

DATE OF MEETING: April 11, 2023

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: 490 GARDNER RD - Rezoning Application

Applicant: Judy Hayes

Location: 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

## RECOMMENDATION

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 first time.
2. 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 first time.
3. That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 287, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.
4. That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 288, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022” is not contrary to or at variance with the Islands Trust Policy Statement.

## REPORT SUMMARY

The purpose of this report is to provide the Galiano Island Local Trust Committee (LTC) with draft bylaws for consideration in regards to rezoning application RZ-2022.2 (Hayes). The application as proposed would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) and the Galiano Island Official Community Plan No. 108, 1995 (OCP) by rezoning and re-designating a portion of the subject property from Rural Residential (RR) to Agriculture (AG).

## 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 (Figure 2).

The subject property is located on southern Galiano Island at the terminus of Gardner Road (Figure 1). There is a single family residence and a shed currently located on the subject property. Adjacent properties are zoned a mix of RR and AG, including Cedar Moss Properties and Robson Way strata.

At the December 15, 2022 the Galiano LTC passed the following resolution:

### **GL-2022-142**

#### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2022.2 (Hayes) and to prepare draft bylaws.

**CARRIED**

Draft Bylaw No. 287 (OCP amending bylaw) and Bylaw No. 288 (LUB amending bylaw) are attached to the staff report for the LTC's consideration (Attachment No. 1 and 2).

**Figure 1. Location of Subject Property**

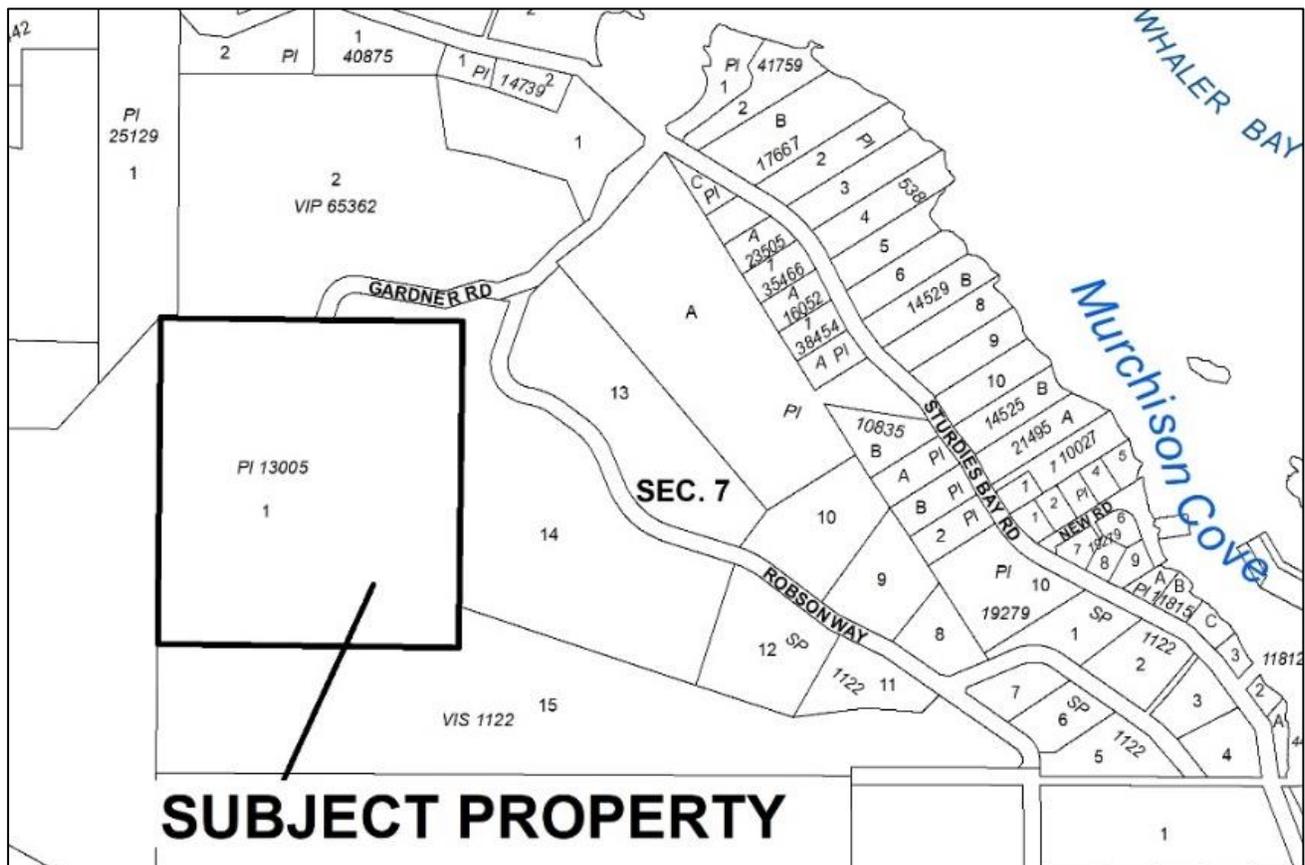
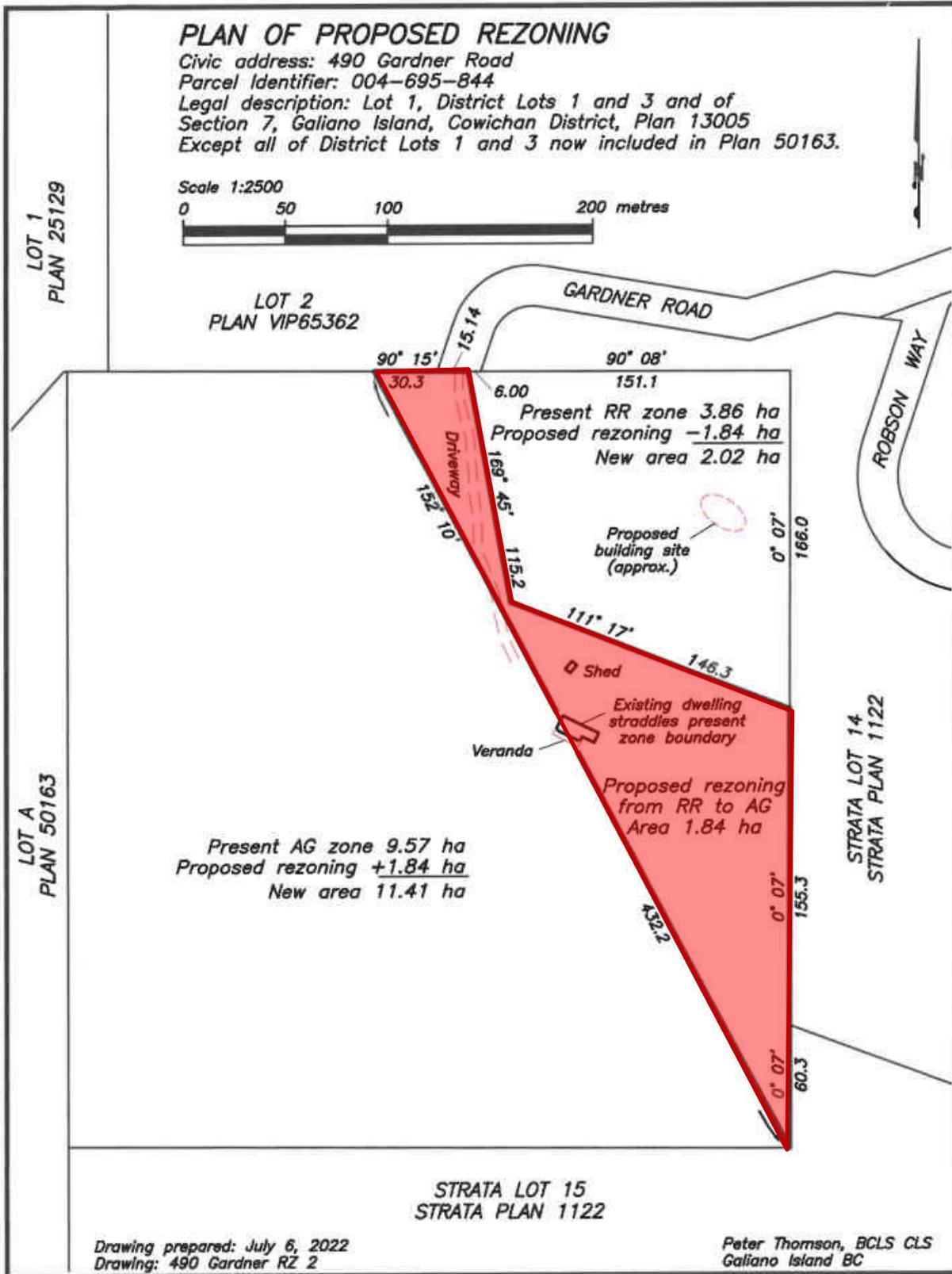


Figure 2 – Areas for proposed rezoning and re-designation (in red)  
 From Rural Residential to Agriculture



## **ANALYSIS**

### **Policy/Regulatory**

#### ***Islands Trust Policy Statement***

The proposal appears consistent with Islands Trust Policy Statement (ITPS) policies, in particular with respect to policies related to Agricultural Land (s.4.1), Freshwater Resources (s.4.4) and Growth and Development (s.5.2). Staff consider that the potential amendments in draft Bylaw 287 and 288 would be not be contrary or at variance with any Policy Statement directive policies (Directives Policy Checklist attached). The LTC should review, and if in agreement, endorse the checklist (Recommendation No. 3 and 4).

#### ***Official Community Plan***

The OCP land use designation for the subject-property is currently a mix of Rural Residential (RR) and Agriculture (AG), as shown below. Rezoning would result in changes to the OCP Schedule B (Land Use Designation) map to show the adjusted land use designations. Draft Bylaw No. 287 shows the proposed potential land use designation change from Rural Residential to Agriculture for a portion of the property.

#### ***Land Use Bylaw***

The subject property is split zoned as Rural Residential (RR) and Agriculture (AG), as shown below. Rezoning would result in changes to the LUB Schedule B (Land Use) map to show the adjusted land use zoning.

The present RR zone on the subject property is 3.86 hectares, and the AG zone is 9.57 hectares. If rezoned as proposed, the RR zone would be reduced by 1.84 hectares to 2.02 hectares and the AG zone increased by 1.84 hectares to 11.41 hectares. The lot layout for the rezoning proposal is shown in Figure 2. Based on the size of the adjusted zones, there would be no increased density potential as the proposed amended zoning does not trigger the allowance of additional densities on either the AG or RR portions of the lot.

Draft Bylaw No. 288 shows the proposed change to the LUB to change the land use from Rural Residential to Agriculture for a portion of the property.

#### ***Terms of Reference***

The terms of reference (TOR) was issued to the applicant which provides specific guidance on application requirements that is consistent with the Galiano Island Development Approval Information Bylaw No. 148 (DAI Bylaw). To date, the applicant is still working to meeting the requirements of the TOR; more specifically, to provide a groundwater assessment, prepared by a professional hydrogeologist, demonstrating standards for potable water supply are met for the newly proposed rural residential (RR) zoned lot.

### **Consultation**

#### ***Statutory Requirements***

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. Staff recommend waiting for all required documents from the application (via the TOR) to be received prior to scheduling a Public Hearing. When the documents have been received, and are determined to be satisfactory by staff and the LTC, the LTC can then give direction to staff to schedule a CIM and Public Hearing.

Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing.

### ***First Nations***

Staff have identified the following First Nations for bylaw referral based on the Province's database:

- Stz'uminus First Nation
- Lake Cowichan First Nation
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Pauquachin First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Cowichan Tribes
- Tsawwassen First Nation
- Tsawout First Nation
- Musqueam Indian Band
- Malahat First Nation
- Snuneymuxw First Nation
- WSANEC Leadership Council

The LTC should identify if any other First Nations or First Nations Agencies should be placed on the referral list for the proposed bylaws.

### ***Agencies***

Staff have identified the following agencies for bylaw referral; the LTC may direct staff to include other agencies not listed. The LTC may also choose to refer the proposal to the Galiano Island Advisory Planning Commission.

- Ministry of Transportation and Infrastructure
- Ministry of Agriculture
- Agricultural Land Commission
- Island Health
- CRD, Planning and Protective Services, Building Inspection
- Galiano Island Fire Rescue – South Department
- Mayne Island Local Trust Committee
- Thetis Island Local Trust Committee
- Salt Spring Island Local Trust Committee

### **Rationale for Recommendation**

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

- The application is reasonable as proposed and is consistent with OCP policies and LUB regulations;
- The currently zoned RR portion of land which would be included in the revised AG zone is substantially the same as land which is currently in the AG zone;
- The rezoning would address the issue of the existing house and driveway lying in the middle of two zones on the property; and,

- Giving First Reading to the bylaws would allow for next steps in the process to proceed including the initiation of First Nations engagement, referrals to potentially affected agencies, and the consideration of further input from the public including adjacent property owners.

**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-2022.2 (Hayes).*

**3. Hold the application in abeyance**

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

*That the Galiano Island Local Trust Committee hold application GL-RZ-2022.2 (Hayes) in abeyance.*

**NEXT STEPS**

Staff will refer the proposed bylaws to First Nations and agencies. Staff will continue to work with the applicant with regards to the request professional report.

Submitted By:	Kim Stockdill, Island Planner	March 30, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	March 31, 2023

**ATTACHMENTS**

1. Draft Bylaw No. 287
2. Draft Bylaw No. 288
3. ITPS – Bylaw Nos. 287 & 288

# DRAFT

## 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	_____	DAY OF	_____	20__
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__

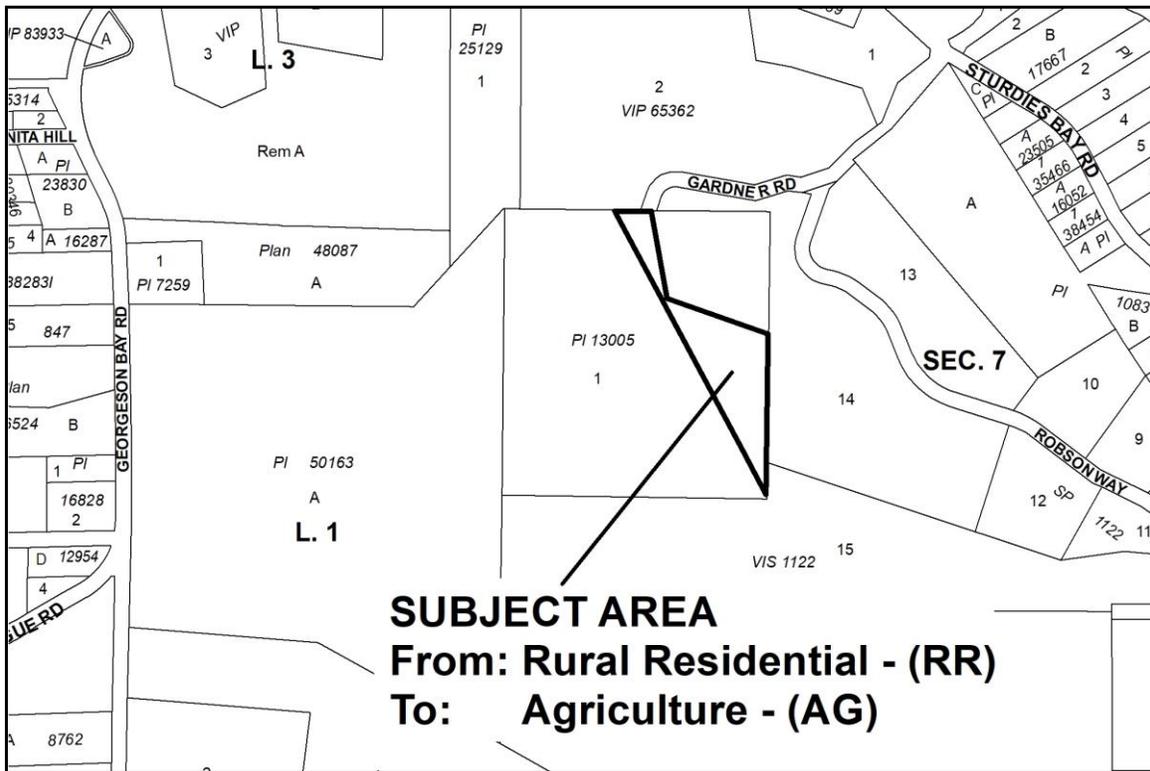
\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 287

SCHEDULE 1

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



# DRAFT

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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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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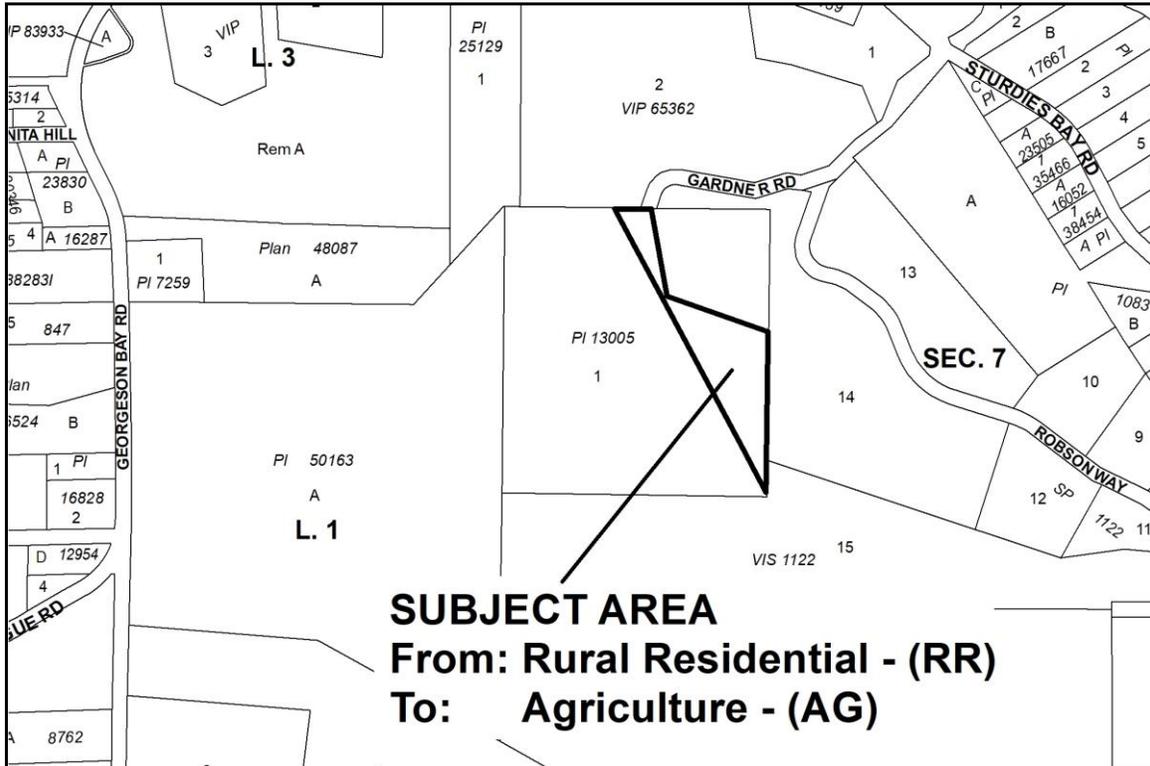
CHAIR

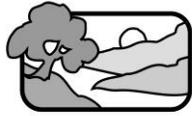
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SECRETARY

GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 288

Plan No. 1





Islands Trust

## ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: GL-RZ-2022.2 (Hayes)

Bylaws: 287 & 288

### **PURPOSE**

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

### **POLICY STATEMENT**

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

### **DIRECTIVES ONLY CHECKLIST**

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.



	<b>4.3</b>	<b>Wildlife and Vegetation</b>
	<b>4.4</b>	<b>Freshwater Resources</b>
N/A	<b>4.4.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	<b>4.4.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	<b>4.5</b>	<b>Coastal Areas and Marine Shorelands</b>
N/A	<b>4.5.8</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	<b>4.5.9</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	<b>4.5.10</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	<b>4.5.11</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	<b>4.6</b>	<b>Soils and Other Resources</b>
N/A	<b>4.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

## PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	<b>5.1</b>	<b>Aesthetic Qualities</b>
N/A	<b>5.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	<b>5.2</b>	<b>Growth and Development</b>
N/A	<b>5.2.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	<b>5.2.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	<b>5.2.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	<b>5.2.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	<b>5.3</b>	<b>Transportation and Utilities</b>
N/A	<b>5.3.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	<b>5.3.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	<b>5.3.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	<b>5.3.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	<b>5.4</b>	<b>Disposal of Waste</b>
N/A	<b>5.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	<b>5.5</b>	<b>Recreation</b>
N/A	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	<b>5.5.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	<b>5.5.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	<b>5.5.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
N/A	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
N/A	<b>5.7.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
N/A	<b>5.8.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	<b>POLICY STATEMENT COMPLIANCE</b>
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>