



**STAFF REPORT  
ELECTORAL AREA SERVICES COMMITTEE  
04 March 2009**

**SUBJECT:** Galiano Island Parks & Recreation Commission – Application for Nominal Rent Tenure

**PURPOSE/PROBLEM:**

To seek a CRD Board resolution endorsing an application for a Nominal Rent Tenure (NRT) for Provincial Crown Land for community park/trail purposes

**HISTORY/BACKGROUND:**

The Galiano Island Parks and Recreation Commission (GIPRC) has identified a 1.04 ha. strip of waterfront, returned to the Crown under subdivision Plan VIP76966, as desirable for development of a public shore walk park/trail. The Crown land in question is locally referred to as the "Sticks Waterfront Park". On January 8, 2009, the GIPRC approved the following recommendation:

*That the Commission requests CRD support for an application as drafted by the Chair for a Nominal Rent Tenure ("Licence of Occupation") for the Sticks waterfront strip.*

Under the Provincial Crown Land Tenure application guidelines for "Community/Institutional" use, a resolution of the municipal council or regional board endorsing the application is a requirement.

Significant work has already been carried out by the GIPRC in fulfilling the requirements of the NRT application process. Copies of the GIPRC Galiano Island Shore Walk Park Development Plan, underlying subdivision plan and Site Specific Plan are attached for information.

**ALTERNATIVES:**

1. The Committee can recommend Board endorsement of the NRT application; or
2. The Committee can recommend that the Board decline to endorse the NRT application.

**FINANCIAL IMPLICATIONS:**

All costs associated with the NRT application, and development and operation of the proposed park/trail fall to the GIPRC service area and function.

**SUMMARY/CONCLUSIONS:**

The GIPRC has identified a 1.04 ha. water front strip of Provincial Crown land that it wishes to acquire under a nominal rent tenure for park trail purposes. The tenure application requires endorsement in the form of a CRD Board resolution.

RECOMMENDATION:

That the Committee recommend to the Board that it endorse a Nominal Rent Tenure application on behalf of the Galiano Island Parks and Recreation Commission for a 1.04 ha. portion of Crown Land as shown on Plan VIP76996 for community park/trail purposes.



Simon Joslin, Senior Manager,  
Real Estate & Facility Management



Lloyd Rushton, General Manager  
Parks and Community Services

SJ/

Attachments (3)

# **Development Plan: Galiano Island Shore Walk Park**

## **The Nature of the Proposed Use**

The proposal is for a long-term Licence of Occupation to construct and maintain a public shore walk trail on a 1.04-hectare strip of shorefront land on Galiano Island that was dedicated to the Crown as part of a strata subdivision (plan VIP76996). The trail will connect, at its western terminus, an existing Capitol Regional District (CRD) neighbourhood park and, at its eastern terminus, a shore access, for which the Galiano Island Parks and Recreation Commission (GIPRC)<sup>1</sup> has a License of Occupation from the Ministry of Transportation, and a second neighbourhood park. Together the four parcels will create a unique outdoor recreation asset for Galiano Island.

In addition, a newly created community forest (“Heritage Forest”), upland from the four parcels and connected to them will combine to create some 130 hectares for public outdoor recreation and trails.

## **The Nature and Location of All Proposed Improvements**

The Crown land subject of this proposal is a narrow waterfront strip just over 1 kilometer in length and averaging about 7 meters in width. The strip fronts on the Strait of Georgia and includes land extending back from that natural boundary. The GIPRC proposes to construct and maintain a simple footpath, for pedestrians only, wholly within this waterfront strip and extending its entire length. The path would be located to accommodate the micro-topography and to minimize disturbance to any sensitive areas, such as patches of spring wildflowers. By marking the trail with a distinct ground cover and through the judicious use of unobtrusive signs, the GIPRC will encourage the public to stay on the path and so avoid issues of trespass and of diffuse environmental degradation. As the land is a riparian strip, only low-impact pedestrian use would be allowed on the trail; no cycling, equestrian, or motor-vehicle access would be allowed.

## **Proposed Development and Operating Schedule**

If the proposal can be approved within six months, the GIPRC will be able to start with trail construction in the fall of 2009. Once begun, the work should take one to two months to complete, depending on the availability of labour and the weather.

The trail would be open to the public year-round.

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<sup>1</sup> Under the statutory authority of Letters Patent from 1975, the Regional Board of the Capital Regional District was given Responsibility to acquire, develop, operate and maintain CRD community Parks and undertake community recreational programming. In February 1995, these responsibilities were delegated to a local authority through the establishment of the Galiano Island Parks and Recreation Commission (GIPRC) for the purposes of administering community parks and recreation services for Galiano. The Commission of nine members consists of eight volunteers plus the elected CRD Director for the Southern Gulf Islands. Commissioners are appointed by resolution of the CRD Regional Board.

The GIPRC is committed to routine inspection and maintenance of all licenced shore accesses and trails. Four times a year, the GIPRC visits each access, collects any garbage, rakes the trail, clears the path, and notes larger maintenance issues. Repair work is prioritized and scheduled. The GIPRC also responds to public concerns raised at any time.

### **Further Relevant Information About the Proposal**

When Galiano District Lots 30 and 31 were subdivided as a bare land strata in 2004, the developer dedicated a strip of land fronting on the Strait of Georgia to the Crown, in compliance with Section 9 of the Bare Land Strata Regulations (BC Reg. 75/78). Under those regulations, the dedication is “for the purpose of providing public access”. Though the land was set aside for the public benefit, the Galiano community has not enjoyed effective use of this land because there is no clear delineation of the boundaries and no logical connecting trails. The current proposal will remedy that shortfall by providing a marked footpath with appropriate signage and trail links to adjacent community-managed lands held by the Capital Regional District and by the Galiano Club.

The proposal fits with community priorities for more public trails. In May 2006, the GIPRC hosted a community-wide public forum to receive input from the community regarding Parks and Recreation activities. The predominant themes expressed in this forum were for more linear parks (trails), more nature parks, and trail and shore access development consistent with minimal disturbance to the environment.

In 2007, the GIPRC followed up with extensive community consultation on the development of an island-wide trail network. In these meetings, the community expressed a strong desire to preserve and expand public recreational trails.

The proposed shore walk park adjoins Galiano’s community forest, the so-called “Heritage Forest”, held in trust by the Galiano Club for the benefit of the Galiano Island community, present and future. The Galiano Club and the GIPRC recently completed a management plan for the combined properties. As part of that process, at two widely publicized and well attended meetings, the community indicated very strong support for the plans in general and on the proposed trail loops in particular. The Strata Council for Neighbourhood DL 30/31, which abuts the parcel in question, has also been supportive of the CRD Parks and Recreation shore accesses and trails and for the proposed Heritage Forest trail network.

Tourists provide an important economic benefit to the island’s economy. While the island can provide accommodation overnight for 700 to 1,000 visitors, it has virtually no “built” recreational activities or attractions. It is the island’s natural beauty and outdoor activities which draw visitors. The creation of the Shore Walk Park Trail / Heritage Forest Trails will create a true destination and outdoor experience attractive to locals and visitors alike. Currently there is no public shore walk experience on the Georgia Strait side of the Island and hence limited opportunity for whale watching, birding and storm watching on the island’s exposed shore.

Galiano Island’s population has increased 17% in the last 5 years. Yet, there are no sidewalks on the island, virtually no road shoulders and no “built” recreational facilities.

Trails are the primary outdoor physical recreation for islanders. What better investment can there be than adding to the existing inventory? Trails offer low-impact, high-value recreation in addition to an opportunity to exercise and socialize. Trails are available to all ages and abilities, year round and for no fee.

Trails are outdoor assets which contribute to the social fabric of the island community. On Galiano Island, trails are a social and community focus for the like-minded, providing opportunities for volunteer participation as trail stewards, trail builders, and for user groups such as birders, naturalists, artists and school field trips. They are opportunities for shared experiences.

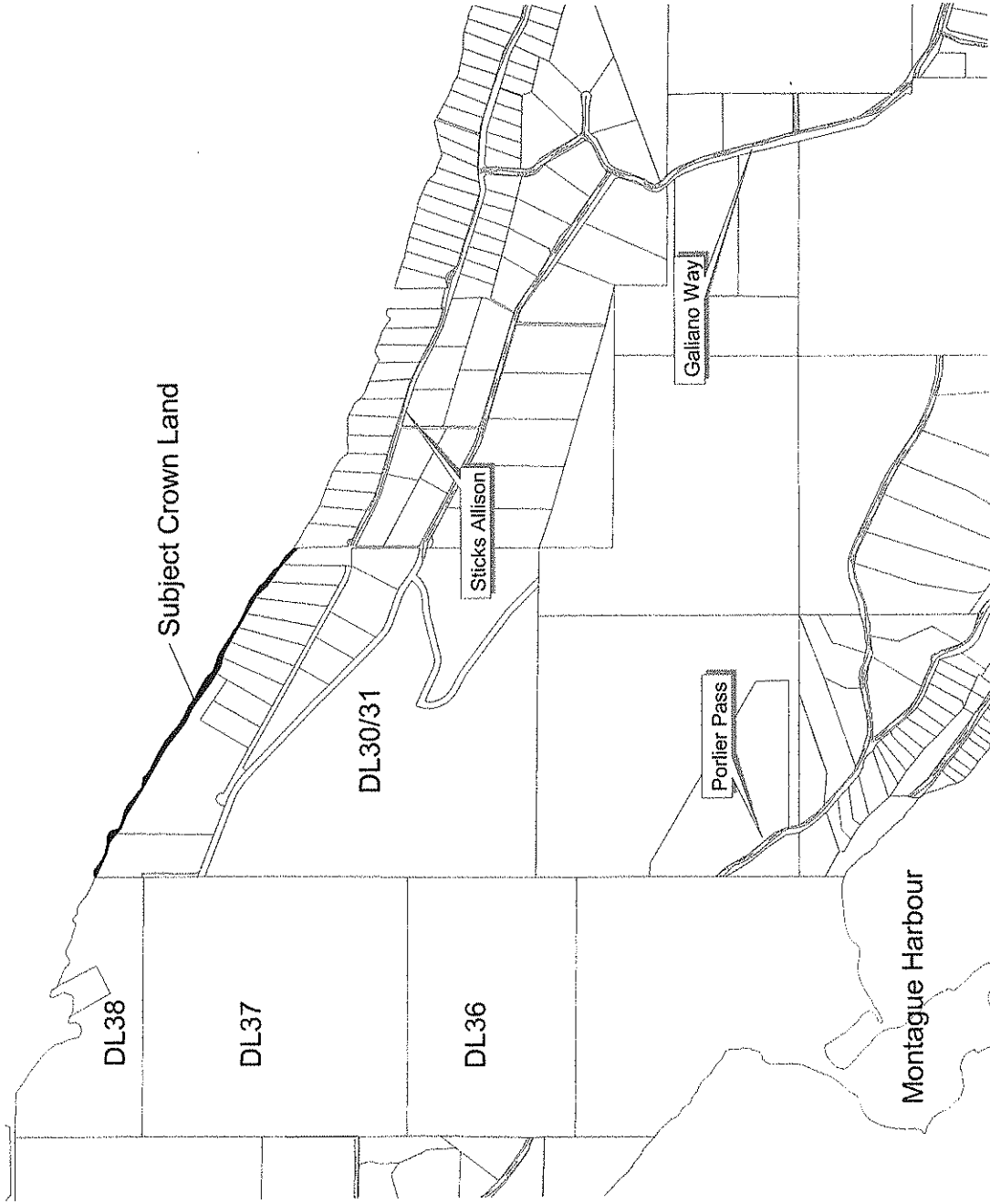
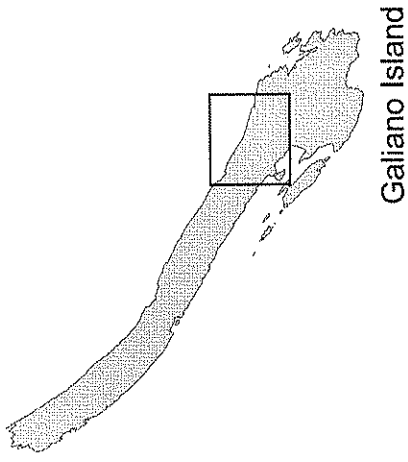
### **Land Required for Intended Use**

Galiano Island has many shore accesses that provide the community with a route to the foreshore, but there are few opportunities to enjoy the shoreline at high tide. The eastern shore of the island, in particular, is underserved with public waterfront land. There is no public shore walk experience on the Strait of Georgia side of Galiano Island, hence limited opportunity of whale watching, birding, and storm watching on the island's east shore.

More importantly, this particular parcel of Crown land is uniquely situated to provide the missing link in a larger recreation area. It affords the opportunity for a shore walk to form a loop trail with a more extensive network of upland trails. There are no equivalent lands in the area.

The land in question was originally dedicated to the Crown for the purposes of public access in the Sticks Allison and Georgia View neighbourhoods. The current proposal would simply fulfill that intention, making good on the promise of an accessible public waterfront trail in this neighbourhood.

# Sticks Waterfront NRT Site General Plan



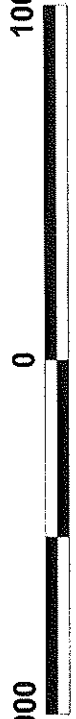
**Key:**

-  Subject Crown Land
-  Galiano Island Properties
-  Public Road

Prepared by:  
Galiano Island Parks and  
Recreation Commission

Scale:  
1:20,000

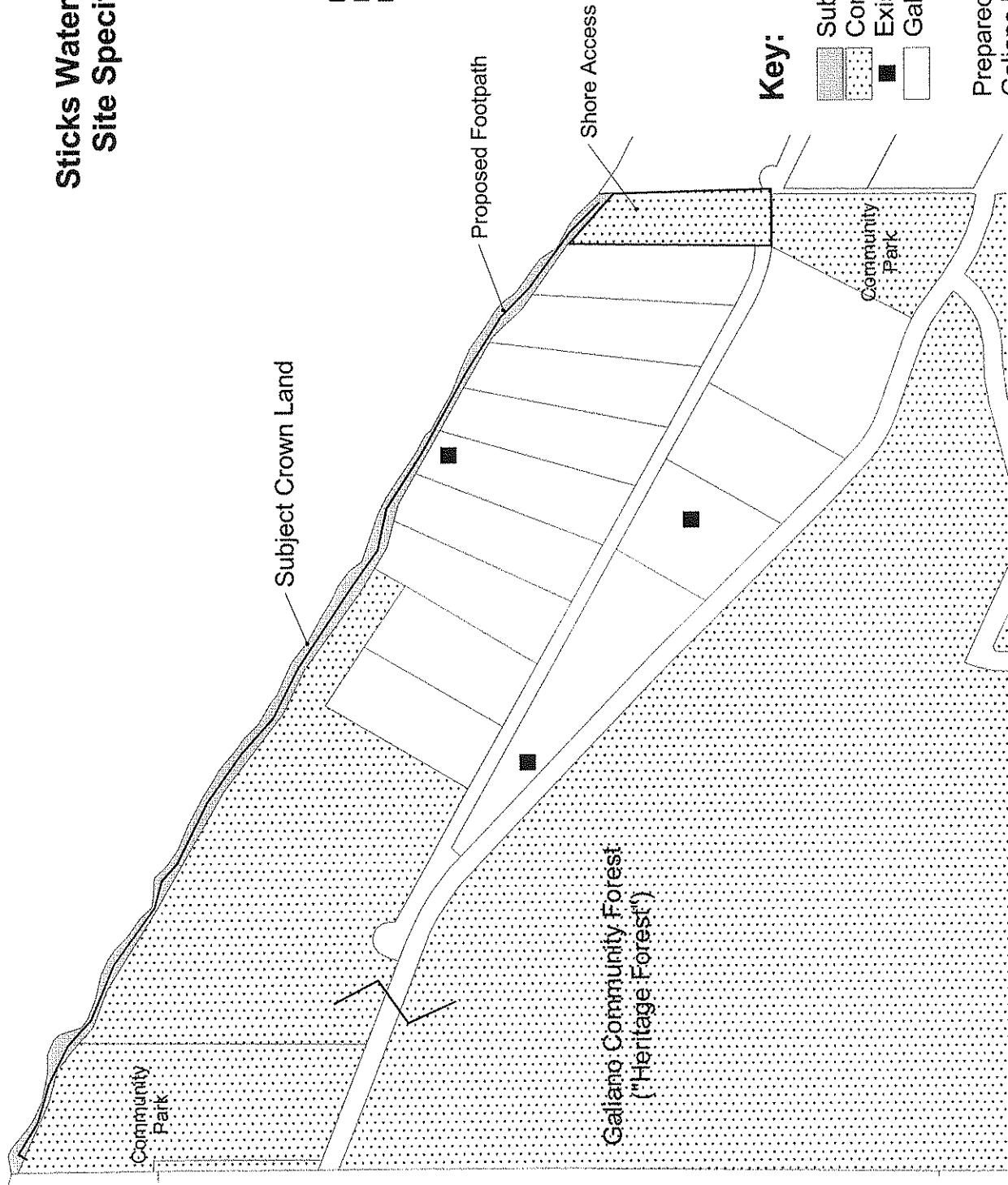
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January, 2009

# Sticks Waterfront NRT Site Specific Plan

Note:  
For dimensions, refer to  
large-scale survey map.



## Key:

-  Subject Crown Land
-  Community-Managed Lands
-  Existing Residences
-  Gallano Island Properties

Prepared by:  
Gallano Island Parks and  
Recreation Commission

Scale:  
1:6,000



January, 2009

PLANVIP76996

**SUBDIVISION PLAN OF DISTRICT LOTS 30 AND 31,  
both of GALLIANO ISLAND, COWICHAN DISTRICT.**

BCGS 926.084

DEPOSITED IN THE LAND TITLE  
OFFICE AT VICTORIA, B.C.  
THIS 20 DAY OF May 2004

THE REGISTERED OWNER, DESIGNATED  
HEREON DECLARES THAT HE/SHE HAS  
BARRERED INTO A CONVEYANT IN  
FAVOUR OF GALLIANO ISLAND LOCAL  
TOURIST COMMITTEE UNDER  
SECTION 219, OF THE LAND TITLE ACT

REG. No. 10446  
PLASANT to SECTION 1800  
OF THE LAND TITLE ACT  
APPROVED AS TO DEDICATION OF ROAD HERE TO RETURN TO CROWN  
BY ITS ATTORNEYS IN FACT (O.F. - TG. 81283842)

*Ed Thiesen*  
G.I.E. 323 ESTATES LTD.  
(authorized signatory)  
33882 SOUTH FROSE WAY  
ABERTSFORD, BC  
Legal Secretary

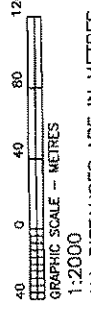
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303 G. - NUS AND PRINT MADE IN BLACK INK  
REGISTRATION BAROQUE  
NUS AND PRINT MADE IN BLACK INK  
WITNESS *M. Alangy*  
NAME *MAGRETHE BERSEZ*  
ADDRESS *84 FLOOR 233 PARANAVI ST  
VANCOUVER BC V6B 3E3*  
OCCUPATION *LEGAL SERVICES SECRETARY*

THE REGISTERED OWNER  
DESIGNATED HEREON DECLARES  
THAT HE/SHE HAS BARRERED INTO  
A COVEYANT IN FAVOUR OF HER  
MAYESTY THE QUEEN, IN THE RIGHT  
OF THE PROVINCE OF BRITISH  
COLUMBIA, AS REPRESENTED  
BY THE MINISTER OF  
TRANSPORTATION  
UNDER SECTION 219,  
OF THE LAND  
TITLE ACT  
*I CANAL*  
*Maia Dorset*  
WITNESS  
*15-3777 KINGSWAY BOY BC*  
ADDRESS OF WITNESS  
ADAM - ASST  
OCCUPATION OF WITNESS

APPROVED AS TO DEDICATION OF ROAD, PARK, RETURN TO CROWN  
TELUS COMMUNICATIONS INC.  
OFFICE OF LARGE NUMBERS 633001  
*For Sale*  
WITNESS  
SIGN AND PRINT MADE IN BLACK INK  
SIGN AND PRINT MADE IN BLACK INK

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  - ⊙ DENOTES IRON POST PLACE
  - ⊙ DENOTES STANDARD CAPPED POST FOUND
  - ⊙ DENOTES STANDARD ROCK POST FOUND
  - ⊙ DENOTES OLD BEARING TREE FOUND



STRAIT OF  
RETURN TO CROWN  
1.04 ha.  
PRESENT NATURAL BOUNDARY

PARK  
3.883 ha.

DL 30

Reduced Copy  
Not to Original Scale

