

File No.: GL\_PL-RZ-2024-0003 (Palmberg)

DATE OF MEETING: July 8, 2025

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 – Post Public Hearing (Bylaw No. 296)

Applicant: Leif Palmberg

Location: Lot 'A' of Lot 15, Galiano Island, Cowichan District, Plan 22128

## RECOMMENDATIONS

1. That Galiano Island Local Trust Committee Bylaw No. 296, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2024” be read a second time.
2. That Galiano Island Local Trust Committee Bylaw No. 296, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2024” be read a third time.
3. That the Galiano Island Local Trust Committee proposed Bylaw No. 296 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That the Galiano Island Local Trust Committee proposed Bylaw No. 296 be forwarded to the Minister of Housing and Municipal Affairs for approval.

## REPORT SUMMARY

The purpose of this staff report is to provide the Galiano Island Local Trust Committee (LTC) updates in regards to the rezoning application GL-PL-RZ-2024-0003 (Palmberg) and to provide options for how to proceed after the Public Hearing for proposed Bylaw No. 296.

## BACKGROUND

A staff report was presented to the Galiano Island LTC on April 8, 2025. At this meeting the LTC passed the following resolution:

### GL-2025-011

that Galiano Island Local Trust Committee Bylaw No. 296, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2024” be read a first time.

**CARRIED**

### GL-2025-012

that Galiano Island Local Trust Committee Bylaw No. 297, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2024”, be amended by adding "contractor workshop" as a permitted use.

**CARRIED**

**GL-2025-013**

that Galiano Island Local Trust Committee Bylaw No. 297, cited as “Galiano Island Land Use Bylaw No.127, 1999, Amendment No. 3, 2024”, be read a first time as amended.

**CARRIED**

**GL-2025-014**

that Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 296, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2024”, is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**GL-2025-015**

that Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 297, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2024”, is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**GL-2025-016**

that Galiano Island Local Trust Committee request staff to schedule a Public Hearing and Community Information Meeting for Bylaw No. 296, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2024”.

**CARRIED**

**GL-2025-017**

that Galiano Island Local Trust Committee request a covenant under Section 219 of the Land Title Act from the applicant for PL-RZ-2024-0003 (Palmberg) as a condition of adopting Bylaw No. 297 that includes conditions and restrictions for the proposed uses and recommendations from the water management plan.

**CARRIED**

**ANALYSIS*****Proposed Bylaw No. 296***

The Galiano Island Official Community Plan (OCP) land use designation for the subject-property is currently Rural (R). The following are Rural policies in the OCP:

- a) The principal uses shall be residential and agriculture.
- b) One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every 4 hectares (9.88 acres) of lot area over 4 hectares (9.88 acres).
- c) On lots 0.4 hectares (1 acre) or more, one cottage shall be permitted per dwelling unit permitted.
- d) The average lot size for subdivision of Rural land shall be at least 4 hectares (9.88 acres).
- e) Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.

Prior to 2011, Rural Policy ‘a’ stated that principal uses shall be residential. An OCP amendment bylaw (Bylaw No. 215) was adopted in November 14, 2011 and changed Policy ‘a’ to include “agriculture” as a principal use in the Rural designation. Its staff’s opinion that Rural Policy ‘e’ should have also been amended at that time to reference the new principal use. For example, Policy ‘e’ should have been amended so it reads:

- e) Within this designation a number of different zones may be applied allowing differing ~~levels of~~ uses accessory to residential and **agriculture** uses.

The Community Information Meeting (CIM) and Public Hearing held during the July 8, 2025, regular LTC meeting is for proposed Bylaw No. 296. As Bylaw No. 296 is an Official Community Plan (OCP) amendment bylaw, it requires adoption by the Minister of Municipal Affairs and Housing before the Galiano LTC can adopt the bylaw. The Minister's review and approval process is lengthy and may take up to six months. This timeline allows the applicant to continue working on the requirements listed in the Terms of Reference prior to moving forward with the public hearing for Bylaw No. 297 – the Land Use Bylaw (LUB) amending bylaw.

The CIM and public hearing for draft Bylaw No. 297 will not be scheduled until the water management plan and Section 219 covenant have been received and the LTC is satisfied with the documents. Once the documents have been received and deemed satisfactory by staff and the LTC, the LTC can then direct staff to schedule a CIM and public hearing for the LUB amending bylaw.

### ***Statutory Requirements***

A public hearing is a quasi-judicial process within and following which specific procedures must be followed. The public hearing binder for proposed Bylaw No. 296 can be found on the [Galiano LTC Application webpage](#).

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the 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.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

### ***Referral Responses***

Pauquachin First Nation – Level 3 – “We would generally defer to the First Nation(s) whose traditional territory fronts this area. Should Pauquachin First Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected.” [excerpt from referral response]

Ts'uubaa-asatx Nation – Level 3 – “We would generally defer to the First Nation(s) whose traditional territory fronts this area. Should Ts'uubaa-asatx Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected.” [excerpt from referral response]

Tsawwassen First Nation – “Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests all copies of interim and final reports produced for this project.”

Ministry of Transportation & Transit – “The Ministry has no concerns with proposed Bylaw 296 to amend Galiano Island Official Community Plan Bylaw No. 108 to include the principal use agriculture to Rural Policy (e) in order to enable the uses proposed in Bylaw No. 297.”

Ministry of Water, Land and Resource Stewardship – The response included no comments related to the proposed bylaws but recommended the Riparian Development Permit Area and fact sheet to be updated to align with new provincial framework.

Ministry of Housing and Municipal Affairs – “The Ministry will provide formal comment only on Bylaw No. 296, as it proposes to amend the Galiano Island Official Community Plan. I understand this amendment would expand Rural Policy (e) to allow agriculture as a principal use, rather than limiting it to uses accessory to residential. This change reflects a more flexible and inclusive approach to rural land use that enables small-scale food production and supports broader provincial objectives related to local agriculture, sustainability, and resilience outside of the Agricultural Land Reserve.

While the Ministry does not provide formal comment on zoning bylaw amendments (including Bylaw No. 297), I note for consideration that land use changes of this kind may have the potential to indirectly limit long-term housing availability. Expanding non-residential uses on Rural-designated lands may reduce the future potential for residential development, particularly in island communities with limited land supply. As such, I would encourage the Local Trust Committee to consider how this policy change fits within Galiano Island’s broader housing needs and land use strategy.”

Island Health – “No objections provided a water system operating permit is obtained from this office as per Section 8 of the Drinking Water Protection Act if dwellings are to be serviced by a common water system. All structures must be serviced by sewerage systems constructed in accordance with the Sewerage System Regulation.”

Salt Spring LTC – interests unaffected

Mayne LTC – interests unaffected

Thetis LTC – interests unaffected

### ***Terms of Reference***

Water Management Plan: Staff are working with the applicant and the Islands Trust Senior Freshwater Specialist to outline the requirements to be addressed in a water management plan. The plan will include basic information on groundwater usage for each proposed use, along with water management strategies.

Section 219 covenant: Staff are recommending that the application be requested to grant a s. 219 covenant to the LTC to be registered on title before the Galiano LTC adopts Bylaw No. 297 (LUB amending bylaw). The covenant will include:

- a restriction prohibiting aggregate processing or washing
- hours of operation for specific uses
- the maximum volume of aggregate, gravel and soil that may be stored on the lot
- storage requirements for the aggregate, gravel and soil
- a restriction on the number of vehicles, equipment and/or machinery to be stored on the lot
- a requirement for cidery/winery use to comply with the *Liquor Control and Licensing Act/Regulation*
- water management plan recommendations for monitoring

In addition to these covenant conditions, the LTC may wish to consider restricting the rental of the cidery/winery for special or private events.

## 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

Staff will continue to work with the applicant with regards to the draft section 219 covenant and the water management plan. Once these documents are received, staff will bring back the application to the LTC for consideration of scheduling a community information meeting and public hearing for proposed Bylaw No. 297.

|               |  |               |
|---------------|--|---------------|
| Submitted By: | Kim Stockdill, Island Planner            | June 25, 2025 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | June 26, 2025 |

## ATTACHMENTS

1. Proposed Bylaw No. 296
2. Proposed Bylaw No. 297

# PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 296

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. 3, 2024”.

2. SCHEDULES

Galiano Island Official Community Plan Bylaw 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  | 8 <sup>TH</sup> | DAY OF | APRIL | 2025.  |
| 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 OF MUNICIPAL AFFAIRS THIS            | _____           | DAY OF | _____ | 20____ |
| ADOPTED THIS  | _____           | DAY OF | _____ | 20____ |

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 296**

**SCHEDULE 1**

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

1. Section II Land Use, Subsection 1.5 Rural, Rural Policy “e)” is amended by deleting the words “levels of uses accessory to residential uses” and replacing it with “uses accessory to residential and agriculture uses” so it reads:

“Within this designation a number of different zones may be applied allowing differing uses accessory to residential and agriculture uses.”

# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 297

### 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. 3, 2024”.

#### 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 Part 5 ‘Residential Zones’, Section 5.5 ‘Rural 2 Zone’, is amended by adding the following new Subsection:

#### “Site-Specific Regulations

5.5.11 The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

|   |                    | Table 7.3  | ”   |
|---|--------------------|--|---|
|   | 1                  | 2  | 3   |
|   | Site-Specific Zone | Location Description   | Site Specific Regulations   |
| 1 | R2(a)              | Lot ‘A’ of Lot 15, Galiano Island, Cowichan District, Plan 22128 | <p>1) Despite Subsection 5.5.1, the following additional uses are permitted:</p> <ul style="list-style-type: none"><li>• contractor workshop</li><li>• contractor yard</li><li>• storage and sale of gravel, soil and aggregates</li><li>• sawmilling, planing, and manufacturing of wood products</li><li>• cidery and winery, including production, storage, and sales</li></ul> <p>2) Despite Subsection 5.5.5, no buildings or structures may exceed one storey and a height of 5 metres, except that dwellings, cottages, and agriculture buildings and structures must not exceed a height of 9 metres.</p> <p>3) All permitted uses in Article 5.5.11.1 must be screened by a landscape screen not less than 2 metres in height and complying with</p> |



|  |  |  |   |
|--|--|--|---|
|  |  |  | the regulations of Part 15 of this bylaw.<br>4) Off-street parking spaces sited at least 15 metres from the front lot line must be screened by a landscape screen not less than 2 metres in height and complying with the regulations of Part 15 of this bylaw. |
|--|--|--|---|

2.2 Part 14 'Parking Regulations', Subsection 14.1.3 'Use', is amended by adding the following the words "cidery, winery" after the word "sawmills".

2.3 Part 16 'Sign Regulations', Subsection 16.1.1 is amended by adding the following words "Rural 2(a) Zone R2(a)"

2.4 Part 17 'Interpretation', Section 17.1 'Definitions', is amended by adding the following new definition:

"contractor yard" means the use of land, buildings, or structures for the storage of materials, equipment, and vehicles for a building, construction, landscaping business, or other development trade or service."

3. Schedule "B" – Zoning Map, is amended by changing the zoning classification of Lot 'A' of Lot 15, Galiano Island, Cowichan District, Plan 22128 from Rural 2 to Rural 2(a) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" to Bylaw No. 127 as are required to effect this change.

#### 4. 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  | 8 <sup>TH</sup> | DAY OF | APRIL | 2025.  |
| 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. 297

Plan No. 1

