



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: December 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.	TERRITORIAL ACKNOWLEDGEMENT	
3.	APPROVAL OF AGENDA	
4.	TRUSTEE REPORT	
5.	CHAIR'S REPORT	
6.	ELECTORAL AREA DIRECTOR'S REPORT	
7.	FIRST NATION REPORT	
8.	TOWN HALL AND QUESTIONS	1:20 PM - 1:40 PM
9.	COMMUNITY INFORMATION MEETING - None	
10.	PUBLIC HEARING - None	
11.	MINUTES	1:40 PM - 1:50 PM
11.1	Local Trust Committee Minutes Dated November 8, 2024 (for Adoption)	3 - 10
11.2	Section 26 Resolutions Without Meeting Report - None	
11.3	Advisory Planning Commission Minutes - None	
12.	BUSINESS ARISING FROM MINUTES	
12.1	Follow-up Action List Dated Dec 2024	11 - 14
13.	DELEGATIONS	

14.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
15.	MEETING BREAK - COMMUNITY UPDATE		
16.	APPLICATIONS AND REFERRALS	1:50 PM - 2:40 PM	
16.1	GL-SUB-2023.2 (Hayes) - Staff Report (attached)		15 - 18
16.2	GL-RZ-2014.1 (Crystal Mountain) – Staff Report (attached)		19 - 34
17.	LOCAL TRUST COMMITTEE PROJECTS		
18.	REPORTS	2:40 PM - 2:50 PM	
18.1	Work Program Reports (attached)		
18.1.1	<u>Active Projects Report Dated Dec 2024</u>		35 - 35
18.1.2	<u>Future Projects Report Dated Dec 2024</u>		36 - 37
18.2	Applications Report - Verbal Update		
18.3	Trustee and Local Expense Report Dated Oct 2024		38 - 38
18.4	Adopted Policies and Standing Resolutions (attached)		39 - 43
18.5	Local Trust Committee Webpage		
18.6	Islands Trust Conservancy Report Dated Nov 2024		44 - 46
19.	NEW BUSINESS		
20.	UPCOMING MEETINGS		
20.1	Next Regular Meeting Scheduled for February 11, 2025 at the Galiano South Community Hall, Galiano Island		
21.	TOWN HALL	2:50 PM - 3:10 PM	
22.	CLOSED MEETING - None		
23.	ADJOURNMENT	3:10 PM - 3:10 PM	

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: November 8, 2024
Location: Lions Park Society
992 Burrill 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, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately ten (10) members of the public present.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 1:00 p.m. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations and read an excerpt from a priorities paper released in May, 2023 by the First Nations Leadership Council on the United Nations Declaration Act National Action Plan regarding the unfinished work of structuring proper relations that respect First Nations sovereignty.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Gauvreau reported the following:

- Acknowledged November 8 is National Indigenous Veterans Day
- Recognized passing of Honourable Murray Sinclair who brought Canada's residential school legacy to light
- New Chief Administrative Officer for Islands Trust, Reuben Bronee, has been hired
- Acknowledged Interim Chief Administrative Officer Julia Mobbs' work
- Attended Governance Committee meeting, Committee of the Whole meeting to work on draft Policy Statement, and inaugural meeting of the Accessibility Committee
- Budget discussions begin at the December Trust Council meeting

Trustee Mabberley reported the following:

- Acknowledged passing of Honourable Murray Sinclair and his work on the Truth and Reconciliation Commission

4. CHAIR'S REPORT

Chair Peterson reported the following:

- Acknowledged passing of Honourable Murray Sinclair
- Noted hiring of new Chief Administrative Officer and Interim CAO Mobbs' contributions
- November 12 Southern Gulf Islands Forum meeting will be rescheduled
- Executive Committee removed recording of September Trust Council meeting from the website due to safe worksite concerns, apologized that Trustees and members of the public were not provided rationale for the decision in a timely manner, and noted the matter will be discussed at December Trust Council

5. ELECTORAL AREA DIRECTOR'S REPORT - None

6. FIRST NATION REPORT - None

7. TOWN HALL AND QUESTIONS

A member of the public stated the following:

- Support for moving forward on Harris application
- Post public hearing staff report did not address elements heard at the Community Information Meeting and Public Hearing
 - Island Planner Stockdill indicated a letter had been received from the speaker and if there were further concerns members of the public could submit an administrative fairness complaint; however, the Local Trust Committee could no longer hear submissions on the issue

A member of the public spoke to the Harris application and made the following comments:

- Their property is adjacent to subject property
- Staff report notes current use of property is unlawful
- Asked when staff were made aware of current use
 - If communication with the Capital Regional District had occurred
 - What the purpose of the June 23 and October 24 property visits were
 - If an examination of Capital Regional District requirements for residential conversion had been undertaken
 - If conversions were done with occupancy permits
- The speaker expressed concerns that the staff are requesting direction to draft bylaws and several steps in the process have not been observed
 - The Chair responded that drafting bylaws does not mean a first reading is going to happen, first reading introduces an idea but does not indicate a decision has been made, and if the draft bylaw receives first reading several other processes are then undertaken to allow more opportunity for information gathering, receipt of professional reports, and public input
- A member of the public asked that social media and the local newspaper be used to publish discussion topics
 - The Chair stated the meeting agenda is received one week before the meeting and posted to the Islands Trust website

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Local Trust Committee Minutes Dated October 8, 2024 (for Adoption)

By general consent the North Pender Local Trust Committee meeting minutes of October 8, 2024 were adopted.

10.2 Local Trust Committee Public Hearing Record of October 8, 2024 (for Receipt)

Received for information.

10.3 Section 26 Resolutions Without Meeting Report - None

10.4 Advisory Planning Commission Minutes - None

11. BUSINESS ARISING FROM MINUTES

11.1 Follow-up Action List Dated Nov 2024

Island Planner Stockdill provided a verbal update.

12. DELEGATIONS - None

13. CORRESPONDENCE

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

14. MEETING BREAK - COMMUNITY UPDATE - None

15. APPLICATIONS AND REFERRALS

15.1 GL-RZ-2023.3 (Harris) - Staff Report

Island Planner Stockdill summarized the staff report and highlighted the following:

- Subject property was initially zoned rural residential and was split zoned in 2002 to include commercial private film school use
- Buildings that were housing film school students are now being used for five affordable housing units and this use does not comply with existing zoning
- Applicant seeks to rezone the property to allow affordable rental use with twelve housing units and common rooms
- Water license and sewage system are in place and upgrades have been done to existing buildings
- Property would be zoned to only allow affordable housing with a housing agreement attached
- Housing agreement would authorize the Local Trust Committee to enter into an agreement to ensure development provides affordable housing in perpetuity
- Terms of reference will require ground water assessment, waste water assessment, a housing agreement, and confirmation from the Capital Regional District ensuring existing buildings meet current building code and that an occupancy permit will be required

Discussion ensued and the following comments and clarifications were noted:

- Proposal addresses need for affordable housing
- Moving forward will allow consideration of information provided through environmental assessments, referrals, and public feedback
- Community discussion needs to occur to hear concerns about an affordable housing project in a small neighbourhood
- Staff would work with applicant to gather terms of reference and when all information is gathered the Local Trust Committee can choose to schedule a Community Information Meeting prior to first reading
- Draft bylaws and housing agreement are just a starting point of a longer process

GL-2024-031

It was MOVED and SECONDED

that Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2023.3 (Harris) and to prepare draft bylaws and a housing agreement.

CARRIED

15.2 Salt Spring Island Local Trust Committee Proposed Bylaws 538 and 539 Referral - For Response

GL-2024-032

It was MOVED and SECONDED

that Galiano Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaw Nos. 538 and 539.

CARRIED

16. LOCAL TRUST COMMITTEE PROJECTS

16.1 Groundwater Sustainability Project - Proposed Bylaws 283 and 284 - Post Public Hearing Staff Report

Island Planner Stockdill summarized the staff report, highlighted technical amendments for consideration, reviewed recommendations, and noted that post public hearing any question or concerns can be sent to the Planner, Regional Planning Manager, or Director of Planning Services.

Discussion ensued about exemption “p” and if further conversation should be had with Penelakut Tribe members. Island Planner Stockdill indicated that staff have sent many letters to First Nations, an email was sent to Chief Jack and a Council member regarding exemption “p”, and Penelakut Tribe members attended the Community Information Meeting and Public Hearing and support was heard for the exemption.

GL-2024-033

It was MOVED and SECONDED

that Galiano Island Local Trust Committee proposed Bylaw No. 283, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be amended as follows:

- By adding the following wording to Section 10 after Exemption ‘g’ to include a new Development Permit Area exemption ‘h’:
“Cutting and removal of trees with a trunk diameter less than 20 centimeters measured 1.5 metres above the ground.”
- By replacing Plan No. 2 ‘Schedule G – Development Permit Area 4: Groundwater Recharge Protection’ with an updated map attached to staff report dated November 8, 2024

CARRIED

GL-2024-034

It was MOVED and SECONDED

that Galiano Island Local Trust Committee proposed Bylaw No. 283, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be read a second time as amended.

CARRIED

GL-2024-035

It was MOVED and SECONDED

that Galiano Island Local Trust Committee proposed Bylaw No. 284, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be amended as follows:

- By deleting Section 2.4 in its entirety and replacing it with:
“Removing Subsection 13.23 from Part 13 ‘Subdivision and Development Regulations’ to Section 2 ‘General Regulations’” as a new subsection and by replacing the word “16,000” with “18,000”
- By replacing the word “property” with “lot” in Sections 2.1 and 2.3

CARRIED

GL-2024-036

It was MOVED and SECONDED

that Galiano Island Local Trust Committee proposed Bylaw No. 284, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be read a second time as amended.

CARRIED

GL-2024-037

It was MOVED and SECONDED

that Galiano Island Local Trust Committee proposed Bylaw No. 283, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be read a third time.

CARRIED

GL-2024-038

It was MOVED and SECONDED

that Galiano Island Local Trust Committee proposed Bylaw No. 284, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be read a third time.

CARRIED

GL-2024-039

It was MOVED and SECONDED

that Galiano Island Local Trust Committee proposed Bylaw Nos. 283 and 284 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

GL-2024-040

It was MOVED and SECONDED

that Galiano Island Local Trust Committee proposed Bylaw No. 283 be forwarded to the Minister of Municipal Affairs for approval.

CARRIED

17. REPORTS

17.1 Work Program Reports

17.1.1 Active Projects Report Dated Nov 2024

Received for information.

17.1.2 Future Projects Report Dated Nov 2024

Received for information.

17.2 Applications Report - Verbal Update

Island Planner Stockdill provided a verbal update and noted applications that will be placed on upcoming meeting agendas.

17.3 Trustee and Local Expense Report Dated Sept 2024

Received for information.

17.4 Adopted Policies and Standing Resolutions

Received for information.

17.5 Local Trust Committee Webpage

Discussion ensued about delays related to updating the mapping section of the website as the previous software program is no longer available.

17.6 Islands Trust Conservancy Report - None

18. NEW BUSINESS

18.1 Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP) - Staff Report

Island Planner Stockdill summarized the staff report and outlined options available to the Local Trust Committee regarding community engagement on the Islands Trust draft Policy Statement.

Discussion ensued and Trustee Mabberley indicated the draft Trust Policy Statement was written with First Nations input and he does not support any amendments without First Nations involvement.

GL-2024-041

It was MOVED and SECONDED

that Galiano Island Local Trust Committee select Engagement Option No. 4 for Phase 4 community engagement about the new draft Islands Trust Policy Statement.

CARRIED

Trustee Mabberley opposed.

19. UPCOMING MEETINGS

19.1 Draft 2025-2026 LTC Meeting Schedule (for Adoption)

Trustees requested the June, 2025 and July, 2025 meetings be held at the North Community Hall even though the Wi-Fi at that location is not strong enough to support livestream.

All regular meetings scheduled to be held in-person.

GL-2024-042

It was MOVED and SECONDED

that Galiano Island Local Trust Committee adopt the 2025-2026 regular meeting schedule, as amended, for the next fiscal year as proposed by staff.

CARRIED

19.2 Next Regular Meeting Scheduled for December 10, 2024 at the Galiano South Community Hall, Galiano Island

20. TOWN HALL

A member of the public inquired about the upcoming December 17 meeting with Penelakut Chief and Council and asked who would attend and if there is an agenda.

The Chair indicated that the Local Trust Committee, Regional Planning Manager, and Planners will attend and rezoning applications GL-RZ-2022.3 and GL-RZ-2023.2 will be discussed.

A member of the public asked if there was a mechanism to have Penelakut Tribe involved in management or administration of the groundwater bylaws.

The Chair noted that a joint Official Community Plan review will be undertaken with the Penelakut Tribe.

A member of the public spoke to the necessity of affordable housing and requested the Local Trust Committee continue to move forward with options.

21. CLOSED MEETING - None

22. ADJOURNMENT

By general consent the meeting was adjourned at 3:03 p.m.

Tim Peterson, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder

Follow Up Action Report

Galiano Island

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-Jan-2025	In Progress

09-Jul-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 15.1 PLRZ20240003 (Palmberg) - Applicant to provide the following information: (ON HOLD) 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

Follow Up Action Report

Galiano Island

10-Sep-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 15.1 GL-RZ-2021.2 1. Staff to create draft bylaw numbers and templates - Done BLs 292/293 2. Staff to schedule meeting with Penelakut/MOTI/Applicant - in process 3. Staff to send referral to GI Parks & Rec Commission - in process	Jas Chonk Kim Stockdill	Target: 29-Nov-2024	In Progress
0%	2 15.1 GL-RZ-2023.2 1. Staff to create draft bylaw numbers and templates - Done BLs 294/295 2. Staff to schedule meeting with Penelakut/MOTI/Applicant - in process 3. Staff to send referral to GI Parks & Rec Commission - in process 4. Staff to review easement/SRoW from Cook Road to DL 85 (emergency access)	Jas Chonk Kim Stockdill	Target: 29-Nov-2024	In Progress

08-Oct-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 17.1 GL-BP-2024.10 (Florianova) - LTC approved release of covenant and LTC Chair to sign covenant release.	Phil Testemale	Target: 29-Nov-2024	In Progress
0%	2 17.2 GL-SUB-2021.1 (Waterfall): 1. LTC agrees with cash-in-lieu. Staff to send letter to CRD. 2. LTC accepts both draft Section 219 covenants. 3. LTC approves the release of two existing covenants. 4. Chair to sign covenant releases and two new Section 219 covenants.	Phil Testemale	Target: 29-Nov-2024	In Progress

Follow Up Action Report

Galiano Island

08-Nov-2024

Progress	Activity		Responsibility	Dates	Status
0%	1	10.1 Galiano LTC adopts October 8, 2024 meeting minutes as is.	Emily Bryant	Target: 22-Nov-2024	Completed
0%	2	Galiano APC 1. Staff to advertise for one new APC member. All APC memberships have expired, email has been sent to existing members and also has been advertised. 2. Staff to resend Wise Island referral to APC.	Jas Chonk Kim Stockdill	Target: 31-Jan-2025	In Progress
0%	3	15.1 GL-RZ-2023.3 (Harris) 1. Staff to draft bylaws and housing agreement. Staff to create bylaw number for LUB amendment bylaw, OCP amendment bylaw, and housing agreement administrative bylaw. DONE - BL 296 (OCP); BL 297 (LUB); BL 298 (Housing) 2. Staff to amend ToR (add CRD referral) and then send to applicant. Staff to report back on occupancy permit and maximum number of occupants.	Jas Chonk Kim Stockdill	Target: 28-Mar-2025	In Progress
0%	4	15.2 GL LTC interests unaffected for Salt Spring bylaws no. 538 and 539.	Jas Chonk	Target: 15-Nov-2024	Completed

Follow Up Action Report

Galiano Island

08-Nov-2024

Progress	Activity	Responsibility	Dates	Status
0%	5 16.1 Groundwater Sustainability Project 1. Proposed Bylaw no. 283 given second reading as amended. Staff to add amendments as noted in staff report. (Done) 2. Proposed Bylaw no. 284 given second reading as amended. Staff to add amendments as noted in staff report. (Done) 3. Proposed Bylaw nos. 283 and 284 given Third reading. (Done) 4. Refer proposed Bylaw nos. 283 and 284 to Executive Committee. (Done) 5. Refer proposed Bylaw no. 283 to the Minister for approval.	Jas Chonk Kim Stockdill	Target: 20-Dec-2024	In Progress
0%	6 Galiano LTC selects Engagement Option No. 4 for Phase 4 community engagement about the draft ITPS.	Clare Frater Jason Youmans	Target: 29-Nov-2024	Completed
0%	7 19.1 Galiano LTC adopts 2025-2026 LTC Meeting schedule with changing the meeting location for June 3 and July 8 to be at the northern community hall.	Emily Bryant Lisa Millard	Target: 29-Nov-2024	Completed

File No.: GL-SUB-2023.2
GL-DP-2024.3
GL-RZ-2022.2

DATE OF MEETING: December 10, 2024
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Ten Percent Frontage Waiver
Applicant: Judy Hayes
Location: 490 Gardner Road

RECOMMENDATION

1. That the Galiano Island Local Trust Committee EXEMPT proposed Rem. Lot 1 and Lot A of subdivision GL-SUB-2023.2 from the 1/10 perimeter provision of Section 512 of the *Local Government Act*.

REPORT SUMMARY

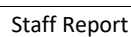
This report is to consider a waiver to the minimum frontage established in Section 512 of the *Local Government Act* (LGA) requiring 10% of the perimeter of the lot. The Local Trust Committee has jurisdiction to exempt a lot or a subdivision from this requirement.

BACKGROUND

The request has been made by the applicant as per Islands Trust conditions for the subdivision application GL-SUB-2023.2. This subdivision was also the subject of rezoning application GL-RZ-2022.2. The proposed layout of the two (2) lot subdivision is shown in Figure 2. Granting the waiver will allow the Islands Trust to provide Final Approval to the Ministry of Transportation and Infrastructure pending issuance of a delegated Development Permit (GL-DP-2024.3).

The intent of the regulation is to avoid the layout of multiple-lot subdivisions with panhandle shapes that converge on highway frontage. As part of the subdivision, Gardner Road is being increased by a small dedication of 154.7 m² to allow minimum bylaw frontage of 15 m (Section 13.12 of Land Use Bylaw) for both the new and remainder lot (Figure 2). Notwithstanding, both frontages are less than 10% of the perimeter of each lot. As there is no further subdivision potential with either lot under zoning, waiving this requirement will have no impact on access.

Islands Trust

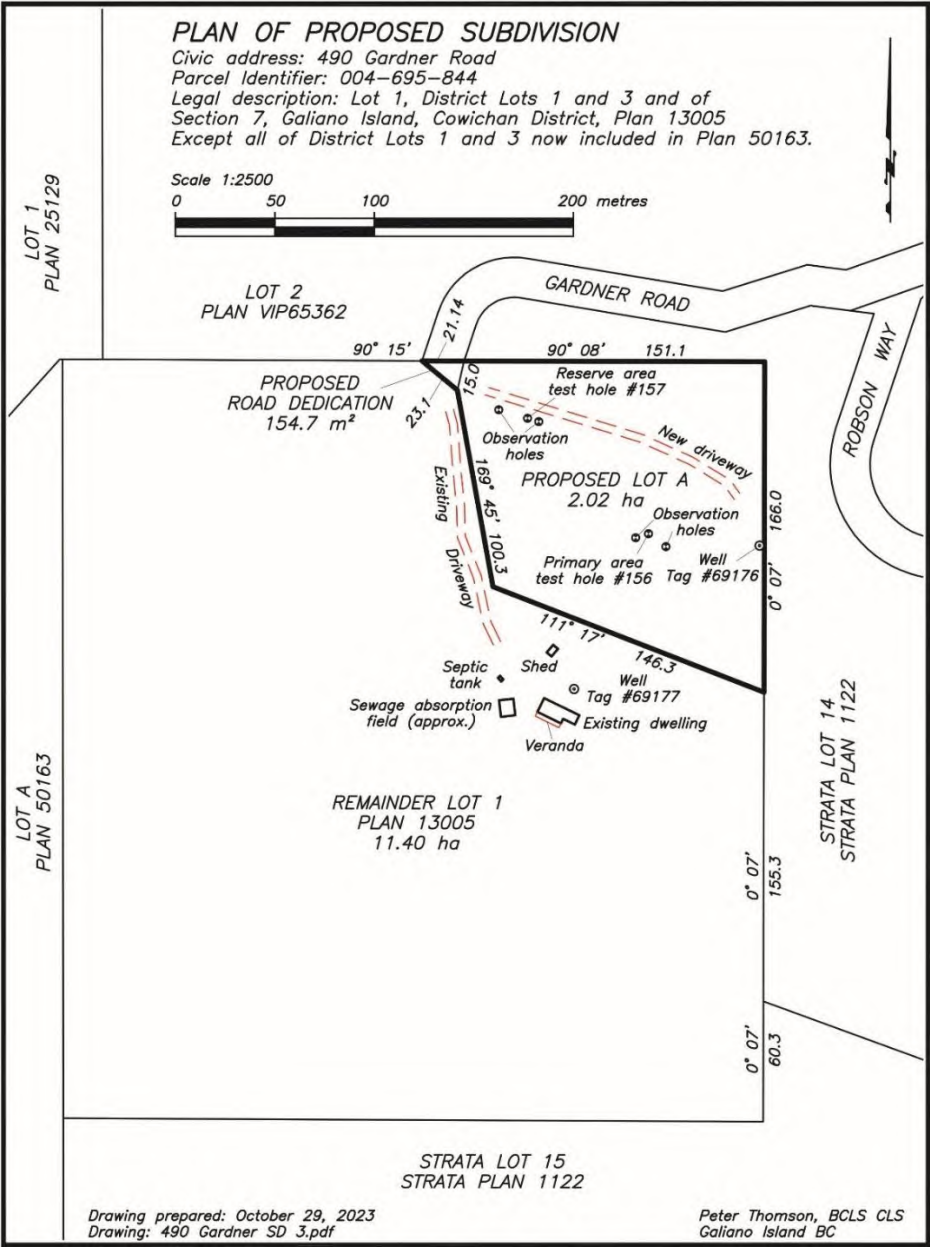


2 16

The property is zoned **Agriculture (AG) Zone** (Rem. Lot 1) and **Rural Residential (RR) Zone** (Lot A) in the Galiano Island Land Use Bylaw No. 127, 1999.

Issues and Opportunities

Figure 2 – Proposed Subdivision Plan



Issues and Opportunities

Consultation

There is no public or agency consultation or statutory notification required with a 10% waiver request.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed site preparation and construction, Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the request is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff has forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* compliance have provided the Islands Trust directly to the applicants.

Rationale for Recommendation

In summary, the recommendation for waiving the 10% frontage waiver is supported as:

- Access from Gardner Road will not be impacted.
- The lots would have no future subdivision potential

ALTERNATIVES

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

Development Permit

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are a potential delay in construction and costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Deny the request

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee deny the request to waive Rem. Lot 1 and Lot A of subdivision GL-SUB-2023.2 from the 1/10 perimeter provision of Section 512 of the Local Government Act.

Submitted By:	Phil Testemale	November 26, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	November 26, 2024

File No.: GL-RZ-2014.1 (Crystal Mountain)

DATE OF MEETING: December 10, 2024

TO: Galiano Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Carolyn Stewart, A/Manager, Islands Trust Conservancy

SUBJECT: Crystal Mountain Rezoning Application – Engagement with Penelakut First Nation

Applicant: Crystal Mountain Society (CMS)

Location: District Lot (DL) Lot 90 Lot 9 and DL 88 & 89 Lot A, North Galiano Island

RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee is supportive of an alternative 75% land transfer to the Penelakut First Nation instead of the Islands Trust Conservancy as part of rezoning application GL-RZ-2014.1.
2. That the Galiano Island Local Trust Committee requests that the Crystal Mountain Society consider an alternative 75% land transfer to the Penelakut First Nation instead of the Islands Trust Conservancy as part of rezoning application GL-RZ-2014.1.
3. That the Galiano Island Local Trust Committee requests that the applicant engage directly with the Penelakut First Nation to determine feasibility of a 75% land transfer of Crystal Mountain Society lands to the Penelakut First Nation as part of rezoning application GL-RZ-2014.1, including agreement on proposed lot layout, future uses, and subdivision mechanism acceptable to the Local Trust Committee.

REPORT SUMMARY

The purpose of this report is to provide an update to the Galiano Island Local Trust Committee (LTC) on staff engagement with the Penelakut First Nation regarding application GL-RZ-2014.1 (Crystal Mountain), and to seek direction from the LTC on next steps.

The above recommendations are supported as:

- The lands proposed for donation are located within Penelakut First Nation core traditional territory and the Penelakut First Nation has signalled interest in receiving those lands back;
- The alternative transfer of lands to the Penelakut First Nation would be consistent with the reconciliation commitments, goals and objectives of the Islands Trust;

- The applicant has not yet signalled their willingness to agree to shift from the current proposed transfer of lands to the Islands Trust Conservancy and has many questions and concerns still to be addressed before doing so; and,
- If the applicant is supportive of transferring the land, CMS should engage directly with the Penelakut First Nation.

BACKGROUND

This application is to rezone two subject properties (DL Lot 90 Lot 9 and DL 88 & 89 Lot A) on the north end of Galiano Island in order to permit a *spiritual education* land use. Lot 9 is currently zoned Rural 2 (R2) and Lot A is zoned Forest 1 (F1). The rezoning application has been ongoing since 2014.

The LTC held a public hearing for proposed bylaw No. 256 and 257 on May 6, 2023. After the public hearing, the LTC passed the following resolution:

2023-031

That the Galiano Island Local Trust Committee directs staff to conduct further consultation with the Penelakut Tribe on rezoning application GL-RZ-2014.1 (Crystal Mountain).

06-May-2023

Staff have now undertaken engagement with the Penelakut First Nation and are reporting to the LTC with a summary of that engagement. Further background to this application, including previous staff reports, proposed bylaws, professional reports and correspondence, is available on the Islands Trust website:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/current-application-documents/>

ANALYSIS

Engagement Summary

Staff have met with Penelakut First Nation representatives on four occasions since the May 2023 public hearing:

- November 1, 2024 – Phone discussion with acting CAO to arrange engagement with Chief and Council
- November 27, 2023 - Briefly attended meeting of Chief and Council on zoom to introduce rezoning proposal and concept of potential land transfer
- April 23, 2024 - Met with Penelakut staff to further discussion on rezoning and potential land transfer
- August 15, 2024 - Met with Penelakut staff and CMS reps onsite at Crystal Mountain to conduct site tour.

A briefing letter provided from staff to the Penelakut for the November 27 meeting is included as Attachment 1.

Through this engagement, staff have sought clarification on the following key points in respect of the Crystal Mountain rezoning application:

- Penelakut's interest and capacity to receive fee simple land transfer via proposed rezoning
- Clarification on if there are any concerns with proposed lot layout, future land use, archaeological interests etc. including the currently proposed **Nature Protection** zoning on lands to be donated

- If other interests/concerns are identified, what is the best mechanism to facilitate further discussion of those interests/concerns with Chief and Council
- What is Penelakut's understanding of other local First Nations views on potential land transfer
- Are any other concerns, issues or information gaps with the proposed rezoning.

In response to these requests, a letter from the Penelakut First Nation, dated October 23, 2024 (Attachment 2), has been provided that formally signals the interest of Chief and Council in receiving lands from Crystal Mountain through rezoning. Penelakut staff have also indicated verbally that the Nation has capacity to receive the lands.

Although it is a meaningful first step, the letter from the Penelakut does not provide a lot of detail in response to the other key questions posed by staff, which are integral to determining the feasibility of land transfer through rezoning. In particular, this information will help the property owner to determine their willingness to agree to transfer the lands, and on what conditions to ensure the future use is compatible with their intended meditative retreat use on lands to be retained.

The applicant has provided a response to the LTC further expressing their concerns and outstanding questions on a potential land transfer to the Penelakut. Many of those questions are similar to those posed by staff. This letter is included as Attachment 3.

If the LTC decides to move forward, staff would continue to seek clarification from the Penelakut and the applicant on these outstanding concerns and questions prior to making any recommendations on next steps.

ALTERNATIVES

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

1. Continue with land transfer to the Islands Trust Conservancy

If the LTC has received enough information, and wants to continue with land transfer to the Islands Trust Conservancy, a new public hearing would be required for proposed Bylaw No. 256 and 257 prior to consideration of third reading. Recommended wording for a resolution is as follows:

That the Galiano Island Local Trust Committee directs staff to schedule a new public hearing on proposed Bylaw No. 256 and 257.

2. Request further information

The LTC may refer back to staff requesting further information prior to making a decision. Recommended wording for a resolution is as follows:

That the Galiano Island Local Trust Committee request that staff report back with....

3. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee proceed no further with rezoning application GL-RZ-2014.1.

4. Hold the application in abeyance

The LTC may choose to hold the application in abeyance.

5. Receive for information

The LTC may receive the report for information

NEXT STEPS

With direction from LTC, staff will either, continue to support engagement between the applicant and the Penelakut, or schedule a new public hearing for Bylaw No. 256 and 257.

Submitted By:	Brad Smith, Island Planner	November 29, 2024
Concurrence:	Robert Kojima, RPM	December 2, 2024

ATTACHMENTS

Attachment 1. Letter from Penelakut First Nation, October 2024

Attachment 2. Briefing Letter, November 2023

Attachment 3. Response from applicant, November 2024



200 – 1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421 Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

November 16, 2023

Penelakut Tribe Chief and Council

11330 Clam Bay Road North
Penelakut Island, BC
V0R 5K0
Care of email: bandofficereception@penelakut.ca

Dear Chief and Council:

We look forward to meeting with you virtually on November 27, 2023 as part of your regularly scheduled Council meeting. Thank you for arranging this meeting and allowing us to attend remotely.

There are three items we are seeking to discuss with you in regards to Galiano Island:

- 1) District Lot 85/86 rezoning proposals
- 2) Groundwater Development Permit Areas (DPAs)
- 3) Crystal Mountain rezoning proposal

The following provides some background information along with the current status of each item. It also flags some key questions that we have for Council to further facilitate our discussion.

1) District Lot 85/86 Rezoning Proposals

Currently, no dwelling or any residential use is permitted on Forest 1 (F1) zoned lots on Galiano Island. In light of this, rezoning applications were submitted in 2021 and 2022 for Galiano Island District Lots (DL) 85 and 86, respectively.

The applications were to amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject properties from Forest 1 (F1) to a combination of Forest 3 (F3), Rural Residential (RR) and Nature Protection (NP). The DL 85 proposal also included a 0.9 hectare amenity lot and a 2.3 hectare resource lot (ie. the existing gravel quarry – see Figure 1).

The proposals as submitted would have resulted in retention of a 25% portion of the lots for residential purposes and a 75% portion transferred to BC Parks for the expansion of Dionisio Point Park. Along with zoning amendments, the proposals would have required an OCP amendment for changes to land use designations and subdivision to create the newly proposed lots.

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Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

While staff were initially directed to proceed with drafting of bylaws for DL 86, the application for DL 85 was subsequently rejected at the preliminary stage by the previous LTC. The LTC cited a lack of consistency with OCP policies relating to the rezoning of the F1 lots on Galiano Island, and the known concerns of First Nations with the transfer proposal to BC Parks, who also indicated that they were not interested in the lands. At that time, the DL 86 application was put in abeyance citing the same reasons.

The property owners were invited by the previous LTC to submit new proposals that address those concerns. The property owners have now resubmitted their proposals to the new LTC based on a 75% land transfer to the Penelakut First Nation, with the remainder to be retained for residential purposes (including a community amenity lot for each proposal that could be utilized for community housing or sold by the LTC with profits used to benefit the community).

The LTC and staff are seeking your views and interests in the two rezoning proposals, including potential land transfer of the 75% portion to the Penelakut Tribe. To that end, if you are willing to consider the land transfer proposal, the following questions arise:

- Are the lot lines as proposed reasonable and in line with the views of your Nation?
- Do you have capacity to receive the lands through a subdivision should it proceed to that point?
- The proposed zoning of a majority of the lands to be transferred is Nature Protection, are you comfortable with this zoning being retained on the 75% portion should land transfer occur?
- What is your understanding of other local First Nations views on a potential land transfer?
- Are there any other concerns, issues or information gaps that we should be aware of with respect to these two rezoning applications?

We recognize that not all of these questions will be able to be answered right away, and we look forward to having this initial discussion with you as a meaningful first step. Further information on the two applications is found here: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>.

In particular, these two most recent staff reports provide useful current context including lot layout site plans – [DL 85](#) and [DL 86](#).

2) Groundwater Development Permit Areas – Bylaws 283/284

The LTC has entered into the final phase of the Groundwater Sustainability Project. The project includes amending the LUB by updating the definitions, adding cistern requirements for all new builds and updating subdivision regulations related to potable water. The project also includes updating the Groundwater Protection Development Permit Area (DPA) in the Galiano Official Community Plan (OCP).

The objectives of the revised DPA are:

- to protect and sustain access to a reliable and safe supply of drinking water for groundwater
- 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

A development permit would be required for the subdivision of land, construction or alteration of buildings and/or structures, or land alteration. Some of these activities would be exempt from the

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requirement of a development permit. One of the exemptions the Galiano Island LTC is proposing to include in the DPA is the following:

“Exemption ‘p’ - and owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage.”

The Galiano Island LTC is seeking any comments (in support, not in support, or suggested rewording) regarding the exemption above.

Further information on the Groundwater Sustainability Project can be found here:

<https://islandstrust.bc.ca/island-planning/galiano/projects/>

Attached is a copy of the proposed LUB amending Bylaw No. 283 and the OCP amending Bylaw No. 284 including the complete referral package.

3) Crystal Mountain Rezoning Proposal – Bylaws 256/257

The intent of proposed Bylaws No. 256 and 257 is to amend the LUB and OCP to re-designate and rezone District Lot 90, Lot 9 and District Lot 88 & 89 Lot A, North Galiano Island, to allow for the development of a spiritual education retreat facility on a 25% portion of the land base.

Lot 9 (20.5 hectares) is currently zoned Rural 2 (R2) and Lot A (4.0 hectares) is zoned Forest 1 (F1). The proposal would rezone the 25% portion to a site specific zoning to allow for the meditation retreat uses, with the 75% portion to be zoned Nature Protection (NP).

Up to now, the proposal has been for the transfer of the 75% of donated lands to the Islands Trust Conservancy (ITC), with the remaining 25% portion to be retained by the Crystal Mountain Society in a hooked lot configuration as shown in the most up-to-date [June 2021 proposed site plan](#).

Based on preliminary discussions with the Penelakut Tribe, the LTC and staff are now exploring the potential for land transfer to the Penelakut Tribe rather than the ITC. If the Penelakut is open to consideration of receiving these lands, the same questions arise as for DL 85/86:

- Are the lot lines as proposed reasonable and in line with the views of your Nation?
- Do you have capacity to receive the lands through a subdivision should it proceed to that point?
- The current zoning of a majority of the lands to be transferred is Nature Protection, are you comfortable with this zoning being retained on the 75% portion should land transfer occur?
- What is your understanding of other local First Nations views on a potential land transfer?
- Are there any other concerns, issues or information gaps that we should be aware of with respect to this rezoning application?

Further information on this application can be found here: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>.

In particular, the [September 9, 2021 staff report](#) provides a detailed description of the current proposed uses, structures and lot layout.

Attached is a copy of the proposed LUB amending Bylaw No. 256 and the OCP amending Bylaw No. 257 including the complete referral package.

If you have any questions or anything further clarification prior to our meeting, please do not hesitate to contact me.

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Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

Respectfully,

BSmith

Brad Smith PAg
Island Planner
Local Planning Services

Attachments

Bylaws 256/257 including referral package (Crystal Mountain)
Bylaw 283/284 including referral package (Groundwater DPA)

Crystal Mountain Society (CMS) Site Plan Proposal -- 75% Land Transfer

June 2021



Proposed Lot Boundaries

- Islands Trust Conservancy
- Crystal Mountain
- Property Line Setbacks

Water System

- Observation Well
- Primary Well
- Proposed Ridge Well
- Potable Storage Tank
- Septic Tank

Access Routes

- Primary Access Road
- Access Road
- Trail
- Easement To Lands Beyond
- Emergency Access SRow

Buildings

- Caretaker Building
- Bath / Laundry
- Kitchen / Dining
- Meditation Hall
- Office
- Kitchen / Bath / Laundry
- Service Building
- Med Hut
- Long-term Med Hut
- Tent Pad
- Parking Spaces/Aisle
- Overflow Parking
- Septic Field
- World Peace Pagoda

Infrastructure Areas

- Parking Area
- Meditation Hut Area
- Camping Area
- Kitchen / Washroom Area
- Meditation Hall Area
- Service Building Area
- Caretaker Building Area
- Septic Field Area

Sensitive Ecosystems

- Old Forest, Moist Forest, Wetlands, Ridges, Cliffs
- 30m Stream Buffer
- Stream

0 25 50 100 Meters

Map Date: June 9, 2021
Scale: 1 : 4,200
Projection: UTM Zone 10 NAD83



CMS Portion (25%)
Includes 2 sub-parcels
'Area 1' and 'Area 2' in
a hooked lot configuration

CMS Area '1'

Final layout of Lot Lines is subject
to BC Land Surveyor Plan

Portion of Emergency Access
SRow over Lot B not part of
Crystal Mountain Proposal

Lot Calculations

Existing Lot 9, DL90, Plan 31200	4.033 ha
Existing Lot A, DL88/89, Plan VIP68079	20.491 ha
Total Area Lot A + Lot 9	24.524 ha

Proposed CMS Parcel (portion of Lot A)	6.131 ha (25%)
Proposed Islands Trust Conservancy Transfer (Lot 9 + Portion of Lot A)	18.393 ha (75%)

27

October,23, 2024

Kim Stockdill, Islands Trust Planner

200-1627 Fort Street

Victoria, BC V8R 1H8

Dear Kim Stockdill,

I hope this letter finds you well. It is with great pleasure and gratitude that I write to inform you that the Penelakut Tribes will graciously accept the following land donations:

- Crystal Mountain

The Penelakut Tribes deeply appreciate the generosity and support. True reconciliation is being demonstrated by these land donations. The donations will play a crucial role in the continued development and sustainability of our communities.

We are honored to receive these valuable assets, and we assure you that they will be utilized in a manner that aligns with the Penelakut Tribes' values.

Once again, we extend our sincere gratitude for these land donations. Your continued support and partnership are invaluable to us.

Respectfully,

Chief Cha'keenukwaut Jack

Crystal Mountain Society Presentation to the Galiano Local Trust Committee
Meeting
December 10, 2024
DEC 10 2024

To the Galiano Local Trust Committee,
Planner Smith, Planner Stockdill, Joe Elliot,

These are the concerns of the Crystal Mountain Society (CMS) on entering into an initial exploration of issues with the Penelakut Tribe on the possibility of a land title transfer.

- Clarify current status of the process.
- Clarify potential Land Use on the 75%, regardless of who holds title, including mutual understanding of Nature Protection zoning. What are the Penelakut Tribe's priorities and concerns?
 - Use of a binding covenant guaranteeing future protections for CMS and Penelakut eg. Sale of the land if held Fee Simple.
 - Time to complete process; propose goal deadlines; CMS community limitations on time and resources.
 - Goal to complete ToT decision: with Penelakut, ITC, ITC/Penelakut, LTC decision, or CMS retains lands.
- Use of a Section 99 as CMS preferred mechanism to rezone possible with Penelakut?
- Would ToT to Penelakut prioritize the "user" of the land as contrasted to the "use" of the land, long understood as a priority principle of IT policy in rezoning and the protections it provides.
- Clarify understanding of a 'Donation' as per CRA Charity regulation.

The aspiration of the CMS membership is to create a community based non-profit spiritual education retreat facility on 25% (15 acres) of our current 60 acres. CMS has expressed here our priorities, questions and concerns about reconsidering the recipient of title to 75% of the land from the Islands Trust Conservancy to the Penelakut Tribe. We have worked diligently through this unique application process for many, many years, continuously modifying, responding to objections, working under several Planners, changing LTC's, an OCP Review and changing neighbours, and finally passed successfully through the Public Hearing stage. Now there is this 1 last-minute bridge to cross. If we can come to a mutually agreed upon understanding with the Penelakut Tribe that honours each community's requirements, guaranteed in legally bound terms for both, then we will each have arrived at a welcome result. If not, CMS will rely on the current agreement with the ITC to receive title and manage the lands for conservation as a Nature Protection zone. The last alternative would be that CMS simply retains title or considers an alternate disposition of the 2 lots. As a result, neither the Penelakut Tribe nor Crystal Mountain would fulfill their aspirations. Therefore we emphasize the need for all to move this engagement process ahead speedily to achieve mutual benefit

On receipt of the October 23, 2024 letter to the IT from the Penelakut Tribes, Crystal Mountain Society responds with our deep concern that the Penelakut have mistaken impressions concerning a potential transfer of title of a portion of CMS property. Only CMS can propose to transfer title. The Islands Trust cannot offer the CMS lands.

Is it possible that CMS lands have been addressed here as though similar to the very different private residential applications of DL 85 and 86?

It is regrettable that these misconceptions have arisen and we sincerely hope they do not hamper discussions moving forward with the Penelakut by seeing CMS as taking a step backwards from a perceived offer of land or 'donation'.

We understand that the Penelakut would like title to the mentioned land, but we are not yet assured of a willingness to recognize our needs.

Last April 24, 2024, representatives of Penelakut Tribe agreed to put in writing their response to the 5 points raised in the meeting with the IT Staff in December 2023:

- Are the lot lines as proposed reasonable and in line with the views of the Penelakut?*
- Does Penelakut have the capacity to receive the lands through a subdivision should it proceed to that point?*
- The current {proposed} zoning of a majority of the lands to be transferred is Nature Protection, is the Penelakut comfortable with this zoning being retained on the 75% portion should land transfer occur?*
- What is the Penelakut's understanding of other local First Nations views on a potential land transfer?*
- Are there any other concerns, issues or information gaps that the LTC and Trust staff should be aware of with respect to this rezoning application?*

That 'next step letter' has not materialized and the current letter does not address those 5 points.

The August 15, 2024 Galiano CMS site visit gave those of us present the opportunity to really begin these discussions in person. At the conclusion of this very positive and substantive mutual engagement, we clearly heard the definite intention of the Penelakut representatives to convey the meeting content to the Council and Elders, to then be acknowledged in a written response to the IT and CMS in order to move into next step discussions.

Though we have sent follow-up letters, containing a review of the expressed concerns and points of view, to both the Penelakut Chief and Council, Galiano LTC and IT Staff, no response has been received. See attached letters.

We look forward to a response that indicates clearly the Penelakut wish to explore this possibility further in a timely manner.

There is an opportunity for the coming together of community in the resolution of this application, if we can keep the focus on the next steps.

Yours sincerely,
CMS Rezoning Team
Janice Oakley, Libby McClelland, Leslie Cain

COMMUNICATIONS WITH ISLANDS TRUST AND PENELAKUT TRIBE

Sept 26, 2024

Hello Planner Smith, Joe Elliot and William Shulba,

We would like to take this opportunity to wholeheartedly thank everyone for their time and energy in gathering on the land at Crystal Mountain on August 15, 2024.

The site visit allowed us to explain thoroughly who we are, what we do and what we propose to do on the 25% of land we would retain from land use rezoning. It also allowed all of us to collectively walk the perimeter of the 25%, including the upper area.

We see the site visit as being the last step to conclude the consultation process initiated by the Galiano LTC with Penelakut Tribe following the motion at the Public Hearing last May 2023. After such a prolonged rezoning process, to be revisiting such a key piece at the Public Hearing stage has been frustrating to say the least. We understand that this is a novel development for which there is no precedent, but we are concerned that the lack of mechanisms to bring this arrangement to a conclusion could result in many years of delay.

That said, we also view the site visit as an important step with the Penelakut Tribe and Islands Trust in the true spirit of Reconciliation. We were heartened by the quality of interaction amongst all of those present and especially appreciated learning of the historical context of the land to Penelakut Tribe. We understand from Rob Morton and Josh James that 75% of the land (designated to be transferred to the Islands Trust Conservancy by CMS) is viewed by Penelakut as desirable.

To that end, we are writing to make the following clear:

1. The health and well-being of these forests, ecosystems and their wildlife is of utmost importance to us.
2. CMS' rezoning application was originally sent to public hearing premised on transferring the 75% to the Islands Trust Conservancy, consistent with precedent on Galiano and consistent with the Islands Trust's goals and policy of ensuring protection of habitat. CMS remains willing to transfer the land as proposed. CMS is, however, also willing to transfer the 75% to another entity or organization, including Penelakut, so long as the land will only be used in ways consistent with Islands Trust policy and management,

2. We are agreeable to transferring the 75% to Islands Trust Conservancy or to another entity so long as we are able to continue our study and practice in quiet and isolation. We gathered at our meeting together that through the Penelakut land coding process that land use can be defined and the definition locked in through subsequent changes in council and ownership, and we as neighbours would be assured of the conditions to hold silent retreats. Assuming that a transfer can be done in this way, that protects the above objectives into the future, CMS is willing to consider a transfer of land to Penelakut Tribe.

4. CMS's objective is to get the application concluded without further unnecessary delay and expense. Its application should be approved on the condition that it will transfer the 75% to either the ITC, Penelakut Tribe or another entity, all subject to the appropriate limitations on use.

With those points clear, we have the following questions:

1. The proposal is built around the use of Section 99 mechanism allowing for a hooked lot and a speedy subdivision. As we understand it, this is necessary to achieve our goals and avoid lengthy revisions of the proposal. Can a Section 99 still be used with a partner other than IT? Could the proposal stand without the use of this section?

2. Community benefit: would transferring title to anyone other than the ITC meet the requirement for rezoning as stated in the Galiano OCP? Would the Galiano community accept this?

3. What would the timeline look like for a change in land recipient? Would the IT prioritize concluding this proposal?

We look forward to continuing our open dialogue.

Thank you all for the work that you do in preserving and protecting the Islands Trust Land and Water.

CMS Rezoning Committee,

Leslie Cain, Janice Oakley, Libby McClelland

Hello Chief Jack, Josh and Rob,

Oct 7, 2024

We would like to take this opportunity to wholeheartedly thank everyone for their time and energy in gathering on the land at Crystal Mountain Society on August 15, 2024. We view this as an important first step with the Penelakut Tribe and Islands Trust in the true spirit of Reconciliation. We were heartened by the quality of interaction amongst all of those present and especially appreciated learning of the historical context of the land to Penelakut Tribe.

To recap: The site visit allowed CMS to explain thoroughly who we are, what we do and what we propose to do on the 25% of land we would retain from land use rezoning. It also allowed all of us to collectively walk the perimeter of the 25%, including the upper area. It appeared the site plan was satisfactory to you.

Finally, we were able to clearly communicate the main concerns for Crystal Mountain Society:

1. The health and well-being of these ecosystems and their wildlife is of utmost importance to us.
2. We are agreeable to transferring the 75% to Islands Trust Conservancy or to another entity so long as we are able to continue our study and practice in quiet and isolation. We understood from our meeting together that through the Penelakut Land Coding process that land use can be defined, with definitions in place in perpetuity, through any changes in council or ownership. We felt reassured that, as neighbours, conditions would be conducive to continue to hold silent retreats.
3. CMS's objective is to get the application concluded without further unnecessary delay and expense.

With those points clear, we have the following questions:

1. The proposal is built around the use of Section 99 mechanism allowing for a hooked lot and a speedy subdivision. As we understand it, this is necessary to achieve our goals and avoid lengthy revisions of the proposal. Can Section 99 still be used with a partner other than ITC? Could the proposal stand without the use of this section?
2. Community benefit: would transferring title to anyone other than an agency such as ITC meet the requirement for rezoning as stated in the Galiano Official Community Plan (OCP)? Would the Galiano community accept this?
3. What would the process timeline look like for a potential change in land recipient? It would be very helpful to have some kind of delineated timeline.

We look forward to continuing our open dialogue.

Sincerely,

Janice Oakley, Leslie Cain and Libby McClelland

CMS Rezoning Committee

Helen Foster, Gisele Sabourin, Marion Herlet, Libby McClelland, Arjan Van Asselt

CMS Board of Directors

Mark Webber

Lama Yongdu Chokyi Gyaltsen, Resident Teacher, CMS

To Chief Jack and the Penelakut Council,

July 21, 2024

It was a special moment to be at the North End Hall on Galiano on July 9th, to all be in the same room honouring the past and looking to a future together, "in the spirit of partnership". We got a brief chance to meet you there, Jane Wolverton introduced us. I know you met lots of people that day who wanted to connect and thank you for your wise words. We had visited your Elders' gathering on Penelakut in July, 2022 and were pleased to meet some of you again and others for the first time.

Crystal Mountain is a registered non-profit society that has been on Galiano for over 40 years. During these years we have gained some understanding of the extent of the Penelakut Territory and its relationship to Galiano. Fifty of the sixty acres of this land was primarily a clear-cut forest lot that has been naturally regenerating for over 20 years.

Crystal Mountain is in an Islands Trust land-use rezoning process and has been for ten solid years. The process began 20 years ago and was restarted in 2014. We wanted to reach out to you again, outside of the prescribed Islands Trust referral process, to hear from you what your thoughts are and for all of us to get to know each other better. We understand that the Islands Trust staff has been in contact recently with Penelakut staff to begin planning a site visit. We see this site visit with Islands Trust as more of a formal step in the rezoning process and consultation.

We are your neighbours on these unceded lands of North Galiano Island. We would be honoured, at another time, to host you and members of Penelakut on Galiano for a meal and a visit to Crystal Mountain whenever that might work in your very busy schedule. This would be more about building relationships and getting to know one another. We would like to invite other people who are particularly knowledgeable about these lands to join if that would work for you – in particular, Keith Erickson a local biologist who has done the ecological study of this land as well as many other parcels on Galiano. He is the former Executive Director of the Galiano Conservancy. We would also like to invite Jane Wolverton, a former Galiano Island Trustee.

The Crystal Mountain rezoning plan is to have four season spiritual education retreat centre, instead of only a summer camping situation. The process was paused at the request of the Tribe to get a better understanding about who we are and the lands on which the centre would be located. We study and practice meditation, mostly in the Buddhist tradition, though we are non-denominational. We feel a strong pull to bring back integrity to the forest lot that was previously logged and have focused the retreat centre plan only in ecologically less sensitive and already-impacted areas. Together with our Galiano community, through years of meetings and planning, we have created the possibility for a small-scale, low-impact meditation and study space that could serve the Galiano community and others beyond and perhaps even Penelakut Tribe.

In 2018, we entered into a confirmed agreement with Islands Trust Conservancy to transfer title of 75% of the property to them; this was a requirement of the Galiano Community in exchange for having a retreat centre on land that previously was only zoned for forestry. If 75% of the lands were not transferred to the Islands Trust Conservancy, it is not clear whether transferring in a “fee simple” arrangement to the Penelakut Tribe would meet the Galiano Official Community Plan Community Benefit requirement for rezoning. If it does not meet the requirement, Crystal Mountain Society would have to decide if we would even be able to proceed with our application. We are hoping to hear more about the Penelakut Tribe’s larger vision when your time allows. We would be happy to arrange a boat to come and receive you and any others wanting to take part.

With appreciation and gratitude,
Crystal Mountain Society Rezoning Committee
Janice Oakley
Libby McClelland
Leslie Cain

Active Projects Report

Galiano Island

1. *Minor Project - Groundwater Sustainability*

Responsible

Dates

Activity:

Kim Stockdill

Rec'd: 02-Apr-2019

Phase 1 and 2: mapping and data analysis - Completed

Target: 30-Sep-2023

Phase 3: Implementation of mapping and data analysis

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 October 2024

625 Galiano	Invoices posted to Month ending October 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	2,314.30	-84.30
65210-625	LTC - Local Exp - APC Meeting Expenses	300.00	0.00	300.00
65220-625	LTC - Local Exp - Communications	3,000.00	1,738.94	1,261.06
TOTAL LTC Local Expense		<u>5,530.00</u>	<u>4,053.24</u>	<u>1,476.76</u>
Projects				
73001-625-4114	Galiano Groundwater Strategy Implementation	1,500.00	1,241.18	258.82
TOTAL Project Expenses		<u>1,500.00</u>	<u>1,241.18</u>	<u>258.82</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
Special Occasion Liquor Licenses That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.		
2010-115 (Standing)	Carried	18-Oct-2010
Publishing Notices beyond legal requirements That the Galiano Island Local Trust Committee will advertise Public Hearing Notices in the Active Page Magazine in addition to the legally required advertising in the Driftwood Newspaper.		



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2009-085 (Standing)	Carried	11-May-2009
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 NOVEMBER 19TH, 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 provided a reminder that there will be an election for Chair and Vice Chair in January 2025, and advised she will be stepping down as Chair.
- The ITC Board and ITC staff reported on the highlights of attending the Salish Sea Conservation Forum on Galiano Island on October 18th, 2024.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board adopted the proposed board meeting schedule from January 2025 to March 31st, 2026. Staff were directed to schedule the following ITC board meeting dates: January 21st, May 27th, October 7th, November 18th, 2025 and January 20th, 2026 as electronic meetings, and list the Victoria office board room as the public meeting location. Three in-person meetings will be held on March 18th and July 22nd, 2025, and March 17th, 2026.
- The ITC Board approved an increase of \$7,582 to its proposed 2025-26 Salaries and Benefits budget (Islands Trust Contribution) due to an error in its earlier submission relative to the amount available from the Environment and Climate Change Canada Contribution Agreement for Salaries and Benefits in 2025-26. In light of the increasing budget line request, the Board approved reducing the Board's training budget line by \$3,000 (originally increased to support education on Indigenous Conserved and Protected Areas). The board directed staff to provide these changes to the Financial Planning Committee and Trust Council.
- The ITC Board will indicate to Financial Planning Committee and Trust Council its supports for the Trust Area Services business case for an Auxiliary Policy Advisor for 2025-26 as this position is critical for ongoing intergovernmental and policy work. The ITC Board requests that a portion of an Auxiliary Policy Advisor position be dedicated to support the Conservancy's engagement with First Nations on the development of its next Five Year Plan.
- Trustee Elliott provided an update to the ITC Board from Executive Committee. Items reported include identifying an upcoming Executive Committee meeting on November 20th in preparation for Trust Council's December meeting, welcoming the new Islands Trust Chief Administration Officer, Reuben Bronee, and that the Policy Statement amendment project is proceeding through Committee of the Whole discussions and will go to communities and ITC before it is finalized.



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

- Trustee Yates reported that no changes to the proposed ITC budget were requested by Financial Planning Committee.
- Trustee Gauvreau provided an update to the ITC Board from Governance Committee including that the Committee is reviewing the Trustee remuneration policy to ensure that Islands Trust is following best practices and is submitting two business cases to Financial Planning Committee for inclusion in the 2025-26 budget; for a full-time Corporate Secretary and for policy assistance. The committee also set its 2025-26 meeting schedule and supported a suggestion to create a governance manual to help organize policies.
- The ITC Board received a Salt Spring Island LTC Planning Referral Notice and discussed how best to review and comment referrals in a timely manner.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved the conservation proposal submitted by Tara Martin to place a NAPTEP covenant on approximately 1 ha of Salt Spring Island, subject to review of First Nations responses and to Ministerial approval, to protect woodlands and herbaceous habitats, maturing dry Douglas-fir forest, and connectivity with adjacent protected areas.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board granted the request of Sallas Forest Strata, Sidney Island, to use an excavator to extract invasive *Crataegus monogyna* (hawthorn) trees from covenants ES065747 (Dragonfly Pond), ES65743 (Woodpecker Pond), and ES065749 (Kingfisher Pond) and to dispose of the biomass on site by burning. A temporary waiver of certain sections of the covenant was granted, subject to specific terms to allow this work.
- The ITC Board accepted the ITC Natural Area Protection Tax Exemption Program (NAPTEP) Covenant Monitoring Report 2024 and directed staff to address compliance and ecological concerns as identified in the report.
- The ITC Board accepted the ITC Nature Reserve Monitoring Report 2024 and directed staff to address the recommendations as identified in the report.
- The ITC Board approved soil moisture research at Link Island Nature Reserve by the Swift family, subject to First Nations consultation and the covenant holder's approval.
- The ITC Property Management Specialist presented a briefing on Gambier Island Local Trust Committee requesting the use of Squamish language on ITC Nature Reserve signage on Gambier Island.



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

5. COMMUNICATIONS AND OUTREACH

- The ITC Board directed staff to prepare and submit a letter from the ITC Board to the Minister of Municipal Affairs that reiterates the ITC's desire to undertake meaningful First Nations engagement, explains the ITC's staff capacity challenges, provides the Board's proposed ITC Plan engagement outline, and seeks the Minister's support for the updated timeframe for development and submission of the next ITC Plan.
- The ITC Board requested that Director Frater consider if a portion of the new Trust Area Services Policy Advisor position, supposed by Trust Council in September 2024, can be targeted to assist ITC staff with the Five Year Plan/First Nations Engagement project or if ITC can seek similar funding for an ITC Policy Advisor position for this and other policy requirements.
- The ITC Board requested Chair Smith write a letter on behalf of ITC to Trust Council regarding having not been consulted by Trust Council before the request for a Provincial review was made.
- The ITC Communications Specialist presented a briefing with a Communications and Engagement Strategy for ITC's 35th Anniversary.
- The ITC Strategic Fund Development Specialist advised that the annual holiday appeal will launch this year on Giving Tuesday on Tuesday December 3rd.

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