



## Galiano Island Local Trust Committee Regular Meeting Agenda

Date: July 9, 2024  
Time: 1:00 pm  
Location: North Community Hall  
22790 Porlier Pass Road, Galiano Island, BC

|                                                                      | Pages             |
|----------------------------------------------------------------------|-------------------|
| 1. CALL TO ORDER                                                     | 1:00 PM - 1:20 PM |
| 2. APPROVAL OF AGENDA                                                |                   |
| 3. TRUSTEE REPORT                                                    |                   |
| 4. CHAIR'S REPORT                                                    |                   |
| 5. ELECTORAL AREA DIRECTOR'S REPORT                                  |                   |
| 6. FIRST NATION REPORT                                               |                   |
| 7. TOWN HALL AND QUESTIONS                                           | 1:20 PM - 1:40 PM |
| 8. COMMUNITY INFORMATION MEETING - None                              |                   |
| 9. PUBLIC HEARING - None                                             |                   |
| 10. MINUTES                                                          | 1:40 PM - 1:50 PM |
| 10.1 Local Trust Committee Minutes Dated May 14, 2024 (for Adoption) | 3 - 7             |
| 10.2 Section 26 Resolutions Without Meeting Report Dated June 2024   | 8 - 8             |
| 10.3 Advisory Planning Commission Minutes - None                     |                   |
| 11. BUSINESS ARISING FROM MINUTES                                    |                   |
| 11.1 Follow-up Action List Dated July 2024                           | 9 - 10            |
| 12. DELEGATIONS                                                      |                   |
| 13. CORRESPONDENCE                                                   |                   |

*Correspondence received concerning current applications or projects is posted to the LTC webpage*

|        |                                                                                                   |                   |         |
|--------|---------------------------------------------------------------------------------------------------|-------------------|---------|
| 14.    | MEETING BREAK - COMMUNITY UPDATE                                                                  |                   |         |
| 15.    | APPLICATIONS AND REFERRALS                                                                        | 1:50 PM - 2:20 PM |         |
| 15.1   | PLRZ20240003 (Palmberg) - Staff Report (attached)                                                 |                   | 11 - 27 |
| 16.    | LOCAL TRUST COMMITTEE PROJECTS                                                                    | 2:20 PM - 2:50 PM |         |
| 16.1   | Groundwater Sustainability Project - Staff Report (attached)                                      |                   | 28 - 50 |
| 17.    | REPORTS                                                                                           | 2:50 PM - 3:00 PM |         |
| 17.1   | Work Program Reports (attached)                                                                   |                   |         |
| 17.1.1 | <u>Active Projects Report Dated July 2024</u>                                                     |                   | 51 - 51 |
| 17.1.2 | <u>Future Projects Report Dated July 2024</u>                                                     |                   | 52 - 53 |
| 17.2   | Applications Report - Verbal Update                                                               |                   |         |
| 17.3   | Trustee and Local Expense Report Dated May 2024 (attached)                                        |                   | 54 - 54 |
| 17.4   | Adopted Policies and Standing Resolutions (attached)                                              |                   | 55 - 59 |
| 17.5   | Local Trust Committee Webpage                                                                     |                   |         |
| 17.6   | Islands Trust Conservancy Report Dated May 2024                                                   |                   | 60 - 61 |
| 18.    | NEW BUSINESS                                                                                      |                   |         |
| 19.    | UPCOMING MEETINGS                                                                                 |                   |         |
| 19.1   | Next Regular Meeting Scheduled for September 10, 2024 at the South Community Hall, Galiano Island |                   |         |
| 20.    | TOWN HALL                                                                                         | 3:00 PM - 3:20 PM |         |
| 21.    | CLOSED MEETING - None                                                                             |                   |         |
| 22.    | ADJOURNMENT                                                                                       | 3:20 PM - 3:20 PM |         |

## Galiano Island Local Trust Committee Minutes of Regular Meeting

**Date:** May 14, 2024  
**Location:** Galiano South Community Hall  
141 Sturdies Bay Road, Galiano Island, BC

**Members Present:** Timothy Peterson, Chair  
Ben Mabberley, Local Trustee  
Lisa Gauvreau, Local Trustee

**Staff Present:** Kim Stockdill, Island Planner (electronic)  
Lisa Millard, Meeting Administrator (electronic)  
Carly Bilney, Recorder (electronic)

**Others Present:** There were approximately six (6) members of the public present.

### 1. CALL TO ORDER

Chair Peterson called the meeting to order at 1:00 p.m. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

### 3. TRUSTEE REPORT

In her report, Trustee Gauvreau:

- Expressed gratitude to Culturally Committed for its teachings about the interconnection between humans and the environment and how true stewardship involves actively caring for the land
- Reflected on the importance of emergency preparedness and ongoing challenges such as wild fires; she noted related information is available online at <https://islandstrust.bc.ca/programs/wildfires/>

In his report, Trustee Mabberley:

- Reported that, following recent communication with the Ministry of Transportation and Infrastructure, yellow road lines will be painted after the upcoming long weekend
- Reported that contractor quotes are being sought to begin work on parking improvements at Montague Harbour
- Expressed praise for the good work of the Emergency Preparedness Committee

#### **4. CHAIR'S REPORT**

In his report, Chair Peterson made the following comments:

- Lyackson First Nation, Cowichan Tribes and the province recently signed an incremental treaty agreement that will see a 312-hectare parcel of land transferred
- A recently held webinar on watersheds, wildfire and landscape change included discussion on how forest fires are a part of the natural process and our approach has possibly made things worse
- Categories 2 and 3 open burning will be prohibited effective this Friday
- The Islands Trust Hiring Committee is set to announce which executive officer search firm has been selected to find a Chief Administrative Officer (CAO); an interim CAO may be selected in the meantime
- Trust Council Committee of the Whole will meet May 30 and will discuss the new draft Islands Trust Policy Statement; the agenda may be found online at <https://islandstrust.bc.ca/event/trust-council-committee-of-the-whole/>
- A recent meeting with the Ministry of Transportation and Infrastructure's District Manager confirmed there is a willingness to work on two-way communication between the Ministry and Local Trust Committees
- Discussions held at a marine issues workshop with the Capital Regional District and the province considered options related to mooring buoys; multi-level jurisdictional issues such as this one should also involve the federal government
- The Governance Committee recently met resulting in updates to the draft code of conduct, the corporate planning process and the project to address ministerial changes regarding the Islands Trust from a legislative point of view

#### **5. ELECTORAL AREA DIRECTOR'S REPORT – None**

#### **6. FIRST NATION REPORT – None**

#### **7. TOWN HALL AND QUESTIONS**

Town hall was held and one member of the public spoke to the bylaw enforcement activities that some residents on Wise Island have been subject to for solar panels, stairs and decks; support was expressed for amending the bylaws to allow for small structures that are needed to provide power to the island.

#### **8. COMMUNITY INFORMATION MEETING – None**

#### **9. PUBLIC HEARING – None**

#### **10. MINUTES**

##### **10.1 Local Trust Committee Minutes Dated April 9, 2024 (for Adoption)**

**By general consent** the Galiano Island Local Trust Committee meeting minutes of April 9, 2024 were adopted.

##### **10.2 Section 26 Resolutions Without Meeting Report – None**

##### **10.3 Advisory Planning Commission Minutes – None**

**11. BUSINESS ARISING FROM MINUTES**

**11.1 Follow-up Action List Dated May 2024**

Received for information. It was noted that staff has been working with Crystal Mountain and Penelakut Tribe and GL-RZ-2014.1 (Crystal Mountain) is post Public Hearing.

**12. DELEGATIONS – None**

**13. CORRESPONDENCE**

*Correspondence received concerning current applications or projects is posted to the LTC webpage*

**14. MEETING BREAK – COMMUNITY UPDATE – None**

**15. APPLICATIONS AND REFERRALS**

**15.1 GL-DVP-2023.4 (Meden) - Staff Report**

On behalf of Planner Testemale, Island Planner Stockdill reviewed the staff report related to GL-DVP-2023.4 (Meden). Discussion ensued and the following comments were made:

- The applicant noted the building is intended to be used for storage and to work on cars
- Moving the cement slab to meet setback regulations would require the removal of trees

**GL-2024-012**

**It was Moved and Seconded,**

that Galiano Island Local Trust Committee approve issuance of GL-DVP-2023.4 (Meden).

**CARRIED**

**15.2 Mayne Island Local Trust Committee Referral for Draft Bylaw No. 193 (for Response)**

**GL-2024-013**

**It was Moved and Seconded,**

that Galiano Island Local Trust Committee interests are unaffected by the Mayne Island Local Trust Committee Draft Bylaw No. 193.

**CARRIED**

**16. LOCAL TRUST COMMITTEE PROJECTS**

## **17. REPORTS**

### **17.1 Work Program Reports**

#### **17.1.1 Active Projects Report Dated May 2024**

Received for information.

#### **17.1.2 Future Projects Report Dated May 2024**

Received for information.

### **17.2 Applications Report Dated May 2024**

Received for information.

### **17.3 Trustee and Local Expense Report Dated March 2024**

### **17.4 Adopted Policies and Standing Resolutions**

Received for information.

### **17.5 Local Trust Committee Webpage**

Comments were made about the CityView software – a planning application portal available to applicants to apply online for land use permits – that is set to launch tomorrow.

### **17.6 Islands Trust Conservancy Report Dated April 2024**

Received for information.

## **18. NEW BUSINESS**

### **18.1 2023/24 Annual Report – Request for Decision**

#### **GL-2024-014**

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

that Galiano Island Local Trust Committee approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

**CARRIED**

## **19. UPCOMING MEETINGS**

### **19.1 Next Regular Meeting Scheduled for June 4, 2024 at the Galiano South Community Hall, Galiano Island**

## 20. TOWN HALL

Town hall was held and the following comments were made:

- Many people who attend Local Trust Committee meetings are unfamiliar with the processes
- The process would be better if direct neighbours of applicants felt they were being included in decision-making
- Trustees are not supposed to discuss applications during meeting breaks when the public is not involved
- Applicants of GL-RZ-2014.1 (Crystal Mountain) are waiting for staff to arrange a site visit for members of Penelakut Tribe
- A question was raised about whether the complaint-driven bylaw enforcement process would be updated to allow for discussion between a property owner and the person submitting a complaint before bylaw enforcement is involved
- Complaints are not fully anonymous as the person making a complaint must give their name to bylaw enforcement and, if an issue ends up in court, they will not remain anonymous
- The complaint-driven process is not ideal, but the alternative is a model where bylaw enforcement staff proactively looks for violations
- Documented attempts to resolve issues should be made between neighbours before proceeding to bylaw enforcement
- Perhaps landowners and those making complaints could discuss issues in a collaborative, in-camera session
- Trust Council referred the bylaw enforcement process to the B.C. Ombudsperson and the resulting report is available

## 21. CLOSED MEETING – None

## 22. ADJOURNMENT

**By general consent** the meeting was adjourned at 1:53 p.m.

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Tim Peterson, Chair

Certified Correct:

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Carly Bilney, Recorder



## Resolutions Without Meetings Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                  | Action         | Date               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|
| <b>2024-002</b><br><br><b>To appoint APC Secretary</b><br><br>That the Galiano Island Local Trust Committee appoints Carly Bilney, to be the new Secretary to the Galiano Island Advisory Planning Commission and any other Advisory Committees as required, starting immediately. | <b>Carried</b> | <b>12-Jun-2024</b> |
| <b>2024-001</b><br><br><b>To cancel June 4 mtg</b><br><br>THAT the Galiano Island Local Trust Committee cancel the June 4, 2024 regular scheduled business meeting.                                                                                                                | <b>Carried</b> | <b>27-May-2024</b> |



## Follow Up Action Report

### Galiano Island

14-Mar-2023

| Progress | Activity                                                                                                   | Responsibility | Dates               | Status      |
|----------|------------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 0%       | 1 17.1 Staff to request APC to investigate siting and use options in relation to Galiano Island. (ON HOLD) | Kim Stockdill  | Target: 31-Dec-2024 | In Progress |

06-May-2023

| Progress | Activity                                                                                                            | Responsibility          | Dates               | Status      |
|----------|---------------------------------------------------------------------------------------------------------------------|-------------------------|---------------------|-------------|
| 0%       | 1 5.1 GL-RZ-2014.1 (Crystal Mountain) - staff to initiate and conduct further consultation with the Penelakut Tribe | Brad Smith<br>Jas Chonk | Target: 20-May-2023 | In Progress |

11-Jul-2023

| Progress | Activity                                                                                                                                          | Responsibility | Dates               | Status      |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 0%       | 1 16.1 Staff to bring forward staff report for public participation options regarding the work program. (ON HOLD until completion of GWS project) | Kim Stockdill  | Target: 31-Dec-2024 | In Progress |

10-Oct-2023

| Progress | Activity                                                                                                                                                             | Responsibility | Dates               | Status      |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 0%       | 1 16.1 Groundwater Sustainability Project - Staff to provide more data on land ownership and summary of FN referrals. (to be provided at September 2024 LTC meeting) | Kim Stockdill  | Target: 10-Sep-2024 | In Progress |

## Follow Up Action Report

### Galiano Island

12-Dec-2023

| Progress | Activity                                                                                                                                                                                                              | Responsibility | Dates               | Status      |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 0%       | 1 GL-RZ-2021.2 & GL-RZ-2023.2 - Staff to bring forward both staff reports for February 2024 LTC meeting. Staff to look into well monitoring as community benefit. (defer until further communication with Penelakut). | Kim Stockdill  | Target: 26-Jan-2024 | In Progress |

14-May-2024

| Progress | Activity                                                                                                          | Responsibility              | Dates               | Status    |
|----------|-------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------|-----------|
| 100%     | 1 10.1 GL LTC meeting minutes of April 9, 2024 adopted as is.                                                     | Emily Bryant                | Target: 24-May-2024 | Completed |
| 0%       | 2 15.1 GL-DVP-2023.4 (Meden). DVP approved. Staff to notify applicant, update Workplace, issue and upload permit. | Jas Chonk<br>Phil Testemale | Target: 31-May-2024 | Completed |
| 0%       | 3 15.2 Mayne Island LTC Bylaw No. 193 - interests unaffected.                                                     | Jas Chonk                   | Target: 24-May-2024 | Completed |
| 100%     | 4 18.1 2023/2024 GL LTC Annual Report - adopted as is.                                                            | Robert Kojima               | Target: 24-May-2024 | Completed |

DATE OF MEETING: June 27, 2024

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Lot A, Plan 22128 (Galiano Way) Rezoning Application – Preliminary Report

Applicant: Leif Palmberg

Location: Lot 'A' of Lot 15, Galiano Island, Cowichan District, Plan 22128

## RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to proceed with application PLRZ20240003 (Palmberg) and to prepare draft bylaws.

## REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application GL-RZ-2024.1 (Palmberg) and to seek direction from the Galiano Island Local Trust Committee (LTC) to proceed, or not proceed, with the application, including the preparation of draft bylaws.

The application as proposed would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property to permit the following proposed uses:

- Works yard
- Contractor's workshop and yard
- Storage and sale of gravel, soil and aggregates
- Sawmilling, planing and manufacturing of wood products
- Production and sales of cider, beer and wine

## BACKGROUND

The subject property is approximately 8.0 hectares (19.7 acres) in area and is located on Galiano Way at the southern end of Galiano Island. As stated by the applicant, the property is currently being used for farm use (specifically tree fruit farming) and temporary sawmilling. Although there is no dwelling unit, a long driveway laterally bisects the property connecting the orchard area (located on the eastern edge of the property), to Galiano Way (western edge of the property). A riparian stream and wetland also border the western edge of the property.

The majority of the subject property is heavily treed with the lot sloping from the western lot line bordering Galiano Way towards the north-eastern edge of the property which borders the BC Hydro station and the riparian area. BC Hydro lines run along the northern edge of the property acting as a buffer from the northern

Rural Residential 2 zoned properties. Forest zoned properties are located to the east, south and west, and Rural 2 zoned properties to the northwest.

Staff visited the property early in 2023 and met with the applicant to discuss the proposal. Attachment 1 provides additional site context. Attachment 2 provides relevant maps, and orthophotos. A cover letter provided by the applicant is included as Attachment 3.

### ***Application Proposal & Rationale***

The applicant wishes to add addition permitted uses to their lot in order to facilitate the growth of their business as well as add new economic opportunities that would use produce from the property's farm.

The applicant is proposing a phased approach to the implementation of the propose uses on the property. If the rezoning application is successful, the applicant intends to construct storages bays for the storage and sale of gravel, soil and aggregates within three years. The intent is for a small scale operation with limited hours and days that would be open to the public with the majority of the sales be dedicated to aggregate delivery.

Small scale commercial sawmilling could commence within approximately one year, and increase over a 10 year period as infrastructure is developed.

Within seven to ten years the applicant wishes to establish a cidery using the produce grown on the property. The timeline is based on time to prepare and plant the orchard, maturity of the plants, and construction of cidery buildings. The applicant states that permitting a cidery use would provide the opportunity to run a business that would create employment while producing local product.

As stated by the applicant, the rationale for the proposed rezoning is as follows:

- Allowing contractor's workshop and yard as well as works yard would allow for the continued operation of their excavation/ septic business more efficiently. This is a busy business that is in high demand on island. Not having a place to operate their business from makes it nearly impossible to continue operating, and there is no capacity for growth, which the island is demanding.
- At present high value and quality lumber products are going to waste. Being able to process logs locally will allow home owners to clean up their sites, provide an economic boost, while providing materials and jobs locally. It is for these reasons that a proper facility for lumber production, drying, and storage would benefit the island. The close proximity to three phase electrical power, the isolated location, and neighbouring land uses, make this lot an ideal site.
- There is currently zoning scarcity for the intended uses and yard space is not available for rent on Galiano Island.
- Due to the geographical location, impact to neighbours would be minimal. Further, due to the constant buzzing and heavy equipment noises from the BC Hydro Substation, the lower portion of the lot is perfect for the above uses.

Figure 1 - Site Plan

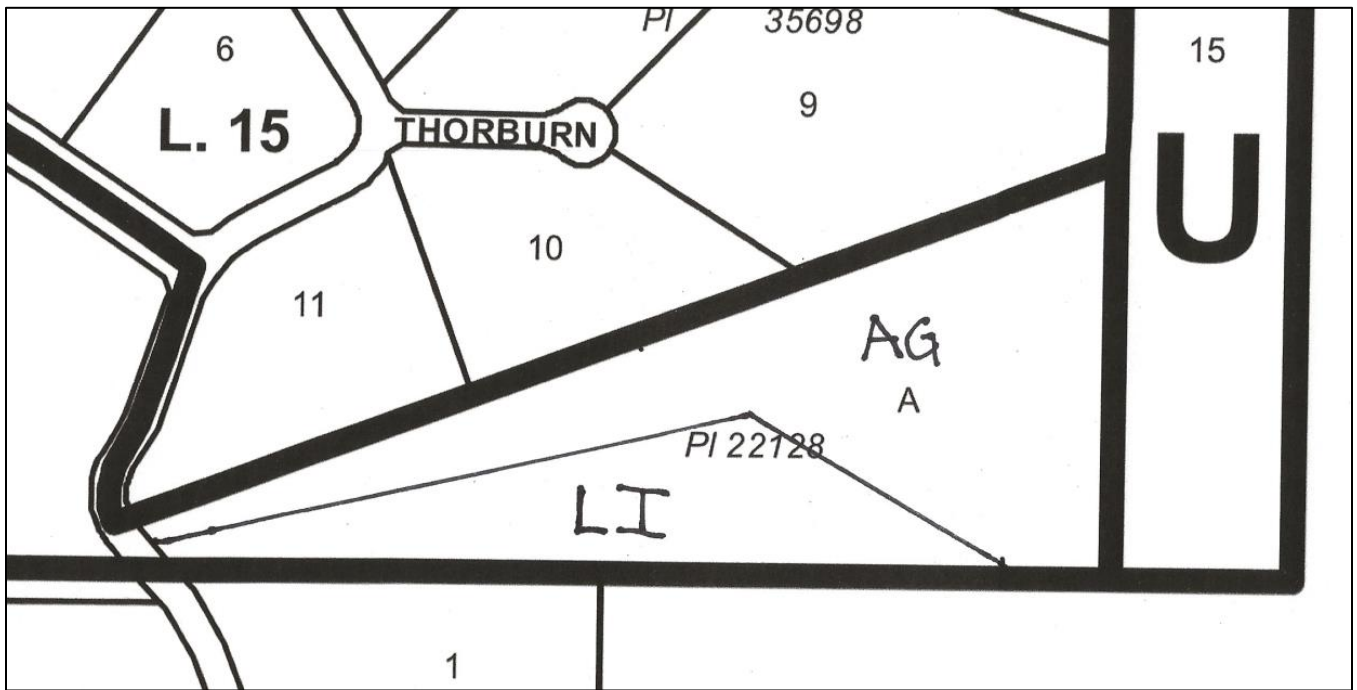
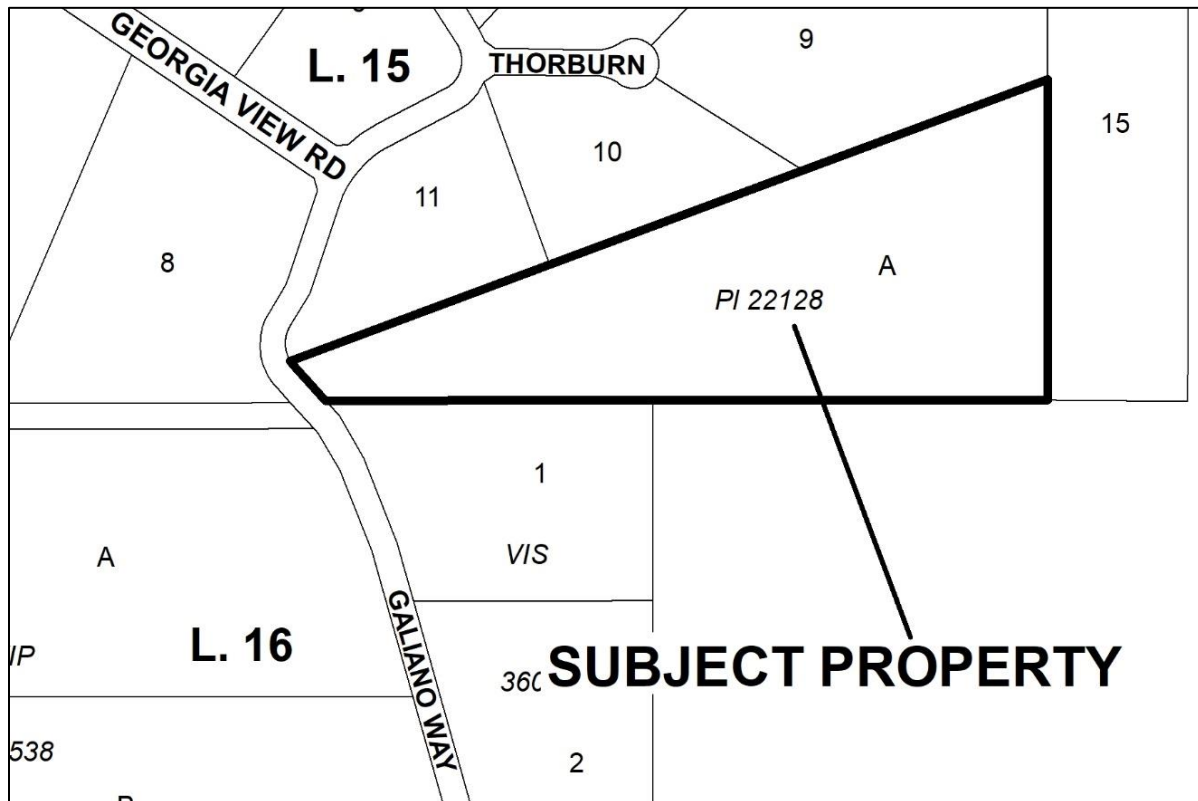


Figure 2. Location of Subject Property



## ANALYSIS

### Policy/Regulatory

#### *Islands Trust Policy Statement*

The most relevant policies of the Islands Trust Policy Statement (ITPS) relating to this rezoning proposal are:

**3.1.3** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

**3.3.2** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

**4.1.5** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.

**4.1.8** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.

**4.4.2** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

**5.2.3** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

**5.7.2** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

If LTC decides to proceed with drafting bylaws, the ITPS policy checklist would be presented to LTC for review and consideration in a future staff report if at such time draft bylaws are presented for first reading.

#### *Official Community Plan*

The Galiano Island Official Community Plan (OCP) land use designation for the subject-property is currently Rural (R) and the principal uses shall be residential and agriculture. The Rural policies in the OCP do not provide any policies related to permitted additional uses within the designation (for example, light industrial uses). If the rezoning application proceeds, staff will determine if an OCP amending bylaw will be required to support the proposed light industrial and cidery/brewery/wine uses or if they could be permitted as accessory uses.

The follow policies in the OCP should be considered in relation to this rezoning application:

**5.4(b)** - Light industrial zones shall not be permitted in areas containing Sensitive Ecosystems identified in Schedule "H".

**5.4(c)** - Light industrial uses shall be permitted through site specific zoning and subject to development permit. The following guidelines will be used for determining zoning and issuing a development permit:

- i. different criteria may be applied to allow different levels of activity,
- ii. light industrial activity shall only be allowed on sufficiently large properties in a scale proportionate to the lot size,
- iii. light industrial building sizes shall be in scale with the rural character,
- iv. an assessment will be required to determine the impact on local water flow patterns, groundwater and waste water disposal and shall show evidence of adequate water supply and waste disposal,
- v. all light industrial activity parking and storage must be screened and wide buffers must be left along roads and property lines, and
- vi. signage and lighting shall be regulated to ensure maintenance of the rural landscape,
- vii. in reviewing development applications, the Local Trust Committee will assess greenhouse gas and other emissions anticipated to result from the development.

**5.4(f)** - Value added industry on an appropriate scale shall be encouraged.

**5.4(g)** - The Local Trust Committee should consider implementing regulations that would limit noise impacts generated by industrial uses and activities.

**5.4(i)** - As a plan for a local trust area designated under the Islands Trust Act and placing priority on the preservation and protection of unique amenities and environment of the area, rezoning for new industrial uses should not be considered in advance of demonstrated need. The Local Trust Committee may undertake a review and inventory of existing industrially zoned land and uses, assess existing and future projected demand for industrial land, and on the basis of this assessment, consider re-designating and rezoning land.

**2.0(e)** - Any rezoning application involving an increase in density or intensity of use should be required to provide an assessment of the availability of sustainable, long-term groundwater. Any additional density or intensity of use that would negatively affect the quality or quantity of groundwater should not be permitted in critical groundwater areas.

**6.0(a)** - In reviewing development applications, the local trust committee will assess the potential greenhouse gas emission and climate change impacts anticipated to result from the development.

### ***Development Permit Areas (DPAs)***

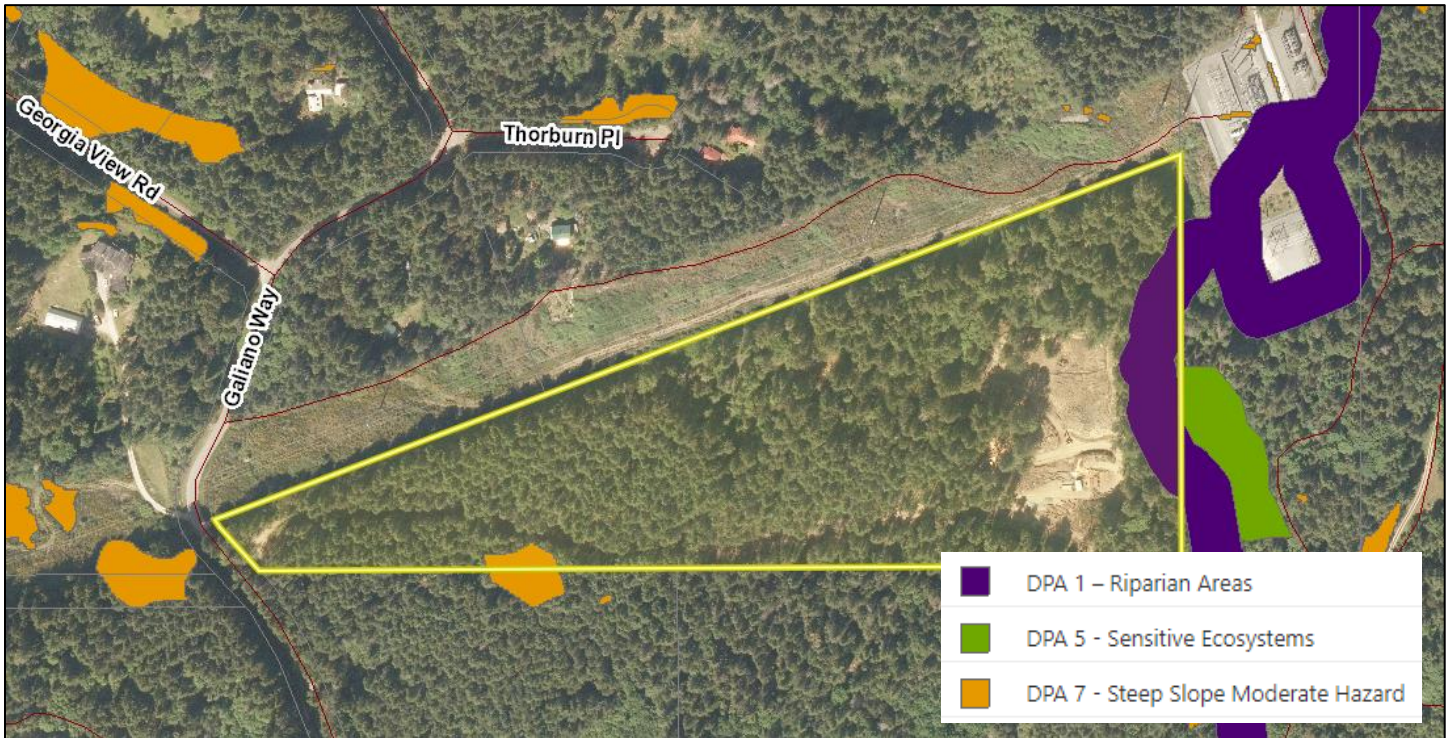
Figure 3 shows the following DPAs on the subject property:

- DPA 1 - Riparian Areas,
- DPA 5 – Sensitive Ecosystem (wetland), and,
- DPA 7 – Steep Slope Moderate Hazard

A riparian area frames the eastern edge of the subject property which also includes a small portion of wetland sensitive ecosystem. Any development or land disturbance in this area would require a development permit. There is also a small pocket of DPA 7 Steep Slope Moderate Hazard along the southern lot line. The entire Galiano Island local trust area is designated within DPA 3 – Tree Cutting and Removal for the purpose of cutting and removal of trees.



**Figure 3 – Development Permit Areas**



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

The subject property is zoned Rural 2 (R2) in the Galiano Island Land Use Bylaw No. 103. The R2 zone permits dwellings, cottages, home occupations, farm use, and secondary suites. As the R2 zone does not permit light industrial uses nor a cidery use, an amendment to the Galiano LUB will be required.

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

Should the LTC decide to proceed with the application, a terms of reference will be issued to the applicant from staff that provides specific guidance on application requirements that is consistent with the Galiano Island Development Approval Information Bylaw No. 148 (DAI Bylaw). The following may be included in the terms of reference:

- A site plan professionally prepared at an appropriate scale, based on the existing legal survey, delineating the proposed area for rezoning and all existing and proposed buildings and structures, driveways, topographic features, and any significant sensitive habitat features.
- A groundwater assessment prepared by a professional hydrogeologist to demonstrate there is sufficient quality and quantity of groundwater for the proposed uses. A section 219 covenant may also be required to require ongoing monitoring and/or future groundwater assessments confirming sufficient quality and quantity prior to development of the certain uses (cidery).
- An ecological overview report prepared by a R.P.bio to assess the ecological impacts of the proposed developable areas and provide recommendations and mitigation measures.



## **Consultation**

### ***Statutory Requirements***

In accordance with regular statutory requirements a public hearing is required. It is common practice to hold a Community Information Meeting (CIM) prior to that. With direction from LTC these would be scheduled either separately or concurrently after draft bylaws are complete, reviewed and have received at least First Reading should the application proceed to that stage.

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

### ***First Nations***

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

- Stz'uminus First Nation
- Lake Cowichan First Nation
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Pauquachin First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Cowichan Tribes
- Tsawwassen First Nation
- Tsawout First Nation
- Musqueam Indian Band
- Malahat First Nation
- Snuneymuxw First Nation
- WSANEC Leadership Council
- Coast Salish Peoples of Galiano Society
- Georgeson family members

### ***Agencies***

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

- Ministry of Transportation and Infrastructure
- Island Health
- BC Hydro
- Managed Forest Council
- CRD, Planning and Protective Services, Building Inspection
- Galiano Island Fire Rescue – South Department
- Mayne Island Local Trust Committee
- Thetis Island Local Trust Committee
- Salt Spring Island Local Trust Committee

## Anticipate Impacts of Proposed Uses

*Light Industrial Uses:* The rationale for the proposed light industrial uses is supportable due to the limited Light Industry zoned properties on Galiano Island. Currently there are three properties zoned for Light Industry, and one Temporary Use Permit which temporary allows a contractor's yard use and the processing of aggregates, soils and mulch.

The lots surrounding the subject property are larger tracts of land which would be minimally impacted from the proposed uses. As part of the LUB bylaw amendment, staff would require landscaping requirements and setback requirements to ensure the reduction of any potential visual or noise impacts.

*Cidery/Brewery/Winery Uses:* Although the proposed use of a cidery, brewery, or winery could be supported as there are no other similar uses on Galiano Island, the following potentials impact should be properly discussed and assessed:

- **Water use:** The production of beer, wine and /or cider could put additional demand on the local aquifer. A groundwater assessment and monitoring should be a requirement for these proposed uses. The applicant will also be required to apply to the province for a commercial groundwater license.
- **Traffic:** Increase to local traffic. The LTC may wish to consider the requirement of a section 219 covenant to restrict the number of days or hours for the proposed uses.
- **Noise:** An increase of noise disturbance from the cidery/brewery/winery.
- **Other unintended uses:** The LTC may wish to consider restricting other uses; for example, restrict the rental of the cidery/brewery/winery for events and weddings.
- **Septic:** A septic assessment will be required to ensure the sufficient and safe disposal.

## Rationale for Recommendation

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

- Proceeding with the preparation of draft bylaws would allow for next steps in the process to proceed including the initiation of First Nations engagement, referrals to potentially affected agencies, and the consideration of further input from the public including adjacent property owners.
- A Terms of Reference would be drafted to request professional reports to ensure quality and quantity of groundwater for the proposed uses and to determine if there would be impacts to the riparian and sensitive ecosystems.

## ALTERNATIVES

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

### 1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

*That the Galiano Island Local Trust Committee request that the applicant for PLRZ20240003 submit to the Islands Trust \_\_\_\_\_.*

### 2. Send Rezoning Application to the Galiano Advisory Planning Commission

Resolution:

*That the Galiano Island Local Trust Committee refer rezoning application PLRZ20240003 (Palmberg) to the Galiano Advisory Planning Commission for the following purpose \_\_\_\_\_.*

### **3. Deny the application**

The LTC may deny the application.

Resolution:

*That the Galiano Island Local Trust Committee proceed no further with application PLRZ20240003 (Palmberg).*

### **NEXT STEPS**

With direction from the LTC, Staff will draft amending bylaws for further consideration by the LTC.

|               |                                          |               |
|---------------|------------------------------------------|---------------|
| Submitted By: | Kim Stockdill, Island Planner            | June 27, 2024 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | June 27, 2024 |

### **ATTACHMENTS**

1. Site Context
2. Maps, Plans, Ortho-photos
3. Cover Letter from applicant

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                                  |
|-------------------|------------------------------------------------------------------|
| Legal Description | Lot 'A' of Lot 15, Galiano Island, Cowichan District, Plan 22128 |
| PID               | 003-321-649                                                      |
| Civic Address     | Galiano Way, Galiano Island                                      |
| Lot Size          | 7.95 hectares (19.6 acres)                                       |

### LAND USE

|                      |                            |
|----------------------|----------------------------|
| Current Land Use     | Rural (farm use)           |
| Surrounding Land Use | Forest, Rural, and Utility |

### HISTORICAL ACTIVITY

| File No. | Purpose |
|----------|---------|
| None     | N/A     |

### POLICY/REGULATORY

|                                      |                                                          |
|--------------------------------------|----------------------------------------------------------|
| Official Community Plan Designations | Galiano Island OCP No. 108, 1995 Designations: Rural (R) |
| Land Use Bylaw                       | Galiano Island LUB No. 127, 1999: Rural 2 (R2)           |
| Other Regulations                    | N/A                                                      |
| Covenants                            | N/A                                                      |
| Bylaw Enforcement                    | GL-BE-2020.2 - Closed                                    |

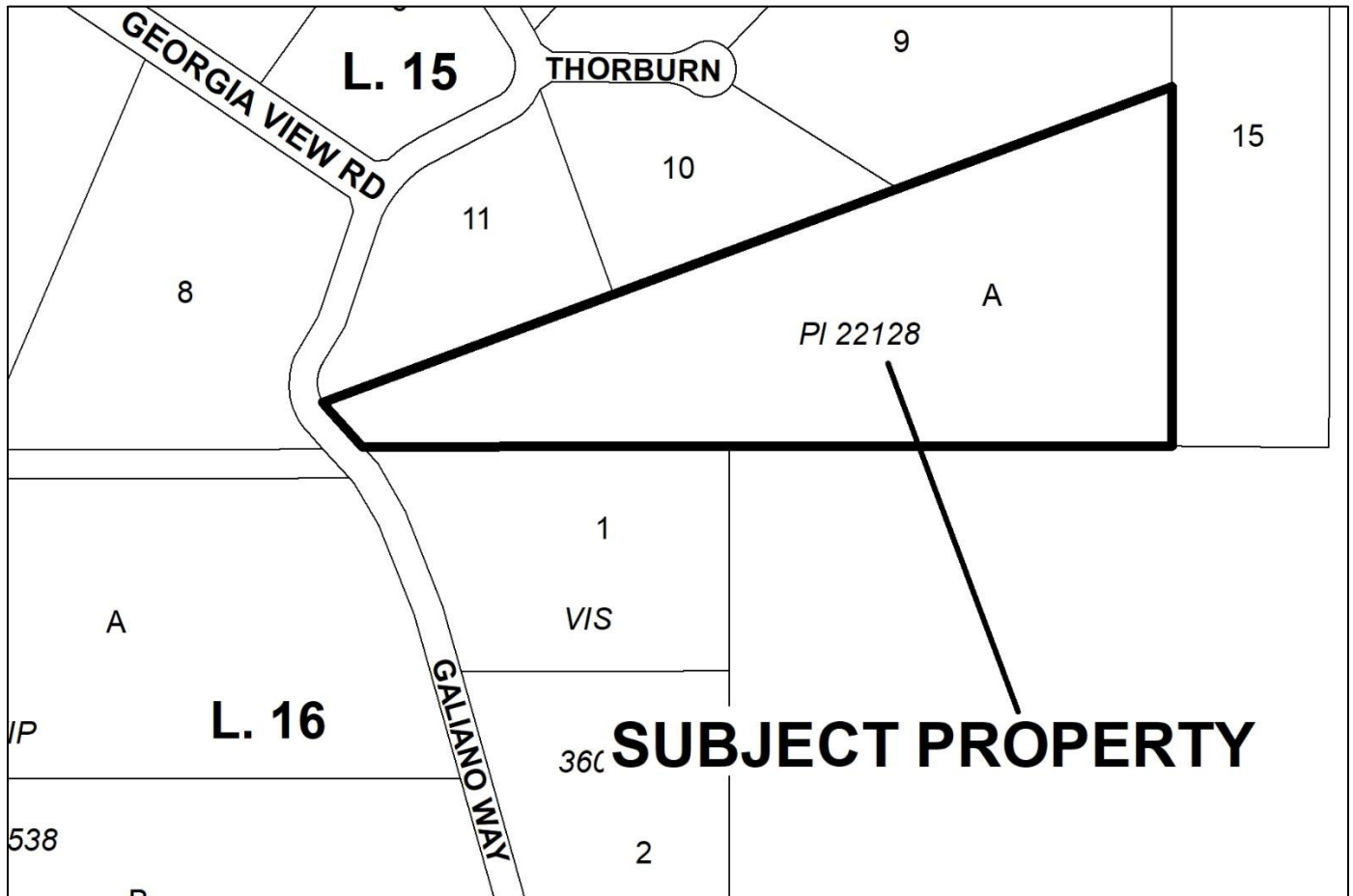
### SITE INFLUENCES

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Regional Conservation Strategy | The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Species at Risk                | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Sensitive Ecosystems           | Portions of riparian and wetland                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Hazard Areas                   | A very small portion medium risk steep slope on property                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Archaeological Sites           | <p>There is potential for the presence of archaeological material. Staff have directed the applicant to the following guidelines:</p> <ul style="list-style-type: none"> <li>All archaeological and cultural heritage is protected under the <i>Heritage Conservation Act</i> and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the <i>Heritage Conservation Act</i> (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits:</li> </ul> |

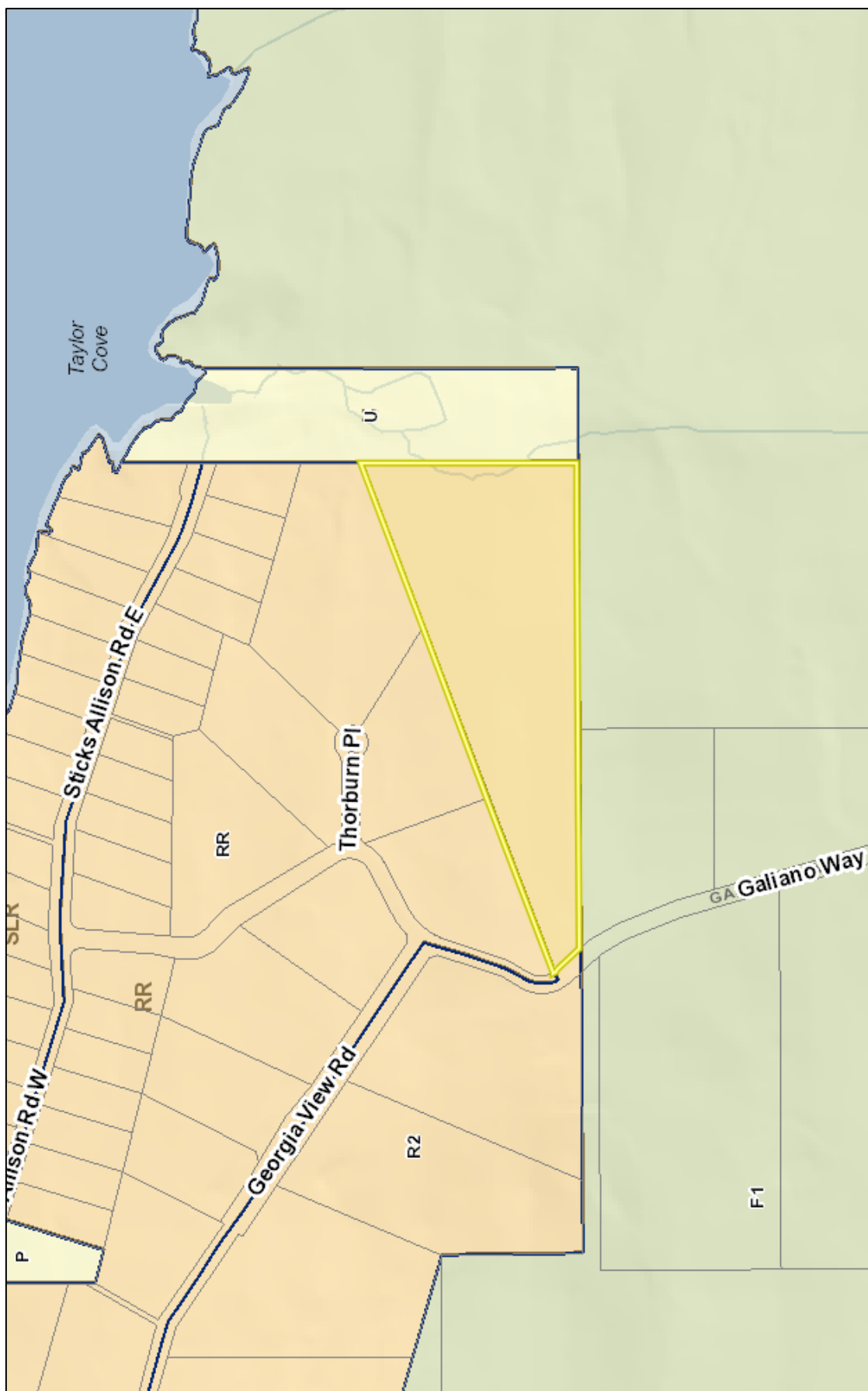
|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | <p><a href="https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits">https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits</a>.</p> <ul style="list-style-type: none"> <li>• In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or <a href="mailto:archaeology@gov.bc.ca">archaeology@gov.bc.ca</a>.</li> <li>• Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.</li> </ul> <p>For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: <a href="http://www.archdatarequest.nrs.gov.bc.ca">www.archdatarequest.nrs.gov.bc.ca</a>, or contact Islands Trust to access mapping of the subject property.</p> |
| Climate Change Adaptation and Mitigation | Increased potential GHG emission changes may result from approval consistent with those associated with light industrial development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Shoreline Classification                 | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Shoreline Data in TAPIS                  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## ATTACHMENT 2 – MAPS, PLANS, ORTHO-PHOTOS

### 2.1 SUBJECT PROPERTY MAP



## 2.2 ZONING



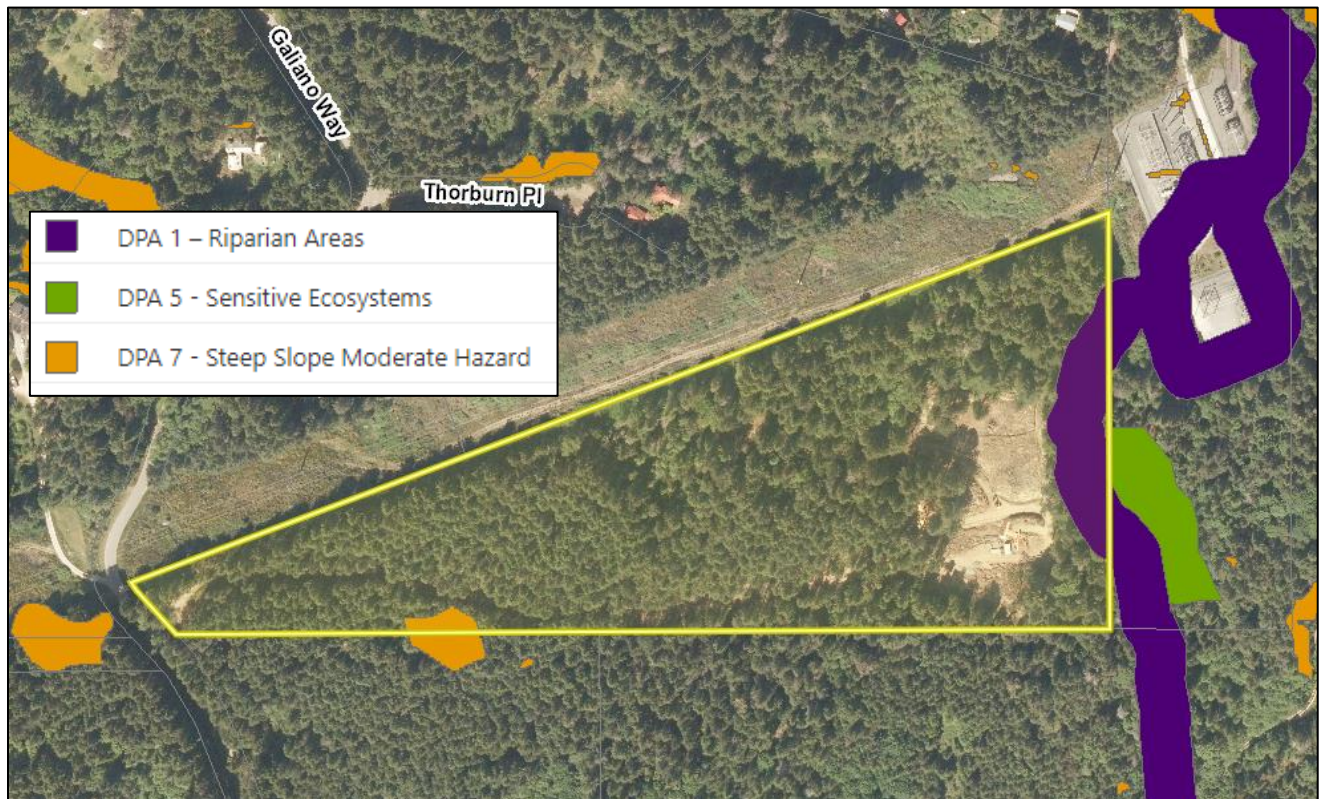


## 2.3 ORTHO

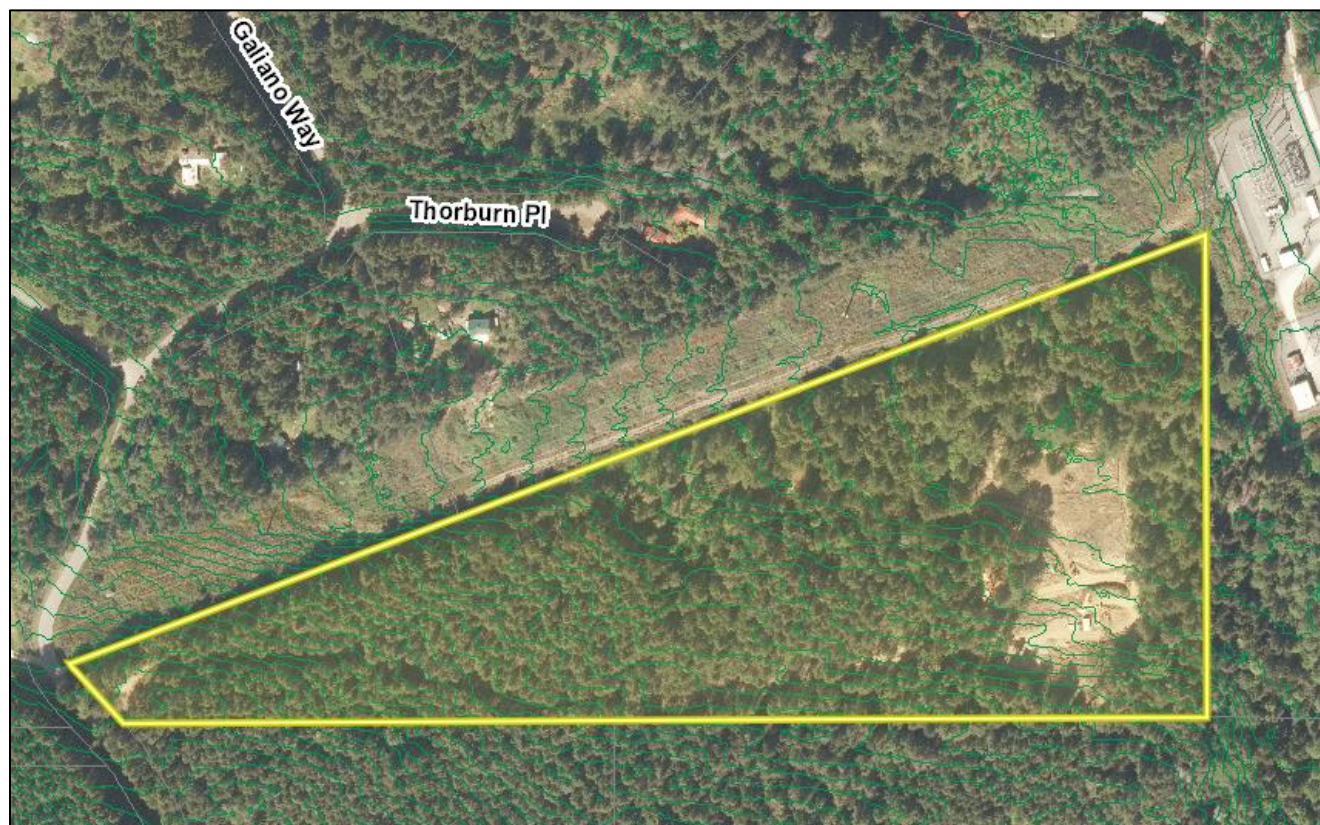




## 2.4 DEVELOPMENT PERMIT AREAS



## 2.5 2 METRE CONTOURS



**From:** Anik Mommsen-Smith [REDACTED]  
**Sent:** Wednesday, May 1, 2024 7:30 AM  
**To:** Kim Stockdill; Leif Palmberg  
**Subject:** Letter to the LTC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear LTC,

Thank you for considering the Islands Trust Re-Zoning Application for PID 003-321-649.

We are requesting re-zoning from R2 to site specific R2 Zoning.

The land is currently being used for farming (specifically tree fruit farming) and temporary saw milling. Keeping the residential zoning will allow for future housing. Currently there is a driveway on the property, no dwellings currently exist.

Request for re-zoning from R2 to a site specific R2 Zone which would allow the following uses in addition to the allowed uses under R2 zoning:

1. Works yard
2. Contractors workshop/yard
3. Storage and sale of gravel, soil and aggregates
4. Sawmilling, planing and manufacturing of wood products
5. Production and sales of cider, beer and wine

Having zoning that allows for a contractors workshop and yard as well as works yard would allow for operation of my excavation/ septic business more efficiently. This is a busy business that is in high demand on island. Not having a place to operate my business from makes it nearly impossible to continue operating, and there is no capacity for growth, which the island is demanding. There is currently zoning scarcity for my intended uses and yard space is not available for rent on island.

Within a 3 year time frame there would be development of storage bays for the storage and sale of gravel, soil and aggregates. Keeping these materials in stock would allow for smooth operation of my current excavating business while providing benefit to the community. The availability of materials locally will save Island residents trips off Galiano Island for small amounts of material. This is intended as a small scale operation. The plan is to be open one day per week to the public, the remainder of sales would be delivered. This will minimize the impact to neighbours and staffing requirements, while providing a benefit to the community.

Small scale commercial saw milling could commence within approximately one year, and increase over a 10 year period as infrastructure is developed. Saw milling provides local benefit as residential lots are developed logs are currently often piled on site and left to rot or high

quality timber is cut for firewood. This is due to the fact that trucking to mills on Vancouver Island is costly and inconvenient, creating a net loss to landowners who export raw logs. Without kiln drying and proper storage, Douglas Fir quickly deteriorates making the product almost worthless, for these reasons fir lumber production is extremely low on Galiano Island. At present high value and quality lumber products are going to waste. Being able to process logs locally will allow home owners to clean up their sites, provide an economic boost, while providing materials and jobs locally. It is for these reasons that a proper facility for lumber production, drying, and storage would benefit the island. The close proximity to three phase electrical power, the isolated location, and neighbouring land uses, make this lot an ideal site.

With approved zoning for a cidery we would plant several acres of high density orchard. We expect cider production would begin within a 7-10 year period. The timeline is based on time to prepare and plant the orchard, time to maturity and construction of cidery buildings. This rezoning would provide the opportunity to run a business that would create employment while producing local products.

It is worth mentioning the use of the bordering properties as it provides context for why this property is ideal for the site specific rezoning mentioned above. There are 6 bordering properties, the 3 properties on the North boundary are Rural Residential (RR) with BC Hydro easement separating residential use from the lots. The property is further bordered by the BC Hydro Substation: Utility Service (U) on the Eastern boundary, to the South the two properties are Forestry (F1) Including commercial saw milling operation, and Forestry (F1).

Because of its geographical location, impact to neighbours would be minimal. Further, due to the constant buzzing and heavy equipment noises from the BC Hydro Substation, the lower portion of the lot is perfect for the above uses.

Thank you,

Leif Palmberg

[REDACTED]  
(250)539-0806



DATE OF MEETING: July 9, 2024  
TO: Galiano Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Groundwater Sustainability Project - Bylaw Nos. 283 and 284

## RECOMMENDATION

1. That the Public Hearing for the Groundwater Sustainability Project be scheduled for September 10, 2024.

## REPORT SUMMARY

This staff report summarizes the project to date and recommends scheduling of a Public Hearing for the September 10, 2024 Galiano Island Local Trust Committee (LTC) regular meeting.

## BACKGROUND

In February 2021 the Galiano LTC received a report on the preliminary results of mapping and data analysis phases of the Groundwater Sustainability Project and subsequently endorsed the project charter. A community information webinar was then held in September 2021 to introduce the community to the data and mapping work that had been done and an in-person community information meeting was held in July 2022 to engage the community in the discussion of development permit boundary options.

The draft Bylaw Nos. 283 and 284 were first presented to the Galiano Island LTC in May 2022. Over the course of a year, the draft bylaws were amended further and currently comprised of:

1. **Bylaw 284 - Amendments to the Land Use Bylaw (Attachment 2)**
  - New definitions
  - Cistern Requirements for all new builds (18,000 litres). Increase in cistern size for secondary suites to 18,000 litres. Captured and stored water is not required to be potable or connected to the dwelling except in the Water Management Areas as per existing regulation 13.23
  - References to “rainwater” with respect to cisterns has been changed to “freshwater” to support the capture and retention of groundwater as well as rainwater
  - Updates to regulations related to proof of water for subdivision based on model bylaw for the Southern Gulf Islands. These regulations have been extensively reviewed by provincial staff through a multi-year project of the Salt Spring Islands LTC
2. **Bylaw 283 - General Amendments to Official Community Plan (Attachment 1)**
  - Minor changes to Official Community Plan (OCP) language

- Updates to relevant policies and objectives to facilitate consistency with revised language, the new Groundwater Recharge Protection DPA, and other proposed changes to the OCP and the LUB
- Replacement of Schedule D – Water Resources, with Schedule D – Groundwater Regions
- Replacement of Schedule G – DPA Area 4: Elevated Groundwater Catchment, with DPA 4: Groundwater Recharge Protection

### **3. Bylaw 283- A Groundwater Recharge Protection Development Permit Area (Attachment 1)**

- New Development Permit Area (DPA) guidelines which would amend the current Galiano Elevated Groundwater Catchment DPA. Amendments include: reference to 2021 mapping of recharge areas, additional exemptions (forest fire protection measures and land owned by persons with federal Indigenous status), changes consistent with introduction of cistern requirements for new builds, and changing the name of the DPA
- The draft Bylaw includes the Schedule map for the 5 hectare critical aquifer coverage option with the parks and protected areas taken out. This is the DPA option that had been endorsed by the previous LTC

At the March 14, 2023 the Galiano Island LTC passed the following resolutions:

#### **GL-2023-009**

That the Galiano Island Local Trust Committee request legal advice regarding whether inclusion of DPA Exemption section p) “Land owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage.” aligns with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Declaration on the Rights of Indigenous Peoples Act (DRIPA), the Islands Trust Act, the Local Government Act and the BC Land Title Act.

**CARRIED**

#### **GL-2023-010**

That the Galiano Island Local Trust Committee Bylaw No.283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be read for the first time.

**CARRIED**

#### **GL-2023-011**

That the Galiano Island Local Trust Committee Bylaw No. 284 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be read for the first time.

**CARRIED**

#### **GL-2023-012**

That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” and Bylaw No. 284 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” are not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

#### **GL-2023-013**

That the Galiano Island Local Trust Committee request staff schedule a public hearing for Bylaws No. 283 and 284.

**CARRIED**

Draft bylaws and background/details related to the bylaws can be found posted on the [Galiano projects webpage](#).

## **REFERRALS & CONSULTATION**

Referral for proposed Bylaw Nos. 283 and 284 were sent to the following agencies and First Nations:

**Provincial Agencies**

Ministry of Municipal Affairs  
Ministry of Transportation and Infrastructure  
Ministry of Water Land and Natural Resources –  
Water Stewardship Branch

**Regional Government**

CRD- Building Inspection

**Non-Agency Referrals**

Islands Trust – Bylaw Enforcement

**Adjacent Local Trust Committees and Municipalities**

Mayne Island Local Trust Committee  
Salt Spring Island Local Trust Committee  
Thetis Island Local Trust Committee

**First Nations**

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

In addition, staff met with the Penelakut Tribe, Coast Salish Peoples of Galiano, and members of an indigenous family with historical and cultural ties to Galiano Island to discuss the Groundwater Sustainability Project and DPA exemption 'p'. DPA exemption 'p', as currently drafted in proposed Bylaw No. 283, would provide exemption for a Development Permit where: "Land owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage". The project was placed on hold for staff to continue conversations with Penelakut Tribe staff members and council regarding.

The summary of referral responses received to date are attached to the staff report (Attachment No. 3). The Capital Regional District (CRD) included a number of questions relating to how land was selected to be included in the DPA. Islands Trust staff will follow-up with the CRD to provide further information as requested.

Staff recommend sending a second referral to First Nations outlined above. Staff would highlight Exemption 'p' as a particularly important aspect of proposed Bylaw No. 283 to further collect comments of support or opposition, and/or suggested wording changes from First Nations and indigenous peoples. If recommendations are received from the public hearing submissions to amend portions of the proposed bylaws (for example, exemption 'p'), the LTC would have an opportunity to amend the bylaws before or after the public hearing. The amendments must be made prior to Third Reading.

**PUBLIC HEARING**

Staff recommends scheduling a public hearing on September 10, 2024 as part of the regular Galiano Island LTC meeting. No resolution is required for the scheduling of the public hearing as the Galiano Island LTC already gave direction to staff to schedule the hearing (March 14, 2023).

A public hearing is a quasi-judicial process within and following which specific procedures must be followed. Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.

3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

## NEXT STEPS

If the recommendations are supported by the LTC staff will:

- Staff to schedule Public Hearing for September 10, 2024
- Staff to send request for public hearing submissions to agencies and First Nations

|               |                                          |               |
|---------------|------------------------------------------|---------------|
| Submitted By: | Kim Stockdill, Island Planner            | June 27, 2024 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | June 27, 2024 |

## ATTACHMENTS

1. Bylaw 283
2. Bylaw 284
3. Referral Responses





**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 283**

**SCHEDULE 1**

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

1. Table of Contents Section V is amended by deleting “4. Development Permit Area 4 – Elevated Groundwater Catchment Areas” and replacing it with “4. Development Permit Area 4 – Groundwater Recharge Protection”.
2. Section II Land Use, Residential Policy “o)” is amended by deleting “Community, Sport and Cultural Development” and replacing it with “Municipal Affairs”.
3. Section II Land Use, Subsection 5.4 Light Industry, Light Industry Advocacy Policy “m)” is amended by inserting “recharge and” after “groundwater” and before “catchment areas”.
4. Section III Services, Subsection 2 Water Supply, Water Supply Objectives is amended by deleting Objectives 1-4 in entirety and replacing with:
  - “1) to ensure an adequate supply of potable freshwater to all users now and into the future,
  - 2) to ensure that groundwater use, and alteration to the land does not pollute or otherwise increase the vulnerability of groundwater regions,
  - 3) to protect critical groundwater recharge areas by evaluating land use decision based on available groundwater vulnerability data and applying the precautionary principle to land use decisions, and
  - 4) to consider and address climate change impacts on freshwater supply and quality.”
5. Section III Services, Subsection 2 Water Supply, Water Supply Policies is amended by deleting policy “a)” in its entirety and replacing it with:
  - “a) Areas identified to be key areas for water supply , fresh water catchment, storage and recharge shall be preserved and protected.

Land identified through groundwater recharge mapping to have significant recharge potential shall be designated as a development permit area for the protection of the watershed.”

6. Section III Water Supply, Water Supply Policy “b) vi)” is amended by deleting “elevated groundwater catchment” and replacing it with “groundwater recharge protection”.
7. Section III Water Supply, Water Supply Policies is amended by removing policy “c)” in its entirety and replacing it with “c) Regulations may require new developments to provide cisterns.”
8. Section IV Conservation and Environment is amended by deleting all instances of “Fresh Water” and replacing them with “Freshwater”.
9. Section IV Conservation and Environment, Freshwater Advocacy Policies is amended by deleting “and the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, and Ministry of Forests, Lands and Natural Resource Operations” and replacing it with “and relevant Provincial Ministries”.
10. Section V Development Permit Areas is amended by deleting subsection “4. Development Permit Area 4-Elevated Groundwater Protection” in its entirety and replacing it with:

**“4. Development Permit Area 4 – Groundwater Recharge Protection**

**4.1 Description of Area**

Development Permit Area 4 includes critical groundwater recharge areas identified on Schedule G. Critical groundwater recharge areas contain hydrogeological conditions that facilitate aquifer recharge and/or transmit contaminants to an underlying aquifer. Factors considered in the identification of critical aquifer recharge areas include topography, remote sensing, satellite multispectral analysis depth to water table, presence of highly permeable soils, land-cover analysis, structural geology, presence of flat terrain, and the presence of more permeable surficial geology.

**4.2 Authority**

The Groundwater Recharge Protection Development Permit Area is designated a development permit area pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and Section 488(1)(i) of the *Local Government Act* for the establishment of objectives to promote water conservation.

**4.3 Special Conditions and Objectives that Justify the Designation**

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 473(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

The Islands Trust Council has committed to identifying, protecting and, where possible, restoring or rehabilitating groundwater recharge areas in the Trust Area.

It is policy of the Islands Trust Council that Local Trust Committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, and
- the quality and quantity of drinking water sources for current and future Trust Area residents is preserved and protected, and
- the overall health of watersheds and ground water in the Islands Trust Area is protected.

Mapping of recharge and water balance completed in 2021 for Galiano Island identifies that the island has a number of areas of critical concern with respect to groundwater vulnerability.

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for groundwater wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development and climate change on groundwater supplies

#### **4.4 Development Approval Information**

The Groundwater Recharge Protection DPA is also designated an area for which development approval information (DAI) may be required according to Section 485(1) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

#### **4.5 Applicability**

A development permit is required for the subdivision of land, construction of, addition to or alteration of a building or other structure, or land alteration, including the cutting of trees, unless exempted below.

#### **4.6 Development Permit Exemptions**

The following activities are exempt from any requirement for a development permit:

- a) Development for which Islands Trust has been provided with a written statement from a registered professional hydrogeologist with relevant experience certifying that the proposed would have no impact on critical groundwater recharge.

- b) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required).
- c) Dwellings, cottages, accessory buildings and structures, and associated land alteration that are clustered within a residential home plate not exceeding an area of 1000m<sup>2</sup>, and one access driveway and overhead utility lines and poles outside of the residential home plate
- d) Land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- f) Removal of invasive species.
- g) Cutting and removal of up to 5 trees per hectare (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) The construction of an accessory building or structure with a lot coverage of less than 100m<sup>2</sup>.
- l) Construction of trails or fences that does not alter contours of the land.
- m) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
  - i. Forest fire protection measures;
  - ii. Flood and erosion protection works;
  - iii. Protection, repair or replacement of public facilities;
  - iv. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
  - v. Bridge repairs.
- n) Works undertaken by a local government or a body established by a local government.
- o) Works authorized under a provincial statute.

- p) Land owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage.

#### 4.7 Guidelines

The *Local Government Act* prohibits construction of buildings and structures and the alteration of land and subdivision in Development Permit Area 4 unless the owner first obtains a development permit. Development permits will be issued in accordance with the following guidelines.

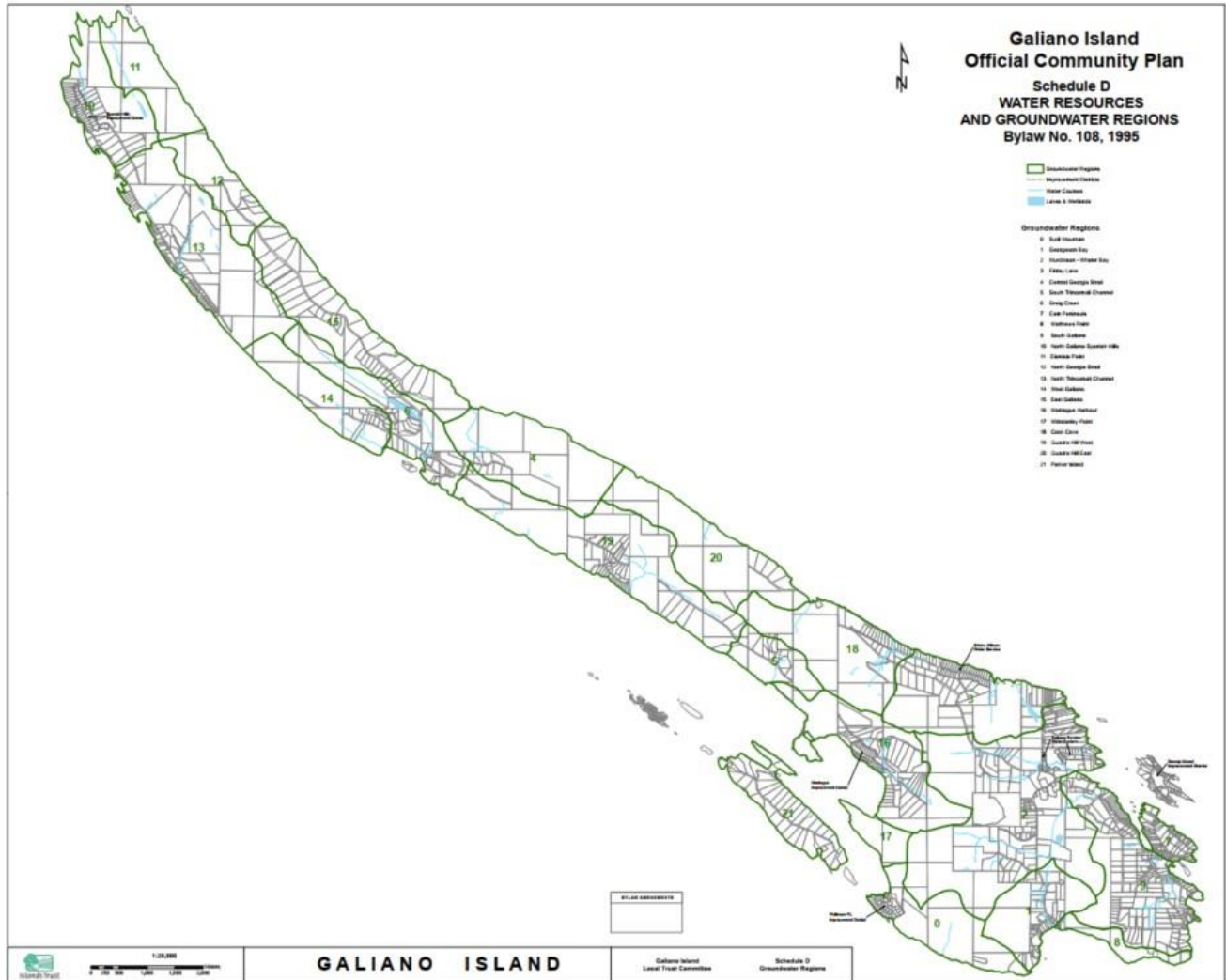
1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the permit conditions may include a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the qualified professional hydrogeologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydrogeologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be, to the greatest extent possible, designed to:
  - a) replicate the function of a naturally vegetated watershed;
  - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
  - c) minimize interference with groundwater recharge;
  - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. Where freshwater collection and storage cisterns are required as a condition of the construction of a building, impervious surfaces should be minimized.
6. Where freshwater collection cisterns are required as a condition of construction of a building, the LTC may require that all new dwelling units include:
  - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
  - ii. A pumping system;
  - iii. An overflow handling system.
7. The use of impervious paved driveways shall be discouraged.
8. Where tree removal is not exempt from the requirement for a permit:

- a. Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
  - b. All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
  - c. Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
  - d. If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.
  - e. Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
  - f. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage. The construction of roads and utility corridors and other activities involving the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.
  10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio- filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
  11. Permits may include minor variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area."
  12. Section VI Development Approval Information, Subsection 2. Special Conditions "ii" is amended by deleting "elevated groundwater catchments" and replacing it with

“groundwater recharge”.

13. Schedule “D – Water Resources” is removed and replaced with Schedule “D – Groundwater Regions” as shown on Plan No.1 attached and forming part of this bylaw.
14. Schedule “G – Development Permit Area 4: Elevated Groundwater Catchment” is removed and replaced with Schedule “G – Development Permit Area 4: Groundwater Recharge Protection” as shown on Plan No.2 attached and forming part of this bylaw.

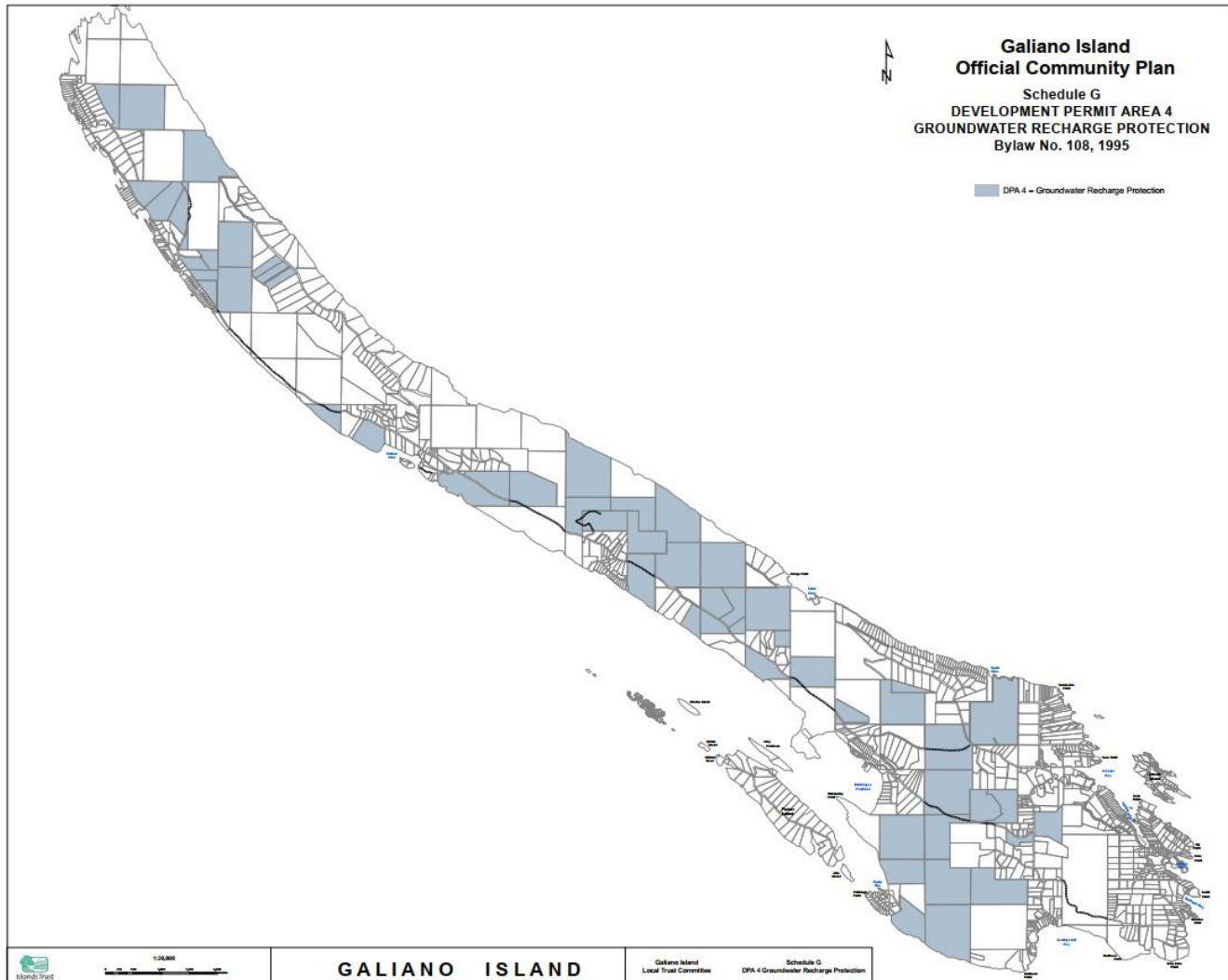
**GALIANO ISLAND LOCAL TRUST COMMITTEE**  
**BYLAW NO. 283**  
**Plan No.1**





**GALIANO ISLAND LOCAL TRUST COMMITTEE**  
**BYLAW NO. 283**  
**Plan No.2**

**Schedule G – Development Permit Area 4: Groundwater Recharge Protection**



## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 284

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### A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW, NO. 127, 1999

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The Galiano Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Galiano Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022”.

2. Galiano Island Local Trust Committee Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999,” is amended as follows:

2.1 Section 2 General Regulations, Subsection 2.28– Secondary Suites is amended by removing 2.28.6 in entirety and replacing it with “2.28.6 A building permit for a property outside a water service area shall not be issued for a secondary suite unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the property.”

2.2 Section 2 General Regulations is amended by inserting “Cistern Requirements” as a new heading under Section 2.28.

2.3 Section 2 General Regulations is amended by inserting, under the heading “Cistern Requirements” the following:

“2.29 A building permit for a property outside a water service area shall not be issued for a new building to be used as a dwelling, including a cottage, unless a cistern (or combination of cisterns) for the storage of freshwater having a capacity of at least 18,000 litre is installed on the property.

2.30 The floor area occupied by any cistern located in a building and the housing provided for such cistern is excluded from the calculation of the floor area of the building and the lot coverage of the lot on which it is located.”

2.4 Section 13 Subdivision and Development Regulations 13.23 is amended by removing “16,000” and replacing it with “18,000”.

2.5 Section 13 Subdivision and Development Regulations is amended by deleting 13.24 through 13.29 in its entirety and replacing it with the following and by making such consequential numbering alterations to effect this change.

## “Standards for Potable Water Supply

*Information Note: If more than one dwelling unit is connected to the same source of water, the water system may be subject to the Drinking Water Protection Act, the Water Utility Act or other regulations pertaining to water supply systems.*

*Information Note: Water obtained from a stream, or non-domestic groundwater use requires a licence under the Water Sustainability Act.*

- 13.24 Where potable water is proposed to be supplied to lots in a subdivision by an established community water system, the applicant for subdivision must provide written confirmation from the community water system that it is able to supply potable water for the permitted principal use and density to each lot.
- 13.25 Where potable water is proposed to be supplied to lots in a subdivision by creating a community water system, the applicant for subdivision must provide proof of all authorizations required under the *Drinking Water Protection Act*, the *Water Utility Act* or any other enactment pertaining to water supply systems.
- 13.26 Where potable water is proposed to be supplied to lots in a subdivision from a stream, the applicant for subdivision must provide proof of authorization in the form of a water licence confirming that the total volume of water granted to the licence holder is able to supply potable water for domestic uses at the volume specified in Table 1 to each lot.
- 13.27 Where potable water is proposed to be supplied to lots in a subdivision by drilled wells the applicant for subdivision must provide written certification under seal of a hydrogeologist that:
  - a. Each well has been constructed in accordance with the *Groundwater Protection Regulation*;
  - b. Each well has been constructed in accordance with Sections 13.29, 13.30 and 13.31;
  - c. Each well has sufficient available groundwater to provide the daily required volume of potable water for the permitted domestic uses on each lot in accordance with Table 1;
  - d. Each well for which a water licence has not been issued has sufficient available groundwater volume for all permitted non-domestic, non-agricultural, non-park, non-conservation area principal uses for each lot at the permitted density of use; and
  - e. Includes recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled well.

| TABLE 1<br>DOMESTIC POTABLE WATER SUPPLY STANDARDS FOR<br>SUBDIVISION |                            |
|-----------------------------------------------------------------------|----------------------------|
| USE                                                                   | VOLUME<br>(litres per day) |
| <i>Per lot (including one dwelling)</i>                               | 2000                       |
| <i>Each additional permitted dwelling and cottage per lot</i>         | 2000                       |

- 13.28 Where the potable water is proposed to be supplied to lots in a subdivision by drilled wells, for any well where a water licence has not been issued the applicant for subdivision must also provide written certification under seal of a hydrogeologist:
- Results of a water quality analysis, completed by an accredited laboratory;
  - A plan of the proposed subdivision indicating the location where each water sample was taken;
  - A statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
  - Confirmation, based on the accredited laboratory water quality analysis, that each proposed water supply source is potable, or can be made potable, with a treatment system; and
  - Confirmation, based on the accredited laboratory water quality analysis of chloride concentrations, that each drilled well is not likely to be affected by the intrusion of saline groundwater or sea water in accordance with the Province of British Columbia guidance documents.
- 13.29 Where a water license has not been issued and where potable water is proposed to be supplied to lots in a subdivision by a drilled well, a pumping test shall be carried out on each well in a proposed subdivision by:
- pumping groundwater, at a constant rate, for a minimum period of 12 hours; and
  - withdrawing the total daily required volume specified in section 13.27 over a maximum period of 24 hours; and
  - monitoring groundwater levels continuously during the pumping test and during the recovery period.
- 13.30 Where potable water is to be supplied by a drilled well a sounding tube or wellhead port must be installed to enable the insertion of water level monitoring equipment.
- 13.31 Drilled wells used for the purposes of subdivision must not be located within 50 metres of the natural boundary of the sea.
- 13.32 If the daily required volume of potable water cannot be supplied in accordance with Section 13.24 or if the certification in Subsections 13.27(c) and 13.27(d) cannot be made, the Approving Officer may nonetheless approve the subdivision provided that the applicant grants a s.219 covenant to the Galiano Island Local Trust Committee and the Capital Regional District that restricts the development of the subdivision to the uses or density of the uses for which a certification has been made under

Sections 13.24 or 13.27.

- 13.33 Where the certification under subsection 13.28(d) states that a water supply is not potable but can be made potable with a treatment system, the Approving Officer may approve subdivision provided that the applicant grants a s. 219 covenant under the *Land Title Act* to the Galiano Island Local Trust Committee and the Capital Regional District that requires on-going treatment of the water to potable water standards recommended by a hydrogeologist.
  - 13.34 For the purposes of subdivision, drilled wells impacted by seawater intrusion or whose operation is likely to cause seawater intrusion are not permitted sources of potable water.
  - 13.35 For the purposes of subdivision, alternative potable water supplies including, but not limited to, shallow dug wells, rainwater catchment and desalination are not permitted sources of potable water.
  - 13.36 The requirements of Sections 13.24-13.35 do not apply where the proposed subdivision is a boundary adjustment that does not result in an increase in the number of lots or permitted dwelling units, provided that all lots in the subdivision are currently serviced by existing wells, community water system connection or water licence.
- 2.6 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by inserting the following in alphabetical order:
- “aquifer” means a geological formation; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and capable of storing, transmitting and yielding groundwater.
- “groundwater” means water naturally occurring below the surface of the ground.
- “Hydrogeologist” means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the Professional Governance Act, Engineers and Geoscientists Regulation.
- “potable” means water that is safe to drink, fit for domestic purposes and meets the Heath Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution.
- “pumping test” means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on aquifer characteristics.

- 2.7 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by removing the definition of “community water system” in its entirety and replacing it with:

““community water system” means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a regional district, a water utility, a society, or a water supplier.”

- 2.8 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by adding the following in alphabetical order:

“aquifer” means a geological formation; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and capable of storing, transmitting and yielding groundwater.

“groundwater” means water naturally occurring below the surface of the ground.

“Hydrogeologist” means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the *Professional Governance Act*, Engineers and Geoscientists Regulation.

“potable” means water that is safe to drink, fit for domestic purposes and meets the Health Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution.

“pumping test” means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on aquifer characteristics.

- 2.9 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by removing the definition of “community water system” in its entirety and replacing it with:

““community water system” means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a regional district, a water utility, a society, or a water supplier.”

## 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

|                                                               |                  |        |       |        |
|---------------------------------------------------------------|------------------|--------|-------|--------|
| READ A FIRST TIME THIS                                        | 14 <sup>TH</sup> | DAY OF | MARCH | 2023.  |
| PUBLIC HEARING HELD THIS                                      | _____            | DAY OF | _____ | 20____ |
| READ A SECOND TIME THIS                                       | _____            | DAY OF | _____ | 20____ |
| READ A THIRD TIME THIS                                        | _____            | DAY OF | _____ | 20____ |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | _____            | DAY OF | _____ | 20____ |
| ADOPTED THIS                                                  | _____            | DAY OF | _____ | 20____ |

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 CHAIR

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 SECRETARY

## Referrals: Bylaw GL-283

| Agency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Sent        | Received    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| <b>Bylaw Enforcement</b><br><i>Islands Trust: Warren Dingman</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 07-Feb-2023 |             |
| <b>Capital Regional District - All Referrals Aggie Chan and Jessica Arnet</b><br><i>625 Fisgard Street: Aggie Chan</i><br><i>Comment: Integrated Water Services - The Bylaw update applies to the CRD water service area on Galliano Island (Stick Allison area). CRD Integrated Water Services wants to ensure the update takes into account the CRD water service supply. Has the CRD water supply for the Sticks Allison water service area on Galiano been considered in this bylaw amendment? Please confirm why the land where the water supply well sits, and is adjacent to, was not categorized as a Development Permit Area critical groundwater recharge area? CRD Building Inspection Dept. -Plumbing Permits will be required for plumbing systems or alterations to a plumbing system on site.</i>                                                                                                                                                                                            | 07-Feb-2023 | 08-Mar-2023 |
| <b>Cowichan Tribes</b><br><i>5760 Allenby Rd: Tracey Flemming</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 07-Feb-2023 |             |
| <b>Halalt First Nation</b><br><i>7973 Chemainus Rd: Raven August</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 07-Feb-2023 |             |
| <b>Lake Cowichan First Nation</b><br><i>313B Deer Road: Carole Livingstone</i><br><i>Comment: Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this "no comment" response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory. Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.</i> | 07-Feb-2023 | 20-Mar-2023 |
| <b>Lyackson First Nation</b><br><i>8017 Chemainus Road: Linda Aidnell</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 07-Feb-2023 |             |
| <b>Malahat First Nation</b><br><i>110 Thunder Road, RR4: Heather Adams</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 07-Feb-2023 | 06-Apr-2023 |



## Referrals: Bylaw GL-283

| Agency                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Sent        | Received    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| <p><i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding these draft bylaws.</p> |             |             |
| <p><b>Mayne Island Local Trust Committee</b></p> <p><i>Islands Trust:</i> Jas Chonk</p> <p><i>Comment:</i> Interests unaffected by bylaw.</p>                                                                                                                                                                                                                                                                                                                  | 07-Feb-2023 | 27-Mar-2023 |
| <p><b>Ministry of Environment, Water Stewardship Division - Water Protection &amp; Sustainable Branch</b></p> <p><i>PO Box 9362:</i> No Contact Name Groundwater Section</p>                                                                                                                                                                                                                                                                                   | 07-Feb-2023 |             |
| <p><b>Ministry of Municipal Affairs and Housing</b></p> <p><i>Planning and Land Use Management:</i> Ron Burleson</p>                                                                                                                                                                                                                                                                                                                                           | 07-Feb-2023 |             |
| <p><b>Ministry of Transportation and Infrastructure</b></p> <p><i>Ministry of Transportation and Infrastructure:</i> Owen Page</p> <p><i>Comment:</i> The Ministry has no objections to the proposed changes to the OCP.</p>                                                                                                                                                                                                                                   | 07-Feb-2023 | 01-Mar-2023 |
| <p><b>Musqueam Nation</b></p> <p><i>6735 Salish Dr.:</i> Referrals Coordinator</p> <p><i>Comment:</i> Thank you for reaching out to Musqueam Indian Band. Our referrals team has reviewed the document for Galiano Island Local Trust Committee Draft Bylaws 283 and 284. We defer this referral to other closely affected First Nations.</p>                                                                                                                  | 07-Feb-2023 | 11-Apr-2023 |
| <p><b>Pauquachin First Nation</b></p> <p><i>9010 West Saanich Road:</i> Darlene Henry</p> <p><i>Comment:</i> No Comment Received</p>                                                                                                                                                                                                                                                                                                                           | 07-Feb-2023 |             |
| <p><b>Penelakut Tribe</b></p> <p><i>Box 360:</i> Denise James</p> <p><i>Comment:</i> No Comment Received</p>                                                                                                                                                                                                                                                                                                                                                   | 07-Feb-2023 |             |
| <p><b>Salt Spring Island Local Trust Committee</b></p> <p><i>1 - 500 Lower Ganges Road:</i> Peter Luckham</p>                                                                                                                                                                                                                                                                                                                                                  | 07-Feb-2023 |             |
| <p><b>Semiahmoo First Nation</b></p> <p><i>16049 Beach Rd:</i> Chief &amp; Council</p> <p><i>Comment:</i> No Comment Received</p>                                                                                                                                                                                                                                                                                                                              | 07-Feb-2023 |             |
| <p><b>Snuneymuxw First Nation</b></p> <p><i>668 Centre Street:</i> Desiree Thomas</p>                                                                                                                                                                                                                                                                                                                                                                          | 07-Feb-2023 |             |
| <p><b>Stz'uminus First Nation</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                          | 07-Feb-2023 |             |

## Referrals: Bylaw GL-283

| Agency                                                                                                                                | Sent        | Received    |
|---------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| 12611A Trans Canada Hwy: Chenoa Akey                                                                                                  |             |             |
| <b>Thetis Island Local Trust Committee</b><br><i>Northern Office:</i> Laura Patrick<br><i>Comment:</i> Interests unaffected by bylaw. | 07-Feb-2023 | 28-Feb-2023 |
| <b>Tsartlip First Nation</b><br><i>PO Box 70:</i> Karen Harry<br><i>Comment:</i> No Comment Received                                  | 07-Feb-2023 |             |
| <b>Tsawout First Nation</b><br><i>Box 121:</i> Cathy Webster<br><i>Comment:</i> No Comment Received                                   | 07-Feb-2023 |             |
| <b>Tsawwassen First Nation</b><br><i>1926 Tsawwassen Drive:</i> Victoria Williams<br><i>Comment:</i> No Comment Received              | 07-Feb-2023 |             |
| <b>Tseycum First Nation</b><br><i>1210 Totem Lane:</i> Chief Tanya Jimmy<br><i>Comment:</i> No Comment Received                       | 07-Feb-2023 |             |
| <b>WSANEC</b><br><i>WSANEC Leadership Council Society:</i> Joni Olsen                                                                 | 07-Feb-2023 |             |

## Active Projects Report

### Galiano Island

| 1. <i>Groundwater Sustainability</i>                 | Responsible   | Dates               |
|------------------------------------------------------|---------------|---------------------|
| Phase 1 and 2: mapping and data analysis - Completed | Kim Stockdill | Rec'd: 02-Apr-2019  |
| Phase 3: Implementation of mapping and data analysis |               | Target: 30-Sep-2023 |

## Future Projects Report

### Galiano Island

#### 1. *Parking Issues*

Responsible

Date Received

Issue for discussion with MoTI and public parking issues generated from associated islands.

23-Jul-2012

(see correspondence from P. Midgely on agenda of Apr/12)

#### 2. *Light Industrial Zoning*

Responsible

Date Received

A review and inventory assessment of existing and potential light industrial zones.

18-Nov-2013

#### 3. *Coastal Douglas-Fir Protection*

Responsible

Date Received

Review 'Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)' and provide recommendations from toolkit.

04-Feb-2019

- LPC is intending to develop a model bylaw in 2021-22.

Include review the Contiguous Forest Mapping in the Islands Trust Area Report.

#### 4. *Cannabis Retail and production*

Responsible

Date Received

Consider review of policies and regulations to address cannabis retail sales and production

05-Mar-2019

## Future Projects Report

### Galiano Island

#### 5. *Emergency Access Planning*

Responsible

Date Received

Follow-up from CRD emergency planning process - include consideration of developing driveway guidelines for emergency access within land use bylaw

02-Apr-2019

#### 6. *Review of Road Network Plan*

Responsible

Date Received

Review of Road Network Plan - include December 11th APC memo in review process - meet with MOTI

02-Mar-2020

#### 7. *Review of LUB tiny home/trailer regulations, maximum house sizes and lot coverage*

Responsible

Date Received

01-Jun-2021

#### 8. *Wise Island bylaw review*

Responsible

Date Received

Review of Wise Island bylaws and potentially other islands with water access only

06-Sep-2022

#### 9. *Shoreline model protection bylaw*

Responsible

Date Received

Review APC report in consideration of development of shoreline model protection bylaw

06-Sep-2022

***Islands Trust***  
LTC EXP SUMMARY REPORT F2025  
Invoices posted to Month ending May 2024

| 625 Galiano             | Invoices posted to Month ending May 2024    | <u>Budget</u>   | <u>Spent</u>    | <u>Balance</u>  |
|-------------------------|---------------------------------------------|-----------------|-----------------|-----------------|
| 65000-625               | LTC "Trustee Expenses"                      | 280.00          | 0.00            | 280.00          |
| LTC Local               |                                             |                 |                 |                 |
| 65200-625               | LTC - Local Exp - LTC Meeting Expenses      | 2,230.00        | 767.63          | 1,462.37        |
| 65210-625               | LTC - Local Exp - APC Meeting Expenses      | 300.00          | 0.00            | 300.00          |
| 65220-625               | LTC - Local Exp - Communications            | 3,000.00        | 496.84          | 2,503.16        |
| TOTAL LTC Local Expense |                                             | <u>5,530.00</u> | <u>1,264.47</u> | <u>4,265.53</u> |
| Projects                |                                             |                 |                 |                 |
| 73001-625-4114          | Galiano Groundwater Strategy Implementation | 1,500.00        | 0.00            | 1,500.00        |
| TOTAL Project Expenses  |                                             | <u>1,500.00</u> | <u>0.00</u>     | <u>1,500.00</u> |

## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Action  | Date        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2023-015 (Standing)</b><br><br><b>First Nations Reconciliation</b><br><br>That the Galiano Island Local Trust Committee seek to engage in reconciliation with local First Nations, governments and island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, the United Nations Declaration on Rights of Indigenous Peoples, draft principles that guide the Province of British Columbia's relationship with Indigenous Peoples and Islands Trust First Nations engagement principles. The Galiano Island Local Trust Committee endeavour to: <ul style="list-style-type: none"> <li>a. Annually write a letter to all First Nations knowledge holders introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities;</li> <li>b. For various Local Trust Committee meetings, invite local First Nations and knowledge holders to attend meetings, as well as provide a traditional welcome to the Territory if they would like;</li> <li>c. Work with Local First Nations Governments and knowledge holders on cooperative initiatives, including but not limited to, language, place names, territorial acknowledgements and community education on Coast Salish and local First Nations cultural heritage and history;</li> <li>d. Work with Local First Nation Governments and knowledge holders on engagement principles for inclusive land use, marine use and climate change planning advocacy, protection and stewardship and knowledge and information sharing protocols; and</li> <li>e. Establish and maintain government to government dialogue with Local First Nations and knowledge holders now and into the future based on respect and recognition of Aboriginal Rights and Titles, Treaty Rights, and First Nations Traditional Territories within the Islands Trust Area.</li> </ul> | Carried | 14-Mar-2023 |
| <b>2020-042 (Standing)</b><br><br><b>Use of Development Permits for Variances</b><br><br>That the Galiano Island Local Trust Committee request that development permit applications where a variance is requested be processed as a combined application with both a development permit and a development variance permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Carried | 08-Sep-2020 |

## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Action  | Date        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2020-041 (Standing)</b><br><br><b>Unlawful Land Uses and Planning Applications</b><br><p>that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <p>a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased.</p> <p>b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease.</p> <p>c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue.</p> <p>d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.</p> | Carried | 06-Jul-2020 |
| <b>2020-013 (Standing)</b><br><br><b>Advisory Planning Commission</b><br><p>that the Galiano Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Carried | 03-Feb-2020 |





## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Action  | Date        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2019-014 (Standing)</b><br><br><b>13.1 Cannabis Retail - Staff Report</b><br><br>that the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications: <ul style="list-style-type: none"> <li>- Proposed or amended licenses for non-medicinal cannabis retail establishments require an application to the local trust committee.</li> <li>- 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.</li> <li>- The public consultation process shall be determined by the local trust committee after initial review of the proposal.</li> <li>- 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:                             <ul style="list-style-type: none"> <li>o Name of the applicant and a description of the proposal in general terms</li> <li>o The location of the proposed establishment and the subject site</li> <li>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.</li> <li>o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application</li> <li>o How public comments may be submitted to the local trust committee.</li> </ul> </li> </ul> | Carried | 04-Mar-2019 |
| <b>2018-064 (Standing)</b><br><br><b>11.1 Telecommunication Strategy Project - Staff Report</b><br><br>that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Carried | 04-Jun-2018 |
| <b>2014-029 (Standing)</b><br><br><b>Community Wells as a Community Benefit</b><br><br>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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Carried | 07-Apr-2014 |



## Standing Resolutions Log

### Galiano Island

| Resolution Number | Action | Date |
|-------------------|--------|------|
|-------------------|--------|------|

**2014-000 (Standing)**

**Carried**

**03-Feb-2014**

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.

**2011-205 (Standing)**

**Carried**

**17-Oct-2011**

#### **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.

**2010-115 (Standing)**

**Carried**

**18-Oct-2010**

#### **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.



Standing Resolutions Log

Galiano Island

| Resolution Number                                                                                                                      | Action  | Date        |
|----------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| 2009-085 (Standing)                                                                                                                    | Carried | 11-May-2009 |
| <b>Parks Commission Referral</b>                                                                                                       |         |             |
| That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment |         |             |



## ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

### HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MAY 28<sup>TH</sup>, 2024 BOARD MEETING

*NOTE: For more detail on Islands Trust Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>*

#### 1. ORGANIZATION UPDATES/TEAM

- Manager Emmings notified the Islands Trust Conservancy (ITC) Board that the posting for a board member vacancy is live and has been broadly distributed. The posting closes June 7<sup>th</sup>, 2024.
- The ITC Board was introduced to Emily McLean, ITC's summer co-op student.
- Manager Emmings notified the ITC Board of her temporary appointment as Manager with the BC Conservation Data Centre from June 10<sup>th</sup>, 2024 to September 16<sup>th</sup>, 2025.
- Director Frater informed the ITC Board that Carolyn Stewart will be Acting Manager for ITC starting June 17<sup>th</sup>, 2024 until January 16<sup>th</sup>, 2025.

#### 2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board considered the 2024/25 Work Plan and approved the following:
  - Extension of the Regional Conservation Plan by two years until December 2029.
  - Rescind resolution ITC-2020-030: "That the ITC Board direct staff to complete an ITC Reconciliation Action Plan that incorporates actions in Goal 2 of the Regional Conservation Plan" to ensure that steps towards Reconciliation are informed by First Nations engagement for the ITC Plan.
  - Prioritization of: Goal Two of the Regional Conservation Plan related to strengthening relationships with First Nations; components of Goal One related to knowledge, information, and data management of ITC properties; and, components of Goal Three related to ongoing management of ITC protected areas.
  - Removal of the current Climate Change Impacts Project from the ITC Work Plan.
  - Exploration of climate change projects and research to address the climate emergency in ITC protected areas once ITC has a new Property Management Team Lead.
- The ITC Board approved the Audited Financial Statements for the 2023/24 fiscal year, and referred the statements to Islands Trust Council for information.
- The ITC Board directed staff to prepare an ITC budget request, including budget allocation for \$220,000 associated with the Species at Risk Program.

#### 3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received updates on negotiations for four conservation covenants and two acquisitions.



#### 4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board directed staff to delay work on nature reserve management plans until an approved ITC Plan from the Minister of Municipal Affairs is received.
- The ITC Board directed staff to continue work on a Risk Assessment Policy through a phased approach that includes public safety with reference to the BC *Occupier Liabilities Act*, and identification of properties that would benefit from a core policy of conservation and environmental management.

#### 5. COMMUNICATIONS AND OUTREACH

- ITC issued its Spring 2024 Heron Newsletter available at <https://islandstrust.bc.ca/conservancy/heron-newsletter/>.
- The ITC Board approved the ITC Annual Report text for approval by Trust Council and submission to the Minister of Municipal Affairs.
- The ITC Board directed staff to develop communications materials for stakeholders and the public with regards to the updated ITC Work Plan and elements of the Regional Conservation Plan (2017-2029).

#### 6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC issued its 2023/24 Impact Report available at <https://islandstrust.bc.ca/conservancy/our-impact/>.
- The ITC Board approved an Opportunity Fund Grant for the Bowen Island Conservancy.

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Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>