



DATE OF MEETING: November 14, 2023  
TO: Galiano Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Victoria Office  
SUBJECT: GL-RZ-2022.2 (Hayes) – Bylaw No. 287 and No. 288 – Post Public Hearing  
490 Gardner Road - Parcel Identifier Number: 001-416-987

## RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee Bylaw No. 287, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022” be read a second time.
2. That the Galiano Island Local Trust Committee Bylaw No. 287, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022” be read a third time.
3. That the Galiano Island Local Trust Committee Bylaw No. 288, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022” be read a second time.
4. That the Galiano Island Local Trust Committee Bylaw No. 288, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022” be read a third time.
5. That the Galiano Island Local Trust Committee proposed Bylaw Nos. 287 and No. 288 be forwarded to the Secretary of the Islands Trust for Executive Committee for approval.
6. That the Galiano Island Local Trust Committee proposed Bylaw Nos. 287 be forwarded to the Minister of Municipal Affairs for approval.

## REPORT SUMMARY

This staff report outlines the purpose of the proposed bylaws, provides details on the groundwater assessment, and provides options to the Galiano Island Local Trust Committee (LTC) on how to proceed with the rezoning application.

## BACKGROUND

The property owner is seeking to rezone and re-designate a portion of the 13.4 hectare (33.2 acre) subject property from Rural Residential (RR) to Agriculture (AG) to enable the subdivision of the property to create one additional residential lot. The proposed bylaws would amend the Galiano Island Land Use Bylaw (LUB) No. 127, 1999 and the Galiano Island Official Community Plan (OCP) No. 108, 1995 by rezoning and re-designating a portion of the subject property from Rural Residential (RR) to Agriculture (AG) in order to facilitate the subdivision.

## **GROUNDWATER ASSESSMENT**

The applicant provided a [Groundwater Assessment](#) prepared by Hy-Geo Consulting dated August 3, 2023. The consultant completed pumping tests on two wells located on the subject property to ensure compliance with the Galiano Island LUB subdivision water requirements. The assessment concludes that both wells (Well WID 69176 and 69177) met the minimum standards of 2275 L/day for potable water supply in the Galiano Island LUB and met or exceeded the *Guidelines for Canadian Drinking Water-Summary Table*. In addition, the report states “use of the wells for domestic residential purposes should have no measureable adverse effects on neighbouring water sources or cause sea water intrusion into the bedrock aquifer”.

The recommendations within the Groundwater Assessment would be implemented as conditions of the subdivision application.

## **PUBLIC HEARING**

A public hearing is scheduled for November 14, 2023. A public hearing is a quasi-judicial process within and following which specific procedures must be followed. 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. Forwarding of the bylaw to the Minister’s office for approval (OCP amendment bylaws only).
5. 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 bylaw, the next step for the LTC would be to adopt the bylaws.

### **Rationale for Recommendation:**

Based on the foregoing, the recommendations on page 1 are supported as:

- All statutory requirements have been completed for the rezoning including the required notification and holding of a public hearing consistent with the *Local Government Act*

- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption

**ALTERNATIVES**

**1. Make amendments to the bylaws.**

The LTC may amend the bylaws.

Resolution:

*That Galiano Island Local Trust Committee proposed Bylaw No. 287, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022” be amended as follows:*

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*That Galiano Island Local Trust Committee proposed Bylaw No. 288, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022” be amended as follows: \_\_\_\_\_*

**2. Deny the application**

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-RZ.2022.2 (Hayes).

**3. Receive for information**

The LTC may receive the report for information

**NEXT STEPS**

Upon direction from LTC, staff will send Bylaw No. 287 and No. 288 to the Islands Trust Executive Committee for approval.

Submitted By:	Kim Stockdill, Island Planner	October 31, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	October 31, 2023

**ATTACHMENTS**

1. Proposed Bylaw No. 287
2. Proposed Bylaw No. 288

# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 287

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### A BYLAW TO AMEND GALIANO ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995

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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. 2, 2022”.

#### 2. SCHEDULES

Galiano Island Official Community Plan 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	11 <sup>TH</sup>	DAY OF	APRIL	2023.
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____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

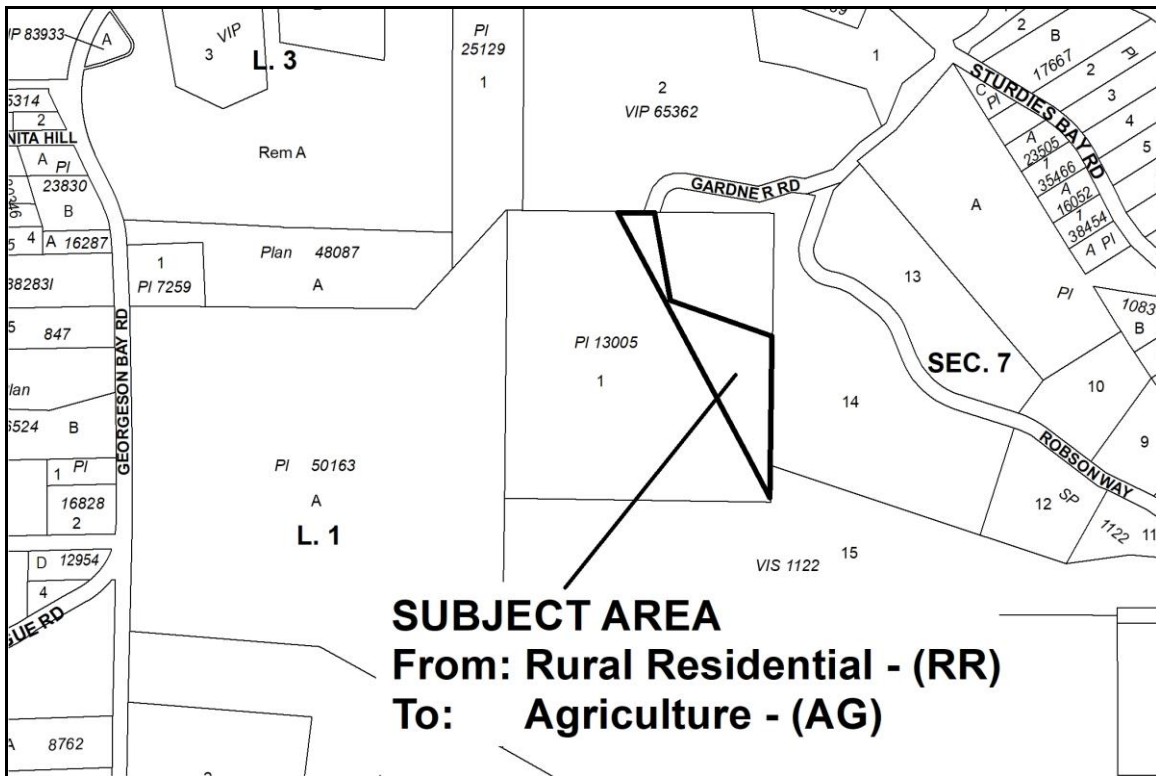
\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 287

SCHEDULE 1

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



# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 288

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### A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW, NO. 127, 1999

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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. 2, 2022”.

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 Schedule “1” – Zoning Map, is amended by changing the zoning classification of a portion of Lot 1, District Lots 1 and 3 and of Section 7, Galiano Island, Cowichan District, Plan 13005 except all of District Lots 1 and 3 now included in Plan 50163 from Rural Residential (RR) to Agriculture (AG), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” 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.

READ A FIRST TIME THIS                    11<sup>TH</sup>                    DAY OF                    APRIL                    2023.

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\_\_\_\_

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CHAIR

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SECRETARY

GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 288

Plan No. 1

