

From: Brad Smith <bsmith@islandstrust.bc.ca>

Sent: Monday, December 6, 2021 1:00 PM

To: Maple Hung <mhung@islandstrust.bc.ca>; Robin Ellchuk <rellchuk@islandstrust.bc.ca>

Subject: FW: Important and long standing OCP policy overlooked in new application DL 86!

This is correspondence for GL-RZ-2021.2 (Gaylor). LTC is considering whether to proceed today. If they do, we will need a web folder set up. Please just file in EDM for now.

Brad Smith, PAg

Island Planner, Southern Team

(778) 679-5185 | bsmith@islandstrust.bc.ca

[Islands Trust](#) Preserving and protecting over 450 islands and surrounding waters in the Salish Sea.

From: Sheila Anderson <[REDACTED]>

Sent: Sunday, December 5, 2021 9:08 AM

To: Dan Rogers <drogers@islandstrust.bc.ca>; Tahirih Rockafella <trockafella@islandstrust.bc.ca>; Jane Wolverton <jwolverton@islandstrust.bc.ca>

Cc: Brad Smith <bsmith@islandstrust.bc.ca>

Subject: Important and long standing OCP policy overlooked in new application DL 86!

Dear Galiano Island Trust Committee,

In reviewing the preliminary Staff Report for a new application for rezoning an F1 DL86 to a combination of F3, NP, and RR, I noticed that the only mention of the OCP refers to it complying with Transportation Policy o) which states.. ***" Residential use should only be permitted on any lot on Galiano Island where there is access to the lot providing continuous road access to the Sturdies Bay Ferry Terminal by any combination of dedicated highway, statutory right of way and private easement identified on Schedule C as Proposed Highway or Proposed Emergency Access."***

Transportation Policy o) does not provide for or permit subdivision of land, but merely allows a single residential use on existing parcels. In other words, if this application were to rezone the entire DL 86 to F3, then the owners would be able to get a building permit for a single accessory dwelling based on Policy o) and continue using the private easements they have over adjacent lots to access and egress it.

However, there is another policy that has been in our OCP since mid nineties that was adopted just after the last fake water access only subdivision was approved on DL 39 which has no dock on its exposed Georgia Strait shoreline to this day. This policy is now listed as **Transportation Policy s)**. Its purpose was, and still is, to prevent the subdivision of land that has no existing frontage or connection to an existing public road or dedication, and prevent fake water access only subdivisions, isolated residential activity without road access maintained to a safe standard under the MoT/IT agreement.

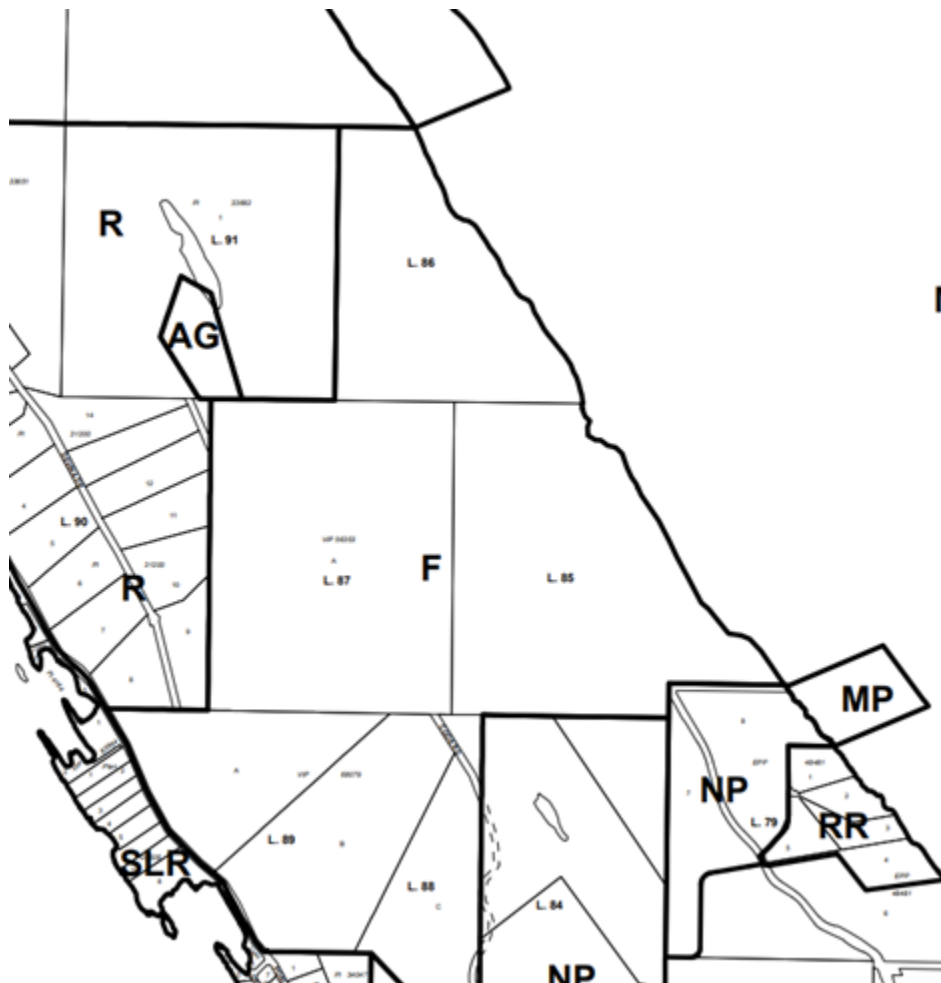
Policy s) reads as follows:

s) The Local Trust Committee does not consider it to be in the public interest for lots without public road access, or without access by private road as part of a bare land strata plan, connecting to the public road system and to island services and the ferry terminal to be created by subdivision on Galiano Island.

It is worth noting that in all the years since the mid nineties, and during the work of the Transportation Advisory Committee and LTC's regarding the Road Network Plan and policy additions, MoTI gave every indication of complete support of our OCP position opposed to subdivisions that have no public road access to the new lots being created.

If DL 86 is to be subdivided it will need to first wait for the DL85 (to it's south) to be rezoned and subdivided. DL 85 would be required to provide access to lands beyond by dedication of its part of Bodega Beach Drive. This would give DL 86 what it needs to be able to subdivide and dedicate the section of Bodega Beach Drive that continues through it to Dionisio Provincial Park, or alternately include the continuation Bodega Beach Drive in the land transferred to BC Park beyond the point where a public road dedication would access the two RR lots and F3 lots they wish to create.

While BC Parks are able to register subdivision of a parcel to facilitate transfer of land to BC Parks, it is clearly outside their domain to create isolated new residential lots in a manner contrary to OCP Policy s) and bypassing MoTIs requirements for road access to new lots created by subdivision. The map of the plan proposed shows the two RR waterfront lots accessed only by an "easement road", which makes me think the applicant is unfamiliar with what is required for subdivision of land in rural areas of BC.



I would be happy to discuss the points I am raising in this email with you.

Recommendations:

- 1) I urge you to proceed no further with this application**
- 2) Inform the applicant they cannot subdivide these extra densities until they have a public road to DL 86.**
- 3) Suggest they could proceed to rezone the DL to F3 if they are urgently needing an accessory residence.**

Sincerely,

Sheila Anderson

DL85 Application GL-RZ-2023.2 (McElhanney) and DL86 Application GL-RZ2021.2 (Matheson-Bairstow)

We have reviewed the proposed rezoning (subdivision) plans for the above properties and support their proposals. They meet the OCP and benefit the community, returning land to the Penelakut Nation Tribe and monetary donation towards community housing through the sale of their amenity lots.

We understand that DL85 currently is 146.5 acre F1 lot, in which they wish to retain one 50 acre F3 Forestry lot and 5RR Lots and one amenity lot, giving a donation of approximately 70 acres and that DL86 currently is a 95 acre F1 lot which they wish to retain one 50 acre F3 Forestry lot and create two 5 acre RR lots and one amenity lot giving a donation of approximately 30 acres.

We will add that the applicants are generous members of our community, not only with time, but in their belief of land conservancy and preservation. They are on the volunteer Fire Fighters for North Galiano, have cleared a mind boggling amount of broom from not just their property but others as well, and are stewards of the land.

We have a great deal of respect for these people and support their application.

Wendy and Kieran Kelleher

[REDACTED]

[REDACTED]

[REDACTED]

From: Ashley Gadd <[REDACTED]>

Sent: Wednesday, October 4, 2023 11:06 PM

To: Ben Mabberley <bmabberley@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Cc: Corinne Matheson <[REDACTED]>

Subject: In support of applications for DL85 and DL86

Dear Ms. Gauvreau, Mr. Mabberley, Mr. Peterson, and Ms. Stockdill,

This is a letter of support for applications GL-RZ2021.2 (DL86, Matheson-Bairstow) and GL-RZ-2023.2 (DL85, McElhanney).

I am writing as a landowner on Galiano for over 10 years. I previously owned property in the South end and since 2014 I have moved up to the North. My family and I have grown to love the island and are appreciative of the care and protection of the land and the work that has been accomplished by the Islands Trust.

Over the years, we have seen the community grow on the North end of the island. This has benefits for all of Galiano as it imparts a stronger sense of community on the whole island. In the past the North end was much more of a thriving community and it would be lovely to see it revitalized. As such I am writing in support of our neighbours' applications for rezoning and redevelopment.

Many properties up North have forestry zoning preventing the construction of residential buildings on site. But in order for people to properly take care of their land, they need to have the appropriate housing and infrastructure to live on that land. Rezoning and subdivision of a part of the land can be a win-win situation for both the landowner and the island. With the plan to include land donation to ensure conservation I am confident this proposal will not result in overdevelopment of the North end of the island.

Since Corinne and Wayne have moved on the island, they have contributed greatly to the community and land and I believe they will continue to do so. I hope that the Island Trust will strongly consider this mutually beneficial rezoning and subdivision. I believe that we all have a shared love of the island and collectively we can work together to preserve its beauty.

As such I respectfully ask that you will consider rezoning and subdivision for appropriate projects including this one. On a personal note, I don't stand to gain personally from this decision as my 21 acres has the appropriate F1 zoning and I have no plans for development.

I am most appreciative of your time and am aware of the hard work that is entailed in your job.

With kind regards and respectfully,

Ashley Gadd

From: Finlay, B Brett <[REDACTED]>
Sent: Tuesday, October 10, 2023 1:08 PM
To: Ben Mabberley <bmabberley@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Support for DL86 subdivision

Dear Trustees:

I would like to enter my very strong support for the development application for DL 86. The owners have been incredibly generous in their support for the community and sharing their property, both through developing a trail and allowing users to use the road (and doing a beautiful job in maintaining the road and forest restoration). I am a north end resident ([REDACTED]), and am very familiar with the properties, as keep the trees off the road, bike, run, and hike on them. The proposed development would be a wonderful contribution to Galiano, finally allowing a public access to Dionisio. Keeping the road gate closed is also a great idea to decrease traffic in the park. My two concerns were the potential for road blockades and no trail use, but apparently both these concerns have addressed. Also, giving significant lands back to the Penelakut Tribe is also a major step in reconciliation.

In closing, I fully support these applications, and they will significantly improve the island for all, and finally resolve a major issue that has been plaguing the north end. They are making a very generous donation of a major part of their property. I sincerely hope that you approve these applications for the benefit of the entire island.

Thanks!

Brett Finlay

Dr. B. Brett Finlay, OC, OBC, FRSC, FCAHS
CIFAR Senior Fellow and Co-Director
Michael Smith Laboratories
[REDACTED]

From: "Richard Dewinetz" <[REDACTED]>
To: "bmabberley" <bmabberley@islandstrust.bc.ca>, "lgauvreau" <lgauvreau@islandstrust.bc.ca>
Sent: Tuesday, October 10, 2023 1:54:02 PM
Subject: Rezoning for DL85 & DL86

We believe that both of these rezoning requests are of huge benefit to the community at large,
the local Natives and they both offer a funding proposal for our much needed affordable housing.

The other major issue is that the forests in these lands will be properly managed with residents living on their own land.

We urge the LTC to approve both of these rezoning applications.

Sincerely

Richard & Evelyn Dewinetz

From: Ted Stevenson <[REDACTED]>
Sent: Thursday, October 12, 2023 9:35 AM
To: Ben Mabblerley <bmabblerley@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>
Cc: Corinne Matheson <[REDACTED]>
Subject: DL lot 85,86 support

To: Attached recipients
From: Ted Stevenson, [REDACTED]
RE: Below lot rezoning applications

DL85 Application GL-RZ-2023.2 (McElhanney) Flemming Larsen and Groups Property
and DL86 Application GL-RZ2021.2 (Matheson-Bairstow)

We have reviewed the proposed rezoning (subdivision) plans for the above properties and support their proposals. They meet the OCP and benefit the community and returning approximately 100 acres back to the Penelakut Tribe and a monetary donation towards community housing through the sale of their amenity lots. Also, the public will have walking and cycling access to Dionisio Park via the paved road, with the gate remaining closed as per the wishes of the Penelakut tribe to prevent the park from becoming too busy.

We understand that DL85 currently is 146.5 acre F1 lot, in which they wish to retain one 50 acre F3 Forestry lot and 5RR Lots and one amenity lot, returning approximately 70 acres to the Penelakut and that DL86 is currently is a 95 acre F1 lot which they wish to retain one 50 acre F3 Forestry lot and create two 5 acre RR lots and one amenity lot returning approximately 30 acres back to the Penelakut.

In recent months I have had the pleasure to get to know the lot owners well, and they are great stewards of the land and their proposal fits in well with the goals of the island and the preservation that is needed. They have gone out of their way to be inclusive with all, cooperative, and have taken steps to consider their neighbours and the island as a whole (i.e. sharing their property with trails and access). I particularly like the fact that they are including and donating to the Penelakut tribe in their proposal.

I see no reason why this proposal would not be accepted and support it wholeheartedly.

Thank you,
Ted Stevenson
[REDACTED]

Joanne C. Scott
[REDACTED]
[REDACTED]

14 October 2023

To whom it May Concern:

RE: Lot Rezoning Applications
DL85 Application GL-RZ-2023.2 (McElhanney) Flemming Larsen and
Groups Property and DL86 Application GL-RZ-2021.2 (Matheson-
Bairstow)

As a resident of Galiano Island I am delighted and admire the above applicants. They have come to reside on the Southern Gulf Islands, Galiano Island, to live respectfully among nature, participate in community, and honour the Penelakut peoples.

I have reviewed the proposed rezoning (subdivision) plans for the above properties and wholeheartedly support their proposals. They meet the OCP and benefit the community and returning approximately 100 acres back to the Penelakut Tribe and a monetary donation towards community housing through the sale of their amenity lots. Also, the public will have walking and cycling access to Dionisio Park via the paved road, with the gate remaining closed as per the wishes of the Penelakut tribe to prevent the park from becoming too busy.

I understand that DL85 currently is 146.5 acre F1 lot, in which they wish to retain one 50 acre F3 Forestry lot and 5RR Lots and one amenity lot, returning approximately 70 acres to the Penelakut and that DL86 is currently is a 95 acre F1 lot which they wish to retain one 50 acre F3 Forestry lot and create two 5 acre RR lots and one amenity lot returning approximately 30 acres back to the Penelakut.

I sincerely hope the Islands Trust can find common sense to support this subdivision proposal.

Jo Scott
[REDACTED]

From: Rena Graham <[REDACTED]>

Sent: Sunday, October 15, 2023 1:59 PM

To: Ben Mabblerley <bmabblerley@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Cc: Corinne Matheson <[REDACTED]>

Subject: Support for subdivision proposals

Dear Ben, Lisa, Tim, and Kim,

This email regards DL85 Application GL-RZ-2023.2 (McElhanney) Flemming Larsen and Groups Property and DL86 Application GL-RZ2021.2 (Matheson-Bairstow)

I have reviewed the proposed rezoning (subdivision) plans for the above properties and support their proposals. They meet the OCP and benefit the community, along with the added benefit of returning approximately 100 acres back to the Penelakut Tribe and a monetary donation towards community housing through the sale of their amenity lots. This will provide the public with much-needed walking and cycling access to Dionisio Park via the paved road, with the gate remaining closed as per the wishes of the Penelakut tribe to prevent the park from becoming too busy.

I understand that DL85 currently is 146.5 acre F1 lot, in which they wish to retain one 50 acre F3 Forestry lot and 5RR Lots and one amenity lot, returning approximately 70 acres to the Penelakut and that DL86 is currently is a 95 acre F1 lot which they wish to retain one 50 acre F3 Forestry lot and create two 5 acre RR lots and one amenity lot returning approximately 30 acres back to the Penelakut.

I believe those who are promoting these applications to be good and able land stewards and know Corinne and Wayne personally. They love Galiano and want only the best for this island.

Please do your best to move these applications forward.

Thank you,

Rena

--

RENA GRAHAM

Writer and Editor

[REDACTED]

From: Christine Keefer <[REDACTED]>
Sent: Monday, October 23, 2023 9:12 AM
To: Ben Mabblerley <bmabblerley@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Letter of Support DL86 and DL 85 Subdivision Proposal

Hello,

I would like to submit this letter as my support for DL85 Application GL-RZ-2023.2 (McElhanney) and DL86 Application GL-RZ2021.2 (Matheson-Bairstow).

I have reviewed the proposed rezoning (subdivision) plans for the above properties and support their proposals. I understand that DL85 currently is 146.5 acre F1 lot, in which they wish to retain one 50 acre F3 Forestry lot and 5RR Lots and one amenity lot, giving a donation of approximately 70 acres and that DL86 currently is a 95 acre F1 lot which they wish to retain one 50 acre F3 Forestry lot and create two 5 acre RR lots and one amenity lot giving a donation of approximately 30 acres.

The applicants meet the OCP and greatly benefit the community by providing access to Dionisio park, land donation to the Penelakut Tribe and monetary donation towards community housing through the sale of their amenity lots. Most importantly the acceptance of these applications is a way forward from the heartache, anger and division rezoning these Forest Lots has caused to this community over the years.

I wholeheartedly support these applications.

Thank you,

Christine Keefer

Drezden & Doug Ford

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Nov 30th 2023

Subject: Letter of Support for Subdivision Proposal

Dear Island Trustees and Staff Members

We are writing to express our support for the subdivision proposal outlined by Corinne Matheson and Wayne Bairstow regarding the lot DL86 up near Dionisio Park on Galiano Island.

Being full time residents of Galiano for seven years, we appreciate the significance of maintaining Galiano's unique charm, characterized by its tranquil ambiance of cabins within the woods. We noticed that Galiano is built on the "old-fashioned" community system where everyone looks out for one another, and that is why upon reviewing the proposal to subdivide the lot, we appreciate Corinne and Wayne's commitment to maintaining Galiano's integrity by returning land to the Penelakut Tribe and donating funds from the amenity lots to Galiano Community Housing.

Not only does this proposal benefit the community, but it also demonstrates a respect for environmental concerns and local interests. We deeply appreciate their willingness to provide access for Galiano Island residents and visitors to travel to Dionisio Park through their property. Their commitment to keeping the gate closed to prevent vehicle access, safeguarding the landscape, along with their dedicated efforts in controlling Scotch Broom and nurturing the land, reflects a commendable dedication to preservation and community welfare.

We believe that this proposal aligns with our shared vision of preserving the island's natural beauty while responsibly considering its development. As concerned and supportive community members, we both stand behind this proposal, and we wholeheartedly encourage its approval.

Thank you for your attention to this matter, and we hope our support contributes positively to the consideration of this proposal.

Yours sincerely,

Drezden Ford
Douglas Ford

From: Walter Forstbauer <[REDACTED]>
Sent: Friday, December 8, 2023 2:16 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Copy of letters to Galaino Trustees Trustees

To the Galiano Island Local Trust
Committee:
2023

November 21

I hope you are all doing well. I understand that GL-RZ-2021.2 Matheson/Bairstow) has put in an application to rezone and subdivide their land without dedicating a public roadway through their land to Dionisio Park. I do not support this rezoning application and also believe that this is not permitted in our Bylaws or the Road Network Plan without the dedication of a Public Roadway because it is a defacto subdivision. This rezoning is also contrary to the original Islands Trust Mandate which stated that the Land and Amenities in the Trust Area shall be preserved and protected for the benefit of all British Columbians. Dionisio Park was created for the benefit of all people living in BC . The public roadway access to the Park is not proposed in this rezoning application and will likely create a gated community? I want to see our elderly, disabled, weak, and very young all have free public roadway access to one of British Columbia's most beautiful cherished parks. If the owners dedicated a public roadway then I would support their application for residential use ect. Thank you. Walter Forstbauer [REDACTED]
[REDACTED]

From: Bowie Keefer <[REDACTED]>

Sent: Sunday, December 10, 2023 10:41 PM

To: Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Ben Mabberley <bmabberley@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>

Cc: Robert Kojima <rkojima@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: Rezoning of DL 86 (Matheson/Bairstow) and DL 85 (McElhanney)

Dear Lisa, Ben and Tim,

I am writing to express my strong support for the earliest possible approval of these rezoning applications, which will resolve an impasse that has dragged on for nearly three decades. For all that time, this impasse has been very detrimental to local residents and visitors wishing to enjoy Dionisio Point Provincial Park, and also to the reputation of the Islands Trust as an agency capable of inspiring whatever necessary movement on both sides to solve futile deadlocks.

In my view, the needed movement by Galiano's forest zone owners includes (1) firm commitments to sustainable forestry, (2) serious efforts and investment in forest restoration work to enhance biodiversity and reduce wildfire risk, and (3) public access to hiking trails. This movement has been taking place across the island, with increasing numbers of forest owners cooperating generously with the Galiano EcoForestry Association and the Galiano Trails Society. Over the past few years, the most spectacular example of such movement has been provided by rezoning applicants Corinne Matheson and Wayne Bairstow on DL 86. They have achieved a prodigious amount of excellent forest restoration work, while opening Mystic Woods Trail so that the public can now walk into Dionisio Point Park without trespassing.

Conflict resolution often needs movement on both sides. In accordance with staff recommendations, the LTC can approve these rezonings without any bylaw amendment. But I do believe that the LTC should reflect on whether past positions taken by previous Galiano Trustees may have been unduly harsh, with unintended consequences that might have been very harmful. Here is a historical example. About a quarter century ago, when our forest zoning conflict was still emotionally overheated, the Galiano forest owners collectively made an offer to the LTC which they thought was too generous to be refused by reasonable people. It was a very simple proposal that forest owners wanting 20 acre residential density would donate 50% of their land to the community. The response from the LTC was that we'll take our half of your land **plus half of your half** to give us 75%, and on top of that we'll take a big chunk of your waterfront. Total deal killer, with the result that much of the island is still stuck in deadlock so many years later.

While most of the forest owners bought their land with the intention of being Galiano Islanders, none of them would remotely consider staying here after giving up 75% of their land **PLUS waterfront**. Nobody has taken that deal, except to liquidate and get off our island. It has only been done twice in all these years, firstly by the 13 families whose rezonings of DL 30/31 created the Heritage Forest with the revenge of clear-cutting the forest, and secondly by the owners of the north half of DL79 whose revenge was to renege inexcusably on their commitment of a cash donation from the sale of a "community benefit" lot. All of those people sold out and left. Our community thus lost 16 potential Galiano resident or cottager families, who were so angry that they left while extracting maximum revenue at Galiano's expense. Overly extreme

policies can have negative effects of driving people away from our community and provoking ugly episodes of vindictive behaviour.

While your planners have made it clear that the DL 85 and 86 applicants don't need to concede waterfront, some people will suggest that the exact precedents of DL 30/31 and DL 79 should be followed to extract waterfront contributions. My point is that those precedents had disastrously bad consequences, and therefore must **NOT** be followed. The movement needed right now from our Trustees is to stay away from the most negative aspect of those precedents, as wisely recommended by your planners so that further derailments can be avoided. These rezonings are on the right track to achieve major progress on environmental, social and reconciliation fronts.

With thanks for your hard work and dedication,

Bowie

From: Colleen Doty <[REDACTED]>

Sent: Sunday, December 10, 2023 4:44 AM

To: Timothy Peterson <tpeterson@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Ben Mabblerley <bmabblerley@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: Galiano LTC. GL-RZ 2021.2 and GL-RZ 2023.2 DL 85 and 86

Greetings Galiano LTC,

First off, let me say that I support the LTC working with the applicants of DL 85 and 86 in their rezoning proposals. Rezoning processes are opportunities for communities to work through and further define what is important.

The purpose of my letter is to comment on the proposed amenity lots for affordable housing or some combination of non-profit societies on Galiano. As someone who has dedicated a significant portion of their time working in the non-profit affordable housing sector, I certainly support funds being allocated to affordable housing societies that are actively working to mitigate the housing crisis.

The concerns that I raise below bear no reflection upon the applicants for DL 85 and 86, who are community-minded individuals.

What I am concerned about is the capacity of the LTC to enforce such a commitment.

I look to the rezoning of DL 79 as an example from recent history. Attached is an Islands Trust press release from October 20, 2016, touting the benefits of the DL 79 subdivision, which included this benefit:

"The landowners also agreed to sell one of the two-hectare residential lots and contribute the net proceeds of the sale towards affordable housing projects on the island."

The pride contained within that press release is palpable. A former Trustee is quoted as saying, "The Galiano Local Trust Committee is committed to making land use decisions that balance the needs of the environment with those of the community and we are pleased to see this subdivision strike that balance."

The promise of providing funds to affordable housing was one of the carrots used to gain community support for the rezoning of DL79.

On October 23, 2014, a staff report stated:

"At the November 18, 2013 meeting, the LTC passed the following resolution with regards to donating Lot 5 as a community benefit:

Resolution GL-LTC-132-13 It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to enter into a cost recovery agreement with applicant GL-RZ-2013.1 (Landworks) for legal review of the legal undertaking pertaining to the transfer of funds from the sale of proposed Lot 5 to the Galiano Island Housing Society (emphasis added).

"The Galiano Island Housing Society (GIHS) has agreed to accept the lands in principle and staff will work with the applicant and the GIHS to facilitate the transfer of Lot 5 at the time of registration of the subdivision" (see attached staff report).

Fast forward to December 2023. The amenity Lot 5 was sold years ago and not a penny has been given to affordable housing on Galiano. The owner of the particular amenity lot in question has indicated to Galiano community members, myself included, in writing, that he has no intention of giving any funds to affordable housing on Galiano.

What is this LTC going to do about it? Or, will that community amenity lot (from DL 79) remain an empty promise not worth the paper it was written on?

Colleen Doty

From: Wayne <[REDACTED]>
Sent: Sunday, December 10, 2023 9:48 PM
To: Timothy Peterson <tpeterson@islandtrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandtrust.bc.ca>; Ben Mabblerley <bmabblerley@islandtrust.bc.ca>; Kim Stockdill <kstockdill@islandtrust.bc.ca>
Cc: Corinne Matheson <[REDACTED]>
Subject: RE: Galiano LTC. GL-RZ 2021.2 and GL-RZ 2023.2 DL 85 and 86

Hello Trustees and Ms. Stockdill,

I just wanted to state my agreement with Coleen. The Trust has proven that they are unwilling or unable to use any form of law to make the DL79 donation binding. If the Trust is unwilling to enforce a condition, then it is unfair to those who would be honorable and incentivising those who are not. I do not believe this was the case, but if it was, I am sure you could see how this could invite corruption. If the Trust needs to make legal changes to be able to enforce the action, then they must do so. If there is no legal framework to force this clause, then the Trust needs to remove it or make it clear that it is only a recommendation. If a bylaw is not legally enforceable then it is simply not valid.

The remainder may or may not be agreed by Coleen and are my thoughts alone and not specific to affordable housing.

I do not believe this donation is currently legally enforceable for the below reasons:

1. **The law has to be equitable:** Since there is no formula, one person may pay vastly different amounts for the same thing as another. This is also an ingress for corruption. An example formula for the donation might be: For every additional residence from the subdivision or rezoning to what was previously accounted for, you need to donate \$X for every house and \$Y per cottage to increase at the rate of inflation from the date this bylaw comes into effect. The fact that one lot is being used to raise the money, (the amenity lot), is irrelevant. The value of the lots is irrelevant, (I could sell to my friend for 50% value). If that lot is to be used for affordable housing, then the lot is sold to whatever organisation is to use it who now has the money from the donation. Consider what this is to do, not how much can you take from your neighbour. If the cost to the island is higher density, then the exchange for that is equitable funding that is desperately needed by our local nonprofits. If it is to preserve and protect the Trust Area and its unique amenities and environment, then it is wise to figure out if the costs of the potential risk of reasonably possible actions of several dozen upset F1 lot owners are to the community especially if they feel they are being extorted, which I believe they do. DL85 and 86 built a 3-million-dollar road with the non legal understanding that it would allow for their subdivision in to 20ac lots. This was required by MOTI and done in good faith as the final stage though the trust had been completed. No one would have done this for a forest lot that they are not allowed to live on. Although legal, this is

hardly honorable. DL87 was also purchased in good faith with the understanding from the Trustees of the time, that this would be considered part of the land donation. This is now being disregarded, possibly illegally since there was offer and acceptance with a reasonable equitable exchange which is bound under contract law. Fine, the past is the past. But part of being a Trust is trust. How are the F1 owners going to trust an organisation that doesn't address their past agreements. How are the F1 lot owners incentivised to treat an organisation that has treated its peers this way. I suspect not in a good way. I am sure this is in part why there is so much animosity on both sides of the community which is harmful to the community and thus not protecting it which is part of the mission statement of the Trust. Both the F1 lot owners and the Trust have proven untrustworthy. Equitability needs to be enforced on both sides.

We had the choice if we made the amenity lot waterfront or not. Making it waterfront will minorly decrease the value of the other two residential lots due to being longer and skinnier and having less frontage. Although it is minor, if we were greedy, the obvious choice would be to have the non ocean front lot as the amenity lot. In fact we are pulling the amenity lot out of our F3 lot instead of the donated land as is specified in the bylaw which is also disincentivized. To some extent we are literally being punished for doing much more for the community.

2. **You can not force a choice:** The bylaw specifies land has to go to affordable housing. Obviously, the wording is being completely ignored by the Trust in our case, making it a monetary donation instead of land, for good reason. However, even though we have two organisations to donate to, it only gives one choice, affordable housing, which is something that some people might not agree with. This level of specificity has already been ruled against by BC courts when donating the land in the 75% - 25% split to the Conservancy or Galiano Club. This is why we can now donate to the Penelakut or BC Parks. In fact, in a few years I think any F1 lot owner could have made a nonprofit themselves or as a group and would be allowed to donate the land to it.

I believe changing the bylaw to be enforceable should be a fairly simple matter but a very critical one as Coleen points out.

On a slightly different topic:

I personally disagree with the 75% donation. We purchased knowing this and will have already donated the land before anything get done about it, so I am not saying this to benefit myself. Why I am saying it is that as far as I understand, the Heritage Forest Option has been tested three times in the last 20+ years. So far it has failed in some major way 100% of the time due to clearcuts or people not abiding by the donation. This is a failed concept. It is our goal to stay here until we die, so again this is not something I would do even if I was immoral as it would be counter to our goals, however, if most the F1 lot owners decided that they had enough, then they could easily all get together and hire a logging company to decimate around half of the island to ensure that they at least get money out of the land they are not legally allowed to use for anything else. This is being incentivised by the current bylaws. If they did this, what could the Trust legally do? I think it is in the islands best interest to get these lots out of F1 status. Being part of the PMFL helps, but there is nothing to stop them from leaving the PMFL and [REDACTED] [REDACTED] Likely if they were to do anything like this, it would be as a joint effort, and I do not think

it would take much of a push for this to actually happen. I suggest in the next few years, after our subdivision, the Trust needs to find some way to incentivise converting all F1 lots to other zonings, with covenants if still forestry. It needs to be good enough to at least convince half of the F1 owners to proceed to help protect against this. Perhaps allow F3's to have a house and cottage and changing the land donation to 50% if subdivided into residential. Make these only apply to those if the application starts within 4yrs. This should go to community vote with a clear understanding of the risks and the rewards to both the community and the F1 owners.

Regards,

Wayne Bairstow

[REDACTED]
[REDACTED]
[REDACTED]

-----Original Message-----

From: Art Moses <[REDACTED]>

Sent: Monday, December 11, 2023 12:30 PM

To: Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Ben Mabberley <bmabberley@islandstrust.bc.ca>;

Timothy Peterson <tpeterson@islandstrust.bc.ca>

Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>; Art Moses <[REDACTED]>

Subject: Proposed rezoning of DL 86 and DL 85

>

> To: Trustee Lisa Gauvreau lgauvreau@islandstrust.bc.ca

> Trustee Ben Mabberley bmabberley@islandstrust.ba.ca

> Chair Tim Peterson tpeterson@islandstrust.bc.ca Dear

> trustees,

>

> I welcome the effort by the owners of District Lots 86 and 85 to rezone their forest zoned (F1) land for residential uses. I am also pleased that the proposal involves transferring land to the Penelakut Tribe as part of the exchange of land in return for increased residential density, rather than to BC Parks.

>

> Unfortunately the lot layouts as they are currently configured run counter to the forest policies in our Official Community Plan and to long standing LTC policies and precedents intended to preserve forest ecosystems and maximize public benefit.

>

> I urge the LTC not to accept these lot layouts and ask staff to work with the applicants to revise them.

>

> Currently the only option in the OCP for rezoning F1 land for residential use is to rezone to F3, which permits one dwelling accessory to forestry with a minimum density of one dwelling per 50 acres and a sustainable forestry covenant signed with a third party acceptable to the LTC.

>

> The former Rural Residential/Heritage Forest rezoning option was removed from the OCP in 2009 on the advice of legal counsel. However, trustees have followed that model for some subsequent F1 rezonings, creating 5-acre residential lots in exchange for land transferred to a conservation or recreation organization, most recently BC Parks and the Capital Regional District Parks Department.

>

> The applicants propose to combine elements of both options. However, in both DL 86 and DL 85 their lot layouts ignore a key requirement of the RR/HF option - that a large portion of available waterfront must be part of the land transfer and must not be part of the rural residential subdivision. This was part of the bylaw to ensure intact, preserved forest ecosystems and to provide potential public access to waterfront.

>

> The language from the old policy is quite clear on this point:

> "... with the area proposed to be rezoned to RR occupying not more than one-third of any waterfront boundary of any lot proposed to be rezoned."

>

> The preservation and transfer of significant amounts of waterfront are precisely what the owners of adjacent District Lot 79 did when they combined the two F1 rezoning options a few years ago. The result was a new CRD waterfront park next to their development area. Similar transfers of waterfront should be followed for DLs 85 and 86.

>

> When I raised this issue at the July 2023 LTC meeting, an owner of DL 85 replied that the difference is that the DL 79 owners planned to sell their lots, while the owners of DL 85 planned to live on them. This is certainly not a valid reason for violating longstanding LTC policy to secure public and ecological benefits from rezoning.

>

> Another issue is there is also no provision in the OCP or policy drawing on the RR/HF model for the creation of an undersized small lot residential lot in an F1 rezoning, as both applicants are proposing.

>

> I urge trustees to ask staff to work with the applicants to revise their proposal to conform with LTC policy and precedents to maximize ecological protection and public benefit.

>

> Thanks for your attention.

>

> Art Moses,

> [REDACTED]

>

> .

>

>

>

>

>

>

> Sent from my iPad

From: Shirley Webster <[REDACTED]>

Sent: Tuesday, April 30, 2024 8:31 AM

To: Ben Mabblerley <bmabblerley@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>;

Timothy Peterson <tpeterson@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Cc: Corinne Matheson <[REDACTED]>; Jeff Webster <[REDACTED]>

Subject: Support for DL85 and DL 86 Applications

DL85 Application GL-RZ-2023.2 (McElhanney) Flemming Larsen and Groups Property
and DL86 Application GL-RZ2021.2 (Matheson-Bairstow)

We have reviewed the proposed rezoning (subdivision) plans for the above properties and we support their proposals. We have come to know Corinne and Wayne as both conscientious and energetic stewards of their property (fire proofing, dead tree removal, and extraction of large volumes of broom) as well as being responsible and community-minded people. We believe their proposal together with their neighbours will benefit many Galiano stakeholders and protect/preserve a large area of Galiano's natural beauty. They meet the OCP and will benefit the community by returning approximately 100 acres back to the Penelakut Tribe along with a monetary donation towards community housing through the sale of their amenity lots. In addition, the public will have walking and cycling access to Dionisio Park via the paved road, with the gate remaining closed as per the wishes of the Penelakut tribe to prevent the park from becoming too busy.

We understand that DL85 currently is 146.5 acre F1 lot, in which they wish to retain one 50 acre F3 Forestry lot and 5 RR Lots and one amenity lot, returning approximately 70 acres to the Penelakut and that DL86 is currently is a 95 acre F1 lot which they wish to retain one 50 acre F3 Forestry lot and create two 5 acre RR lots and one amenity lot returning approximately 30 acres back to the Penelakut.

We thank you for your consideration and hope that you, too, will agree these folks are very well intended in their efforts to be respectful of the process and equally respectful of the preservation of this beautiful island.

Take care
Shirley and Jeff Webster

Rena Graham
[REDACTED]

Galiano Island, BC [REDACTED]

Cell/text: [REDACTED]

Home: [REDACTED]

DATE: 19 May 2024

TO:

Ben Mabberley bmabberley@islandstrust.bc.ca

Lisa Gauvreau lgauvreau@islandstrust.bc.ca

Timothy Peterson tpeterson@islandstrust.bc.ca

Kim Stockdill kstockdill@islandstrust.bc.ca

RE: DL85 Application GL-RZ-2023.2 (McElhanney) Flemming Larsen and Groups Property
and DL86 Application GL-RZ2021.2 (Matheson-Bairstow)

Dear Trustees,

I have reviewed the proposed rezoning (subdivision) plans for the above properties and support their proposals. They meet the OCP and benefit the community and returning approximately 100 acres back to the Penelakut Tribe and a monetary donation towards community housing through the sale of their amenity lots. Also, the public will have walking and cycling access to Dionisio Park via the paved road, with the gate remaining closed as per the wishes of the Penelakut tribe to prevent the park from becoming too busy.

We understand that DL85 currently is 146.5 acre F1 lot, in which they wish to retain one 50 acre F3 Forestry lot and 5RR Lots and one amenity lot, returning approximately 70 acres to the Penelakut and that DL86 is currently is a 95 acre F1 lot which they wish to retain one 50 acre F3 Forestry lot and create two 5 acre RR lots and one amenity lot returning approximately 30 acres back to the Penelakut.

I believe this proposal to have positive implications for Galiano Island and hope that it will go through the rezoning process without delay.

Thank you,

Rena Graham

July 10, 2024

Kim Stockdill, Islands Trust Planner

200-1627 Fort Street

Victoria, BC V8R 1H8

Dear Kim Stockdill,

I hope this letter finds you well. It is with great pleasure and gratitude that I write to inform you that the Penelakut Tribes will graciously accept the following land donations:

- District Lot 85 GL-RZ-2023.2

- District Lot 86 GL-R2-2021.2

The Penelakut Tribes deeply appreciate the generosity and support. True reconciliation is being demonstrated by these land donations. These donations will play a crucial role in the continued development and sustainability of our communities.

We are honored to receive these valuable assets, and we assure you that they will be utilized in a manner that aligns with the Penelakut Tribes' values.

Once again, we extend our sincere gratitude for these land donations. Your continued support and partnership are invaluable to us.

Respectfully,

Chief Cha'keenukwaut Jack

From: Roger and Lisa Pettit <[REDACTED]>
Sent: Monday, September 9, 2024 5:12 PM
To: Emily Bryant <ebryant@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; Robert Kojima <rkojima@islandstrust.bc.ca>
Cc: Wayne Bairstow <[REDACTED]>
Subject: Fwd: Support for subdivision GL-RZ 2021 (Matheson-Bairstow)

Dear Planners,

I wholeheartedly support the Matheson-Bairstow subdivision application. Allowing housing further up Bodega Beach Drive is a great step forward in eventually opening up emergency escape routes from Therah, Devina and beyond. Matheson and Bairstow have demonstrated good husbandry in their project to Fire Smart their forest lot and are a great example for other forest lot owners.

Sincerely,

Roger Pettit
[REDACTED]

Galiano, BC



11330 Clam Bay Road North, Penelakut Island, BC. V0R 5K0 Phone:

[\(250\) 246-2321](tel:(250)246-2321) or [\(877\) 246-0530](tel:(877)246-0530)

Fax: [\(250\) 246-2725](tel:(250)246-2725)

Email: bandofficereception@penelakut.ca

March 24, 2025

Kim Stockdill, Islands Trust Planner
200-1627 Fort Street
VICTORIA, BC V8R 1H8

Dear Kim Stockdill,

At a meeting with Penelakut Chief & Council, Galiano Local Trustees and Island Trust Staff on January 9, 2025, the following applications were represented:

District Lot 85 GL-RZ-2023.2 (McElhanney)
District Lot 86 GL-R2-2021.2 (Matheson/Bairstow)

Penelakut Tribes gratefully accepts the above Land Donations as presented in the applications. 4
With Respect,

Chakeenakwaut Pam Jack

Chief Chakeenakwaut Jack
Electronic signature