



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: March 4, 2019
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 12:30 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	12:30 PM - 12:45 PM	
4.	COMMUNITY INFORMATION MEETING none		
5.	PUBLIC HEARING none		
6.	MINUTES		
6.1	Local Trust Committee Minutes Dated January 27 & February 4, 2019 (for Adoption)	12:45 PM - 12:55 PM	4 - 18
6.2	Section 26 Resolutions Without Meeting Report none		
6.3	Advisory Planning Commission Minutes none		
7.	BUSINESS ARISING FROM MINUTES	12:55 PM - 1:00 PM	
7.1	Follow-up Action List Dated February 2019		19 - 20
8.	DELEGATIONS	1:00 PM - 1:10 PM	
8.1	Cell Towers - Patrick Ramsey		

9.	CORRESPONDENCE	1:10 PM - 1:20 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
	9.1 S. McNamar Dated February 21, 2019 - re Tiny Home		21 - 21
10.	APPLICATIONS AND REFERRALS		
	none		
11.	LOCAL TRUST COMMITTEE PROJECTS		
	none		
12.	REPORTS	1:20 PM - 2:00 PM	
	12.1 Work Program Reports (attached)		
	12.1.1 <u>Top Priorities Report Dated February 2019</u>		22 - 22
	12.1.2 <u>Projects List Report Dated February 2019</u>		23 - 24
	12.2 Applications Report Dated February 2019 (attached)		25 - 27
	12.3 Trustee and Local Expense Report Dated December 2018 (attached)		28 - 28
	12.4 Adopted Policies and Standing Resolutions (attached)		29 - 30
	12.5 Local Trust Committee Webpage		
	12.6 Chair's Report		
	12.7 Trustee Report		
	12.8 Islands Trust Conservation Report		
	none		
13.	NEW BUSINESS	2:00 PM - 2:15 PM	
	13.1 Cannabis Retail - Staff Report		31 - 43
14.	UPCOMING MEETINGS		
	14.1 Next Regular Meeting Scheduled for April 1, 2019, at the South Community Hall, Galiano Island		
15.	TOWN HALL	2:15 PM - 2:30 PM	

16. CLOSED MEETING (Distributed Under Separate Cover)

2:30 PM - 2:40 PM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a,d) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated February 4, 2019*
- *BOV Memberships*

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT

2:40 PM - 2:40 PM



Galiano Island Local Trust Committee

Minutes of Special Meeting

Date: January 27, 2019
Location: Lions Park Society
992 Burrill Road, Galiano Island, BC

Members Present: Dan Rogers, Chair, Island Trustee
Tahirih Rockafella, Island Trustee
Jane Wolverton, Island, Island Trustee

Staff Present: Kim Stockdill, Islands Planner
Colleen Doty, Minute-Taker

Public: There were approximately (50) members of the public.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:35 p.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

Introductions were made.

Chair Rogers outlined the parameters and agenda of the meeting, and explained the rules around post-public hearing.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. COMMUNITY INFORMATION MEETING RE: STRATEGIC PLANNING

3.1 Brainstorming:

Chair Rogers prefaced the discussion by noting that the Fred Stevens' rezoning application is post Public Hearing and the Galiano Island Local Trust Committee (LTC) cannot hear new information regarding the application. The public was invited to offer top priorities. The following items were identified:

- a. Advisory Planning Commission's affordable housing recommendations should be prioritized and actioned; with respect to an affordable housing strategy more generally, consider both rental and ownership affordability.

- b. The transportation plan should be enabled. Review transportation options; foot and bike paths for sections of the island.
- c. The emergency section of the Road Network Plan should be immediately opened.
- d. Consideration of the Dock review, which was on hold pending review with the Penelakut.
- e. Review the rezoning guide and consider whether we still want to use it.
- f. Local, sustainable economy.
- g. Food security.
- h. Consultation with First Nations.
- i. Future of short term vacation rental policy (STVR); currently TUP's for STVR's are in a moratorium. Development of a tourism strategy policy, as opposed to just dealing with STVR's.
- j. Community wildfire emergency plan that would include dealing with the number of dead trees.
- k. Climate change risk reduction plan.
- l. Implementing recommendations from the 2012 Galiano Groundwater Regulation Review by Waterline Resources. Managing potable water; focus on water recharge areas and evaluate how efficient we are on that level; well-monitoring.
- m. Communications on island; cell towers.
- n. Review Development Permit Areas (DPA) zones and whether they are achieving their intent.
- o. Develop an education backgrounder, a package of information for Galiano-specifically, about the Trust, LTC, policies, and what influences land-use decisions here for newcomers.
- p. Role that BC Ferries could play in helping people understand how to be good visitors.
- q. Galiano has one of the lowest percentages of protected areas in South Gulf Islands; review biodiversity beyond the DPA's.
- r. Disaster resiliency.
- s. Review policy documents to clarify the intent; split-zoning is an example of an issue that came up because there seems to be discrepancy between what community members understood and what it could mean.
- t. Official Community Plan (OCP) review: consideration of the benefits of a targeted review versus a comprehensive one.
- u. Policing, parking, unsafe driving.
- v. Longer term access to Dionisio Park.
- w. Arts and culture.
- x. Health care and health services.

Chair Rogers noted that the Islands Trust is not a service organization. He stated that many of the issues identified above, have come up at Trust Council (ie: First Nations advisor, climate change). The Islands Trust has a freshwater specialist on contract who is available to the LTC to discuss ways to address freshwater issues. With respect to whether we can do something to protect ground water on our island alone, he noted how there are potentially, special requisition authorities available. An example is the Salt Spring Island Water Protection Authority.

Trustee Wolverton noted there is a meeting scheduled for the following day (Jan. 28th, 2019, 1:45 p.m. at the library). The meeting will discuss cell communications, the Connected Coast, and how to improve communications on the island.

3.2 Conversation Clusters

Community members were invited to assign dots to their top three priorities. Table talks broke out based on attendees' most commonly identified priorities.

3.3 Brief Presentations from Table Discussions

The larger meeting reconvened and each table reported out on the highlights of their discussions.

A) **Climate change:** There was general acknowledgement that the community was feeling the impacts of climate change, as evidenced by the recent wind storm. Concerns and points raised included:

- Need to assess and mitigate ongoing fire risks; the need to access expertise on forest management. Workshops on forest management?
- Biodiversity is part of our resilience; importance of having nature-based solutions to climate change; importance of having a sustainable land and sea shore;
- Need for overlapping strategies and back-up plans.
- Under preserve and protect mandate, we should address what is being exported off island (ie: salal, water).
- Support for solar farm.
- Need to update the Road Network Plan; need to open up east side plan (for emergency access and fire-fighting), as part of an effort to make inaccessible areas more accessible.
- Encourage large property owners to open up for public access.
- Ongoing need for public transportation: more electric bikes, car-charging stations. Support for community bus.

B) **Affordable Housing:**

- LTC was encouraged to prioritize and action the Advisory Planning Commission (APC) recommendations as contained within the 2018 Affordable Housing Report.
- The "Whistler model" was referred to as a way of protecting residences from speculation.
- There is a pressing need for affordable rental housing as well as affordable home ownership. Funding and grants are available from Capital Regional District (CRD) and Province.
- Housing as a basic human right should be at forefront of OCP and LTC planning; OCP restrictions on trailer parks and houses on wheels should be removed.

- Concern about the prevalence of empty houses. Questions were raised about having a means of taxing them, since the Gulf Islands are now exempt from the BC Speculation Tax (on empty homes).

C) First Nations Consultation:

- First Nations (FN's) should have authority to have more input into what decisions are passed.
- Bring FN's to Galiano LTC meetings; consider having a FN representative or seat at LTC.

D) Emergency Planning/Resiliency/Emergency Road Access:

- Education is needed on how to react in emergency situations.
- Close the gaps in our communication systems where improvement is needed.
- Road access is important to everyone; trail network; each neighbourhood should have two routes in and out to avoid dead ends.
- Tree management; conditions around fire smart and trees
- Rain water catchment to get through periods of no power.

E) OCP and Water Review:

- Incorporate into the OCP the Waterline study done for Galiano in 2012.
- Need education and regulatory support with respect to water recharge areas; review upper elevation catchment areas.
- Register commercial and private wells (as per the Water Sustainability Act (WSA) on February 29, 2016).
- Galiano LTC to publish/make transparent all studies.
- Funding for groundwater studies; determine water resiliency; need for groundwater planning prior to development. Keep groundwater specialist on staff at trust.
- Request groundwater specialist to make a presentation to Galiano.
- Provide an introduction package to new residents.
- Education on catchment systems is needed; incentivize benefits to individuals using these systems.
- With respect to an OCP targeted review, one downside is that the review could seem never-ending.
- Include climate change and resiliency in OCP

Chair Rogers reminded the public of the March 1, 2019 deadline for registering a well that is used for non-domestic (ie: agricultural or commercial) purposes, to protect one's first rights to access. The registration, as per the *Water Sustainability Act*, is online and requires a BC id to access; all commercial business owners have been approached. What qualifies as farm use? Irrigation area is defined online. For more information visit

<https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/new-requirements-for-groundwater-users>

Residents are encouraged to register their private wells. The first one in gets first priority. Registration is not mandatory.

3.4 Closing and Next Steps

Trustee Wolverton noted that the Trustees would come back with all information on top priorities, likely at the March 2019 meeting.

Planner Stockdill noted there will be a staff report going forward on Affordable Housing at the February 4, 2019 LTC meeting.

At the February meeting, the LTC could ask staff to provide a summary and/or staff report based on today's discussions, and potentially have a staff report for the March LTC agenda.

Alternatively, the LTC has the option at the February LTC meeting to make decisions based on today's discussions.

Trustee Rockafella thanked everyone for attending.

4. **ADJOURNMENT**

The meeting adjourned at 2:29 p.m.

Dan Rogers, Chair

Certified Correct:

Colleen Doty, Recorder



Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: February 4, 2019
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: Tahirih Rockafella, Local Trustee
Jane Wolverton, Local Trustee
Dan Rogers, Chair

Staff Present: Kim Stockdill, Island Planner
Robert Kojima, Regional Planning Manager
Colleen Doty, Recorder

Public: There were approximately (50) members of the public.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:30 p.m. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. Introductions were made. He explained that the Local Trust Committee (LTC) could not receive new information about post public hearing matters.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- New Business: Health Care waiving of fees to be added as Item 13.5
- Top Priorities: move 13.3 TUP moratorium to 11.2 after Affordable Housing.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Risa Smith thanked those who attended the strategic planning meeting. All decisions that the LTC makes should reflect the priorities of the community. She was astounded by the consensus around priorities such as the Road Network Plan, emergency planning, risk mitigation, climate change, water management.

In regard to previous comments made by Chair Rogers with respect to the Sturdies Bay Trail, Trustee Wolverton acknowledged Bowie Keefer's work on that trail.

Sheila Anderson referred to the report in the Agenda Package entitled “Protecting the Coastal Douglas-fir Zone & Associated Ecosystems” and stated she would like some higher level discussions around the *Private Managed Forest Land (PMFL) Act* in relation to providing greater protection of Coastal Douglas-Fir (CDF) areas on lands held in PMFL.

Bowie Keefer noted the words of the Trust mandate: “to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally.”

Akasha Forest questioned about the budget for the Islands Trust.

Chair Rogers said it would not be discussed at this particular meeting, but people have until February 11, 2019 to respond.

Akasha Forest saw nothing for climate change.

Chair Rogers acknowledged this concern as having been noted by others, but he indicated that climate change is covered by other items (ie: conservancy).

Akasha said she was concerned because climate change was identified by the community as a top priority. Coastal Douglas-fir is one of the most important elements to mitigating climate change.

Chair Rogers said he would take her comments back to the Executive.

Sandy Pottle mentions she was on the Local Planning Committee and had a role in the CDF toolkit. She would like to see continued participation in the Coastal Douglas-fir Conservation Partnership, and noted that the provincial government are not providing any funding for this.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated December 3, 2108

By general consent the Local Trust Committee meeting minutes of Dec. 3, 2018 were adopted as presented.

Trustee Wolverton asked staff about video recording of LTC meetings.

Staff indicated that Zoom, for example, was possible, but that there were challenges and resources involved. North Pender abandoned such an effort because of the burden on staff.

Trustee Wolverton will follow up about the possibility of live-streaming.

6.2 Section 26 Resolutions Without Meeting Report Dated January 2019

Information as presented.

6.3 Advisory Planning Commission Minutes Dated November 26, 2018 (for Receipt)

GL-2019-001

It was Moved and Seconded,

that the Galiano Island Local Trust Meeting request that staff bring the original report on cannabis retail along with recommendations of the Advisory Planning Committee to a future Local Trust Committee meeting.

CARRIED

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated January 2019

Information as presented.

8. DELEGATIONS

none

9. CORRESPONDENCE

9.1 Letter Dated January 22, 2019 from L. Page re Moratorium TUP Short Term Vacation Rentals

The letter was received and discussed under Item 11.2.

10. APPLICATIONS AND REFERRALS

10.1 GL-RZ-2017.1 (Stevens) - Staff Report

Staff noted that, as a continuing body, the current LTC can pick up the process and consider final adoption of Bylaws No. 265 and 266.

Comments included:

- Chair Rogers stated that the LTC has not talked about this with each other at all until today. Whatever the reason for the decision not having been approved by Resolution without Meeting (RWM), the decision was made to leave this matter to a new LTC. The Chair has read every piece of correspondence and minutes up to and including the Public Hearing but not after the Public Hearing.
- Trustee Wolverton supports the proposed bylaws but has a problem with the covenant, the maps, and alignment with the Road Network Plan. She stated that the maps are vague. She has never found one that pulled it all together, with the covenant overlaid in a way that was comprehensive.

- Trustee Wolverton noted that the storm of Dec. 20th, 2018 exposed vulnerabilities, while also showing community resiliency. She acknowledged the Stevens for opening the road for safety reasons. The storm demonstrated the need for secure emergency routes. At the recent strategic planning meeting (Jan. 27th), emergency access was identified as one of the top priorities.
- Trustee Wolverton enquired about the checklist. Regional Planning Manager (RPM) Kojima explained that the reason it was checked and not marked “NA” was because it provides for future extension of a bicycle path.
- The Trustees have decided to organize a meeting with emergency responders.
- Trustee Rockafella noted she would like to see the application move forward without a new Public Hearing. She had concerns or questions with the following:
 - a) Proposed road reservation on map has no connectivity. Dedicated emergency access is a necessity. She would be remiss to go ahead without securing an access road.
 - b) Financial practicality of road.
 - c) Location of road proposed.
 - d) Would like to see ecosystem mapping (Trustee Wolverton referred her to the maps).
 - e) Dedicated Statutory right-of-way;
 - f) Clarification with respect to the covenant where it states in Sec. 8.2 “from time to time..” RPM Kojima explained that if a future landowner wanted to amend a future bylaw, this phrasing meant the covenant wouldn’t need to be changed too.
 - g) Clarification with respect to whether it is acceptable to go forward when the OCP states that any land rezoned for industrial activity should have frontage. RPM Kojima stated he would follow up on this matter.

Chair Roger noted that the covenant provides for future potential access as opposed to current access.

RPM Kojima summarized that concerns seem to be with the covenant. There is potential to amend the covenant with agreement of all parties. Staff could go back to the applicant and see if there is interest in amending it.

Chair Rogers noted that the end result of that conversation may be that the application may never get adopted if the covenant is not to the agreement of the LTC.

GL-2019-002

It was Moved and Seconded,

that the Galiano Island Local Trust Committee hold the application in abeyance and that staff be directed to work with applicant to amend the covenant to:

- Provide connectivity between the two road reservations areas on DL 37.
- Grant a statutory right-of-way for emergency access as a condition for rezoning.
- Consider changing the location for the Georgia View extension (Road Reservation #2).

CARRIED

A break was called at 1:39 p.m.

The meeting reconvened at 1:56 p.m.

10.2 GL-RZ-2005.2 (Romagnoli/Smith) - Staff Report

Discussion ensued with respect to using the template for a sustainable forestry covenant that was used in another rezoning application (Landworks). Trustees agreed with staff that they wished to proceed with the application and not hold a new Public Hearing.

Islands Planner Stockdill noted that the applicants were in the process of finding a third party to hold the covenant. Staff indicated that the covenant would be coming back to the LTC for eventual review and adoption.

Chair Rogers requested that, when staff come back with the new covenant, they could show how the template used for the Landworks rezoning differs from the original covenant.

10.3 GL-RZ-2017.2 (Mignault) - Staff Report

GL-2019-003

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 267, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2018, be adopted.

CARRIED

GL-2019-004

It was Moved and Seconded,

that the Galiano Island Local Trust committee Bylaw No. 268, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2018," be adopted.

CARRIED

10.4 Mayne Island Local Trust Committee Bylaws 174 & 175 Referral

GL-2019-005

It was Moved and Seconded,

that the Galiano Island Local Trust Committee considers that their interests are unaffected by Mayne Island Local Trust Committee Bylaws 174 and 175.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Affordable Housing - Staff Report

Discussion was deferred until Item 11.2.

11.2 Temporary Use Permit (TUP) Moratorium – Short Term Vacation Rentals - Staff Report

Trustee Rockafella referred to the letter with respect to Red Roof Galiano. She favours STVR's for residents of Galiano only. She expressed concerns about the Temporary Use Permit system. She cited Whistler and Tofino's efforts to reserve housing for local residents. She would like to see a registration system so that local businesses can be tracked and information gathered for a baseline report for future review, so an understanding can be gained with respect to community impacts.

Trustee Wolverton was in agreement with comments by Trustee Rockafella. She is concerned about water use and cumulative effects in neighbourhoods.

It was reported from Bylaw Enforcement (BE) that Warren Dingham could continue to deal with TUPs and decide to undertake a comprehensive review. With respect to home-based operations, BE can get a sense of how many.

LTC is under no obligation to renew TUP's when they come up for renewal. Neighbours are not contacted when renewals come due.

Consensus of the LTC was to let the moratorium lapse.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated January 2019

It was noted that dock review is on hold.

Trustee Rockafella stated she would like direction from Staff. Chair Rogers indicated it was the Trustees who decide their top priorities.

GL-2019-006

It was Moved and Seconded,

that the Galiano Island Local Trust Committee request staff to provide comments and recommendations on which projects to place on the Top Priorities List and options on how to proceed with each project.

CARRIED

12.1.2 Projects List Report Dated January 2019

Information as provided.

12.2 Applications Report Dated January 2019

Information as provided.

12.3 Trustee and Local Expense Report Dated November 2018

Staff noted that money not spent (ie: dock review) goes into reserve.

12.4 Adopted Policies and Standing Resolutions

Information as provided.

12.5 Local Trust Committee Webpage

Staff are working to get previous groundwater reports posted on the website, at the request of the community.

12.6 Chair's Report

Chair Rogers noted that Islands Trust budget consultation is ongoing. Deadline is February 11, 2019 for comment. Next Islands Trust Council meeting in March is on Gabriola. Non-domestic water users must apply for their wells by March 1, 2019. Executive committee has met about six times. In a moving ceremony, former Senior Intergovernmental Policy Advisor, Fiona MacRaild was blanketed by a Squamish Chief. Trust Council is in the process of doing strategic planning for the next four years. They are working on communications and a plan will be forthcoming. The Islands Trust office in Victoria is undergoing renovations.

12.7 Trustee Report

Trustee Wolverton provided an overview of their work, which has involved: eight (8) days of orientation, lots of reading, a meeting with Director Howe, meeting with Adam Olson about the connected coast fibre optic cable, Oceans Sea Level Rise workshop, Emergency Preparedness meeting, strategic planning Special Meeting, and site visits.

Trustee Rockafella reiterated what Trustee Wolverton reported. She's maintaining the www.TrustGaliano.com website, with links to Facebook and Instagram.

12.8 Electoral Area Director's Report – Update

None provided.

Chair Roberts advised Trustees that they may invite Director Howe.

12.9 Islands Trust Conservation Report Dated September & November 2018

Information as provided.

13. NEW BUSINESS

13.1 Trust Area Services Briefing re Updated Islands Trust Climate Change Web-pages

Information as provided.

13.2 Protecting Coastal Douglas-fir Zone - Staff Report & Tool Kit

The report "Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)", has been provided to every LTC. Justine Starke would like it to be a Top Priority. It is now a standing policy at another LTC; Gabriola put it on a standing resolution. Chair Rogers said he could provide the wording for the next agenda. Staff could also provide a report on its implementation at other LTC's.

Trustee Wolverton asked whether Justine Starke is available to speak on this. RPM Kojima mentions asking her.

GL-2019-007

It was Moved and Seconded,

that the Galiano Island Local Trust Committee add the implementation of the report "Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)" as a top priority work program item.

CARRIED

13.3 Temporary Use Permit (TUP) Moratorium - Staff Report

This item was discussed under 11.2.

13.4 Galiano Ben Amendment Bylaw No. 269 - Staff Report & Bylaw

GL-2019-008

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw 269, cited as "Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2018", be read a first time.

CARRIED

GL-2019-009

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw 269, cited as "Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2018", be read a second time.

CARRIED

GL-2019-010

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw 269, cited as "Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2018", be read a third time.

CARRIED

GL-2019-011

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw 269, cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

13.5 Health Care Fee Waiver

Trustee Wolverton requested whether it were possible to waive the application fees for the Health Care Society. RPM Kojima said that Executive Committee can refund the fees. A form is required. RPM Kojima stated he would forward the policy to the LTC.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for March 4, 2019 at the South Community Hall, Galiano Island

A break was convened at 3:15 p.m.

The meeting reconvened at 3:20 p.m.

15. TOWN HALL

Bowie Keefer referred to the island and inter-island trail networks, and the idea of a trail network from Galiano to Nanaimo, with matching contributions from the province, including, possibly, for widening roads for safe bikeway and the east side road. He felt it was achievable. He stated we were in the slowly thawing stages of a conflict that has been ongoing for a few decades. He was looking for opportunities for “maximum uplift,” the greatest benefits for people on the island.

Sheila Anderson referred to the Staff Report on the APC Affordable Housing Report, recommendation No. 7.1.3 and the comment by staff which was “not applicable.” Anderson noted they had been told by the previous chair that Trust Council was discussing business licenses.

Chair Rogers confirmed the issue had been later dropped by TC.

Ms. Anderson suggested that licensing should be considered by the Islands Trust so that communities can have some control.

Sheila Anderson expressed disappointment that the CDF report made no reference to PMFL’s impacts. RPM noted a discussion of PMFL on page 25 in the CDF toolkit (p. 137 of agenda package).

Jenna Falk stated she would like the author of the CDF toolkit to attend.

Sandy Pottle noted that, for TUP’s for STVR’s, there’s an option to extend the moratorium. She also noted the importance of looking at the CDF toolkit with a view to how Galiano is impacted.

Doug Latta, with respect to STVR's, stated that we have to achieve a balance, since our economy partly depends on visitors. Young people who buy property on island need to have a means to pay their mortgage. We don't want only wealthy people to be able to afford property.

At 3:30 p.m the meeting closed for in-camera session.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GL-2019-012

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a,d) for the purpose of considering:

-Adoption of In-Camera Meeting Minutes Dated July 9, 2018

-Appointment of new Secretary to Galiano APC

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

The regular meeting was reconvened at 3:35 p.m.

16.3 Rise and Report

Chair Rogers reported on the adoption of minutes and the appointment of a new secretary to the Galiano Advisory Planning Committee.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:36 p.m.

Dan Rogers, Chair

Certified Correct:

Colleen Doty, Recorder

Follow Up Action Report

Galiano Island

03-Dec-2018

Activity	Responsibility	Target Date	Status
Staff to organize meeting with agencies (CRD, Emergency Services, etc.) to discuss emergency access in relation to rezoning applications. (IN PROGRESS)	Robert Kojima Kim Stockdill	31-Jan-2019	Done

04-Feb-2019

Activity	Responsibility	Target Date	Status
GL LTC Minutes dated December 3, 2018 adopted as presented.	Maple Hung	15-Feb-2019	Done
Staff to bring the original non-medical cannabis retail staff report (Sept 2018) with the APC report (APC Nov 26, 2018 minutes) with recommendations to a subsequent LTC meeting.	Robert Kojima	04-Mar-2019	Done
GL-RZ-2017.1 Stevens Staff to work with the applicant in order to amend the covenant to: 1. provide connectivity between the two road reservation areas on DL37. 2. Grant a SROW for emergency access as a condition of rezoning. 3. Consider changing the location for the Georgia View extension (Road Reservation #2). 4. Staff to clarify how to move forward with the application in relation to OCP Land Transportation Policy 'F'.	Robert Kojima	30-Apr-2019	On Going

Follow Up Action Report

GL-RZ-2017.1 (Mignault) (consolidation Done) 1. Bylaw no. 267 & 268 adopted. (waiting for Chair signature) 2. Update website with adopted bylaws and close file. Done	Sharon Lloyd-deRosario Maple Hung	28-Feb-2019	Done
Mayne LTC Bylaws 174 & 175 - Interests Unaffected.	Sharon Lloyd-deRosario	15-Feb-2019	Done
Staff to prepare a report outlining specific options for the Top Priority List based on the CIM held on January 27th and comments received at the February 4th LTC meeting.	Kim Stockdill	29-Mar-2019	On Going
Staff to update Galinao LTC Resources website with Galiano groundwater reports.	Kim Stockdill	28-Feb-2019	Done
Add the Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018) to the Galiano LTC Projects List.	Kim Stockdill	28-Feb-2019	Done
In-Camera: 1. Adoption of the In-Camera minutes dated July 9, 2018 as presented. (Done) 2. Appointed new Secretary to the Galiano APC. - MH to send out APC package	Sharon Lloyd-deRosario Maple Hung	28-Feb-2019	On Going
1. Galiano BEN Bylaw No. 269 given First, Second, and Third Reading. 2. Galiano BEN Bylaw No. 269 to be forwarded to EC for approval.	Miles Drew Robert Barlow	28-Feb-2019	On Going

From: [REDACTED] >
Sent: Thursday, February 21, 2019 10:29 AM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Contact Form Submission



Contact: Galiano Island Local Trust Committee
Name: Rien Sharma/Michael McNamara
Email: [REDACTED]

If you would like to be contacted using a different method than E-mail, please enter the details:

Write your message: Dear Galiano Island Local Trust Committee Member/s, Our names are Rien Sharma & Michael McNamara, and we own the property located at [REDACTED]
[REDACTED] We are writing to you on this occasion to ask for your consideration in amending the Bylaws as they pertain to the use of a recreational vehicles as a dwelling or cottage. We bought our property in 2016, and decided it was better for us to reside in a small compact home as opposed to building a large residence that we may not fully utilize. In 2018 we engaged the services of Mint Tiny Homes of Delta BC, who build tiny homes that are recreational vehicles and certified as CSA Z240 RV and meet the following standards: - CSA Z240 RV Series of Standards, Recreational Vehicles § - CSA A277 Procedure for Factory Certification of Buildings § - National Building Code of Canada - National Plumbing Code of Canada §- CAN/CSA C22.1 Canadian Electrical Code, Part 1 - CAN/CSA B149.1 Natural Gas and Propane Installation Code § - British Columbia Building Code Our CSA Z240 RV Tiny Home was delivered to our property in May 2018. Prior to the delivery and setup of our home a septic system was permitted and installed consistent with the provisions of the Public Health Act. Our domestic water supply was also connected with water being sourced from our well. In addition to the well water source, we have also recently installed water tanks to capture rain water throughout the winter. We note that Mayne Island now allows Tiny Homes on RR1 properties and we were hoping that the same Bylaws, listed below, could be adopted by Galiano Island Island Trust. Mayne Island: Use of Recreational Vehicles The use of a recreational vehicle as a dwelling or cottage is permitted on a lot in the RR1, subject to: (a) the connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the Public Health Act; (b) the provision of a domestic water supply; and (c) compliance with the use, density and siting requirements of this Bylaw for dwellings and cottages Thank you.

Top Priorities

Galiano Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Affordable Housing Strategy	Special APC to review options	07-Mar-2016	Kim Stockdill	31-Oct-2018
2	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	07-Mar-2016	Kim Stockdill	31-Oct-2018

**Projects****Galiano Island**

Description	Activity	R/Initiated
Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	12-Sep-2011
Comprehensive Watershed Planning	?	01-Oct-2016
Commercial Vacation Rental (TUP) Review	Review the Temporary Use Permit (TUP) guidelines in the Official Community Plan in relation to commercial vacation rentals.	05-Dec-2016
Review of split zonings.		05-Mar-2018
Coastal Douglas-Fir Protection	Review 'Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)' and provide recommendations from toolkit.	04-Feb-2019
Amendments to Forest designation and F1 zone -	Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12	16-Apr-2012
Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	23-Jul-2012
Bike Trails and Camping	Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.	15-Jul-2013
Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	18-Nov-2013
Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	18-Nov-2013



Projects

Galiano Island

Description	Activity	R/Initiated
Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	18-Nov-2013
Land Use Bylaw Amendments	To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).	07-Jul-2014
Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	08-Sep-2014
Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment	



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2018.2	ERIK S MEDEN	29-Aug-2018	4121 Porlier Pass Rd

Planner: Phil Testemale

Planning Status

Status Date: 15-Nov-2018

Applicant requested application be put in abeyance.

Status Date: 04-Oct-2018

Applicant requested deferral to December LTC to address neighbour concerns and siting issues.

Status Date: 20-Sep-2018

Permit & Notice to DC for mailout and delivery. October 15 LTC agenda.

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2019.1	Darlene Kinney	07-Jan-2019	A rejected BP Referral initiated a DVP application for a treehouse project.

Planner: Kim Stockdill

Planning Status

Status Date: 25-Feb-2019

Application to be placed on April 1st LTC agenda

Status Date: 05-Feb-2019

Draft permit and notice completed.

Status Date: 23-Jan-2019

Planner reviewing file.

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2005.2	Romagnoli	21-Mar-2005	To rezone from F1 to F3

Planner: Kim Stockdill

Planning Status

Applications

Status Date: 05-Feb-2019

Applicant to work on new sustainable forestry covenant draft and Baseline Report. Applicant to also secure third party for covenant. Staff is in the process of discussing granting emergency access by SROW with CRD. No new public hearing required.

Status Date: 21-Jan-2019

Application placed on Feb 4/19 agenda. Direction from LTC required to proceed with or without holding a new Public Hearing.

Status Date: 18-Jul-2018

Applicants requested to provide information on how to proceed with their application. Application will be closed August 31, 2018 if staff do not hear back.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD To allow for year round use of the Forest Retreat Centre

Planner: Kim Stockdill

Planning Status

Status Date: 01-May-2018

Applicants asked to have a preliminary subdivision layout plan prepared for review

Status Date: 25-Apr-2018

Applicants provide preliminary comments for staff review and s.99 subdivision for Trust Fund review

Status Date: 12-Mar-2018

Meeting with applicant representatives, more information and plans required before reporting back to LTC

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2017.2	PETER THOMSON	22-Dec-2017	409 Porlier Pass Drive - proposed 20-lot bare land strata subdivision

Planner: Kim Stockdill

Planning Status

Status Date: 15-Oct-2018

DP and DVP related to subdivision application approved.

Applications

Status Date: 09-Aug-2018

SD referral response sent to MOTI. Applicant required to apply for a DP and DVP.

Status Date: 19-Jul-2018

Emailed Applicant's completed Subd Ref Review form to LTC cc Planner, MoTI; gave folder to Planner.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.1	Brigitte Finnie	02-Jan-2019	To obtain a permit to use a cottage and main house as a short term vacation rental.

Planner: Kim Stockdill

Planning Status

Status Date: 05-Feb-2019

Further information requested from applicant.

Status Date: 23-Jan-2019

Application on hold until TUP moratorium lifted.

Status Date: 08-Jan-2019

Created file, fees processed, application complete, to be given to Planner

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.2	Colwell, Alison	04-Feb-2019	use cottage/ accessory building as a bed and breakfast, needing approval

Planner: Kim Stockdill

Planning Status

Status Date: 19-Feb-2019

Further information requested from applicant.

Status Date: 06-Feb-2019

PTA created file, fees recieved, emailed to LTC, given to Planner

Islands Trust
 LTC EXP SUMMARY REPORT F2019
 Invoices posted to Month ending December 2018

625 Galiano	Invoices posted to Month ending December 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	750.00	273.24	476.76
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	5,500.00	2,590.05	2,909.95
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	1,564.32	-1,064.32
65220-625	LTC - Local Exp - Communications	250.00	796.00	-546.00
65230-625	LTC - Local Exp - Special Projects	500.00	400.00	100.00
TOTAL LTC Local Expense		<u>6,750.00</u>	<u>5,350.37</u>	<u>1,399.63</u>
Projects				
73001-625-4051	Galiano Affordable Housing	3,000.00	313.20	2,686.80
73001-625-4065	Galiano Dock Review	8,000.00	400.28	7,599.72
TOTAL Project Expenses		<u>11,000.00</u>	<u>713.48</u>	<u>10,286.52</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: December 3, 2018

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	THAT the Galiano Island Local Trust Committee will advertise Public Hearing Notices in the Active Page Magazine in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
4.	February 3, 2014		Applications with Open Bylaw Enforcement files	On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist: 1. There have been significant delays or longer than typical timelines in the enforcement process 2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement 3. Litigation has been recommended 4. Legal counsel has been involved (beyond providing a basic interpretation) 5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.) 6. There has been, or is an expectation of, joint enforcement with other jurisdictions 7. There is potential for impact on other related enforcement files.

No	Meeting Date	Resolution No.	Issue	Policy
5.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.
6.	December 5, 2016	By consent	TUP for Commercial Vacation Rentals	Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals: 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot 2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter. 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications.
7.	March 5, 2018	GL-2018-023	TUPs for Short Term Vacation Rental use	That the Galiano Island Local Trust Committee place a 12 month moratorium on the issuance of new temporary use permits for Short Term Vacation Rental (STVR).
8.	September 17, 2017	GL-2018-xx	Antenna System Siting & Consultation	That the Galiano Island Local Trust Committee Adopt the Galiano Island Antenna System Siting & Consultation Protocol as the tool for the review and consideration of antenna system proposals with the Galiano Island Local Trust Area.

U:\LOCAL TRUST COMMITTEES\Galiano\Policies and Standing Resolutions\Policies and standing resolutions Mar 18 .doc

MEMORANDUM

File No.: File Number(s)
Cannabis Retail Sales

DATE OF MEETING: March 4, 2019
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Cannabis Retail Sales

PURPOSE

At the last meeting, the Local Trust Committee requested that staff bring back two documents related to Cannabis Retail Sales:

1. Staff report of September 4, 2018 on the regulation of Cannabis Retail Sales. The report provides background on recent legislative changes and the role of local government in the process of licensing of potential cannabis retail outlets. The staff report has two recommendations:
 - a. That the LTC adopt a policy providing direction on consultation for any referrals of proposed cannabis license applications.
 - b. That the LTC initiate an amendment to the fees bylaw to establish a fee of \$2000 for a referral of cannabis retail licenses. This fee would support the consultation process recommended above.
1. Advisory Planning Commission minutes of November 26, 2018 addressing the referral of the above staff report. The APC recommended support of a standing resolution, supported the fee amendment, and also recommended amending the fee for liquor license referrals to \$2000, and recommends a review of the OCP and LUB for cannabis retail sales and cannabis production facilities.

Both reports are attached.

The staff report recommendations remain unchanged, if the LTC wishes to consider a more detailed review of OCP policies and LUB regulations with respect to cannabis retail sales and production more generally this should be added to the work program as a small project. Finally, amendment to the fees bylaw for liquor license referrals could be considered if the LTC were to establish the same or an equivalent consultation process for liquor license referrals (fees may not exceed the average cost of processing an application).

Submitted By:	Robert Kojima, Regional Planning Manager	February 22, 2019
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attachments

File No.: 6500-20
(LTC Cannabis Regulation)

DATE OF MEETING: September 4, 2018

TO: Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager
Southern Team

COPY: David Marlor, Director of Local Planning Services

SUBJECT: Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail
License Application Fees

RECOMMENDATION

1. That the Name of Local Trust Committee . adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

2. That the Name of Local Trust Committee . request that staff prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$2,000.

REPORT SUMMARY

This report provides information to local trust committees regarding the proposed *Cannabis Act* and describes options for the regulation of cannabis production and non-medical cannabis retail sales. The LTC is asked to consider:

- Adopting a standing resolution to process Liquor and Cannabis Regulation Branch (LCRB) non-medical cannabis retail applications;
- Amending the LTC fees bylaw to include a specific fee for the processing of LCRB non-medical cannabis retail applications;
- As an option, reviewing its land use regulations applicable to cannabis production and retail sales.

BACKGROUND

Regulatory Framework

Cannabis Act

The *Cannabis Act*¹ provides a framework for the production, distribution, sale and possession of cannabis, which would be jointly regulated by federal, provincial and local governments across Canada. Under the *Cannabis Act*, the federal government's primary responsibilities include licensing both medical and non-medical cannabis producers, regulating the industry (advertising, marketing, and promotion), and determining health and safety standards (e.g. potency and ingredients). Provinces and territories would license and oversee the distribution and retail sale of cannabis.²

Until the *Cannabis Act* comes into force October 17, 2018, the *Access to Cannabis for Medical Purposes Regulation (ACMPR)* released 2016³ remains the authority for lawful cannabis production and possession; cannabis may only be grown by registered persons or licensed producers for medical purposes; and retail distribution of cannabis in dispensaries and storefronts is illegal.⁴

The *Cannabis Act* includes a broad definition of cannabis:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana is a form of cannabis. "Cannabis" is preferable to "marihuana" for the regulatory context.⁵

¹ Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/royal-assent>

² FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

³ The *Access to Cannabis for Medical Purposes Regulation* replaced the *Marihuana for Medical Purposes Regulation*.

⁴ FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

⁵ IBID.

BC Cannabis Control and Licensing Act

The *BC Cannabis Control and Licensing Act (BCCLA)*, proclaimed on May 31, 2018, establishes provincial control over the sale, supply and possession of non-medical cannabis, and establishes licensing of private cannabis retailers, including registration and training requirements for those who will work in cannabis retail. The Act outlines restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions for minors.

The *BCCLA* requires notification to the local government or Indigenous nation for the area in which a retail establishment is proposed to be located or is located.

Upon receipt of notification, the applicable local government must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents by one or more of the following methods:

- a) By receiving written comments in response to a public notice of the application;
- b) By conducting a public hearing in respect of the application;
- c) By holding a referendum;
- d) By using another method the local government or Indigenous nation considers appropriate.

The *BCCLA* further states that a licence must not be issued or amended unless the local government for the area gives a recommendation that the licence be issued or amended.⁶

In BC, the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

Local Government Land Use Authority

Local governments have delegated authority from the Province, through the *Local Government Act (LGA)*, to regulate, through zoning regulations, the location, size, and siting of cannabis businesses.

Both the production of medical marihuana, and as of July 2018, cannabis production for retail sale, are now a permitted farm use in the ALR under the *Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation*. However, this regulation was amended on July 13, 2018 by removing the outright permission and replacing it with a provision allowing “the lawful production of cannabis” if produced either outdoors in a field, or inside a structure that (i) has a soil base or (ii) existed or was being constructed for the purpose of growing crops before July 13, 2018.

ANALYSIS

Issues and Opportunities

Land Use (Zoning) Authority

Local trust committees are responsible for consideration for the types and locations of land uses in their communities, and specific regulations to mitigate the potential for land use conflict. In accordance with the proposed Cannabis Act, LTCs have the ability to regulate the location, size, and siting of cannabis production and retail sales. This may occur in a variety of ways:

⁶ *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

1. Permissive zoning

Cannabis retail sales would theoretically be permitted in all zones where retail uses are permitted (potentially including home occupations where retail sales are permitted, subject to the criteria of the LCRB) where the applicable Land Use Bylaw permits retail sales and the definition of retail sales is broad or absent.

Similarly, LUB regulations may allow cannabis production anywhere agriculture is permitted (depending on the LUB definition of agriculture and in which zones agriculture is permitted). Cannabis production is, as noted earlier, an outright permitted use in the ALR with only limited ability to regulate structures.

2. Prohibitive Zoning

Cannabis retail sales could be prohibited in all zones (other than the ALR) if the applicable Land Use Bylaw included a regulation such as “Cannabis retail sales are prohibited in all zones” and a distinct definition of “cannabis retail sales”.

Cannabis production could be prohibited outside the ALR (although the federal government will retain exclusive authority to license producers).

3. Discretionary Zoning

Cannabis retail sales may be permitted in select zones (e.g. commercial zones) and/or a minimum distance from other cannabis retail sales establishments or other land uses (e.g. dwellings, schools, parks, museums, libraries, or medical facilities).

Cannabis production outside the ALR could be limited to select zones. Within the ALR, LTCs may regulate the siting and size of cannabis production facilities.

The LTC should consider whether or not it would like to pursue LUB amendments to strengthen its regulatory control with respect to the zoning and siting of cannabis retail sales or cannabis production facilities outside the ALR. This may occur through a resolution to add an LUB review project to the projects list or top priorities list.

Fees Bylaw

LTCs have the ability to charge fees for processing applications for LCRB non-medical cannabis retail licenses or license amendments. All southern LTCs currently require an \$825 fee for “Liquor Control Licensing Branch” applications.

The application fees collected for review of LCRB applications are used to offset staff time and notification costs in relation to the review of the applications. Generally, the fees collected for LCRB applications are insufficient to cover the costs of processing applications where the views of residents are gathered, prior to the LTC making a recommendation to the LCRB.

Staff recommend that each LTC enact a distinct and higher fee for LCRB cannabis retail applications, in anticipation of a high degree of public interest and corresponding staff resources and costs to process these applications. For reference, the Regional District of Nanaimo has amended its fees bylaw to include a fee of \$4,000 for processing non-medical cannabis license applications. LTCs and the public may, however, view inordinately high fees as being unfair or intentionally prohibitive. For this reason, staff are recommending a lesser fee in the amount of \$2,000; this is more in line with the 2004 Trust Council Model Fee for LCRB applications, following a CPI adjustment, and would offset some costs associated with staff application review, public notification, and conducting a public meeting.

Staff can proceed with the preparation of a draft bylaw to amend the LTC fees bylaw; this would require minimal staff time. Such a bylaw amendment would require three readings, and approval by the Executive Committee prior to final adoption. No public hearing would be required.

As an aside, LTCs may consider whether or not there are other application fees which are either absent or require adjustment and could be included in a fees bylaw amendment.

Consultation Requirements

The *BCCLA* does impose a responsibility onto local governments to consider applications referred through a notice by the Liquor Control and Licensing Branch (LCRB) in accordance the *BCCLA*. In doing this, each LTC should turn its mind to the “prescribed criteria”, and option to gather the views of local residents under “prescribed circumstances”.

The evaluation criteria and/or a policy for considering such applications may be formalized through the adoption of a standing resolution. Staff have recommended the following standing resolution, which may be amended (either prior to initial adoption or from time to time):

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

RATIONALE FOR RECOMMENDATION

Local trust committees must be referred notice of any cannabis license proposals, and are obligated to respond to such notices. Because a specific consultation process is not prescribed through provincial legislation or LTC bylaws, staff are recommending that LTCs adopt a standing resolution to deal with these types of applications. LTCs would have the flexibility to readily amend such a standing resolution over time to adapt to their community’s unique needs. Furthermore, because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff are recommending that LTCs amend their

fees bylaws to include a specific fee for LCRB cannabis retail applications, which is distinct from and higher than liquor license applications.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Adopt an Amended Standing Resolution

Should the LTC wish to proceed with a standing resolution, it may adopt an amended resolution in lieu of the recommended resolution.

2. Proceed with Land Use Bylaw Amendments

The LTC may wish to pursue amendments to its LUB. This would require that a project be added to the projects list or top priorities list and for the project to be scoped and funded. Staff still recommend that a standing resolution be passed to address applications which may be received prior to adoption of LUB amendments. Should the LTC wish to pursue an LUB review project, the following resolution may be passed:

That the Name of Local Trust Committee . add to its [Projects/Top Priorities List], "Review of land use regulations for cannabis production and retail sales".

3. Request further information

NEXT STEPS

A standing resolution adopted by the LTC would take effect immediately. Fees bylaw amendments would require preparation of an administrative bylaw amendment, three readings, and approval by the Executive Committee prior to adoption.

Submitted By:	Robert Kojima, Regional Planning Manager	August 22, 2018
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REFERENCES

- *Proposed Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>
- Federation of Canadian Municipalities. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>
- Agricultural Land Commission. Information Bulletin 04: Cannabis Production in the ALR. https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/information_bulletin_04_cannabis_production_in_the_alr.pdf
- Liquor and Cannabis Regulation Branch: Local Governments' Role in Licensing Non-Medical Cannabis Retail Sales. https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf
- *Access to Cannabis for Medical Purposes Regulation* <http://laws.justice.gc.ca/eng/regulations/SOR-2016-230/page-1.html>
- *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

- Cannabis licensing website: <https://justice.gov.bc.ca/cannabislicensing/>

DRAFT



**Galiano Island
Advisory Planning Commission
Record of Meeting**



Date: November 26, 2018
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
2:00 p.m.



Members Present: Sheila Anderson (Chair)
Akasha Forest
Barry New
Dave Koster

Regrets: Bowie Keefer
Judy Parrack
Jenna Falk

Staff Present: Colleen Doty, Recorder

Members of the Public: One member of the public arrived at 2:25pm.

1. CALL TO ORDER

The meeting was called to order at 2:00 p.m.

2. APPROVAL OF THE AGENDA

By general consent the agenda was approved.

3. APPROVAL OF THE MINUTES

It was moved and seconded that the Galiano Island Advisory Planning Commission minutes of September 12, 2018 be adopted.

CARRIED

4. CANNABIS RETAILING

The APC considered the following referral:

At their meeting of September 17, 2018 the Galiano Island Local Trust Committee (LTC) passed a resolution to refer the Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees Staff Report to the APC for their analysis, and that the APC focus on:

- The draft standing resolution in recommendation #1.
- The fee for referrals, in recommendation #2.
- Whether the LTC should consider amending its zoning to prohibit cannabis retail sales and thus require proponents to also apply to rezone.

I. General discussion

It was noted that this is a complicated issue given the three levels of government involved; the local Islands Trust role is limited, except with respect to land-use and fees.

There was extensive discussion with respect to the role of the Agricultural Land Reserve (ALR). It was noted:

- The main objective of the ALR was to preserve agricultural land and encourage the establishment and maintenance of farms for food security.¹
- The ALR allows for the production and retailing of cannabis, but sets few limits.
- There is little ALR land on Galiano.
- The use of industrial land was considered preferable for the production and retailing of cannabis, rather than ALR and agriculturally zoned land.
- There is an imminent need to protect agricultural land in the face of climate change.

Discussion occurred with respect to lot coverage in various zones.

- Residential zones can have up to 25% lot coverage.
- Agricultural zones may have up to 35% lot coverage, plus an additional 40% for commercial greenhouses only.

With respect to the Agricultural Zone it was noted that export crops may be grown, which have little to do with food security. Consideration was given to recommending the LTC undertake a review of the Land Use Bylaws to ensure agricultural land on Galiano is being protected.

There was discussion of possibly recommending that retail sales of cannabis be limited to commercially-zoned properties.

II. Motions

The following motions were considered:

¹ April 18, 1973, BC Land Commission Act came into effect; see <https://www.alc.gov.bc.ca/alc/content/alr-maps/alr-history>

A. MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission agree that the Galiano Island Local Trust Committee should adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.
- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - o Name of the applicant and a description of the proposal in general terms
 - o The location of the proposed establishment and the subject site
 - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered.
 - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - o How public comments may be submitted to the Local Trust Committee.

CARRIED

- B.** With respect to the issue of retail licensing application fees for non-medical cannabis, some concern was expressed about the proposed fees being prohibitive. Others felt the proposed fee of \$2000 was reasonable.

MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission recommend that the Galiano Island Local Trust Committee request staff to prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$2,000.

CARRIED

Three in favour, one member opposed

DRAFT

- C. Equivalency and fairness were identified as important goals in the retail licensing fee structures for non-medical cannabis and liquor.

MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission recommends to the Galiano Island Local Trust Committee that they consider amending the fee for new retail liquor sale licenses to \$2000 so as to be the same as for cannabis retail sales.

CARRIED

- D. Discussion occurred around ensuring appropriate limits on production and retailing of non-medical cannabis on Galiano Island.

MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission recommends that the Galiano Island Local Trust Committee should review our LUB and OCP to ensure that retail sales of non-medicinal cannabis only occur on commercial zones.

CARRIED

- E. While the APC were aware that this referral was only with respect to the retailing of non-medical cannabis, commission members considered the issue of cannabis production warranted a review of the Land Use Bylaws (LUB) and Official Community Plan (OCP).

Points raised included:

- the need to protect Agricultural zones for food production and food security;
- urgency created by climate change to address food security;
- acknowledging the impacts that cannabis production could have on a community;
- the need to define limits around: scale, location, number of operations, water use, lot coverage, structures, light pollution, perimeter security, ground cover removal, and possible loss of land-base for food production²

MOTION

It was moved and seconded that the Galiano Advisory Planning Commission recommends that the Galiano Island Local Trust Committee review the Land Use Bylaws and Official Community Plan for: scale, number of operations, water use, lot coverage, structures, security issues, soil removal, light pollution, possible

² Subsequent research by an APC member has identified 22 approved pesticides that may be used for cannabis production (approved by the Govt of Canada). <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/licensed-producers/policies-directives-guidance-information-bulletins/testing-cannabis-medical-purposes-unauthorized-pest-control-products.html>

DRAFT

loss of land-base for food production, pesticide use and anything else the LTC would like to review further, relating to the production of cannabis.

CARRIED

5. ADJOURNMENT

The meeting adjourned at 3:25 pm.

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary