

Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: October 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
Phil Testemale, Planner 2 (electronic)
William Shulba, Senior Freshwater Specialist
Carly Bilney, Recorder (electronic)

Others Present: Penelakut Chief Chakeenakwaut Jack
Penelakut Councillor Ken Thomas
Justine Starke, Manager, Service Delivery, Southern Gulf Islands, Capital Regional District,
There were approximately twenty-four (24) 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 the territory of the Coast Salish First Nations and commented on the need to acknowledge the truth as a precursor to reconciliation.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Gauvreau's report included the following comments:

- Attended the recently held Trust Council meeting and highlighted the Islands Trust Accessibility Committee that aims to promote inclusive and accessible practices, and the endorsement by Trust Council of a plan to promote reconciliation efforts
- Commented on the wildfire situation currently in the province and gave thanks to volunteer firefighters, particularly on Galiano

Trustee Mabberley's report included the following comments:

- Attended a reconciliation event at the North Hall hosted by the North End Community Association and Michelle Crocker, and attended the Georgeson family reunion – both events were opportunities for people to get together and learn about history

4. CHAIR'S REPORT

Chair Peterson made the following comments in his report:

- Representatives of the Islands Trust attended the Union of British Columbia Municipalities convention and met with Ministers to discuss the Islands Trust mandate, a rural community housing stream, and wildfire planning
- Provided highlights of the last Islands Trust Council meeting

5. ELECTORAL AREA DIRECTOR'S REPORT – none

6. FIRST NATION REPORT

Penelakut Councillor Thomas commented on his experience at the Reconciliation Day event at the North Galiano Community Hall.

Penelakut Chief Jack commented on her desire to reiterate the message of what Penelakut Elders and Council have directed her to do. She made the following comments:

- We want to build partnerships in Penelakut territories and assert ourselves back into territories where we have not been (e.g. Galiano, Salt Spring, Tent Island territories)
- We are here to work in partnership and work together as one
- We cannot do anything by ourselves
- We appreciate the invite to join the meetings and to be a part of the community and build a bridge
- We have fallen behind as a result of non-communication with our counterparts and we want to catch up

7. TOWN HALL AND QUESTIONS

Town hall was held and the following comments were made:

- Trustees were urged to prioritize a review of Wise Island bylaws
- Support was expressed for proposed policy changes that relate to bylaw enforcement on Mudge Island
- Support was expressed for deferred bylaw enforcement on Wise Island until the bylaws have been reviewed
- The appraisal in GL-SUB-2021.1 (Waterfall) has been approved in principle by the Capital Regional District
- The decision to provide parkland or pay a cash-in-lieu amount during subdivision is up to the applicant
- Trustees should be neutral about who they represent

- If Trust Council is going to send a letter to the Minister, First Nations should be at the forefront and the focus should be on reconciliation
- Concern was expressed that not enough information has been made available to the community on proposed Bylaws 283 and 284, and there would be limited opportunity for people to discuss the information because the Public Hearing immediately follows the Community Information Meeting
- The proposals being discussed at the Community Information Meeting should have been included in the Active Page's Trustee Report

8. COMMUNITY INFORMATION MEETING

8.1 Groundwater Sustainability Project – Proposed Bylaws 283 and 284

Island Planner Stockdill reviewed the Groundwater Sustainability Project and the proposed Bylaws 283 and 284 that were given First Reading in March 2023. Community members were invited to ask questions (Q represents questions and comments, A represents responses):

- Would Development Permit Exemption 'p' require an amendment to the Water Sustainability Act?
 - The proposed bylaws were referred to the Ministry of Water Land and Resource Stewardship to provide an opportunity to review them and ensure they are in compliance with the Act; a response was not received
 - A Local Trust Committee bylaw would not require an amendment to provincial legislation.
- Can staff provide assurance that the proposed bylaws are in compliance with all water regulations?
- Without a definite response from the Ministry, compliance should not be assumed
 - Staff has reviewed the Groundwater Protection Regulation and the Water Sustainability Act
 - The bylaw proposes a minimum duration of pumping as 12 hours, where as, provincial "[Guide to Conducting Pumping Tests](#)" state minimum durations of typical pumping tests are 24 to 72 hours unless stabilization of the pumping water level occurs
 - Local by-laws, regulatory requirements can stipulate minimum pumping durations
- Do we assume the Province's silence is approval? Is this silence enough to give you confidence to move forward with the bylaws?
- Are there any other issues where you might not be in compliance?
 - We have a professional planner and a professional geoscientist – both public servants that have done due diligence through analysis and are confident in the result
- How many parcels of land would be affected by Development Permit Exemption 'p'?
- The exemption should not move forward without knowing how many parcels of land may be affected

- There are other exemptions (e.g. Private Managed Forest Land) so the protected area is about half the land within the Development Permit Area
 - Staff does not have information on property owners that would be affected by Exemption 'p'
- Development Permit Exemption 'p' is unusual because it regulates land use based on the identity of the land owner rather than the land use
- The Development Permit Area adds another layer of care to land that has been identified as a critical recharge area
- Freshwater sustainability needs to be a key lens through which Islands Trust land use decisions are made for First Nations and non-First Nations
- Has there been effort to find out how many properties would be affected by Development Permit Exemption 'p'?
 - Trustee responded there are 62 parcels of land that would be in the Development Permit Area; half are involved with other exemptions, and of the remaining 31 parcels, six would be affected by Exemption 'p'
- If there is an exemption granted to a person who qualifies for Exemption 'p' and they sell the land to somebody who does not qualify, Exemption 'p' goes with the person and not the land
- What if there are two or more people who own the land, and one has First Nations status and the other(s) do not?
 - If that person that owns land meets Exemption 'p' then activities may be exempt
- What Development Permit Areas do best is facilitate voluntary compliance
- Education is paramount and it should be known that federal and provincial parks and private managed forest lands have critical recharge areas
- Even if a critical recharge area is exempted from the Development Permit Area, it needs to be understood that what happens in those areas can have an impact

Councillor Thomas made the following comments:

- Penelakut Tribe has a water team
- We have to work together
- Water sustainability is an issue everywhere, not just on Galiano
- We know the land and have had how many years of not being able to have a say in what goes on in our territory; I come to work with the community in hopes to change that
- We need to get rid of negativity
- Water is a sensitive and important resource
- We appreciate people coming together and working with us
- We have been pushed aside for too long
- It is an honour to be here

Chief Jack made the following comments:

- The Islands Trust is not given enough credit for the work that it does
- I hear the concerns of the community members

- I want to reassure the community that we hold ourselves to a high standard, and are not just haphazardly doing work
 - I speak in the direction that my Elders and Council have directed me; the agenda put forward is from our community and our Elders
 - The integrity in how I speak is from my grandparents who raised me; I always try to honour my grandparents and our Elders
 - I'm grateful that you are including us in a document and have pride that we are finally being included in a document that we were removed from not by choice
 - Exemption 'p' is a topic of conversation; I want to hear the concerns and how we best work together to be able to move all our work forward
 - When we are included in the documents, I appreciate and honour that and will work with people that are willing to work with me
 - I say to the community, 'help us help you help us' in being able to move all our agendas forward working as one
 - Thank you for being strong enough to stand up and put something in a document
 - We appreciate the voice when we have never had one; we appreciate being included in a document when we have never had one; this is the foundation of the Declaration on the Rights of Indigenous Peoples Act, the United Nations Declaration on the Rights of Indigenous Peoples and reconciliation
 - If we were to do anything that goes against our community as a whole we would have to answer to them
- With so many exemptions, will the proposed bylaws still be viable in achieving their goal?
 - The Development Permit Area does not cover the critical aquifer recharge area
 - The Development Permit Area in isolation is not as effective as the Development Permit Area with an education about what a critical aquifer recharge area is
 - The real holes in the Development Permit Area are in the parks and private managed forest lands, which are beyond the jurisdiction of the Islands Trust
 - There is need for more consultative process and education about how we protect groundwater
 - Why are cisterns not required to be connected to a well?
 - To connect to a house's water system, the water in the cistern needs to be potable
 - It is good to give the landowner the option to do what they want with their water storage.
 - Are other First Nations groups whose traditional territory includes Galiano also involved?
 - At least 13 other First Nations listed in the staff report that were consulted
 - What is Exemption 'p' supposed to protect?

- Exemption 'p' is a step forward the Local Trust Committee is making for reconciliation
- Staff read the Reconciliation Declaration that was passed by the Islands Trust in 2019 and noted that this statement is to consider relationship building in all the work the Islands Trust does
 - Comments were made that the main thing the Islands Trust does is build bylaws and the Local Trust Committee has shown courage by creating Exemption 'p' and bringing this conversation forward
- Are staff members advocating support for Exemption 'p'?
 - Staff is advocating support for reconciliation
- Have staff and the Trustees considered possible ramifications of proceeding with Exemption 'p' when the legal opinion states it would probably be invalid?
 - If the exemption was challenged legally, that part of the Development Permit Area would be removed
- Are the Trustees prepared to bring on litigation?
 - The Trustees do not know if there will be a legal challenge or what the outcome would be

Trustee Gauvreau made the following comments:

- We all support reconciliation
- Exemption 'p' is open to misinterpretation and misunderstanding remains
- We need to consider amending Exemption 'p' to make sure everything is encompassed
- We are getting caught up in solving reconciliation and politicizing something that is administrative

Trustee Mabblerley made the following comments:

- This is, as Trustees, the first document where we are able to offer reconciliation in a way that is a clear indication to First Nations that they belong
- The first thing you do to beat colonization is to stop the colonization process and stop ignoring the Peoples who have been on this land since time immemorial
- It pains me that the Penelakut are not at this table and involved in the drafting of this document; the process we are involved in does not allow for that to happen
- The fact that Penelakut have a higher standard than we do on how to protect the land encourages me to keep Exemption 'p' in the bylaw
- Regardless of what happens to Exemption 'p', would the Trustees consider taking on an Official Community Plan review of water policies that would include Penelakut and other First Nations on the island so that we can all do it together?
 - Yes
- Why did we not put a provision in the bylaw that would provide a role for Penelakut water experts to work with Islands Trust water experts and supervise the development permits that would apply to everyone?

- The Groundwater Sustainability Project came to Trustees and was an opportunity to include recognition of and reconciliation with First Nations Peoples

Trustee Gauvreau provided the following draft amended wording for Exemption 'p' for consideration: Activities taken specifically for the preservation, restoration and safeguarding of Indigenous cultural heritage and archaeological sites including, but not limited to, alteration, habitat restoration; ceremonial uses are exempt from acquiring a development permit provided they are carried out in collaboration with or under guidance from appropriate First Nations.

The meeting was recessed for a break at 3:13 p.m. and reconvened at 3:32 p.m.

9. PUBLIC HEARING

9.1 Groundwater Sustainability Project – Proposed Bylaws 283 and 284

9.1.1 Recess for Public Hearing

The meeting recessed at 3:33 p.m. for the Public Hearing.

9.1.2 Recall to order

The meeting was recalled to order at 4:05 p.m.

10. MEETING BREAK

11. CAPITAL REGIONAL DISTRICT RURAL HOUSING PROGRAM PRESENTATION

Justine Starke, Manager, Southern Gulf Islands Service Delivery at the Capital Regional District, presented on the Capital Regional District's Rural Housing Program and made the following comments:

- One of the main objectives of the housing strategy is having the Capital Regional District create a rural housing program to support islanders in providing housing for islanders
- The program aims to support the creation of a greater diversity of housing for the community
- The Rural Housing Program has proposed a pilot project for 2025 for island electoral areas that looks into funding incentives for people to build out secondary suites and cottages where they have zoning
- One goal of the program is to provide pre-development funding to support infrastructure costs to non-profit property owners and improve the likelihood that bigger funders might contribute
- Another goal is to have the capacity to support and educate island communities
- Money requested from the Capital Regional District Board is a small start that will hopefully be used to leverage more from other funders once success has been demonstrated

After the presentation community members were invited to ask questions:

- How does the pilot program help with the higher cost of building?
 - We are trying to build a fund to give to the grant
 - The program provides for a 5-year forgivable loan and when the loan recipient demonstrates they have met compliance with the program and the tenant is renting at an affordable rate, their loan is forgiven
- Has consideration been given to trailers?
 - Rezoning for a trailer park raises issues with the building code and Canadian Standards Association
 - The Capital Regional District is working to reconcile when the building code applies to trailers and when it does not
 - The provincial government has a lot of work to do on the building codes to allow for alternative housing like trailer parks
 - The Local Trust Committee can consider floor area requirements in bylaws for secondary suites
- What is the Capital Regional District Rural Housing Initiative doing to ensure there is funding from senior levels of government for Galiano Green?
 - We have a lot of applications in to fund the \$14-million project
- How does the program ensure rental units are affordable?
 - This is challenging because costs are so high
 - When building, an owner has to look at how much funding they will get and the level of financing and how much they will need to operate
 - We hope to develop a readiness kit to help people think through what it will take to develop a project.

The presenter encouraged landowners to fill out the Rural Housing Pilot Program Property Owner's Survey that is currently open and available online.

12. MINUTES

12.1 Local Trust Committee Minutes Dated September 10, 2024 (for Adoption)

By general consent the Galiano Island Local Trust Committee meeting minutes of September 10, 2024 were adopted.

12.2 Section 26 Resolutions Without Meeting Report – None

12.3 Advisory Planning Commission Minutes – None

13. BUSINESS ARISING FROM MINUTES

13.1 Follow-up Action List Dated Oct 2024

Received for information.

14. DELEGATIONS – None

15. CORRESPONDENCE

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

16. MEETING BREAK – COMMUNITY UPDATE

17. APPLICATIONS AND REFERRALS

17.1 GL-BP-2024.10 (1724 Sticks Allison) – Release of Covenant – Staff Report

Island Planner Stockdill presented the staff report on behalf of Planner Testemale. Comments were made that the applicant has met all the requirements.

GL-2024-024

It was Moved and Seconded,

that Galiano Island Local Trust Committee approve the release of the Covenant EW62082 (Proof of Potable Water) registered under section 219 of the Land Title Act that is Attachment 1 to this report for STRATA LOT 8, DISTRICT LOT 30, GALIANO ISLAND, COWICHAN DISTRICT, STRATA PLAN VIS5536 (PID: 025-936-476).

CARRIED

GL-2024-025

It was Moved and Seconded,

that Galiano Island Local Trust Committee designate the Chair of the Local Trust Committee to sign the release for the Covenant EW6208.

CARRIED

17.2 GL-SUB-2021.1 (Waterfall) - Acceptance of Covenants/Cash-in-Lieu Amount – Staff Report

Island Planner Stockdill reviewed the staff report on behalf of Planner Testemale. The following comments were made:

- The applicants noted the proposed subdivision was arrived at after many iterations
- The bare land strata portion of the subdivision would be a common driveway
- The Capital Regional District told the applicants they had to get an appraisal rather than just use the assessment to determine the value of the subject land
- Concern was expressed that the appraised market value of the subject property is too low
- If the Local Trust Committee thinks the appraisal is too low, a new appraisal would be needed and would cost \$3000-\$5000
- Support was expressed for the appraisal as it was carried about by a professional

GL-2024-026

It was Moved and Seconded,

that Galiano Island Local Trust Committee agrees that, for the purpose of calculating cash-in-lieu for subdivision application GL-SUB-2021.1 (Waterfall), the market value of the land on June 11, 2024 was \$1,515,000.00 as stated in the appraisal report prepared by Katie Snell, ACCI, P.App., dated June 19, 2024 that is Attachment 1 to this report for GL-SUB-2023.1 (Waterfall).

CARRIED

GL-2024-027

It was Moved and Seconded,

that Galiano Island Local Trust Committee accept the Section 219 Covenant (Strata Lot 4 – Density) that is Attachment 2 to this report for GL-SUB-2023.1 (Waterfall).

CARRIED

GL-2024-028

It was Moved and Seconded,

that Galiano Island Local Trust Committee accept the Section 219 Covenant (All Strata Lots – Water Treatment) that is Attachment 3 to this report for GL-SUB-2023.1 (Waterfall).

CARRIED

GL-2024-029

It was Moved and Seconded,

that Galiano Island Local Trust Committee approve the release of the following covenants registered under section 219 of the Land Title Act for Lot B, Section 1, Galiano Island, Cowichan District, Plan VIP87346:

- a. Covenant EF12652 (Density) that is Attachment 4 to this report; and,
- b. Covenant M58171 (Proof of Potable Water) that is Attachment 5 to this report.

CARRIED

GL-2024-030

It was Moved and Seconded,

the Galiano Island Local Trust Committee designate the Chair of the Local Trust Committee to sign the two (2) Covenants and the releases for Covenants EF12652 and M58171.

CARRIED

18. LOCAL TRUST COMMITTEE PROJECTS

18.1 Groundwater Sustainability Project – Proposed Bylaws 283 and 284 – Post Public Hearing Staff Report

A question was raised about the process of amending Development Permit Exemption 'p' if the Local Trust Committee came to that decision. Staff suggested deferring the post Public Hearing staff report to the November meeting to give Trustees time to consider Exemption 'p'. It was noted that an amendment to the exemption can be

made after the Public Hearing; however, if the Local Trust Committee needs more information from First Nations or community members a new Public Hearing would be required.

Island Planner Stockdill noted minor tweaks to the proposed bylaw that could be given to the Trustees for consideration.

By general consent review of the post Public Hearing staff report was deferred to the November Local Trust Committee meeting.

19. REPORTS

19.1 Work Program Reports

19.1.1 Active Projects Report Dated Oct 2024

Received for information.

19.1.2 Future Projects Report Dated Oct 2024

Received for information.

19.2 Applications Report – Verbal Report

Island Planner Stockdill noted that staff is prioritizing the drafting of a letter for discussion at the November Local Trust Committee meeting.

19.3 Trustee and Local Expense Report – None

19.4 Adopted Policies and Standing Resolutions

19.5 Local Trust Committee Webpage

19.6 Islands Trust Conservancy Report – None

20. NEW BUSINESS – None

21. UPCOMING MEETINGS

21.1 Next Regular Meeting Scheduled for November 8, 2024 at the Galiano Lions Club Hall, Galiano Island

22. TOWN HALL

One member of the community encouraged Trustees to develop protocol with Penelakut Tribe to involve Penelakut in the management of groundwater resources on Galiano.

23. CLOSED MEETING – None

24. ADJOURNMENT

By general consent the meeting was adjourned at 5:13 p.m.

Tim Peterson, Chair

Certified Correct:

Carly Bilney, Recorder