



DATE OF MEETING: June 9, 2026
TO: Galiano Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Mary Storzer, Regional Planning Manager
SUBJECT: Lot A, Plan 22128 (Galiano Way) Rezoning Application
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. 297, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2024” be read a second time.
2. 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 third time.
3. That the Galiano Island Local Trust Committee proposed Bylaw No. 297 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

REPORT SUMMARY

The purpose of this staff report is to provide the Galiano Island Local Trust Committee (LTC) with a draft covenant for rezoning application GL-PL-RZ-2024-0003 (Palmberg) and to outline options for how to proceed following the Public Hearing

BACKGROUND

A staff report was presented to the Galiano Island LTC on February 10, 2026. At this meeting the LTC passed the following resolution:

GL-2026-013

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 adopted.

CARRIED

ANALYSIS

Proposed OCP Bylaw No. 296

The Galiano Island Official Community Plan (OCP) Bylaw No. 296 was adopted on February 10, 2026. The amending bylaw has since been consolidated into the Galiano Island OCP and can be found here <https://islandstrust.bc.ca/document/galiano-ltc-ocp-bylaw-no-108/>

Proposed LUB Bylaw No. 297

Proposed Land Use Bylaw (LUB) Bylaw No. 297 was given First Reading by the Galiano Island LTC on April 8, 2025. The purpose of proposed Bylaw No. 297 is to amend the Galiano Island Land Use Bylaw No. 127 to re-zone the subject property from the Rural 2 zone to a site-specific Rural 2 zone (Rural 2(a)) in order to permit the following additional uses: contractor workshop

- contractor yard
- storage and sale of gravel, soil, and aggregates
- sawmilling, planing, and manufacturing of wood products
- cidery and winery, including production, storage, and sales

The bylaw referrals were sent out to the following agencies and First Nations for Bylaw No. 297 in late April 2025. The following is a summary of referral responses (also attached to staff report):

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.

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

The applicant has provided all required documents as outline in the Terms of Reference. The draft covenant must be registered on the property title prior to the LTC's consideration of bylaw adoption.

Water Management Plan:

The applicant has provided a Water Management Plan prepared by Hy-Geo Consulting. The purpose of a water management plan is to evaluate the current supply and demand for the proposed uses and recommendations for efficient and sustainable use of water.

Overall, the consultant found that the property's combined well and pond system can support the proposed development, provided that storage tanks, water-use monitoring, and good conservation practices are implemented. Because orchard development and cidery production will be phased in over several years, the landowner will be able to monitor water availability and adjust operations as needed. The report also highlights the importance of erosion and sediment control during land clearing to protect adjacent riparian areas.

The report also includes the following recommendations:

1. Conduct a pumping test and water quality sampling of the existing well to verify its capacity and potability for meeting the projected water demands for the property. The test will need to be conducted by a registered well pump installer.
2. Obtain permission from one or more neighbouring well owners to monitor their wells during the pump testing of the existing well on the subject property.
3. Apply for a water licence for commercial and irrigation purposes on the well and the pond.
4. As the orchard is being development it may be beneficial to develop an Environmental Farm Plan for the property.
5. Install a sounding tube in the well to enable monitoring of water levels including a water meter at the well to monitor water consumption.
6. Install water meters on the storage tank outlets to monitor water use for the cidery and the orchard. This will be beneficial for detecting any leaks in the water system.

Recommendations 1, 3, 5 and 6 are included as conditions in the Section 219 covenant (see below). Recommendation 2 was not included in the covenant as it would be difficult to adhere this condition if no neighbours agree to a monitoring device on their well. Recommendation 4 was also not included in the covenant as it was 'suggested' by the engineer.

Ecological Overview Report

The applicant has provided an [ecological overview report](#) as outlined in the Terms of Reference. The report identified the following recommended mitigation measures, which have been included in the section 219 covenant:

- No land disturbance or construction may occur within the Riparian Area
- Drainage swales or a detention basin, incorporating oil/water separators if necessary, must be constructed to limit runoff flowing from the property to the Riparian area and Sensitive Ecosystems area

Section 219 covenant

At the April 8, 2025, the Galiano LTC passed the following resolution:

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

The draft section 219 covenant is attached, and can also be viewed on the [Galiano Island Applications webpage](#). The following are conditions of use within the draft covenant:

Restriction on Use

1. *The processing, crushing, or washing of aggregate is prohibited.*

2. *All permitted machinery and equipment must be stored with a suspended drip system (consisting of grommeted canvas squares suspended beneath engines and lined with absorbent pads).*
3. *Dust control measures shall be implemented to prevent impacts on neighbouring properties.*
4. *Drainage swales or a detention basin, incorporating oil/water separators if necessary, must be constructed to limit runoff flowing from the property to the 'Riparian' area and 'Sensitive Ecosystems' area identified on the Site Plan attached as Schedule A*
5. *An emergency spill kit must be located within the 'Work/Aggregate Yard/Sawmill' area as identified on the Site Plan attached as Schedule A.*
6. *A source of water for emergency fire response must be located no greater than 20 metres from the sawmill area.*
7. *The maximum number of vehicles, equipment, and machinery associated with Contractor Workshop and Contractor Yard uses is limited to ten (10).*
8. *The hours of operation for the use, including any loading, unloading and/or movement of any truck, motor vehicle, trailer or equipment shall be limited to between the hours of 8:00 a.m. and 5:00 p.m. daily, except on Saturdays, Sundays, and Holidays, when it shall be limited to between 9:00 a.m. and 5:00 p.m."*
9. *The maximum volume of gravel, soil and aggregate stored at one time is limited to 305 m³ (400 yd³).*
10. *The maximum volume of raw logs for wood processing shall not exceed 350 m³ per year.*
11. *Cidery and winery uses, including production, storage, and sales, must comply with the Liquor Control and Licensing Act and the Liquor Control and Licensing Regulation.*
12. *The use of the cidery or winery building for special or private events exceeding 100 persons is limited to six (6) per calendar year.*

Riparian Area

13. *No land disturbance or construction may occur within the Riparian area as shown on the Site Plan attached as Schedule A.*

Water Management

14. *All uses must comply with the Water Sustainability Act and the Water Sustainability Regulation.*
15. *All pump test reports and water quality test results in compliance with the Water Sustainability Act and as required for a Water Licence must be provided to the Galiano Island Local Trust Committee.*
16. *The Owner shall not use or permit the use of the Land or any building on the Land for the purpose of a cidery or winery until a water licence in compliance with the Water Sustainability Act has been obtained. An approved water licence must be forwarded to the Galiano Island Local Trust Committee.*

17. A staff gauge must be installed to monitor water fluctuations in the 'Pond' identified on the Site Plan attached as Schedule A.
18. A sounding tube must be installed in Well WTN 131111 (WID 72049) to enable monitoring of water levels.
19. A water meter must be installed at Well WTN 131111 (WID 72049) to monitor water consumption.
20. Installation of water meters on any water storage tank outlets to monitor water use.

If the Galiano LTC wishes to amend the draft conditions or request staff to add additional conditions, a resolution would be required (see Alternative No. 2). Once all final amendments are complete, the covenant will be signed by the Chair of the Galiano LTC and then registered on the property title by the applicant.

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. 297 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. 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 approve the bylaw, the next step for the LTC would be to adopt the bylaw after the section 219 covenant has been registered.

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. Amend the draft covenant

That the Galiano Island Local Trust Committee request staff to amend the draft s.219 covenant for application PL-RZ-2024-0003 to include/to amend...

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).

Submitted By:	Kim Stockdill, Island Planner	May 27, 2026
Concurrence:	Mary Storzer, Regional Planning Manager	June 1, 2026

ATTACHMENTS

1. Adopted Bylaw No. 296
2. Proposed Bylaw No. 297
3. Referral responses
4. Draft S.219 covenant

**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 TH	DAY OF	APRIL	2025.
PUBLIC HEARING HELD THIS	8 TH	DAY OF	JULY	2025.
READ A SECOND TIME THIS	8 TH	DAY OF	JULY	2025.
READ A THIRD TIME THIS	8 TH	DAY OF	JULY	2025.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	6 TH	DAY OF	AUGUST	2025.
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	7 TH	DAY OF	DECEMBER	2025.
ADOPTED THIS	10 TH	DAY OF	FEBRUARY	2026.

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	<ol style="list-style-type: none">1) Despite Subsection 5.5.1, the following additional uses are permitted:<ul style="list-style-type: none">• contractor workshop• contractor yard• storage and sale of gravel, soil and aggregates• sawmilling, planing, and manufacturing of wood products• cidery and winery, including production, storage, and sales2) 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.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

			the regulations of Part 15 of this bylaw. 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.
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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 8TH 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____

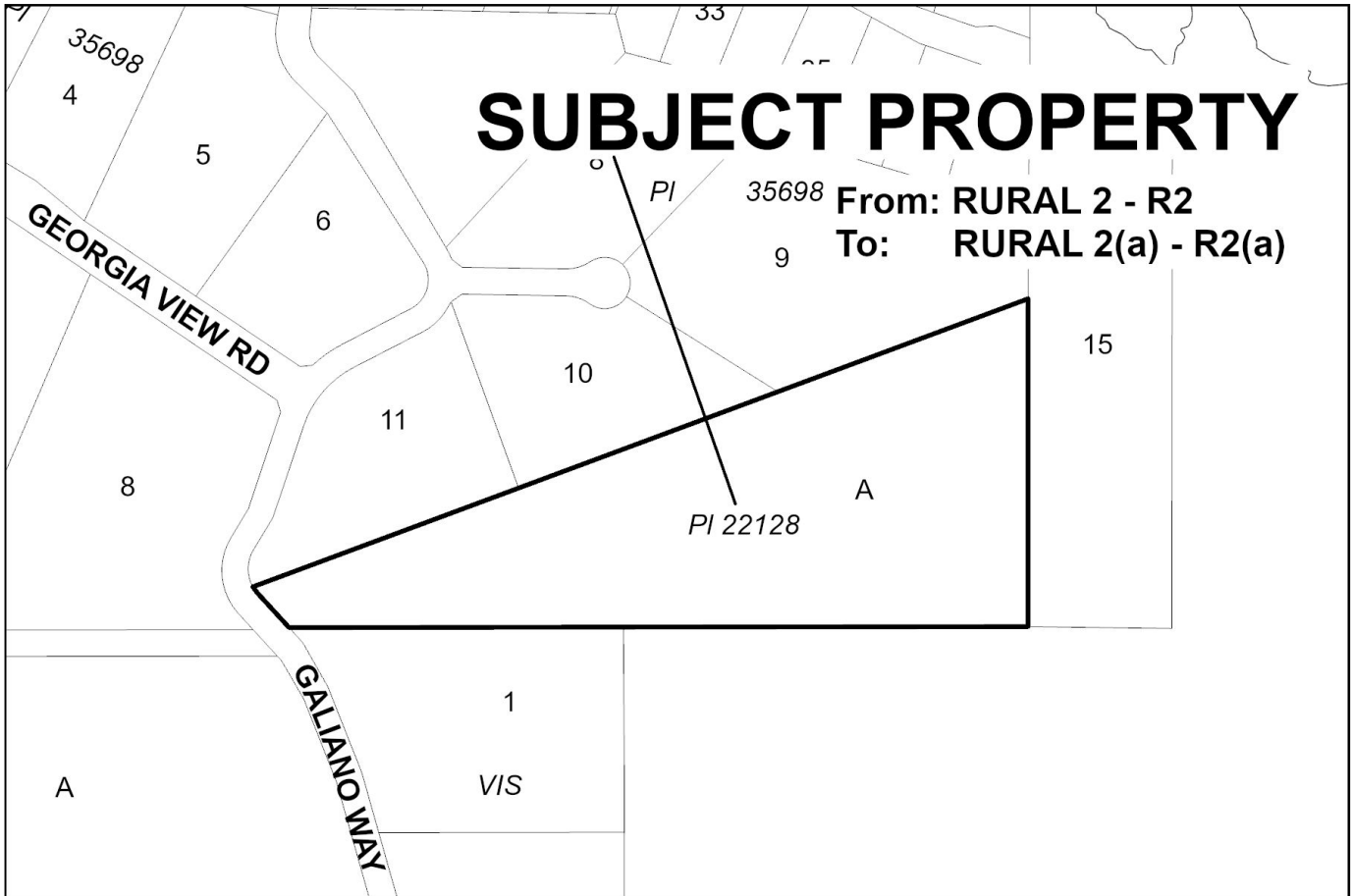
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 297

Plan No. 1



Jas Chonk

From: eDAS@gov.bc.ca
Sent: Monday, April 28, 2025 2:01 PM
To: Jas Chonk
Subject: Applicant Notification - File #2025-01959 (Task Id: 26956417)

Date: 2025-Apr-28

Hello,

The Ministry of Transportation and Transit Approval Application 2025-01959 is available for the next step and your action. You can access the file at <https://posse.th.gov.bc.ca/DAP/Default.aspx?PossePresentation=ApprovalApplication&PosseObjectId=26945811&PossePane=Tasks>

Please accept this email as a response from the Ministry regarding MOTT file 2025-01959. 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.

If you have any questions please feel free to contact me.

Sincerely,

Dana Spilde
Development Services Officer
250-739-8228
Dana.Spilde@gov.bc.ca

Jas Chonk

From: Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>
Sent: Tuesday, April 29, 2025 10:31 AM
To: Jas Chonk
Cc: Riparian Areas WLRS:EX
Subject: RE: Galiano Island Local Trust Committee Proposed Bylaws 296 and 297 Referral - For Response

Good Morning Jas,

Thank you for the opportunity to review the proposed changes to Galiano Island's bylaws.

Given the volume of documents and current internal workload constraints, we are only able to provide high-level comments at this time.

Please note the following:

- The *Riparian Areas Protection Regulation (RAPR)* applies to the Islands Trust and to all residential, commercial, or industrial development within 30 metres of a stream, as defined in the regulation.
- “Development” includes:
 - (a) the addition, removal, or alteration of soil, vegetation, or any building or other structure;
 - (b) the addition, removal, or alteration of works and services as outlined in section 506(1) [subdivision serving requirements] of the *Local Government Act*;
 - (c) subdivision, as defined in section 455 of the *Local Government Act*.
- During the bylaw amendment process, we strongly recommend updating Galiano Island's Official Community Plan (OCP), Riparian Development Permit Area (DPA), Riparian DPA fact sheet, and any other related bylaws or documents to align with the current RAPR framework. The previous *Riparian Areas Regulation (RAR)* was replaced by the RAPR in 2019.
 - Aligning your bylaws with the current provincial framework will:
 - Help prevent potential contraventions of the federal *Fisheries Act*;
 - Support improved understanding and compliance;
 - Contribute to stronger environmental protection and outcomes.
 - If provided with sufficient lead time (approximately 8 weeks), the province can review and provide comments on proposed amendments to the OCP, DPA, or other riparian-related documents to help ensure clarity and alignment with current regulatory standards.

We hope this information is helpful. Please don't hesitate to reach out if you have any questions or need further clarification.

Warmest wishes,

Ashley



Ashley D. Long (she/her)
Senior Policy Analyst
Aquatic Ecosystems Branch | Water, Fisheries and Coast
Ministry of Water, Land and Resource Stewardship

I am honoured and privileged to live, work, and play on the traditional lands of the Tsimshian People.

From: Jas Chonk <jchonk@islandstrust.bc.ca>

Sent: Wednesday, April 23, 2025 2:04 PM

To: 'achan@crd.bc.ca' <achan@crd.bc.ca>; 'jarnet@crd.bc.ca' <jarnet@crd.bc.ca>; 'HBE@islandhealth.ca' <HBE@islandhealth.ca>; 'chief@gvfd.ca' <chief@gvfd.ca>; HMA Land Use, Planning & Regional Impacts Branch HMA:EX <LUPRI@gov.bc.ca>; Nichols, Kris HMA:EX <Kris.Nichols@gov.bc.ca>; LCRB Licensing Help Desk LCRB:EX <LCLBHelpDesk@gov.bc.ca>; LCRB Liquor Policy LCRB:EX <LCRBliquorPolicy@gov.bc.ca>; Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>; BCA Vancouver Island Assessment Region BCA:EX <vancouver.island@bcassessment.ca>; Properties, Help Desk <properties.helpdesk@bchydro.com>; 'Jeannine Georgeson' <georgeson508@outlook.com>; Pingle, Rob <rpingle@islandstrust.bc.ca>; Mourao, Nadine <nmourao@islandstrust.bc.ca>

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

Subject: Galiano Island Local Trust Committee Proposed Bylaws 296 and 297 Referral - For Response

You don't often get email from jchonk@islandstrust.bc.ca. [Learn why this is important](#)

[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 296 and 297 (GL-PL-RZ-2024.0003 (Palmberg)) be referred to you for comment. The referral package prepared by Island Planner Kim Stockdill is attached.

The purpose of proposed **Bylaw No. 296** is to amend the 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**.

The purpose of proposed **Bylaw No. 297** is to amend the Galiano Island Land Use Bylaw No. 127 to re-zone the subject property from the Rural 2 zone to a site-specific Rural 2 zone (Rural 2(a)) in order to permit the following additional uses: contractor workshop; contractor yard; storage and sale of gravel, soil, and aggregates; sawmilling, planing, and manufacturing of wood products; and cidery and winery, including production, storage, and sales. Proposed **Bylaw No. 297** also includes the following regulations for the proposed uses: building/structure height restrictions, and landscape screening, parking, and sign requirements. As a condition for the Galiano Island Local Trust Committee to consider adoption of **Bylaw No. 297**, the applicant must register on title a covenant under Section 219 of the *Land Title Act* that includes conditions and restrictions for the proposed uses and recommendations from a water management plan.

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

A reply is respectfully requested by **Friday, May 23, 2025**.

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 (she, her, hers)
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 BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwáθən, səliłwətəʔ, SEMYOME, shishálh, Sḵwḵwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṪÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLELP, 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.

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)

8 May 2025

(Date)

296/297

(Bylaw Number)

Rob Pingle - Legislative Clerk

(Name and Title)

Salt Spring Island Local Trust Committee

(Agency)

Jas Chonk

From: SouthInfo
Sent: Friday, May 9, 2025 4:01 PM
To: Jas Chonk
Subject: FW: Galiano Island Local Trust Committee Proposed Bylaws 296 and 297 Referral - For Response

Thank you,

Emily Bryant (she, her, hers)
Planning Team Assistant
Islands Trust | T 250-405-5163

From: Moran, Caitlin HMA:EX <Caitlin.Moran@gov.bc.ca>
Sent: Friday, May 9, 2025 11:31 AM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: Nichols, Kris HMA:EX <Kris.Nichols@gov.bc.ca>
Subject: RE: Galiano Island Local Trust Committee Proposed Bylaws 296 and 297 Referral - For Response

Dear Kim Stockdill,

Thank you for your April 23, 2025, referral of proposed Galiano Island Bylaw No. 296 and 297 to the Ministry of Housing and Municipal Affairs for review. As a Senior Planner with the Land Use Planning and Regional Impacts branch, I am pleased to provide comments.

At the time of the referral, the Profiles on Indigenous Peoples database identified the following First Nations as having interests in the bylaw area: Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Pauquachin First Nation, Penelakut Tribe, Semiahmoo First Nation, Snuneymuxw First Nation, Stz'uminus First Nation, Ts'uubaa-asatx First Nation, Tsartlip First Nation, Tsawout First Nation, Tsawwassen First Nation, and Tseycum First Nation. I understand these First Nations have all been considered as part of your engagement process.

I would also like to acknowledge the engagement of other relevant provincial agencies as part of the referral process. In particular, the referral to the Ministry of Water, Land and Resource Stewardship through the Riparian Areas Protection Regulation inbox is appropriate and consistent with current WLRS contact protocols.

Please note that while the Ministry of Transportation and Transit (MOTT) was listed as a referral agency, a contact does not appear to have been included in the email distribution list dated April 23, 2025. MOTT has advised that referrals can be submitted through the electronic [Development Approvals System](#), with Dana Spilde (Dana.Spilde@gov.bc.ca) as the appropriate contact for Galiano Island. They also recommend copying DevelopmentServices.Saanich@gov.bc.ca on initial correspondence to ensure continuity in case of staff absences or turnover.

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.

Please note that any comments provided at this stage are intended to support bylaw development and should not be interpreted as fettering the Minister of Housing and Municipal Affairs' consideration of the bylaw when it is formally submitted for approval. When the final bylaw is referred to the Minister of Housing and Municipal Affairs for review, please ensure that the submission package includes a record of comments from all interest holders, including First Nations, and information on how the Islands Trust responded to each comment.

Should you have any questions or wish to discuss these comments further, please feel free to contact me at Caitlin.Moran@gov.bc.ca or by telephone at 236 478-2301. Thank you again for referring this bylaw to the Ministry of Housing and Municipal Affairs.

Sincerely,

Caitlin Moran (she/her)

Senior Planner

Land Use, Planning, and Regional Impacts Branch

Local Government Division

Ministry of Housing and Municipal Affairs

Caitlin.Moran@gov.bc.ca

I am grateful to live and work from the territory of the ləkʷəŋən and WSÁNEĆ Peoples.

From: Jas Chonk <jchonk@islandstrust.bc.ca>

Sent: April 23, 2025 14:04

To: 'achan@crd.bc.ca' <achan@crd.bc.ca>; 'jarnet@crd.bc.ca' <jarnet@crd.bc.ca>; 'HBE@islandhealth.ca' <HBE@islandhealth.ca>; 'chief@gvfd.ca' <chief@gvfd.ca>; HMA Land Use, Planning & Regional Impacts Branch HMA:EX <LUPRI@gov.bc.ca>; Nichols, Kris HMA:EX <Kris.Nichols@gov.bc.ca>; LCRB Licensing Help Desk LCRB:EX <LCRBHelpDesk@gov.bc.ca>; LCRB Liquor Policy LCRB:EX <LCRBLiquorPolicy@gov.bc.ca>; Riparian Areas WLRs:EX <RiparianAreas@Victoria1.gov.bc.ca>; BCA Vancouver Island Assessment Region BCA:EX <vancouver.island@bcassessment.ca>; Properties, Help Desk <properties.helpdesk@bchydro.com>; 'Jeannine Georgeson' <georgeson508@outlook.com>; Pingle, Rob <rpingle@islandstrust.bc.ca>; Mourao, Nadine <nmourao@islandstrust.bc.ca>

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

Subject: Galiano Island Local Trust Committee Proposed Bylaws 296 and 297 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 296 and 297 (GL-PL-RZ-2024.0003 (Palmberg) be referred to you for comment. The referral package prepared by Island Planner Kim Stockdill is attached.

The purpose of proposed **Bylaw No. 296** is to amend the 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**.

The purpose of proposed **Bylaw No. 297** is to amend the Galiano Island Land Use Bylaw No. 127 to re-zone the subject property from the Rural 2 zone to a site-specific Rural 2 zone (Rural 2(a)) in order to permit the following additional uses: contractor workshop; contractor yard; storage and sale of gravel, soil, and aggregates; sawmilling, planing, and manufacturing of wood products; and cidery and winery, including production, storage, and sales. Proposed **Bylaw No. 297** also includes the following regulations for the proposed uses: building/structure height restrictions, and landscape screening, parking, and sign requirements. As a condition for the Galiano Island Local Trust Committee to consider adoption of **Bylaw No. 297**, the applicant must register on title a covenant under Section 219 of the *Land Title Act* that includes conditions and restrictions for the proposed uses and recommendations from a water management plan.

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

A reply is respectfully requested by **Friday, May 23, 2025**.

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 (she, her, hers)

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 BOĶĒĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scáwáðan, səlilwətəł, SEMYOME, shíshálh, Sḵwḵwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṪÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and x^wməθk^wəyám 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.

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

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.

Galiano Island Local Trust Area

(Island)

R Atwal

(Signature)

May 15, 2025

(Date)

296/297

(Bylaw Number)

Rajpreet Atwal (Environmental Health Officer)

(Name and Title)

Island Health

(Agency)

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. Chonk

(Signature)

May 26, 2025

(Date)

296/297

(Bylaw Number)

Jas Chonk, Legislative Clerk

(Name and Title)

Mayne Island Local Trust Committee

(Agency)

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)

June 3, 2025

(Date)

296/297

(Bylaw Number)

Legislative Clerk / Deputy Secretary

(Name and Title)

Thetis Local Trust Committee

(Agency)

From: NationsConnect <support@nationsconnect.ca>
Sent: Wednesday, April 23, 2025 4:24 PM
To: Jas Chonk
Subject: NationsConnect: Decision regarding consultation: GL-BLs-296-297 regarding GL-BLs-296-297
Attachments: response--gl-b-ls-296-297--from--pauquachin-first-nation.pdf

A new conversation has been started by lands@pauquachin.com and you were indicated as a person to notify.

Subject: Decision regarding consultation: GL-BLs-296-297

To whom it may concern,

Body:

Please see the attached PDF concerning: GL-BLs-296-297

[View conversation in NationsConnect](#)



Pauquachin First Nation

23-Apr-2025 16:23 PDT

Islands Trust

Attn: Jas Chonk

Project Name: GL-BLs-296-297

Date Received: 23-Apr-2025

Pauquachin First Nation's Consultation Spectrum Assessment: Level 3

The project area appears to fall within the Hul'q'umi'num Statement of Intent as submitted to the BC Treaty Commission process, but outside Pauquachin First Nation's core title area. Pauquachin First Nation would recognize this area as being in close proximity to other Hul'q'umi'num or Nuu-chah-nulth First Nation Tumuhw (lands). As such, I would categorize this as a Level 3 rights area for Pauquachin First Nation. Level 3 identifies that Pauquachin First Nation had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Pauquachin First Nation's highest S.35 interests and would require high end of the Haida spectrum consultation.

However, Level 3, is still considered to be a very high consultation matter as it represents our inter-community cultural activities and shared title and harvesting areas with our Hul'q'umi'num or Nuu-chah-nulth relatives. Despite this 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.

Sincerely,

Monty Horton, Lands Governance Officer

Pauquachin First Nation

Tel: 250-937-9195

Email: lands@pauquachin.com

From: NationsConnect <support@nationsconnect.ca>
Sent: Wednesday, April 23, 2025 4:21 PM
To: Jas Chonk
Subject: NationsConnect: Decision regarding consultation: GL-BLs-296-297 regarding GL-BLs-296-297
Attachments: response--islands-trust--gl-b-ls-296-297--from--ts-uubaa-asatx-nation.pdf

A new conversation has been started by Monty Horton and you were indicated as a person to notify.

Subject: Decision regarding consultation: GL-BLs-296-297

To whom it may concern,

Body:

Please see the attached PDF concerning: GL-BLs-296-297

[View conversation in NationsConnect](#)



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

23-Apr-2025 16:21 PDT

Islands Trust
Attn: Jas Chonk

Project Name: GL-BLs-296-297
Date Received: 23-Apr-2025
Ts'uubaa-asatx Nations Consultation Spectrum Assessment: Level 3

'Au Si'em:

The project area appears to fall within the Hul'q'umi'num Statement of Intent as submitted to the BC Treaty Commission process, but outside Ts'uubaa-asatx Nation's core title area. Ts'uubaa-asatx Nation would recognize this area as being in close proximity to other Hul'q'umi'num or Nuu-chah-nulth First Nation Tumuhw (lands). As such, I would categorize this as a Level 3 rights area for Ts'uubaa-asatx Nation. Level 3 identifies that Ts'uubaa-asatx Nation had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Ts'uubaa-asatx Nation's highest S.35 interests and would require high end of the Haida spectrum consultation.

However, Level 3, is still considered to be a very high consultation matter as it represents our inter-community cultural activities and shared title and harvesting areas with our Hul'q'umi'num or Nuu-chah-nulth relatives. Despite this 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.

'Uy' Skweyul,

Monty Horton

Hul'q'umi'num language terms:

'Au Si'em: a term denoting high respect.

'Uy' Skweyul: good day.

Jas Chonk

From: TFN Referrals <referrals@tsawwassenfirstnation.com>
Sent: Friday, June 6, 2025 4:12 PM
To: Jas Chonk
Subject: Re: Galiano Island Local Trust Committee Proposed Bylaws 296 and 297 Referral - For Response

Hi Jas,

Thank you for the email.

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.

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: Wednesday, April 23, 2025 2:32 PM
To: TFN Referrals <referrals@tsawwassenfirstnation.com>
Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Galiano Island Local Trust Committee Proposed Bylaws 296 and 297 Referral - For Response

Hello Tsawwassen First Nation Referral Coordinators:

The Galiano Island Local Trust Committee has asked that its Proposed Bylaws 296 and 297 (GL-PL-RZ-2024.0003 (Palmberg)) be referred to you for comment. The referral package prepared by Island Planner Kim Stockdill is attached.

The purpose of proposed **Bylaw No. 296** is to amend the 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**.

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manufacturing of wood products; and cidery and winery, including production, storage, and sales. Proposed **Bylaw No. 297** also includes the following regulations for the proposed uses: building/structure height restrictions, and landscape screening, parking, and sign requirements. As a condition for the Galiano Island Local Trust Committee to consider adoption of **Bylaw No. 297**, the applicant must register on title a covenant under Section 219 of the *Land Title Act* that includes conditions and restrictions for the proposed uses and recommendations from a water management plan.

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

A reply is respectfully requested by **Monday, June 23, 2025**.

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 (she, her, hers)

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



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PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the ____ day of _____, _____ is

AMONG:

1230869 BC LTD

Address: 479 Montague Park Road, Galiano Island, British Columbia, V0N 1P0

(the “Owner”)

AND:

GALIANO ISLAND LOCAL TRUST COMMITTEE, a Corporation under the *Islands Trust Act*, R.S.B.C. 1996, c.239, with an office at Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the “Trust Committee”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of that parcel of land located on Galiano Island, British Columbia which is legally described as:

Parcel Identification Number: 003-321-649

Legal Description: Lot “A” of Lot 15, Galiano Island, Cowichan District, Plan 22128

(the “Land”);

- B. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land;
- C. The Owner has requested that the Trust Committee rezone the Land to Rural 2(a), and the Owner has granted the Trust Committee this covenant in order to induce the Trust Committee to rezone the Lands;

- D. The Owner wishes to grant and the Trust Committee wishes to accept this Covenant over the Land, restricting the use of the Land in the manner specified;
- E. The Owner has provided a site plan (the "Site Plan") attached as Schedule A.

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

S. 219 Covenant

The Owner shall not use or permit the use of the Land or any building on the Land for any purpose, construct any buildings on the Land, or subdivide the Land except in strict accordance with this Agreement.

Restriction on Use

1. The processing, crushing, or washing of aggregate is prohibited.
2. All permitted machinery and equipment stored for 14 or more days must be equipped with a suspended drip system (consisting of grommeted canvas squares suspended beneath engines and lined with absorbent pads).
3. Dust control measures shall be implemented to prevent impacts on neighbouring properties.
4. Drainage swales or a detention basin, incorporating oil/water separators if necessary, must be constructed to limit runoff flowing from the property to the 'Riparian' area and 'Sensitive Ecosystems' area identified on the Site Plan attached as Schedule A
5. An emergency spill kit must be located within the 'Work/Aggregate Yard/Sawmill' area as identified on the Site Plan attached as Schedule A.
6. A source of water for emergency fire response must be located no greater than 30 metres from the sawmill area.
7. The maximum number of vehicles, equipment, and machinery associated with Contractor Workshop and Contractor Yard uses is limited to ten (10).
8. The hours of operation for the sale of gravel, soil and aggregates, including any associated loading, unloading and/or movement of any truck, motor vehicle, trailer or equipment for this use, shall be limited to between the

hours of 8:00 a.m. and 5:00 p.m. daily, except on Saturdays, Sundays, and Holidays, when it shall be limited to between 9:00 a.m. and 5:00 p.m.”

9. The maximum volume of gravel, soil and aggregate stored at one time is limited to 305 m³ (400 yd³).
10. The maximum volume of raw logs for wood processing shall not exceed 350 m³ per year.
11. Cidery and winery uses, including production, storage, and sales, must comply with the Liquor Control and Licensing Act and the Liquor Control and Licensing Regulation.
12. The use of the cidery or winery building for special or private events exceeding 100 persons is limited to six (6) per calendar year.

Riparian Area

13. No land disturbance or construction may occur within the Riparian area as shown on the Site Plan attached as Schedule A.

Water Management

14. All uses must comply with the Water Sustainability Act and the Water Sustainability Regulation.
15. All pump test reports and water quality test results in compliance with the Water Sustainability Act and as required for a Water Licence must be provided to the Galiano Island Local Trust Committee.
16. The Owner shall not use or permit the use of the Land or any building on the Land for the purpose of a cidery or winery until a water licence in compliance with the Water Sustainability Act has been obtained. An approved water licence must be forwarded to the Galiano Island Local Trust Committee.
17. A staff gauge must be installed to monitor water fluctuations in the ‘Pond’ identified on the Site Plan attached as Schedule A.
18. A sounding tube must be installed in Well WTN 131111 (WID 72049) to enable monitoring of water levels.
19. A water meter must be installed at Well WTN 131111 (WID 72049) to monitor water consumption.

20. Installation of water meters on any water storage tank outlets to monitor water use.

No Effect On Laws or Powers

21. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Trust Committee or the Capital Regional District under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Trust Committee or the Capital Regional District any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;
 - (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

22. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Entry by Trust Committee Staff

23. The Owner hereby authorizes the Trust Committee, through its employees or agents, to enter the Land at all reasonable times after giving 24 hours notice for the express purpose of confirming whether or not this Agreement is being complied with.

Indemnity

24. The Owner hereby indemnifies and saves harmless the Trust Committee and its elected and appointed officials, officers, employees and agents,

from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

25. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

26. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

27. The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

28. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Trust Committee of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

29. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

30. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

31. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

32. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

Deed and Contract

33. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office Form C which is attached hereto and which forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. [Name of land owner(s)] (the "Owner") is the registered owner of [insert full legal description] (the "Land");
- B. The Owner granted [Name of chargeholder] (the "Prior Chargeholder") a [identify mortgage or other charge], which was registered against the title to the Land in the Victoria Land Title Office under number [insert registration number] (the "Prior Charge");
- C. The Owner granted to the Island Local Trust Committee (the "Subsequent Chargeholder") a Section 219 Covenant which is registered against the title to the Land under number [insert registration number] (the "Subsequent Charge"); and
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholder to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDER FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

1. The Prior Chargeholder hereby consents to the granting and registration of the Subsequent Charge and the Prior Chargeholder hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Land.
2. The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder's right, title and interest in and to the Land, and the Prior Chargeholder does hereby postpone the Prior Charge and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charge.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Prior Chargeholder has executed and delivered Part 1 of *Land Title Act* Form C which is attached hereto and forms part of this Agreement.

SCHEDULE A

Site Plan

