

Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: July 11, 2023
Location: Galiano North Community Hall
22790 Porlier Pass Road
Galiano Island BC

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

Staff Present: Kim Stockdill, Island Planner
Lisa Millard, Recorder

Others Present: Approximately 36 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. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Gauvreau reported the following:

- She attended the Trust Council meeting held on Gabriola
- At Trust Council she submitted a request for decision to prioritize a review of Islands Trust First Nations Bylaw referral process
- She is maintaining Trustee office hours throughout the summer

Trustee Mabberley reported the following:

- He attended the Trust Council meeting

Trustee Mabberley introduced Ken Thomas, a Penelakut Tribe Council Member, who in turn introduced his staff members in attendance.

4. CHAIR'S REPORT

Chair Peterson reported attendance at the Trust Council meeting.

5. ELECTORAL AREA DIRECTOR'S REPORT - none

6. TOWN HALL AND QUESTIONS

- A Wise Island resident noted that new Bylaws related to access were requested eight months ago and to date there has been no action regarding this request. They asked if they could utilize regional planning department, and not just the local planning department, regarding Wise Island issues
- The Chair replied that the Local Trust Committee (LTC) could access the regional planning team through major projects and further noted that the Wise Island issue was before the LTC for consideration
- A member of the public referred to the recent report regarding water sustainability on Galiano and noted that residents are aware of the vulnerability of water resources and the complication of saltwater intrusion. They requested that the LTC consider producing water conservation signage directed to visitors
- The Chair replied that the ground water sustainability Bylaws address many of the concerns however there continues to be a need for water storage, and they will take the signage request into consideration
- A member of the public asked that the minutes identify which Trustee made specific comments that are noted within the minutes. They also suggested that the LTC refer Passage Island Bylaws to the Advisory Planning Commission (APC) for consideration for applicability to the Wise Island Bylaw issue
- Island Planner Stockdill noted that there are policies that the minute takers follow regarding identifying speakers, and further noted that there have been issues with connectivity and the minute taker can not hear parts of the meeting
- A member of the public agreed with the previous speaker and requested that the LTC refer Wise Island Bylaw issue to the APC
- A member of the public noted concerns about Item 14 on the agenda related to rezoning Lots 86 and 85. They thought the previous LTC should have engaged with the applicants to bring forth an application that would meet rezoning requirements. The speaker indicated that the waterfront portion of the property should be preserved for conservation and public access in exchange for higher density. A model for this would be Lot 79
- A member of the public noted that waterfront is not required as a condition of rezoning
- A member of the public noted that the difference between the application related to Lot 79 and that related to Lots 85 and 86 is that the applicant had no intention of keeping their lots while the applicant for rezoning Lots 85 and 86 intends to reside on the property
- A member of the public noted that the rezoning of the district lots resulted in a community forest and that application also did not include a waterfront exchange.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Galiano Island Local Trust Committee Minutes Dated June 20, 2023

By general consent the Galiano Island Local Trust Committee meeting minutes of June 20, 2023 were adopted.

9.2 Section 26 Resolutions without Meeting Report - None

9.3 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List Dated July 2023 Received.

11. DELEGATIONS

11.1 Peter Senkpiel re Rezoning Application GL-RZ-2023.1

The electronic meeting lost connectivity at 1:26 pm on resumption Trustee Mabblerley noted, in part, that his request that the applicant consider access for four landlocked lots, and amenity zoning, as part of the application was simply a request for staff to look at options and possibilities for consideration.

Mr. Senkpiel made the following comments:

- The LTC must do their job in accordance with policy and legislation and that ensure their actions and decisions are lawful and consistent with the Islands Trust mandate to preserve and protect the Trust area
- That the applicant is not trying to profit, subdivide, or add density and does not seek massive redevelopment, but rather they intend to protect forest land and limit dwelling size
- Reconciliation is essential and needs to be advanced however reconciliation applies to provincial and federal jurisdiction and local governments do not have an obligation to consult with First Nations
- There is not an issue with First Nations engagement however it needs to take place within accordance of the law, and the applicant does not have a duty to consult
- The application for rezoning complies with Official Community Plan (OCP) policies and the LTC does not have jurisdiction to request access for landlocked properties
- He requests that Trustees withdraw the requests to consult with First Nations, provide access to four private properties, and provide affordable housing as part of the application.

The meeting lost connectivity from 1:57 pm to 2:03 pm.

The meeting was recessed for a break at 2:04 pm and reconvened at 2:20 pm.

The electronic meeting was ended at 2:20 pm due to connectivity issues and onsite recording commenced.

12. CORRESPONDENCE

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

13. MEETING BREAK - COMMUNITY UPDATE

14. APPLICATIONS AND REFERRALS

14.1 GL-RZ-2021.2 (Matheson-Bairstow) – Staff Report

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

- There is a cover letter from the applicant attached to the staff report outlining two options that the applicant was considering and there is a third option that will be posted to the website
- The proposal includes a nature protection lot that would be approximately 12.35 hectares and staff had engaged with BC Parks regarding a possible land transfer however at that time BC Parks did not want to move forward as local First Nations had expressed interest in receiving the lands
- The applicant has been in discussion with staff to arrange talks with the Penelakut First Nation to discuss the option of a land transfer of a portion of the nature protection area.

Discussion ensued.

GL-2023-48

It was Moved and Seconded,

that Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2021.2 (Matheson/Bairstow) including preliminary engagement with First Nations.

CARRIED

14.2 GL-RZ-2023.2 (McElhanney) – Staff Report

Island Planner Stockdill summarized the staff report and discussion ensued.

GL-2023-49

It was Moved and Seconded,

that Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2023.2 (McElhanney) including preliminary engagement with First Nations.

CARRIED

14.3 GL-RZ-2022.2 (Hayes) – Staff Report

Island Planner Stockdill summarized the staff report.

GL-2023-50

It was Moved and Seconded,

that Galiano Island Local Trust Committee request staff to schedule a Community Information Meeting and a Public Hearing for Bylaw No. 287, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022” and Bylaw No. 288, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022”.

CARRIED

15. LOCAL TRUST COMMITTEE PROJECTS

Received

16. REPORTS

16.1 Work Program Reports

16.1.1 Active Projects Report Dated July 2023

Received

16.1.2 Future Projects Report Dated July 2023

Received

16.2 Applications Report Dated July 2023

Received

16.3 Trustee and Local Expense Report Dated May 2023

Received

16.4 Adopted Policies and Standing Resolutions

Received

16.5 Local Trust Committee Webpage

A Trustee noted that there is now a page on the website called Fact Check whereby members of the public can ask a question that will be answered by staff.

16.6 Islands Trust Conservancy Report - None

Received

17. NEW BUSINESS

GL-2023-051

It was Moved and Seconded,

that Galiano Local Trust Committee forward the Passage Island Bylaws in reference to shoreline setbacks for Wise Island to the Advisory Planning Commission for consideration.

CARRIED

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for September 12, 2023 at the Galiano North Community Hall, Galiano Island

19. TOWN HALL

- A member of the public raised a concern with a Trustee's potential conflict of interest and to revisit previous decisions made by previous Trustees
- The Chair indicated that it is not the jurisdiction of the LTC to rule on conflict of interest, and that it is the Trustee's responsibility to recuse themselves or not
- A member of the public noted that policy and precedent in regional Bylaws as well as those that previous LTCs have been following in regard to the configuration of Lots 85 and 86 should be taken under consideration
- A member of the public stated that the property owners associated with Lot 85 and 86 applications have taken it upon themselves to transfer land to First Nations, however it has taken 32 years to get this far and the property owners are aging and might not be able to enjoy their properties. They urge the LTC to move this application along in a timely manner
- A member of the public noted that Trustee Gauvreau's wish to slow down when considering the rezoning of Lots 85 and 86 is likely not related to the land transfer to First Nations but rather possible concerns about the rural residential lots and how they fit into the OCP requirements. They further inquired if Option 3 of this application is now the only option being considered and also noted that the lands being transferred are landlocked
- Island Planner Stockdill confirmed that Option 3 is the current option being considered
- A member of the public suggested that Trustees receive additional staff support when considering precedent setting applications so that they can be moved along in a timelier manner
- A member of the public indicated that the road going through the properties is paved and that they are willing to discuss emergency access options and other options as concerns arise
- A member of the public asked if there is any conflict between First Nations regarding the land that is being considered for transfer, and further asked about the mechanism in place to do a land transfer
- The Planner noted that they are receiving a legal opinion regarding land transfer to First Nations. They also stated that other First Nations have not expressed interest in the land as of yet but communications will be sent forward to determine if there are any expressions of interest

- A member of the public thanked the owners for considering donating land back to First Nations, stated they are open to talking about safety and access issue and are willing to work together
- A member of the public asked if the upcoming meeting between the LTC and First Nations will be open or closed
- The Chair replied that they will seek clarity on that.

20. CLOSED MEETING - None

21. ADJOURNMENT

By general consent the meeting was adjourned at 4:00 pm.

Tim Peterson, Chair

Certified Correct:

Lisa Millard, Recorder