



DATE OF MEETING: June 27, 2024  
TO: Galiano Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Lot A, Plan 22128 (Galiano Way) Rezoning Application – Preliminary Report  
Applicant: Leif Palmberg  
Location: Lot 'A' of Lot 15, Galiano Island, Cowichan District, Plan 22128

## RECOMMENDATION

- 1. That the Galiano Island Local Trust Committee direct staff to proceed with application PLRZ20240003 (Palmberg) and to prepare draft bylaws.**

## REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application GL-RZ-2024.1 (Palmberg) and to seek direction from the Galiano Island Local Trust Committee (LTC) to proceed, or not proceed, with the application, including the preparation of draft bylaws.

The application as proposed would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property to permit the following proposed uses:

- Works yard
- Contractor's workshop and yard
- Storage and sale of gravel, soil and aggregates
- Sawmilling, planing and manufacturing of wood products
- Production and sales of cider, beer and wine

## BACKGROUND

The subject property is approximately 8.0 hectares (19.7 acres) in area and is located on Galiano Way at the southern end of Galiano Island. As stated by the applicant, the property is currently being used for farm use (specifically tree fruit farming) and temporary sawmilling. Although there is no dwelling unit, a long driveway laterally bisects the property connecting the orchard area (located on the eastern edge of the property), to Galiano Way (western edge of the property). A riparian stream and wetland also border the western edge of the property.

The majority of the subject property is heavily treed with the lot sloping from the western lot line bordering Galiano Way towards the north-eastern edge of the property which borders the BC Hydro station and the riparian area. BC Hydro lines run along the northern edge of the property acting as a buffer from the northern

Rural Residential 2 zoned properties. Forest zoned properties are located to the east, south and west, and Rural 2 zoned properties to the northwest.

Staff visited the property early in 2023 and met with the applicant to discuss the proposal. Attachment 1 provides additional site context. Attachment 2 provides relevant maps, and orthophotos. A cover letter provided by the applicant is included as Attachment 3.

### ***Application Proposal & Rationale***

The applicant wishes to add additional permitted uses to their lot in order to facilitate the growth of their business as well as add new economic opportunities that would use produce from the property's farm.

The applicant is proposing a phased approach to the implementation of the proposed uses on the property. If the rezoning application is successful, the applicant intends to construct storage bays for the storage and sale of gravel, soil and aggregates within three years. The intent is for a small scale operation with limited hours and days that would be open to the public with the majority of the sales be dedicated to aggregate delivery.

Small scale commercial sawmilling could commence within approximately one year, and increase over a 10 year period as infrastructure is developed.

Within seven to ten years the applicant wishes to establish a cidery using the produce grown on the property. The timeline is based on time to prepare and plant the orchard, maturity of the plants, and construction of cidery buildings. The applicant states that permitting a cidery use would provide the opportunity to run a business that would create employment while producing local product.

As stated by the applicant, the rationale for the proposed rezoning is as follows:

- Allowing contractor's workshop and yard as well as works yard would allow for the continued operation of their excavation/ septic business more efficiently. This is a busy business that is in high demand on island. Not having a place to operate their business from makes it nearly impossible to continue operating, and there is no capacity for growth, which the island is demanding.
- At present high value and quality lumber products are going to waste. Being able to process logs locally will allow home owners to clean up their sites, provide an economic boost, while providing materials and jobs locally. It is for these reasons that a proper facility for lumber production, drying, and storage would benefit the island. The close proximity to three phase electrical power, the isolated location, and neighbouring land uses, make this lot an ideal site.
- There is currently zoning scarcity for the intended uses and yard space is not available for rent on Galiano Island.
- Due to the geographical location, impact to neighbours would be minimal. Further, due to the constant buzzing and heavy equipment noises from the BC Hydro Substation, the lower portion of the lot is perfect for the above uses.

Note: Site plan not accurate.  
Updated site plan to be resubmitted  
by applicant.

Figure 1 - Site Plan

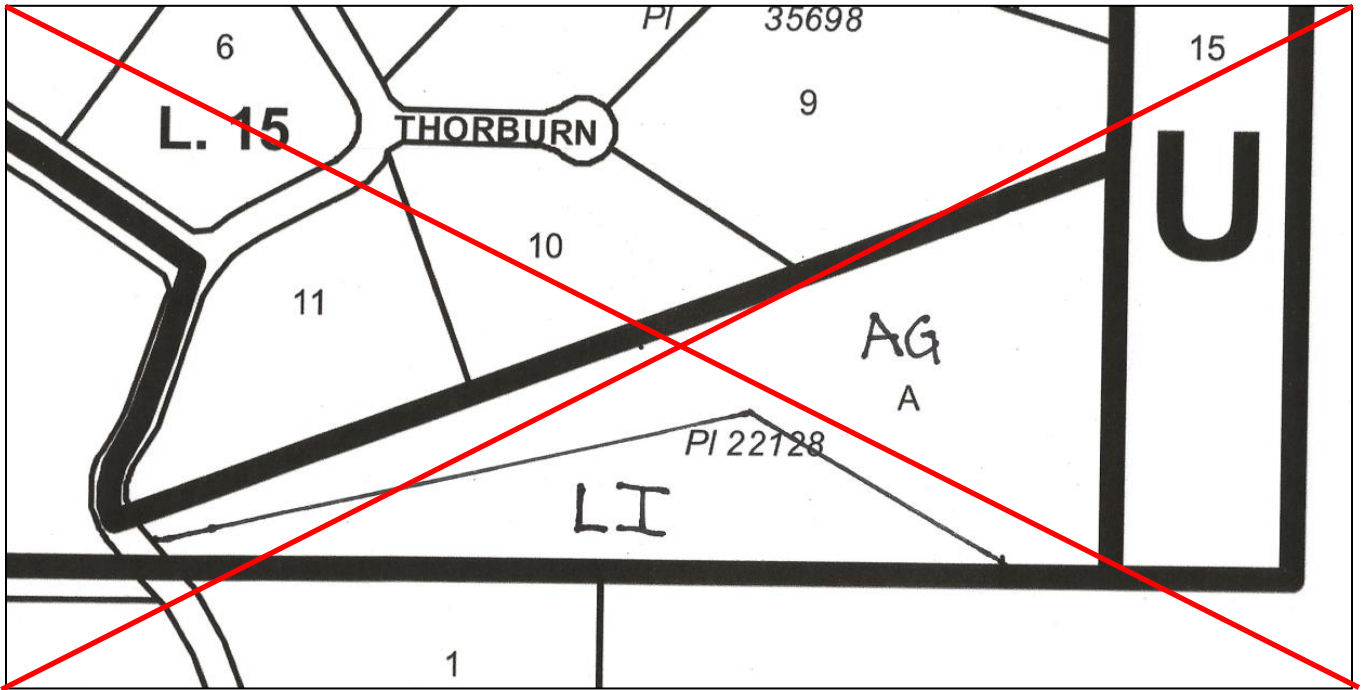
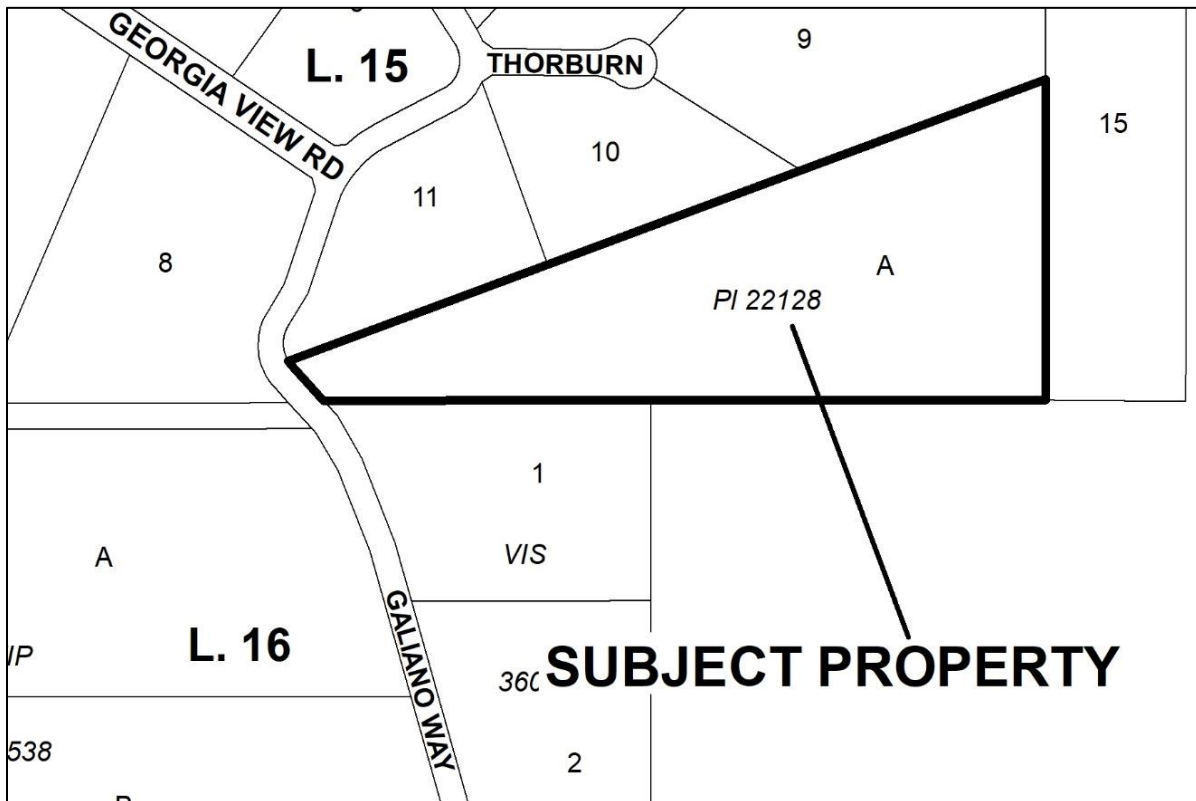


Figure 2. Location of Subject Property



## ANALYSIS

### Policy/Regulatory

#### *Islands Trust Policy Statement*

The most relevant policies of the Islands Trust Policy Statement (ITPS) relating to this rezoning proposal are:

**3.1.3** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

**3.3.2** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

**4.1.5** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.

**4.1.8** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.

**4.4.2** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

**5.2.3** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

**5.7.2** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

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 first reading.

#### *Official Community Plan*

The Galiano Island Official Community Plan (OCP) land use designation for the subject-property is currently Rural (R) and the principal uses shall be residential and agriculture. The Rural policies in the OCP do not provide any policies related to permitted additional uses within the designation (for example, light industrial uses). If the rezoning application proceeds, staff will determine if an OCP amending bylaw will be required to support the proposed light industrial and cidery/brewery/wine uses or if they could be permitted as accessory uses.

The follow policies in the OCP should be considered in relation to this rezoning application:

**5.4(b)** - Light industrial zones shall not be permitted in areas containing Sensitive Ecosystems identified in Schedule "H".

**5.4(c)** - Light industrial uses shall be permitted through site specific zoning and subject to development permit. The following guidelines will be used for determining zoning and issuing a development permit:

- i. different criteria may be applied to allow different levels of activity,
- ii. light industrial activity shall only be allowed on sufficiently large properties in a scale proportionate to the lot size,
- iii. light industrial building sizes shall be in scale with the rural character,
- iv. an assessment will be required to determine the impact on local water flow patterns, groundwater and waste water disposal and shall show evidence of adequate water supply and waste disposal,
- v. all light industrial activity parking and storage must be screened and wide buffers must be left along roads and property lines, and
- vi. signage and lighting shall be regulated to ensure maintenance of the rural landscape,
- vii. in reviewing development applications, the Local Trust Committee will assess greenhouse gas and other emissions anticipated to result from the development.

**5.4(f)** - Value added industry on an appropriate scale shall be encouraged.

**5.4(g)** - The Local Trust Committee should consider implementing regulations that would limit noise impacts generated by industrial uses and activities.

**5.4(i)** - As a plan for a local trust area designated under the Islands Trust Act and placing priority on the preservation and protection of unique amenities and environment of the area, rezoning for new industrial uses should not be considered in advance of demonstrated need. The Local Trust Committee may undertake a review and inventory of existing industrially zoned land and uses, assess existing and future projected demand for industrial land, and on the basis of this assessment, consider re-designating and rezoning land.

**2.0(e)** - Any rezoning application involving an increase in density or intensity of use should be required to provide an assessment of the availability of sustainable, long-term groundwater. Any additional density or intensity of use that would negatively affect the quality or quantity of groundwater should not be permitted in critical groundwater areas.

**6.0(a)** - In reviewing development applications, the local trust committee will assess the potential greenhouse gas emission and climate change impacts anticipated to result from the development.

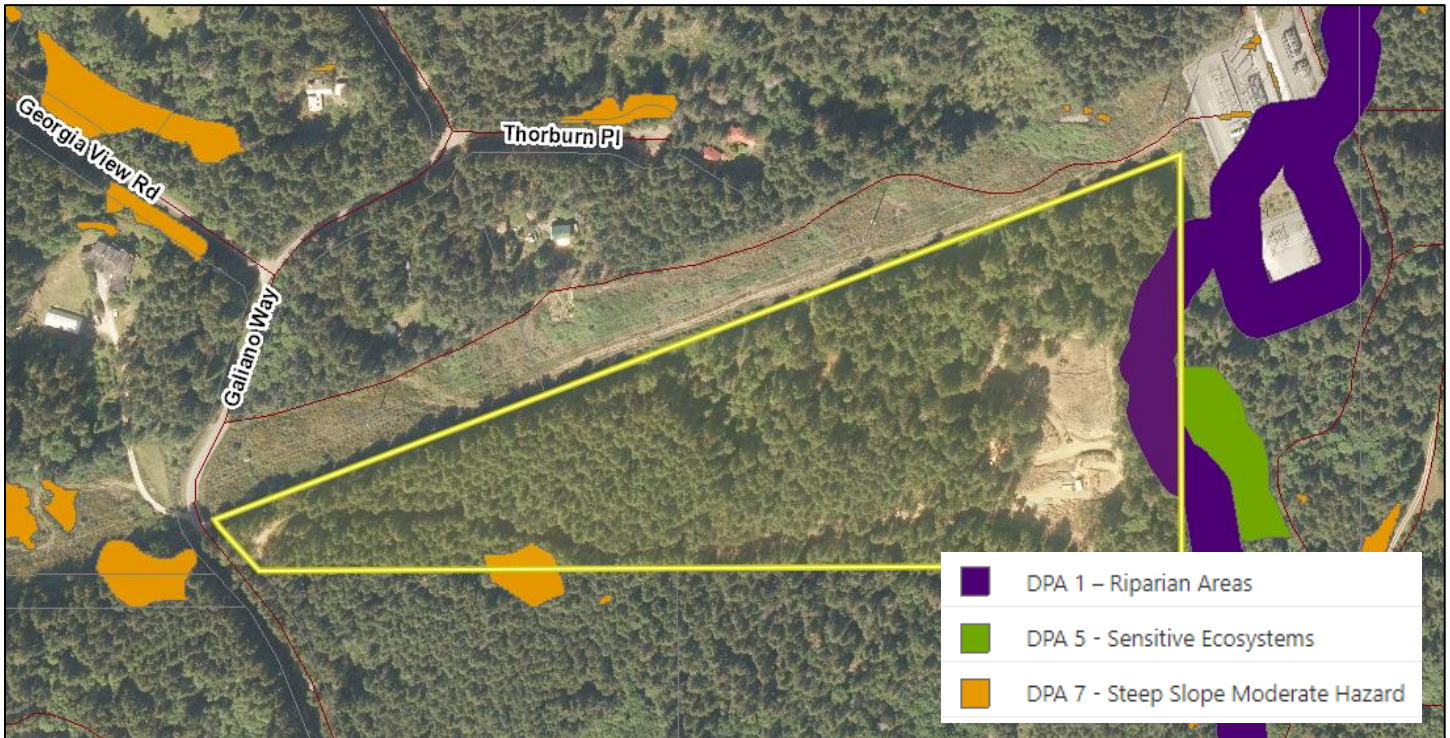
### ***Development Permit Areas (DPAs)***

Figure 3 shows the following DPAs on the subject property:

- DPA 1 - Riparian Areas,
- DPA 5 – Sensitive Ecosystem (wetland), and,
- DPA 7 – Steep Slope Moderate Hazard

A riparian area frames the eastern edge of the subject property which also includes a small portion of wetland sensitive ecosystem. Any development or land disturbance in this area would require a development permit. There is also a small pocket of DPA 7 Steep Slope Moderate Hazard along the southern lot line. The entire Galiano Island local trust area is designated within DPA 3 – Tree Cutting and Removal for the purpose of cutting and removal of trees.

Figure 3 – Development Permit Areas



### ***Land Use Bylaw***

The subject property is zoned Rural 2 (R2) in the Galiano Island Land Use Bylaw No. 103. The R2 zone permits dwellings, cottages, home occupations, farm use, and secondary suites. As the R2 zone does not permit light industrial uses nor a cidery use, an amendment to the Galiano LUB will be required.

### ***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). The following may be included in the terms of reference:

- A site plan professionally prepared at an appropriate scale, based on the existing legal survey, delineating the proposed area for rezoning and all existing and proposed buildings and structures, driveways, topographic features, and any significant sensitive habitat features.
- A groundwater assessment prepared by a professional hydrogeologist to demonstrate there is sufficient quality and quantity of groundwater for the proposed uses. A section 219 covenant may also be required to require ongoing monitoring and/or future groundwater assessments confirming sufficient quality and quantity prior to development of the certain uses (cidery).
- An ecological overview report prepared by a R.P.bio to assess the ecological impacts of the proposed developable areas and provide recommendations and mitigation measures.

## **Consultation**

### ***Statutory Requirements***

In accordance with regular statutory requirements a public hearing is required. It is common 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 bylaw referral based on the Province's database:

- 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 Society
- Georgeson family members

### ***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 rezoning proposal to the Galiano Island Advisory Planning Commission by resolution.

- Ministry of Transportation and Infrastructure
- Island Health
- BC Hydro
- Managed Forest Council
- 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

## Anticipate Impacts of Proposed Uses

*Light Industrial Uses:* The rationale for the proposed light industrial uses is supportable due to the limited Light Industry zoned properties on Galiano Island. Currently there are three properties zoned for Light Industry, and one Temporary Use Permit which temporary allows a contractor's yard use and the processing of aggregates, soils and mulch.

The lots surrounding the subject property are larger tracts of land which would be minimally impacted from the proposed uses. As part of the LUB bylaw amendment, staff would require landscaping requirements and setback requirements to ensure the reduction of any potential visual or noise impacts.

*Cidery/Brewery/Winery Uses:* Although the proposed use of a cidery, brewery, or winery could be supported as there are no other similar uses on Galiano Island, the following potentials impact should be properly discussed and assessed:

- **Water use:** The production of beer, wine and /or cider could put additional demand on the local aquifer. A groundwater assessment and monitoring should be a requirement for these proposed uses. The applicant will also be required to apply to the province for a commercial groundwater license.
- **Traffic:** Increase to local traffic. The LTC may wish to consider the requirement of a section 219 covenant to restrict the number of days or hours for the proposed uses.
- **Noise:** An increase of noise disturbance from the cidery/brewery/winery.
- **Other unintended uses:** The LTC may wish to consider restricting other uses; for example, restrict the rental of the cidery/brewery/winery for events and weddings.
- **Septic:** A septic assessment will be required to ensure the sufficient and safe disposal.

## Rationale for Recommendation

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

- Proceeding with the preparation of draft bylaws would allow for next steps in the process to proceed including the initiation of First Nations engagement, referrals to potentially affected agencies, and the consideration of further input from the public including adjacent property owners.
- A Terms of Reference would be drafted to request professional reports to ensure quality and quantity of groundwater for the proposed uses and to determine if there would be impacts to the riparian and sensitive ecosystems.

## ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

### 1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

*That the Galiano Island Local Trust Committee request that the applicant for PLRZ20240003 submit to the Islands Trust \_\_\_\_\_.*

### 2. Send Rezoning Application to the Galiano Advisory Planning Commission

Resolution:



*That the Galiano Island Local Trust Committee refer rezoning application PLRZ20240003 (Palmberg) to the Galiano Advisory Planning Commission for the following purpose \_\_\_\_\_.*

**3. Deny the application**

The LTC may deny the application.

Resolution:

*That the Galiano Island Local Trust Committee proceed no further with application PLRZ20240003 (Palmberg).*

**NEXT STEPS**

With direction from the LTC, Staff will draft amending bylaws for further consideration by the LTC.

Submitted By:	Kim Stockdill, Island Planner	June 27, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	June 27, 2024

**ATTACHMENTS**

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

## ATTACHMENT 1 – SITE CONTEXT

---

### LOCATION

Legal Description	Lot 'A' of Lot 15, Galiano Island, Cowichan District, Plan 22128
PID	003-321-649
Civic Address	Galiano Way, Galiano Island
Lot Size	7.95 hectares (19.6 acres)

### LAND USE

Current Land Use	Rural (farm use)
Surrounding Land Use	Forest, Rural, and Utility

### HISTORICAL ACTIVITY

File No.	Purpose
None	N/A

### POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: Rural (R)
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Rural 2 (R2)
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	GL-BE-2020.2 - Closed

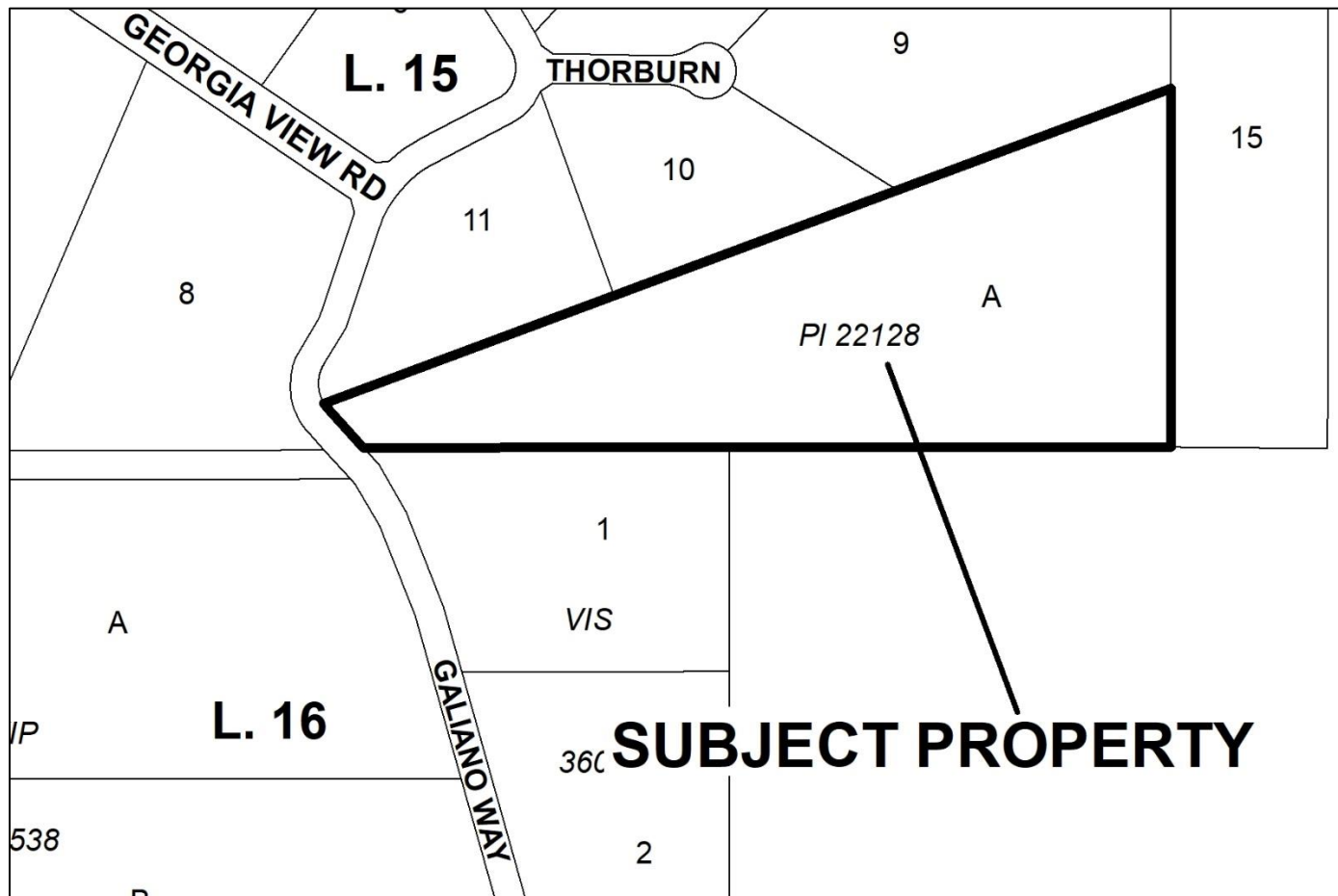
### SITE INFLUENCES

Islands Trust Conservancy	N/A
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	Portions of riparian and wetland
Hazard Areas	A very small portion medium risk steep slope on property
Archaeological Sites	<p>There is potential for the presence of archaeological material. Staff have directed the applicant to the following guidelines:</p> <ul style="list-style-type: none"> <li>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:</li> </ul>

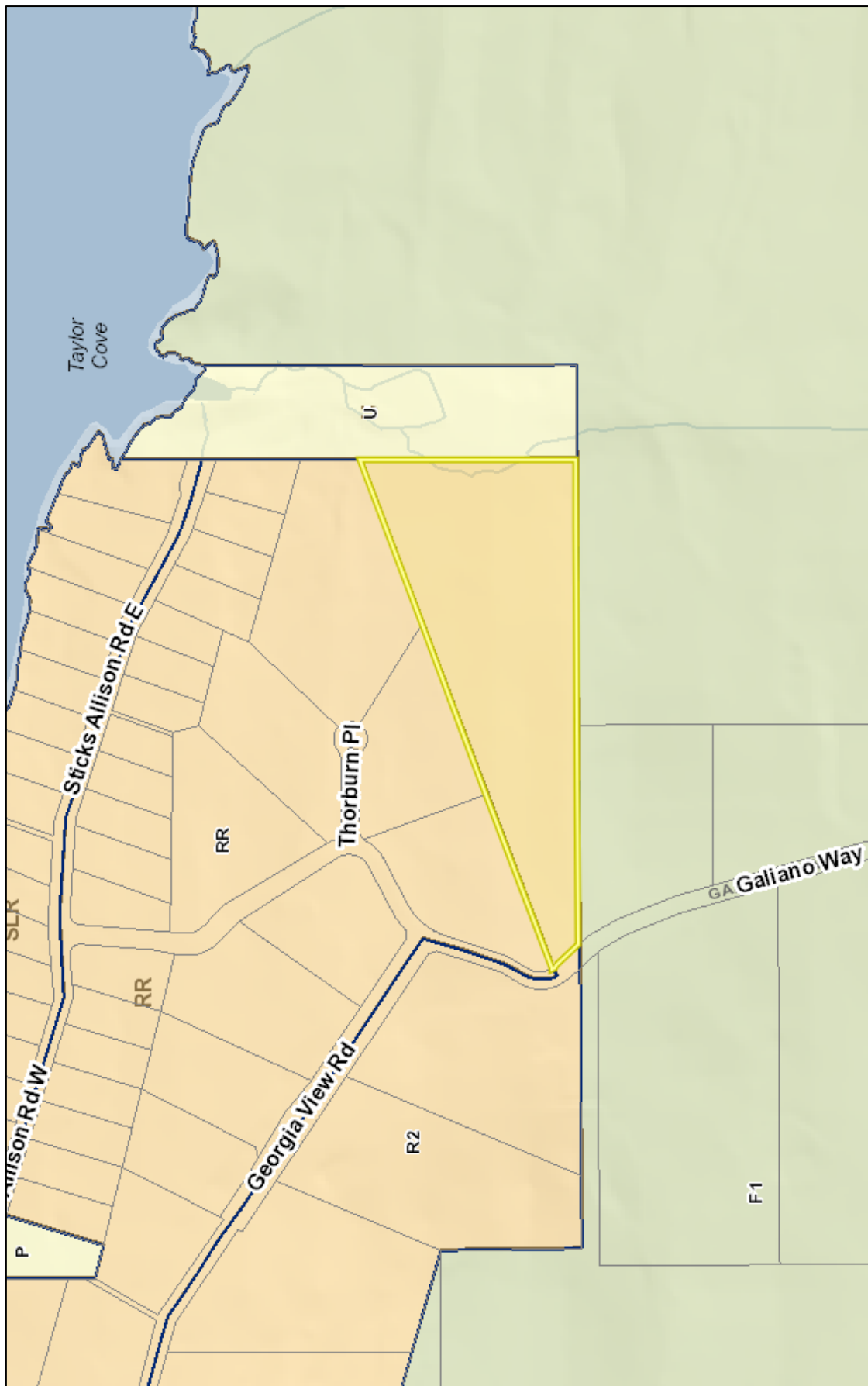
	<p><a href="https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits">https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits</a>.</p> <ul style="list-style-type: none"> <li>• In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or <a href="mailto:archaeology@gov.bc.ca">archaeology@gov.bc.ca</a>.</li> <li>• Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.</li> </ul> <p>For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: <a href="http://www.archdatarequest.nrs.gov.bc.ca">www.archdatarequest.nrs.gov.bc.ca</a>, or contact Islands Trust to access mapping of the subject property.</p>
Climate Change Adaptation and Mitigation	Increased potential GHG emission changes may result from approval consistent with those associated with light industrial development.
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A

# ATTACHMENT 2 – MAPS, PLANS, ORTHO-PHOTOS

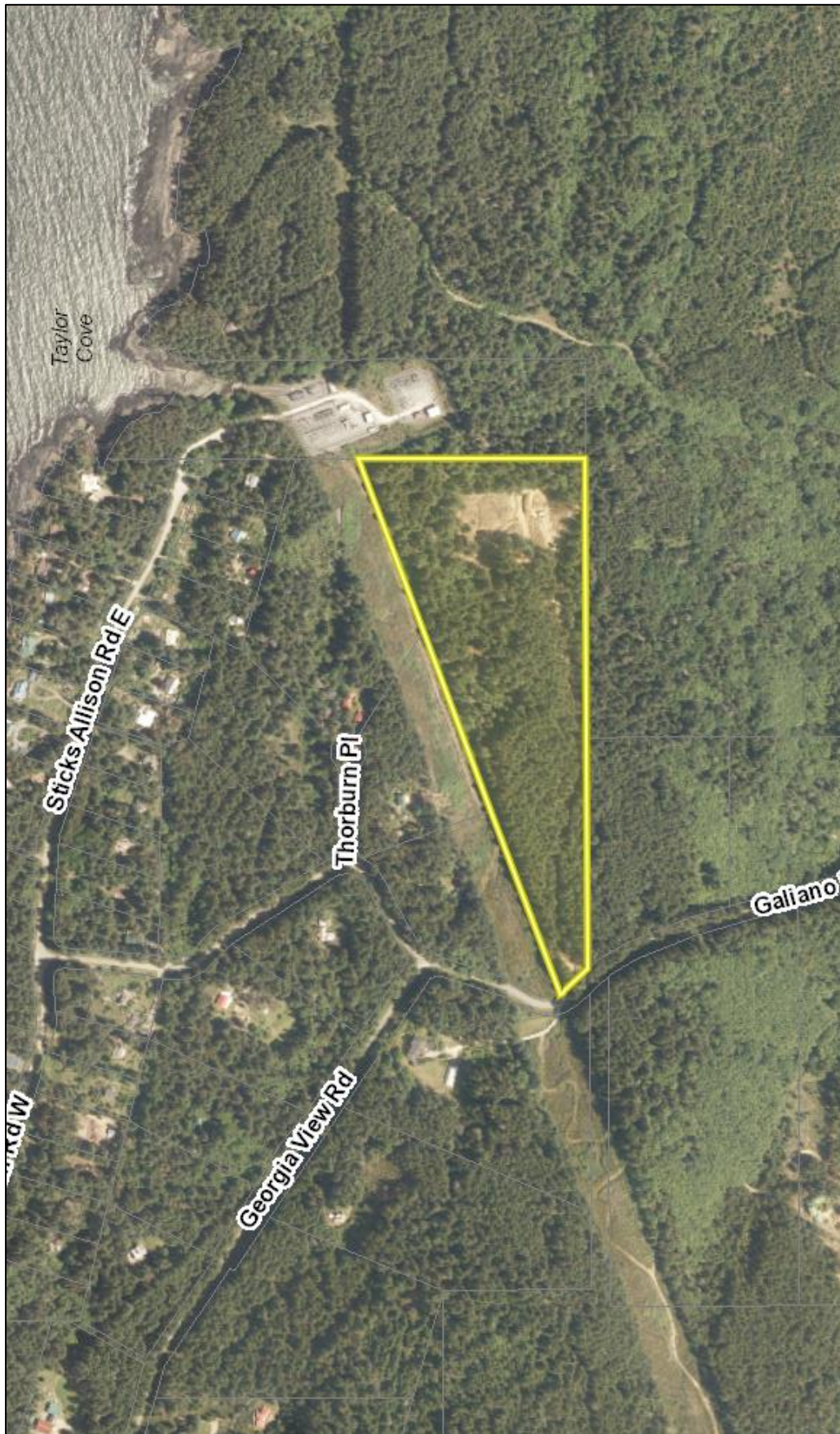
## 2.1 SUBJECT PROPERTY MAP



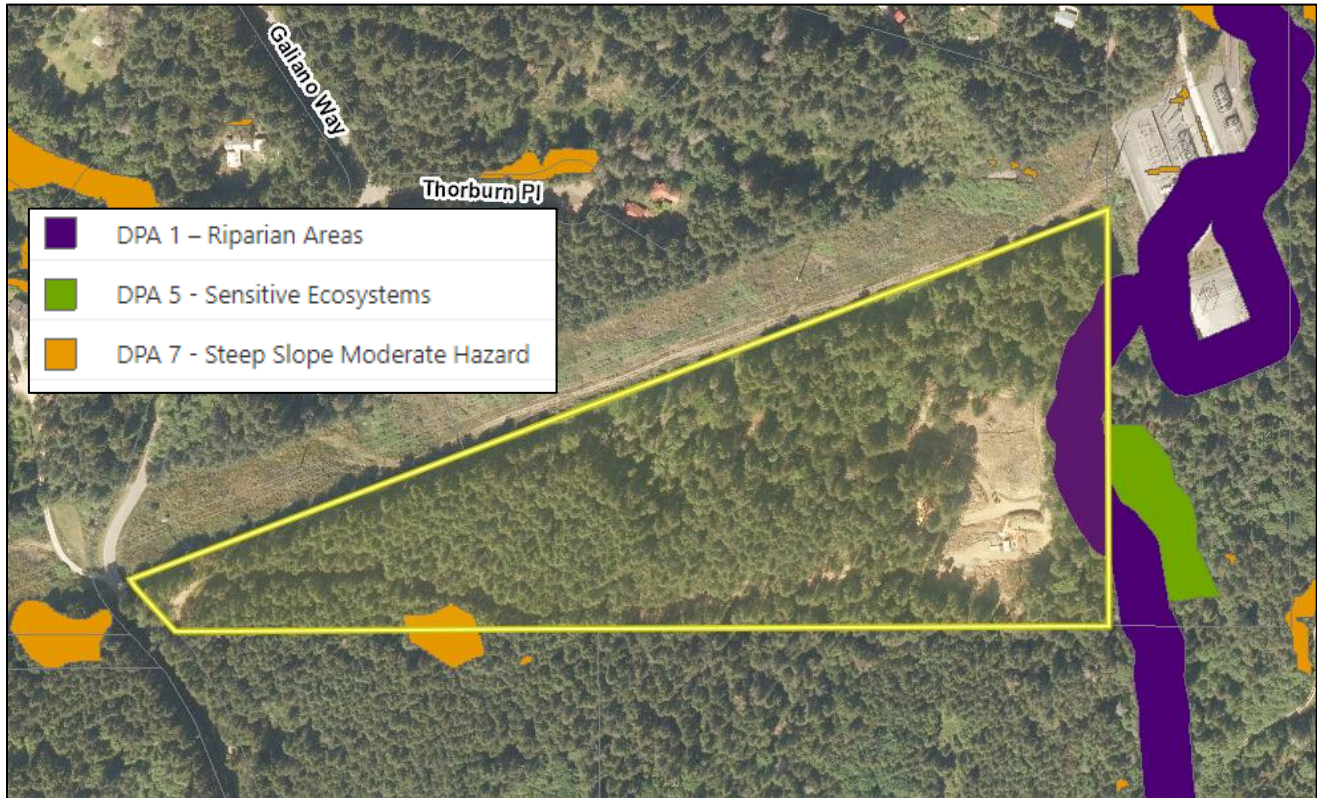
## 2.2 ZONING



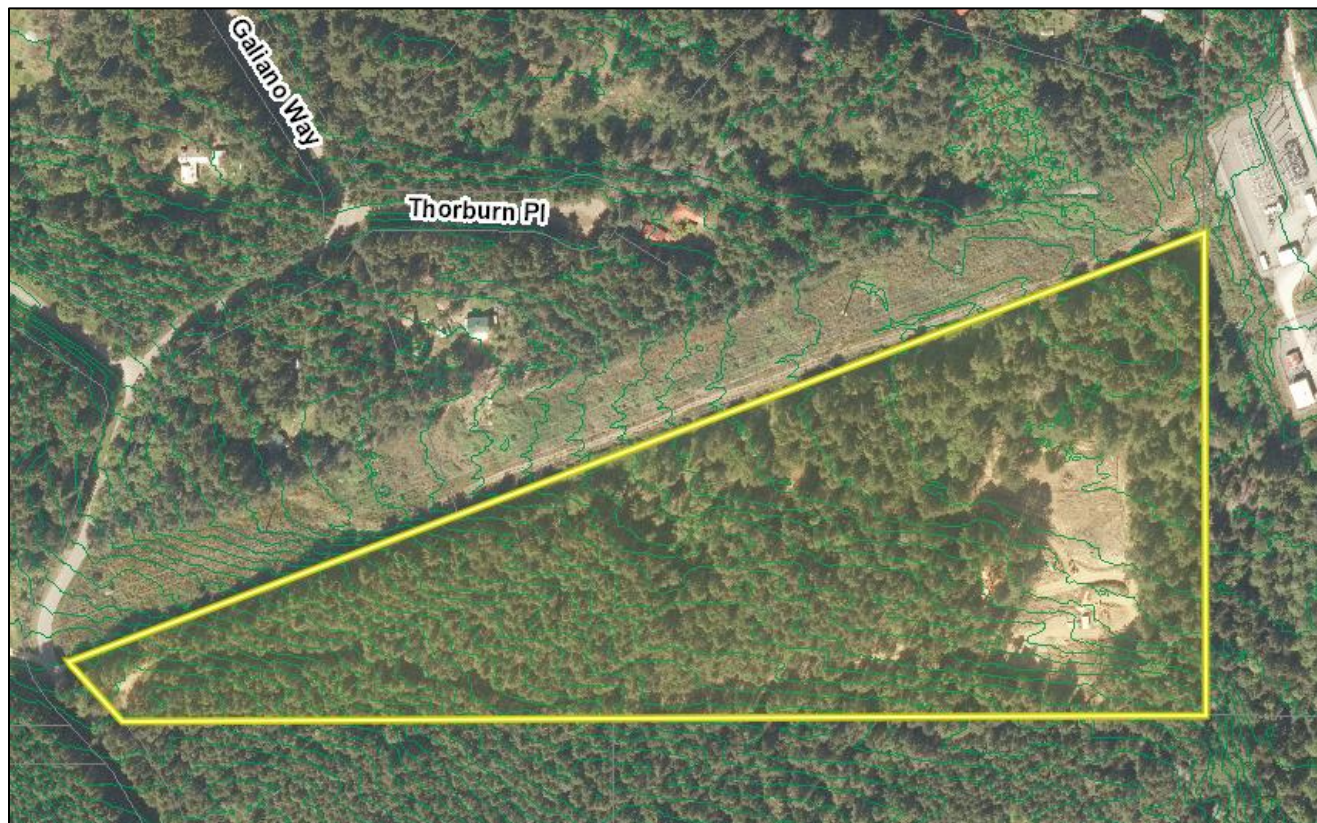
2.3 ORTHO



## 2.4 DEVELOPMENT PERMIT AREAS



## 2.5 2 METRE CONTOURS



**From:** Anik Mommsen-Smith [REDACTED]  
**Sent:** Wednesday, May 1, 2024 7:30 AM  
**To:** Kim Stockdill; Leif Palmberg  
**Subject:** Letter to the LTC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear LTC,

Thank you for considering the Islands Trust Re-Zoning Application for PID 003-321-649.

We are requesting re-zoning from R2 to site specific R2 Zoning.

The land is currently being used for farming (specifically tree fruit farming) and temporary saw milling. Keeping the residential zoning will allow for future housing. Currently there is a driveway on the property, no dwellings currently exist.

Request for re-zoning from R2 to a site specific R2 Zone which would allow the following uses in addition to the allowed uses under R2 zoning:

1. Works yard
2. Contractors workshop/yard
3. Storage and sale of gravel, soil and aggregates
4. Sawmilling, planing and manufacturing of wood products
5. Production and sales of cider, beer and wine

Having zoning that allows for a contractors workshop and yard as well as works yard would allow for operation of my excavation/ septic business more efficiently. This is a busy business that is in high demand on island. Not having a place to operate my business from makes it nearly impossible to continue operating, and there is no capacity for growth, which the island is demanding. There is currently zoning scarcity for my intended uses and yard space is not available for rent on island.

Within a 3 year time frame there would be development of storage bays for the storage and sale of gravel, soil and aggregates. Keeping these materials in stock would allow for smooth operation of my current excavating business while providing benefit to the community. The availability of materials locally will save Island residents trips off Galiano Island for small amounts of material. This is intended as a small scale operation. The plan is to be open one day per week to the public, the remainder of sales would be delivered. This will minimize the impact to neighbours and staffing requirements, while providing a benefit to the community.

Small scale commercial saw milling could commence within approximately one year, and increase over a 10 year period as infrastructure is developed. Saw milling provides local benefit as residential lots are developed logs are currently often piled on site and left to rot or high



quality timber is cut for firewood. This is due to the fact that trucking to mills on Vancouver Island is costly and inconvenient, creating a net loss to landowners who export raw logs. Without kiln drying and proper storage, Douglas Fir quickly deteriorates making the product almost worthless, for these reasons fir lumber production is extremely low on Galiano Island. At present high value and quality lumber products are going to waste. Being able to process logs locally will allow home owners to clean up their sites, provide an economic boost, while providing materials and jobs locally. It is for these reasons that a proper facility for lumber production, drying, and storage would benefit the island. The close proximity to three phase electrical power, the isolated location, and neighbouring land uses, make this lot an ideal site.

With approved zoning for a cidery we would plant several acres of high density orchard. We expect cider production would begin within a 7-10 year period. The timeline is based on time to prepare and plant the orchard, time to maturity and construction of cidery buildings. This rezoning would provide the opportunity to run a business that would create employment while producing local products.

It is worth mentioning the use of the bordering properties as it provides context for why this property is ideal for the site specific rezoning mentioned above. There are 6 bordering properties, the 3 properties on the North boundary are Rural Residential (RR) with BC Hydro easement separating residential use from the lots. The property is further bordered by the BC Hydro Substation: Utility Service (U) on the Eastern boundary, to the South the two properties are Forestry (F1) including commercial saw milling operation, and Forestry (F1).

Because of its geographical location, impact to neighbours would be minimal. Further, due to the constant buzzing and heavy equipment noises from the BC Hydro Substation, the lower portion of the lot is perfect for the above uses.

Thank you,

Leif Palmberg

  
(250)539-0806