



File No.: GL-RZ-2023.2 (Larsen) & GL-RZ-2021.2 (Matheson-Bairstow)

DATE OF MEETING: February 11, 2025

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: District Lot 85 & 86 Rezoning Application – Staff Memo

Location: District Lot 85 & 86 Galiano Island Cowichan District

## MEMORANDUM SUMMARY

The purpose of this staff memorandum is to provide the Galiano Island Local Trust Committee (LTC) with further information regarding the rezoning applications in related to District Lots 85 and 86. No action by the Galiano Island LTC is required at this time.

## BACKGROUND

At the September 10, 2024 regular Galiano Island LTC meeting, the LTC passed the following resolutions for District Lot 85 (GL-RZ-2023.2):

**GL-2024-020**

that Galiano Island Local Trust Committee direct staff to prepare draft bylaws for rezoning application GL-RZ-2023.2 (McElhanney).

**GL-2024-021**

that Galiano Island Local Trust Committee direct staff to refer GL-RZ-2023.2 (McElhanney) to the Galiano Island Parks and Recreation Commission.

**GL-2024-022**

that Galiano Island Local Trust Committee direct staff to schedule a meeting with the Ministry of Transportation and Infrastructure, Penelakut Tribe and the applicant to discuss road access and emergency access for District Lot 85.

At the September 10, 2024 regular Galiano Island LTC meeting, the LTC passed the following resolutions for District Lot 86 (GL-RZ-2021.2):

**GL-2024-017**

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

**GL-2024-018**

that Galiano Island Local Trust Committee request staff to refer GL-RZ-2021.2 (Matheson/Bairstow) to the Galiano Island Parks and Recreation Commission.

## **GL-2024-019**

that Galiano Island Local Trust Committee direct staff to schedule a meeting with the Ministry of Transportation and Infrastructure, Penelakut Tribe and the applicant to discuss road access and emergency access for District Lot 86.

### ***Updates***

#### Penelakut Tribe Meeting:

Islands Trust staff and the Galiano Island LTC attended Penelakut Tribe Chief and Council meeting on January 9, 2024. During this meeting both rezoning applications were discussed and the following questions were presented to Penelakut Tribe Chief, council, and staff members:

- Are the lot lines as proposed reasonable and in line with the views of your Nation?
- 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?
- As a condition of the rezoning application and subsequent subdivision application, the existing road access on DL 85 and 86 is subject to land transfer. In the past, land for road dedication have been transferred to the Ministry of Transportation and Infrastructure. In addition, there is an easement registered on both lots (DL 85 and 86) granting the right for other specific district lots access to and egress from DL 85 and 86.
  - Is your Nation interested in receiving the road dedication located on District Lot 85 and 86? If so, are there any concerns with the existing easement granting access to and egress from the lots?
- 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?

The discussions primarily focused on the first question—whether the Penelakut Tribe supports the site plans as prepared by the applicants. It was suggested that Penelakut members and staff conduct a site visit to familiarize themselves with the land before making recommendations or supporting the proposed layout. The Penelakut Tribe Chief, Council, and staff members will review the other questions as the application process moves forward.

Islands Trust staff are still in the process of scheduling a site visit, aiming to complete it by the end of February.

#### MOTT Meeting:

Islands Trust staff met electronically with Ministry of Transportation and Transit (MOTT) staff to discuss the proposed subdivision layout, road dedication, and other potential MOTT requirements.

MOTT staff indicated that dedicated access to the sea, as per Section 75 of the *Land Title Act*, may not be required as there is already established highway access south of District Lot 85. Regarding park dedication in compliance with Section 510 of the *Local Government Act*, the two subdivision proposals would trigger the requirement to provide park dedication if:

- The subdivision creates more than 3 additional lots, and
- The subdivision creates a lot with an area less than 2.0 hectares

The discussion also covered road dedication, registered easements, emergency access, and the potential for non-dedicated access. MOTT staff stated that decisions about road dedication and management will be finalized during the subdivision application process.

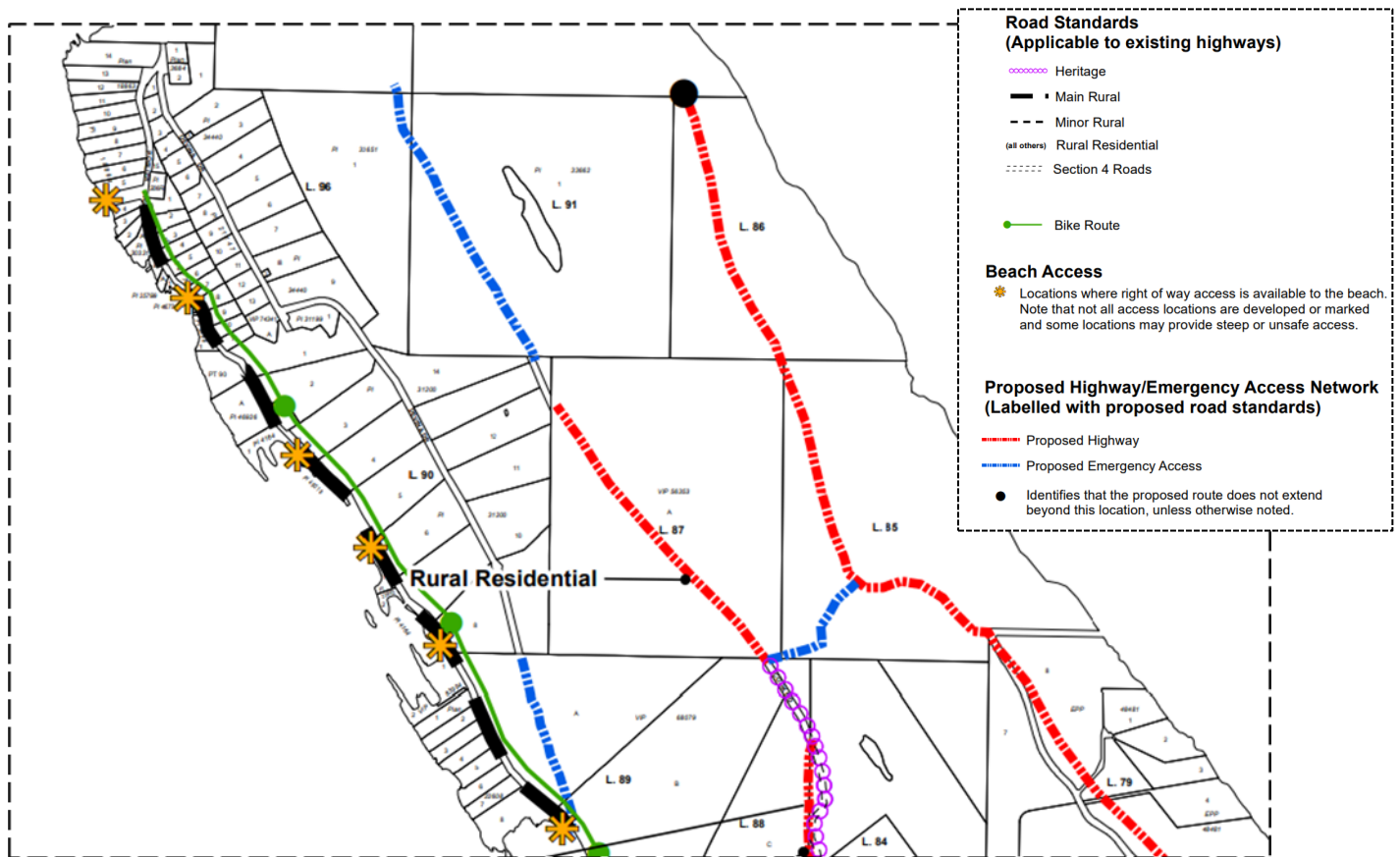
MOTT staff also noted that applicants may begin the subdivision application process once their site plan has been finalized.

Emergency Access:

The Galiano Island OCP Schedule 'C' Road Network Plan identifies the existing easement access that bisects District Lots 85 and 86 (south to north) as a 'proposed highway' section. Determining if the road must be dedicated will be finalized during the subdivision process.

On DL 85, an emergency access route has been proposed (see blue line). The property owner stated that this access may already exist under a Statutory Right of Way (SRoW). If no SRoW currently exists for this emergency access, one must be granted as a condition of rezoning if deemed necessary by the Capital Regional District (CRD).

Figure 1 – Schedule 'C' Road Network Pan (excerpt)



Amenity zone

At the September 10, 2024, the LTC discussed the requirement of a community park as a condition of rezoning instead of transferring the proceeds of a residential land sale to a non-profit affordable housing agency. These discussions will continue once with applicants finalize their site plan and determine if they must comply with Section 510 of the *Local Government Act*.

## Next Steps

### Applicants

As outlined in the Terms of Reference which was issued to the applicant in 2021, the applicant will continue to work on and provide to the LTC:

- **An updated site plan outlining the developable areas. This site plan will be attached to the amending Land Use Bylaw (LUB). The final site plan must be completed prior to First Reading of the amending bylaw**
- Updated site plan to include area for community park dedication subsection to Section 510 of the *Local Government Act* (if necessary)
- Geotechnical Assessment – if ‘developable areas’ are located within Development Permit Area 7 – Moderate Steep Slope
- Groundwater Report – parameters of the report will be determined by the Islands Trust Senior Freshwater Specialist and planning staff. Report to be completed prior to scheduling of Public Hearing
- Septic Disposal Report – to confirm septic viability, and to provide a site plan showing the existing and proposed septic areas for those lots where zoning permits a residential use. Report to be completed prior to scheduling of Public Hearing
- Ecological Overview Report – to provide information regarding the ecological significance on the lands to be transferred. Report to be completed prior to scheduling of Public Hearing
- Sustainable Forestry Covenant – to register a Section 219 covenant on title for the proposed Forest 3 zoned portion of the lot. Covenant to be registered on title of parent parcel prior to bylaw adoption
- Section 219 Covenants:
  - Development Control Covenant(s) – covenant(s) to include recommendations of the geotechnical assessment (if required), groundwater report, well monitoring conditions, ecological overview report, Site Plan, land transfer information (road portion and west lot portion), restriction on use or occupancy of dwellings until land is successfully transferred, sale of RR1 lot to be donated to a non-profit affordable housing society, and subdivision clause (owner must subdivide in accordance to attached site plan)
  - Covenant to be registered on title of parent parcel prior to bylaw adoption
  - There may be two Development Control Covenants. One permanent covenant which stays on the property title for each lot in perpetuity, and another temporary covenant which may be discharged if all clauses in the covenant are satisfied

The applicants’ first priority is to finalize their site plan after the site visit with the Penelakut Tribe representative. Once the site plan is satisfactory to the applicants, Penelakut Tribe, Islands Trust staff, and LTC, the applicants may proceed with fulfilling the Terms of Reference.

### **NEXT STEPS**

- Schedule site visit with Penelakut Chief, council members, and staff
- Applicant to update site plan if required

Submitted By:	Kim Stockdill, Island Planner	January 31, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	January 31, 2025