



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: September 10, 2024
Time: 1:00 pm
Location: Galiano South Community Hall
141 Sturdies Bay 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 July 9, 2024 (for Adoption)	3 - 8
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 Sept 2024	9 - 10
12.	DELEGATIONS	
13.	CORRESPONDENCE	1:50 PM - 2:00 PM
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		

13.1	Managed Forest Council re Removal of Land from the Managed Forest Program	11 - 11
14.	MEETING BREAK - COMMUNITY UPDATE	
15.	APPLICATIONS AND REFERRALS	2:00 PM - 2:40 PM
15.1	GL-RZ-2021.2 (Matheson-Bairstow) – Staff Report (attached)	12 - 17
15.2	GL-RZ-2023.2 (McElhanney) – Staff Report (attached)	18 - 24
16.	LOCAL TRUST COMMITTEE PROJECTS	2:40 PM - 3:10 PM
16.1	Groundwater Sustainability Project – Staff Memo (attached)	25 - 44
17.	REPORTS	3:10 PM - 3:20 PM
17.1	Work Program Reports (attached)	
17.1.1	<u>Active Projects Report Dated Sept 2024</u>	45 - 45
17.1.2	<u>Future Projects Report Dated Sept 2024</u>	46 - 47
17.2	Applications Report - Verbal Update	
17.3	Trustee and Local Expense Report Dated July 2024 (attached)	48 - 48
17.4	Adopted Policies and Standing Resolutions (attached)	49 - 53
17.5	Local Trust Committee Webpage	
17.6	Islands Trust Conservancy Report Dated July 2024	54 - 55
18.	NEW BUSINESS	3:20 PM - 3:30 PM
18.1	Dark Sky Principles Adoption Advocacy Briefing (Attached)	56 - 59
19.	UPCOMING MEETINGS	3:30 PM - 3:35 PM
19.1	November 12 meeting date change	
	That the Galiano Island Local Trust Committee request staff to reschedule the November 12, 2024 in person regular business meeting to November 8, 2024.	
19.2	Next Regular Meeting Scheduled for October 8, 2024 at the Galiano Lions Club Hall, Galiano Island	
20.	TOWN HALL	3:35 PM - 3:55 PM
21.	CLOSED MEETING - None	
22.	ADJOURNMENT	3:55 PM - 3:55 PM

Galiano Island Local Trust Committee

Minutes of Regular Meeting

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

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

Staff Present: Kim Stockdill, Island Planner
Lisa Millard, Recorder (electronic)

Others Present: There were approximately 25 members of the public present.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 1:10 p.m. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations and welcomed the Chief and Council from Penelakut Nation.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

It was noted that Item 18.1 Penelakut Tribe Chief and Council Members will follow Item 5.

3. TRUSTEE REPORT

Trustee Mabberley reported the following:

- Attended Trust Council
- Contractor estimates for parking at Montague Harbour have been received
- Visited Penelakut Island and met with Chief Jack and Council Members

Trustee Gauvreau reported the following:

- Attended Trust Council and highlighted the strategic planning workshop, audited financial statements, and recognized the retirement of Chief Administrative Officer Russ Hotsenpiller
- Thanked Carly Bilney for taking on the role of Secretary of the Advisory Planning Commission

4. CHAIR'S REPORT

Chair Peterson reported the following:

- Attended Trust Council and highlighted 50th Anniversary of Islands Trust

- Member of Legislative Assembly Adam Olsen's address
- Presentation about wrecked and hazardous vessels, and using spatial planning as part of the strategic planning process
- Attended Committee of Whole meeting to discuss draft Trust Policy Statement
- Ongoing participation in Culturally Committed group

5. ELECTORAL AREA DIRECTOR'S REPORT - None

6. FIRST NATION REPORT - None

7. TOWN HALL AND QUESTIONS

Internet connectivity was lost at 1:30 p.m. and Chair Peterson commenced recording the meeting at 1:39 p.m. Not all public comments were captured by the minute taker.

A member of the public acknowledged and thanked Penelakut Chief and Council Members and stated she is a member the Galiano Conservancy which manages approximately 1250 acres of land on Galiano Island which was not ceded or surrendered by First Nations. The Conservancy accommodates a hunting program for Indigenous People and they hope to develop relationships with Penelakut Chief and Council going forward.

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING – None

10. MINUTES

10.1 Local Trust Committee Minutes Dated May 14, 2024 (for Adoption)

By general consent the Galiano Island Local Trust Committee meeting minutes of May 14, 2024 were adopted.

10.2 Section 26 Resolutions Without Meeting Report Dated June 2024

Received for information.

10.3 Advisory Planning Commission Minutes - None

11. BUSINESS ARISING FROM MINUTES

11.1 Follow-up Action List Dated July 2024

Received for information.

12. DELEGATIONS - None

13. CORRESPONDENCE

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

14. MEETING BREAK - COMMUNITY UPDATE

The meeting was recessed for a break at 1:45 p.m. and reconvened at 2:00 p.m.

15. APPLICATIONS AND REFERRALS

15.1 PLRZ20240003 (Palmberg) - Staff Report

Island Planner Stockdill summarized the Staff Report and highlighted the following:

- Application is to rezone the subject property to permit proposed uses including a works yard, contractor workshop and yard, storage and sale of gravel, soil and aggregates, sawmilling and manufacturing wood products, and production and sales of cider
- Property is currently being used for tree fruit farming and temporary sawmilling
- Applicant is seeking a phased approach for the proposed uses
- One letter has been received from a neighbouring property owner which outlined concerns about potential noise

Discussion ensued and the following comments were noted:

- A Section 219 Covenant placed on the property would enable restrictions on certain uses until such time the applicant can provide further information or assessments to ensure there is not detrimental impacts of said use
- There will be a statutory requirement to notify neighbours about the application as part of the public hearing process and the Local Trust Committee can request earlier notification or that a community information meeting be held
- Property is in a water management area and in proximity to a water service area and a water management plan would help inform consideration of the application
- Further information on the proposed uses and the siting of them would be helpful

The applicant was in attendance and indicated that the cidery concept is a future consideration and is of secondary importance to other proposed uses.

GL-2024-015

It was Moved and Seconded,

that Galiano Island Local Trust Committee request that the applicant for PLRZ20240003 submit to the Islands Trust

- I. Information regarding the scale of the proposed uses
- II. Business plan for the light industrial uses and cidery
- III. Information on a ground water management plan
- IV. Information on timing / phased approach
- V. Detailed site plan

CARRIED

16. LOCAL TRUST COMMITTEE PROJECTS

16.1 Groundwater Sustainability Project - Staff Report

Island Planner Stockdill summarized the Staff Report and noted the following:

- An information webinar was held in 2021 and a Community Information Meeting held in 2022
- Staff have met with Penelakut Tribe, Coast Salish Peoples of Galiano, and members of an Indigenous family with historical ties to Galiano Island to discuss the project

- Staff recommend second referrals be sent out which highlight Exemption 'p' which would provide an exemption for a Development Permit where land is owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage
- A community information meeting and public hearing be scheduled

Discussion ensued.

GL-2024-016

It was Moved and Seconded,

that a Community Information Meeting and Public Hearing for the Groundwater Sustainability Project be scheduled for October 8, 2024.

CARRIED

17. REPORTS

17.1 Work Program Reports

17.1.1 Active Projects Report Dated July 2024

Received for information.

17.1.2 Future Projects Report Dated July 2024

Received for information.

17.2 Applications Report - Verbal Update

Planner Stockdill provided a verbal update on current planning applications.

17.3 Trustee and Local Expense Report Dated May 2024

Received for information.

17.4 Adopted Policies and Standing Resolutions

Received for information.

17.5 Local Trust Committee Webpage

No updates at this time.

17.6 Islands Trust Conservancy Report Dated May 2024

Received for information.

18. NEW BUSINESS

18.1 Penelakut Tribe Chief and Council Members

Internet connectivity was lost at 1:30 p.m. and Chair Peterson commenced recording the meeting at 1:39 p.m. Not all Penelakut Council Members comments were captured by the minute taker.

Chair Peterson noted Chief Jack and Council Members of the Penelakut Tribe were in attendance and invited them to speak.

Chief Jack addressed the Local Trust Committee and stated the following:

- She is the newly elected Chief of Penelakut Tribe since February, 2024
- She is from Penelakut Island as are her family traced back to her great grandfather's roots
- Thanked Penelakut Council Members and youth in attendance
- In order for the Penelakut to prosper they need to work together with surrounding communities as one in harmony and model leadership to the younger generation
- She comes before the Local Trust Committee, members of the community, and landowners to deliver a message
- She declared the unwavering interest of her people in accepting the return of land that rightfully belong to the Penelakut
- The Council Members and youth are in attendance to bear witness to the voice of their ancestors to establish that Galiano Island is unceded Penelakut territory
- It is their inherent right as recognized in the United Nations Declaration of Rights of Indigenous People to reclaim what has been theirs for generations
- They come in spirit of partnership to work alongside landowners and Islands Trust in good faith
- Their goal is to establish a foundation of understanding and cooperation and they recognize the importance of maintaining a harmonious relationship with all stakeholders
- They are committed to working together and are ready to engage in open and constructive dialogue to find mutually beneficial solutions and to build a future where they can thrive on the lands that have sustained them for generations

19. UPCOMING MEETINGS

19.1 Next Regular Meeting Scheduled for September 10, 2024 at the South Community Hall, Galiano Island

20. TOWN HALL

A member of the public stated that members of the public require time in between a community information meeting and public hearing to ask questions and understand the information prior to a public hearing.

Island Planner Stockdill noted that the public hearing for the Groundwater Sustainability Project has been moved to October so that a staff report can be provided at the September, 2024 Local Trust Committee meeting and if they have specific questions to send them to staff so they can be addressed as part of the September Staff Report.

A member of the public thanked the Local Trust Committee for trying to save the applicant of Application PLRZ20240003 money by requesting a rough site plan versus a professional survey at this stage of the application.

21. CLOSED MEETING – None

22. ADJOURNMENT

By general consent the meeting was adjourned at 2:35 p.m.

Tim Peterson, Chair

Certified Correct:

Lisa Millard, Recorder

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 Jas Chonk	Target: 20-May-2023	Completed

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	Completed

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). Staff bring applications forward to the Sept 2024 LTC meeting.	Kim Stockdill	Target: 30-Aug-2024	Completed

09-Jul-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 10.1 GL LTC May 14, 2024 meeting minutes adopted as is.	Emily Bryant	Target: 19-Jul-2024	Completed
0%	2 15.1 PLRZ20240003 (Palmberg) - Applicant to provide the following information: 1. Scale of proposed uses. 2. Business plan for light industrial and cidery uses. 3. Water management plan 4. Timing/phased approach of development 5. Detailed site plan	Kim Stockdill	Target: 29-Nov-2024	In Progress
0%	3 16.1 Staff to schedule CIM and Public Hearing for the Groundwater Sustainability Project for October 8, 2024. Staff to send referrals to First Nations highlighting Exemption 'p'. Staff to provide a summary of referral comments received to date at the Sept 2024 GL LTC meeting.	Emily Bryant Jas Chonk Kim Stockdill	Target: 30-Aug-2024	Completed

File: MF 403

July 15, 2024

Galiano Conservancy Association
10825 Porlier Pass Road
Galiano Island, BC V0N 1P0
Attention: Chessi Miltner

Via email: chessi.miltner@galianoconservancy.ca

Dear Chessi:

RE: Removal of Land from the Managed Forest Program

Council sent you a letter on May 6, 2024, regarding the following parcel of private managed forest land:

Folio	PID	Legal Description	Hectares
764-02252550	009-081-801	DISTRICT LOT 50, COWICHAN LAND DISTRICT, PORTION GALIANO ISLAND	39.9

The letter provided guidance on the application requirements to maintain managed forest land status for this land.

As we have not received an application within the required timeframe, the land is no longer private managed forest land subject to the *Private Managed Forest Land Act* and Regulations.

By way of a copy of this letter, Council advises BC Assessment that the above parcel is no longer subject to a Management Commitment.

By way of a copy of this letter, Council has advised the Islands Trust that the above parcel is no longer subject to the *Private Managed Forest Land Act* and Regulations.

Sincerely,



Ann Donaldson
Executive Director

c BC Assessment
c Islands Trust

File No.: GL-RZ-2021.2
(Matheson/Bairstow)

DATE OF MEETING: September 10, 2024
TO: Galiano Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: District Lot 86 Rezoning Application – Staff Report
Location: District Lot 86 Galiano Island Cowichan District

RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to prepare draft bylaws for rezoning application GL-RZ-2021.2 (Matheson/Bairstow).

REPORT SUMMARY

The purpose of this staff report is to provide the Galiano Island Local Trust Committee (LTC) with further information regarding the rezoning application and request the LTC to give direction to staff to proceed with draft bylaws.

BACKGROUND

A rezoning application for the approximately 38 hectare subject property was received on August 23, 2021. The property owners seek to rezone the property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)**, **Small Lot Residential (SLR)**, **Nature Protection (NP)**, and **Park (P)** – see Figure 1.

The subject property is located at the north end of Galiano Island. There is one illegal dwelling on the property that is subject to bylaw enforcement file GL-BE-2019.16. Adjacent land uses include Dionisio Park to the north (DL 92), Therah Village Community to the west (DL 91), and F1 zoned lots to the south.

At the December 12, 2023 staff presented a preliminary staff report to the Galiano LTC. Although the LTC did not pass a motion regarding this application, the LTC expressed a preference to receive information from the Penelakut Tribe before requiring conditions or requesting draft bylaws.

Penelakut Tribe Chief Jack and Penelakut Tribe Council members and staff members attended the July 9, 2024 regular LTC meeting. During that meeting, Penelakut Tribe Chief Jack declared the unwavering interest of the Penelakut people in accepting the return of land to the Penelakut Tribe.

FIGURE 1 - PRELIMINARY LAYOUT PLAN

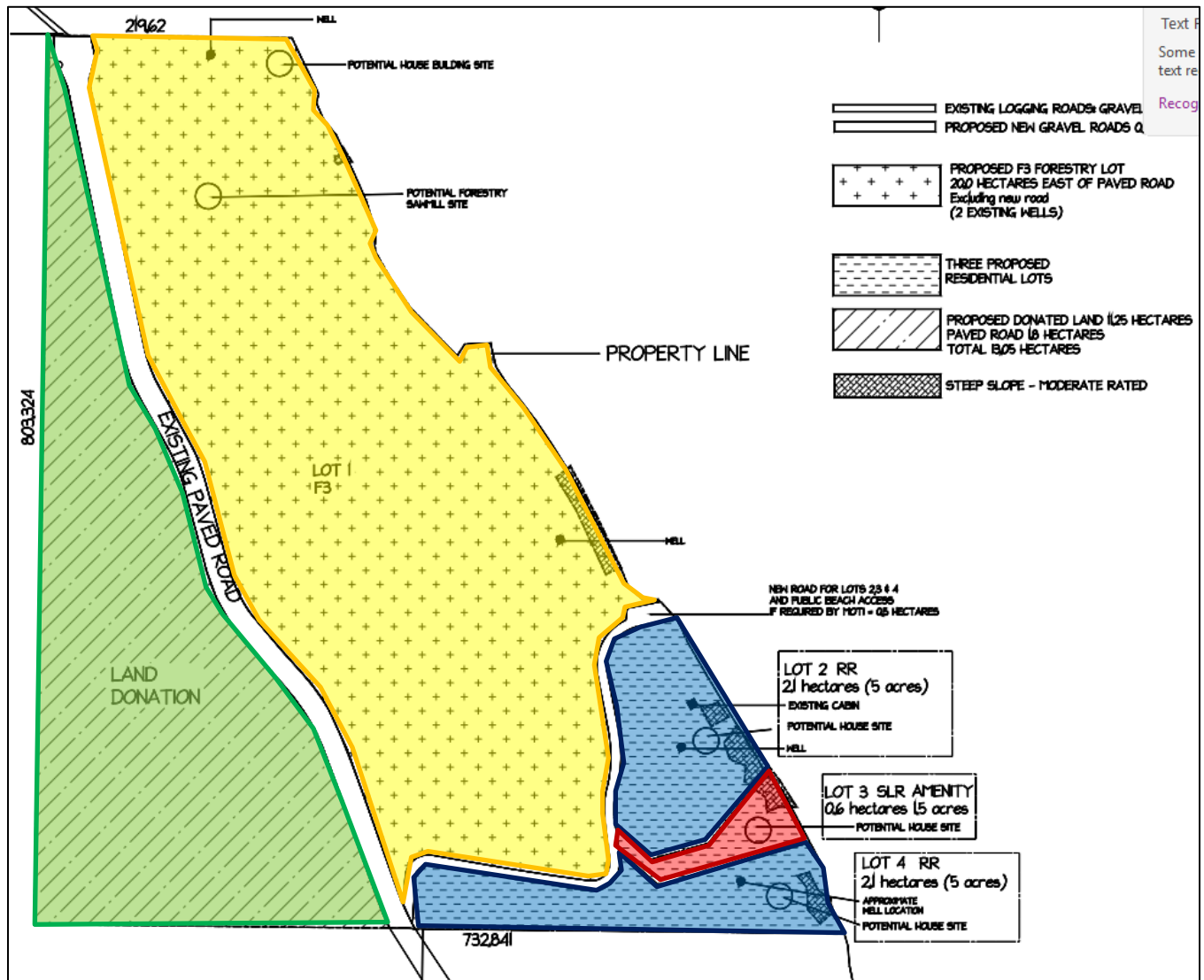


TABLE 1 - LEGEND

COLOUR	PROPOSED ZONING	COMMENTS
Blue	Rural Residential	Lots 2 and 4; each 2.1 hectares in area
Red	Small Lot Residential	Lot 3 (0.6 hectares in area). Lot or cash from sale of lot to be donated to affordable housing society
Yellow	Forest 3	Registration of a sustainable forestry covenant is required for this lot (Lot 1)
Green	Nature Protection/Park	Nature Protection lot – Penelakut Tribe as recipient. Park – Capital Regional District as recipient

ANALYSIS

Application Proposal

The applicants are proposing to create two new Rural Residential (RR) zoned properties, averaging 2.1 hectares, with the remainder of the subject property being zoned Nature Protection and Park. The proposal also includes a 0.6 hectare amenity lot (proposed zoning to Small Lot Residential) for the purpose of affordable housing. Figure 2, as provided by the applicant, provides a breakdown of the approximate total area of land proposed to be included.

Figure 2. Approximate Total Area Proposed per Zone Type (based on Figure 1)

Proposed Zone	Area (ha) *approximate	Community Benefit?	25%	75%
Rural Residential lots	4.2 ha	No	22.9%	
Small Lot Residential Lot	0.6 ha	Yes		3.3%
Nature Protection Area/Park	11.25 ha	Yes		61.3%
Road A (running south to north)	1.8 ha	Yes		9.8%
Road B (accessing Lots 2, 3, &4)	0.5 ha	Yes		2.7%
TOTAL	18.35 ha		22.9%	77.1%
Forest 3	20. ha	Registration of Sustainable Forestry Covenant	Not included in 75/25 calculation	
TOTAL AREA	38.35 ha		22.9%	77.1%

Draft Bylaws

The Galiano Island Official Community Plan (OCP) land use designation for the subject property is currently **Forest**. Rezoning as proposed would result in the proposed following changes to the OCP schedule B for the newly configured lots: **Small Lot Residential, Rural Residential, Forest, Nature Protection, Park & Recreation** designations.

The subject property is also currently zoned **Forest 1** in the Galiano Island Land Use Bylaw (LUB). The following amendments to the LUB would be required:

- Rezoning a portion of property to **Forest 3**
- Rezoning two lots to **Rural Residential**
- Rezoning the amenity lot to **Small Lot Residential** with a restriction of only permitting one dwelling unit (a cottage would not be permitted)
- Rezoning a portion of the land to **Nature Protection** – to be transferred to Penelakut Tribe

A portion of the subject property may have to be rezoned to **Park** to comply with Section 510 of the *Local Government Act* and transferred to the Capital Regional District (CRD). Alternatively the CRD may wish to receive cash-in-lieu of park land. Subsection 510(6) of the LGA states amount of land that may be required for park

dedication or used for establishing the amount that may be paid as cash-in-lieu must not exceed 5% of the land being proposed for subdivision.

Community Benefit – Amenity Lot, Nature Protection Lots (Area 1 & 2), Park Dedication, & Well Monitoring

As a condition of rezoning a Forest 1 lot to Rural Residential lots (25 percent of land) a community benefit is requested. This has been addressed by proposing to transfer at least 75 percent of the land to Penelakut Tribe, and also donating a residential lot for affordable housing. Due to the location of the subdivision at the north end of Galiano away from services and ferry access, a donation of the sale of a residential lot to an affordable housing society on Galiano Island would be recommended.

The Penelakut Tribe Chief declared interest in receiving the land proposed to be rezoned to Nature Protection to the west of the access road. Although Penelakut Tribe has set up a corporation in order to acquire and hold land, the British Columbia *Land Title Act* was amended in May 2024 naming First Nations to have the power and capacity in acquiring and disposing of land (Section 365.3). If this rezoning application is successful, the land will be required to be transferred to the Penelakut Tribe after the plan of subdivision has been successfully registered at the Land Title Office.

In 2014, the Galiano LTC passed the following standing resolution:

2014-029 (Standing) Carried 07-Apr-2014

“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.”

The LTC may also considered requiring the applicant to install a monitoring device on their well as a condition of bylaw adoption. At this time planning staff are looking into the feasibility of this option as there are considerations regarding how, and how often the property owner must upload the data, who processes the data, and if the data is able to be uploaded to the provincial system. Staff will report back to the LTC at a later date with further information regarding these considerations.

As a condition of subdivision, the plan of subdivision must comply with Section 510 of the Local Government Act which requires the creation of a community park that must not exceed 5 percent of the land being proposed for subdivision (maximum lot area of approximately 3 hectares).

Parks and Recreation Policy 6 b) in the Galiano OCP states: *“Dedication of land, rather than cash-in-lieu, shall be required on lands identified on Schedule “E” of this plan where parkland dedication is required at the time of subdivision.”* A referral to the CRD Parks & Recreation Committee is recommended to determine if the CRD would like to pursue land for a community park or cash-in-lieu. If the CRD and the applicant agree to donating land, the site plan must be updated to include park dedication (and that portion of land rezoned to Park).

Next Steps

Galiano LTC

As staff have engaged with the Penelakut Tribe and issued a Terms of Reference to the applicant, the next step for the LTC’s consideration is to give direction to draft bylaws. Directing staff to proceed with the application will enable staff to begin preliminary engagement with First Nations as a first step to determining the viability of the proposal or other potential options.

Applicant

As outlined in the Terms of Reference which was issued to the applicant in 2021, the applicant will continue to work on and provide to the LTC:

- Updated site plan outlining the developable areas. This site plan will be attached to the amending Land Use Bylaw (LUB). The final site plan must be completed prior to First Reading of the amending bylaw
- Updated site plan to include area for community park dedication subject to Section 510 of the *Local Government Act*
- Geotechnical Assessment – if ‘developable areas’ are located within Development Permit Area 7 – Moderate Steep Slope
- Groundwater Report – parameters of the report will be determined by the Islands Trust Senior Freshwater Specialist and planning staff. Report to be completed prior to scheduling of Public Hearing
- Septic Disposal Report – to confirm septic viability, and to provide a site plan showing the existing and proposed septic areas for those lots where zoning permits a residential use. Report to be completed prior to scheduling of Public Hearing
- Ecological Overview Report – to provide information regarding the ecological significance on the lands to be transferred. Report to be completed prior to scheduling of Public Hearing
- Sustainable Forestry Covenant – to register a Section 219 covenant on title for the proposed Forest 3 zoned portion of the lot. Covenant to be registered on title of parent parcel prior to bylaw adoption
- Section 219 Covenants:
 - Development Control Covenant(s) – covenant(s) to include recommendations of the geotechnical assessment (if required), groundwater report, ecological overview report; the Site Plan, land transfer information (road portion and west lot portion), restriction on use or occupancy of dwellings until land is successfully transferred, sale of SLR lot to be donated to a non-profit affordable housing society, and subdivision clause (owner must subdivide in accordance to attached site plan)
 - Covenant to be registered on title of parent parcel prior to bylaw adoption
 - There may be two Development Control Covenants. One permanent covenant which stays on the property title for each lot in perpetuity, and another temporary covenant which may be discharged if all clauses in the covenant are satisfied.
- Information regarding park dedication or cash-in-lieu in compliance with Section 510 of the *Local Government Act*

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as the Penelakut Tribe has indicated their interest in the receipt of land as a condition of rezoning and the Terms of Reference has been issued to the applicant.

If the LTC agrees with the proposed layout as shown in Figure 1, staff recommend the LTC gives direction to staff to draft bylaws for this rezoning application. Proceeding with the preparation of draft bylaws would allow for next steps in the process to proceed including early referrals First Nations and agencies, referrals to potentially affected agencies, and the consideration of further input from the public including adjacent property owners.

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 submit to the Islands Trust
_____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2021.2 (Matheson-Bairstow).

NEXT STEPS

If the LTC agrees with staff's recommendation, staff will:

- Continue engagement with First Nations and First Nation agencies
- Proceed to draft bylaws

Submitted By:	Kim Stockdill, Island Planner	August 28, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	August 28, 2024

DATE OF MEETING: September 10, 2024

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: District Lot 85 Rezoning Application – Preliminary Report

Applicant: TBD

Location: District Lot 85 Galiano Island Cowichan District

RECOMMENDATION

1. **That the Galiano Island Local Trust Committee direct staff to prepare draft bylaws for rezoning application GL-RZ-2023.2 (McElhanney).**

REPORT SUMMARY

The purpose of this staff report is to provide the Galiano Island Local Trust Committee (LTC) with further information regarding the rezoning application, to present a draft Terms of Reference for the applicant, and request the LTC to give direction to staff to proceed with draft bylaws.

BACKGROUND

The application as proposed would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)**, **Small Lot Residential (SLR)**, **Resource (R)**, **Nature Protection (NP)**, and **Park (P)**. The proposal would also require an Official Community Plan (OCP) amendment for changes to land use designation.

At the December 12, 2023 meeting staff presented a preliminary staff report to the Galiano LTC. Although the LTC did not pass a motion regarding this application, the LTC expressed a preference to receive information from the Penelakut Tribe before requiring conditions or requesting draft bylaws.

Penelakut Tribe Chief Jack and Penelakut Tribe Council members and staff members attended the July 9, 2024 regular LTC meeting. During that meeting, Penelakut Tribe Chief Jack declared the unwavering interest of the Penelakut people in accepting the return of land to the Penelakut Tribe.

Figure 1 - Preliminary Layout Plan

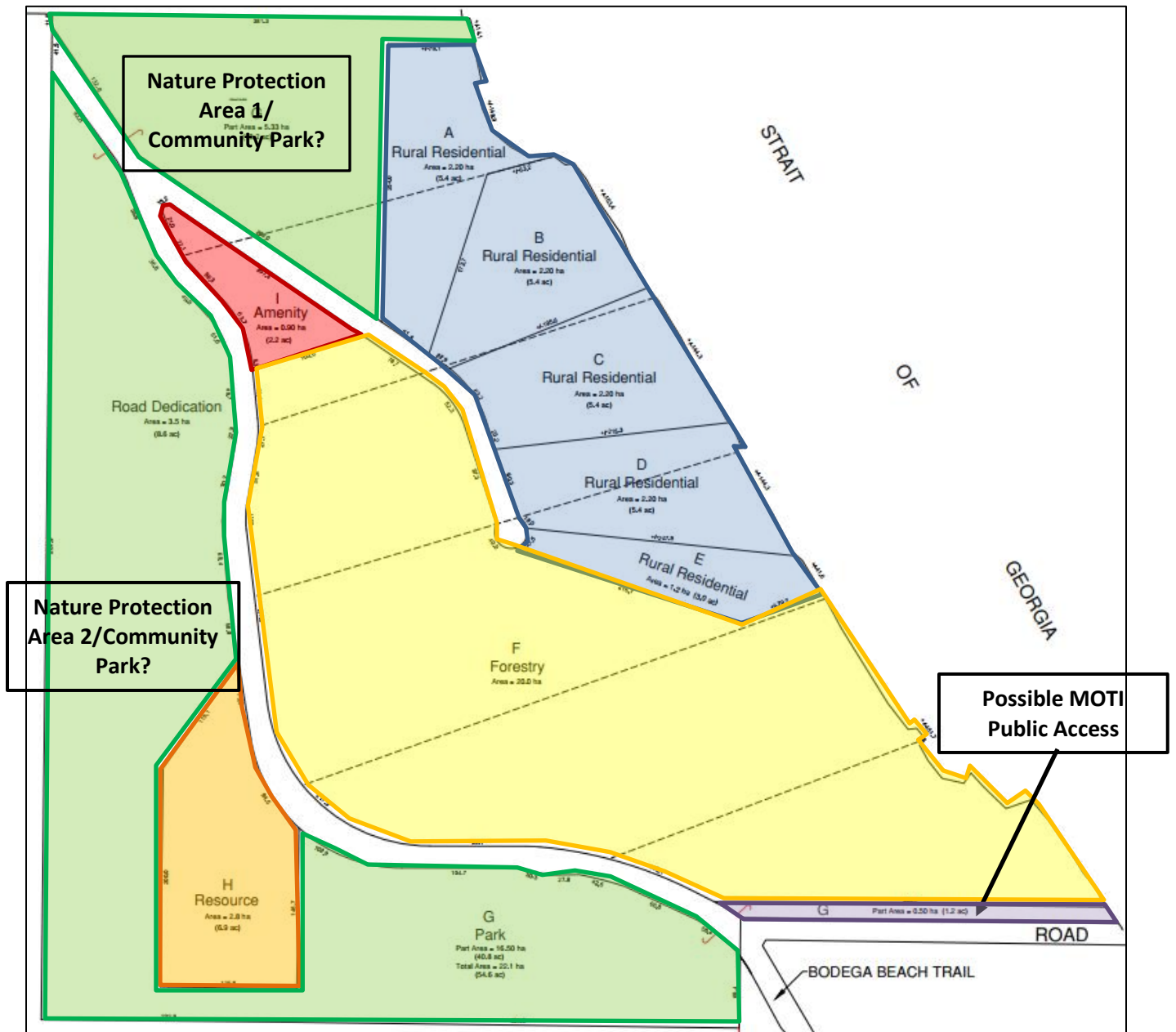


TABLE 1 - LEGEND

COLOUR	PROPOSED ZONING	COMMENTS
Blue	Rural Residential	Lots A, B, C, D, and E
Red	Small Lot Residential	Lot or cash from sale of lot to be donated to affordable housing society. LTC could consider requesting applicants to amend the proposed layout for this amenity lot to be in a more desirable area.

Yellow	Forest 3	Registration of a sustainable forestry covenant is required for this lot.
Orange	Resource zone or site-specific Forest Industrial zone	Applicant to determine who will receive this land. Proposed zoning could be a new resource zone or a site-specific Forest Industrial zone that would only permit certain uses (quarry use).
Green	Nature Protection/Community Park	Nature Protection zoned lots to be transferred to the Penelakut Tribe. A portion of this land will be required to be zoned Park to be donated to the Capital Regional District (Parks and Recreation).
Purple	N/A	Applicant should discuss with the Ministry of Transportation and Infrastructure (MOTI) if the location of this water access would satisfy Section 75(d) of the <i>Land Title Act</i> or should it be moved to another portion of the land (between proposed Lot E and the F3 lot).

ANALYSIS

Application Proposal

The applicant is proposing the creation of five new Rural Residential (RR) zoned properties, averaging 2.0 hectares. The proposal also includes a 0.9 hectare amenity lot (proposed zoning to Small Lot Residential) for the purpose of affordable housing, and a 2.3 hectare resource lot (ie. An existing gravel quarry), a Nature Protection lot and dedicated roads. Figure 2, as provided by the applicant, provides a breakdown of the approximate total area of land proposed to be included.

Figure 2. Approximate Total Area Proposed per Zone Type (from applicant)

Proposed Zone	Area (ha) *approximate	Community Benefit?	25%	75%
Rural Residential lots	10.0 ha	No	25.3%	
Small Lot Residential Lot	0.9 ha	Yes		2.3%
Resource	2.8 ha	Yes		7.1%
Nature Protection Area 1/Park	5.33 ha	Yes		13.5%
Nature Protection Area 2/Park	16.5 ha	Yes		41.7%
MOTI Water Access	0.5 ha	Yes		1.3%
Road	3.5 ha	Yes		8.8%
TOTAL	39.53 ha		25.3%	74.7%
Forest 3	20. ha	Registration of Sustainable Forestry Covenant	Not included in 75/25 calculation	
TOTAL AREA	59.53 ha		25.3%	74.7%

Draft Bylaws

The Galiano Island Official Community Plan (OCP) land use designation for the subject property is currently **Forest**. Rezoning as proposed would result in the proposed following changes to the OCP schedule B for the newly configured lots: **Small Lot Residential**, **Rural Residential**, **Forest**, **Forest Industrial** or **Light Industrial**, **Nature Protection** and **Parks & Recreation** designations.

The subject property is also currently zoned **Forest 1** in the Galiano Island Land Use Bylaw (LUB). The following amendments to the LUB would be required:

- Rezoning a portion of **property to Forest 3**
- Rezoning five lots to **Rural Residential**
- Rezoning the amenity lot to **Small Lot Residential** with a restriction of only permitting one dwelling unit (a cottage would not be permitted)
- Rezoning portions of the land to **Nature Protection**
- Rezoning a portion of the property to a new **Resource** zone or a site-specific **Forest Industrial** zone

A portion of the subject property may have to be rezoned to **Park** to comply with Section 510 of *the Local Government Act* and transferred to the Capital Regional District (CRD). Alternatively the CRD may wish to receive cash-in-lieu of park land. Subsection 510(6) of the LGA states amount of land that may be required for park dedication or used for establishing the amount that may be paid as cash-in-lieu must not exceed 5% of the land being proposed for subdivision.

Community Benefit – Amenity Lot, Nature Protection Lots (Area 1 & 2), Quarry Lot, Park Dedication & Well Monitoring

As a condition of rezoning a Forest 1 lot to Rural Residential lots (25 percent of land) a community benefit is requested. This has been addressed by the applicant by proposing to transfer at least 75 percent of the land not proposed to be rezoned F3 to a combination of the Penelakut Tribe, a residential lot for affordable housing, and public access. Due to the location of the subdivision at the north end of Galiano away from services and ferry access, a donation of the proceeds of the sale of a residential lot to an affordable housing society on Galiano Island would be recommended.

The Penelakut Tribe Chief declared interest in receiving the land proposed to be rezoned to Nature Protection to the west of the access road. Although Penelakut Tribe has set up a corporation in order to acquire and hold land, the British Columbia *Land Title Act* was amended in May 2024 naming First Nations to have the power and capacity in acquiring and disposing of land (Section 365.3). If this rezoning application is successful, the land will be required to be transferred to the Penelakut Tribe after the plan of subdivision has been successfully registered at the Land Title Office.

In 2014, the Galiano LTC passed the following standing resolution:

2014-029 (Standing) Carried 07-Apr-2014

“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.”

The LTC may also considered requiring the applicant to install a monitoring device on their well as a condition of bylaw adoption. At this time planning staff are looking into the feasibility of this option as there are considerations regarding how, and how often the property owner must upload the data, who processes the data, and if the data is able to be uploaded to the provincial system. Staff will report back to the LTC at a later date with further information regarding these considerations.

Parks and Recreation Policy 6 b) in the Galiano OCP states: *“Dedication of land, rather than cash-in-lieu, shall be required on lands identified on Schedule “E” of this plan where parkland dedication is required at the time of subdivision.”* A referral to the CRD Parks & Recreation Committee is recommended to determine if the CRD would like to pursue land for a community park or cash-in-lieu. If the CRD and the applicant agree to donating land, the site plan must be updated to include park dedication (and that portion of land rezoned to Park).

Next Steps

Galiano LTC

As staff have engaged with the Penelakut Tribe and issued a Terms of Reference to the applicant, the next step for the LTC’s consideration is to give direction to draft bylaws. Directing staff to proceed with the application will enable staff to begin preliminary engagement with First Nations as a first step to determining the viability of the proposal or other potential options.

Applicant

As outlined in the Terms of Reference which was issued to the applicant in 2021, the applicant will continue to work on and provide to the LTC:

- Updated site plan outlining the developable areas. This site plan will be attached to the amending Land Use Bylaw (LUB). The final site plan must be completed prior to First Reading of the amending bylaw
- Updated site plan to include area for community park dedication subsection to Section 510 of the *Local Government Act*
- Geotechnical Assessment – if ‘developable areas’ are located within Development Permit Area 7 – Moderate Steep Slope
- Groundwater Report – parameters of the report will be determined by the Islands Trust Senior Freshwater Specialist and planning staff. Report to be completed prior to scheduling of Public Hearing
- Septic Disposal Report – to confirm septic viability, and to provide a site plan showing the existing and proposed septic areas for those lots where zoning permits a residential use. Report to be completed prior to scheduling of Public Hearing
- Ecological Overview Report – to provide information regarding the ecological significance on the lands to be transferred. Report to be completed prior to scheduling of Public Hearing
- Sustainable Forestry Covenant – to register a Section 219 covenant on title for the proposed Forest 3 zoned portion of the lot. Covenant to be registered on title of parent parcel prior to bylaw adoption
- Section 219 Covenants:
 - Development Control Covenant(s) – covenant(s) to include recommendations of the geotechnical assessment (if required), groundwater report, well monitoring conditions, ecological overview report, Site Plan, land transfer information (road portion and west lot portion), restriction on use or occupancy of dwellings until land is successfully transferred, sale of RR1 lot to be donated to a non-profit affordable housing society, and subdivision clause (owner must subdivide in accordance to attached site plan)
 - Covenant to be registered on title of parent parcel prior to bylaw adoption
 - There may be two Development Control Covenants. One permanent covenant which stays on the property title for each lot in perpetuity, and another temporary covenant which may be discharged if all clauses in the covenant are satisfied

The following information is still required from the applicant:

- Water/Road Access - Applicant must contact with MOTI to determine if this portion must be dedicated to comply with Section 75(d) of the *Land Title Act* and if the current location (as shown in Figure 1) is agreeable to MOTI
- Resource/Site-specific Forest Industrial Zone – Applicant to determine if Penelakut Tribe (or a non-profit agency) is interested in receiving this portion of land currently used as a quarry. Future recipient of land should determine if the quarry use is adequate or if this portion of land should be rezoned to Nature Protection (and no longer used as a quarry)
- Small Lot Residential Lot (Amenity Lot) – if the land will be donated or the proceeds of the sale of land and to which non-profit affordable housing society will receive the funds
- Information regarding park dedication or cash-in-lieu in compliance with Section 510 of the *Local Government Act*

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as the Penelakut Tribe has indicated their interest in the receipt of land as a condition of rezoning and the Terms of Reference has been issued to the applicant.

If the LTC agrees with the proposed layout as shown in Figure 1, staff recommend the LTC gives direction to staff to draft bylaws for this rezoning application. Proceeding with the preparation of draft bylaws would allow for next steps in the process to proceed including early referrals First Nations and agencies, referrals to potentially affected agencies, and the consideration of further input from the public including adjacent property owners.

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 submit to the Islands Trust

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2023.2 (McElhanney).

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

That the Galiano Island Local Trust Committee hold application GL-RZ-2023.2 (McElhanney) in abeyance.

NEXT STEPS

If the LTC agrees with staff's recommendation, staff will:

- Continue engagement with First Nations and First Nation agencies
- Proceed to draft bylaws

Submitted By:	Kim Stockdill, Island Planner	August 29, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	August 29, 2024



DATE OF MEETING: September 10, 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

PURPOSE

The purpose of this memorandum is to summarize comments received from the letter sent in July 2024 to First Nations in regards to Exemption 'p' in proposed Official Community Plan (OCP) Bylaw No. 283 and to provide answers to anticipated questions that may be raised during the Community Information Meeting for the Groundwater Sustainability Project.

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. 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 comprise:

1. Bylaw 284 - Amendments to the Land Use Bylaw (LUB)

- 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 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 provisions developed for the North Pender LUB.

2. Bylaw 283 - General Amendments to Official Community Plan (OCP)

- 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 a new Schedule D – Groundwater Regions
- Replacement of Schedule G – DPA Area 4: Elevated Groundwater Catchment, with a new DPA 4: Groundwater Recharge Protection

3. Bylaw 283- A Groundwater Recharge Protection Development Permit Area

- New Critical Aquifer Recharge 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 July 9, 2024 the Galiano Island LTC passed the following resolution:

GL-2024-016

It was Moved and Seconded,

that a Community Information Meeting and Public Hearing for the Groundwater Sustainability Project be scheduled for October 8, 2024.

CARRIED

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

ANALYSIS

The following are anticipated questions that may be raised during the Community Information Meeting scheduled for October 8, 2024:

Question 1 - How many properties will be included in the new DPA?

Answer: 54 parcels will be affected by the adoption of the new DPA as shown on the map attached to proposed OCP Bylaw No. 283. The DPA map will be required to be amended as a Nature Protection zoned property is included on the map. After the map is amended, the number of lots affected by the new DPA will be 53. The amendment of the DPA map can be completed at the October 3, 2024 LTC meeting.

Question 2 – For those properties included in the new DPA, how many are included in which zone?

Answer:

Zone	# of Lots	% of Lots in DPA
Agriculture (A)	3	5.5
Forest 1 (F1)	28	53
Forest 2 (F2)	1	2
Forest 3 (F3)	3	5.5
Forest Land Reserve (FLR)	2	4
Rural 2 (R2)	5	9.5
Rural Residential (RR)	3	5.5
Split-Zoned	8	15
TOTAL	53	100%

Question 3– How many lots included in the new DPA have Private Managed Forest Land (PMFL) status?

Answer: 21 of the 53 lots, or 40 percent of the lots, currently have Managed Forest status. Section 21 of the PMFL Act states that a local government (Local Trust Committee) must not issue a permit that may restrict, directly or indirectly, a forest management activity. This means that over 40 percent of the land within the DPA would likely be exempt from requiring a Development Permit (also see exemption ‘j’ in the DPA).

Question 4 – What triggers the requirement for a Critical Aquifer Recharge Development Permit?

Answer: 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.

Question 5 – What are the exemptions for the Critical Aquifer Recharge Development Permit?

Answer: See proposed Bylaw No. 283 – Development Permit Exemptions.

Question 6 – Exemption ‘p’ as stated in the Critical Aquifer Recharge Development Permit Area would exempt land owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage. Who determines if the property owner(s) satisfies this exemption?

Answer: It would be up to the land owner to provide documentation to comply with this exemption. Documentation would include a Status Card and reasonable proof of their traditional territory and family lineage. If the property owner provides the appropriate information, an exemption letter could be issued.

Question 7 – What happens if the lot that had an exemption letter issued as the property owners complied with exemption ‘p’ is sold to a property owner that does not meet the exemption ‘p’ criteria?

Answer: A retroactive Development Permit would not be required for work completed by the previous land owner that met the exemption ‘p’ criteria. If the new property owner plans to alter the land or subdivide (activities listed in answer 2), then a Development Permit may be required for those proposed activities.

CONSULTATION

A letter was sent to local First Nations and members of an indigenous family with historical and cultural ties to Galiano Island to provide further comments on 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”. To date the following are responses received from the letter sent to First Nations dated July 25, 2024:

Tsawwassen First Nation: “Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests all copies of interim and final environmental and archaeological reports produced for this project.”

PUBLIC HEARING

By direction of the Galiano LTC, staff have scheduled a community information meeting and public hearing on October 8, 2024. A community information meeting provides community members an opportunity to ask any

questions regarding the two associated bylaws whereas the public hearing allows those members to publically state their opinion on the record.

Following the close of the public 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:

- Continue to receive public submissions for the public hearing scheduled for October 8, 2024

Submitted By:	Kim Stockdill, Island Planner	August 29, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	August 30, 2024

ATTACHMENTS

1. Bylaw 283
2. Bylaw 284

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 283

A BYLAW TO AMEND GALIANO ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995

The Galiano Island Local Trust Committee in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022”.

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

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 14TH 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____

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**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 1000m², 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 100m².
- 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.

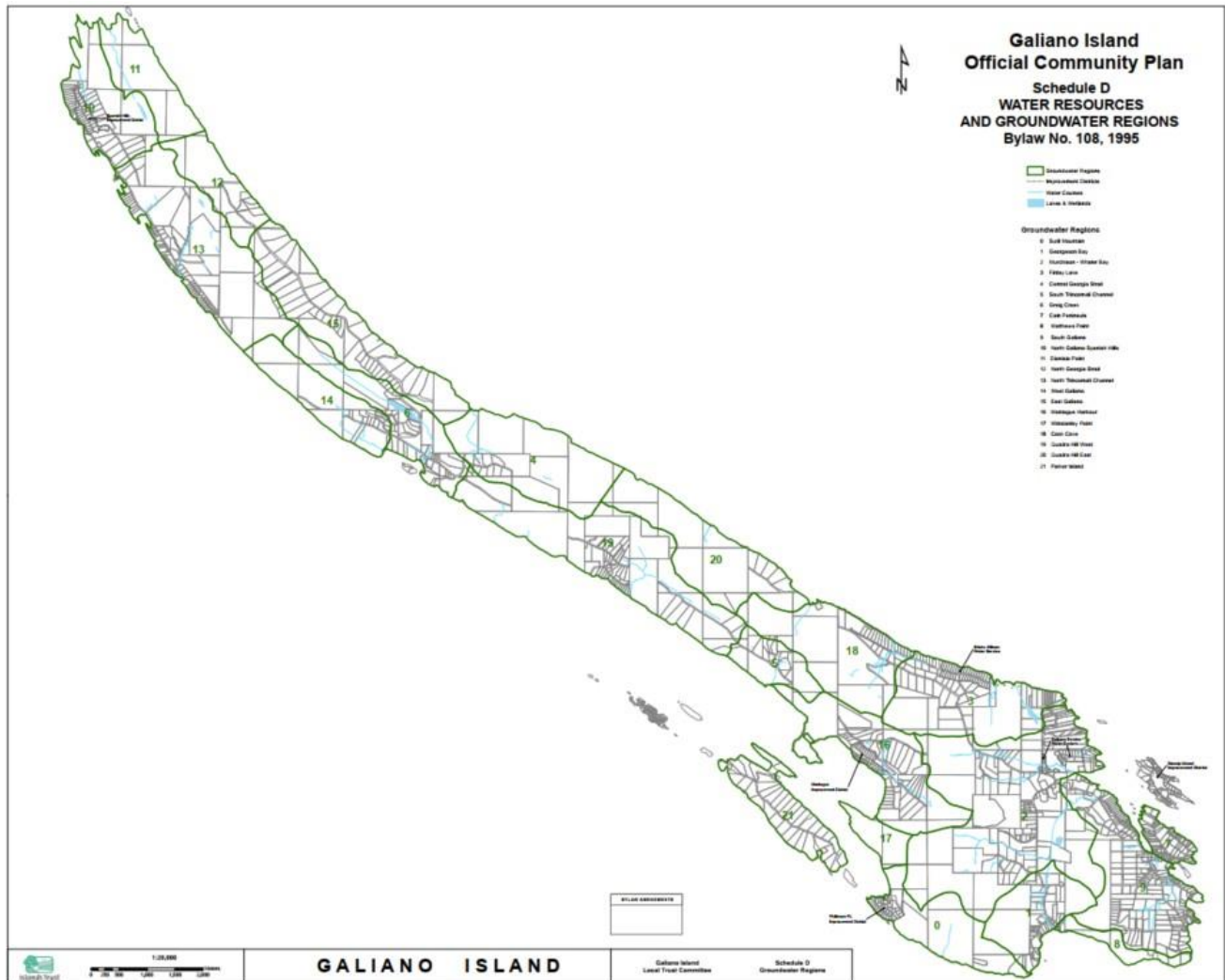
1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the permit conditions may include a requirement for security in the form 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”.

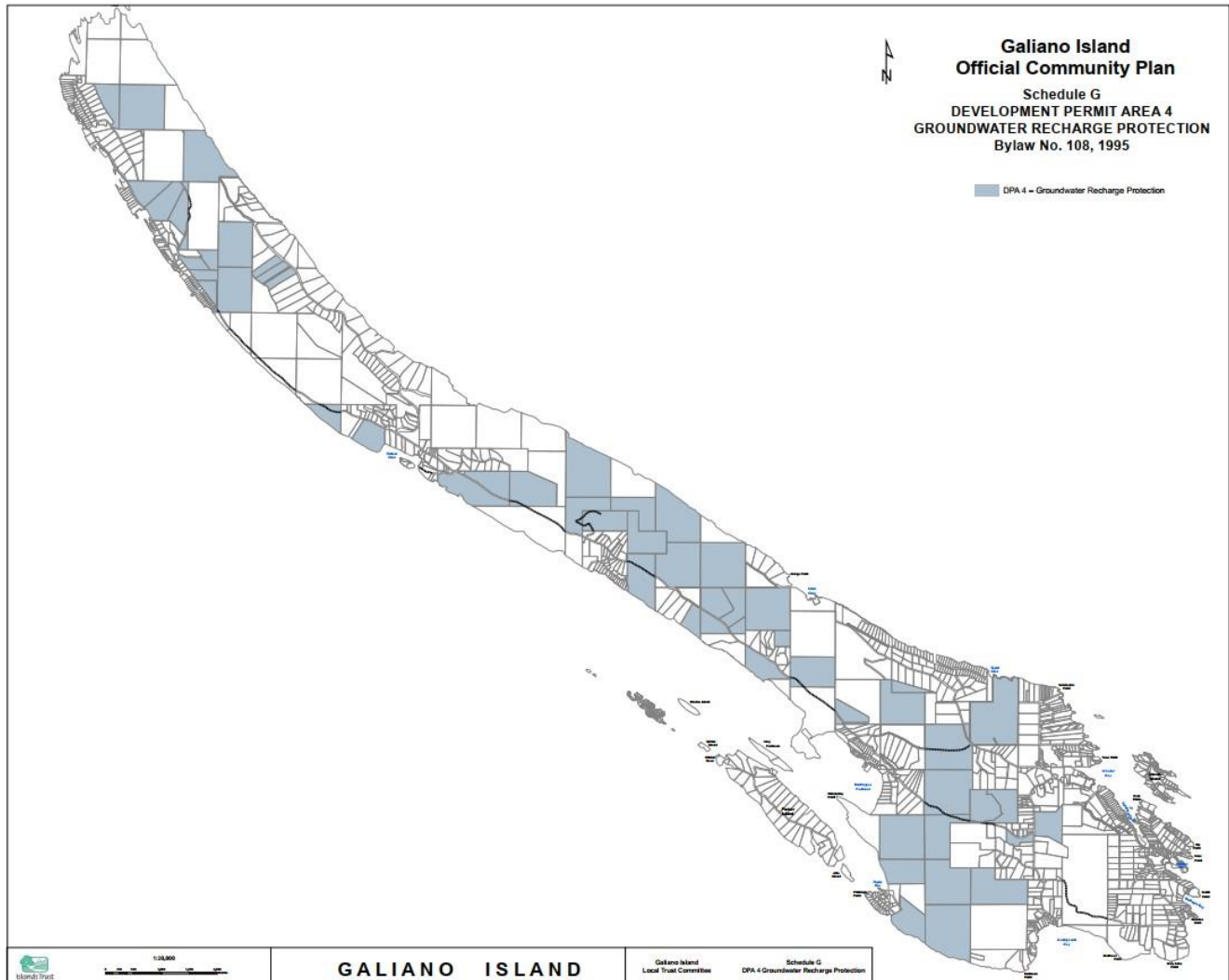
13. Schedule “D – Water Resources” is removed and replaced with Schedule “D – Groundwater Regions” as shown on Plan No.1 attached and forming part of this bylaw.
14. Schedule “G – Development Permit Area 4: Elevated Groundwater Catchment” is removed and replaced with Schedule “G – Development Permit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

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

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 DOMESTIC POTABLE WATER SUPPLY STANDARDS FOR SUBDIVISION	
USE	VOLUME (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 TH	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____

 CHAIR

 SECRETARY

Active Projects Report

Galiano Island

1. *Groundwater Sustainability*

Activity:

Phase 1 and 2: mapping and data analysis - Completed

Phase 3: Implementation of mapping and data analysis

Responsible

Kim Stockdill

Dates

Rec'd: 02-Apr-2019

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 July 2024

625 Galiano	Invoices posted to Month ending July 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	280.00	518.28	-238.28
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,230.00	1,100.42	1,129.58
65210-625	LTC - Local Exp - APC Meeting Expenses	300.00	0.00	300.00
65220-625	LTC - Local Exp - Communications	3,000.00	993.68	2,006.32
TOTAL LTC Local Expense		<u>5,530.00</u>	<u>2,094.10</u>	<u>3,435.90</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
2023-015 (Standing) First Nations Reconciliation 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: 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; 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; 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; 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 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.	Carried	14-Mar-2023
2020-042 (Standing) Use of Development Permits for Variances 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
2020-041 (Standing) Unlawful Land Uses and Planning Applications that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: 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. 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. 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. 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.	Carried	06-Jul-2020
2020-013 (Standing) Advisory Planning Commission 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.	Carried	03-Feb-2020



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2019-014 (Standing) 13.1 Cannabis Retail - Staff Report that the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications: - Proposed or amended licenses for non-medicinal cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	04-Mar-2019
2018-064 (Standing) 11.1 Telecommunication Strategy Project - Staff Report that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016	Carried	04-Jun-2018
2014-029 (Standing) Community Wells as a Community Benefit That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.	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
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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
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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
Parks Commission Referral		
That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment		



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 23rd, 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

- Chair Smith spoke to the cancellation of the July 23rd ITC-EC Liaison Meeting stating that since the ITC Board had attended recent Executive Committee meetings, there wasn't a need to meet in July.
- Manager Stewart presented the Islands Trust Conservancy (ITC) Freedom of Information and Protection of Privacy Bylaw No. 4, advising that this bylaw brings the Conservancy in line with the way Freedom of Information and Protection of Privacy is done with other entities of the Islands Trust, and updates the fees.
- Trustee Elliott provided an update to the ITC Board from Executive Committee on ongoing conversations regarding the request to the Province for the review of Islands Trust.
- Trustee Elliott provided an update to the ITC Board from Financial Planning Committee reporting that Trust Council has been asked to decide on budget assumptions, principles, and guidelines to help set the budget. The 2025/26 budget will be discussed at the September Trust Council meeting.
- Chair Smith provided an update to the ITC Board on the ITC presentation delivered at Trust Council.
- Trustee Gauvreau provided an update to the ITC Board from Governance Committee including further detail about the aspects to be included in a request for a Provincial review, that the request will be worked on by a sub-committee using the original Request for Decision (2022) as a starting point, and noting key items likely to be raised.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board endorsed the Coastal Douglas-fir and Associated Ecosystem Conservation Partnership (CDFCP) revised Terms of Reference and Statement of Cooperation. The Chair of the ITC Board was directed to sign the Statement of Cooperation on behalf of ITC. The ITC Board continues to support the participation of staff on the CDFCP steering committee and/or working groups as authorized by the ITC Manager.
- The ITC Board approved the ITC 2025/26 Budget Submission for inclusion in the Islands Trust 2025/26 budget with the following amendment:
 - Increase the Board training and conference line to \$4,600.
- The ITC Board discussed the ITC 2024/25 Work Plan provided by Manager Stewart.
- Manager Stewart presented the ITC 5 Year Plan Engagement Plan Outline to provide additional detail about the engagement process for development of the 2026-2030 ITC Plan.
- The ITC Board requested staff to provide a briefing on potential disposition of ITC land to Indigenous Governing Bodies.



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

5. COMMUNICATIONS AND OUTREACH

- The ITC Board approved the 2024-2026 Islands Trust Conservancy Communications and Engagement Strategy, as amended.
- Manager Stewart provided a verbal update to the Board regarding a Referral for GB-TUP-2024.2 Burren's Acres, Gabriola Island.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved an Opportunity Fund Grant of \$8,000 for the Bowen Island Conservancy.

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

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



BRIEFING

To:	All Local Trust Committees Bowen Island Municipality	For the Meeting of:	Next Available Meeting
From:	Trust Area Services	Date Prepared:	August 19, 2024
SUBJECT:	Dark Sky Principles Adoption Advocacy		

PURPOSE: To provide all local trust committees and Bowen Island Municipality with an RFD prepared by North Pender Trustee Morrison regarding Dark Sky Principles, and inviting LTCs and BIM to notify Trustee Morrison of interest in initiating conversations with relevant regional districts about adopting Dark Sky Principles.

BACKGROUND: At its June 2024 regular meeting, Trust Council received a request for decision from Trustee Morrison of North Pender Island regarding Dark Sky Principles. Trust Council passed the following resolution:

TC-2024-062

That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.

ATTACHMENT(S):

- 1) Request for Decision: Dark Sky Principles Advocacy (June 18, 2024)

FOLLOW-UP: If LTCs or Bowen Island Municipality wish Islands Trust Council to pursue further discussion about Dark Sky Principles they should pass a resolution notifying Trust Morrison of their interest. An example resolution is as follows:

That [Island Name] Local Trust Committee/Bowen Island Municipality direct staff to notify Trustee Morrison of [Island Name] Local Trust Committee's/Bowen Island Municipality's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.

Prepared By: Senior Policy Advisor, August 20, 2024

Reviewed By/Date: Director, Trust Area Services, August 21, 2024



REQUEST FOR DECISION

To: Trust Council

For the Meeting of: June 18, 2024

From: Trustee Morrison

Date Prepared: May 24, 2024

SUBJECT: Dark Sky Principles Adoption Advocacy

RECOMMENDATION FOR IMMEDIATE ACTION:

1. That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.
2. That Trust Council encourages Trustees to work with their communities to develop and build awareness of the principles of Dark Sky International and encourage voluntary adoption of the principles of Dark Sky International.

RECOMMENDATIONS FOR FUTURE CONSIDERATION:

3. The Trust Council clarify its jurisdiction to control nighttime illumination in all contexts within the Trust Area for Official Community Plan and Bylaw adoption and enforcement across the Trust Area.
4. The Trust Council adopt and promote the principles of Dark Sky International.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

PURPOSE:

To protect and promote public and ecological health, safety, and welfare, quality of life, and the ability to view the night sky.

BACKGROUND:

“Over lighting” from dusk on into the darkness is a growing problem as it interferes with/pollutes the night sky, poses an annoying and invasive nuisance to neighbours, is harmful to wildlife who depend on darkness, and is a waste of electricity. May come from freighters in the region or from residential, industrial, or other land use related lighting not directed at ground or properly shielded.

Critical considerations with resources:

- Night skies are an important natural resource requiring protection. Action is being taken across a variety of contexts and scales globally, many of which are simple to enact.
 - [Dark Sky International Principles](#)
 - [How can you help preserve the night sky?](#)
 - [Model Lighting Ordinance](#)
 - [Vancouver Bylaw 10.2.2.10 Lighting in Residential Buildings](#)
- Night skies promote healthy humans and wildlife.
 - [Let's Talk Science – Light Pollution](#)
- Within the Trust Area, action has also been taken.
 - Example of regulation: [Bowen Island Municipality Bylaw No. 272, 2010 re protection of night sky](#)

The outstanding question is: How can non-municipal jurisdictions of the Trust Area provide protection for Night Skies?

Some regulation may be considered around:

- External lighting of buildings, gardens and driveways that is left on all night.
- External lighting of any building or grounds when it is not downward cast.
- Indoor lighting in accessory buildings not shaded that is left on during some or all of night.
- Indoor lighting of residences facing neighbouring residences that is not shaded.

Such regulation might involve regulation on:

- the type of lighting that is appropriate (e.g. energy efficient),
- the strength of light (low lighting versus high wattage lighting)
- the direction of lighting so as not to throw light off to neighbours or animals (e.g. downward cast)
- the length of time for certain types of lighting to be used (to depend on purpose with a view to
- limiting unnecessary or excessive accessory uses in particular), and
- means of enforcement of any regulations

In our role as a coordinator of jurisdictional overlapping authorities within the Trust Area, we need to get into conversation with multiple levels of government on this issue to provide clarity and enforcement on this issue as desired within communities and to support the mandate of preserving and protecting the unique amenities and environment of the Trust Area.

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL:

FINANCIAL:

POLICY:

IMPLEMENTATION/COMMUNICATIONS:

FIRST NATIONS:

OTHER:

Circulated to MLA Adam Olsen and MP Elizabeth May.

RELEVANT POLICY(S):

ATTACHMENT(S):

RESPONSE OPTIONS

Recommendation:

Alternative:

Prepared By: Trustee Morrison in consultation with and at the request of community members.

Reviewed By/Date: