



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

DATE OF MEETING: December 12, 2023

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: District Lot 86 Rezoning Application – Staff Report

Applicant: Corinne Matheson and Wayne and Ed Bairstow

Location: District Lot 86 Galiano Island Cowichan District

RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to prepare draft bylaws for rezoning application GL-RZ-2021.2 (Matheson/Bairstow).

REPORT SUMMARY

The purpose of this staff report is to provide the Galiano Island Local Trust Committee (LTC) with further information regarding the rezoning application and request the LTC to give direction to staff to proceed with draft bylaws.

BACKGROUND

A rezoning application for the approximately 38 hectare subject property was received on August 23, 2021. The property owners seek to rezone the property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)**, **Small Lot Residential (SLR)** and **Nature Protection (NP) or Park (P)**.

The subject property is located at the north end of Galiano Island. There is one illegal dwelling on the property that is subject to bylaw enforcement file GL-BE-2019.16. Adjacent land uses include Dionisio Park to the north (DL 92), Therah Village Community to the east (DL 91), and F1 zoned lots to the south.

At the July 11, 2023 staff presented a preliminary staff report to the Galiano LTC. The LTC at the meeting passed the following resolution:

GL-2023-48

It was Moved and Seconded,

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

CARRIED

As part of the initial application, the applicants provided the LTC with two subdivision layout options. A third layout option was suggested by staff as the area of the proposed Forest 3 lot did not meet the minimum lot size in the first two layout options. The third layout option is below labelled Figure 1.

FIGURE 1 - PRELIMINARY LAYOUT PLAN (OPTION NO. 3)

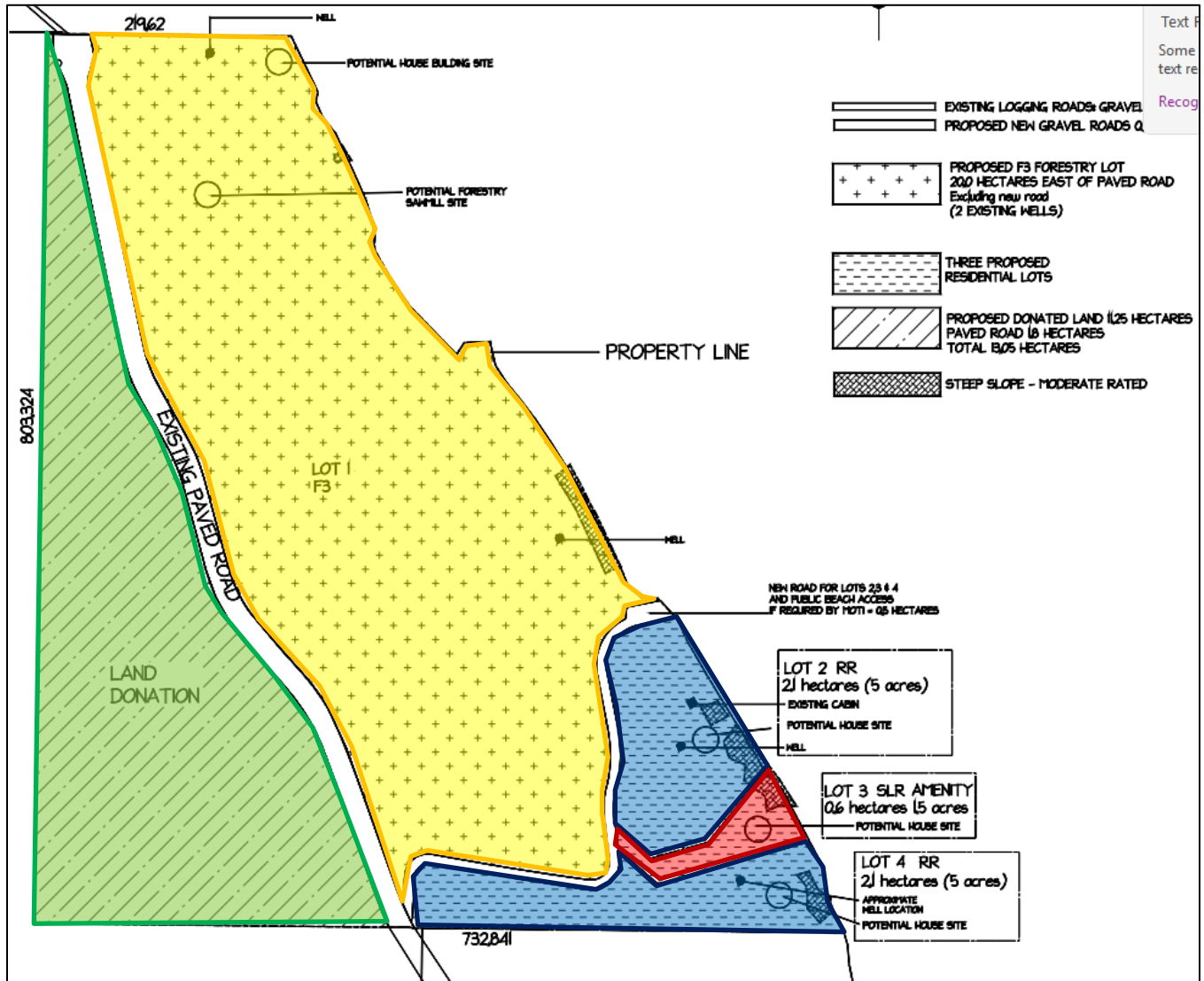


TABLE 1 - LEGEND

COLOUR	PROPOSED ZONING	COMMENTS
Blue	Rural Residential	Lots 2 and 4; each 2.1 hectares in area.
Red	Small Lot Residential	Lot 3 (0.6 hectares in area). Lot or cash from sale of lot to be donated to affordable housing society.
Yellow	Forest 3	Registration of a sustainable forestry covenant is required for this lot (Lot 1).
Green	Nature Protection/Park	Applicant to determine who will receive Nature Protection lot.

ANALYSIS

Application Proposal

The applicants are proposing to create two new Rural Residential (RR) zoned properties, averaging 2.1 hectares, with the remainder of the subject property being zoned Nature Protection or Park, and public roads. The proposal also includes a 0.6 hectare amenity lot (proposed zoning to Small Lot Residential) for the purpose of affordable housing. Figure 2, as provided by the applicant, provides a breakdown of the approximate total area of land proposed to be included.

Figure 2. Approximate Total Area Proposed per Zone Type (based on Figure 1)

Proposed Zone	Area (ha) *approximate	Community Benefit?	25%	75%
Rural Residential lots	4.2 ha	No	22.9%	
Small Lot Residential Lot	0.6 ha	Yes		3.3%
Nature Protection/Park Area	11.25 ha	Yes		61.3%
Road A (running south to north)	1.8 ha	Yes		9.8%
Road B (accessing Lots 2, 3, &4)	0.5 ha	Yes		2.7%
TOTAL	18.35 ha		22.9%	77.1%
Forest 3	20. ha	N/A	Not included in 75/25 calculation	
TOTAL AREA	38.35 ha		22.9%	77.1%

Draft Bylaws

The Galiano Island Official Community Plan (OCP) land use designation for the subject property is currently **Forest**. Rezoning as proposed would result in the proposed following changes to the OCP schedule B for the newly configured lots: **Small Lot Residential, Rural Residential, Forest, Nature Protection** and/or **Parks & Recreation** designations.

The subject property is also currently zoned **Forest 1** in the Galiano Island Land Use Bylaw (LUB). The following amendments to the LUB would be required:

- Rezoning a portion of property to **Forest 3**
- Rezoning two lots to **Rural Residential**
- Rezoning the amenity lot to **Small Lot Residential** with a restriction of only permitting one dwelling unit (a cottage would not be permitted).
- Rezoning portions of the land to **Nature Protection** and/or **Park**

If the LTC agrees with the proposed layout as shown in Figure 1, staff recommend the LTC gives direction to staff to draft bylaws for this rezoning application. Proceeding with the preparation of draft bylaws would allow for next steps in the process to proceed including early referrals First Nations and agencies, referrals to potentially affected agencies, and the consideration of further input from the public including adjacent property owners.

Road Access

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

Community Benefit – Amenity Lot & Nature Protection/Park Lot

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

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

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

The LTC should decide if a portion of the proceeds from the sale of the amenity lot could go to a non-profit society that does not have an affordable housing mandate. For example, the LTC could decide that 90 percent of the sale go to an affordable housing society(ies), and the remaining 10 percent be donated to other non-profit societies. A decision on which agencies to receive the funds must be completed prior to zoning approval as a Section 219 covenant must be registered.

In regards to the proposed Nature Protection/Park lot, staff initially engaged with BC Parks to discuss the potential transfer of lands to BC Parks to expand Dionisio Park. At that time, BC Parks was reluctant to consider a land transfer given local First Nations (specifically Penelakut Tribe) interests.

Staff met with the Penelakut Tribe Chief and Council to introduce the application and propose the following questions:

- Are the lot lines as proposed reasonable and in line with the views of your Nation?
- Do you have capacity to receive the lands through a subdivision should it proceed to that point?
- The proposed zoning of a majority of the lands to be transferred is Nature Protection, are you comfortable with this zoning being retained on the 75% portion should land transfer occur?
- What is your understanding of other local First Nations views on a potential land transfer?
- Are there any other concerns, issues or information gaps that we should be aware of with respect to these two rezoning applications?

Penelakut Tribe Chief and Council received the questions and will discuss these questions internally. Staff hope to continue the discussion with Penelakut Tribe early in 2024.

As part of the initial step with this application, staff are now in the process of notifying other local First Nations and agencies of the application with early referral letters to be sent out prior to the LTC’s meeting on December 12, 2023. Staff are aware that discussions are required between Nations to determine which Nation(s) may receive the land for this application, and future potential applications.

Terms of Reference

A Terms of Reference (ToR) for this application has been provided to the applicant on October 5, 2021. As the application proceeds, the LTC has the authority to include additional conditions of rezoning that may not be obtained in the ToR sent to the application in 2021.

Rationale for Recommendation

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

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

ALTERNATIVES

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

1. Request further information

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

Resolution:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust

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2. Deny the application

The LTC may deny the application.

Resolution:

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

NEXT STEPS

If the LTC agrees with staff’s recommendation, staff will:

- Continue engagement with First Nations and First Nation agencies
- Proceed to draft bylaws

Submitted By:	Kim Stockdill, Island Planner	December 1, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	December 1, 2023