

ADOPTED

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: April 11, 2023
Location: Galiano South Community Hall
141 Sturdies Bay Road
Galiano Island BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner
Charly Caproff, Planner 2
Pat Todd, Recorder

Others Present: Approximately forty (40) members of the public were present.

1. CALL TO ORDER

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

2. RISE AND REPORT – In-Camera Meeting March 14, 2023

Deferred to next meeting.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee Gauvreau reported a busy month – number of meetings. Her Trustee office hours are Monday 9:00 to 11:00 a.m., and she encouraged residents to drop by and chat. Of note is the passing of former LTC Trustee Louise Decario who oversaw the 2-year review of the Official Community Plan (OCP) and she spoke highly of past Trustee Decario's thoughtful leadership.

Trustee Mabberley spoke of the significant time that past Trustee Decario had given to the Galiano community.

5. CHAIR'S REPORT

Chair Peterson spoke to LTC directing staff to draft and bring back Bylaw 228 regarding free-ranging farm animals. Bylaw enforcement staff are working on this item.

Provincial monies have been received by IT, \$150,000, for First Nations Engagement and Protocol Agreements.

6. ELECTORAL AREA DIRECTOR'S REPORT- none

7. TOWN HALL AND QUESTIONS

General Comments

Speaker: Regarding Wise Island and motion defeated at last meeting. Decks and stairs are a necessity and would ask the LTC to reconsider decision. Galiano Bylaws are not necessarily appropriate for Wise Island, need time to review Bylaws.

Speaker: Supportive of comments regarding Wise Island. Correspondence noted last month could not be found on the web site. Questioned if general correspondence is posted.

Planner Smith noted general correspondence would appear in Public Agenda. At this time one application is closed and one is in abeyance.

Speaker: In support of Wise Island comments.

Speaker: Letter submitted to staff. Staff confirmed receipt; however, there is no specific information received yet to reply.

Speaker: Standing Resolutions of April 7, 2014 were not discussed regarding recent affordable housing rezoning applications and community benefit. Questioned whether these were referenced/discussed in Staff Reports and at LTC meetings.

Planner Smith spoke to application, stating significant efforts were made to review and answer questions regarding water. A number of submissions were received concerning water problems. Wording is "Will be considered". Requirements and covenants are in place to monitor.

Speaker: Consider Gambier Island Bylaws for Passage Island, if they are applicable to Wise Island and if they could be incorporated into Galiano OCP. Urging LTC to refer matter to Advisory Planning Commission. Understood Staff have received a copy of Gambier Bylaws.

Speaker: Crystal Mountain rezoning application would create a large multi-unit visitor accommodation with no access to a main road, only a residential road which contravenes OCP Policy. An emergency access created would be welcome. A second development area contravenes many policies. No justification for allowing a split. There are ongoing concerns with water supply and consumption. The 2015 report indicates less water than required for a commercial operation, and should require a Provincial Water License prior to proceeding with

application. Against approval of development of Upper Ridge.

Chair Peterson directed the Town Hall to questions regarding a Temporary Use Permit.

Trustee Mabblerley recused himself at 1:28 p.m. due to conflict of interest.

Speaker: TUP is a short-term usage, and the only reason for the TUP is to circumvent the rezoning process.

Speaker: Temporary Use Permit (TUP) is essential to island growth and would further serve the community. Construction jobs could be completed faster and more efficiently, thus saving costs. There would be less need to get supplies from off-island. Trucks are currently on road twice a day. It is a great investment and benefit to the community.

Speaker: Suggest speakers use microphone. There is unloading of material from barges and equipment grinding up the hill at Montague. Road is a tourism corridor, busy with cyclists, etc., which is problematic.

Speaker: Questioned industrial use of the site regarding watershed. Montague Road is extremely congested.

Speaker: Spoke in appreciation of comments regarding Louise Decario and her work for the community. Referred to OCP and Land Use Bylaws (LUB) for contractors' yards and construction yards. Others are near or in residential areas. "Contractor Yard" is not what site was intended for.

Speaker (resident of Montague Road who works from home): Spoke, regarding TUP activities currently ongoing, inappropriate activities for forest lands, water contamination concerns, and neighbours' right to enjoy property impacted by long-standing bylaw infractions.

Speaker (resident of Montague Road): Supports previous comments. Spoke on concerns regarding industrial operation surrounded by residential homes, large truck traffic and effects on water.

Speaker (resident of Montague Road): Stated the paramount importance of water and protection from potential contamination including from storage of telephone poles. Compaction has been resulting in run-off and ditches are full. Advised not to ignore DP4.

Speaker: Spoke of admiration for Louise Decario's efforts, and the importance of Trustees to consider letters. Is not supportive of TUP and advised to apply to rezone and initiate process to weigh the environmental impact. Also stated that the area is not the place for industrial traffic.

Speaker: Will not support the TUP until a more fulsome and informed community dialogue is initiated. Only received the Staff Report one week ago with only two days to respond in writing, and stated the need for more information and time to study before making a decision. Is confused by the Staff Report, and was not advised of potential impacts. Is of the opinion that the Ministry of Transportation and Infrastructure (MoTI) is only interested in access but not

traffic.

Speaker: Had written in opposition to the TUP. Stated that Trustees should represent community members' interests. Spoke of implications of industrial use on forest area land and that the TUP is not appropriate tool. Advised a more in-depth evaluation and assessment of the suitability and impact of rezoning.

Speaker (resident Montague Road): - Points of concern have been covered by previous speakers, potential impacts are unclear and unknown.

Speaker (resident Montague Road): –Voiced opposition to TUP, stating far too many problems as have been pointed out. His primary concern is driveway access, as the development appears to be crossing his property on the map. Advised a survey be conducted prior to approving the TUP.

Speaker: Noted previous support for the TUP, which was approved and recognises the need for soil and aggregate storage. Does not support the current application.

Speaker: Opposed to the TUP due to concerns with farms produce for market and pollution. Desires to see a monitoring of activity.

Speaker: Opposed to TUP. The crest of the hill increases the risk of possible accidents with the trucks for tourists and children.

Speaker (resident Montague Road): Declared the applicant's right to live on the land in peace and quiet, as well as the importance of being a good steward for the land. Stated the TUP goes against the OCP, and is seen as a way around rezoning. Claims it has been in violation of Zone F1 uses for years.

Speaker (property borders TUP area): – Does not feel the traffic will impact significantly, adding that traffic has always been an issue on hill. Supports a 3-year TUP. Mentioned the storage area is deep into the lot, and doubts the impact on the water table as it has been there a long time. Stated a need to trust people to do what they say they will do.

Speaker: Does not support the TUP. Stated that the TUP is supposedly for "short-term use" and temporary, but noted the application is for 6 years. Compared the definition of a TUP versus the rationale of a TUP within the Staff Report.

Speaker: Stated the TUP should not be approved.

Speaker: Noted past work by Trustee Decario, whose review of the OCP reflected the hopes and aspirations of the island. Advised to review the LUBs according to the OCP policies. The TUP would have a significant impact on OCP, especially in the F1 Zone. Mentioned current non-conforming, illegal activities and the effort to legalize them. Noted the TUP is adjacent to a wet land. Advised the LTC needs to vet with OCP F1 Zone details. The rezoning application and tourism accommodation does not conform to F1 within OCP objectives. Advised the LTC needs to base decision making on OCP guidelines to protect public interests.

Speaker (TUP applicant): Cited hypocritical comments and pointed out others using larger machinery and having illegal septic systems. Stated the ferries as an issue, with more construction vehicles having an impact on passenger cars. Advised that the TUP is an alternate solution, where the barges bring in material, unload and continue construction. He also added that it eases pressure on the ferries, making it good for the community. He also stated that animals are not legal on an F1 property, and advised to comply with the LUBs.

Trustee Mabberley returned to the meeting at 2:15 p.m.

8. COMMUNITY INFORMATION MEETING – None

9. PUBLIC HEARING – None

The meeting recessed for a break at 2:17 p.m. and resumed at 2:28 p.m.

10. MINUTES

10.1 Local Trust Committee Minutes Dated March 14, 2023

By general consent, the Local Trust Committee meeting minutes of March 14, 2023 were adopted.

10.2 Section 26 Resolutions Without Meeting Report – None

10.3 Advisory Planning Commission Minutes – None

11. BUSINESS ARISING FROM MINUTES

11.1 Follow-up Action List Dated April 2023

Planner Smith noted that Planner Stockdill is looking into microphones for next meeting.

12. DELEGATIONS – none

13. CORRESPONDENCE

Received from the public.

14. MEETING BREAK - COMMUNITY UPDATE – none

Trustee Mabberley recused himself at 2:31 p.m. due to conflict of interest.

15. APPLICATIONS AND REFERRALS

15.1 GL-TUP-2023.2 (Mabberley)

Planner Caproff reviewed the application, which is to store a maximum of 2 tons of aggregate for a term of 3 years, with an option to renew. Rationale from applicant is that it would lower costs to consumers, lessen ferry traffic and no land alteration is involved, and supports the island, employment and location close to the harbour for barges, stating it is a small footprint relative to the lot size. There is livestock on the land, which is not permitted, and should be dealt with separate to the TUP. Submissions to date have been 11 against, 3 for and 80 signatures on a petition supporting the TUP. Concerns raised were reviewed.

Trustee Gauvreau spoke to the mandate to preserve and protect and noted it is a large commercial operation. She stated she is not prepared to permit the TUP at this time, adding only a rezoning would be considered.

Chair Peterson spoke in agreement, and stated ongoing non-conforming operations should cease prior to the rezoning application going forward.

GL-2023-018

It was Moved and Seconded,

That the Galiano Local Trust Committee not approve the issuance of Temporary Use Permit GL-TUP-2023.2 (Mabberley).

CARRIED

Process forward would be to make an application to rezone.

Trustee Mabberley rejoined the meeting at 2:42 p.m.

15.2 GL-RZ-2022.2 (Hayes)

Planner Smith reviewed the application, noting the report presents draft Bylaws as requested at the December meeting. Work is ongoing regarding Groundwater report.

Reviewed the checklist and the agencies were notified of the draft bylaws. A request was made to include the Coast Salish of Galiano in First Nations listings.

GL-2023-019

It was Moved and Seconded,

That the Galiano Island Local Trust Committee Bylaw No. 287, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022" be read for a first time.

CARRIED

GL-2023-020

It was Moved and Seconded,

That the Galiano Island Local Trust Committee Bylaw No. 288, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022” be read for a first time.

CARRIED

GL-2023-021

It was Moved and Seconded,

That the Galiano Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 287, Cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GL-2023-022

It was Moved and Seconded,

That the Galiano Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 288, Cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

15.3 GL-RZ-2014.1 (Crystal Mountain)

Planner Smith reviewed the progress to date. Has spoken with applicant who is working with the Capital Regional District (CRD). A Statutory Right of Way agreement has been negotiated with the CRD and allows for emergency access and egress across the lands. This secures 75% of the Emergency Access Route. A legal memorandum was shared with the CRD, and the CRD are satisfied. Legal opinion is that access is permitted through Easement. There have been two comprehensive Community Information Meetings.

Public Hearing is scheduled for May 6, 2023.

16. LOCAL TRUST COMMITTEE PROJECTS

Received for information.

17. REPORTS

17.1 Work Program Reports

17.1.1 Active Projects Report Dated April 2023

Special meeting to be scheduled when legal opinion received on Groundwater.

GL-2023-023

It was Moved and Seconded,

That the Galiano Local Trust Committee ask staff to add a Community Information Meeting prior to the Public Hearing regarding Emergency Access, on the May 6, 2023 agenda.

CARRIED

17.1.2 Future Projects Report Dated April 2023

Received for information.

17.2 Applications Report Dated April 2023

Received for information.

17.3 Trustee and Local Expense Report – None

17.4 Adopted Policies and Standing Resolutions

Received for information.

17.5 Local Trust Committee Webpage

To be updated upon conclusion of meeting.

17.6 Islands Trust Conservancy Report Dated – None

18. NEW BUSINESS

18.1 Annual Report

GL-2023-024

It was Moved and Seconded,

That the Galiano Island Local Trust Committee approves the format and outline of contents for the 2022/2023 Annual Report.

CARRIED

18.2 Freedom of Information and Protection of Privacy Bylaw

GL-2023-025

It was Moved and Seconded,

That the Galiano Island Local Trust Committee Bylaw No. 290, cited as “Galiano Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 290, 2023”, be read a first time.

CARRIED

GL-2023-026

It was Moved and Seconded,

That the Galiano Island Local Trust Committee Bylaw No. 290, cited as “Galiano Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 290, 2023”, be read a second time.

CARRIED

GL-2023-027

It was Moved and Seconded,

That the Galiano Island Local Trust Committee Bylaw No. 290, cited as “Galiano Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 290, 2023”, be read a third time.

CARRIED

GL-2023-028

It was Moved and Seconded,

That the Galiano Local Trust Committee Bylaw No. 290, cited as “Galiano Island Local Trust Committee Freedom of information and Protection of Privacy Bylaw No. 290, 2023”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

18.3 Galiano Cemetery Archaeology Permit – Letter of Support

Discussion

- Advocate for Church to begin process for protection of identified historical site
- A lot of work to be done between Church and First Nations
- Opportunity to locate an alternative site

GL-2023-029

It Was Moved and Seconded,

That the Galiano Local Trust Committee send to the Archaeology Branch of British Columbia a letter of support for St. Margaret Anglican Church’s application for an Archaeology Permit to allow archaeological work on a portion of the Galiano Cemetery.

CARRIED

19. UPCOMING MEETINGS

19.1 Special Meeting – Groundwater Sustainability Project

GL-2023-030

It was Moved and Seconded,

That the Galiano Island Local Trust Committee request staff to schedule an electronic Special Meeting in order to receive the legal opinion related to the Groundwater Sustainability Project.

CARRIED

19.2 Next Regular Meeting Scheduled for June 20, 2023 at the Galiano North Hall, Galiano Island

20. TOWN HALL

Speaker: In reference to a comment by the TUP applicant, requested that the record indicate their septic system was permitted and properly installed.

Speaker: In reference to a comment by the TUP applicant, stated that the large machinery is used only on their property for personal use; also felt the applicant's remarks were threatening.

Speaker: Inquired regarding Groundwater Recharging Areas, advised to send any questions or feedback directly to Planner Chadwick.

Speaker: Stressed the importance of reminding the public to address the Trustees and not the individuals. Stated that discussions should be respectful and should speak to issues and not personalities.

Speaker: Addressed the use of TUPs for Short Term Vacation Rentals (STVR) and questioned if the freeze still in place.

Planner Smith informed speaker that the previous LTC had directed staff to remove language from OCP that allowed TUPs for STVRs through bylaw amendments.

21. CLOSED MEETING – None

22. ADJOURNMENT

By general consent, the meeting was adjourned at 3:15 p.m.

Tim Peterson, Chair

Certified Correct:

Pat Todd, Recorder