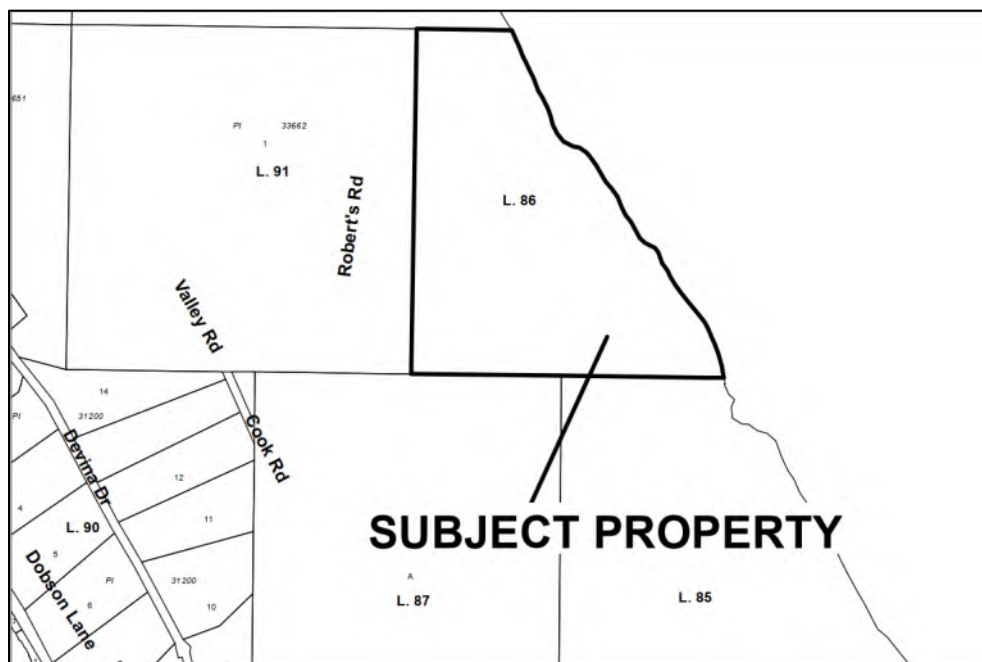
SITE INFLUENCES

Islands Trust Conservancy	There are no Islands Trust Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	Raptor nest near potential building sites on proposed lots 2 and 3, a second raptor nest in area proposed to be donated to BC Parks
Sensitive Ecosystems	Property is largely predominantly <i>Young Forest</i> with a narrow band of <i>Mature Forest</i> along the foreshore. The <i>Mature Forest</i> is mostly protected in the 15 m band of DPA 2 – Shoreline and Marine.
Hazard Areas	There are portions of the property identified as Steep Slope Moderate Risk close to or within the proposed developable areas.

Archaeological Sites	There is potential for the presence of archaeological material. Staff have directed the applicant to the following guidelines: • 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. • Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork. • For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca, or contact Islands Trust to access mapping of the subject property.
Climate Change Adaptation and Mitigation	None
Shoreline Classification	Low Rock/Boulder
Shoreline Data in TAPIS	None

ATTACHMENT 2 – MAPS, ORTHO-PHOTOS

2.1 SUBJECT PROPERTY MAP

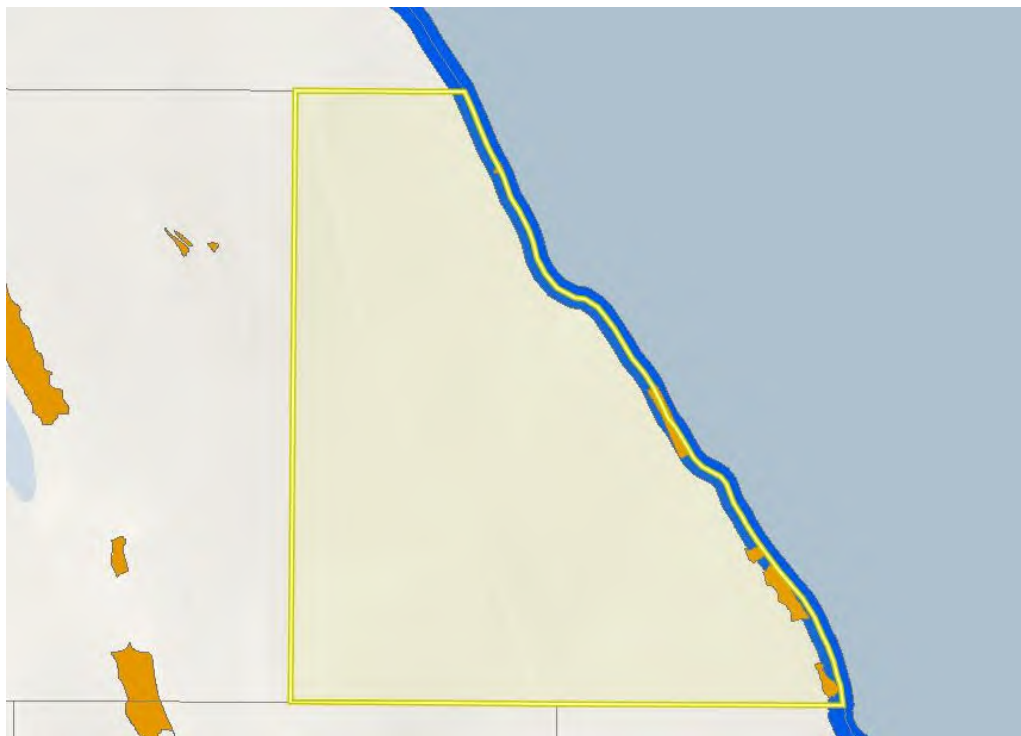


2.2 ZONING AND ORTHO

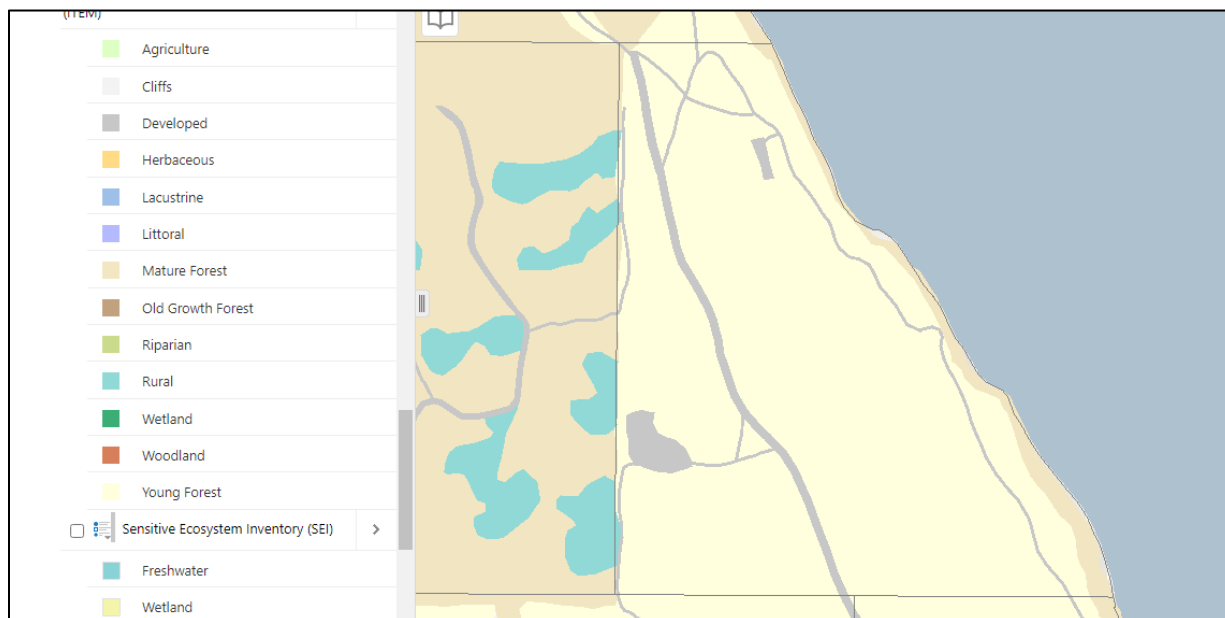


2.3 DEVELOPMENT PERMIT AREAS

DPA 2 (Shoreline and Marine) and DPA 7 (Steep Slope Moderate)



2.4 SENSITIVE ECOSYSTEM MAPPING



June 26, 2023

Attention: Planner Kim Stockdill, Trustee Ben Mabberley, Trustee Lisa Gauvreau and Trustee Timothy Peterson.

Our file: GL-RZ-2021.2 (Gaylor)

We are providing documents to rezone DL86 from F1 with 38.45 hectares (95 acres), to one F3 lot, and three residential lots which includes the additional residential amenity lot as requested by the Trust planners due to bylaw 215 #1.6b, with the remaining 13.05 hectares of the property to be donated, as per the 25/75 required split for residential lots. To prevent fragmentation of the forest area to be donated, we have taken a 1.61-hectare portion out of the F3 parcel to create the additional RR amenity lot, to keep the RR lots clustered, as proposed by the OCP, thus reducing the F3 portion to 19 hectares.

Our proposal follows the precedent set by DL79 on page 9 of the OCP, which combines F3 and RR lots, and land transferred for the 25/75 split.

We have met with the Penelakut chief and council and entered negotiations for the land donation required for the creation of the Residential lots, to be transferred back to the Penelakut. Currently the Penelakut are our first choice for the recipient of these lands with BC Parks second. The main issue that was discussed beyond their acquisition of the land is that the public foot and bike access will still be allowed to the park. The Penelakut would still like to keep vehicle traffic as is and for DL85 and DL86 to effectively become one gated community. Although some of the owners would prefer to have the gate removed, all owners are happy to grant the Penelakut's wishes. The end location of the gate is still to be decided, but we did discuss moving the gate north of the gravel pit which could benefit the neighbourhood by increasing fire safety by removing the gate off Cook Road and decreasing some travel distance to the park for visitors.

As for the community housing amenity lot, we feel that it is important that this bylaw has not historically been strictly adhered to as written because it is unworkable in many instances. Which states, as far as we can tell, that a portion of any increase in density must be used for affordable housing regardless of if it makes sense. Ours is a good example of this since it is ~30min from the nearest stores. However, at its core the goal is to make it so that people can afford to live on Galiano. There are many things that limit this and many organisations that mitigate those limitations. We would like the Trust to consider, as we believe has happened in the past, that money raised by the sale of the amenity lot go to our choice of one or multiple of the following:

- The North Galiano Fire Protection Society - which would effectively lower the cost of taxes and insurance as well help allow residents to get insurance.
- The Galiano Health Care Society – based on the assumption that money raised could be used to help increase staff to a rate where residents do not have to go off island for regular health visits.
- One or more Galiano affordable housing organisation(s) to help further their projects.

We have provided two options for fundraising lot, the first being a non-waterfront lot. The layout is the same as what we originally proposed, with this lot coming out of the original F3 portion south of the proposed new road to access the two waterfront RR lots. This plan is labeled Option 1.

Option 2 creates three oceanfront residential lots, (not including the F3). If the Trust agrees that this is the best use of the land, some of the additional revenue from the sale of an ocean front lot could be used to increase the donation to local charitable organizations.

We would like guidance on how much of a monetary donation is equitable based on the increase in density given that we have a permitted nonconforming cabin already on the property as well as established precedent. This should be a calculation and not based on the sale of a single property of unspecified size as doing so could allow the sale to a friend to be at a low market value, could encourage limiting work to enhance the land for sale, or could be unequitable in many other ways. We feel that not providing documented guidance for this in the OCP could and maybe already has led to unequitable rezoning applications. Not only might some Trustees be more favorable to applicants, intentionally or subconsciously, but those applicants that are not comfortable with negotiating will be unfairly affected as well.

For your convenience we have attached some documents and have also attached four pages of signatures of residents and visitors that have read or listened to and approved of our plans for the subdivision. Most of the visitors we met on our private paved road that goes to Dionisio Point Provincial Park while pulling invasives such as broom.

Please find attached documents:

- | | |
|--|---|
| 1. 2021-12-06 – Preliminary Staff Report.pdf : | Old staff report for reference. |
| 2. DL86 Eco_Baseline_Report.pdf : | Ecological baseline report |
| 3. DL86 Groundwater Evaluation.pdf : | Groundwater Evaluation Report |
| 4. DL86 LiDAR contours.pdf : | Contour map via McElhanney Engineering |
| 5. DL86 LIDAR image.pdf : | Image map via McElhanney Engineering |
| 6. McElhanney DL86 2022 plan.pdf | Original Proposal via McElhanney Engineering |
| 7. F1 lot Rezoning Options.pdf | Rezoning options for F1 lots from Trust Bylaw |
| 8. Proposal support documents | |
| a. Schedule A Application signed.pdf | Schedule A Declaration |
| b. Support signatures Residents 1.pdf | Galiano resident support |
| c. Support signatures Residents 2.pdf | Galiano resident support |
| d. Support signatures Visitors 1.pdf | BC resident visitor support |
| e. Support signatures Visitors 2.pdf | BC resident visitor support |

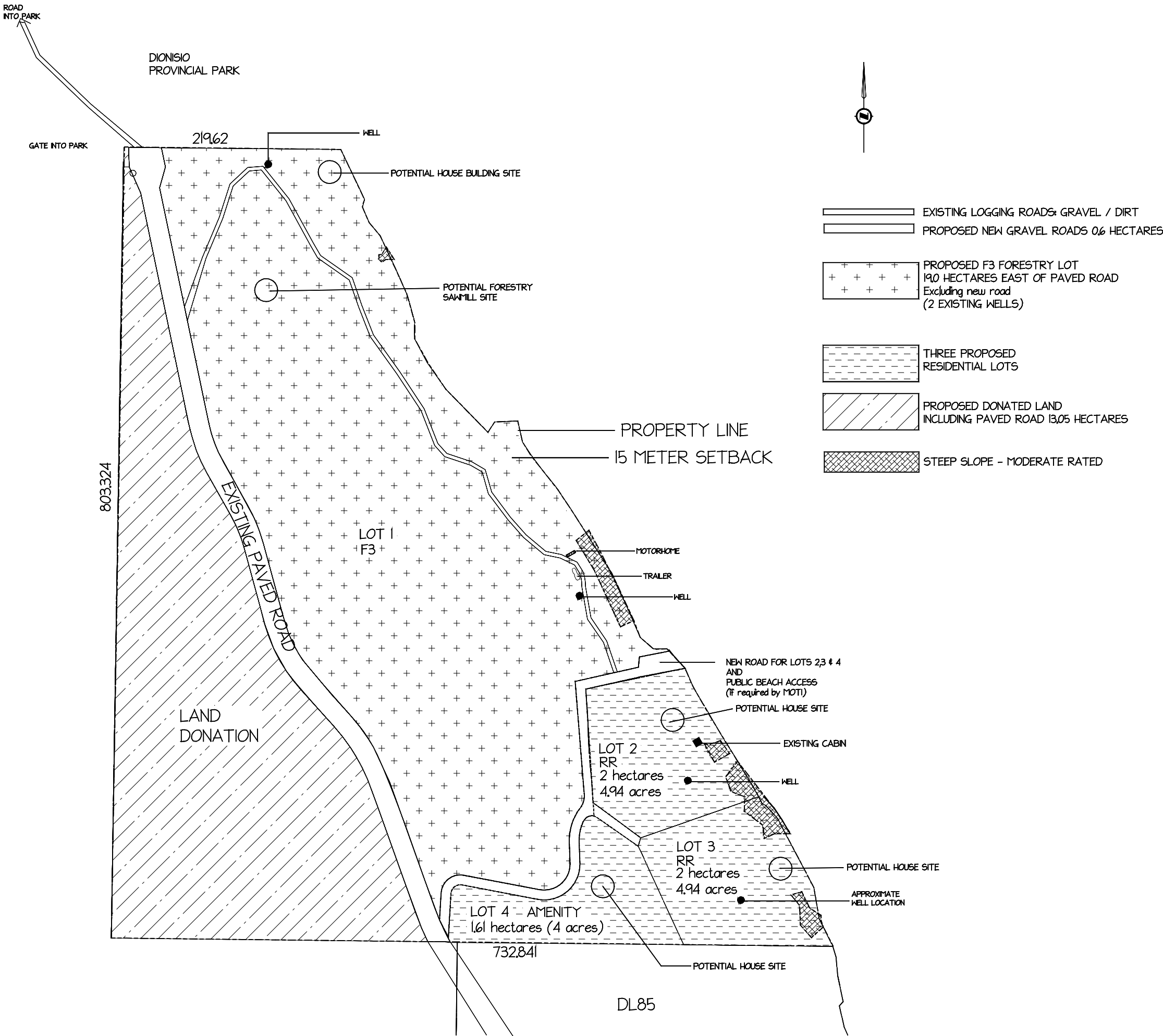
Thanks for the work you do to make the island work for the majority while not hurting the minority,

Corinne Matheson, Wayne Bairstow, and Garth Bairstow

DISTRICT LOT 86 GALIANO ISLAND
COWICHAN DISTRICT
PID : 008-015-961
38.45 HECTERS (95 ACRES)

SUBDIVISION PROPOSAL
OPTION ONE

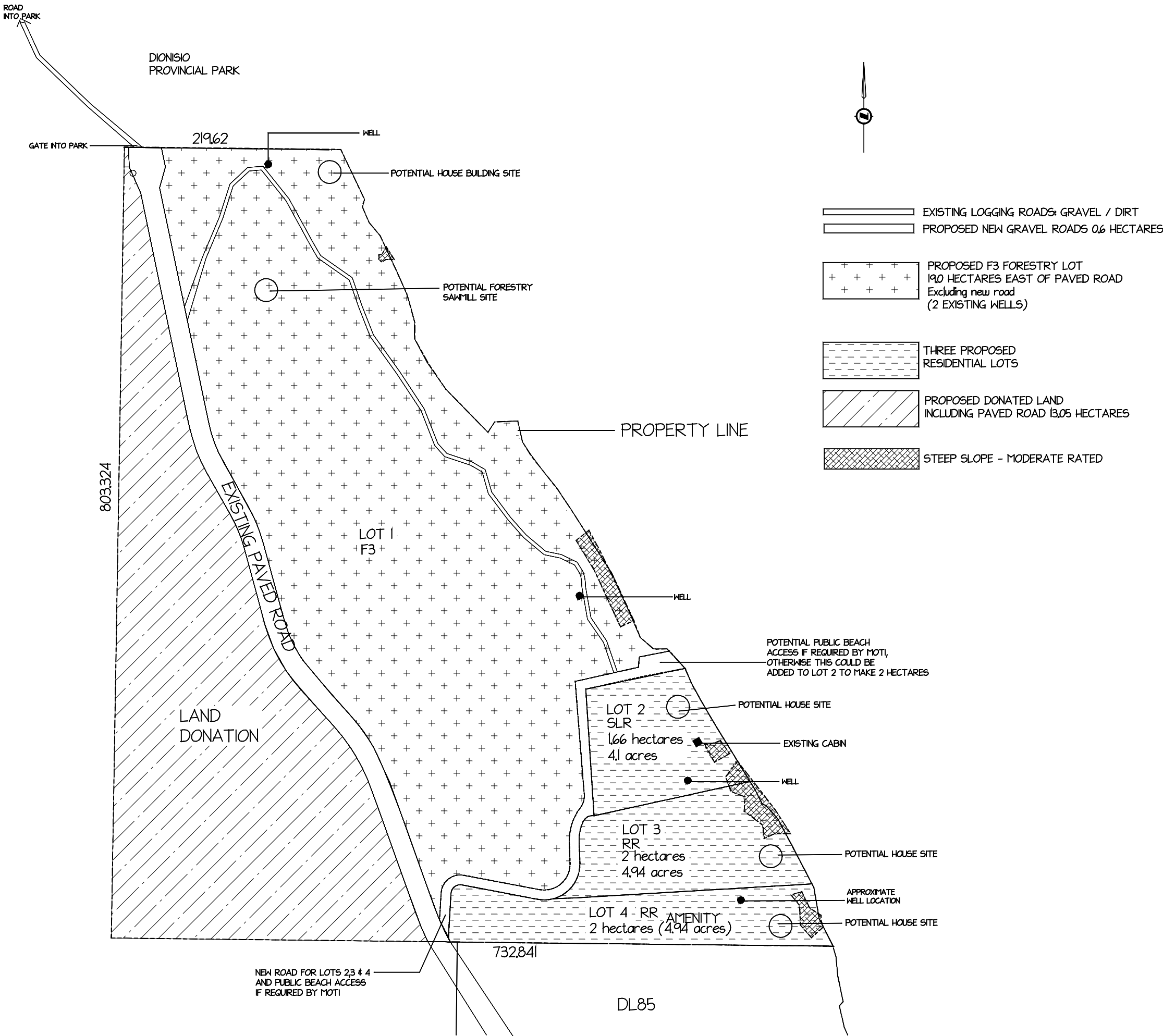
NOTE : WELLS ARE EXISTING



DISTRICT LOT 86 GALIANO ISLAND
COWICHAN DISTRICT
PID : 008-015-961
38.45 HECTERS (95 ACRES)

SUBDIVISION PROPOSAL
OPTION TWO

NOTE : WELLS ARE EXISTING





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
Web www.islandstrust.bc.ca

October 5, 2021

File Number: GL-RZ-2021.2 (Gaylor)

Attn: Andy Gaylor, McElhanney Ltd.
Via email:

Dear Andy Gaylor:

Re: Rezoning Application GL-RZ-2021.2 (Gaylor) - Terms of Reference - District Lot 86, Galiano Island, Cowichan District (PID 008-015-961).

The Islands Trust has completed a preliminary review of the rezoning application for District Lot 86 on Galiano Island submitted by you on behalf of your clients on August 13, 2021.

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 in your application package includes:

1. Cover Sheet
2. Completed application form
3. Statement of Intent
4. Statement of Title Certificate
5. Site Disclosure Statement
6. Preliminary concept plan

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 all proposed lot lines along with the '**developable area**' and associated features for each of the three (3) proposed residential lots, the applicable development permit area boundaries, existing buildings and structures, roads and driveways, topographic features, and any significant sensitive habitat features.
 - a. The **developable area** for each residential lot includes the portion identified for the dwelling, accessory buildings and structures, along with the associated location of the well, septic field, driveways and parking areas.
- 2) A groundwater report, prepared by a professional hydrogeologist, demonstrating proof of water to meet the residential potable water standard of **2275 litres/day** for each of the three (3) proposed residential lots. Staff can provide technical guidance on a terms of reference for demonstrating proof of potable water if requested by the applicant.

3) A septic disposal report, prepared by a registered onsite wastewater practitioner, confirming septic viability and proposed siting for the three (3) proposed lots.

4) Ecological Overview Report

While the Galiano Island Official Community Plan No. 108 (OCP) does not have a specific policy enabling rezoning from Forest 1 to Rural Residential zoning (RR), the LTC has considered applications based on the approach that the applicant transfer title to at least 75% of their land base in exchange for the remaining 25% that would then allow for a house and accessory cottage per a minimum of each two hectares.

An agreement between the property owner and a new title holder (e.g. BC Parks) 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 land transfer agreement.

To ensure that LTC and staff understand the entire scope and ecological significance of both the lands proposed for transfer and those to be retained by the applicant, an **ecological overview report** is required that considers the entire property. The **ecological overview report** should include at a minimum:

- a. Property location and description including existing legal encumbrances and history of use
- b. Identification of existing structures, roadways and other development features
- c. A desktop GIS inventory that includes:
 - i. Identification of habitat by type and calculation of percentage of each type in relation to proposed 75/25% lot lines (e.g. of total parcel, XX % consists of YY habitat type, of which XX percentage is located within the 75% transfer portion)
 - ii. Identification of significant or sensitive terrestrial and aquatic ecosystem features
- d. Identification of development permit areas (DPAs) and an assessment of ecological impacts of any proposed **developable areas** within those DPAs
- e. Ground-truthing of desktop inventory findings as required
- f. Maps, Photos and other relevant materials

5) Forestry Covenant Baseline Report

The OCP policy enabling rezoning from F1 to F3 requires the granting of a sustainable forest management covenant with a 3rd party covenant holder. An agreement between the property owner and a 3rd party sustainable forestry covenant holder for the proposed F3 lot 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 a 3rd 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** for the proposed F3 lot should include at a minimum:

- a. 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
- b. Maps, Photos and other relevant materials

A separate report can be prepared, or this baseline information specific to the F3 lot may be incorporated into the same **ecological overview report** as required in item #5 above.

6) Development Permit Areas

DPA 2 – Shoreline and Marine

DPA 2 includes all land 15 m upland of the natural boundary of the sea. The OCP states that a development permit is required for all subdivision of land where DPA 2 is present (Attachment 1). This is dealt with through a separate application process (and separate fee). The application guide is located here: <https://islandstrust.bc.ca/document/schedule-b-development-permits-application-form/>

The preliminary concept plan identifies building sites that may be located within DPA 2. Any proposed development within DPA 2 would also need to be considered in a development permit.

The development permit may be issued at the same time as rezoning. It could also be deferred to subdivision stage.

DPA 7 – Steep Slope (moderate)

The preliminary concept plan identifies building sites that may be located within DPA 7 (Attachment 1). The applicant will need to either verify that the proposed **developable area** for each lot does not fall within DPA 7, or provide a **geotechnical assessment** confirming a suitable building site(s) for the proposed use within the proposed **developable areas** that contains DPA 7. The assessment should be undertaken by a certified Geotechnical Engineer (P.Eng.) and delineate:

- a. 'safe' buildable areas within the proposed developable area without mitigative measures;
- b. areas that could be built upon with mitigative measures (if applicable); and/or
- c. areas where building is unsafe (if applicable)

7) Road Dedication

The Ministry of Transportation and Infrastructure (MOTI) is the provincial agency that authorizes subdivision approval on Galiano Island. Staff direct the applicant to contact MOTI to determine if the proposed subdivision layout that includes an easement road to access proposed lots 2 and 3 is viable.

If MOTI requires that this easement road be a dedicated provincial highway as a condition of subdivision approval, the applicant will be required to seek development variance from section 13.7 of the Galiano Island Land Use Bylaw No. 127 (LUB) which states:

13.7 No lot divided into two or more areas by a highway or other land may be created unless there is no practical alternative to such configuration.

The applicant will need to consider other sections of Part 13 of the LUB in relation to lot layout (Subdivision and Development Regulations). Islands Trust is a referral agency in the MOTI subdivision process. Once directed by MOTI, the applicant will need to apply again through a separate process (with a separate fee) for Islands Trust to review the proposed subdivision against Part 13 of the LUB. Islands Trust will then respond to MOTI and the applicant with proposed conditions of approval that MOTI typically includes in a preliminary layout review letter to the applicant.

8) Archaeological Material

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.

Reporting Requirements

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.

Next Steps

Staff will present your application to the LTC at the December 6, 2021 LTC meeting via a preliminary staff report. The staff report will outline the basic parameters of your rezoning proposal and will seek LTC direction to proceed with next steps including the drafting of amending bylaws.

Staff appreciate that providing all of the above information in advance of that meeting may not reasonably be expected. As such, the staff report will include an update on the current status of your application materials along with a copy of this letter. Assuming LTC decides to proceed with your

application, you will then be expected to complete the remainder of these TOR requirements before your application may be considered for final approval.

I will also arrange an onsite meeting with you some time in the fall of 2021 so that I can get a first-hand perspective of your property and the associated rezoning proposal.

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

Sincerely,

BSmith

Brad Smith
Island Planner, Galiano Island Local Trust Area

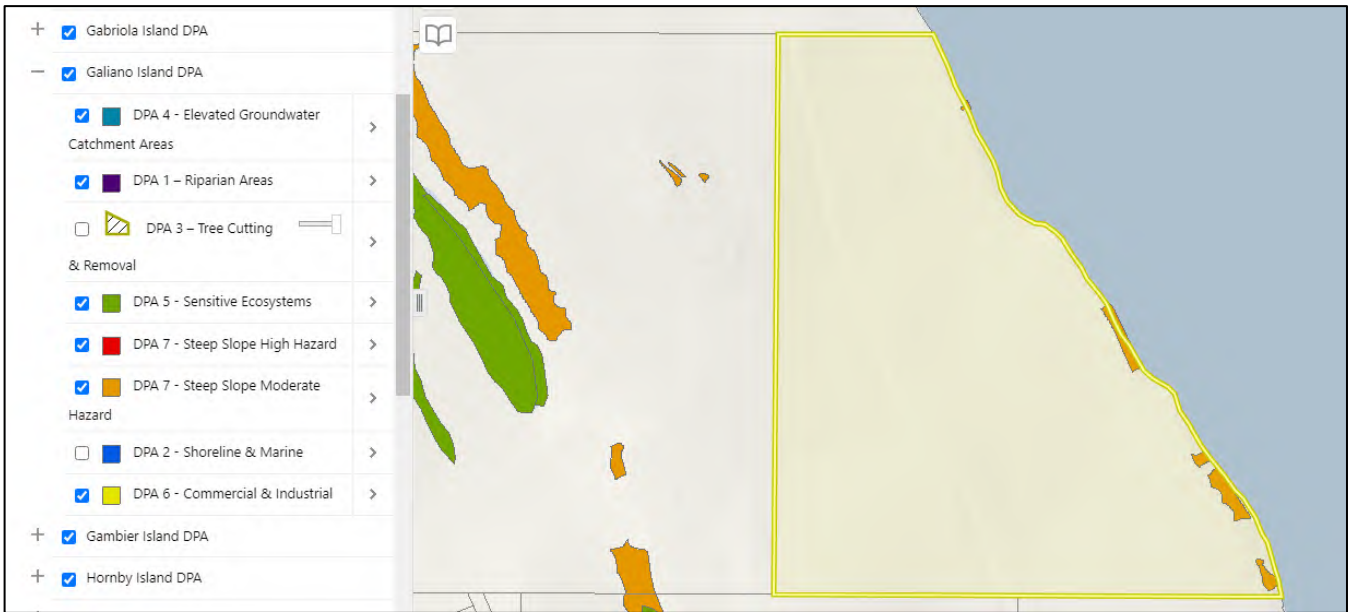
pc: Robert Kojima, Regional Planning Manager

Attachment 1: Development Permit Area Maps

DPA 2 Shoreline and Marine



DPA 7 – Steep Slope (Moderate and High Hazard)



DATE OF MEETING: July 11, 2023

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: District Lot 85 Rezoning Application – Preliminary Report

Applicant: (McElhanney Ltd.) on behalf of DL 85 property owners

Location: District Lot 85 Galiano Island Cowichan District

RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2023.2 (McElhanney) including preliminary engagement with First Nations.

REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application GL-RZ-2023.2 (McElhanney) and to seek direction from the Galiano Island Local Trust Committee (LTC) to proceed, or not proceed, with the application, including initiating preliminary engagement with First Nations.

The application as submitted would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**. The proposal would also require an OCP amendment for changes to land use designations and subdivision to create the newly proposed lots.

The above recommendation is supported as:

- The proposal as submitted is consistent with Galiano Island Official Community Plan No. 108 (OCP) forest, rural residential and parks and recreation policies and approaches taken in other F1 rezonings;
- Directing staff to proceed with the application will enable staff to begin preliminary engagement with First Nations as a first step to determining the viability of the proposal or other potential options.

BACKGROUND

This is the second rezoning application for the approximately 59.6 hectare subject property. The property owners previously applied to rezone (GL-RZ-2022.1) the subject property with the same proposal – rezone from Forest 1 to a combination of Forest 3 (F3), Rural Residential (RR) and Nature Protection (NP). At the July 4, 2022 the previous Galiano LTC passed the following resolution to proceed no further with the application, primarily citing concerns that in the LTC's opinion the proposal is not consistent with the original heritage forest policies of the OCP:

GL-2022-72

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to proceed no further with application GL-RZ-2022.1 (Gaylor).

CARRIED

Due to the resolution above staff closed file GL-RZ-2022.1. Although the applicants wished to reapply the Galiano Island LTC Development Procedure Bylaw No. 100 restricts an applicant to reapply for a substantially similar application less than one year from the date of refusal of a previous application.

The newly elected Galiano LTC at the December 15, 2022 then pass the following resolution:

GL-2022-145

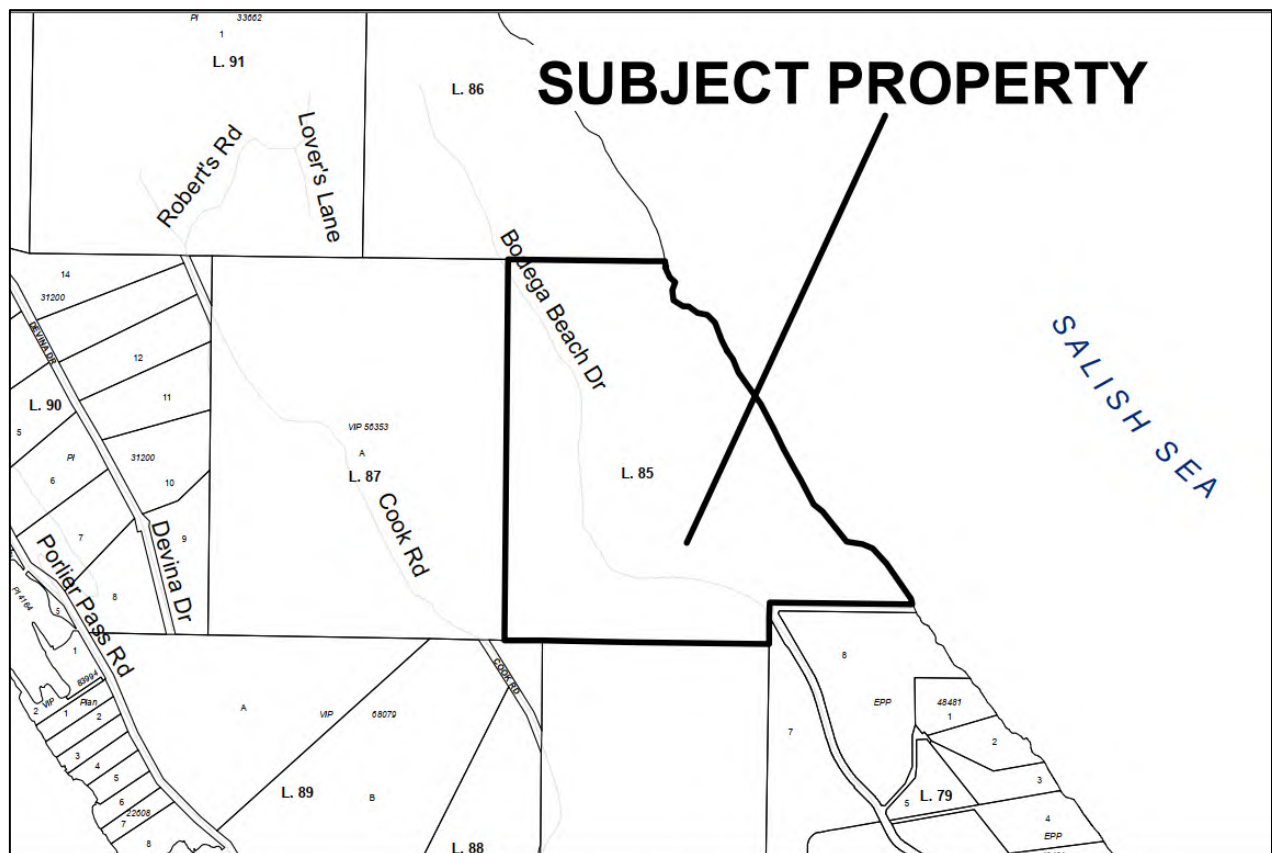
It was Moved and Seconded,

that the Galiano Island Local Trust Committee will accept an identical application for application GL-RZ-2022.1 (Gaylor).

CARRIED

The applicants have now come back with the same proposal which seeks to rezone the property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**. The subject property is located at the north end of Galiano Island (Figure 1). Adjacent land uses include forest zoned lands (DL 86), CRD Park and Crown lots. DL 84 to the south is Crown owned and zoned Nature Protection. Crown owned DL 87 is currently proposed for rezoning to Nature Protection.

Figure 1. Location of Subject Property



DL 85 is currently subject to bylaw enforcement file GL-BE-2019.6 for non-permitted uses on an F1 lot including illegal dwellings and seasonal use of travel trailers, storage of travel trailers, and existence of non-forestry accessory buildings. Attachment 1 provides additional site context. Attachment 2 provides relevant maps and ortho-photos.

ANALYSIS

Application Proposal

The applicant is proposing the creation of five new Rural Residential (RR) zoned properties, averaging 2.0 hectares, with the remainder of the subject property being dedicated as parkland zoned (Nature Protection) and public roads. The proposal also includes a 0.9 hectare amenity lot for the purpose of affordable housing, and a 2.3 hectare resource lot (ie. An existing gravel quarry). Figure 2, as provided by the applicant, provides a breakdown of the approximate total area of land proposed to be included.

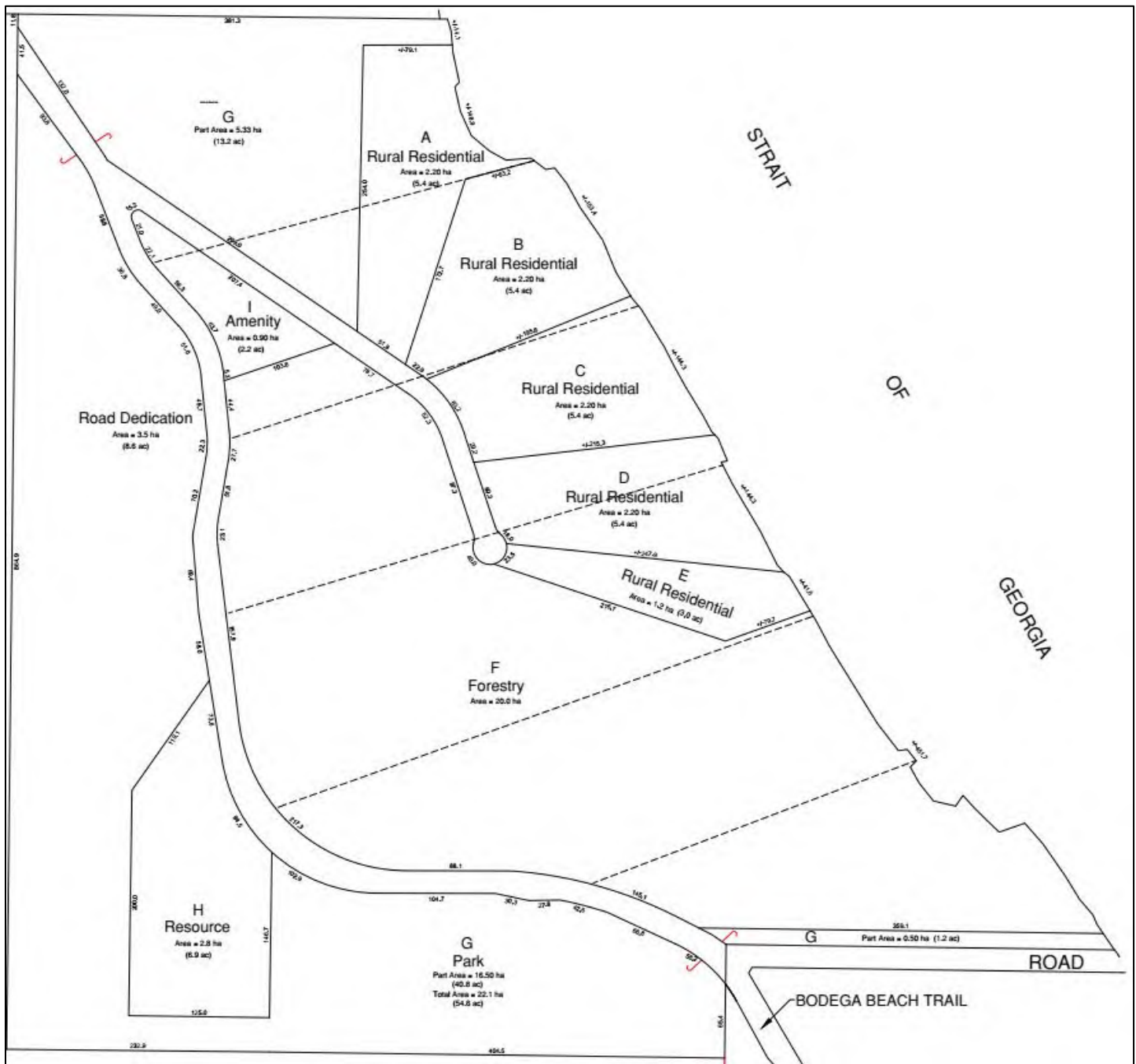
Figure 2. Approximate Total Area Proposed per Zone Type (from applicant)

Proposed Zone	Area (ha / acres)*	% of gross total land base
Forest 3	20.0 ha	34%
Rural Residential	10.0 ha	17%
Parkland	22.3 ha	37%
Road Dedication	3.6 ha	2%
Resource	2.8 ha	4%
Amenity	0.9 ha	2%
Total	59.6 ha (147.3 acres)	100%

*These figures are approximate, with further refinement to occur at later stages of development.

The lot layout for the rezoning proposal is shown in Figure 3. A cover letter provided by the applicant is included as Attachment 3. It provides additional information and rationale for the rezoning as proposed by the applicant.

Figure 3. Preliminary Layout Plan



First Nations Considerations

During the first application, staff engaged with BC Parks to discuss the potential transfer of lands to BC Parks to expand Dionisio Park and to provide public road access to the park, which is currently designated a marine access only park. At that time, BC Parks is reluctant to consider a land transfer given local First Nations have expressed interest in receiving the lands.

Staff is in the process of meeting with the Penelakut First Nation staff and council to discuss the option of land transfer. As part of the initial step with this application, staff also intend to notify other local First Nations of the application. Staff are aware that discussion are required between Nations to determine which Nation(s) may receive the land for this application, and future potential applications.

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).

Policy/Regulatory

Islands Trust Policy Statement

As presented, the proposal appears consistent with Islands Trust Policy Statement (ITPS) policies, in particular with respect to policies related to Forest Ecosystems (s.3.2) Freshwater (s.3.3), Forests (s.4.2), and Growth and Development (s.5.2). Hydrogeological reports from the applicant will help to determine consistency with Policy 4.4.2 (Freshwater Resources).

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 1st reading.

Official Community Plan

The OCP land use designation for the subject-property is currently **Forestry**. Rezoning as proposed would result in the following changes to the OCP schedule B for the newly configured lots (Figure 4).

Figure 4. OCP Designations for New Lots

LUB Zoning	OCP Designation/Location	# Lots
Rural Residential	Rural Residential (Section II, Article 1.2)	5
Forest 3	Forestry (Section II, Subsection 3)	1
Nature Protection or Other (including amenity lot and resource lot)	Nature Protection (Section II, Subsection 7) Amenity lot and resource lot TBD	2-3 if resource lot separated from NP

Lot 1 - Forest 1 to Forest 3 Rezoning

The applicant is proposing to create one 20 hectare F3 zoned lot. OCP Forest Policy b)ii) states that:

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.

As proposed, the application is consistent with this Forestry policy, including compliance with Land Transportation Policy o). The applicant would be required to establish a **developable area** on the F3 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.

Further discussions with First Nations and provincial agencies are required before any decisions should be made on the feasibility of the creation of an F3 lot and the final lot layout.

Forest 1 to Rural Residential and Nature Protection Lots

Although there are no specific OCP forestry policies with respect to the transfer of at least 75% of land in exchange for the remaining 25% to be rezoned to **RR** with a minimum average 2.0 hectare lot size, there are site specific instances in the OCP rural residential policies where LTC has approved rezoning under these terms (RR OCP Policies 1.4 e, f and g).

As presented, the proposed land transfer would be approximately 29.6 hectares (equalling 75% of the remaining lands once the F3 lot is removed), with the other 10.0 hectares used to create the five RR zoned lots. The lands proposed for transfer contain a mix of parkland, road dedication, an existing gravel quarry and an amenity lot for affordable housing.

As above, further discussions with First Nations and provincial agencies are required before any decisions should be made on the feasibility of a land transfer for the creation of RR lots and the final lot layout.

If the application proceeds, the applicant would be required to establish developable areas on the five RR lots with locations selected to minimize impact.

Land Use Bylaw

The subject property is currently zoned **F1** in the LUB. The Permitted uses in this zone are:

- timber production and harvesting;
- accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries

Rezoning a portion of the lot to **F3** would permit:

- timber production and harvesting;
- dwellings accessory to timber production and harvesting uses and home occupations, on lots having an area of 20 hectares and more and highway access as defined in subsection 17.1.16;
- accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries.

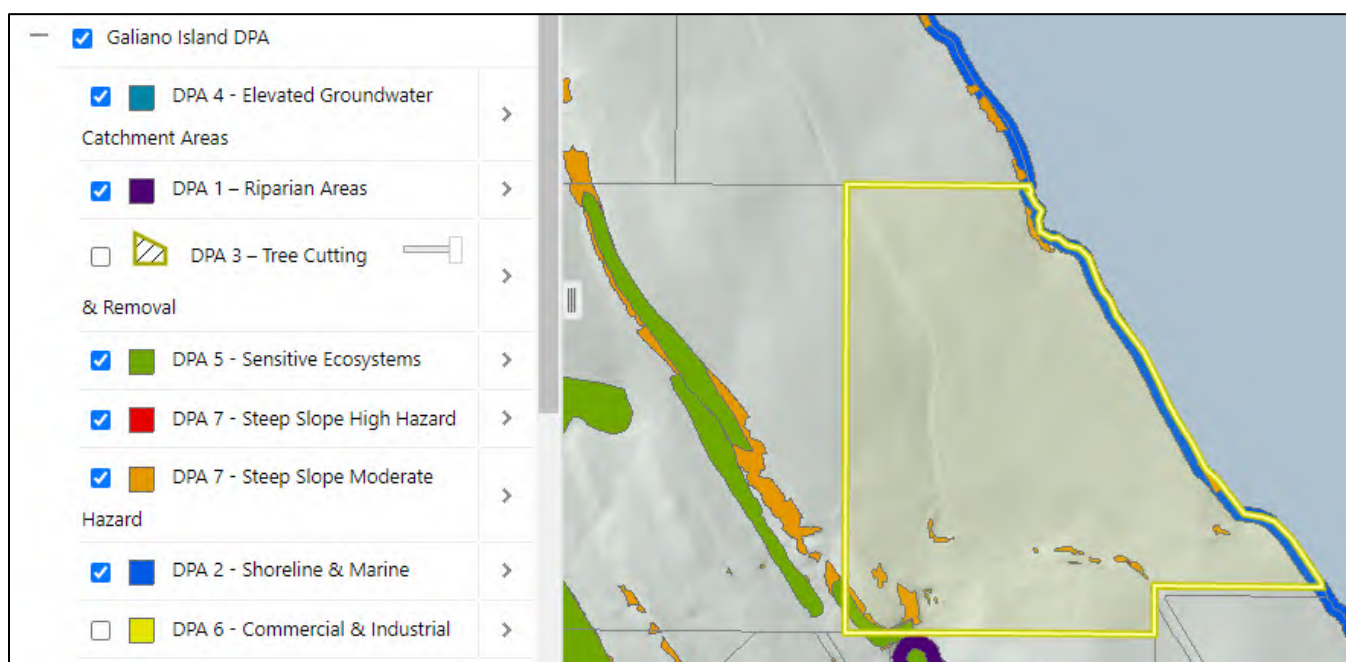
Rezoning to a portion to **RR** would permit on each new lot:

- one dwelling (with no maximum floor area) and one accessory cottage with a maximum floor area of 80 m² (to be located within pre-defined **developable areas** determined at time of rezoning);
- home occupations;
- a secondary suite (if no accessory cottage is already built on the lot).

Development Permit Areas

Figure 5 shows the *DPA 2 – Shoreline and Marine* (DPA 2 - Blue), *DPA 5 – Sensitive Ecosystem* and *DPA 7 Steep Slope –moderate* (DPA 7 – Orange) on the subject property.

Figure 5. DPA 2 – Shoreline and Marine (Blue) and DPA 7 Steep Slope Moderate (Orange)



DPA 2 includes all land 15 m upland of the natural boundary of the sea. The OCP states that a development permit is required for all subdivision of land where DPA 2 is present.

DPA 3 – Tree Cutting and Removal

The entire Galiano Island local trust area is designated as a development permit area for the purpose of cutting and removal of trees. A DPA 3 development permit is not required for the subdivision of land. However, the applicant should be aware a DPA 3 development permit may be required for future residential development on the five proposed lots if removal of greater than 12 m³ of timber per hectare occurs over a 3 year period.

The DPA 3 guidelines also state that “activities permitted by the Land Use Bylaw and necessitating the removal of trees should be conducted at those locations on the lot that will involve removal of the fewest trees and the removal of no Garry Oak trees.”

For the proposed F3 lot, the DPA 3 guidelines provide the following exception to requiring a permit on the areas of land restricted to forest use only (i.e. areas outside of the **developable area**):

- *the cutting or removal of any tree from the Agricultural Land Reserve or from any area charged by a covenant granted pursuant to Forest policy b)ii) of this Plan that restricts the use of the area to forest uses exclusively.*

Archaeological Material

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 have directed the applicant to the following guidelines:

- 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.
- Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.
- For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca.

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal 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 early engagement and referral:

- 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
- Coast Salish Peoples of Galiano
- Georgeson Family of Galiano

If the LTC decides to proceed, as a first step staff would send a letter to these First Nations seeking further dialogue and input.

Agencies

Staff have identified the following agencies for bylaw referral should the application proceed to that stage; the LTC may direct staff to include other agencies not listed. The LTC may also choose to refer the proposal to the Galiano Island Advisory Planning Commission.

- Ministry of Transportation and Infrastructure
- BC Parks
- Island Health
- CRD, Building Inspection Services
- CRD, Galiano Island Parks and Recreation Commission
- Galiano Trails Society
- Galiano Island Fire Rescue – North Department
- 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 proposal as written is consistent with Galiano Island Official Community Plan No. 108 (OCP) forest, rural residential and parks and recreation policies;
- Directing staff to proceed with the application will enable staff to begin preliminary engagement with First Nations as a first step to determining the viability of the proposal or other potential options.

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 submit to the Islands Trust

_____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2023.2 (McElhanney).

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

That the Galiano Island Local Trust Committee hold application GL-RZ-2023.2 (McElhanney) in abeyance.

NEXT STEPS

With direction from the LTC, Staff will:

- Draft letter for preliminary engagement with First Nations, and
- Issue a TOR to applicant

Submitted By:	Kim Stockdill, Island Planner	July 4, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	July 4, 2023

ATTACHMENTS

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

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	District Lot 85, Galiano Island, Cowichan District
PID	009-625-259
Civic Address	5500 Bodega Beach Drive, Galiano Island
Lot Size	59.6 hectares (149.33 acres)

LAND USE

Current Land Use	Forest 1
Surrounding Land Use	Forest 1, Park, Marine, Nature Protection

HISTORICAL ACTIVITY

File No.	Purpose
GL-RZ-2022.1	Rezone the property from Forest 1 (F1) to a combination of Forest 3 (F3), Rural Residential (RR) and Nature Protection (NP).
GL-RZ-2008.1	Rezoning to amend OCP and to rezone properties to RR and FH with policy amendment to consider BC Parks as eligible to hold FH zoned land as Park. DLs 79, 85, 86 and 87. LTC directed to proceed no further in March, 2009.
GL-SUB-1994.1	Subdivision to residential – did not proceed

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
Other Regulations	None
Covenants	None
Bylaw Enforcement	GL-BE-2019.6 – non-permitted uses on an F1 lot including illegal dwellings and seasonal use of travel trailers, storage of travel trailers, and existence of non-forestry accessory buildings.

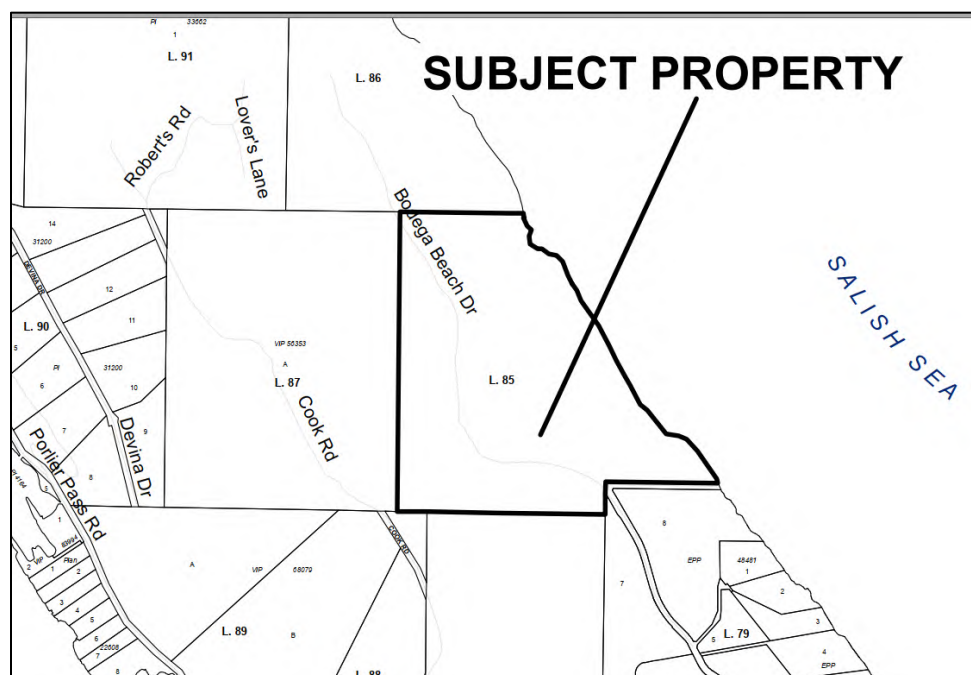
SITE INFLUENCES

Islands Trust Conservancy	There are no Islands Trust Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	SAR masked secure zone across entire property and numerous others in a large polygon surrounding majority of island; sea bird colony identified in marine zone adjacent to southern lot boundary
Sensitive Ecosystems	Portions of mixed woodland.

Hazard Areas	There are portions of the property identified as Steep Slope Moderate Risk
Archaeological Sites	There is potential for the presence of archaeological material. Staff have directed the applicant to the following guidelines: • 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. • Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork. • For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca, or contact Islands Trust to access mapping of the subject property.
Climate Change Adaptation and Mitigation	None
Shoreline Classification	Low Rock/Boulder
Shoreline Data in TAPIS	None

ATTACHMENT 2 – MAPS, PLANS, ORTHO-PHOTOS

2.1 SUBJECT PROPERTY MAP



2.2 ZONING AND ORTHO

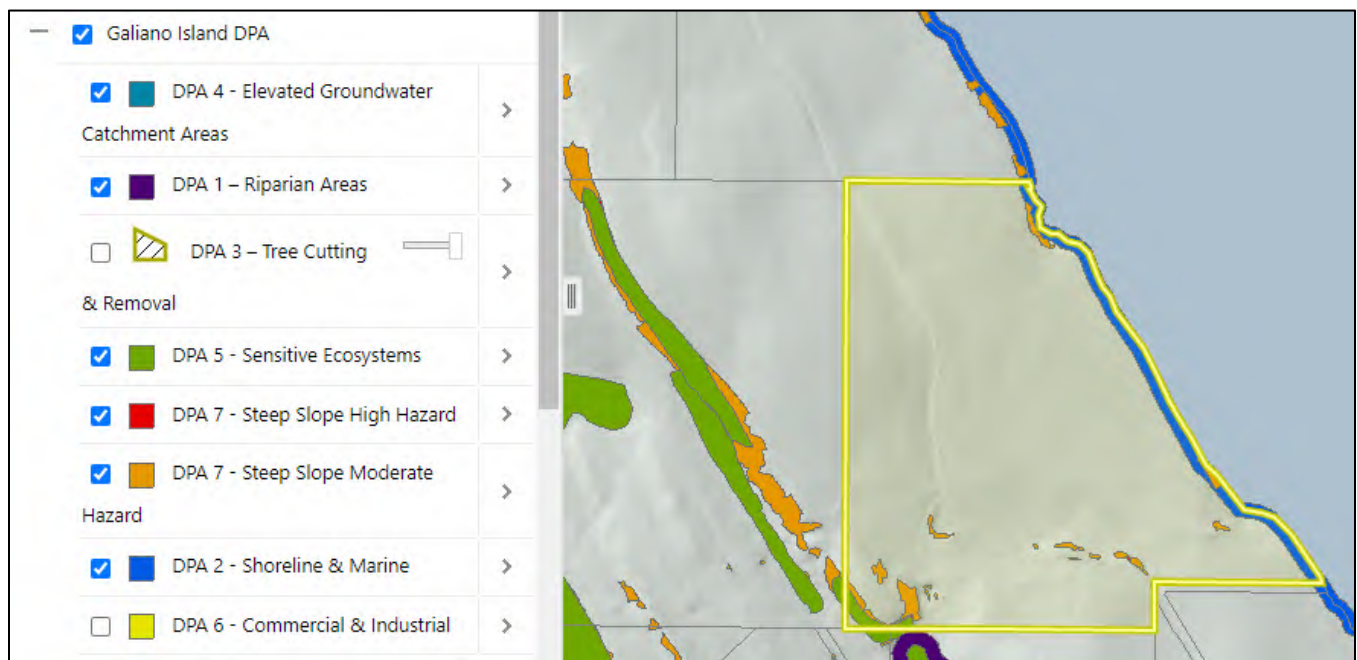


Islands Trust

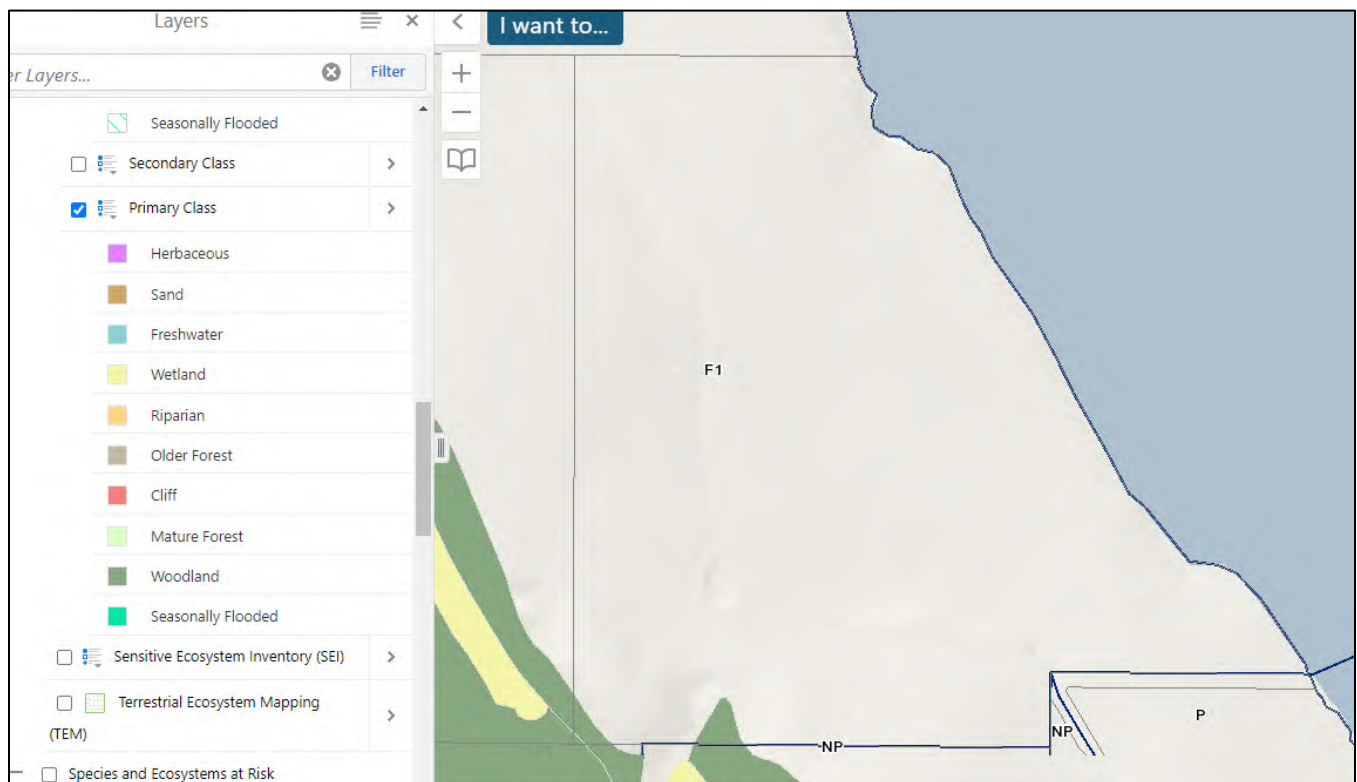


2.4 DEVELOPMENT PERMIT AREAS

DPA 2 (Shoreline and Marine), DPA 5 Sensitive Ecosystem and DPA 7 (Steep Slope Moderate)



2.5 SENSITIVE ECOSYSTEM MAPPING



Our File: 2243-18015

March 22, 2022

Islands Trust (Southern Office)
 200 – 1627 Fort Street
 Victoria, BC
 V8R1H8

Attention: Brad Smith, PAg, Island Planner

Application to Rezone – D.L. 85 (Galiano Island)

On behalf of my clients, I am pleased to submit this application to rezone the 59.6 ha subject property, D.L.85, on Galiano Island. The purpose of this rezoning application is to rezone the lands from their current Forest 1 (F1) Zone to the following:

Proposed Zone	Area (ha / acres)*	% of gross total land base
Forest 3	20.0 ha	34%
Rural Residential	10.0 ha	17%
Parkland	22.3 ha	37%
Road Dedication	3.6 ha	2%
Resource	2.8 ha	4%
Amenity	0.9 ha	2%
Total	59.6 ha (147.3 acres)	100%

*These figures are approximate, with further refinement to occur at later stages of development.

The purpose of this application is to recognize the role that forestry and timber harvesting has played in the evolution of Galiano Island while allowing the creation of five (5) Rural Residential Zoned properties. Rezoning the majority (71%) of the subject lands to a combination of Forest 3 (34%) and Parkland (37%)

McElhanney

1211 Ryan Road, Courtenay BC Canada V9N 3R6
 Tel. 250-338-5495 | Fax. 1-855-407-3895 | www.mcelhanney.com

Page 1

will ensure that forestry remains the primary use of the subject lands. We have engaged the services of both a Qualified Environmental Professional (QEP) and Professional Forester to prepare a Forest Management Plan and we are fully committed to working with a third-party conservation group and register a Sustainable Forestry Covenant on property title as a condition of zoning approval.

Following similar precedents set in areas near the subject property, it is proposed that 5, Rural Residential properties, averaging 2.0 in parcel size, parcels be permitted, with the remainder of the subject property being dedicated as both parkland and public roads. Establishing a 20.0m road right-of-way through the subject property is in recognition of the fact that the current and only access into Dionisio Point Park is via an easement road not accessible to the public. It should be noted that full public access to the Park will be conveyed should both this rezoning application and the concurrent proposed rezoning of DL86 be adopted. Related, as shown on the submitted concept plan, proposed parkland both at the north and south ends of the site will allow public access to the foreshore.

The proposed concept has been developed to align with the “Forest” objectives contained within Galiano’s Official Community Plan. For example, the proposal “*preserves the forest land base*” by ensuring that 72% of the property area will be used for sustainable forestry practices and parkland. Registration of a sustainable forestry covenant and parkland dedication will also ensure that the forest’s “*biodiversity, integrity and ecological services*” remain protected.

Recognizing that Islands Trust planning staff will provide detailed project terms of reference outlining the required development approval information in order for this rezoning application to move forward, this submission also includes submission of a preliminary sewerage and water report indicating that potable water can likely be provided, and soils are generally conducive for septic disposal.

In short, we believe that this proposal successfully balances the OCP’s goal of promoting sustainable forestry with providing additional public parkland opportunities, access to Dionisio Point Park, alongside some limited residential uses.

Thank you for considering our application and we look forward to working with you.

Sincerely,
McElhanney Ltd.



Andy Gaylor, MPA, MCIP, RPP
agaylor@mcelhanney.com 250-718-7274

cc: Fleming Larsen, Client



DATE OF MEETING: July 11, 2023

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: 490 GARDNER RD - Rezoning Application

Applicant: Judy Hayes

Location: Lot 1, District Lots 1 and 3 and of Section 7, Galiano Island, Cowichan District, Plan 13005 Except All of District Lots 1 and 3 now included in Plan 50163

RECOMMENDATION

1. That the Galiano Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 287, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022” and Bylaw No. 288, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022”.

REPORT SUMMARY

The purpose of this report is to provide the Galiano Island Local Trust Committee (LTC) with a summary of the referrals received to date and to request direction to schedule a public hearing. The application as proposed would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) and the Galiano Island Official Community Plan No. 108, 1995 (OCP) by rezoning and re-designating a portion of the subject property from Rural Residential (RR) to Agriculture (AG).

BACKGROUND

The property owner is seeking to rezone and re-designate a portion of the 13.4 hectare (33.2 acre) subject property from Rural Residential (RR) to Agriculture (AG) to enable the subdivision of the property to create one additional residential lot (Figure 2). Proposed Bylaw No. 287 (OCP amending bylaw) and Bylaw No. 288 (LUB amending bylaw) are attached to the staff report (Attachment Nos. 2 and 3).

At the April 11, 2023 the Galiano LTC passed the following resolution:

GL-2023.019

That the Galiano Island Local Trust Committee Bylaw No. 287, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022” be read for a first time.

CARRIED

GL-2023-020

That the Galiano Island Local Trust Committee Bylaw No. 288, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022” be read for a first time.

GL-2023-021

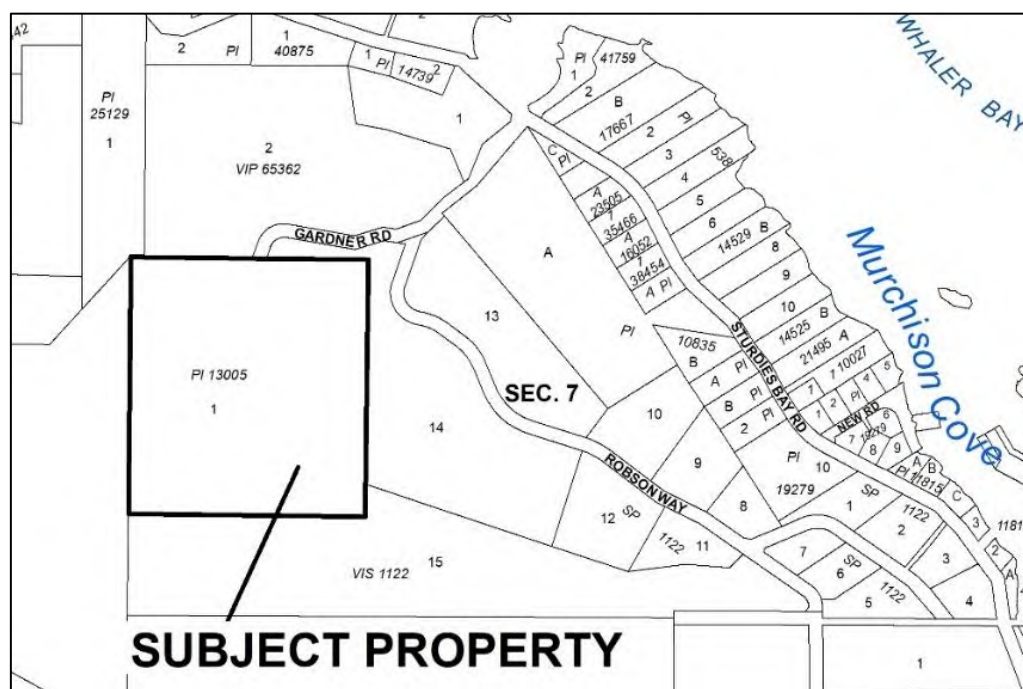
That the Galiano Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 287, Cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.

GL-2023-022

That the Galiano Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 288, Cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

Figure 1. Location of Subject Property



ANALYSIS

Groundwater Assessment

To date, the applicant is still working to provide a groundwater assessment, prepared by a professional hydrogeologist, demonstrating standards for potable water supply are met for the newly proposed rural residential (RR) zoned lot. The applicant notified staff that the pump tests will be completed in mid July therefore the groundwater assessment could be completed by end of summer. When the groundwater assessment is received by staff, it will be circulated to the LTC, sent to the Senior Freshwater Specialist for review, and will be posted to the Galiano LTC Applications webpage. If issues are identified with the groundwater assessment, staff will bring forward the assessment at a subsequent LTC meeting outlining the concerns with comments from the Islands Trust Senior Freshwater Specialist.

Public Hearing

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting prior to that. In this circumstance, staff recommends scheduling the community information meeting and Public Hearing at a subsequent regular LTC meeting after the groundwater assessment has been received and no issues have been identified.

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

The LTC has the discretion to amend the bylaw before or after the Public Hearing. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

Statutory Requirements

The following agencies and First Nations have been referred the draft bylaws for comment:

- Ministry of Transportation and Infrastructure
- Ministry of Agriculture
- Agricultural Land Commission
- Island Health
- CRD, Planning and Protective Services, Building Inspection
- Galiano Island Fire Rescue – South Department
- Mayne Island Local Trust Committee
- Thetis Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- 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
- Coast Salish Peoples of Galiano

The follow is a summary of referral comments received to date:

Agency/First Nation	Summary of Referral Comments
Agricultural Land Commission	The ALC has no objection to the proposed bylaw amendments – as they do not directly affect the ALR.
North Galiano Volunteer Fire Department	Interests unaffected by the bylaws.
Island Health Authority	There are no comments or objections from Island Health regarding the proposed changes.
Salt Spring Island LTC	Interests unaffected by bylaws.
CRD	No comment – Integrated Water Services Interests unaffected – Regional Park Services No comment – Regional Strategic Planning

	No comment – Environmental Services
Mayne Island LTC	Interests unaffected by bylaws
Ts'uubaa-asatx Nation	This application is located within the Ts'uubaa-asatx Nation statement of intent area; it is the interest of the Ts'uubaa-asatx Nation to respectfully maintain our rights and access to the lands and resources throughout our territory. Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this “no comment” response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory .
Tsawwassen First Nation	Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, when any physical works are considered for the rezoned area, TFN requests an opportunity to review all copies of interim and final environmental and archaeological reports before any new construction commences.
Musqueam Indian Band	We have no comments for this file.
Malahat Nation	Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this referral.

Rationale for Recommendation

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

- Allow the application to proceed through the next steps of the rezoning process which will facilitate public and agency consultation
- No issues have been raised from the initial referral responses received to date
- The bylaw is consistent with the Islands Trust Policy Statement (ITPS) policies
- The application is reasonable as proposed and is consistent with OCP policies and LUB regulations
- The currently zoned RR portion of land which would be included in the revised AG zone is substantially the same as land which is currently in the AG zone
- The rezoning would address the issue of the existing house and driveway lying in the middle of two zones on the property

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 submit to the Islands Trust

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2022.2 (Hayes).

NEXT STEPS

After staff have received the Groundwater Assessment and no issues are identified within the assessment, schedule will move forward with scheduling a community information meeting and a public hearing.

Submitted By:	Kim Stockdill, Island Planner	June 29, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	June 29, 2023

ATTACHMENTS

1. Referral Responses – Bylaw Nos. 287 & 288
2. Proposed Bylaw No. 287
3. Proposed Bylaw No. 288

From: SouthInfo
Sent: Thursday, April 27, 2023 8:58 PM
To: Jas Chonk
Subject: FW: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

Sheree Rialp

Planning Team Assistant
Southern Planning Team
Islands Trust

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: Thursday, April 27, 2023 4:03 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: RE: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

To whom it may concern,

The ALC has no objection to the proposed bylaw amendments – as they do not directly affect the ALR.

Regards



Martin Collins,
Regional Planner | Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T 604-953-6673 |
www.alc.gov.bc.ca

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From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Thursday, April 27, 2023 3:47 PM
To: Burleson, Ron MUNI:EX <Ron.Burleson@gov.bc.ca>; ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>; Page, Owen TRAN:EX <Owen.Page@gov.bc.ca>; Aggie Chan <ACHan@crd.bc.ca>; 'jarnet@crd.bc.ca' <jarnet@crd.bc.ca>; 'Douglas.Watters@viha.ca' <Douglas.Watters@viha.ca>; 'chief.ngvfd@gmail.com'

<chief.ngvfd@gmail.com>; Nadine Mourao <nmourao@islandstrust.bc.ca>; Rob Pingle
<rpingle@islandstrust.bc.ca>

Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear Referral Coordinators,

The Galiano Island Local Trust Committee has asked that its Proposed Bylaws 287 and 288 (GL-RZ-2022.2 (Hayes)) be referred to you for comment. The referral package prepared by Island Planner Kim Stockdill is attached.

Purpose: The purpose of **Bylaw 287** is to amend the Galiano Island Official Community Plan to re-designate a portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. The purpose of **Bylaw 288** is to amend the Galiano Island Land Use Bylaw to re-zone the same portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. **Bylaw Nos. 287 and 288** are associated with a rezoning application that, if approved, would facilitate a future subdivision application that would subdivide the current split-zoned property into two single-zoned properties.

Additional information, including staff reports and the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>

A reply is respectfully requested by **Monday, May 29, 2023**.

Should you have any questions, or require further information, please contact Island Planner Kim Stockdill at 250-405-5157 or kstockdill@islandstrust.bc.ca and she would be happy to answer any questions you may have.

Please direct referral responses to southinfo@islandstrust.bc.ca or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

From: Chief NGVFD <chiefngvfd@gmail.com>
Sent: Thursday, April 27, 2023 4:02 PM
To: Jas Chonk
Subject: Re: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

North Galiano Volunteer Fire Department's interests are unaffected by the bylaws.

Karen Harris (she/her/hers),
Fire Chief,
North Galiano Volunteer Fire Department,
19400 Porlier Pass Road, Galiano Island BC V0N 1P0
250-539-5453; 250-539-0204
chief.ngvfd@gmail.com

On Thu, 27 Apr 2023 at 15:47, Jas Chonk <jchonk@islandstrust.bc.ca> wrote:

Dear Referral Coordinators,

The Galiano Island Local Trust Committee has asked that its Proposed Bylaws 287 and 288 (GL-RZ-2022.2 (Hayes)) be referred to you for comment. The referral package prepared by Island Planner Kim Stockdill is attached.

Purpose: The purpose of **Bylaw 287** is to amend the Galiano Island Official Community Plan to re-designate a portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. The purpose of **Bylaw 288** is to amend the Galiano Island Land Use Bylaw to re-zone the same portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. **Bylaw Nos. 287 and 288** are associated with a rezoning application that, if approved, would facilitate a future subdivision application that would subdivide the current split-zoned property into two single-zoned properties.

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Should you have any questions, or require further information, please contact Island Planner Kim Stockdill at 250-405-5157 or kstockdill@islandstrust.bc.ca and she would be happy to answer any questions you may have.

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Thank you for your time and attention to this matter.

Sincerely,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

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Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilwətał, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', STÁUTW, Stz'uminus, łaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLEEP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: Jiang, Simon <Simon.Jiang@islandhealth.ca>
Sent: Friday, April 28, 2023 10:46 AM
To: SouthInfo
Cc: Jas Chonk
Subject: RE: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

Hello,

Thank you for your email and for the opportunity to comment on the proposed changes.

There are no comments or objections from Island Health regarding the proposed changes. If the changes go through and the applicant proceeds with the subdivision process, I would recommend for them to visit our website at: <https://www.islandhealth.ca/learn-about-health/environment/sewerage-subdivision>. This site should provide all of the relevant information for on-site sewerage systems and procedures for the subdivision process.

Please feel free to reach out if you have any concerns or require any additional information.

Kind regards,

Simon Jiang BSc, BTech, CPHI(C)
Environmental Health Officer | **Island Health Authority**

email simon.jiang@islandhealth.ca
address #201 – 771 Vernon Avenue, Victoria, BC

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From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Thursday, April 27, 2023 3:47 PM
To: 'Ron.Burleson@gov.bc.ca' <Ron.Burleson@gov.bc.ca>; 'ALC.Referrals@gov.bc.ca' <ALC.Referrals@gov.bc.ca>; 'Dyer, Jennifer TRAN:EX' <Jennifer.Dyer@gov.bc.ca>; 'Owen.Page@gov.bc.ca' <Owen.Page@gov.bc.ca>; Aggie Chan <ACHan@crd.bc.ca>; 'jarnet@crd.bc.ca' <jarnet@crd.bc.ca>; Watters, Douglas <Douglas.Watters@islandhealth.ca>; 'chief.ngvfd@gmail.com' <chief.ngvfd@gmail.com>; Nadine Mourao <nmourao@islandstrust.bc.ca>; Rob Pingle <rpingle@islandstrust.bc.ca>
Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

Dear Referral Coordinators,

The Galiano Island Local Trust Committee has asked that its Proposed Bylaws 287 and 288 (GL-RZ-2022.2 (Hayes)) be referred to you for comment. The referral package prepared by Island Planner Kim Stockdill is attached.

Purpose: The purpose of **Bylaw 287** is to amend the Galiano Island Official Community Plan to re-

designate a portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. The purpose of **Bylaw 288** is to amend the Galiano Island Land Use Bylaw to re-zone the same portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. **Bylaw Nos. 287 and 288** are associated with a rezoning application that, if approved, would facilitate a future subdivision application that would subdivide the current split-zoned property into two single-zoned properties.

Additional information, including staff reports and the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>

A reply is respectfully requested by **Monday, May 29, 2023**.

Should you have any questions, or require further information, please contact Island Planner Kim Stockdill at 250-405-5157 or kstockdill@islandstrust.bc.ca and she would be happy to answer any questions you may have.

Please direct referral responses to southinfo@islandstrust.bc.ca or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

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Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Galiano Island Local Trust Area Bylaw No.: 287 and 288 Date: April 27, 2023

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

The purpose of **Bylaw 287** is to amend the Galiano Island Official Community Plan to re-designate a portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. The purpose of **Bylaw 288** is to amend the Galiano Island Land Use Bylaw to re-zone the same portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. **Bylaw Nos. 287 and 288** are associated with a rezoning application that, if approved, would facilitate a future subdivision application that would subdivide the current split-zoned property into two single-zoned properties.

Professional reports and staff reports are available on the Galiano Island Current Applications webpage:
<https://islandstrust.bc.ca/island-planning/galiano/current-applications/>

GENERAL LOCATION:

Galiano Island Local Trust Area

OTHER INFORMATION:

Additional information is available at: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Kim Stockdill

Title: Island Planner

Contact Info Tel: 250-405-5189

Email: kstockdill@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Municipal Affairs
Ministry of Transportation and Infrastructure
Agricultural Land Commission

Regional Government

CRD- Building Inspection
Island Health

Non-Agency Referrals

Galiano Island Fire Rescue – South Department

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Thetis Island Local Trust Committee

First Nations

Coast Salish Peoples Society
Cowichan Tribes
Halalt First Nation
Ts'uubaa-asatx Nation
Lyackson First Nation
Malahat First Nation
Musqueam Indian Band
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

BYLAW REFERRAL FORM
 RESPONSE SUMMARY

- ☐
 Approval Recommended for Reasons Outlined Below
- ☐
 Approval Recommended Subject to Conditions Outlined Below
- ☒
 Interests Unaffected by Bylaw
- ☐
 Approval Not Recommended Due to Reason Outlined Below

Galiano Island Local Trust Area

(Island)



(Signature)

18 May 2023

(Date)

287/288

(Bylaw Number)

Rob Pingle - Legislative Clerk

(Name and Title)

Salt Spring Island Local Trust Area

(Agency)

From: SouthInfo
Sent: Tuesday, May 30, 2023 8:30 AM
To: Jas Chonk; Kim Stockdill
Subject: FW: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

From: Aggie Chan <ACHan@crd.bc.ca>
Sent: Monday, May 29, 2023 4:15 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: RE: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

Good afternoon,

Please note the following comment from CRD:

No comment – Integrated Water Services
Interests unaffected – Regional Park Services
No comment – Regional Strategic Planning
No comment – Environmental Services

Regards,

Aggie Chan

Senior Administrative Secretary | Real Estate Services
T: 250.360.3176

[Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | www.crd.bc.ca



Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7

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BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☒

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Galiano Island Local Trust Area

(Island)

J. Chong

(Signature)

May 29, 2023
(Date)

287/288

(Bylaw Number)

Jas Chong, Legislative Clerk
(Name and Title)

Mayne Island Local Trust Committee
(Agency)

From: Kim Stockdill
Sent: Monday, June 5, 2023 8:28 AM
To: Jas Chonk
Subject: FW: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

From: SouthInfo <SouthInfo@islandstrust.bc.ca>
Sent: Thursday, June 1, 2023 1:24 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: FW: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: Thursday, June 1, 2023 12:59 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: RE: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

Hello Kim,

Thank you for the referral. As the subject area appears to be outside of the ALR and is proposed for an 'agricultural' designation which would retain its compatibility with adjacent ALR lands, the ALC's interests are unaffected by the proposed bylaw amendments.

Regards,



Mike Bandy | Regional Planner
Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T: 236.468.3276
ALC.Referrals@gov.bc.ca | www.alc.gov.bc.ca

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From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Friday, April 28, 2023 9:39 AM
To: Burleson, Ron MUNI:EX <Ron.Burleson@gov.bc.ca>; ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>; Page, Owen TRAN:EX <Owen.Page@gov.bc.ca>; 'Aggie Chan' <ACHan@crd.bc.ca>; 'jarnet@crd.bc.ca' <jarnet@crd.bc.ca>; 'Douglas.Watters@viha.ca' <Douglas.Watters@viha.ca>; 'chief.ngvfd@gmail.com' <chief.ngvfd@gmail.com>; Nadine Mourao <nmourao@islandstrust.bc.ca>; Rob Pingle

<rpingle@islandstrust.bc.ca>

Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: RE: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Sorry all, I forget to add the attachment.

From: Jas Chonk

Sent: Thursday, April 27, 2023 3:47 PM

To: 'Ron.Burleson@gov.bc.ca' <Ron.Burleson@gov.bc.ca>; 'ALC.Referrals@gov.bc.ca' <ALC.Referrals@gov.bc.ca>; 'Dyer, Jennifer TRAN:EX' <Jennifer.Dyer@gov.bc.ca>; 'Owen.Page@gov.bc.ca' <Owen.Page@gov.bc.ca>; Aggie Chan <ACChan@crd.bc.ca>; 'jarnet@crd.bc.ca' <jarnet@crd.bc.ca>; 'Douglas.Watters@viha.ca' <Douglas.Watters@viha.ca>; 'chief.ngvfd@gmail.com' <chief.ngvfd@gmail.com>; Nadine Mourao <nmourao@islandstrust.bc.ca>; Rob Pingle <rpingle@islandstrust.bc.ca>

Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

Dear Referral Coordinators,

The Galiano Island Local Trust Committee has asked that its Proposed Bylaws 287 and 288 (GL-RZ-2022.2 (Hayes) be referred to you for comment. The referral package prepared by Island Planner Kim Stockdill is attached.

Purpose: The purpose of **Bylaw 287** is to amend the Galiano Island Official Community Plan to re-designate a portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. The purpose of **Bylaw 288** is to amend the Galiano Island Land Use Bylaw to re-zone the same portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. **Bylaw Nos. 287 and 288** are associated with a rezoning application that, if approved, would facilitate a future subdivision application that would subdivide the current split-zoned property into two single-zoned properties.

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A reply is respectfully requested by **Monday, May 29, 2023**.

Should you have any questions, or require further information, please contact Island Planner Kim Stockdill at 250-405-5157 or kstockdill@islandstrust.bc.ca and she would be happy to answer any questions you may have.

Please direct referral responses to southinfo@islandstrust.bc.ca or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

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From: no-reply-ts-fn@knowledgekeeper.ca
Sent: Friday, April 28, 2023 12:48 PM
To: Jas Chonk
Subject: Decision regarding consultation: GL-BLs-287-288 - Galiano Island Bylaws 287 and 288
Attachments: consultation-response-11272-gl-bls-287-288-20230428-1247.pdf

To whom it may concern,

Please see the attached PDF concerning: Galiano Island Bylaws 287 and 288



Ts'uubaa-asatx Nation

Project Name:

Galiano Island Bylaws 287 and 288

FN Consultation ID:

GL-BLs-287-288

Consulting Org Contact:

Jas Chonk

Consulting Organization:

[Islands Trust](#)

Date Received:

Friday, April 28, 2023

Ts'uubaa-asatx Nation
313B Deer Lake Road
Lake Cowichan, British Columbia
V0R 2G0
Phone: 250-749-3301
Fax: 250-749-4286

April 28, 2023

Islands Trust
Attn: Jas Chonk

Au Si'em:

Ts'uubaa-asatx Nation is in receipt of the referral for: Galiano Island Bylaws 287 and 288

This application is located within the Ts'uubaa-asatx Nation statement of intent area; it is the interest of the Ts'uubaa-asatx Nation to respectfully maintain our rights and access to the lands and resources throughout our territory.

Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this "no comment" response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory.

Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.

Should you require any further information, please do not hesitate to contact our office.

Uy shkweyul'tst ,
Monty Horton

Hul'q'umi'num language terms:

Au Si'em: a term denoting high respect.
Uy shkweyul'tst: Have a good day.

From: TFN Referrals <referrals@tsawwassenfirstnation.com>
Sent: Wednesday, May 17, 2023 1:18 PM
To: Jas Chonk
Cc: Robin Buss
Subject: Re: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response
Attachments: GL-BLs-287-288_FN-Bylaw referral-PKG.pdf

Hi Jas,

Thank you for your email.

Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, when any physical works are considered for the rezoned area, TFN requests an opportunity to review all copies of interim and final environmental and archaeological reports before any new construction commences.

hay čx^w qə
Thank you

Amelia Cooper, B.A., Cert.
Referrals Analyst
Treaty Rights and Title Department
Tsawwassen First Nation
1926 Tsawwassen Drive, Tsawwassen, BC V4M 4G4
C 604-619-6930



From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Thursday, April 27, 2023 9:50 PM
To: TFN Referrals <referrals@tsawwassenfirstnation.com>
Subject: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

Dear Tsawwassen First Nation Referral Coordinator,

The Galiano Island Local Trust Committee has asked that its Proposed Bylaws 287 and 288 be referred to you for comment. The referral package prepared by Island Planner Kim Stockdill is attached.

Purpose: The purpose of **Bylaw No. 287** is to amend the Galiano Island Official Community Plan to re-designate a portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. The purpose of **Bylaw No. 288** is to amend the Galiano Island Land Use Bylaw to re-zone the same portion of the subject property (490 Gardner Road, Galiano Island) from **Rural**

Residential (RR) to Agriculture (AG). Bylaw Nos. 287 and 288 are associated with a rezoning application that, if approved, would facilitate a future subdivision application that would subdivide the current split-zoned property into two single-zoned properties.

Additional information, including staff reports and the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>

A reply is respectfully requested by **Monday, June 26, 2023**.

Should you have any questions, or require further information, please contact Island Planner Kim Stockdill at 250-405-5157 or kstockdill@islandstrust.bc.ca and she would be happy to answer any questions you may have.

Please direct referral responses to southinfo@islandstrust.bc.ca or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOŖEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səliwətaʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṠÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLELP, WSIKEM, Xeláltxw, Xwémalhkwx, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: Rayyan Hussain <rhussain@musqueam.bc.ca>
Sent: Friday, June 23, 2023 1:48 PM
To: Jas Chonk
Cc: Sherry Da; Emory Wells
Subject: RE: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

Hello Jas,

Thank you for reaching out to Musqueam Indian Band Intergovernmental Affairs. We have no comments for this file .

hay čxʷ qə,

Rayyan Hussain (he/him)
Projects Analyst

Musqueam Indian Band
xʷməθkʷəy̓əm
6735 Salish Drive, Vancouver BC

From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Thursday, April 27, 2023 2:41 PM
To: Musqueam Referrals <referrals@musqueam.bc.ca>
Subject: Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral - For Response

Dear Musqueam Indian Band Referral Coordinator,

The Galiano Island Local Trust Committee has asked that its Proposed Bylaws 287 and 288 be referred to you for comment. The referral package prepared by Island Planner Kim Stockdill is attached.

Purpose: The purpose of **Bylaw No. 287** is to amend the Galiano Island Official Community Plan to re-designate a portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. The purpose of **Bylaw No. 288** is to amend the Galiano Island Land Use Bylaw to re-zone the same portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. **Bylaw Nos. 287 and 288** are associated with a rezoning application that, if approved, would facilitate a future subdivision application that would subdivide the current split-zoned property into two single-zoned properties.

Additional information, including staff reports and the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>

A reply is respectfully requested by **Monday, June 26, 2023**.

Should you have any questions, or require further information, please contact Island Planner Kim Stockdill at 250-405-5157 or kstockdill@islandstrust.bc.ca and she would be happy to answer any questions you may have.

Please direct referral responses to southinfo@islandstrust.bc.ca or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səilwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SĀÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhwu, Xwsepsum, and x"məθk"əyəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: SouthInfo
Sent: Tuesday, June 27, 2023 8:41 AM
To: Kim Stockdill; Jas Chonk
Subject: FW: Malahat Nation Response to Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral
Attachments: R23055 Response.pdf

From: Kate Richey <kate.richey@malahatnation.com>
Sent: Monday, June 26, 2023 11:49 AM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Malahat Nation Response to Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral

Hello,

Please see Malahat Nation's response attached.

Regards,
Kate



Kate Richey
Referrals Coordinator
Malahat Nation
110 Thunder Road | Mill Bay, BC | V0R 2P4
Cel: (250) 208-5554 | Tel: (250) 743-3231
www.malahatnation.com

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Malahat Nation

110 Thunder Road | Mill Bay, BC | V0R 2P4

Tel: (250) 743-3231 | Fax: (250) 743-3251

info@malahatnation.com | www.malahatnation.com

June 26th 2023

Islands Trust
Victoria Head Office
200-1627 Fort Street, Victoria BC

Malahat Referral No: R23055

Via email: southinfo@islandstrust.bc.ca

RE: Malahat Nation Response to Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral

Dear Island Trust,

Thank you for your consultation request for the proposed Bylaws 287 and 288 Referral dated May 27th 2023, located in Malahat Nation's traditional territory.

Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this referral.

Thank you for your time and consideration.

Sincerely,

Kate Richey
Referrals Coordinator
Malahat Nation

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 287

A BYLAW TO AMEND GALIANO ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995

The Galiano Island Local Trust Committee in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022”.

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

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	11 TH	DAY OF	APRIL	2023.
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____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

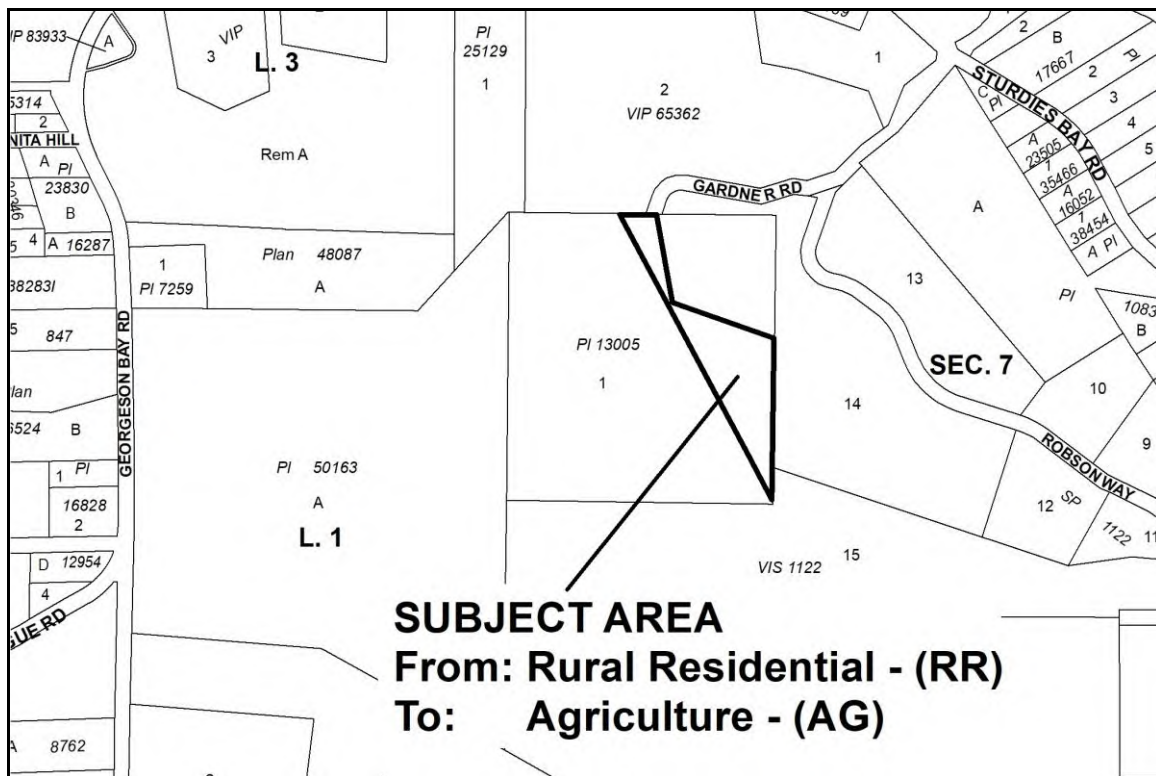
CHAIR

SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 287**

SCHEDULE 1

The Galiano Island Official Community Plan No. 108, 1995, is amended as follows:



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 288

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. 2, 2022”.

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 Schedule “1” – Zoning Map, is amended by changing the zoning classification of a portion of Lot 1, District Lots 1 and 3 and of Section 7, Galiano Island, Cowichan District, Plan 13005 except all of District Lots 1 and 3 now included in Plan 50163 from Rural Residential (RR) to Agriculture (AG), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 127 as are required to effect this change.

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.

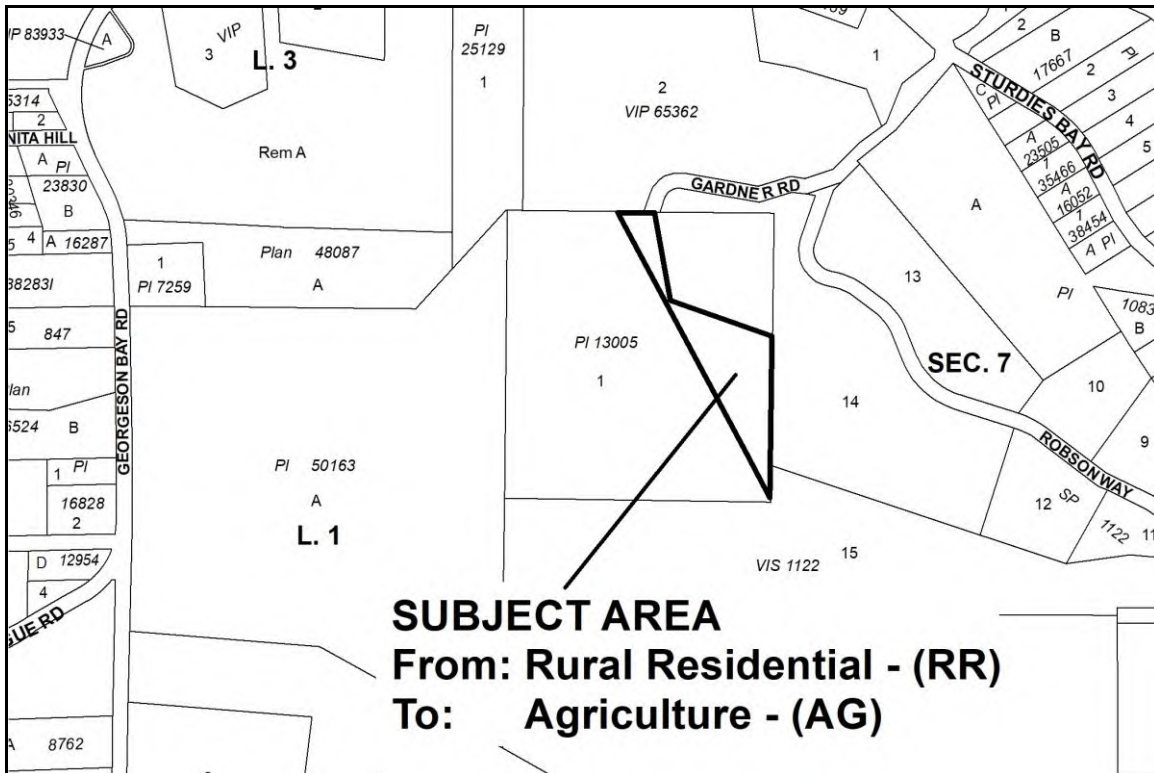
READ A FIRST TIME THIS	11 TH	DAY OF	APRIL	2023.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 288

Plan No. 1



Active Projects Report

Galiano Island

1. *Groundwater Sustainability*

Responsible

Dates

Phase 1 and 2: mapping and data analysis - Completed
Phase 3: Implementation of mapping and data analysis

Kim Stockdill

Rec'd: 02-Apr-2019
Target: 30-Sep-2023

Future Projects Report

Galiano Island

1. *Parking Issues*

Responsible

Date Received

Issue for discussion with MoTI and public parking issues generated from associated islands.

23-Jul-2012

(see correspondence from P. Midgely on agenda of Apr/12)

2. *Light Industrial Zoning*

Responsible

Date Received

A review and inventory assessment of existing and potential light industrial zones.

18-Nov-2013

3. *Coastal Douglas-Fir Protection*

Responsible

Date Received

Review 'Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)' and provide recommendations from toolkit.

04-Feb-2019

- LPC is intending to develop a model bylaw in 2021-22.

Include review the Contiguous Forest Mapping in the Islands Trust Area Report.

4. *Cannabis Retail and production*

Responsible

Date Received

Consider review of policies and regulations to address cannabis retail sales and production

05-Mar-2019

Future Projects Report

Galiano Island

5. *Emergency Access Planning*

Responsible

Date Received

Follow-up from CRD emergency planning process - include consideration of developing driveway guidelines for emergency access within land use bylaw

02-Apr-2019

6. *Review of Road Network Plan*

Responsible

Date Received

Review of Road Network Plan - include December 11th APC memo in review process - meet with MOTI

02-Mar-2020

7. *Review of LUB tiny home/trailer regulations, maximum house sizes and lot coverage*

Responsible

Date Received

01-Jun-2021

8. *Wise Island bylaw review*

Responsible

Date Received

Review of Wise Island bylaws and potentially other islands with water access only

06-Sep-2022

9. *Shoreline model protection bylaw*

Responsible

Date Received

Review APC report in consideration of development of shoreline model protection bylaw

06-Sep-2022

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2022.3	Galiano Island Contracting LTD	11-Aug-2022	675 Cain Rd - Improvement to an existing revetment structure, x-ref GL-DVP-2022.6

Planner: Kim Stockdill

Planning Status

Status Date: 31-Jan-2023

Further information required from applicant before application can proceed.

Status Date: 19-Dec-2022

File re-assigned to Kim Stockdill

Status Date: 10-Nov-2022

Updated Survey (Glen Mitchell) by end of November

File Number	Applicant Name	Date Received	Purpose
GL-DP-2023.1	Carrick, Ian	04-Jan-2023	Application for a DP for development in a shoreline DPA.

Planner: Kim Stockdill

Planning Status

Status Date: 06-Jun-2023

Application on hold - waiting for further information from applicant. KS

Status Date: 01-Mar-2023

Environmental Assessment received.

Status Date: 31-Jan-2023

Application on hold until Environmental Assessment is received. KS

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2023.3	Hunterston Homes LTD	27-Mar-2023	18680 PORLIER PASS RD: Application for a DP for development in a shoreline [marine] DPA.

Planner: Charly Caproff

Planning Status

Status Date: 06-Apr-2023

Planner Charly Caproff assigned.

Status Date: 28-Mar-2023

File created in EDM.

Status Date: 28-Mar-2023

Reached out to applicant for fee.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2022.4	Carrick, Ian	31-May-2022	Application for stairs and deck

Planner: Kim Stockdill

Planning Status

Status Date: 04-Jul-2023

Application to be placed on September 2023 agenda

Status Date: 06-Jun-2023

Application on hold - waiting for further information from applicant. KS

Status Date: 31-Mar-2023

DVP Staff Report to be placed on June 20th LTC agenda. Update: application removed from agenda due to error in draft permit and further information required from applicant.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2022.6	Galiano Island Contracting LTD	03-Oct-2022	675 Cain Rd - Application for a variance for siting of a seawall in a setback.

Planner: Kim Stockdill

Planning Status

Status Date: 21-Apr-2023

Met with Ryzuk and RPBio. Application may require a rezoning application. Application on hold.

Status Date: 31-Jan-2023

Further information required by applicant before application can proceed.

Status Date: 19-Dec-2022

File re-assigned to Kim Stockdill

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2023.2	Hunterston Homes LTD	27-Mar-2023	18680 PORLIER PASS RD: Application for a variance for siting of two buildings in a setback.

Planner: Charly Caproff

Planning Status

Status Date: 22-Jun-2023

Moved to Sept 12 LTC as the applicant will be on vacation in July

Status Date: 15-Jun-2023

Draft notice and permit submitted for July 11 LTC

Status Date: 06-Apr-2023

Planner Charly Caproff assigned.

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD: Application for rezoning to amend the OCP and LUB to allow for a Forest Retreat Centre - Bylaws 256 (OCP) and 257 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 06-May-2023

Staff to engage with Penelakut

Status Date: 04-Apr-2023

Public hearing scheduled for May 6, 2023

Status Date: 31-Jan-2023

Staff report on Feb 7, 2023 agenda recommending the application go to public hearing

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2020.1	KING, FRED & DEBBIE	27-Oct-2020	51 Galiano Way - Application for rezoning to amend the OCP to permit residential use - Bylaw 279 (LUB)

Planner: Kim Stockdill

Planning Status

Status Date: 27-Jun-2023

Applicant working on sustainable forestry covenant.

Status Date: 12-Jan-2023

Planner contacted applicant re status of TOR deliverables: well drilled, conducting pump testing, geotech assessment complete, no progress on covenant

Status Date: 28-Oct-2021

Applicant working on DAI TOR items

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2021.2	McElhanney Ltd.	16-Aug-2021	DL 86 - COOK RD - application for rezoning to emend the OCP and LUB to permit a rezoning from F1 to create an F3 zoned parcel, two 2.0 hectare Rural Residential-zoned parcels, and 12+ ha of parkland and road dedication.

Planner: Kim Stockdill

Planning Status

Status Date: 04-Jul-2023

Application on July 11, 2023 meeting with new options.

Status Date: 25-Apr-2023

Applicants working on updated site plan and proposal, as well as info on land dedication.

Status Date: 28-Oct-2022

Application status changed to 'abeyance' pending new proposal from applicants

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2022.2	Hayes, Judy	02-Aug-2022	Bylaw Amendment & Rezoning - Bylaws 287 (OCP) and 288 (LUB)

Planner: Kim Stockdill

Planning Status

Status Date: 27-Jun-2023

Pump test to be completed mid-July 2023.

Status Date: 12-May-2023

Contact applicant. Applicant is still waiting for pump test to be completed.

Status Date: 31-Mar-2023

Draft Bylaw Nos. 287 and 288 placed on April 11th LTC agenda for consideration.

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2023.1	Rockafella, Tahirih	28-Mar-2023	HAULBACK RD: Application for rezoning to amend the LUB to permit limited light industrial uses.

Planner: Kim Stockdill

Planning Status

Status Date: 11-Apr-2023

Planner Kim Stockdill assigned.

Status Date: 28-Mar-2023

File created in EDM.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2023.2	McElhanney Ltd.	26-Apr-2023	DL 85 - 5500 BODEGA BEACH DR: Application for rezoning to amend the OCP and LUB to permit Forest One (F1) zoning of the property.

Planner: Kim Stockdill

Planning Status

Status Date: 13-Jun-2023

Preliminary staff report on July agenda.

Status Date: 26-Apr-2023

File created in EDM.

Status Date: 26-Apr-2023

Applicant emailed to say cheque for fee will be coming in the mail.

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2020.1	Mitchell, Glen	19-Dec-2019	GIGHARS - Proposed two lot conventional subdivision referral of Lot 1 District Lots 30 and 31

Planner: Kim Stockdill

Planning Status

Status Date: 30-Jan-2023

Staff contacted by applicant to initiate DP application for DPA 1, 2, 5 with respect to subdivision

Status Date: 18-May-2021

Applicant has received preliminary conditions approval letter from MOTI - subdivision subject to successful rezoning

Status Date: 19-Feb-2021

Applicant working on referral report items

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2021.1	Lawrence Waterfall	09-Jul-2021	350 MARY ANN POINT RD - Referral of a subdivision application for 3 new lots

Planner: Charly Caproff

Planning Status

Status Date: 28-Mar-2023

MOTI confirmed that they will be sending us an updated PLRS letter as conditions have been fulfilled. Asked applicant to confirm most recent site plan and when a DP application will be submitted to IT.

Status Date: 19-Dec-2022

File re-assigned to Charly Caproff

Status Date: 23-Jun-2022

Applicant hiring environmental professional for required DP application.

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2023.1	Taylor, Jared	31-Mar-2023	172 BURRILL RD: Referral of a subdivision application for 1 new lot.

Planner: Bruce Belcher

Planning Status

Status Date: 24-May-2023

Referral Response sent to MoTI

Status Date: 20-Apr-2023

Planner Bruce Belcher assigned.

Status Date: 03-Apr-2023

File created in EDM.

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending May 2023

625 Galiano	Invoices posted to Month ending May 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	284.00	0.00	284.00
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	1,723.00	518.60	1,204.40
65210-625	LTC - Local Exp - APC Meeting Expenses	333.00	143.85	189.15
65220-625	LTC - Local Exp - Communications	250.00	743.44	-493.44
65230-625	LTC - Local Exp - Special Projects	279.00	0.00	279.00
TOTAL LTC Local Expense		<u>2,585.00</u>	<u>1,405.89</u>	<u>1,179.11</u>
Projects				
73001-625-4114	Galiano Groundwater Strategy Implementation	5,000.00	0.00	5,000.00
TOTAL Project Expenses		<u>5,000.00</u>	<u>0.00</u>	<u>5,000.00</u>

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2023-015 (Standing) First Nations Reconciliation That the Galiano Island Local Trust Committee seek to engage in reconciliation with local First Nations, governments and island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, the United Nations Declaration on Rights of Indigenous Peoples, draft principles that guide the Province of British Columbia's relationship with Indigenous Peoples and Islands Trust First Nations engagement principles. The Galiano Island Local Trust Committee endeavour to: a. Annually write a letter to all First Nations knowledge holders introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities; b. For various Local Trust Committee meetings, invite local First Nations and knowledge holders to attend meetings, as well as provide a traditional welcome to the Territory if they would like; c. Work with Local First Nations Governments and knowledge holders on cooperative initiatives, including but not limited to, language, place names, territorial acknowledgements and community education on Coast Salish and local First Nations cultural heritage and history; d. Work with Local First Nation Governments and knowledge holders on engagement principles for inclusive land use, marine use and climate change planning advocacy, protection and stewardship and knowledge and information sharing protocols; and e. Establish and maintain government to government dialogue with Local First Nations and knowledge holders now and into the future based on respect and recognition of Aboriginal Rights and Titles, Treaty Rights, and First Nations Traditional Territories within the Islands Trust Area.	Carried	14-Mar-2023
2020-042 (Standing) Use of Development Permits for Variances That the Galiano Island Local Trust Committee request that development permit applications where a variance is requested be processed as a combined application with both a development permit and a development variance permit.	Carried	08-Sep-2020

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2020-041 (Standing) Unlawful Land Uses and Planning Applications that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue. d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.	Carried	06-Jul-2020
2020-013 (Standing) Advisory Planning Commission that the Galiano Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.	Carried	03-Feb-2020

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2019-014 (Standing)	Carried	04-Mar-2019
13.1 Cannabis Retail - Staff Report that the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications: - Proposed or amended licenses for non-medicinal cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.		
2018-064 (Standing)	Carried	04-Jun-2018
11.1 Telecommunication Strategy Project - Staff Report that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016		
2014-029 (Standing)	Carried	07-Apr-2014
Community Wells as a Community Benefit That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.		

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2014-000 (Standing)	Carried	03-Feb-2014

On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist:

1. There have been significant delays or longer than typical timelines in the enforcement process
2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement
3. Litigation has been recommended
4. Legal counsel has been involved (beyond providing a basic interpretation)
5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.)
6. There has been, or is an expectation of, joint enforcement with other jurisdictions
7. There is potential for impact on other related enforcement files.

2011-205 (Standing)	Carried	17-Oct-2011
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Special Occasion Liquor Licenses

That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.

2010-115 (Standing)	Carried	18-Oct-2010
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Publishing Notices beyond legal requirements

That the Galiano Island Local Trust Committee will advertise Public Hearing Notices in the Active Page Magazine in addition to the legally required advertising in the Driftwood Newspaper.



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2009-085 (Standing)	Carried	11-May-2009
Parks Commission Referral		
That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment		