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Trust Council refuses Galiano amendment bylaws

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On August 14, the 26-member Islands Trust Council decided not to approve an Official Community Plan amendment bylaw and an associated Land Use Bylaw amendment that had been referred by the Galiano Island Local Trust Committee (LTC).

The bylaws had already been refused by Trust Executive Committee on July 15 as not being consistent with the Trust Policy Statement. Trust Executive approval of bylaws is a normal procedure but Galiano's bylaws N^o199 and N^o200 were the first ever to be refused by an executive committee.

Galiano's LTC then took another unprecedented step in referring the bylaws to Trust Council for reconsideration of the ruling. A special meeting was called for the 13-island council to convene in Sidney to consider the bylaws.

The proposed bylaws would have amended the Galiano Island Official Community Plan and Land Use Bylaw to permit one dwelling per lot where lots are zoned for forestry use. Thirty-eight percent of the land on Galiano Island is in the affected F1 zone.

The amendments would have removed the current rezoning requirements to address specific siting, access, groundwater management, and sustainable forestry commitments, prior to establishing a residence on lots in the Forest 1 zone.

The issue and the novelty of the process has sparked interest across the Trust Area as never before. One salient aspect is that, without a Trust Area-wide exemption from BC's *Private Managed Forest Land Act*, a change in local bylaws triggers the application of the provincial *PMFL*, rendering local governance impotent and opening the Islands Trust islands to uncontrolled, industrial-scale logging in a rare and endangered ecosystem, Coastal Douglas Fir. This would be highly significant on forested Galiano. (Trust Council will discuss how to deal with the threat of the *PMFL* at its quarterly Trust Council meeting on Keats and Gambier in September.)

Although invoking the *PMFL* was not the criterion on which the bylaws were to be judged, many eyes were trained on the outcome and its possible precedent-setting implications.

Consistency with the Trust Policy Statement (TPS) was the criterion and the majority of trustees found a number of inconsistencies, despite a staff briefing stating that the bylaws were not at direct variance with the policy statement. Trustees

had also received binders of hundreds of letters, most against approval.

Trustees Speak

Going around the table in turn, trustees named their vote and gave reasons. For the sake of time management, trustees were asked to avoid restating points already made by previous speakers. Galiano's two trustees, Michael Sharp and Roy Smith, began by advocating their bylaw, in progress since February of this year. At issue, they claimed, were only the 100 dwellings which would be allowed by the bylaws.

Gisele Rudischer, Galiano LTC chairperson till mid-July of this year, spoke against the bylaw. She said that the bylaws stripped Galiano of site-by-site decision making and were at variance with the Trust Policy Statement. She added that Galiano was the only Island which still had an opportunity to preserve its forest ecosystem. She said that it was time to 'change the path to the high road.' Later in the day she said that the issue of F1 housing should be revisited in the context of Galiano's upcoming OCP Review.

Gary Steeves, who is Galiano's new LTC chairperson, was also against approval. He said that logging, road network, water, public access and right to live on a property were not the key issue. Rather, they were triggered by the key issue which was density and development. Bylaws N^o199 and N^o200 did not reduce development as all the other rezoning options remain active in the OCP. The bylaws added one dwelling per lot to any other potential. In addition they 'jettisoned or gave the ability to nullify several community planning tools.' He listed 8 clauses of the Trust Policy Statement with which the bylaws were at variance.

He stated that before and after being appointed Galiano LTC's new chairperson he has spoken with people on Galiano and believes there is a solution to Galiano's complex situation but 'bylaws N^o199 and N^o200 are fundamentally flawed. He said that Trust Council had to take on the Galiano problem and that they 'were going to fix it.' Later he suggested that resources be made available to bring forward Galiano's OCP Review.

Ron Emerson and Peter Frinton both said they would vote in favour of the bylaws. Emerson said he did not find them at variance with Trust Policy. Frinton said he did not like the

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bylaws amendments but liked the unamended bylaws even less.

Bronwen Preece was against the bylaws because the existing OCP and LUB gave site-by-site handling. She particularly mentioned water supply and advocated the precautionary principle.

Sheila Malcolmsen was against the bylaws rejecting an 'outright increased density while giving up on community benefit.' She mentioned the PMFL and fragmentation of the forest. She refuted Trustee Sharp and Smith's claims of a compromise, saying 'if the community is divided, there is no compromise.'

George Ehring was against the bylaws because stewardship was the primary role of the Trust and this meant that 'rate and scale of development' may require limitation. He said that the Galiano community had the unique and enviable opportunity among islands to exercise foresight in protecting its forest.

Peter Lamb was voting against the bylaw as the Galiano community had not achieved consensus. Galiano had, he said, the challenge of protecting a rare eco-zone that was 100% imperilled, one which the current bylaws protected. He listed several of the eight clauses that the bylaws offended.

Jeanine Dodds was supporting the bylaws as 'our job is not to judge bylaws and these bylaws do not offend the Policy.' She said that the forest are already fragmented and can be logged at any time. She said she supported the Galiano LTC.

Ken Hancock said that the Trust's role was to manage change which involves using the 'tools' provided. Approving the bylaws would be 'surrendering tools.' The lots in question were in fact very different in sizes, shapes and altitudes and a one-size-fits-all approach was wrong and that development rights should not be handed out 100 at a time. He particularly mentioned Trust Policy Statement clause 5.2.3 that 'local trust committees... shall...address the rate of growth, if any, and strategies for the management of growth that is compatible with preservation and protection of the environment, natural amenities, resources and community character.'

Louse Bell, in rejecting the bylaws also spoke of rate and scale of growth and said that the propose bylaws provided 'additional density.'

David Graham favored the bylaws, saying that sustainable forestry was more likely if owners lived on the land, as they were then unlikely to clearcut.

Tom Johnson was in favour; he said they were 'not my bylaws' and that the LTC had brought sufficient reasons for them.

Brian Hollingshead was likewise in favour as he did not see inconsistency with Trust Policy but added that his decision was not a vote of confidence against the Trust Executive Committee. He felt approval would 'take out a major thorn in the community.'

Tony Law said he had not made up his mind. He was

reluctant to refuse the bylaws; he felt they should be returned with directions from Trust Council on how to proceed. He said he was disappointed that he had not heard, from trustees, details of the extent to which the bylaws contravened the Trust Policy Statement. He himself thought that growth rate was in conflict with Trust Policy and that the amendment bylaws did not deal with water issues as well as the existing ones did.

Gary Rowe was in favour saying that water can change, citing rainwater collection.

Peter Luckham rejected the bylaws but said that he thought that this was not a defeat but an opportunity for the phoenix to rise and come to a better solution. 'All activities did not have to happen in one term,' he said. Contrary to Law, he stated that it was 'not our place to direct the LTC' if the bylaws are not approved.'

Sue French was against the bylaws as they created 'sudden and comprehensive growth and that Council should 'err on the side of caution.'

Allison Morse wanted to approve the bylaws, saying that forestry was a permitted use and living on the land made for better stewardship. They did not constitute forest fragmentation as the lots were already there.

Wendy Scholefield did not believe the bylaws were consistent with Trust Policy and offended the Guiding Principles and rate and scale of change.

Bruce McConchie was in favour of the bylaws as they were not in 'absolute and direct collision' with Trust Policy. The Trust's job he said was to manage growth not stop it and people had a right to live on their land. He said the Trust had missed the opportunity to buy the land as a park years ago and that it was second growth being actively logged.

Joyce Clegg said she would vote in favour. The bylaws were 'not perfect' but it was 'time to move on.'

Rose Willow was not in favour. Site-by-site rezoning was needed, she said and that blanket zoning was a very tricky way to solve community problems and that more work would give a better solution.

Kim Benson was against the bylaws for Galiano, a particularly fragile island. It is 14 miles long and two miles wide and is the only car-accessible Island which does not have a comprehensive road network. F1 lands she said lie on groundwater ridges. The bylaws she said were in the interests of a particular group at the expense of the public interest.

The motion to approve was defeated 14 to 12.

Returning Or Refusing

Following the vote not to approve the bylaws, and after lunch, Trust Council had to decide whether to return or refuse the bylaws. This turned out to be a complicated procedure and trustees struggled to get it right. Refusing the bylaw left local trustees free to proceed as they saw fit in a usual bylaw process, they had of course heard the day's discussion so were aware of why the bylaws were rejected. Returning the bylaw meant that

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it could be recrafted according to the directives but would need to be resubmitted to Trust Council.

There was lengthy debate around whether Trust Council should or even could create comprehensive directives for the LTC. Eventually a motion to simply refuse OCP amendment bylaw N°199, citing the clauses where it was inconsistent with the Trust Policy Statement, was crafted and put to the vote. The vote was 13 to 12 in favour of refusal. The refusal of an OCP amendment automatically triggers the refusal of its dependent LUB bylaw. ☞

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