

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

DATE OF MEETING: February 10, 2026

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

SUBJECT: District Lot 86 Rezoning Application – Post Public Hearing

Location: District Lot 86 Galiano Island Cowichan District

RECOMMENDATIONS

1. That Galiano Island Local Trust Committee Bylaw No. 292, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2024” be read a third time.
2. That Galiano Island Local Trust Committee Bylaw No. 293, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2024” be amended by
 - a. amending Section 2.1 to add the words “non-profit park or conservation society” after the words ‘Capital Regional District’, and by,
 - b. updating the site plan in Plan No. 2.
3. That Galiano Island Local Trust Committee Bylaw No. 293, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2024”, be read a third time as amended.
4. That the Galiano Island Local Trust Committee proposed Bylaw Nos. 292 and 293 be forwarded to the Secretary of the Islands Trust for Executive Committee for approval.
5. That the Galiano Island Local Trust Committee proposed Bylaw No. 292 and 293 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 to the rezoning application GL-RZ-2021.2 (Matheson-Bairstow) and to provide options for how to proceed after the Public Hearing for proposed Bylaw Nos. 292 and 293.

BACKGROUND

A staff report was presented to the Galiano Island LTC on December 9, 2025. At this meeting the LTC passed the following resolutions:

GL-2025-91

that Galiano Island Local Trust Committee Bylaw No. 292, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2024” be read a second time.

CARRIED

GL-2025-92

that Galiano Island Local Trust Committee Bylaw No. 293, cited as “Galiano Island Land Use Bylaw No.127, 1999, Amendment No. 1, 2024”, be read a second time.

CARRIED

ANALYSIS

Official Community Plan

Proposed bylaw No. 292 would amend the Galiano Island Official Community Plan (OCP) No. 108 by re-designating portions of the subject property from *Forest* to *Nature Protection*, *Park* and *Rural Residential*. In addition, a new policy will be added to the Rural Residential section.

First reading was given to proposed Bylaw No. 292 by the Galiano Island LTC on July 8, 2025 and second reading was given on December 9, 2025.

Land Use Bylaw

Proposed Bylaw No. 293 would amend the Galiano Island Land Use Bylaw (LUB) No. 108 by rezoning the property from the *Forest 1* zone to the following zones:

- *Forest 3*
- *Rural Residential (e)*
- *Nature Protection*
- *Park*

The proposed LUB bylaw also attaches a site plan delineating developable areas for the *Rural Residential (e)* and *Forest 3* zoned portions of the lot. The applicant has provided an updated site plan reflecting more accurate location of the developable areas. The updated site plan can be found on the [application webpage](#).

First reading was given to proposed Bylaw No. 293 by the Galiano Island LTC on July 8, 2025 and second reading was given on December 9, 2025.

The attached Bylaw No. 293 includes the updated site plan. The Galiano Island LTC will need to amend the proposed bylaw (Recommendation No. 2), and then give third reading as amended (Recommendation No. 3b).

Staff are also recommended an amendment to proposed Bylaw No. 295 to allow a non-profit park or conservancy society to receive the lot to be rezoned to ‘Park’ (Recommendation No. 3a). See discussion under ‘Land Transfer’.

Conditions of Approval

The following conditions must be completed to the satisfaction of the Galiano LTC prior to consideration of bylaw adoption:

1. Registration of a sustainable forestry covenant.
2. Registration of a Section 219 covenant for development control and the requirement for land transfer.

Draft covenants are available on the Galiano Island Applications webpage under “4. Other Information.”

Land Transfer

The land proposed to be zoned **Nature Protection** will be transferred to the Penelakut Tribe at the time of final subdivision. To ensure the transfer occurs, a condition is included in the Section 219 covenant requiring the transfer of the land. All necessary covenants will be discharged from this lot at the time of subdivision registration.

The lot proposed to be zoned **Park** will be transferred at the time of final subdivision. The receiving agency will be determined prior to the adoption of the bylaw.

A referral has been sent to the Capital Regional District Galiano Island Parks and Recreation Commission, which has a meeting scheduled for February 5, 2025. Although, due to the lot's location and limited public access (resulting from the retention of the existing gate), the land may instead be transferred to another non-profit park or conservancy agency.

CONSULTATION

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 Nos. 292 and 293 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 Third Reading (as amended).
2. Forwarding of the bylaw to Executive Committee for approval.
3. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
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 and Minister approve the bylaws, the next step for the LTC would be to adopt the bylaws.

Referral Responses

Full referral responses can be found in the [Public Hearing Binder](#).

Penelakut Tribe – Updated referral response to be received prior to February 10, 2026 LTC meeting.

Pauquachin First Nation – Level 1 – “This area appears to be on/in an area that Pauquachin First Nation would recognize as being outside our title and governance areas. As such, I would categorize this as a Level 1 rights area for Pauquachin First Nation. Level 1 identifies that the project appears to be wholly within another First Nations title and Governance area. Our interests in this area would be limited to Trade, First Nations Government-to-Government and inter-community relationships, but not necessarily 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.

Given this assessment we would defer to the First Nation(s) whose traditional territory this

project lies within or is affected by the project. 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.

Snuneymuxw – “Snuneymuxw First Nation defers comment on the above-mentioned referral. Snuneymuxw’s deferral is only applicable to initial notification and non-transferrable. Snuneymuxw’s deferral does not mean that there are no potential impacts to Snuneymuxw’s Aboriginal and Treaty rights and title, or contributions to cumulative effects, from this referral. Nor does Snuneymuxw’s deferral define or derogate from Snuneymuxw’s Aboriginal and Treaty rights and title. Snuneymuxw reserves the right to review this deferral if new information arises.”

Ts'uubaa-asatx Nation – Level 1 – “This area appears to be on/in an area that Ts'uubaa-asatx Nation would recognize as being outside our title and governance areas. As such, I would categorize this as a Level 1 rights area for Ts'uubaa-asatx Nation. Level 1 identifies that the project appears to be wholly within another First Nations title and Governance area. Our interests in this area would be limited to Trade, First Nations Government-to-Government and inter-community relationships, but not necessarily 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.

Given this assessment we would defer to the First Nation(s) whose traditional territory this project lies within or is affected by the project. 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.

Tsawwassen First Nation – “Thank you for making us aware of this change. 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.”

Tsawout First Nation – “Thank you for your referral to S ÁUT First Nation regarding your project on our traditional territory. Due to the nature and location of your project we will defer our comments to the local Nations. However, we reserve the right to comment or object at a later date if we discover unforeseen impacts to our rights or interests. S ÁUT First Nation holds unextinguished Aboriginal rights & title to the land and its resources within our traditional territory. As a signatory to the Douglas Treaty 1852, S ÁUT has Treaty rights to "hunt and carry on our fisheries as formerly", safeguard our village sites, and maintain our CELÁ EN (way of life) in perpetuity, as guaranteed under the treaty's provisions. These rights have been affirmed by section 35 of the Constitution Act, 1982, the United Nations Declaration on the Rights of Indigenous Peoples and various court decisions.

The Crown and other government entities, are legally obligated to engage in meaningful consultation and accommodate First Nations regarding proposed decisions that have the potential to adversely affect our rights and title interests. Additionally, S ÁUT First Nation has inherent jurisdiction and authority to enact laws that apply throughout our traditional territory.

If the scope of your project changes, please contact us so we can ensure that our Nation’s best interests continue to be protected.”

Ministry of Transportation & Transit – The Ministry has no objections.

BC Parks – “BC Parks manages several parks and land holdings on Galiano Island. As a neighboring parcel, the proposed rezoning applications will impact Dionisio Point Park. The park is currently landlocked and has no legal public access; as such, it is accessible to the public by boat only.

An existing easement agreement over the properties subject to these rezoning applications provides BC Parks, its employees, servants and agents with access over the private portion of the road at all times with and without

vehicle and equipment. A gate located within the easement area controls vehicle access, for which BC Parks maintains a key to facilitate staff and contractor access to the park. This easement does not provide for public access.

Through this rezoning process, BC Parks wishes to identify our interest in ensuring that this access arrangement is maintained. We request confirmation that the existing easement will continue following rezoning and any future transfer of ownership, or clarification as to whether a new or amended agreement would be required.

The Ministry maintains the position they are interested in establishing public vehicle access to park.”

Islands Trust staff have confirmed with BC Parks that the easement will remain on the property title and will continue as is.

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*.”

Mayne LTC – interests unaffected

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

_____.

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

Staff will continue to work with the applicant to finalize and register the covenants.

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| Submitted By: | Kim Stockdill, A/RPM | February 3, 2026 |
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Attachments:

1. Updated Site Plan – dated January 25, 2026
2. Proposed Bylaw No. 292
3. Proposed Bylaw No. 293

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 292

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. 1, 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.

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|---|-----------------|--------|----------|--------|
| READ A FIRST TIME THIS | 8 TH | DAY OF | JULY | 2025. |
| READ A SECOND TIME THIS | 9 TH | DAY OF | DECEMBER | 2025. |
| PUBLIC HEARING HELD 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. 292**

SCHEDULE 1

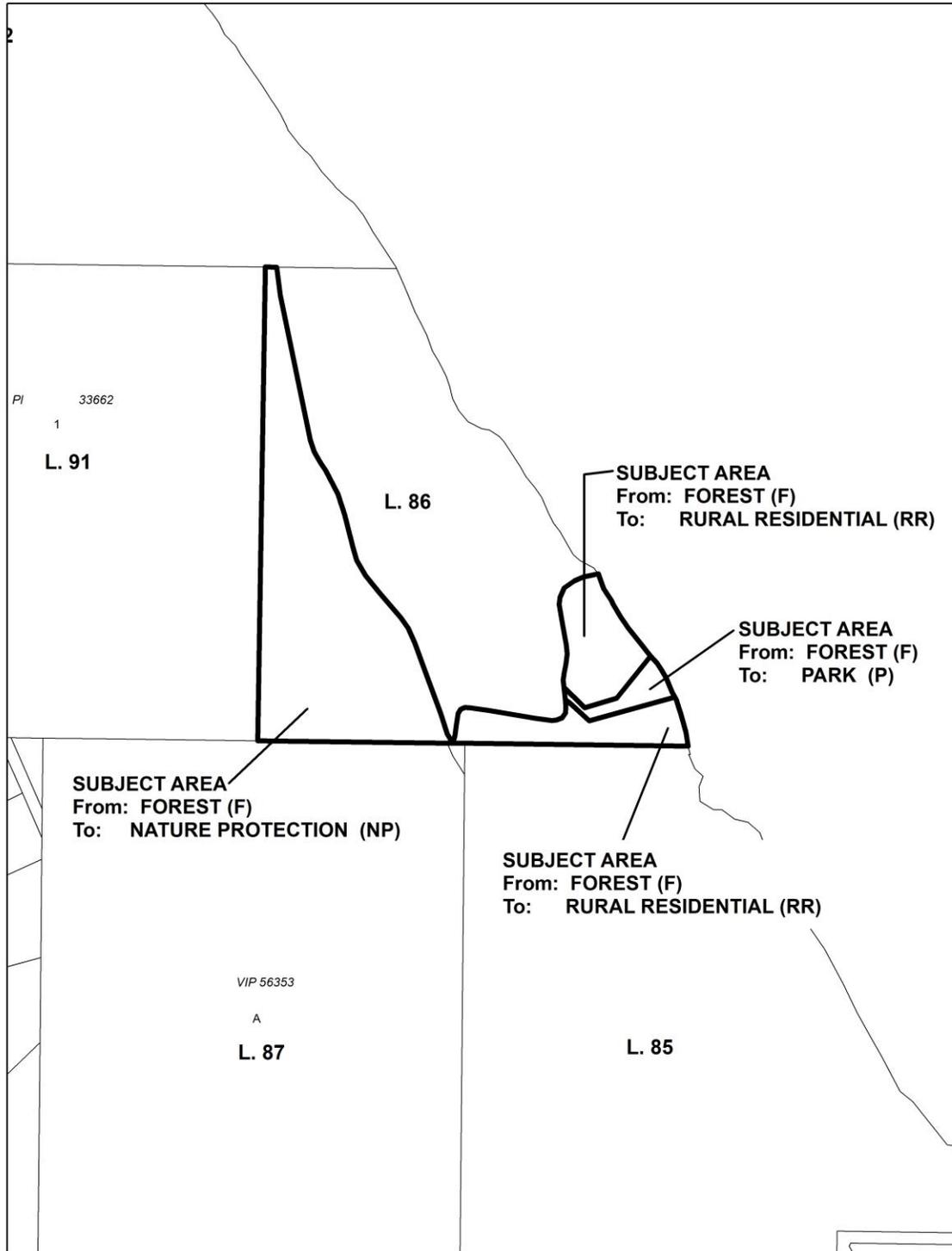
The Galiano Island Official Community Plan Bylaw No. 108, 1995, is amended as follows:

1. Schedule A, Section II, 1.4 Rural Residential is amended by inserting the following as a new Rural Residential policy, and by making such consequential numbering alterations to effect this change:

“For the properties described as District Lot 86, Galiano Island, Cowichan District, zoning shall establish a minimum average parcel area of 38 hectares, with a minimum average subdivision parcel area as low as 2 hectares (5 acres) on the Rural Residential designated portion of the lands and 20 hectares (49 acres) on the Forest designated portion of the lands, applicable only if the landowner provides land to be transferred to the Province of British Columbia, Penelakut Tribe, the Capital Regional District or other transferees designated in the Land Use Bylaw amendment, to be used for conservation, ecosystem protection, public parkland, community forest, or trails. Approval of any such rezoning shall be subject to the following conditions:

- i) the area of land to be transferred shall include all of the land designated Nature Protection and Park;
- ii) incorporation of a siting plan into the Land Use Bylaw identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, and minimizes extension of services; and
- iii) the registration of a s. 219 covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots in a manner that protects the integrity of forest ecosystems, surface water and groundwater supplies and minimizes the impact of residential services such as roads.”

- Schedule B (Land Use Designation) is amended for the lands legally described District Lot 86 Galiano Island, Cowichan District as depicted in the map below.



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 293

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. 1, 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 Section 5.4 – Rural Residential Zone, by adding the following new subsection:

“On the lands zoned RR(e), despite 5.4.9 and 5.4.10, zoning shall establish a minimum average parcel area of 38 hectares, with a minimum average subdivision parcel area as low as 2 hectares for the RR(e) zoned portions applicable once the landowner provides the portions of the land legally described as District Lot 86, Galiano Island, Cowichan District that are zoned Nature Protection (NP) and Park (P) to be transferred to the Province of British Columbia, the Capital Regional District, non-profit park or conservation society, or Penelakut Tribe, for use for conservation, ecosystem protection, public parkland, community forest, or trails.”

2.2 Section 5.4 – Rural Residential Zone, by adding the following new subsection:

“On the lands zoned RR(e), in addition to the other regulations in Section 5.4, all buildings, structures and paved parking areas on each lot must be sited entirely within the area marked “Developable Area” designated on Plan 7 of Schedule D of this bylaw.”

2.3 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 86, Galiano Island, Cowichan District 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.

2.4 Schedule “D”, is amended by adding ‘Plan No. 7’ as shown on Plan No. 2 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, and by making such alterations to Schedule “B” to Bylaw No. 127 as are required to effect this change.

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.

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|---|-----------------|--------|----------|--------|
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| 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. 293

Plan No. 1

