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Galiano Trustees concoct new bylaw scheme

~ Suzanne Fournier and Art Moses

Rejecting the advice of their planning staff and ignoring a call from the Islands Trust Executive for broader changes and more public consultation, Galiano Island's Local Trust Committee (GILTC) gave third reading September 19 to a new bylaw scheme to provide automatic residential rights on forest-zoned land without rezoning.

With Galiano Local Trust Committee chair Gary Steeves voting against the bylaws each step of the way, Galiano Trustees Roy Smith and Mike Sharp declared they would not send the amended bylaws to public hearing or for any other kind of public process.

The amended bylaws—carrying the same numbers 199 and 200 that were refused by the Islands Trust Executive Committee in June, and by the Islands Trust Council in August—represent a cherry-picking of advice provided in a letter the trustees received from the Trust Executive on August 28 about how they could bring their bylaws into compliance with Islands Trust policies.

For their amendments Smith and Sharp accepted only suggestions to remove the rural residential/heritage forest provision from Galiano's current bylaws (while allowing applications from some of the Islands largest developers under the provision to proceed) and to require groundwater studies for any building above 140 meters.

Smith and Sharp rejected the Executive's advice to avoid fragmentation of the forest by establishing 'home plate' residential siting controls, and to ensure emergency and public access by including requirements for forest lot owners to convey statutory rights-of-way provided in Galiano's Road Network Plan in return for residential entitlement.

Smith and Sharp made clear they crafted their scheme in such a way that they could avoid the need to take it to a new public hearing. In fact, Sharp stated several times at the September 8 meeting that his goal was to not initiate any 'changes' to the rejected bylaws that would trigger a public hearing.

At their regular GILTC meeting on September 8, Smith and Sharp had tried to rewrite the bylaws on the spot and push them through to third reading, rather than wait until the

planner could provide a draft based on their stated desires. When the task proved too complex, they were forced to adjourn and schedule a special meeting on September 19.

On September 19, Sharp stated there wasn't enough time to conduct a public hearing on their new bylaw scheme before the November 15 local general election. But Steeves reminded Sharp and Smith there is nothing in the *Islands Trust Act* or *Local Government Act* that mentions the timing of an election as affecting whether or not to hold a public hearing. Steeves reminding the trustees of the Trust Executive's considered advice, urging they act in 'an abundance of caution' and convene a public hearing.

Planner Brodie Porter noted staff could not endorse the changes without further research, impossible 'given the time constraints'. 'It appeared the trustees now had the full benefit of the Executive's advice, reinforced by LTC Chair Steeves,' he said. However, with Steeves in firm opposition, Trustees Sharp and Smith proceeded to sent the bylaws back to the Islands Trust Executive.

Commentary

Any lingering hopes that Trustees Sharp and Smith were committed to advancing issues beyond the rights of forest-lot owners may have been dispelled that day, as most members of the audience left the hall shaking their heads. Forest-lot owners could be seen outside the hall discussing with consternation their handpicked trustees' prolonged attempt to advance the forest issue in isolation from all other community concerns before the end of their tenure.

Other Islanders thought that flouting the Trust Executive and LTC Chair's considered advice and resurrecting flawed and still uncorrected bylaws would lead to the Trust Executive rejecting the patchwork bylaws all over again.

Now in a crucial election this November, it appears Galiano Islanders will face two platforms in an election campaign: one that could actually centre on opposition to the Islands Trust's policies and legislated mandate to 'preserve and protect,' versus one which espouses a democratic and long-delayed Official Community Plan review upholding the principles and policies of the Islands Trust. ☞

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