



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: September 6, 2022
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

	Pages
1. COMMUNITY STEWARDSHIP AWARD PRESENTATION	12:00 PM - 12:30 PM
2. CALL TO ORDER	12:30 PM - 12:50 PM
3. APPROVAL OF AGENDA	
4. TRUSTEE REPORT	
5. CHAIR'S REPORT	
6. COMMUNITY INFORMATION MEETING	
6.1. GL-RZ-2021.1 Galiano Affordable Living Initiative Society (GALI) - Proposed Bylaw No. 280	12:50 PM - 2:00 PM
6.2. DL 64, 68, 72, 87 Rezoning Project - Proposed Bylaws 231 and 232	2:00 PM - 2:15 PM
7. PUBLIC HEARING	
7.1. DL 64, 68, 72, 87 Rezoning Project - Proposed Bylaws 231 and 232	2:15 PM - 2:45 PM
7.1.1. <u>Recess for Public Hearing</u>	
7.1.2. <u>Recall to order</u>	
8. MINUTES	2:45 PM - 2:55 PM
8.1. Local Trust Committee Minutes Dated July 4, 2022 (for Adoption)	4 - 14
8.2. Local Trust Committee Special Meeting Minutes Dated July 4, 2022 (for Adoption)	15 - 19
8.3. Local Trust Committee Special Meeting Minutes Dated July 16, 2022 (for Adoption)	20 - 24
8.4. Local Trust Committee Special Meeting Public Hearing Record Dated July 16, 2022 (for Receipt)	25 - 29

8.5.	Section 26 Resolutions Without Meeting Report - None	
8.6.	Advisory Planning Commission Minutes Dated June 24, 2022 (for Receipt)	30 - 37
9.	BUSINESS ARISING FROM MINUTES	
9.1.	Follow-up Action List Dated Aug 2022	
9.1.1.	<u>Fual Report - August 29, 2022</u>	38 - 41
10.	DELEGATIONS	
11.	CORRESPONDENCE	2:55 PM - 3:15 PM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
11.1.	Patrick Ramsay re Cellular Tower	42 - 43
11.2.	Stephen Rybak re Rogers communications letter	44 - 44
11.3.	Michael Sharp re Loss of Telecommunication on Galiano Island	45 - 47
11.4.	Jann Helssen re Wise Island Bylaw Amendment	48 - 48
12.	MEETING BREAK - COMMUNITY UPDATE	
13.	APPLICATIONS AND REFERRALS	3:15 PM - 3:50 PM
13.1.	GL-RZ-2021.2 (Gaylor) - Staff Report (attached)	
13.1.1.	<u>GL-RZ-2021.2 (Gaylor) -2022-09-06 - Staff Memo</u>	49 - 51
13.2.	GL-TUP-2022.1 (Walker) - Staff Report (attached)	52 - 73
14.	LOCAL TRUST COMMITTEE PROJECTS	3:50 PM - 4:10 PM
14.1.	DL 64, 68, 72, 87 Rezoning Project - Proposed Bylaws 231 and 232 - Post Public Hearing Staff Report (attached)	74 - 83
15.	REPORTS	4:10 PM - 4:20 PM
15.1.	Work Program Reports (attached)	
15.1.1.	<u>Top Priorities Report Dated Aug 2022</u>	84 - 84
15.1.2.	<u>Projects List Report Dated Aug 2022</u>	85 - 87
15.2.	Applications Report Dated Aug 2022 (attached)	88 - 95
15.3.	Trustee and Local Expense Report Dated June 2022 (attached)	96 - 96

15.4.	Adopted Policies and Standing Resolutions (attached)		97 - 100
15.5.	Local Trust Committee Webpage		
15.6.	Islands Trust Conservancy Report		
15.6.1.	<u>Islands Trust Conservancy Plan - Referral for Comment</u>		101 - 124
16.	NEW BUSINESS	4:20 PM - 4:35 PM	
16.1.	Delegation of Development Permits		125 - 135
17.	UPCOMING MEETINGS		
17.1.	Next Regular Meeting Scheduled for September 27, 2022 at the Galiano South Community Hall, Galiano Island		
18.	TOWN HALL	4:35 PM - 4:55 PM	
19.	CLOSED MEETING		
	None		
20.	ADJOURNMENT	4:55 PM - 4:55 PM	



Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: July 4, 2022
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: Dan Rogers, Chair
Jane Wolverton, Local Trustee
Tahirih Rockafella, Local Trustee

Staff Present: Brad Smith, Island Planner
Phil Testemale, Planner 2
William Shulba, Senior Freshwater Specialist
Carly Bilney, Recorder

Members of the Public: Approximately 28 members of the public were present.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:38 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. He welcomed and thanked former Trustees Anderson and Pottle, who were in attendance at the meeting, for their past work.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 16 New Business – motion regarding the October 3, 2022 Local Trust Committee (LTC) meeting; and
- Item 11 Correspondence – motion related to the Rogers Tower.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Wolverton made the following comments in her report:

- Over the past weekend, 1600 people arrived on Galiano from Tsawwassen; and
- A standing committee of trustees, including Trustee Rockafella, was formed through an election during the last Trust Council meeting; the committee will make decisions

regarding next steps on governance matters.

Trustee Rockafella made the following comments in her report:

- At Trust Council, Trustee Rockafella's motion to advocate for the implementation of the Province's Old Growth Strategic Review recommendations was unanimously voted on and will go forward at the Union of BC Municipalities.

4. CHAIR'S REPORT

Chair Rogers reported:

- The ongoing review of the Trust Policy Statement has resulted in a report that is now available to the public;
- The Trust Programs Committee will meet to review the report in detail and make recommendations; and
- There is one remaining Trust Council meeting left in the term and the Trust Policy Statement, Governance Report and other matters are still being worked on.

5. TOWN HALL AND QUESTIONS

Town hall was held and the following comments were made:

- Concern was expressed about COVID-19 on Galiano and a request was made to postpone the Community Information Meeting (CIM) regarding GL-RZ-2019.1 (GIGARHS) scheduled for this evening until arrangements can be made for a fully hybrid event;
- Comments were made that Crystal Mountain Society (CMS) is increasing the intensity and density of land use;
- Trustees were asked to reconsider the decision to exclude CMS from bylaw enforcement while the application remains open and to delay a CIM until a commercial water license and sewage disposal authorization has been achieved;
- The LTC was asked whether it is appropriate to schedule a CIM for CMS before the Province has issued a water license;
- Concern was expressed about potential forest fragmentation in the CMS proposal;
- Support was expressed for the CMS proposal as an opportunity to preserve Galiano's forests;
- Some North Galiano residents described negative impacts of CMS retreats currently in operation;
- Concern was expressed about inadequate water supplies in the CMS proposal;
- Comments were made about the CMS proposal not demonstrating community need and it was therefore suggested that CMS not be placed under the Communities Facilities and Utilities section of the Official Community Plan (OCP);

- It was suggested that the CMS property be placed under the Commercial Land Use section of the OCP rather than the Community Facilities and Utilities section; and
- The applicants noted CMS has received authorization from the Islands Health inspector with respect to their interim use of porta-potties for current operations.

Trustee Wolverton recused herself from the meeting at 1:32 p.m. due to conflict of interest with GL-RZ-2019.1 (GIGARHS). Town hall continued and the following comments about the GIGARHS application were made:

- It was suggested that the proposed housing agreement not be included in the Public Hearing so community members can continue to comment on the draft;
- Concern was expressed on behalf of neighbours living down slope from the proposed development site about the potential for groundwater contamination by the septic field; and
- Support was expressed for the application.

Trustee Wolverton returned to the meeting at 1:43 p.m. A break was held from 1:43 – 1:48 p.m.

6. COMMUNITY INFORMATION MEETING – None

7. PUBLIC HEARING – None

8. MINUTES

8.1 Local Trust Committee Minutes Dated June 6, 2022 (for Adoption)

Comments were made that the minutes record what is being said in the Town Hall, rather than a decision made by the LTC or an indication that a point-of-view has been accepted.

By general consent the Local Trust Committee meeting minutes of June 6, 2022 were adopted.

8.2 Section 26 Resolutions Without Meeting Report – None

8.3 Advisory Planning Commission Minutes – None

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List Dated June 2022

Received for information.

10. DELEGATIONS – None

11. CORRESPONDENCE

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

GL-2022-60

It was Moved and Seconded,

that the correspondence of Mr. Patrick Ramsay and Mr. Stephen Rybak be added to the correspondence section of the September 2022 Local Trust Committee meeting.

CARRIED

12. MEETING BREAK – COMMUNITY UPDATE

13. APPLICATIONS AND REFERRALS

13.1 GL-DP-2022.1 and GL-DVP-2022.2 (Fox) - Staff Report

Planner Testemale reviewed the Staff Report regarding GL-DP-2022.1 and GL-DVP-2022.2 (Fox). Discussion was held and the following comments were made:

- The only way to achieve an easement is if it is provided voluntarily (the LTC cannot insist on an easement), however the decision whether to issue the DVP is at the discretion of the LTC;
- While an easement would allow for consolidation of the docks, the applicants expressed concerns about liability and relinquishing control of their asset; and
- Eventually, sacrifices will have to be collectively made to protect the environment.

GL-2022-61

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2022.1 (Fox).

CARRIED

GL-2022-62

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2022.2 (Fox).

CARRIED

13.2 GL-RZ-2019.1 (GIGARHS) - Staff Memo

Trustee Wolverton recused herself from the meeting at 2:12 p.m. due to conflict of interest with GL-RZ-2019.1 (GIGARHS). Planner Smith reviewed the related Staff Memo, and the following comments were made:

- The applicants requested that the LTC consider groundwater restrictions on intensive uses to apply seasonally;
- If amendments are made today to the housing agreement and the Section 219 covenant, they will appear in the Public Hearing binder;

- The Public Hearing binder is the reference for a complete public record of an application and includes all related documents and correspondence; and
- Post Public Hearing, the LTC cannot consider any more related information without reopening the Public Hearing, though individuals can continue to communicate with the planning staff.

GL-2022-63

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to amend the GL-RZ-2019.1 (GIGARHS) covenant to include the second option as described in the July 4, 2022 Staff Report regarding intensive uses and to change the period of restriction from May through October, inclusive.

CARRIED

GL-2022-64

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to accept the suggested changes regarding GL-RZ-2019.1 (GIGARHS) from the planner in the July 4, 2022 Staff Report related to the housing agreement and water management plan.

CARRIED

Trustee Wolverton returned to the meeting at 2:31 p.m.

13.3 GL-RZ-2014.1 (Crystal Mountain) - Staff Report

Planner Smith reviewed the Staff Report regarding GL-RZ-2014.1 (Crystal Mountain). Discussion was held and the following comments were made:

- CMS has an application for two water licenses – one is an existing use license and another is a new use license;
- Submission of the existing use water license makes the continued use prior to being assessed legal;
- Adjudication for existing groundwater licenses has typically taken longer than for new licenses, and in this case, both licenses will likely be adjudicated together;
- The LTC could create a conditional zoning approval subject to receipt of a provincial water license;
- The present LTC has not indicated it would not adopt a rezoning unless a water license had been granted;
- A statement was read by the applicants about the value of the type of forest-based activity led by CMS;
- The applicants confirmed approval of the septic system application; and
- CMS continues to operate while the application is pending because of a standing resolution (GL-2020-040) from July 2020 regarding unlawful land uses and planning applications.

GL-2022-65

It was Moved and Seconded,

that the Galiano Island Local Trust Committee rescind first reading of Bylaw No. 257.

CARRIED

GL-2022-66

It was Moved and Seconded,

that the Galiano Island Local Trust Committee amend proposed Bylaw No. 257 to establish cumulative daily use limits of 27 persons in Area A and 3 persons in Area B, including retreat users, to reduce the maximum number of tent platforms in Area A from five to three, and to reduce the maximum number of overnight retreat users in both Area A and B combined from 22 to 20.

CARRIED

GL-2022-67

It was Moved and Seconded,

that the Galiano Island Local Trust Committee give first reading of Bylaw No. 257, as amended.

CARRIED

Discussion continued and the following comments were made:

- Decisions have been made to regulate the land and how it is being used;
- Protecting 18 hectares of ecologically sensitive land in the area is no small means and has been a driving force behind supporting the application thus far;
- Reducing the number of people using the land is significant;
- There is an element of forest fragmentation every time a house or a road is built so, by definition, there is a judgment call about what is minimizing forest fragmentation;
- With the protection of 75% of the land by the Islands Trust Conservancy, and protection of 65% of the remaining land, there is a strong element of minimizing forest fragmentation;
- The proposal leaves Lot 9 completely untouched and protects the wetland; and
- The Island's Trust freshwater specialist has weighed in on the water issues related to this application and the Ministry will eventually do so as well.

GL-2022-68

It was Moved and Seconded,

that the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 256 and 257 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

It was Moved and Seconded that the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting on application GL-RZ-2014.1 (Crystal Mountain). An amendment to the motion was made to also direct staff to schedule a Public Hearing (PH). Discussion followed about whether including a PH is logistically possible, and comments were made about how having the new trustees hear the PH might be more conducive to decision-making.

GL-2022-69

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing on application GL-RZ-2014.1 (Crystal Mountain).

DEFEATED

Trustee Rockafella and Chair Rogers opposed

GL-2022-70

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting on application GL-RZ-2014.1 (Crystal Mountain).

CARRIED

Discussion was held about setting a precedent that limits the number of people allowed on a property.

GL-2022-71

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to amend Bylaw 257 to include the second option of 8.7.7 that includes a maximum four days per year daily use limit of 60 persons as presented in the July 4, 2022 staff report.

CARRIED

Chair Rogers opposed

A break was held between 3:28 – 3:33 pm.

13.4 GL-RZ-2022.1 (Gaylor) - Preliminary Staff Report

Planner Smith reviewed the Staff Report related to GL-RZ-2022.1 (Gaylor). Discussion was held and the following comments were made:

- There is an open bylaw enforcement file for illegal structures on DL85 and the proposed solution of the applicant is to rezone the land to allow those structures to become legalized;
- Ministry and BC Parks staff have indicated that First Nations have raised concerns regarding having public road access to Dionisio Point Provincial Park;

- The application proposes 51% of the land will continue to be held privately and 49% would be donated in some capacity;
- The applicants noted the amenity lot is based on the approved rezoning of DL79;
- The proposal is not consistent with approaches taken in most other F1 zonings and is a liberal departure from the 75/25% heritage forest precedent that the community has adopted; and
- The land in the area is an important part of First Nations historical cultural uses and these concerns must be taken seriously.

GL-2022-72

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to proceed no further with application GL-RZ-2022.1 (Gaylor).

CARRIED

A motion was made to direct staff to proceed no further with 2021.2 (Gaylor). Discussion on the motion was held. A motion was made to direct staff to put 2021.2 (Gaylor) into abeyance.

GL-2022-73

It was Moved and Seconded,

that the Galiano Island Local Trust Committee defer the proposed motion on GL-RZ-2021.2 (Gaylor) to the next Local Trust Committee meeting.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 DL 64, 68, 72, 87 Rezoning Project – Staff Report

Planner Smith reviewed the Staff Report regarding the DL 64, 68, 72, 87 Rezoning Project. In the discussion that followed, concern was expressed that First Nations have not responded to the proposal. The following comments were made:

- As Crown-owned lots, the Province and First Nations could negotiate a land transfer regardless of the local government zoning;
- The lands are not specifically related to current treaty discussions; and
- The provincial database shows 15 First Nations that have overlapping historical use in the area.

GL-2022-74

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 231, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 14, 2011”, be given second reading.

CARRIED

GL-2022-75

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 232, cited as “Galiano Island Land Use Bylaw 127, 1999 Amendment No. 3, 2011” be given second reading.

CARRIED

GL-2022-76

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to schedule a Public Hearing for proposed Bylaws No. 231 and No. 232 to be held on September 6, 2022.

CARRIED

GL-2022-77

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting in conjunction with the Public Hearing for proposed Bylaws No. 231 and No. 232.

CARRIED

GL-2022-78

It was Moved and Seconded,

that the Galiano Island Local Trust Committee ask staff to re-refer the bylaws related to the DL 64, 68, 72, 87 Rezoning Project to the relevant First Nations and advise them of the motions that were passed today.

CARRIED

15. REPORTS

15.1 Work Program Reports (attached)

15.1.1 Top Priorities Report Dated June 2022

Received for information.

15.1.2 Projects List Report Dated June 2022

Received for information.

15.2 Applications Report Dated June 2022

15.2.1 Setting Dates for Galiano Affordable Living Initiative Society (GALI)

15.3 Trustee and Local Expense Report Dated May 2022

Received for information.

15.4 Adopted Policies and Standing Resolutions

15.5 Local Trust Committee Webpage

15.6 Islands Trust Conservancy Report Dated May 2022

Received for information.

16. NEW BUSINESS

GL-2022-79

It was Moved and Seconded,

that the Galiano Island Local Trust Committee ask staff to reschedule the October 3, 2022 Local Trust Committee meeting to Sept 27, 2022 at 12:30 p.m.

CARRIED

17. UPCOMING MEETINGS

17.1 Community Information Meeting re GL-RZ-2019.1 (Gulf Islands Galise Affordable Rental Housing Society) (GIGARHS) - Monday, July 4, 2022 (6 – 8 p.m.)

17.2 Special Meeting and Public Hearing re GL-RZ-2019.1 (Gulf Islands Galise Affordable Rental Housing Society) (GIGARHS) - Saturday, July 16, 2022 (12:30 p.m.)

17.3 Next Regular Meeting Scheduled for Tuesday, September 6, 2022 at South Community Hall, Galiano Island

GL-2022-80

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting on application GL-RZ-2021.1 (GALI) for September 6, 2022 and a Public Hearing on September 27, 2022.

CARRIED

Trustee Rockafella recused herself from the meeting at 4:44 p.m. due to conflict of interest with GL-RZ-2021.1 (GALI).

GL-2022-81

It was Moved and Seconded,

that the Galiano Island Local Trust Committee ask staff to schedule a special meeting of the Local Trust Committee for July 26, 2022 at 12:30 pm to receive reports on application.

CARRIED

Trustee Rockafella returned to the meeting at 4:48 p.m.

18. TOWN HALL

Town hall was held and the following comments were made:

- A request was made to hold the CIM related to GL-RZ-2014.1 (Crystal Mountain) at the North End Community Hall;
- Concern was expressed about the limited capacity of the North Hall for a CIM, particularly with COVID-19;
- The Crystal Mountain CIM will likely be a hybrid meeting potentially held at the Lions Hall;
- Comments were made about how the applicants seeking to rezone DL85 and DL86 may not be aware that BC Parks is not the only available recipients of forest lands; and
- The Galiano Club or Galiano Conservancy could also receive forest lands though that could remove the land from potential treaty negotiations.

GL-2022-82

It was Moved and Seconded,

that the Galiano Island Local Trust Committee ask staff to schedule a Community Information Meeting on Crystal Mountain Society on September 24, 2022 at 12:30 pm.

CARRIED

19. CLOSED MEETING – None

20. ADJOURNMENT

By general consent the meeting was adjourned at 4:58 p.m.

Dan Rogers, Chair

Certified Correct:

Carly Bilney, Recorder



DRAFT

Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee

Galiano Island Local Trust Committee Minutes of Special Meeting

Date: July 4, 2022
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: Dan Rogers, Chair
Tahirih Rockafella, Trustee

Staff Present: Brad Smith, Island Planner
William Shulba, Senior Freshwater Specialist
Carly Bilney, Recorder

Members of the Public: Approximately 40 members of the public were present.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 6:00 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. COMMUNITY INFORMATION MEETING

3.1 GL-RZ-2019.1 (Gulf Islands Galisle Affordable Rental Housing Society) (GIGARHS) - Proposed Bylaw No. 276 and No. 277

Planner Smith summarized the status of GL-RZ-2019.1 (GIGARHS) and outlined the remaining steps to be taken to complete the rezoning application. The applicants provided a project overview, and consultants spoke to the water supply, the water management plan and the ecological assessment for the project. The following comments were made:

- Rental units will be prioritized to Galiano residents, Indigenous Peoples and First Nations with claims to Galiano;
- On average, rents will be set at or below 30% of the before-tax income of median-income earners in the Southern Gulf Islands Electoral Area;
- Additional layers of affordability may be required by the final project funder (eg. BC Housing or the Canada Mortgage and Housing Corporation (CMHC));

- The well is capable of meeting the demand of the housing development with a very large safety factor;
- The location of the project was ecologically well sited within the larger zone previously identified for affordable housing; and
- The next steps beyond rezoning will include subdivision, completing a detailed design, obtaining a building permit, and an estimated 18 months of construction.

Members of the community were invited to comment on proposed Bylaws No. 276 and No. 277 and the following questions and comments were raised: (Note: “Q” represents questions/comments from members of the public; “A” are answers from the applicants, professionals or Islands Trust staff.)

Q: Can GIGARHS guarantee that the proposed housing agreement will produce deep subsidy units in the project – deep subsidy meaning the ones classified by BC Housing, for people with a fixed income like seniors, those with disabilities and social assistance?

A: If BC Housing is the organization that funds the project, then yes; if it is a different funder, then deep subsidy would be defined by them. It is the intent of GIGARHS to provide subsidized units.

Q: How can we ensure that the proposed housing will be rented to people with low incomes in accordance with the housing agreement?

A: The housing agreement provides one layer of assurance of affordability and GIGARHS will also have an operational plan for tenant selection; BC Housing carries out income testing at the time of application and sets a maximum income that a household could be eligible to earn based on its definition of ‘low to moderate income.’

Q: Please elaborate on who will be prioritized as renters in the proposed development.

A: Galiano residents and Indigenous Peoples will be prioritized applicants in the proposed development; there will also be a housing management committee that will be tasked solely with selecting tenants and orienting them to the living arrangements.

Q: Will a road need to be built?

A: The current road will need to be extended to the housing development; when the heritage forest was created, that whole corridor was a designated provincial highway, but it has not yet been fully developed to highway standards.

Q: What is the estimated cost to develop the road and bring in Hydro and telecommunications?

A: GIGARHS business information is proprietary information that is not available for public consumption, though the numbers have been shared with potential funders like CMHC and VanCity.

Q: On what are the estimates for water usage per person based?

A: Water demand in the original report uses figures based on per capita residence; the water management plan that has since been developed is based on an assumed population.

Q: Why wasn't the Sticks Allison Capital Regional District (CRD) water system used to inform water demand for the proposed development?

A: The Sticks Allison water system includes single family homes on acreages; the water management plan for the proposed development is based on CRD values, rural residential values and empirical data from an equivalent scenario on Mayne Island.

Q: Were water problems that have been recorded in the area been considered in any of the assessments related to water? Was anticipated demand (build-out) considered?

A: When the provincial groundwater license was adjudicated all existing groundwater licenses in the area were addressed. When the Province was doing its own internal analysis, they likely went through a well-water balance and anticipated license use (as opposed to anticipated build-out, or subdivision potential); as this development received a groundwater license, it would be first-in-time compared to new domestic uses to come into the area. In accordance with the list of Trust Policy Statement Directives, the applicants have been asked to undertake measures (e.g. water management plan, flow meters, ongoing water level monitoring) to ensure that the change in intensity and density in the area will not have a significant impact on the operation of the particular water source.

Q: Where have already occurring water problems been taken into account?

A: There has been a lot of investigation including a assessment by professional hydrogeologist Al Kohut and third party review of that assessment by Waterline Resources Inc. The source well has been shown to not have adverse impacts.

Q: If existing water problems in the area increase, how will we be able to prove that the problem has increased due to a new well?

A: The problem must be addressed holistically. Existing water issues in the region do not necessarily mean that a groundwater well for this application will add to those water problems; the project well will not likely have a major effect. Existing water issues in the area could be due to the mismanagement of the water source and interference problems between existing well owners – they will likely be impacted by a change in climate rather than a new neighbour.

Q: Will there be more water monitoring or will that end when this project comes to conclusion?

A: To understand water resources across the island, more monitoring is needed; in this project, the applicants have agreed to have ongoing, long-term monitoring for the life of the project.

Q: Could this proposal provide an opportunity to address inequities to access for things like broadband, water, and fire prevention?

A: There is momentum right now for jurisdictions across the Southern Gulf Islands to learn from each other and help pave the way for future projects, though the various levels of government create challenges; the CRD is working on a broadband connectivity project.

Q: Has the organization called *Reaching Home* been on the applicant's list of contacts?

A: *Reaching Home* is a funding program that is channelled through various organizations and targets people experiencing homelessness and has more of an urban focus.

Q: If BC Housing is not part of this project, has there been thought about asking BC Housing for subsidies?

A: Any opportunity to work with BC Housing would be pursued, whether it is through a partnership or through subsidies. BC Housing is moving away from a subsidy model for affordable housing and instead prioritizing projects that can be sustainable without ongoing input.

Q: Why is there no definition of 'affordable rental housing unit' in this housing agreement?

A: GIGARHS is trying to make the housing agreement as broad and flexible as possible so it will fit into various funder's programs. Given the rent structure required in the housing agreement, there is no risk of these units being rented at exorbitant rates.

Q: What might the scenario be for paying back a mortgage?

A: The amount to be applied for could be reduced significantly if funding for the project went really well. The more cash you can put in up front to reduce the mortgage, the better for the project as it would result in lower rents in the long-term.

Q: What mechanisms are in place to ensure the project is completed?

A: Most funders (e.g. BC Housing and CMHC) will not give a first draw on funding until evidence has been provided that demonstrates the funding covers project plans; the project would not start construction until GIGARHS and the funders are sure that it can be completed.

Q: What is the status of the legal review of the proposed amending of the third party covenant governing the Heritage Forest?

A: The legal opinion of the covenant holders is that they have the right to amend the covenant to ensure compliance with rezoning. The LTC is not a party to this covenant.

4. ADJOURNMENT

By general consent the meeting was adjourned at 8:02 pm.

Dan Rogers, Chair

Certified Correct:

Carly Bilney, Recorder



Galiano Island Local Trust Committee

Minutes of Special Meeting

Date: July 16, 2022
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: Dan Rogers, Chair
Tahirih Rockafella, Local Trustee

Staff Present: William Shulba, Fresh Water Specialist
Brad Smith, Island Planner
Pat Todd, Recorder

Public: There were approximately one hundred and sixteen (116) members of the public in attendance (Zoom and in person)

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:50 pm with apologies for late starting as the ferries were delayed. Chair Rogers stated that Trustee Wolverton has been recused from Public Hearing due to possible conflict of interest. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. PUBLIC HEARING

Chair Rogers reviewed the protocols of a Public Hearing. It is a legislative process to permit community input regarding proposed bylaws.

3.1. GL-RZ-2019.1 (Gulf Islands Galise Affordable Rental Housing Society (GIGARHS) – Proposed Bylaw No. 276 and No. 277

3.1.1. Recess for Public Hearing

Chair Rogers called the Public Hearing to order at 1:00 pm.

3.1.2. Recall to Order

The Galiano Island LTC Special Meeting was recalled at 3:37. Minutes of the Public Hearing are available under separate cover. Chair Rogers expressed appreciation to speakers, for submissions and the community engagement.

4. APPLICATIONS AND REFERRALS

4.1 GL-RZ-2019.1 (Gulf Islands Galise Affordable Rental Housing Society) (GIGARHS) – Proposed Bylaw No. 276 and No. 277

Planner Smith reviewed the staff report. He noted one modification for Draft Bylaw 277: to amend item 13.22 to read 13.23.

Chair Rogers commented:

- Support of staff recommendations;
- Noted housing crisis on all islands;
- Has read and reviewed all reports, submissions, and is listening to the community;
- Cluster housing has less environmental impact than single family dwellings;
- More controls and scrutiny through Housing Agreement;
- Local Trust Committee not party to Covenant on land;
- Environmental assessment is thorough and compelling;
- Water Report findings confirmed by a number of tests and agencies and the water license was granted;
- Adjacent properties, with registered private wells have recourse through Water Sustainability Act;
- Subdivision will be developed with a number of agencies overseeing project e.g. Public Health;
- This project is not social housing it is affordable rental by not-for-profit agency;
- Possible Sunset clause to be in place if there is no funding for affordable housing at this time, however LTC does not want to make the decision for a sunset clause at this time; and
- Proud of LTC work efforts on this project.

Trustee Rockafella added:

- Investing in community and viability of community;
- Extensive work over past years on project; and
- Importance of development: some clearance (trees) required.

GL-2022-83

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 276, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2020”, be read a second time.

CARRIED

GL-2022-84

It was Moved and Seconded,

that the Galiano Island Trust Committee amend article 2(c) of proposed Bylaw No. 277 to change the reference of Section 13.22 to Section 13.23.

CARRIED

GL-2022-85

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 277, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020”, be read a second time.

CARRIED

GL-2022-86

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 276, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2020”, be read a third time.

CARRIED

GL-2022-87

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 277, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020”, be read a third time.

CARRIED

GL-2022-88

It was Moved and Seconded,

that the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed administrative Bylaw No. 174 is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GL-2022-89

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 274, cited as “Galiano Island Housing Agreement Bylaw No. 274, 2019”, be read a first time.

CARRIED

GL-2022-90

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 274, cited as “Galiano Island Housing Agreement Bylaw No. 274, 2019”, be read a second time.

CARRIED

GL-2022-91

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 274, cited as “Galiano Island Housing Agreement Bylaw No. 274, 2019”, be read a third time.

CARRIED

GL-2022-92

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaws No. 274, No. 276 and No. 277 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

GL-2022-93

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 277 be forwarded to the Minister of Municipal Affairs for approval.

CARRIED

Chair Rogers stated referral will be on executive Committee agenda August 3, 2022.

Planner Smith added that everything is in order to facilitate review by the Minister of Municipal Affairs. Regarding further subdivision: could enter into a Covenant with Galiano Club and Local Trust Committee.

GL-2022-94

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to explore a covenant between Galiano Island Local Trust Committee, and Galiano Club regarding limitation on further development on remainder parcel.

CARRIED

5. ADJOURNMENT

By general consent the meeting was adjourned at 4:15 pm.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder



Galiano Island Local Trust Committee Record of Public Hearing Bylaw No. 276 & 277

Date: July 16, 2022
Location: Galiano South Community Hall, 141 Sturdies Bay RD, Galiano Island BC
And via zoom

Members Present: Dan Rogers Chair
Tahirih Rockafella, Local Trustee

Staff Present: William Shulba, Fresh Water Specialist
Brad Smith, Island Planner
Pat Todd, Recorder

Others Present: There were approximately one hundred and sixteen (116) members of the public. (Zoom and in person)

7.1 Galiano Island Local Trust Committee Bylaw No. 276 & 277 – Application GL-RZ-2019.1 (GIGARHS)

Chair Rogers called the Public Hearing to order at 1:00 p.m. and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. He read a statement outlining the content, purpose, and process of the Public Hearing.

Chair Rogers noted that a number of written submissions have been received prior to the meeting. At the close of the Public Hearing Trustees will no longer be permitted to accept submissions – questions may be submitted to Planner Smith. Due to number of speakers Chair Rogers asked for a 4-minute limit to presentations.

Planner Smith provided a summary of proposed Bylaw No. 276 & 277. He reviewed the agencies referrals and advertising for Public Hearing completed according to the Local government Act. To date 157 submissions have been received (over 300 in the past 2.5 years) and all materials are available for public review.

Meghan MacKay, – move forward with project; full support; great neighbourhood; perfect place for families.

Steven Akins, – supportive of project; cost of renting is outpacing incomes; housing uncertainty; affect of housing shortage on labour pool is impacting businesses and essential services on the Island; impact of STVR and Air B&B.

Janice Oakley, – move forward; need housing for low income earners/labourers for healthy community; excellent site.

Jennifer Margison, – project not feasible; appreciates and supports affordable housing however not on Heritage Forest land; environmental impact; preserve and protect forest; oppose not what project is but proposed location.

Lorelei Allen (zoom) – supports project; difficult to buy/difficult to build; cluster housing is ecologically sound.

Bowie Keefer, – great need for affordable housing near where people work/north end/south end; young people need housing; site important to trail network - safe bike routes – road by project to connect to stores and community.

Camita de Menyhart, – not in favour of project; rents too high; no rent guarantees in Housing Agreement; concerns regarding water management and environmental impacts.

Doug Latta, – supports the project; not enough rentals for people who want to work and live on island; satisfied with water availability.

Lorie Seay, – overwhelming support of project; move forward; involved with development of other housing projects; issues of water use have been addressed; need purpose built affordable housing; acknowledged efforts of Trustees and Directors of proposal.

Elizabeth Latta (zoom) – support and appreciation of project; thanks to organization and Trust.

Brian Russell, – supports project; attention given to reports; higher elevation would facilitate septic system concerns that would be a public health concern: Sewage Act; no handling of grey water; concerns for neighbours; potential for a noisy corridor.

Debbie Holmes, – not in agreement with application; noted her two submissions; concern could create more dwellings through further subdivision; question using forest land for affordable housing; significant density increase; maintain forest land base.

Craig Keating, – caution housing not necessarily affordable; important to deliver affordability through Housing Agreement; allow use of secondary suites, tiny homes, carriage houses to increase rental housing market; put on land already developed; tough decisions however options are available; appreciation to Trustees.

Geoff Inverarity, – supports project; acknowledged efforts to date by all parties; neighbours support neighbours for a true community; move forward with project.

Dick Lawson, – move forward; business owner with labour issues due to lack of housing; rentals get turned into Air B&Bs.

Alfred Wall (zoom) - member of family involved with donation of forest land; – Covenants in place to maintain a community forest in perpetuity; if known of potential of development would

not have donated; not for residential development; disingenuous of Trust; put project somewhere else.

Anita Braha, – in favour of approval; importance of safe and secure purpose-built rental housing; thanks to Trustees and Board of GIGARHS.

Colleen Doty, – supports project; inspired by Heritage Forest creation; housing a fundamental human right; dignity; reports on line - read to get more information/details.

Barbara Graham, – in favour of project; getting land a critical factor for getting funding; rezoning required to get development dollars; residents in substandard/insecure housing; affects children and families.

Diane Cragg, – fully supports; satisfied all requirements met; efforts to increase housing to date have not addressed shortage; project a benefit to community not individual property owner; site suitable for affordable housing; appreciation for efforts of Housing Society and Trustees.

Joanne Randall, – supports project; social inequity; all need safe housing appropriate to needs; higher density has lower environmental impact; excellent location.

Charles Brent – for project; fortunate to be in affordable housing.

Carol Guin, – in favour of project; fortunate to be in affordable housing; good balance.

Chessi Miltner (zoom), Executive Director, Galiano Conservancy – administering Covenant that were established in 2005; right to subdivide in Covenant; single, small housing lot agreed to; management plan identified site as potentially appropriate; no additional lots could be created.

Mike Hoebel, - support of project; urge to approve; housing crisis; people, families being displaced; well researched/documented.

Diana Lilly, – accept proposal; great opportunity to approve safe housing; similar to co-op model which works.

Roger Pettit (island farmer) – support of project; issue of retaining labour workers; there isn't sufficient housing for farm workers, especially in summer and then the workers leave and this impact on farm production.

Libby McClelland, – support of project; need to have 2/3 jobs to make it viable to live on island; choice location; education of living within forest/appreciation/respect of forest.

Louise O'Brien,. – supports project; the young people interested in living on island contribute to and grow within community; they become stewards of the island.

Pito M N – support of project; service industries need staff; need more housing; people are leaving because of lack of housing and this is having a devastating affect on life on the island and impacting those who stay.

DeBlecha Guin, – need project now; community short sighted over the years; businesses need staff who in turn need housing.

Emma Davis (zoom), Day Care Committee – support for proposal; believes this to be a low impact project; The Day Care is in need of a child care provider and because there is not a qualified candidate on the island the position has been posted off island with no responses as there isn't affordable housing available; There is a strong possibility that the Day Care may need to close because of this.

George Harris (zoom) – technical problems with internet connection.

_____ Break 2:40 to 2:53 _____

Chair Rogers called a first time for any further first time speakers.

Donna Usher, – in favour of affordable housing; long overdue; when moving to island had to ask their rental tenant to move out of their property and this was a very difficult situation.

Steven Ryback (zoom),. – approve draft bylaws; long, arduous and costly process which has ben open and transparent; concerns have been addressed; no project is perfect; is reasonable and impacts have been identified and limited.

Deborah McKecknie, – supports project; need to move forward as a community to help each other; need secure housing to maintain community.

Valerie Tesia, – urge to more forward; substandard housing; need for safe and secure housing.

Chair Rogers called a second time for any further speakers.

Debbie Holmes, Heritage Land donated with a Covenant; 2 dwellings/hectare not 12; covenant broken/bylaws about to be broken.

Jennifer Margison, – questioning density which is different from disclosure when they purchased adjacent property; concern for water resources/aquifer have identified number of deficiencies in water reports.

Chair Rogers called a recess at 3:14 pm. to read submissions made during Public Hearing and reconvened at 3:33 pm.

George Harris – family was part of contributors to Heritage Forest – strongly support rezoning; spoke of efforts made to ensure this is a good project; right to owner to subdivide; Covenant allows for subdivision in accordance with OCP; Trustees decide if in accordance with OCP.

Chair Rogers called a third time for speakers and noted a number of submissions had been made during meeting. He noted all submissions had been read for consideration adding this is the last

opportunity to submit submissions to the LTC. Outstanding questions/comments may be directed to Planner.

Chair Rogers spoke in appreciation of submissions, presentations and extensive community participation.

There being no further submissions, Chair Rogers closed the Public Hearing at 3:36 p.m.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder

DATE



DRAFT



Galiano Island Advisory Planning Commission Minutes

Date: June 24, 2022 @ 3:00 p.m.
Location: Electronic via Zoom

Members Present: Patrick Ramsay (Chair)
Jeannine Georgeson

Regrets: Al De Genova
Karen Harris
Robert Matson
Sherri Moore-Arbour
Laurene Stefanyk

Members of the Public: No members of the public were present.

Staff Present: Carly Bilney (Recorder)

1. CALL TO ORDER

Chair Ramsay called the meeting to order at 3:00 p.m.

2. APPROVAL OF THE AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES OF JUNE 1, 2022 FOR ADOPTION

Because a quorum was not present, it was recommended that the Galiano Advisory Planning Commission (APC) minutes of June 1, 2022 be circulated for adoption electronically via email following the meeting.

4. CONSIDERATION OF APC REFERRAL PACKAGE & MEMO RE. Resolution GL-2022-035– Shoreline Protection Model Bylaw Report Recommendations

Discussion was held and the following comments were made:

- The Keats-Shoreline Discussion Paper, which is more of a working paper than a definitive paper, dovetails well with the Galiano Official Community Plan (OCP), and

DRAFT

would be a useful reference for the Galiano Local Trust Committee to read as it deals with various aspects related to the shoreline;

- Reconciliation is an emerging dialogue that we cannot necessarily get concrete answers to right away;
- There is need to be flexible and aware of where we are headed as a community as we ultimately work towards protecting our land and cultures;
- Galiano is unique because it is the shared, asserted, unceded territory for so many;
- Many people on Galiano have an ownership mindset as opposed to a guardian mindset that seeks protection of the land for future generations;
- We are not just protecting the land, but also a community that has a long history;
- A recent vote on Saturna Island led to reduced restrictions on private docks and we want to minimize the possibility of the same thing happening on Galiano;
- There is a need for consistency (e.g. it would be useful to consolidate issues at a higher level so Official Community Plans can mirror a plan implemented by the Islands Trust);
- The issues being discussed are predominantly the same across islands, and should be clearly defined so Trustees are limited in their ability to push individual biases or agendas; and
- Greater consistency would result in less division among communities.

ACTION: Chair Ramsay will write a formal document summarizing the discussion by the APC of the referral package and memo regarding Resolution GL-2022-035– Shoreline Protection Model Bylaw Report Recommendations.

5. NEXT MEETING DATE & TIME

None

6. ADJOURNMENT

By general consent the meeting was adjourned at 3:20 p.m.

CHAIR

DATE

CERTIFIED CORRECT:

Carly Bilney, Recording Secretary



**Galiano Island
Advisory Planning Commission**

Report on referral package and memo re-resolution GL – 2022–035 – shoreline protection model bylaw report recommendations.

Thank you for giving us the opportunity to discuss the Shoreline Protection Model Bylaw review. The Advisory Planning Commission (APC) met on three occasions to discuss the report. We enjoy working through these opportunities in an organic fashion. As we read through the documents, certain considerations tend to be revealed as more interesting than others and thus require a deeper dive.

The major talking points which presented themselves throughout our meetings should be considered by the Local Trust Committee (LTC) if plans are to change or update local existing bylaws. The APC views the report as a work in progress and would have liked to have seen an executive summary included in the report.

Jurisdictional responsibility with regards to the shoreline is an important factor that stood out for us as something to be considered in any decisions affecting bylaws. It is complicated and not easy to understand who is responsible in governance of the shoreline.

The Islands Trust should work towards the creation of global policies which can be adopted by all islands so elected trustees are limited in their ability to push individual biases or agendas. Issues on all the islands are quite similar so Official Community Plans (OCPs) should be formulated with overall consistency in mind. As an example, Saturna Island just voted to restrict docks. Would this be something that communities on all islands would want to enforce or is it specific to Saturna? Greater consistency could result in less division among communities.

Existing federal and provincial guidelines should be assessed with regards to recommendations affecting local bylaws. The more we can work towards regional level enforcement, the easier it will be for each island to understand what is considered compliant.

Simplification and consistency throughout the islands OCPs will help the Islands Trust and community members to find clarification of common guidelines and goals. In the Islands Trust governance review from February 2022 'Trustees used the word dysfunction to describe governance at Islands Trust. There is a remarkable lack of consensus among trustees as to what the object of "preserve and protect" means'. The APC's view is that jurisdiction and global policies need to be precisely defined so local trust committees are clearly aware of the scope and boundaries of their responsibilities. Not just with regards to shoreline but with all aspects of land development and management.

Interaction with indigenous culture is also something we found requires more definition and work over the longer term to be an effective component of shoreline management. Reconciliation is an emerging

dialogue, and it is our hope to see a creative and open discussion which brings our and other communities together while using all of the current and historical resources to provide a sustainable future for our children and their children.

Galiano Island has one of the more advanced OCPs in terms of shoreline protection objectives. Saturna Island and South Pender Island recommend the establishment of Community Heritage Commissions to protect heritage cultural resources. This is an interesting idea to consider for Galiano.

By and large the APC sees the report as having many good ideas worth further consideration or exploration if local/regional bylaws are to be updated.

On behalf of the Galiano Island APC, Patrick Ramsay, Chair.

DISCUSSION OF EACH RECOMMENDATION;

Recommendation 1: To recognize areas of cultural significance the Local Trust Committee could consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar to the projects completed on South Pender and Saturna.

The following comments were made:

- This likely applies to the province's Heritage Conservation Act, which contains loopholes that could allow for development of culturally significant sites on Galiano;
- Archaeologist Colin Grier has noted that the entire shoreline of Galiano shows signs of cultural significance and any activities that would alter the foreshore area would potentially impact a First Nations site;
- All of BC's coast is subject to Indigenous land claims;
- The Islands Trust has governance over docks (since they touch the land) so its reach extends into the foreshore;
- The heritage bylaws that relate to current work on South Pender and Saturna Islands could be examined in the context of how they might apply to the Galiano OCP; and
- Consultation with local First Nations could be added into the DVP section of the OCP.

Recommendation 2: Through government-to-government meetings, Local Trust Committees may wish to commit to meeting regularly with Indigenous First Nations stakeholders on land use planning issues. Also, the internal referral/advisory role between Islands Trust planning staff and the Intergovernmental Liaison appears to still be in a growth phase as new processes work towards collaboration on meeting the mandate of the Islands Trust.

The following comments were made:

- Support was expressed for the work being done by the Islands Trust to engage Indigenous groups;
- There has never been a lot of engagement with First Nations on Galiano and it would be great to include that in the OCP;

- How can the Islands Trust recognize all Indigenous peoples who have lived on Galiano for multiple generations, rather than just those who belong to groups formally recognized by the federal government?

Recommendation 3: The LTC Policy Statement should be revised to incorporate UNDRIP and DRIPA & the Islands Trust Reconciliation Declaration. The goal is to support more thorough Islands Trust project work to improve Shoreline Protection from an Indigenous perspective.

The following comments were made:

- If First Nations have common goals pertaining to how heritage sites should be dealt with then a bylaw template can be developed that speaks to these goals;
- UNDRIP and DRIPA should be the main guiding principles as these lands are governed; and
- The Islands Trust policy statement should incorporate UNDRIP and DRIPA.

Recommendation 4: Based on feedback from Islands Trust staff it was mentioned that the Islands Trust Staff Report template could be updated to support a requirement to consult based on the intent of UNDRIP and DRIPA and the Islands Trust Reconciliation Declaration. This would give clear direction for greater consistency in approaches toward reconciling Indigenous Rights. In addition, to the Provincial public notification process the Islands Trust could develop a referral letter and provided to property owners regarding shoreline development for docks.

The following comments were made:

- The recommendation is for the Islands Trust to encourage property owners to be aware of potentially significant sites as they should be aware that this is an onus that they carry; and
- When approvals of DPAs are made around the foreshore, there is currently no consultation with First Nations; and
- The last line in recommendation four is unclear and requires further clarification from the planning department.

Recommendation 5: Consider working with First Nations and the Department of Fisheries and Oceans (DFO) to establish conservation areas to protect shellfish aquaculture, traditional shellfish harvesting, water quality and the protection of the marine environment. Due to the deputation areas such as the Sooke Basin and the closures of fisheries and shellfish harvesting (mandated by the Department of Fisheries and Oceans, DFO). Applications are no longer accepted for private moorage structures. Private moorage structures are not compatible with Designated Use Areas.

The following comments were made:

- There is no mandate for the Department of Fisheries and Oceans to work with the Islands Trust regarding private moorages;
- Private moorages needs to be defined;

- There should be consultation with biodiversity and conservation organizations that pay attention to species at risk; and
- Recommendation 5 needs clarification and work.

Recommendation 6: *Consider the establishment of Development Permit Areas (DPA) in Official Community Plans pursuant to the Local Government Act Section 488(1)(a) for the protection of the natural environment, its ecosystems and shoreline biological diversity; and Section 488(1)(b) for the protection of development from hazardous conditions. Consider updating Land Use Bylaws to clarify under what circumstances a development permit is triggered. Also revise Zoning Bylaws in regard to regulations to setbacks on Uplands from Shorelines.*

Recommendation 7: *DP requirements need to be consistent with the intent of Shoreline/Floodplain and the Riparian areas policies. This is required to balance development with protection of the environment. Mayne Island Official Community Plan includes a section on coastal waters and foreshore in which it states the local trust committee may: a) amend its bylaws to allow erosion protection structures to be regulated through development permits; and b) consider on a case-by-case basis.*

Recommendation 8: *Shoreline Development Permit Area could be added to Land Use Bylaws. Islands Trust Staff have suggested that all surrounding islets also be included in the DP area.*

Comments were made about how Recommendations 6-8 are already included in the Galiano OCP in a comprehensive manner.

Recommendation 9: *Consider Implementation of a Shoreline Bylaw to strengthen the Land Use Bylaws and Official Community Plans. Develop LUB using shoreline mapping for all islands and highlight unique characteristics of the shoreline within the six beach types. For example, many Islands have flat beaches, cliff bluffs, rock, clay or marsh till. This will help to focus on more site-specific regulations and better protect marine ecology and support salmon spawning grounds, eel grass, and shellfish fishery. Problem areas for habitat protection and erosion of cliffs affecting setbacks should be identified as this could be a precursor to development of bylaws. Exemptions may be necessary if a specific issue does not exist. Shoreline mapping is available on MapIT and can be leveraged for shoreline protective bylaws.*

The following comments were made regarding Recommendation 9:

- Recommendation 9 is included in Section 2 of the Galiano OCP;
- Shoreline mapping is being done by various organizations such as BC Parks and Parks Canada;
- The distribution of Galiano's shoreline types can be accessed here: <https://islandstrust.bc.ca/document/galiano-island-shoreline-mapping/>;
- The Islands Trust held a workshop on Species at Risk in March 2022 where many participants identified a need to share information about work being done so as to minimize the overlap of efforts; and
- The Islands Trust could act as a governing body to collate information and educate stakeholders about work being done.

Recommendation 10 – *Have a consistent definition for “shoreline” and “development” on the shoreline in all Islands Trust documents in accordance with the BC Land Act definition.*

The following comments were made regarding Recommendation 10:

- Recommendation 10 makes sense and works well with the Galiano OCP; and
- Consistent definitions between the Islands Trust and the Province may decrease the likelihood of negative reactions from property owners.

Recommendation 11 – *Washington State requires all local governments to develop Shoreline Management Plans: Oak Harbour, WA, U.S. Appendix A: Summary List of Recommended Actions Page 1 (washington-apa.org) is an example we have included. This may be an option for LTC. to outline how protection of marine ecology will be managed and provide Climate Change Policy Recommendations: Undertake study of sea-level rise, and floodplain regulations. The Province of BC has provided Coastal floodplain maps to identify coastal flood hazards, such as sea level rise, and to provide guidance to coastal communities in land use planning, bylaw development and sea level rise adaptation strategies. Microsoft Word - TEXT-20110627.doc (gov.bc.ca) These maps will help to shape future policies with regards Flood Construction Levels and Sea Level Rise.*

The following comments were made regarding Recommendation 11:

- It would be beneficial for the Local Trust Committee (LTC) to work with and support other provincial organizations who can help with this broad issue;
- The LTC can support research or respond to questions at the local level; and
- The LTC should review research from the Pacific Climate Impacts Consortium at the University of Victoria that addresses how climate change applies to planning: <https://www.pacificclimate.org/analysis-tools/plan2adapt>

Recommendation 12: *The Islands Trust mapping for the 21 Islands, supplemented by BC and CRD Mapping continue to be used to provide an evidence-based approach for identification and appraisal of options for future bylaws that deal with Sea Level Rise management for in the Islands Trust communities. In particular, the analysis provides the types of land use, key assets, services and indicative economic values that exist in areas at inundation risk and this evidence will help to develop the objectives for and assess the impacts of different management options.*

Comments were made regarding Recommendation 12 about how consultation with Indigenous groups is frequently overlooked. Concern was expressed about the lack of significance the BC Archaeology Branch often applies to significant sites.

Recommendation 13: *The Islands Trust should continue to conduct assessments of areas where Sea Level Rise risks exist and communicate these risks to Island Trust Committees and the community. The methods and mapping data sets used should be standardized so it can be applied to all Trust Communities. It is essential to consider the value in assessing inundation risk that could occur from flooding of drainage and other water systems. Data generated from this project could be used to create maps to show where such non-connected low-lying areas are located.*

Comments were made regarding Recommendation 13 about how the importance of standardization; shared standards can enable everyone to work together and may provide access to additional resources that the Islands Trust does not have.

Recommendation 16: There has been considerable work undertaken by Island planners and with the knowledge, and thorough research and policy analysis of work it makes the most sense to utilize this project work for proposed Development Permit Areas. There are valuable best practices and details included in the shoreline projects for Keats Island and Lasqueti which is applicable to other islands. While there are differences for each of the islands, therefore these differences such as size, transportation needs, the purpose and function of docks will vary. gm-ltc_2020-06-15_keats-shoreline_rptdiscussion-paper-working-group.pdf (islandstrust.bc.ca)

Discussion was held regarding Recommendation 16. The Keats Island working paper is useful reading when considering local shoreline protection bylaws.

Follow Up Action Report

Galiano Island

07-Feb-2022

Activity	Responsibility	Dates	Status
1 13.1 GALI - Establish CRA for HA and s. 219 covenant with applicant	Brad Smith	Target: 25-Feb-2022	Completed

07-Mar-2022

Activity	Responsibility	Dates	Status
1 13.1 GL-RZ-2021.1 (GALI) - staff and legal counsel to draft a Housing Agreement based on the proposed Option 2 "rent structure" as described in the March 7, 2022 staff report	Brad Smith	Target: 15-Apr-2022	Completed
2 13.1 GL-RZ-2021.1 (GALI) - staff and legal counsel to draft a Land Title Act s. 219 covenant based on the staff recommendations in Attachment 1 of the March 7, 2022 staff report	Brad Smith	Target: 22-Apr-2022	Completed
3 14.1 GW sustainability project - staff to identify options for changes to zoning regulations informed by GW Solutions (2021) groundwater availability assessment data.	Narrisa Chadwick William Shulba	Target: 22-Apr-2022	In Progress

06-Jun-2022

Activity	Responsibility	Dates	Status
1 14.1 GW sustainability - staff to include in draft Bylaw No. 283 a map of the Groundwater Recharge Protection Development Permit Area boundaries based on 2, 5 and 10 hectares of lot coverage.	Narrisa Chadwick William Shulba	Target: 24-Jun-2022	Completed



Follow Up Action Report

Galiano Island

04-Jul-2022

Activity	Responsibility	Dates	Status
1 8.1 June 6 LTC meeting minutes adopted as presented	Robin Ellchuk	Target: 22-Jul-2022	Completed
2 11. Correspondence - add letters from Mr. Rybak and Mr. Ramsay re: Rogers Cell Tower to Sept 4, 2022 LTC agenda under correspondence	Brad Smith Jas Chonk	Target: 22-Jul-2022	Completed
3 13.1 GL-DP-2022.1 and GL-DVP-2022.2 (Fox) approved as presented - issue permits, close out files, set up monitoring in TAPIS	Jas Chonk Phil Testemale	Target: 22-Jul-2022	Completed
4 13.2 GL-RZ-2019.1 (GIGARHS) - amend covenant to include intensive groundwater uses restriction from May to October	Brad Smith	Target: 05-Jul-2022	Completed
5 GL-RZ-2019.1 (GIGARHS) - Update housing agreement with language approved in July 4 staff report	Brad Smith	Target: 05-Jul-2022	Completed
6 13.3 GL-RZ-2014.1 (Crystal Mountain) - amend bylaw 257 to include maximum daily use limits of 27 persons as presented in July 4 staff report, including a four day per year maximum daily use limit of up to 60 persons	Brad Smith Jas Chonk	Target: 22-Jul-2022	Completed
7 13.4 GL-RZ-2022.1 (Gaylor) - LTC denied application to proceed - refund fee to applicant minus administration fee - close out file (Note: need to confirm refund with rpm Kojima)	Brad Smith Robert Kojima Sylvia Oliver	Target: 22-Jul-2022	Completed
8 14.1 DL 64, 68, 72 87 - Schedule Public Hearing and CIM for Sept 6, 2022	Brad Smith Jas Chonk	Target: 22-Jul-2022	Completed

Follow Up Action Report

Galiano Island

04-Jul-2022

Activity	Responsibility	Dates	Status
9 14.1 DL 64, 68, 72 87 - send follow-up referral letter to First Nations re bylaws prior to public hearing	Brad Smith	Target: 22-Jul-2022	Completed
10 15.2.1 Schedule CIM for GALI at regular meeting Sept 6 and Public Hearing on Sept 27 at regular meeting	Brad Smith Jas Chonk	Target: 22-Jul-2022	Completed
11 Change date of October 3 regular scheduled meeting to September 27, 2022	Jas Chonk Robin Ellchuk	Target: 22-Jul-2022	Completed
12 13.3 GL-RZ-2019.1 (Crystal Mountain) - Schedule CIM for September 24, 2022 as a special meeting	Brad Smith Jas Chonk	Target: 22-Jul-2022	Completed
13 GL-RZ-2021.1 (GALI) Schedule special meeting at 1230 July 26, 2022 for trustees to receive housing agreement, s 219 covenants and septic report	Brad Smith Jas Chonk	Target: 20-Jul-2022	Completed

16-Jul-2022

Activity	Responsibility	Dates	Status
1 GL-RZ-2019.1 (GIGARHS) - amend BL 277 article 2(c) from 13.22 to 13.23	Brad Smith Jas Chonk	Target: 28-Jul-2022	Completed
2 GL-RZ-2019.1 (GIGARHS) - BLs 274 (1st, 2nd, 3rd) , 276 and 277 given 2nd/3rd reading, update draft BLs, finalize staff report, send to Executive Committee for approval	Brad Smith Jas Chonk	Target: 28-Jul-2022	Completed

Follow Up Action Report

Galiano Island

16-Jul-2022

Activity	Responsibility	Dates	Status
3 GL-RZ-2019.1 (GIGARHS) - send OCP BL 276 to Minister of Municipal Affairs for approval following EC approval	Brad Smith Jas Chonk	Target: 05-Aug-2022	Completed
4 GL-RZ-2019.1 (GIGARHS) Explore options for s 219 covenant between LTC and owner of remainder lot (ie Galiano Club) to restrict future subdivision for development	Brad Smith	Target: 15-Sep-2022	In Progress

26-Jul-2022

Activity	Responsibility	Dates	Status
1 GL-RZ-2021.1 (GALI) - Remove clause 2.1 and 3.6 of draft housing agreement	Brad Smith	Target: 04-Aug-2022	Completed
2 GL-RZ-2021.1 (GALI) explore inserting of s. 219 septic conditions from Mayne Island into GALI permanent s. 219 covenant	Brad Smith	Target: 04-Aug-2022	Completed

From: Patrick Ramsay [REDACTED]
Sent: Monday, May 9, 2022 10:32 AM
To: Dan Rogers
Cc: Jane Wolverton; Brad Smith; Tahirih Rockafella
Subject: Re: Cellular Galiano

Thanks Dan,

I have found all the documents I need both from the federal side and LTC.

Every document researched, including our own local siting protocol, indicates that the co-location of Rogers equipment on the Crest tower is exempt and did not have to specifically go through the Local Islands Trust.

Rogers could have reached out as a courtesy, but I understand their concerns, given the way certain individuals on this island overreact to discussions around cellular service.

Action item: LTC to make some high level, unequivocal, welcoming, public position statements indicating that they want enhanced cellular infrastructure enhancements on Galiano as soon as possible and will work in a cooperative manner with any and all providers to achieve this goal. Additionally, a timely and positive letter to Rogers Communications with regards to their co-location on the Crest tower.

Action Item: A positive statement like this should be sent out to the general public and all major infrastructure providers to shine a light on the veracity of the request and the weight of the positive support from the LTC.

It is tremendously important that our elected local Trustees acknowledge and support the needs of the overall majority of the population. If the LTC does not make a public statement supporting enhanced cellular service, it will reinforce the inhospitable and overly complicated environment providers are seeing and solidify the reasons why we do not have a safe and reliable cellular Network on the island.

In all seriousness; If the trustees do share the goals of the vast majority of Galiano residents but are afraid to make a stand against the tin hat and NIMBY crowd, what hope is there for safe and reliable cellular service on the island?

I would be happy to put together a small group (outside of the APC if you would prefer) to act as liaison with cellular providers and to develop a balanced dialogue so the LTC is not overly burdened with information; *once the LTC has shown through positive action they are going to truly support enhanced cellular on the island.*

Surprisingly, I couldn't find any agenda items since our presentation in 2019 that indicated local trustees had time to pursue a constructive dialogue with providers or funding agencies.

Many thanks, Patrick

On May 6, 2022, at 09:44, Dan Rogers <drogers@islandstrust.bc.ca> wrote:

Thanks for the note Patrick. I'm not the best person to answer the question of the policy on Galiano as I wasn't the Chair when this issue was under consideration. My understanding is that there was a process in place last term that included review of the draft model strategy from the Trust but Jane would be in a better position to confirm that. Mr. Rybak seemed to have some knowledge of the process and what was adopted.

Here is the Trust Model strategy that has been adopted by some LTC's.

<https://islandstrust.bc.ca/wp-content/uploads/2020/05/model-strategy-for-antenna-systems.pdf>

Dan Rogers
Trustee, Gambier Islands Trust Area
Vice-Chair Islands Trust
drogers@islandstrust.bc.ca
604-220-1500

From: Patrick Ramsay <[REDACTED]>
Sent: May 5, 2022 10:12 PM
To: Dan Rogers; Jane Wolverton
Subject: Cellular Galiano

Thanks Dan for bringing up the Cellular discussion at the LTC meeting Monday.

Could you please confirm that the enclosed PDF is the adopted document for Cellular siting on Galiano?

You mentioned Islands Trust had a global cellular siting proposal for all the islands in the works. I'd like to read it if possible before we meet with Jane.

Many Thanks, Patrick

From: Stephen Rybak [REDACTED]
Sent: Monday, June 13, 2022 10:42 AM
To: Dan Rogers
Cc: Jane Wolverton; Tahirih Rockafella
Subject: Rogers Communications letter

I have been remiss in taking so long in responding to your request for thoughts on responding to the Rogers Communications letter of 20 April, 2022.

I would thank Rogers for starting to provide factual information to the Galiano community on their project to enhance cellular service co-locating antennas on the CREST facility at 1228 Montague Road but note that this is the type of information the LTC expected Rogers to share with the community when they were in the planning stages of the project in the fall of 2021. I would also note that the community still does not have a complete information package on the project and this lack of timely information is leading to continuing unease among some residents.

I would note the Galiano antenna siting protocol, which is compatible with Federal communications and consultation protocols, would have provided a template for communicating with the community. There also appear to be unfounded apprehensions that the protocol is somehow designed to frustrate service providers and that their assertion that their project is exempt is being challenged: the community is simply seeking more information on the technical details, service enhancements and benefits to the Island community. Even if a proposal is technically exempted, the LTC and community expect that a civic-minded and sensitive provider would voluntarily communicate the details of its proposal in a timely manner.

As to the CREST tower, it was constructed, without reference to the land use mandate of the LTC, to provide critical emergency communications in a particular band of radio frequencies used by first responders across the Island. That tower is now being used to co-locate site commercial radio communications in a different band of radio frequencies to primarily serve Rogers' roaming customers on BC Ferries in Active Pass. Further information would help address concerns harboured by neighbours of the CREST tower and the wider community.

The LTC would appreciate further information from Rogers on the improved coverage for Island residents, when it is realized, as well as some of the basic technical details involving the CREST co-location.

The LTC also looks forward to continuing the dialogue with Rogers on their Island services and coverage and any future antennas siting proposals. The antenna protocol offers a roadmap for dialogue and better understanding of the evolving nature and technology of telecommunications.

Stephen

From: Michael Sharp <[REDACTED]>
Sent: July 19, 2022 5:53 PM
To: Tahirih Rockafella; Jane Wolverton; Dan Rogers
Subject: The high cost of having land line phone service on Galiano

Dear Galiano LTC,

I am writing you this letter because of the high cost on telecommunication services on Galiano caused by the lack of cellular coverage on the island. This is something that affects full-time, part-time and visitors alike.

When I first moved to Galiano you could get cheap "party line" phone service. This meant whether you lived here full time or not, you likely had a working phone service in your home, providing both convenience and safety. Regulations changed and cheap "party lines" became unavailable, While this change has certainly pushed up costs for those who live here full time, it has affected part-time residents and visitors far more. For some, it meant choosing whether they could afford to have phone service on Galiano.

Thankfully, technology has also changed. With good cellular coverage people can have a single phone service that operates in multiple locations. This can considerably reduce costs and improve safety. Sadly, Galiano has yet to benefit from this technological change as cellular coverage here is very poor. Part-time residents and visitors lose both convenience and safety because of this.

Here is an example of how this affects people who live here full time. In our home we must pay for both a land line and a cell phone because cellular coverage is unreliable. Being on a pension and with the ever-increasing cost of living, we have put off getting a second cell phone until we can cancel our land line. We find this lack of a second cell phone affects both our safety and quality of life.

It seems to me the LTC has only 2 paths to pursue with this matter:

- Find a way to convince Telus to significantly reduce the cost of land line services on Galiano

Or

- Support island wide coverage of cellular services

With the direction modern technology is taking regarding cell phone services, I don't think the discounted Telus land line route will be taken seriously.

Yours

Michael Sharp

From: Michael Sharp <[REDACTED]>
Sent: July 19, 2022 5:51 PM
To: Jane Wolverton; Tahirih Rockafella; Dan Rogers
Subject: Loss of telecommunication services on Galiano Island.

Dear Galiano LTC,

I have been inspired to write you this letter by what I consider to be a Kafkaesque "notice of removal" posted on a local pay phone (picture attached). Basically, it states that you shouldn't be worried about the removal of this pay phone as there are nearby ones in Colwood and Jordan River, 66km and 150km away respectively - by ferry! This is so absurd it made me laugh.

There were once 14 public access pay phones on Galiano:

1. BC Ferries Sturdies Bay
2. Old Post Office/bakery
3. Whaler Bay
4. Driftwood Cottages
5. Hummingbird Pub
6. Corner Store
7. Daystar Market
8. Montague Marina
9. BC Ferries Montague Harbour
10. Montague Harbour Provincial Park
11. Film School
12. Madrona Lodge
13. Bodega Resort
14. Spanish Hills dock

You can see the ability to make emergency calls through public access pay phones was once extensive on Galiano. As pay phones are gone or going, this has become a clear loss of existing telecommunication services on the island.

This brings me back to the "notice of removal" which implies that the loss of public phone access will be replaced by 5G network coverage. It's been 50 years since the first portable cell phones became available and technology has moved on. I don't think pay phones are going to make a comeback. Where is the replacement cellular coverage for Galiano?

There are a lot of sayings that take the form of "'This' is the new 'That'". I think the LTC needs to accept that "Cellular service is the new Land Line Service". As such, the LTC should take actions

so that the loss of pay phones, so often used during emergencies, are replaced with quality cellular coverage over the entire island.

yours

Michael Sharp

From: Jann Helssen [REDACTED]
Sent: Tuesday, June 28, 2022 1:50 PM
To: Brad Smith
Subject: Wise Island Bylaw amendment

Hello/

Dear Islands Trust Planners and Trustees,

My name is Jann Helssen and I have been a full time resident of Wise Island for almost 20 years. This letter is to ask for your help to allow Wise Island residents to draft a bylaw similar to the Gambier Local Trust Committee Bylaw 114 adopted by Boyer and Passage Islands in 2012. Wise Island is almost the exact same size as Passage Island and has similar small residential lots, it is also boat access only and is not serviced by water or power. Currently we are regulated under Galiano Land Use bylaw 127. The lots on Wise are much smaller than the minimum .6 hectares quoted in the Galiano Land Use bylaws and many of the bylaws do not really apply fairly to our small water fronting lots.

Wise Island should have the same opportunity as other small islands to enter into a discussion on updating or amending the bylaws to better reflect our small self sustaining remote island properties.

Thank you for your attention to this request, and we look forward to getting this bylaw amendment process started and improving the evolving bylaws of the Islands Trust.

Sincerely,

Jann Helssen
[REDACTED]



DATE OF MEETING: September 6, 2022

TO: Galiano Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, RPM

SUBJECT: Rezoning application GL-RZ-2021.2 (Gaylor) – Request for abeyance

PURPOSE

The purpose of this staff memo is to update the Local Trust Committee (LTC) on the status of application GL-RZ-2021.2 (Gaylor) and to seek further direction on next steps.

BACKGROUND

A rezoning application for the approximately 38.8 hectare District Lot (DL) 86 subject property was received on August 23, 2021. The application would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**. The proposal would also require subdivision to create four new lots. The breakdown of the lot coverage by zoning type is provided below. The layout of the proposed lots is provided in Attachment 1.

Proposed Zone	Area (ha / acres)*	% of total land base
Forest 3	22.45 ha (55.5 acres)	58%
Rural Residential	4 ha (9.9 acres)	10%
Parkland / Road	12.35 ha (30.5 acres)	32%
Total	38.8 ha (96 acres)	100%

At the December 6, 2021 meeting, the LTC passed a resolution to proceed with the application and to prepare draft bylaws. The LTC also directed staff to undertake preliminary discussions regarding First Nation interests in the subject property with respect to a potential land transfer to BC Parks. Staff subsequently had discussions with BC Parks and Ministry of Indigenous Relations and Reconciliation staff who expressed a reluctance to consider a land transfer to BC Parks at this time given potential First Nations’ concerns regarding the proposal.

At the July 4, 2022 meeting, staff presented a preliminary report to the LTC on application GL-RZ-2022.1 (Gaylor), for the proposed rezoning of DL 85, which is adjacent to DL 86. The proposal was similar with respect

\\islandstrust.local\DFSMain\EDM\09 Current Planning\04 GL\3650 RZ\25 Applications (P)\2021\GL-RZ-2021.2 (Gaylor of McElhanney Ltd)\06 Staff Reports\Sept 6, 2022 Staff Memo\GL-RZ-2021.2 (Gaylor)_2022-09-06_Staff Memo.docx

to lot layout as DL 86 in that it blended the two previously successful F1 lot rezoning approaches including the creation of a 20 hectare F3 lot for a portion of the subject property and utilized the 75/25 split to create rural residential zoned lots on another portion of the subject property.

At that meeting, staff recommended the LTC proceed with application GL-RZ-2022.1 (Gaylor) including preliminary engagement with First Nations. However, the LTC did not agree with this staff recommendation, and resolved to proceed no further with the application, primarily citing concerns that in the LTC's opinion the proposal is not consistent with the original heritage forest policies of the OCP. At that meeting, the DL 85 applicant was reticent to consider amending their proposal to address these concerns.

Staff are now seeking direction from the LTC on next steps with respect to the DL 86 rezoning application. At the July 4, 2022 meeting, following the decision to proceed no further with the DL 85 rezoning application, the DL 86 applicant requested that the LTC put their application in abeyance rather than reject it outright in order to give the applicant time to consider a new rezoning proposal that addresses the concerns raised by the LTC with respect to the DL 85 application.

The LTC gave this some consideration at the July 4 meeting, and requested that staff bring the application back to the LTC on the September 6, 2022 LTC agenda for formal consideration of next steps, which is the purpose of this staff memo.

NEXT STEPS

With direction from the LTC, staff will put the application in abeyance or close-out the application.

Submitted By:	Brad Smith, PAg Island Planner	August 3, 2022
Concurrence:	Robert Kojima Regional Planning Manager	August 19, 2022

ATTACHMENTS

1. DL 86 proposed lot layout

Attachment 1. Proposed Lot Layout DL 86





DATE OF MEETING: September 6, 2022
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Temporary Use Permit
Applicant: Brad Walker
Location: Lot 4, Plan 2418 (PID: 006-549-462) - Georgeson Bay Road - No Civic Address

RECOMMENDATION

1. That the Galiano Island Local Trust Committee amend draft Temporary Use Permit GL-2022.1 (Walker), as shown as Attachment 5 to this staff report by the addition of the following:
 - i. That a new condition be added stating that: The storage of all permitted heavy machinery and equipment shall include a suspended drip system (consisting of grommetted canvas squares suspended beneath the engines and lined with absorbent pads).
 - ii. That a new condition be added stating that: The storage of any fuels, hydrocarbons, chemicals and hazardous materials is prohibited.
 - iii. That a new condition be added stating that: An emergency spill kit shall be provided in the TUP Area.
 - iv. That a new condition be added stating that: All permitted equipment and materials shall be removed from the site by the date of the expiry of this permit. The removal of fencing is not a condition of this permit.
2. That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-2022.1 (Walker) for a period of three (3) years, as amended.

REPORT SUMMARY

The purpose of the report is for a Temporary Use Permit (TUP) for a portion of the subject property for a contractor yard.

BACKGROUND

The rationale for the application is to provide a works yard to store and process materials, equipment, machinery and vehicles required as part of the septic installation business known as Galiano Septic. If the TUP is approved,

the applicant intends to make a rezoning application for the specific portion of the property, or an alternative site on the island. Galiano Septic is a growing local company and the works yard will provide a readily available stock of materials and supplies for the business. According to the applicant, this would improve the logistics and lower or moderate consumer costs for the service they provide.

The area of the proposed temporary use on the subject property is 1260 m² ha (0.3 ac) in size, which is further limited to a use area of 300 m² (.07 ac – approx.) when 15 m setbacks are applied (Figure 2).

The scope of the proposed uses is as follows:

- The storage of aggregates (crushed stone, gravel and sand), soils and mulch to a maximum of 460 m³ (600 yd³).
- The siting of a maximum of two (2) buildings (shipping containers) for office and/or storage of tools and supplies (max. combined floor area of 30 m² (322 ft²).
- The storage of vehicles, equipment and machinery with the following maximums:
 - Two (2) excavators;
 - One (1) front end loader;
 - One (1) trailer;
 - One (1) dump truck;
 - Septic tanks; and,
 - Plumbing supplies including piping and fittings.

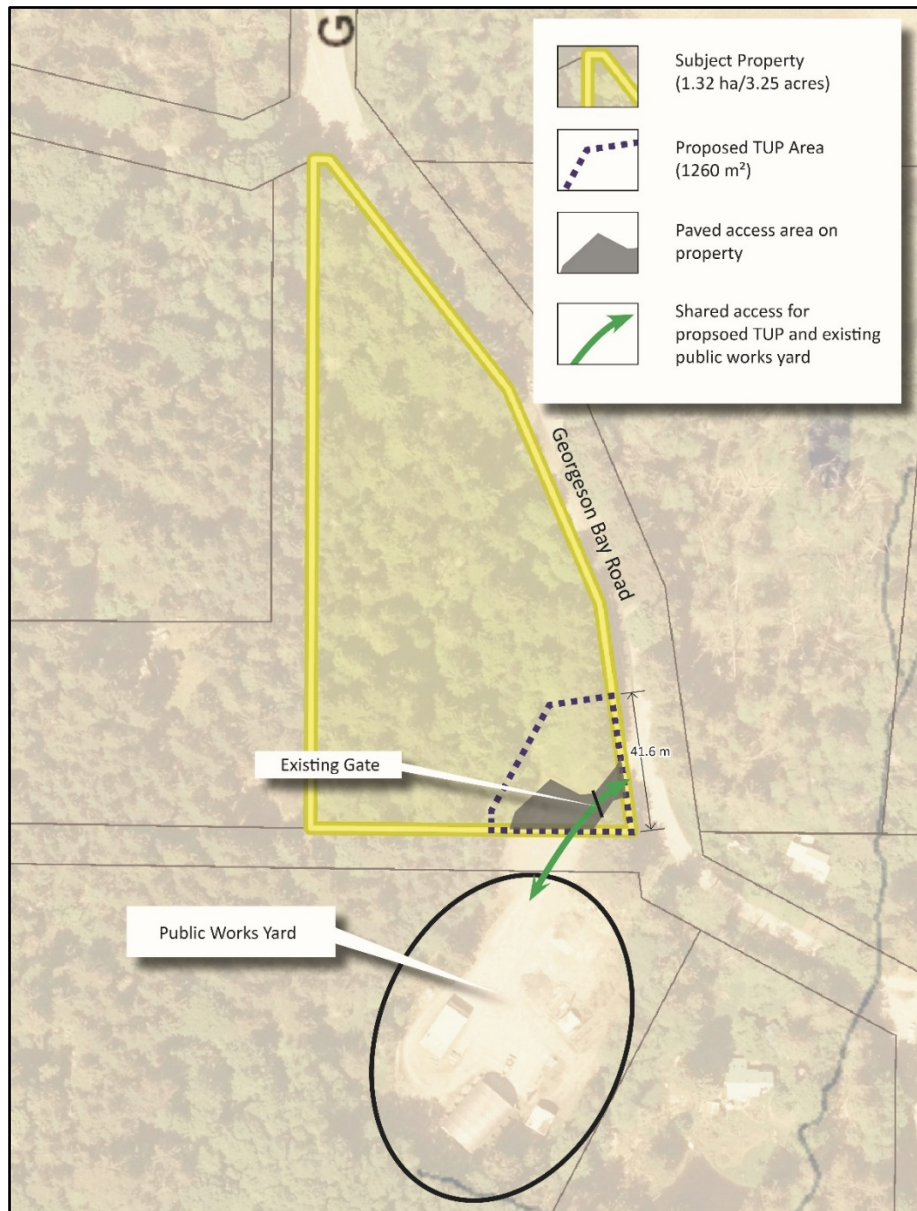
The applicant provided an addendum to the application that addresses the TUP guidelines and the scope of the business (Attachment 2). He estimates the use and activity would be limited with the two (2) current employees (including the owner/applicant) accessing the stored materials and supplies approximately two to three times per day, and deliveries from off-island approximately once a week.. There is no proposal to have someone on the property regularly (i.e. there will not be a yard person), and there would be no public access, direct on-site sales or resale distribution. There is no water use proposed and the hours of operation have been structured to ensure that access is flexible given ferry schedules and the potential need for access outside of business hours.

The subject property is currently vacant, and the proposed TUP Area is a relative flat and largely cleared area with a gravel surface. There is an access easement (paved surface) across the southeast corner of the property for the existing works yard. The balance of the property is well forested and rises from east to west with steeper topography. Further site context is provided in Attachment 1.

A copy of a completed TUP checklist, the notice and proposed permit GL-TUP-2022.1 are Attachments 3, 4 and 5 respectively.

Staff visited on August 3, 2022 (Attachment 1).

Figure 1 – Subject Property and Context



ANALYSIS

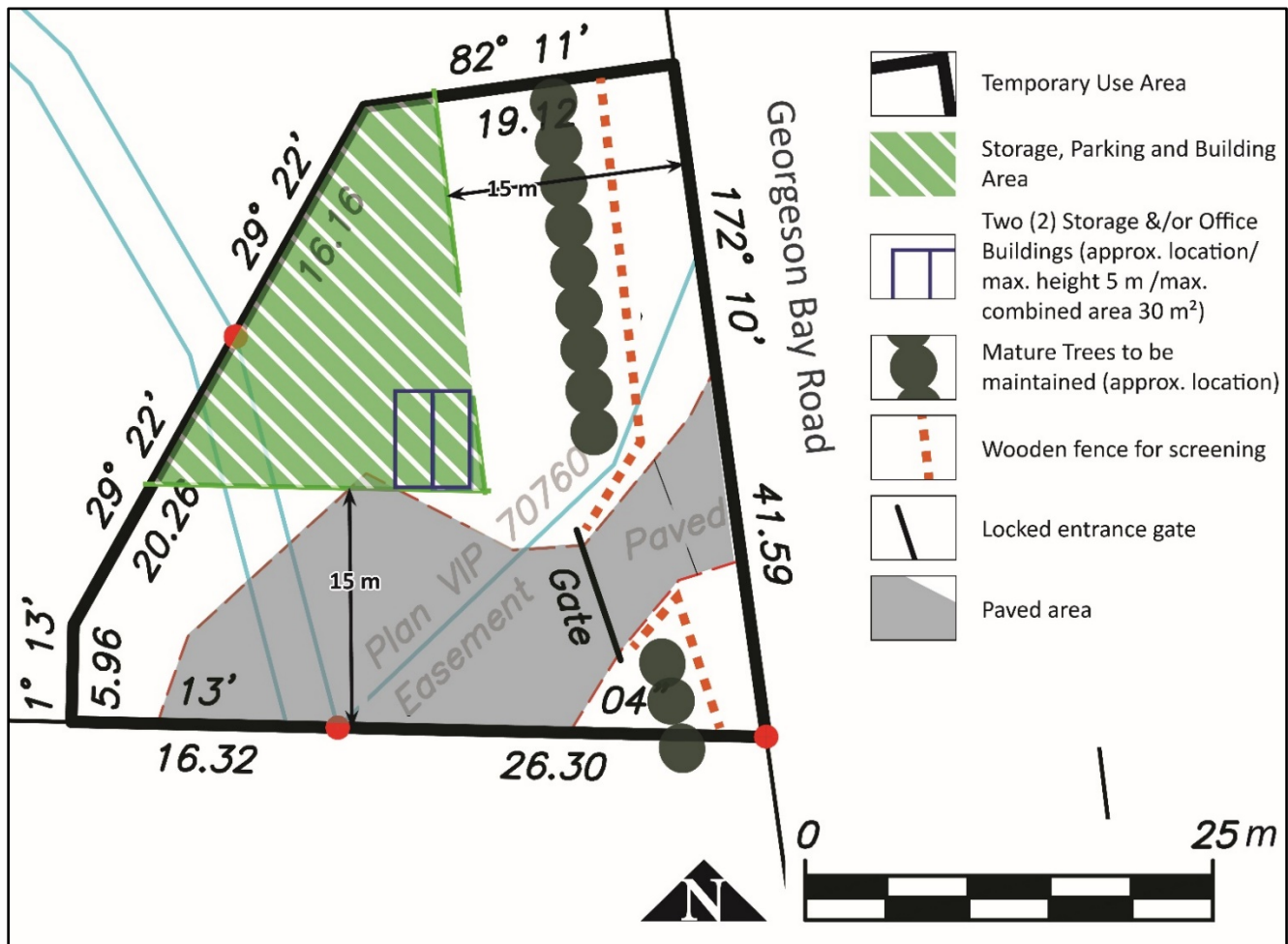
Islands Trust Policy Statement:

- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for the proposed uses is consistent with the above policies.

Figure 2: Detail Site Plan



Official Community Plan:

The property is designated as **RR – Rural Residential** in the Galiano Island Official Community Plan (OCP) Bylaw 108. Relevant Rural Residential OCP Policy is:

1.4 a) The principal use shall be residential

A residential use has not been established on the subject property.

Specific TUP guidelines for contractor’s yards have been reviewed using a checklist format (Attachment 2) which is discussed further in ‘Issues and Opportunities’ (below).

Development Permit Area 7 – Steep Slope (Moderate Hazard) is designated on the property (Attachment 1). The proposed development is outside of the designated area of DPA 7.

Land Use Bylaw:

The property is zoned as **Rural Residential (RR)** in the Galiano Island LUB. Issuance of the TUP would permit the uses to be initiated in compliance with the LUB.

Issues and Opportunities

TUPs

A temporary use permit may allow a use not permitted by zoning, specify conditions under which the use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. This is a mechanism that facilitates a short term use, either a use that is intended to be ephemeral, or, as is the case here, allows the use to be initiated while determining its compatibility for the property through the rezoning process. As above, if the TUP is approved, the applicant intends to make a subsequent rezoning application for the subject or an alternate property.

Rationale

The applicant's rationale is to improve the efficiency and cost-effectiveness of the business. The use would allow the bulk stockpiling and storing of materials and supplies which would lower transportation costs and logistical constraints, particularly with the current need to use single loads on demand from off island. As indicated by the correspondence (below), the services provided by the business are in-demand and the use would facilitate a measure of growth. The rationale is reasonable and meets the general intent of a TUP, and more specifically those for contractor yards.

OCP Policies

The Rural Residential designation in the OCP indicates that the zone is intended to be primarily residential and 'transitional' between smaller and more intensely used small lot residential and rural, forest and agricultural ones.

As above, a checklist of specific TUP guidelines are analyzed in Attachment 2. The proposal and TUP as drafted meets all guidelines with the exception that there is no residence and the owner of the business is not residing on the property. However, the location and size of the TUP area and other conditions on the use in the draft TUP should limit any impact from that circumstance.

Land Use Considerations

The limited size of the TUP Area and scale of the operation and the location of the proposed use adjacent to the established Emcon public works yard indicates that the location would be suitable. The proposed TUP Area is largely cleared, open and surfaced and would require minimal tree and shrub removal land alteration (levelling). This is compared to alternate sites that would reasonably be expected to require site clearing and preparation. The proposed shared access with the works yard can accommodate the limited increase in traffic at an established access point on the road where the type of heavy vehicle traffic is already permitted, managed and anticipated.

Impact Assessment

Given the foregoing, potential impacts of the use on direct neighbours and the local neighbourhood are limited. However, any change of use inherently has impacts, particularly to immediate neighbours, and those should be given consideration. Concerns that have been voiced from neighbours as a result of the required notification

(below) are potential increased traffic, safety and noise from the use, the proposed hours of operation, and concern over potential contamination of groundwater resources. In part, those concerns stem from how the TUP was drafted, where a reasonably wide scope was given for the requested need for flexibility by the applicant. The applicant anticipates that the site will be accessed infrequently and public retail, access and redistribution to other businesses are prohibited which should further limit traffic and safety concerns. Conditions also do not permit any crushing or washing of aggregates, so noise generation should also be minimal and consistent with the neighbouring works yard.

Conditions to address concerns over potential impacts on the natural environment have been placed in the TUP, particularly to avoid leaching from aggregates and soil materials. The recommendations on page 1 propose additional conditions to prohibit the storage of hazardous materials or fuels, and to limit impacts from the storage of heavy vehicles and equipment.

TUP Conditions

The proposed TUP conditions are consistent with the objective and detailed OCP guidelines and would ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance of the TUP.

As there have been concerns expressed in response to notice (above and below), the LTC may opt to add further conditions to further mitigate potential impacts. This might include reducing the weekly hours of operation, reducing the floor area of buildings and/or number of vehicles and equipment stored. Additionally, a condition to further contain aggregates and soils in bins or 'lock blocks' could be added. Lastly, the valid time period could also be reduced from three (3) years which is recommended to accommodate a potential extended timeframe with a rezoning application on this or an alternate property.

As notification has occurred (next), the LTC should not remove conditions without re-notification to neighbours.

Consultation

TUP Notices were circulated to surrounding property owners and residents (Attachment 4). The required advertisement was placed in the *Driftwood* on August 24, 2022. The notification period ended at 4:30 p.m. on August 26, 2022.

At the time of writing, staff have received thirty one (31) submissions in response to notification. These have been forwarded to the LTC and posted online and are available here: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>. The majority are fully supportive, a few are supportive with specific concerns and requests for further limits to be added. None object to the TUP outright. Any further submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

The recommendations on page 1 are supported as:

- The TUP would facilitate the uses pending rezoning of the subject or alternate property by separate application;
- The TUP as drafted meets the OCP objectives and most guidelines for contractor yards;
- The rationale for the use is reasonable;
- Notification to date has generated thirty one (31) responses with the majority in favour; and,
- The permit as drafted provides conditions consistent with OCP guidelines to ensure that the use does not have an unreasonable impact on the local area.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

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. Add conditions

The LTC may wish to amend the TUP by adding additional conditions. If selecting this alternative the LTC should specify the additional conditions.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee amend Temporary Use Permit GL-TUP-2022.1 (Walker) by adding the following conditions: _____; and,

That the Galiano Island Local Trust Committee approve Temporary Use Permit application GL-TUP-2022.1 (Walker) as amended.

3. Deny the application

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee deny Temporary Use Permit application GL-TUP-2022.1 (Walker).

Submitted By:	Phil Testemale, Planner 2	August 29, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	August 29, 2022

ATTACHMENTS

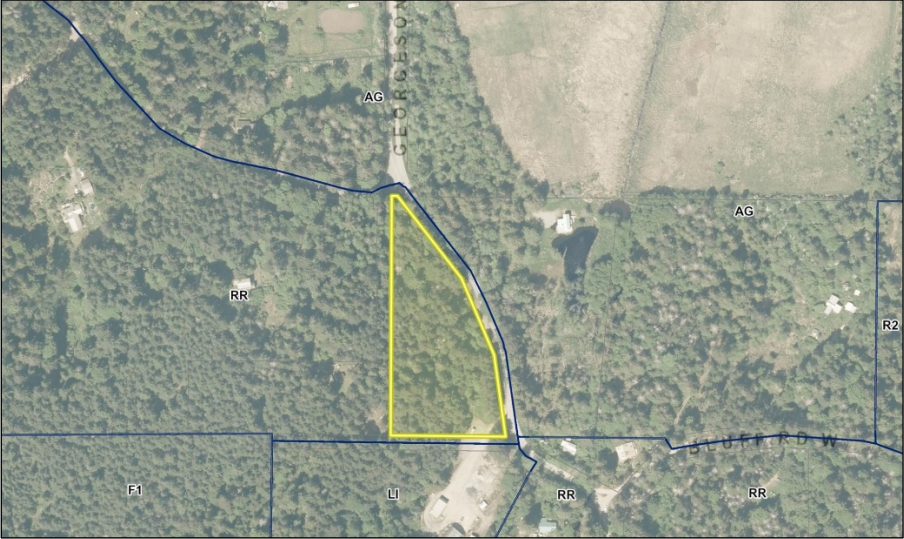
1. Site Context
2. Applicants addendum
3. TUP Guideline Checklist
4. Notice
5. Proposed TUP

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 4, District Lot 1, Galiano Island, Cowichan District, Plan 2418
PID	006-549-462
Civic Address	Georgeson Bay Road (no civic address)
Lot Size	1.32 ha (3.25 acres)

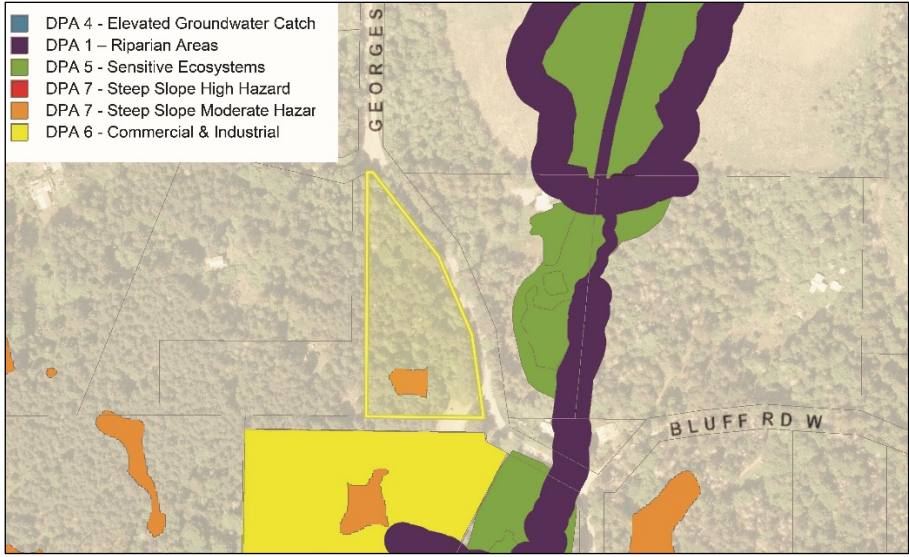
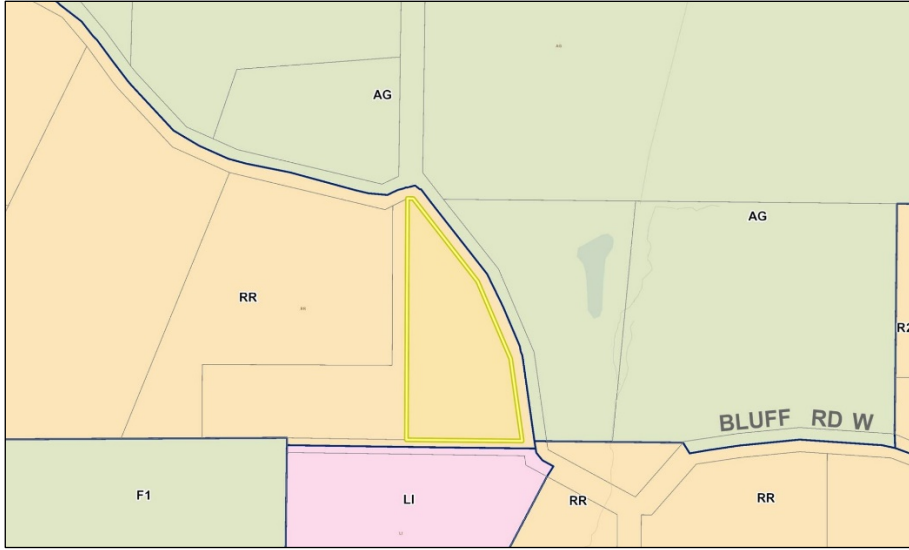
LAND USE

Current Land Use	Rural Residential (Vacant Land)
Surrounding Land Use	Rural Residential (west and south east); Agricultural (north and east); Light Industrial (south)
	 <p><i>Orthophoto</i></p>

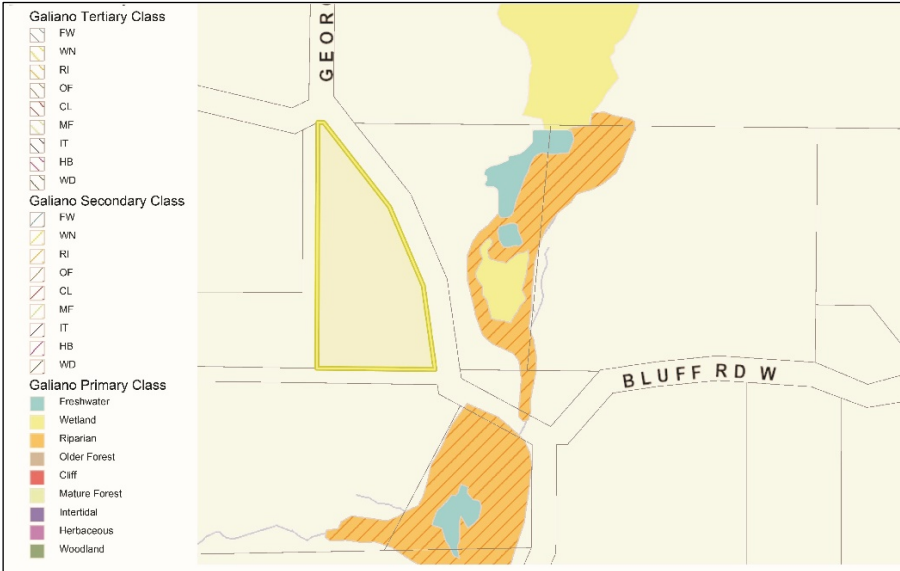
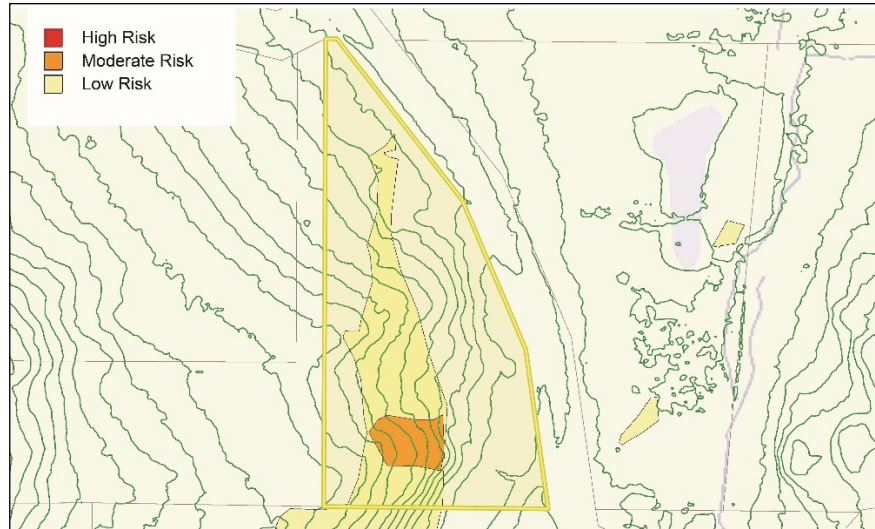
HISTORICAL ACTIVITY

File No.	Purpose
GL-SUB-2005.3	

POLICY/REGULATORY

<p>Official Community Plan Designations</p>	<p>Galiano Island OCP No. 108, 1995 Designations RR - Rural Residential; Development Permit Areas: DPA 7 (Moderate) - N/A</p>  <p><i>Development Permit Areas Mapping</i></p>
<p>Land Use Bylaw</p>	<p>Galiano Island LUB No. 127, 1999: Rural Residential (RR)</p>  <p><i>Zoning</i></p>
<p>Other Regulations</p>	
<p>Covenants</p>	<p>None</p>
<p>Bylaw Enforcement</p>	<p>None</p>

SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore The proposal does not impact the ITC and no referral has been made.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	None on TAPIS
Sensitive Ecosystems	 <p><i>Sensitive Ecosystem Mapping</i></p>
Hazard Areas	 <p><i>Steep Slope Hazard Mapping</i></p>
Archaeological Sites	<p>Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites on the property nor are there areas of high archaeological potential mapped on the property. Notwithstanding, the applicant has been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites. By copy of this report, the owners and applicant should be aware that there unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a</p>

	<p><i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological site</p>
<p>Climate Change Adaptation and Mitigation</p>	<p>The development proposal would have nominal impacts on GHG emissions. The nature of the development and elevation level would expose it limited impacts of climate change.</p>

PHOTOGRAPHS: STAFF CONDUCTED A SITE VISIT ON AUGUST 3, 2022:



View of gated access from road



TUP Area looking toward road



View of north portion of TUP Area

PHOTOGRAPHS (CONT'D):



Mature tree fringe south of gate (from road)



Mature tree fringe north of gate (from road)



View north along Georgeson Bay Road

Attachment 2



August 8th, 2022

TUP Application

- All outdoor storage areas will be sited not less than 15 metres from any lot line and not less than 30 metres from any lake, wetland, stream, the sea, or a well. This usable space is outlined on the attached survey map in green.
- Materials stored on site could include a variety of specified or sized crushed stone, gravel and sand. We may also store a variety of soils and mulch. The total maximum volume of materials stored on site at one time will be no more than 400 yards at a time. There will be no storage of toxic or hazardous materials.
- Other materials and inventory stored on site could include and are limited to machinery to facilitate excavation and septic works:
 - Excavator
 - Front End Loader
 - Trailer
 - Dump Truck
 - Septic Tanks
 - Plumbing Supplies (ie. pipe and fittings)
- There will be no sorting or processing (crushing) of aggregates in the yard.
- There will be one 6 metre mobile structure, under 5 meters in height, used to store tools and supplies (eg. pipes, fittings, pumps). This is outlined on the attached survey map in dark blue.
- Yard hours of operation will be 7am - 7pm on Monday to Friday and 8am - 7pm on Saturday and Sunday, as per Section 3 of CRD Bylaw No. 3378
- The Yard currently is gated and locked when not in operation. This practice will remain the same.
- Currently, there is an existing stand of trees that blocks most of the site from Georgeson Bay Rd. Galiano Septic will build a 6ft screened wooden fence on both sides of the existing gate, in front of the tree line, in order to mitigate impacts to surrounding neighbours. (Reference, Section 15 (Screening and Landscaping Regulations) in the Galiano Island Land Use Bylaw No. 127, 1999)
- We acknowledge that only one unilluminated sign, not exceeding 0.6 m² in area is permitted on the subject property.

Brad Walker
Galiano Septic

ATTACHMENT 3 – TEMPORARY USE PERMIT GUIDELINES

CONTRACTOR YARD

Guideline	Complies	Comments
2. iii. a) for the purpose of a temporary use permit, “contractor yard” means the use of land or buildings for the storage of materials, equipment, and vehicles for a building, construction, landscaping business, or other trades that is accessory to a dwelling unit, and exceeds the home occupation regulations.	No	Staff Comments: There is no dwelling unit established on the subject property.
2. iii. b) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for a contractor yard;	Yes	Staff Comments: No other TUPs for contractor yards in neighbourhood or island.
2. iii. c) the Local Trust Committee should consider potential impacts from the contractor use or activity to the surrounding groundwater resources;	Yes	Staff Comments: Conditions in draft TUP for protection from leaching from soils and mulch. Additional conditions for spill kit, absorption pads, and storage and handling of petroleum can be added.
2. iii. d) in addition to any other conditions the Local Trust Committee may consider appropriate, the permit may include the following conditions:		
<ul style="list-style-type: none"> No more than one contractor yard may be conducted per lot; 	Yes	Staff Comments: complies
<ul style="list-style-type: none"> Combined floor areas of all buildings and structures for the contractor yard should be limited; 	Yes	Staff Comments: Condition in draft TUP for a maximum of two (2) with a combined floor area of 30 m ² (322 ft ²), noting that both may not be necessary.
<ul style="list-style-type: none"> Lot coverage for areas used for outdoor storage which includes vehicles (trucks, trailers, etc.) and materials related to the contracting business should be limited; 	Yes	Staff Comments: Area limited to 300 m ² (.07 ac – approx.) of TUP Area
<ul style="list-style-type: none"> Contractor yard buildings and structures should not exceed 5 metres in height unless a rationale is provided for the increase to height; 	Yes	Staff Comments: Condition in draft TUP for max. 5 m
<ul style="list-style-type: none"> All outdoor storage areas should be screened from view by a landscape screen from abutting lots and highways and should meet or exceed Section 15 (Screening and Landscaping Regulations) in the Galiano Island Land Use Bylaw No. 127, 1999 in order to mitigate impacts to surrounding neighbours. 	Yes	Staff Comments: Conditions in draft TUP to maintain mature trees and construction of 1.8 m high cedar fence.
<ul style="list-style-type: none"> All outdoor storage areas should be sited not less than 15 metres from any lot line and not less than 30 metres from any lake, wetland, stream, the sea, or a well; 	Yes	Staff Comments: Yes - defined in draft TUP and schedules.

<ul style="list-style-type: none"> The number of vehicles or equipment used for the purpose of the contractor yard should be limited; 	Yes	Staff Comments: Condition in draft TUP for required vehicles and equipment.
<ul style="list-style-type: none"> Parking requirements for the contractor yard shall meet or exceed Section 14 (Parking Requirements) in the Galiano Island Land Use Bylaw No. 127, 1999; 	Yes	Staff Comments: 'Storage, Parking and Building Area' will facilitate adequate parking and access already established.
<ul style="list-style-type: none"> Contractor yard operation hours must be compliant with the noise prohibitions as outlined in the Capital Regional District Noise Suppression Bylaw (Southern Gulf Islands) No.1 ,2006 	Yes	Staff Comments: Hours limited as per CRD Noise Bylaws.
<ul style="list-style-type: none"> Not more than one unilluminated sign is permitted not exceeding 0.6 m² in area is permitted on the subject property; 	Yes	Staff Comments: Condition in draft TUP.
<ul style="list-style-type: none"> The number of persons employed in any contractor yard per lot should be limited; 	Yes	Staff Comments: Limited to a maximum of four (4) at any time.
<ul style="list-style-type: none"> Owner of the contractor yard must permanently reside on the lot in which the Temporary Use Permit for a contract yard has been issued; and 	No	Staff Comments:
<ul style="list-style-type: none"> Potential for leaching of undesirable contaminants must be addressed 	Yes	Staff Comments: Condition in draft TUP for covering of aggregates and mulch.
2. iii. e) The operator of the contractor yard must comply with all licensing, health and other applicable regulation of the Province of British Columbia and the Capital Regional District including building inspection, public health, noise, air quality, and water quality regulations.	Yes	Staff Comments: Conditions in draft TUP
2. iii. f) A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A	Staff Comments:

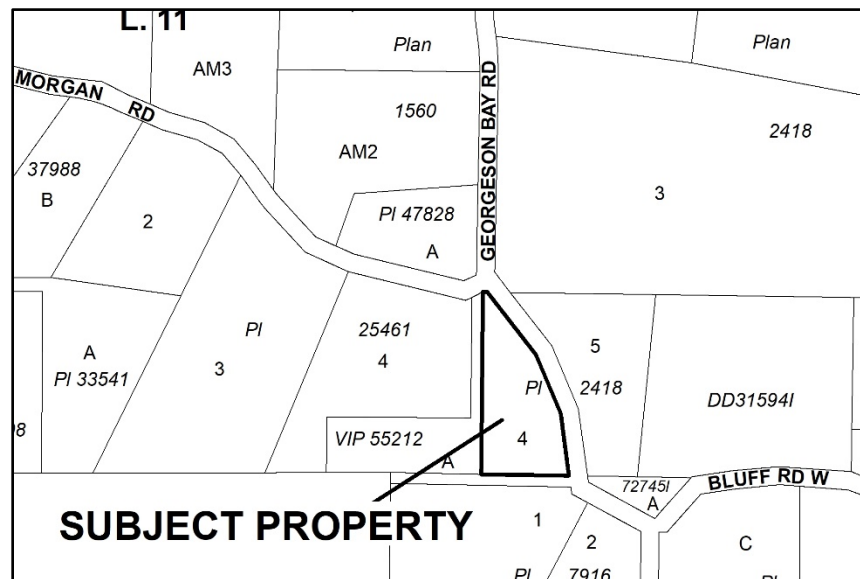


NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Galiano Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to a limited portion of Lot 4, District Lot 1, Galiano Island, Cowichan District, Plan 2418 (PID: 006-549-462). The property is located on **Georgeson Bay Road** (no civic address).

The purpose of this temporary use permit would be to permit a contractors yard including the storage of materials and equipment, and a maximum of two (2) limited size buildings for a septic disposal installation business.

The establishment of the use would be subject to the conditions specified in the attached permit. The permit would be issued for three (3) years and the owner may apply to the LTC to have it renewed once for up to an additional three (3) years.

The general location of the subject property is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **August 15, 2022** and continuing up to and including **August 26, 2022**.

For the convenience of the public only, and not to satisfy Section 494 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC: 1-800-663-7867; by fax at (250) 405-5155; or by email to southinfo@islandstrust.bc.ca before **4:30 p.m., August 26, 2022**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., September 6, 2022**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary

Attachment 5



**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2022.1 (Walker)**

Lot 4, Plan 2418 (Georgeson Bay Road)

To: B. Maberley Booming Ltd., Inc. No. BC00295904
c/o Brad Walker, GWG Walker Holdings Ltd. /dba Galiano Septic

1. This Permit applies to the land described below:

That portion of:

Lot 4, District Lot 1, Galiano Island, Cowichan District, Plan 2418
(PID: 006-549-462)

indicated as 'Temporary Use Area' on Schedules 'A' and 'B' attached to and forming part of this permit.

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:
 - a) A contractor's yard for the outdoor storage of aggregates (crushed stone, gravel and sand), soils and mulch, and vehicles, equipment and machinery associated with a septic disposal installation business;
 - b) The siting of two (2) buildings for office and/or storage of tools and supplies necessary for, and accessory to, the septic disposal installation business; and,
 - c) The processing of aggregates, soils and mulch, not to include crushing or washing.
3. The uses shall be carried on subject to the following conditions:
 - a) The buildings permitted in Section 2 (above) is limited to a maximum of two (2) with a combined floor area of 30 m² (322 ft²) and a maximum height of 5.0 m (16.4 ft.);
 - b) With the exception of vehicular access, all uses permitted in Section 2 (above) shall be limited to the specific portion of the Temporary Use Area defined by a minimum 15 m setback from any lot line and indicated as 'Storage, Parking and Building Area' on Schedule 'B';
 - c) The hours of operation for the use, including any loading, unloading and/or movement of any truck, motor vehicle, trailer or equipment shall be limited to between the hours of 7:00 a.m. to 7:00 p.m. daily, except for Saturdays, Sundays or Holidays when it shall be limited to between the hours of 8:00 a.m. to 7 p.m.;
 - d) The maximum volume of aggregates and soils materials stored at any one time shall be limited to 460 m³(600 yd³);
 - e) Stored aggregates and soils shall be covered with secured tarps in good condition to prevent leachates caused by rainfall;

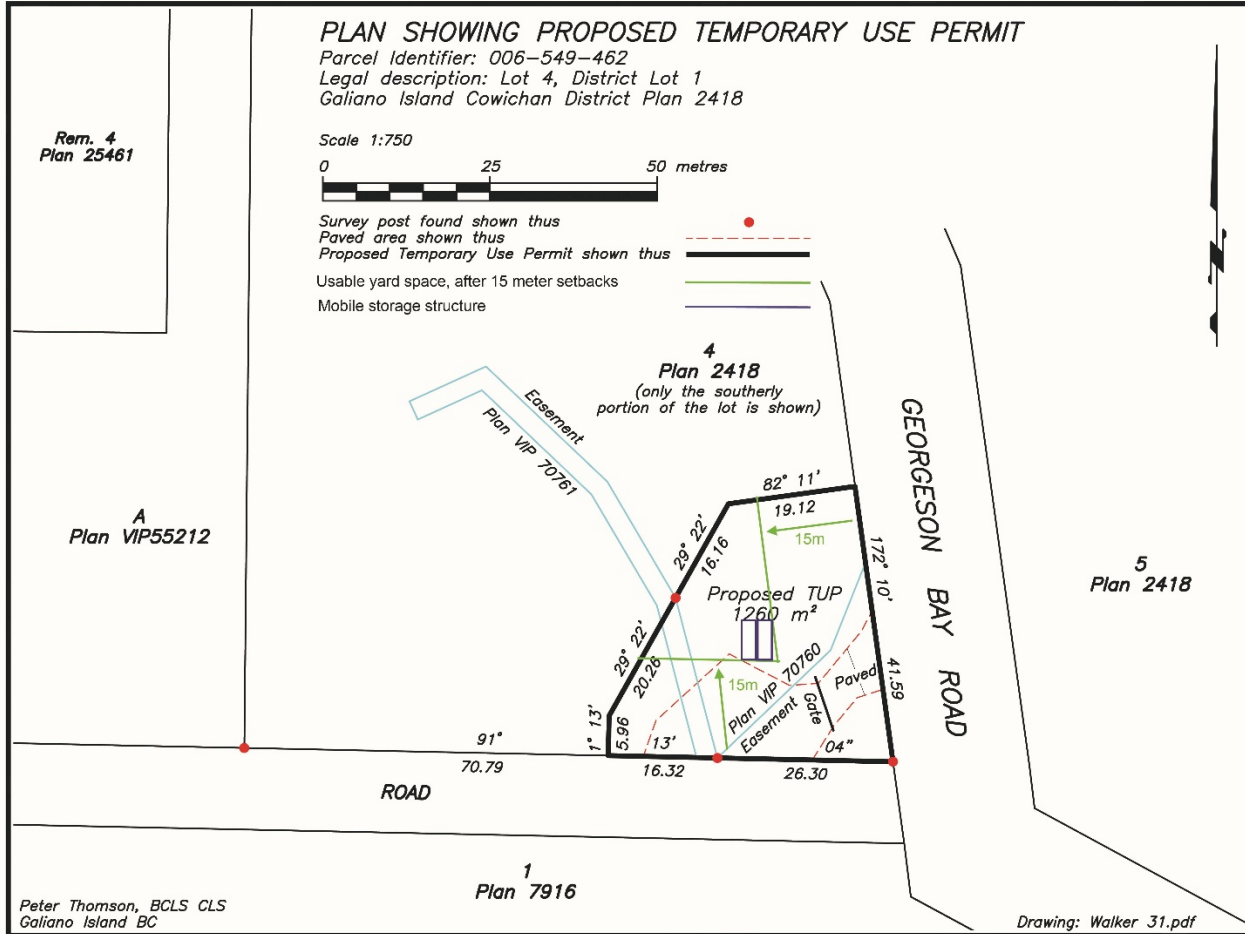
- f) Dust control measures shall be implemented to prevent impacts on neighbouring properties;
 - g) The maximum number of vehicles, equipment and machinery is limited as follows:
 - i. Two (2) excavators;
 - ii. One (1) front end loader;
 - iii. One (1) trailer;
 - iv. One (1) dump truck;
 - v. Septic tanks; and,
 - vi. Plumbing supplies including piping and fittings.
 - h) Access to the Temporary Use Area shall be limited by a locked gate and fencing as shown on Schedules 'A' and 'B';
 - i) Consistent with Section 15 ('Screening and Landscaping Regulations') of the Galiano Island Land Use Bylaw No. 127, 1999, the 'Storage, Parking and Building Area' shall be screened from view as shown on Schedule 'B' and as follows:
 - i. the maintenance of the existing stand of mature trees adjacent to Georgeson Bay Road; and,
 - ii. the construction, at the cost of the permit holder, of a 1.8 m (6 ft.) wooden fence in front (road side) of the existing stand of mature trees on both sides of the existing entrance gate.
 - j) Parking and vehicle circulation shall meet the minimum requirements of Section 14 (Parking Requirements) of the Galiano Island Land Use Bylaw No. 127, 1999;
 - k) The number of employees permitted in the Temporary Use Area as part of the use at any given time shall be limited to a maximum of four (4);
 - l) A maximum of one (1) unilluminated sign not exceeding 0.6 m² in area is permitted for temporary use on the property; and,
 - m) The holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit for the purpose of investigating a complaint.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS # DAY OF MONTH, 2022.

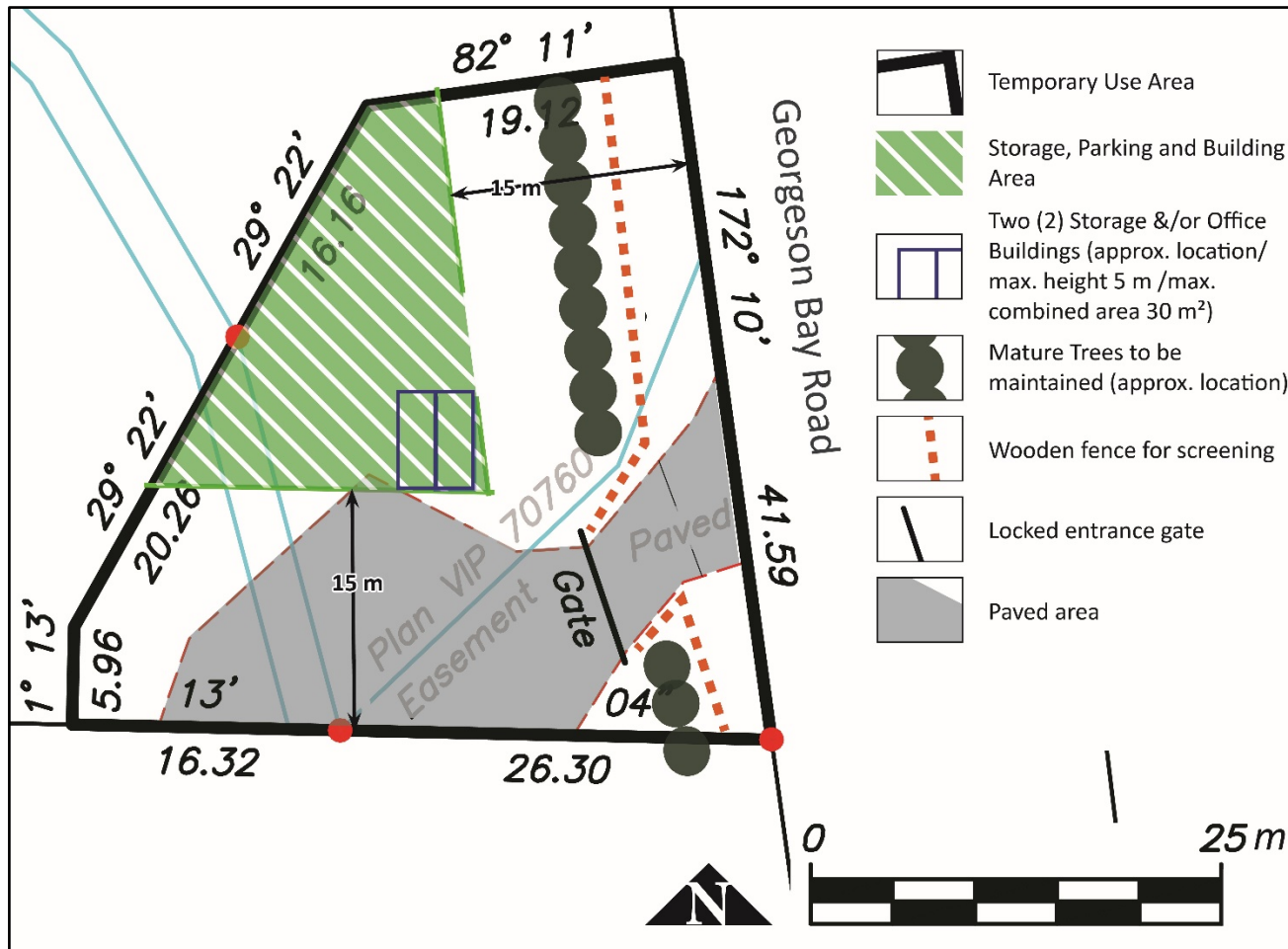
Deputy Secretary, Islands Trust

Date Issued

GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2022.1 (Walker)
SCHEDULE 'A' - SITE PLAN



GALIANO ISLAND LOCAL TRUST COMMITTEE
 GL-TUP-2022.1 (Walker)
 SCHEDULE 'B' - DETAIL SITE PLAN





File No.: 6500-20 DL 64, 68, 72, 87
Rezoning Project

DATE OF MEETING: September 6, 2022
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Victoria Office
SUBJECT: DL 64, 68, 72, 87 Rezoning Project – Bylaw No. 231 and No. 232 – Post Public Hearing

RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee proposed Bylaw No. 231, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 14, 2011.” be read a second time.
2. That the Galiano Island Local Trust Committee proposed Bylaw No. 232, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2011” be read a second time.
3. That the Galiano Island Local Trust Committee proposed Bylaw No. 231, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 14, 2011.” be read a third time.
4. That the Galiano Island Local Trust Committee proposed Bylaw No. 232, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2011” be read a third time.
5. That the Galiano Island Local Trust Committee proposed Bylaws No. 231 and No. 232 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
6. That the Galiano Island Local Trust Committee proposed Bylaw No. 231 be forwarded to the Minister of Municipal Affairs for approval.

REPORT SUMMARY

Proposed Bylaw No. 231 and No. 232 would amend the Galiano Island Official Community Plan Bylaw No. 108 (OCP) and the Galiano Island Land Use Bylaw No. 127 (LUB) by rezoning portions of DLs 68, 72 and all of DL 64 and 87 to Nature Protection.

The recommendations above are supported as:

- All statutory requirements have been completed for rezoning including the required notification and holding of a public hearing consistent with the *Local Government Act*;
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption; and,
- All Islands Trust OCP amendments require the approval of the Minister of Municipal Affairs prior to the consideration of adoption.

BACKGROUND

The Galiano Island Local Trust Committee (LTC) is considering approval of proposed Bylaw No. 231 and No. 232 that would amend the OCP and LUB by rezoning portions of DLs 68, 72 and all of DL 64 and 87 to Nature

Protection. DLs 68, 72 and 87 are owned by the provincial Crown and are currently designated Forest and zoned Forest 1 (F1). The Galiano Conservancy has recently acquired District Lot 64. It is currently designated Rural and zoned Rural 2 (R2).

Proposed Bylaw No. 231 and No. 232 were given first reading as amended on April 4, 2022.

A public hearing is scheduled for September 6, 2022 for proposed Bylaw No. 231 and No. 232. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and the Minister (for OCP Bylaw No. 231 only) approve the bylaws, the next step for the LTC would be to adopt the bylaws.

Rationale for Recommendation:

Based on the foregoing, the recommendations on page 1 are supported as:

- All statutory requirements have been completed for the rezoning including the required notification and holding of a public hearing consistent with the *Local Government Act*;
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption; and,
- All Islands Trust OCP amendments require the approval of the Minister of Municipal Affairs prior to the consideration of adoption.

ALTERNATIVES

1. Make amendments to the bylaw(s).

The LTC may amend the bylaw(s).

Resolution:

That Galiano Island Local Trust Committee proposed Bylaw No. 231, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 14, 2011” be amended as follows:

That Galiano Island Local Trust Committee proposed Bylaw No. 232, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2011” be amended as follows: _____

2. Receive for information

The LTC may receive the report for information.

3. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw No. 231 and No. 232.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with Bylaw No. 231 and No. 232.

NEXT STEPS

Upon direction from LTC, staff will send draft proposed bylaw No. 231 and No. 232 to the Islands Trust Executive Committee and proposed Bylaw No. 232 to the Minister of Municipal Affairs.

Submitted By:	Brad Smith, Island Planner Southern Team	July 21, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	July 27, 2022

ATTACHMENTS

1. Proposed Bylaw No. 231
2. Proposed Bylaw No. 232

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 231

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 14, 2011.”

2. SCHEDULES

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

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 4TH DAY OF APRIL , 2022.

READ A SECOND TIME THIS 4TH DAY OF JULY , 2022.

PUBLIC HEARING HELD THIS DAY OF , 20__.

READ A THIRD TIME THIS DAY OF , 20__.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS DAY OF , 20__.

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS DAY OF , 20__.

ADOPTED THIS DAY OF , 20__.

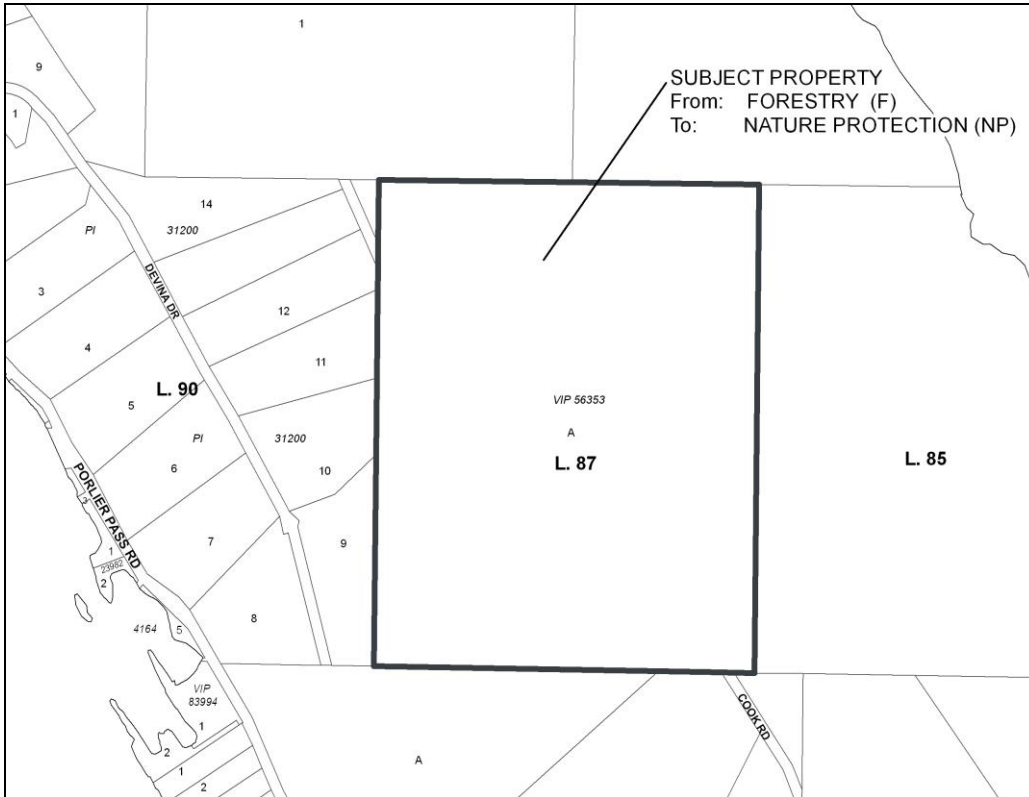
CHAIR

SECRETARY

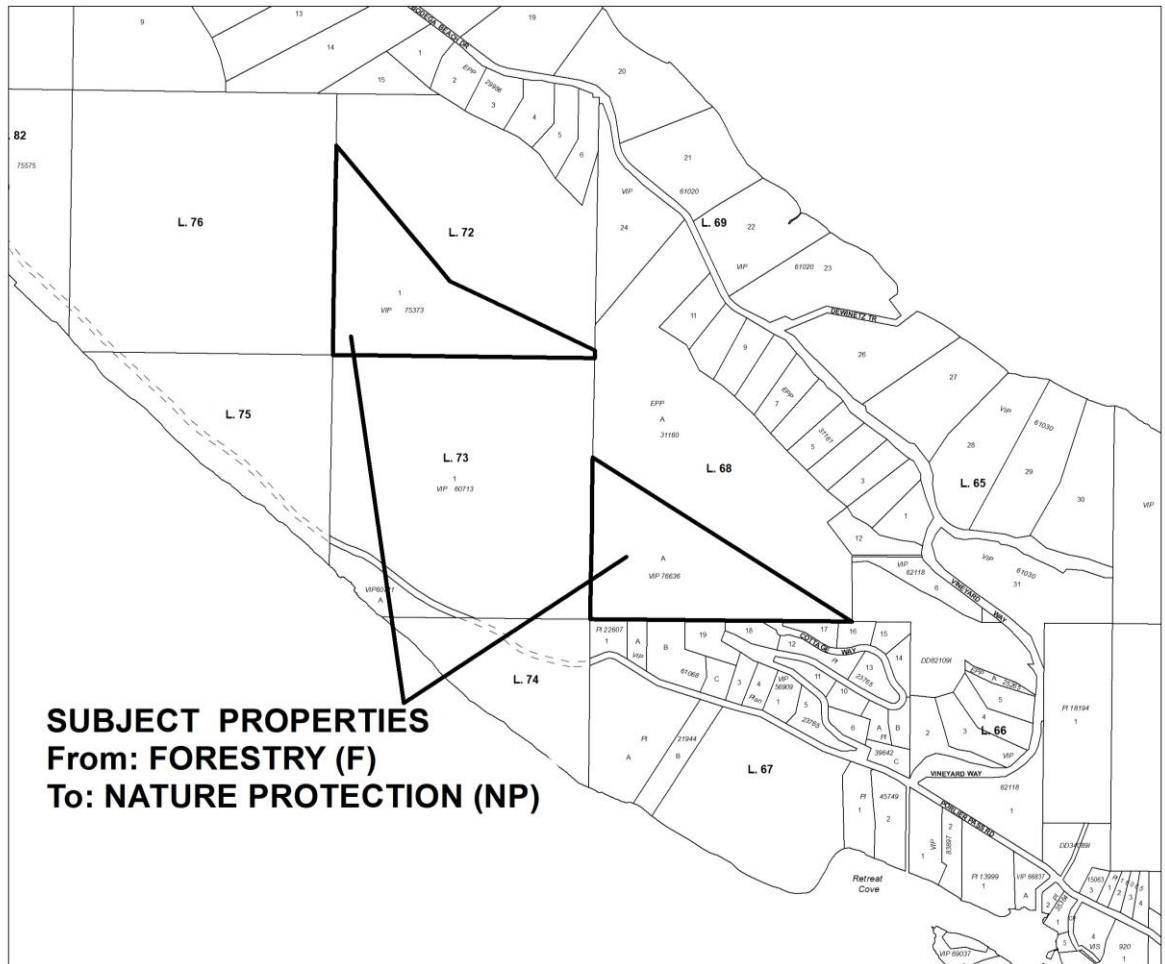
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 231
SCHEDULE 1**

Schedule B (Land Use Designation) is amended by changing the land use designations on the lands legally described as follows:

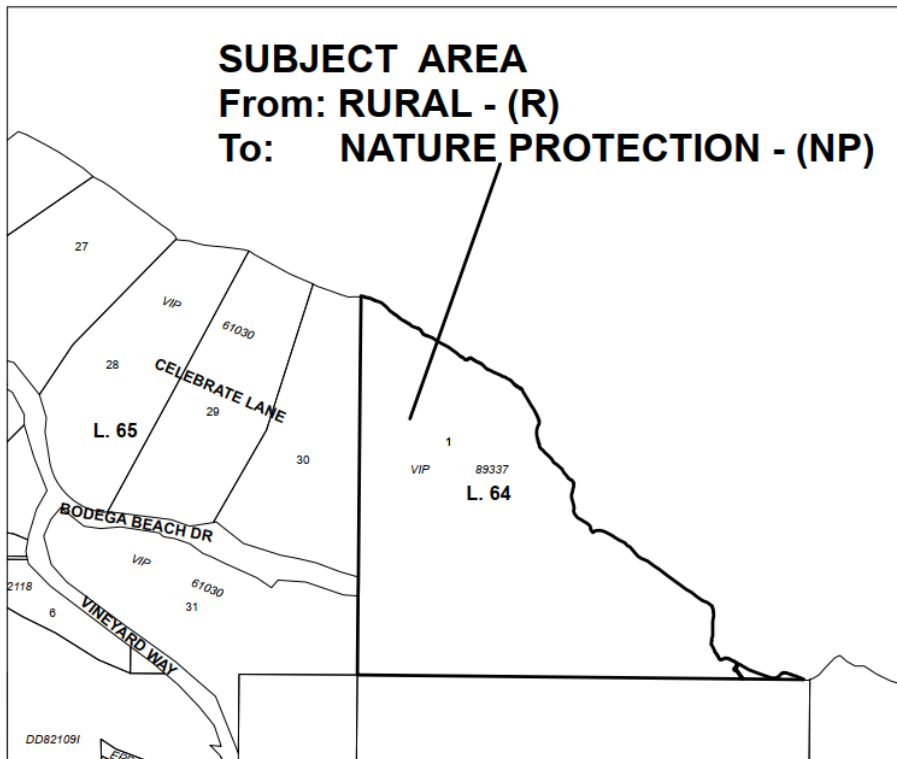
1. Lot A, Plan VIP56353, District Lot 87, Galiano Island, Cowichan District, except part in Plan VIP61539 from the Forestry (F) Land Use Designation to the Nature Protection (NP) Land Use Designation, in accordance with the map below.



2. Lot A, Plan VIP76636, District Lot 68, Galiano Island, Cowichan District; and Lot 1, Plan VIP75373, District Lot 72, Galiano Island, Cowichan District from the Forestry (F) Land Use Designation to the Nature Protection (NP) Land Use Designation in accordance with the map below.



3. Lot 1 District Lot 64 Galiano Island Cowichan District Plan VIP89337 from the Rural (R) Land Use Designation to the Nature Protection (NP) Land Use Designation in accordance with the map below.



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 232

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

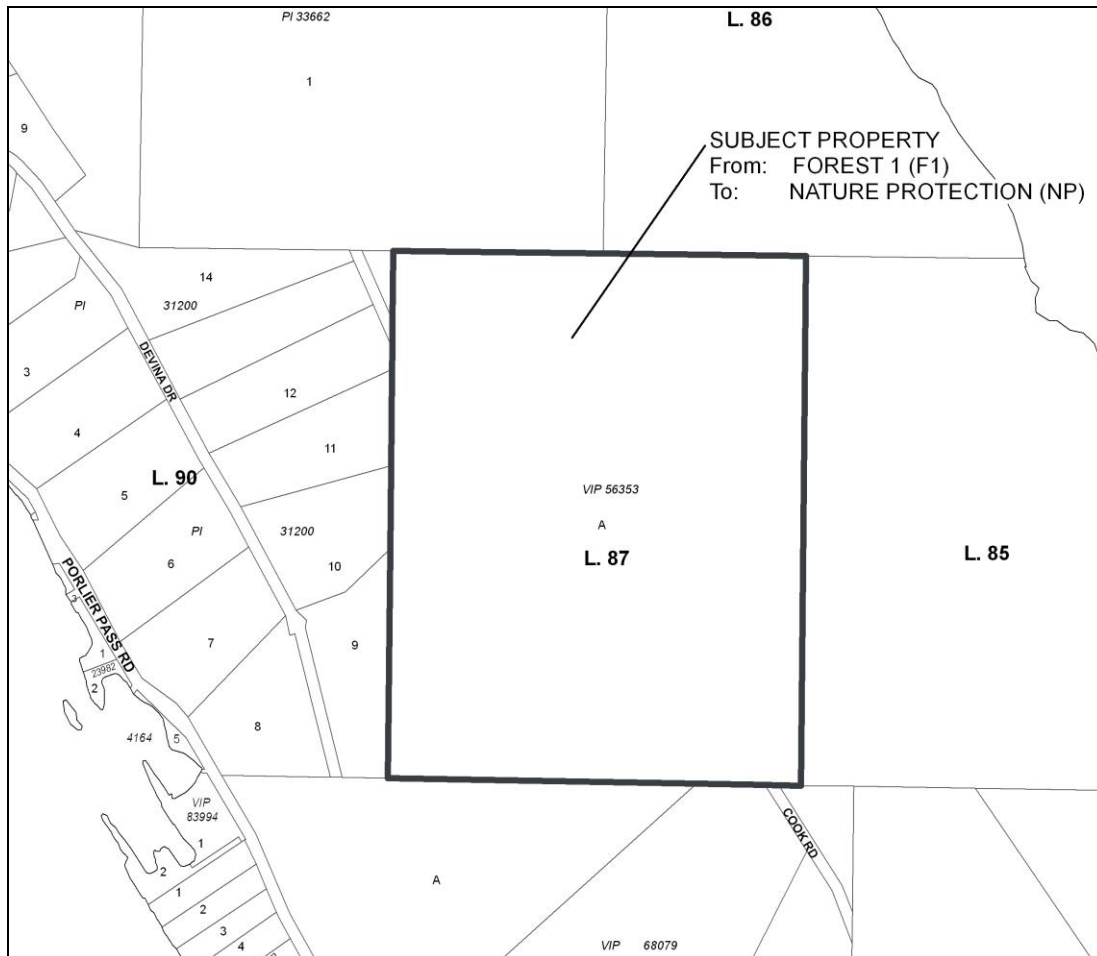
The Galiano Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Galiano Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

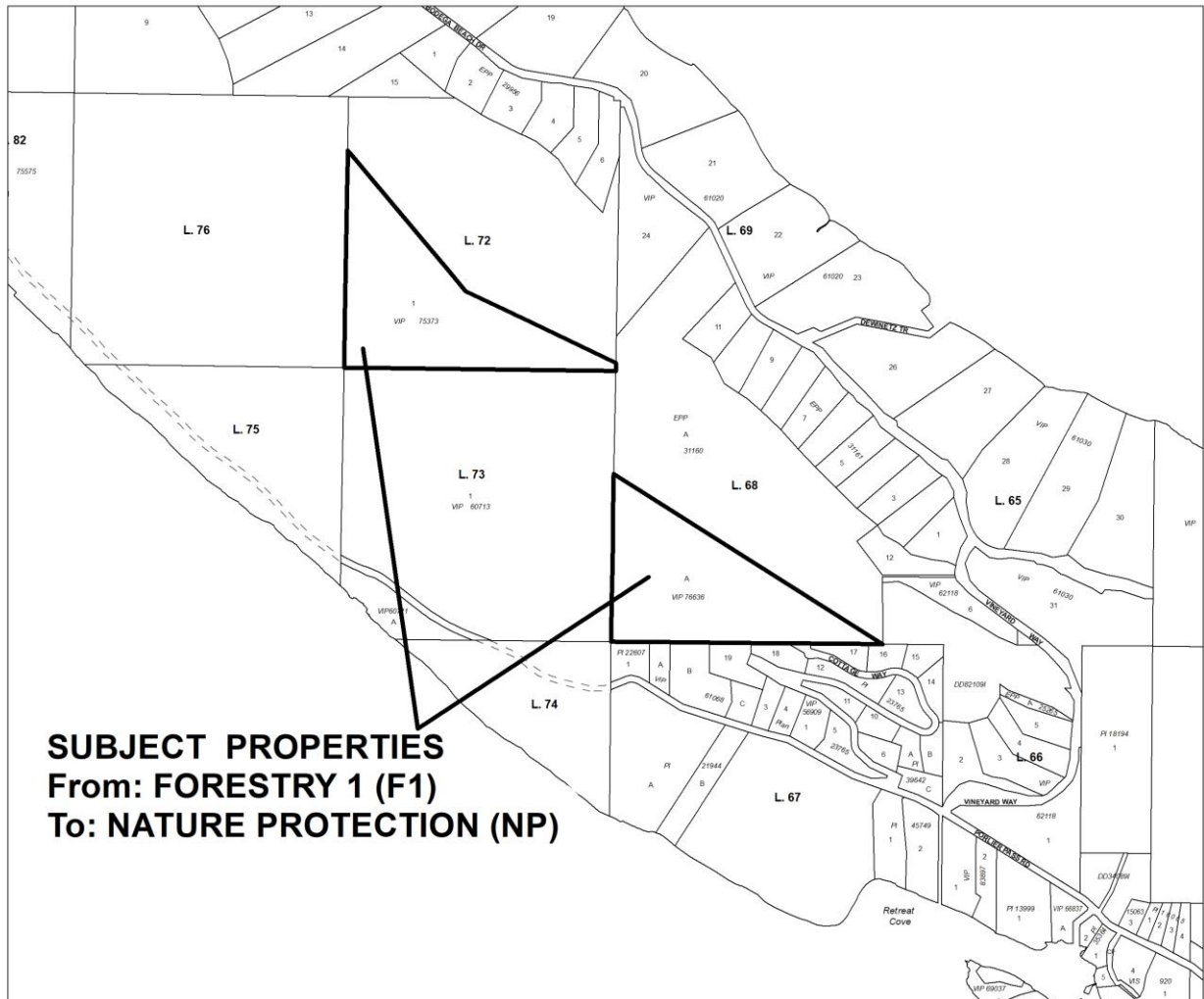
This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2011”.

2. Galiano Island Local Trust Committee Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:

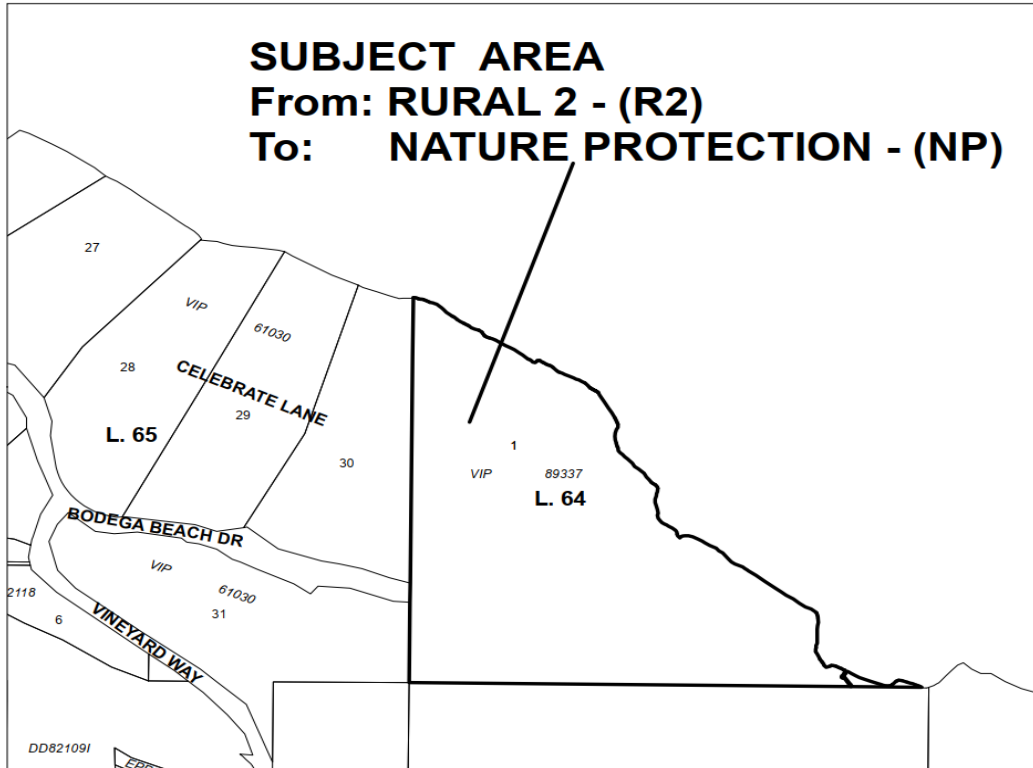
2.1 Lot A, Plan VIP56353, District Lot 87, Galiano Island, Cowichan District, except part in Plan VIP61539 from the Forest 1 (F1) zone to the Nature Protection (NP) zone, in accordance with the map below.



2.2 Lot A, Plan VIP76636, District Lot 68, Galiano Island, Cowichan District; and Lot 1, Plan VIP75373, District Lot 72, Galiano Island, Cowichan District from the Forest 1 (F1) zone to the Nature Protection (NP) zone, in accordance with the map below.



2.3 Lot 1 District Lot 64 Galiano Island Cowichan District Plan VIP89337 from the Rural 2 (R2) zone to the Nature Protection (NP) zone in accordance with the map below.



3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	4 TH	DAY OF	APRIL	, 2022.
READ A SECOND TIME THIS	4 TH	DAY OF	JULY	, 2022.
PUBLIC HEARING HELD THIS		DAY OF		, 20__
READ A THIRD TIME THIS		DAY OF		, 20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		20__
ADOPTED THIS		DAY OF		20__

CHAIR

SECRETARY

Top Priorities Report

Galiano Island

1. Groundwater Sustainability

Phase 1 and 2: mapping and data analysis - Completed
 Phase 3: Implementation of mapping and data analysis

Responsible

Narrisa Chadwick
 William Shulba

Dates

Rec'd: 02-Apr-2019
 Target: 30-Sep-2022

2. Rezoning of DL 64, 68, 72, 87

Responsible

Brad Smith

Dates

Rec'd: 06-Dec-2021
 Target: 30-Nov-2022



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

5. *Dock review*

Responsible

Date Received

To review policies and regulations relating to private moorage, including suitable locations, siting and size, and incorporating First Nations sites

02-Apr-2019



Galiano Island

6. *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

7. *Review of forestry land designations, policies and community benefit approaches*

Responsible

Date Received

Project represents a consolidation of a number of previously identified projects with a similar theme related to forestry zoning on Galiano Island. Project scope within previous projects included: current and potential future approaches to community benefit agreements, use of split zoning, F1 forest lot issues, issues regarding lands without managed forest status, amendments to re-designate and rezone crown owned Forest lots (Bylaws 231, 232 at First Reading)

03-Feb-2020

8. *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

9. *Review of LUB tiny home/trailer regulations, maximum house sizes and lot coverage*

Responsible

Date Received

01-Jun-2021

10. *Review of LUB water management and cistern regulations*

Responsible

Date Received

02-Nov-2020



Print Date: August 29, 2022

Projects Report



Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2021.5	Neave O'Shaughnessy	17-Aug-2021	835 STURDIES BAY RD - application for a DP for development in a sensitive ecosystem DPA

Planner: Phil Testemale

Planning Status

Status Date: 18-Aug-2022

Final geotech report anticipated

Status Date: 12-Aug-2022

Request for outstanding geotechnical assessment via e-mail. October 3 agenda for consideration (tentative)

Status Date: 19-Apr-2022

Applicant has hired Ryzuk Geotechnical. Initial meeting with Ryzuk staff and applicant. Awaiting Assessment Report to proceed.

File Number	Applicant Name	Date Received	Purpose
GL-DP-2022.3	Galiano Island Contracting LTD	11-Aug-2022	Improvement to an existing revetment structure.

Planner: Phil Testemale

Planning Status

Status Date: 26-Aug-2022

November 7 LTC for consideration. Initial e-mail to applicant.

Status Date: 18-Aug-2022

Planner Testemale assigned to file.

Status Date: 11-Aug-2022

File created in EDM.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2022.4	Carrick, Ian	31-May-2022	Address specific concerns of Islands Trust

Planner: Phil Testemale

Planning Status

Status Date: 22-Jun-2022

E-mail sent to applicants requesting information to determine requirement for DP.

Status Date: 03-Jun-2022

Robert K. assigned file to Phil.

Status Date: 03-Jun-2022

Sent electronic link to Phil for his review.

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2022.5	Grehan, Barbara	11-Aug-2022	574 Gulf Drive - Application for a variance for siting of deck, stairs, and landing in a setback.

Planner: Brad Smith

Planning Status

Status Date: 25-Aug-2022

Planner Smith assigned to GL-DVP-2022.5.

Status Date: 24-Aug-2022

After-The-Fact Application fee received via E-transfer.

Status Date: 11-Aug-2022

Created file in EDM.



Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD: Application for rezoning to amend the OCP and LUB to allow for a Forest Retreat Centre - Bylaws 256 (OCP) and 257 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 03-Aug-2022
CIM scheduled for Saturday Sept24, 2022

Status Date: 27-Jun-2022
Staff report on Jul4 agenda

Status Date: 17-Jun-2022
Applicant submitted revised proposal reducing maximum capacity

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.1	GIGARHS	11-Sep-2019	Georgia View Rd: rezoning application for to amend the OCP and LUB to permit an affordable housing development - Bylaws 276, (OCP), 277 (LUB), 274 (Housing Agreement)

Planner: Brad Smith

Planning Status

Status Date: 03-Aug-2022
EC approved - sent to Minister for OCP approval

Status Date: 27-Jun-2022
Housing agreement and s 219 covenant on July agenda

Status Date: 06-Jun-2022
CIM scheduled for July 4, PH for July 16



Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2020.1	KING, FRED & DEBBIE	27-Oct-2020	51 Galiano Way - Application for rezoning to amend the OCP to permit residential use - Bylaw 279 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 28-Oct-2021

Applicant working on DAI TOR items

Status Date: 31-Aug-2021

Planner to contact applicant for status update

Status Date: 22-Jun-2021

Applicant working on TOR items - no clear timeline for coming back to LTC

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2021.1	New Commons Development	08-Mar-2021	409 Porlier Pass Road - Application for rezoning to amend the LUB to permit an affordable housing development with a total of 20 units (within 4 buildings). Bylaw 280 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 26-Jul-2022

LTC received housing agreement, draft covenants and septic report

Status Date: 04-Jul-2022

Staff directed to schedule CIM Sept 6 and PH Sept 27

Status Date: 27-Jun-2022

Staff initiating legal review of HA and covenant



Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2021.2	Andy Gaylor of McElhanney Ltd.	16-Aug-2021	COOK RD - application for rezoning to emend the OCP and LUB to permit a rezoning from F1 to create an F3 zoned parcel, two 2.0 hectare Rural Residential-zoned parcels, and 12+ ha of parkland and road dedication. And to allow a small enclosed sawmill in proposed F3 zoned area.

Planner: Brad Smith

Planning Status

Status Date: 03-Aug-2022

Staff memo on Sept 6, 2022 agenda

Status Date: 12-May-2022

Staff met with MIRR/MOE staff on April 28

Status Date: 25-Apr-2022

Staff scheduled to meet with provincial Ministry of Indigenous Relations and Reconciliation (MIRR) staff Thursday April 28 re DL 85/86

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2022.1	McElhanney Ltd.	24-Mar-2022	Rezoning to amend the Forest One (F-1) Zoning of the subject property.

Planner: Brad Smith

Planning Status

Status Date: 28-Jul-2022

Staff initiated refund of half of application fee as per fees bylaw

Status Date: 04-Jul-2022

LTC directed staff to proceed no further with application

Status Date: 27-Jun-2022

Preliminary staff report on July 4 agenda



Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2022.2	Hayes, Judy	02-Aug-2022	Bylaw Amendment & Rezoning

Planner: Brad Smith

Planning Status

Status Date: 16-Aug-2022

Planner Smith assigned to GL-RZ-2022.2

Status Date: 02-Aug-2022

File opened in EDM

Status Date: 02-Aug-2022

Requested Site Disclosure Statement from applicant

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2020.1	Mitchell, Glen	19-Dec-2019	GIGHARS - Proposed two lot conventional subdivision referral of Lot 1 District Lots 30 and 31

Planner: Brad Smith

Planning Status

Status Date: 18-May-2021

Applicant has received preliminary conditions approval letter from MOTI - subdivision subject to successful rezoning

Status Date: 19-Feb-2021

Applicant working on referral report items

Status Date: 15-Dec-2020

Referral report reviewed with applicant



Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2021.1	Lawrence Waterfall	09-Jul-2021	350 MARY ANN POINT RD - Referral of a subdivision application for 3 new lots

Planner: Phil Testemale

Planning Status

Status Date: 23-Jun-2022

Applicant hiring environmental professional for required DP application.

Status Date: 01-Dec-2021

New subdivision layout plan rec'd

Status Date: 17-Sep-2021

Terms of Reference for Hydrogeologist's proof of potable water sent to applicant.

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2022.1	Okuda Andersen, Kadek	13-Jan-2022	The subdivision of two lots zoned rural residential into three lots with the same zoning. One of these proposed lots has already been developed and the other two proposed are vacant. The subdivision will not increase density. There are no covenants, easements, rights-of-way, or other charges registered against either title.

Planner: Brad Smith

Planning Status

Status Date: 10-Mar-2022

Review completed -response sent to MOTI

Status Date: 28-Feb-2022

Staff to initiate review in early March and response to MOTI

Status Date: 31-Jan-2022

Requested 'Subject Property' map from GIS Helpdesk.



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2022.1	GWG WALKER HOLDINGS LTD./dba Galiano Septic	29-Jun-2022	Create a works yard

Planner: Phil Testemale

Planning Status

Status Date: 29-Aug-2022
Staff report on Sept 6, 2022 LTC agenda

Status Date: 02-Aug-2022
Island planner conducted site visit with applicant

Status Date: 26-Jul-2022
Follow up e-mail and phone call requesting further info - re: TUP guidelines.

Islands Trust

LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending June 2022

625 Galiano	Invoices posted to Month ending June 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	302.00	0.00	302.00
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	4,294.00	1,424.30	2,869.70
65210-625	LTC - Local Exp - APC Meeting Expenses	333.00	592.28	-259.28
65220-625	LTC - Local Exp - Communications	250.00	741.91	-491.91
65230-625	LTC - Local Exp - Special Projects	279.00	0.00	279.00
TOTAL LTC Local Expense		<u>5,156.00</u>	<u>2,758.49</u>	<u>2,397.51</u>
Projects				
73001-625-4114	Galiano Groundwater Strategy Implementation	2,000.00	0.00	2,000.00
73001-625-4125	Galiano Crown Lot Rezoning	1,000.00	0.00	1,000.00
TOTAL Project Expenses		<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
<p>2020-042 (Standing)</p> <p>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.</p>	Carried	08-Sep-2020
<p>2020-041 (Standing)</p> <p>that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	Carried	06-Jul-2020



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
<p>2020-013 (Standing)</p> <p>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.</p>	Carried	03-Feb-2020
<p>2019-053 (Standing)</p> <p>that the Local Trust Committee seek to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <ul style="list-style-type: none"> a) Annually, write a letter to First Nations, (re)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 First Nations to attend meetings; as well as, provide a traditional welcome to their territory if they would like; c) Work with First Nation governments on cooperative initiatives, including and 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 First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area. 	Carried	03-Jun-2019



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
<p>2019-014 (Standing)</p> <p>that the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications:</p> <ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> 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
<p>2018-064 (Standing)</p> <p>that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016</p>	Carried	04-Jun-2018
<p>2014-029 (Standing)</p> <p>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.</p>	Carried	07-Apr-2014



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
<p>2014-000 (Standing)</p> <p>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:</p> <ol style="list-style-type: none"> 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. 	Carried	03-Feb-2014
<p>2011-205 (Standing)</p> <p>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.</p>	Carried	17-Oct-2011
<p>2010-115 (Standing)</p> <p>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.</p>	Carried	18-Oct-2010
<p>2009-085 (Standing)</p> <p>That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment</p>	Carried	11-May-2009



BRIEFING

To: All Local Trust Committees **For the Meeting of:** Various
From: ITC Staff **Date Prepared:** July 22, 2022
SUBJECT: Referral for Comment, Islands Trust Conservancy (ITC) Plan

PURPOSE: The Islands Trust Conservancy (ITC) has completed a draft Three-Year Plan, and is providing to local trust committees for information. Local trust committees may choose to provide comments for consideration of the ITC Board.

BACKGROUND:

The *Islands Trust Act* requires that the ITC prepare and submit to the Minister, at least once every five years, a Trust Fund Plan (ITC Plan), including policies on acquisition, management, and disposal of property, investment of money, goals for major acquisitions, and other matters as required. More recently, it has also summarized the goals of the draft Regional Conservation Plan¹. The current ITC Plan runs until the end of 2022 and the ITC Board is developing its next ITC Plan, which will begin in 2023.

ITC policy requires referral of the ITC Plan to every local trust committee and island municipality as well as to Trust Council for comment. Trust Council will receive the draft ITC Plan at its September meeting.

ATTACHMENT(S): Draft ITC Three-Year Plan

FOLLOW-UP: The Islands Trust Conservancy Plan has been referred to all local trust committees, Bowen Island Municipality, and Trust Council. It will also be referred to First Nations with interests in the Trust Area Comments. All comments will be considered by the ITC Board. The ITC Board intends to submit a final plan to the Minister of Municipal Affairs in December 2022 with a request for approval.

Following adoption of the ITC Plan, the ITC Board will consider a strategy for a multi-year engagement of First Nations to better inform an ITC Plan for 2026-2030.

Prepared By: Kate Emmings, Manager, Islands Trust Conservancy

¹ It is important to distinguish between the Trust Fund Plan, which requires Ministerial approval under the *Islands Trust Act*, and the Regional Conservation Plan, which provides science-based operational direction to the Islands Trust Conservancy Board and its staff. The documents are complementary, but serve different functions.



ISLANDS TRUST CONSERVANCY THREE-YEAR PLAN 2023-2025



ISLANDS TRUST CONSERVANCY

CoNTENTS

1. Introduction.....	3
2. The Islands Trust Conservancy Mandate, Mission and Vision	4
3. Goals and Objectives of the Islands Trust Conservancy.....	6
4. Islands Trust Conservancy Policies	11
5. Conclusion.....	17
Appendix A: List of Islands Trust Conservancy protected areas, by fiscal year	18
Appendix B: Complete List of Islands Trust Conservancy Policies.....	22

I. INTRODUCTION

Islands Trust Conservancy¹ manages over 1,350 hectares of diverse island ecosystems in 112 protected areas, in collaboration with private landholders, land trusts and other conservation partners. The Islands Trust Conservancy recognizes that the ability to protect these island ecosystems is possible because of the thousands of years of stewardship by the First Nations with interests in the lands and waters in the Trust Area, which has created a lasting natural legacy throughout the islands.

Islands Trust Conservancy was created by the Province of British Columbia in 1990 as a regional land trust and conservation arm of the Islands Trust to protect in perpetuity some of the most ecologically and culturally significant places in the Islands Trust Area. To do so, the Islands Trust Conservancy works closely with partners to protect sites through land donation, conservation covenants, land purchase and public education.

Islands Trust Conservancy plays an important role in preserving and protecting the unique and fragile ecosystems found in the Strait of Georgia and Howe Sound. The area is among the most biologically diverse regions in the Province of British Columbia and is globally significant with respect to the at-risk Coastal Douglas-fir biogeoclimatic zone. The Islands Trust Area holds 25% of British Columbia's Coastal Douglas-fir zone, the largest percentage of any local government jurisdiction in the province. Within regional districts and biogeoclimatic zones found within the Islands Trust Area, there are a total of 197 red-listed (extirpated, endangered, or threatened) species (25% of the provincial total) and 158 blue-listed (special concern) species (14% of the provincial total) (BC Conservation Data Centre, 2022).²

There are also a high proportion of the province's red and blue-listed ecological communities. The Islands Trust Area supports some of Canada's last remaining Garry Oak ecosystems and the associated rare plants, mosses, butterflies and reptiles. Island coastlines support eelgrass meadows, forage fish habitat, glass sponge reefs and other extraordinary marine environments. These numerous rare and endangered species and ecosystems will not survive unless sufficient habitat is protected and carefully managed for its ecological integrity. The Islands Trust Conservancy's work encouraging and assisting private landholders to protect ecologically valuable land in this region is vital to the provincial government's efforts to protect these important and imperiled ecosystems.

Since the adoption of the previous Islands Trust Conservancy Plan in 2017, Islands Trust Conservancy has deepened its learning about the connection of Indigenous Peoples to the land and waters of the islands. Typically, Islands Trust Conservancy adopts Five-Year Plans to guide its work; however, Islands Trust Conservancy has not had sufficient time to engage with First Nations regarding its strategic directions to be able to submit a 2023-2027 Plan. Consequently, Islands Trust Conservancy Board has elected to create a short Three-Year Plan that is substantively an update of the 2017-2022 Plan. The Three-Year Plan will guide the work of Islands Trust Conservancy while it conducts early and meaningful First Nations engagement prior to adoption of a 2026-2030 Plan. By meaningfully engaging First Nations in the development of the 2026-2030 plan, Islands Trust Conservancy hopes to

¹ Previously known as the Islands Trust Fund Board. Name change effective May 31, 2018

² B.C. Conservation Data Centre. 2022. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed May 7, 2022).

create a Five-Year Plan that advances the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the supports the outcomes in the provincial Declaration on the Rights of Indigenous Peoples Action Plan 2022-2027.

2. THE ISLANDS TRUST CONSERVANCY MANDATE, MISSION AND VISION

The Legislated Mandate of the Islands Trust Conservancy

In 1974, the Province of British Columbia recognized the islands between Vancouver Island and the mainland as a special place within the province where the unique beauty, rural character and rare ecosystems should be protected from overdevelopment. Through the *Islands Trust Act*, the province established the Islands Trust, with the following mandate (known as the Object of Islands Trust):

*To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.*³

In 1990, through the enactment of a section of *Islands Trust Act*, the Islands Trust Conservancy (at that time, the Islands Trust Fund) was established as a conservation land trust to assist in carrying out the “preserve and protect” mandate. Part 6 of the *Islands Trust Act* establishes the corporate status, responsibilities, and governance structure of the Islands Trust Conservancy.

The Islands Trust Conservancy is one of 16 corporate entities⁴ charged to uphold the Object of the Islands Trust. It carries out the preserve and protect mandate through the conservation of land as nature reserves, nature sanctuaries, conservation covenants and other interests in land, and public education.

Under the *Islands Trust Act* (Section 44)

1. The Islands Trust Conservancy must prepare and submit to the Minister, at least once every five years, a plan for the trust fund respecting
 - a) policies on acquisition, management and disposal of property of the trust fund,
 - b) policies on investment of money of the trust fund,
 - c) goals for major acquisitions of property by the trust fund, and
 - d) other matters as required by the Minister
2. The Islands Trust Conservancy must not, without the prior approval of the Minister, acquire, hold or dispose of land except in accordance with a trust fund plan under subsection (1) that has been approved by the Minister.

³ In November 2021, the Province of BC passed the Municipal Affairs Statutes Amendment Act (No. 2), 2021 (Bill 26), which included specific reference to First Nations in the Islands Trust’s Object.

⁴ The Corporate entities charged to uphold the Object of the Islands Trust include the Trust Council, the Executive Committee, thirteen local trust committees and the Islands Trust Conservancy.

The Mission and Vision of the Islands Trust Conservancy

The **mission of the Islands Trust Conservancy** is to protect special places by encouraging, undertaking, and assisting in voluntary conservation initiatives within the Islands Trust Area.

The **vision of the Islands Trust Conservancy** is for a network of protected areas that preserve in perpetuity the natural systems of the islands in the Salish Sea.

Reconciliation Declaration

In July 2019, the Islands Trust Conservancy approved a Reconciliation Declaration:

The **Islands Trust Conservancy acknowledges** that the islands and waters that encompass the Salish Sea have been home to Indigenous Peoples since time immemorial. We recognize that we are all intertwined in the ecosystems that are the lands, waters, culture, and ecology that embody this place.

The **Islands Trust Conservancy will strive** to create opportunities for knowledge-sharing, understanding and collaboration as people come together to preserve and protect the special nature of the islands within the Salish Sea.

The **Islands Trust Conservancy is committed** to the protection and preservation of this place through processes that respect and honour reconciliation and mutually respectful relationships with Coast Salish Indigenous Peoples. We express our recognition for the past, present, and future stewardship and knowledge that has been shared by Indigenous Peoples and are humbled and grateful.

3. GOALS AND OBJECTIVES OF THE ISLANDS TRUST CONSERVANCY

Building on Achievements

Protected Lands

Since its inception in 1990, the Islands Trust Conservancy has protected 1,365 hectares (3,370 acres) of ecologically-significant natural area on the islands. As of November 2022, the Islands Trust Conservancy manages 34 Nature Reserves, and works with island landholders to steward 78 conservation covenants for a total of 112 protected areas. Twenty-seven of these protected places are certified as Ecological Gifts by Environment and Climate Change Canada.

In the next three years: The Islands Trust Conservancy will continue to refine the knowledge used for its decision making by developing a renewed 10-year Regional Conservation Plan to ensure that the organization's time and resources are directed towards high-priority land protection projects.

The Islands Trust Conservancy will continue to pursue new and innovative sources of funding to ensure that it can seize time-sensitive land securement opportunities and prevent further loss of the rare and fragile ecosystems of the Islands Trust Area. The Islands Trust Conservancy also intends to increase funding available for property management and restoration of its protected lands.

See Appendix A for a list of properties protected by the Islands Trust Conservancy.

Collaboration

The Islands Trust Conservancy works in partnership with land trusts, conservation groups, First Nations, parks agencies and others focused on conservation in the region. Islands Trust Conservancy staff participate in the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership, the Land Trust Alliance of British Columbia, and the Species and Ecosystems at Risk Local Government Working Group to further the organization's conservation mandate.

The Islands Trust Conservancy supports and enhances the capacity of the local island-based land trusts by providing grants from its Opportunity Fund, working collaboratively on projects, and facilitating education and networking opportunities. The Islands Trust Conservancy's Opportunity Fund is funded by private donations and has provided more than \$105,000 in grants to local land trusts, helping protect more than 525 additional hectares of land, since it was developed in 2005.

In the next three years: The Islands Trust Conservancy will seek to establish and deepen relationships with First Nations and will work towards building trust by finding opportunities to collaborate with First Nations to integrate Traditional Ecological Knowledge into management planning, reconnect youth with island ecosystems and other mutually beneficial initiatives. Islands Trust Conservancy will also meaningfully engage First Nations in the development of the 2026-2030 plan to create a Five-Year Plan that advances the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the supports the outcomes in the provincial Declaration on the Rights of Indigenous Peoples Action Plan 2022-2027.

Financial Sustainability

The administration of the Islands Trust Conservancy is funded by the Islands Trust Council, through property taxes collected from the residents and landholders of the Islands Trust Area.

Land securement and any other projects outside of core operations must be funded through external sources, including grants and private donations.

Grants: Because of the density of rare species found in the Islands Trust Area, Islands Trust Conservancy has been successful in negotiating over \$600,000 in federal funding between April 2020 and March 2023 to support land protection and management for species at risk. Islands Trust Conservancy intends to work with the Government of Canada to continue conservation for species at risk.

Private Donations: To augment its ability to protect and manage land, the Islands Trust Conservancy approved a Fund Development Strategy in early 2020. To support the Strategy, a part-time Strategic Fund Development Specialist position was created in 2022. In 2022, the Islands Trust Conservancy was successful in raising over \$100,000 in donations, including being the recipient of two bequests.

Current Funds: Islands Trust Conservancy holds three geographically-restricted funds dedicated to land acquisition – the Lasqueti Island Acquisition Fund, the Gambier Island Acquisition Fund, and the Thetis Island Acquisition Fund – and has guidelines to assist with the future development of other geographically restricted funds. Additionally, Islands Trust Conservancy has a Covenant Management and Defense Fund, and Property Management Fund and two property-specific land management endowments.

In the next three years: The board will continue to promote legacy gifts as a way to fund the protection and stewardship of ecologically significant lands in the region.

Encouraging Private Land Stewardship

Islands Trust Conservancy's innovative tax incentive program for private landholders to place conservation covenants on their properties, the Natural Area Protection Tax Exemption Program (NAPTEP), provides a permanent 65% reduction on property taxes on the portion of an eligible property protected by a conservation covenant.

In the next three years: Islands Trust Conservancy will continue to promote its programs to island landholders, focusing its outreach efforts on the highest priority landscapes. Islands Trust Conservancy Board will welcome conversations with the provincial and federal governments about new or innovative tools that might motivate increased land stewardship in this region and will look to these governments to partner on such programs.

Planning for Regional Conservation

In January 2018, Islands Trust Conservancy Board approved a 10-Year Regional Conservation Plan. The Regional Conservation Plan is the tool used by Islands Trust Conservancy to focus its resources on areas with the highest biodiversity values and greatest need for conservation. Islands Trust Conservancy has designed the Regional Conservation Plan as an information resource for citizens and organizations working towards conservation of biodiversity within the Islands Trust Area.

Based on scientific information and other forms of knowledge, the Regional Conservation Plan identifies areas of interest for conservation within the Islands Trust Area and strategies for achieving better levels of land conservation. Some of the strategies involve land acquisition and conservation covenants with willing landholders. Other strategies involve working with First Nations, partner agencies, local trust committees and Bowen Island Municipality to increase our knowledge base, encouraging protection of ecologically significant land within the Islands Trust Area and managing existing conservation lands effectively.

Goals of the 2018-2027 Regional Conservation Plan

The 2018-2027 Regional Conservation Plan sets out four high level long-term goals that reflect the enduring ambitions of Islands Trust Conservancy to work with island landholders and conservation partners to protect the rich biodiversity of the Islands Trust Area:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities

In order to contribute to effective conservation of biodiversity and ecological integrity in the Islands Trust Area, Islands Trust Conservancy needs an understanding of the status of ecosystems and species in the region. Additionally, Islands Trust Conservancy manages over 1,350 hectares of land and can use data to improve and inform its land stewardship. Islands Trust Conservancy will continue to invest in research and data acquisition that supports the conservation of island ecosystems.

2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals

The Islands Trust Area is in the traditional territories of many First Nations. As part of its current practice, Islands Trust Conservancy invites comment from First Nations in management planning processes and refers public conservation proposals to First Nations where archaeological sites are identified. Islands Trust Conservancy seeks to establish and deepen relationships with First Nations and will work towards building trust and finding opportunities to collaborate with First Nations on projects and policy development where there are opportunities for shared benefits.

3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity

The core work of Islands Trust Conservancy is to maintain and contribute to protected area networks which preserve ecological function and high levels of biodiversity in the Islands Trust Area. Islands Trust Conservancy will continue to acquire new nature reserves and conservation covenants as well as use other tools for conserving nature while ensuring that it cares for the lands that it is trusted to manage. Securing adequate funding to pursue new acquisitions as well as manage all protected lands responsibly will be an area of considerable focus for Islands Trust Conservancy.

4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

Islands Trust Conservancy was established in 1990. It has been a consistent presence in conservation of species and ecosystems in the Islands Trust area for almost thirty years. As it moves into the fourth decade of its work, Islands Trust Conservancy will ensure that it can responsibly care for its management responsibilities and participate effectively in partnership opportunities into the future. It will also work to be resilient enough to gracefully navigate change, both on the landscape and as an organization.

The 2018-2027 Regional Conservation Plan is posted on Islands Trust website:

islandstrust.bc.ca/conservancy/conservation-planning/

4. ISLANDS TRUST CONSERVANCY POLICIES

Below is a summary of key Islands Trust Conservancy policies affecting the public interest. A full list of policies, hyperlinked to the Islands Trust website, can be found in Appendix B.

Section 1: Fundraising, Investment and Financial Accountability

General Accounting

The financial transactions of Islands Trust Conservancy are managed using standard accounting procedures and are subject to an annual independent audit. The Audited Financial Statements of Islands Trust Conservancy are available on the Islands Trust website.

To ensure financial accountability, Islands Trust Conservancy will:

- follow the procurement policy established by Islands Trust Council;
- require prior approval of the board for expenditures in excess of \$10,000 unless a prior resolution from the board approves a plan, project or policy authorizing such an expenditure;
- require all financial transactions related to approved projects to be authorized by the Islands Trust Conservancy Manager;
- direct the Islands Trust Conservancy Manager to act on behalf of the board to oversee the management of the bank accounts and investments of the board; and,
- review an updated financial report at each regular board meeting.

Islands Trust Conservancy will not incur any liabilities without the prior approval of the Minister responsible for the Islands Trust.

Fundraising and Investment of Funds

Islands Trust Council approves an annual budget for the administrative operations of Islands Trust Conservancy. This funding covers operating expenses including, but not limited to, board meetings and training, staff salaries and benefits, conservation planning, land and covenant negotiations, communications, fundraising, legal counsel and property management costs. However, the operating budget is not used for direct acquisition of properties (i.e. purchase costs). Accordingly, to purchase land or contribute to acquisitions by other agencies, Islands Trust Conservancy must raise additional funds. The *Islands Trust Act* provides Islands Trust Conservancy with the ability to raise funds in a variety of ways.

The board and staff will solicit funds for the purposes outlined in existing Fund Guidelines⁵ and Fund Agreements⁶. Islands Trust Conservancy will not solicit funds for purposes outside of those approved in Fund Guidelines or Fund Agreements unless it has first reviewed and approved the additional fundraising activity. Islands Trust Conservancy currently manages ten funds.

⁵ As of November 2022, Islands Trust Conservancy has Fund Guidelines for the following funds: Opportunity Fund, Geographically Restricted Funds, Property Management Fund and Covenant Management and Defense Fund.

⁶ Fund Agreements are negotiated agreements with donors regarding the specific use of a restricted donation

Islands Trust Conservancy will not engage in commission-based fundraising, and will not employ contractors utilizing this method for fundraising activities. Islands Trust Conservancy will reserve the right to decline to accept a donation at its discretion.

Islands Trust Conservancy routinely requests cash endowments with land conservation projects associated with development applications. Islands Trust Conservancy invests these endowments only in accordance with the requirements of the *Trustee Act* for the investment of trust property by a trustee. The board ensures that it invests only in forms of property or security in which a prudent investor might invest, and which enable retrieval of the full investment if required.

Islands Trust Conservancy is a corporation that is, for all purposes, an agent of the provincial government, and accordingly is a qualified donee and can issue receipts for income tax purposes for donations. Islands Trust Conservancy is exempt from paying property taxes on its lands.

Section 2: Acquisition, Management and Disposition of Property

General

Under the *Islands Trust Act*, Islands Trust Conservancy can accept donations and grants of land, conservation covenants, other interests in land, cash, securities and other real property in support of the protection of the Islands Trust Area. Islands Trust Conservancy is an approved recipient of gifts of land and interests in land through Environment and Climate Change Canada's Ecological Gifts Program.

When considering proposals, the board will give priority to those proposals that protect larger areas of land, and may defer or decline smaller proposals. The board will only consider accepting covenants and land acquisitions of less than two hectares (4.9 acres) if specific significant features are present.

The board will assess the need for the ongoing management and future legal defense of conservation properties and may, as part of an approval, request or require an endowment or donation to cover management and defense costs associated with the land or covenant.

Land Acquisition

Islands Trust Conservancy will normally only consider the acquisition of lands that meet the Board's definition of Nature Reserve: *an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern. The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term. Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.*

With every land acquisition proposal, Islands Trust Conservancy will evaluate any risks that may hamper the organization's ability to protect the land's natural values in perpetuity. Islands Trust Conservancy will only consider accepting land that needs extensive ecological restoration or substantial management if:

- a) Islands Trust Conservancy has adequate staff resources to manage the on-going requirements;
- b) a substantial cash donation that is adequate to cover on-going restoration and/or management costs is provided; or,
- c) Islands Trust Conservancy has adequate funds available to undertake immediate restoration and/or management requirements.

Islands Trust Conservancy will not accept or acquire any lands where there is an obligation to maintain buildings or structures. The Conservancy may accept and acquire lands that have buildings on-site that can be removed or maintained at the board's discretion.

As a further measure of protection, Islands Trust Conservancy may develop and register a conservation covenant on each of its nature reserves if an appropriate conservation agency can be found to hold the covenant and if the values on the land warrant the investment of staff time and legal fees.

Conservation Covenants

Islands Trust Conservancy will encourage landholders within ecologically significant areas or with significant characteristics or values to protect their land using binding conservation covenants and will work with interested landholders to achieve protection of significant areas.

Islands Trust Conservancy will continue to work with Trust Council to promote and administer the Natural Area Protection Tax Exemption Program (NAPTEP). The program provides a property tax incentive for landholders who register conservation covenants on their lands to protect the natural features and values of their properties.

Islands Trust Conservancy may refuse to acquire properties with existing conservation covenants or other charges on title that include rent charges³. Rent charges will not be included in covenants to be registered on Islands Trust Conservancy owned properties as the Conservancy cannot incur liabilities without ministerial approval.

Management of Property and Covenants

The acquisition of land or registration of conservation covenants does not by itself guarantee the long-term protection of significant features and values. Active management of protected areas is also necessary. Islands Trust Conservancy's primary objectives in managing its properties are to protect public safety and ecological values. Lands held by Islands Trust Conservancy are not parks but are nature reserves and nature sanctuaries, and this concept is considered in acquisition discussions, management planning, insurance and land use zoning.

³ "Rent charge" is similar to a fine and is a charge registered against the land to enable enforcement of a breach of a covenant agreement.

To effectively manage ecologically significant areas, Islands Trust Conservancy works cooperatively with First Nations, landholders, contractors, partner conservation groups and other government agencies. Qualified staff, partners and contractors develop management plans for all lands held by Islands Trust Conservancy. Management plans provide long-term direction regarding allowable public use, the reduction of risk to public safety, and the reduction of risk to ecological values and other significant features.

When Islands Trust Conservancy receives donations of land, it consults with the donor(s) regarding any specific wishes they might have for the property and considers these wishes in the management planning process.

Generally, management plans will address the following matters:

- purpose and objectives for the site;
- background information including the site history;
- First Nations input and engagement;
- environmental inventory;
- management issues such as the extent and nature of protection required, appropriate uses and level of use, research guidelines, risk management, signage, and special needs at the site;
- strategies and actions to achieve the purpose and objectives for the site and to address management issues and needs; and
- traditional use and protection of cultural/archaeological sites.

Islands Trust Conservancy will seek assistance from partners to implement management plans and, where appropriate, will request partners to enter into contracts with Islands Trust Conservancy regarding management operations and responsibilities.

Islands Trust Conservancy monitors all of its lands and covenanted areas regularly to assess the character and key features of the sites, evaluate the effectiveness of the management program, identify any new issues that need to be addressed, and identify and respond to any breaches to the terms of a covenant or trespasses on protected lands.

Islands Trust Conservancy will request, where necessary, that local trust committees or island municipalities rezone Nature Reserves and Nature Sanctuaries to the most appropriate designation and zone for nature protection when it is reviewing Official Community Plans and/or Land Use Bylaws and will work with local trust committees or island municipalities to determine the most appropriate designation and zone.

Disposition of Property

Islands Trust Conservancy intends to maintain its protected areas in perpetuity. However, there are circumstances where Islands Trust Conservancy will consider transferring property (or interests in a property, such as a conservation covenant) it has acquired to another agency.

If Islands Trust Conservancy receives an unrestricted donation of land with little or no ecological value, and if no other barriers to disposition exist, Islands Trust Conservancy may sell the land and place the proceeds in a fund of Islands Trust Conservancy to be decided by the board.

If Islands Trust Conservancy receives a proposal to transfer an ecologically significant property (or an interest in land) to another conservation agency, and determines that there is no legal barrier to transfer and that the proposal is worthy of consideration, Islands Trust Conservancy will direct staff to conduct and prepare a thorough assessment of the proposal for consideration by the board.

Islands Trust Conservancy will only dispose of a fee simple title or an interest in ecologically significant land if it can be determined that the recipient agency has the expertise and long-term financial resources to manage the property or interest as well as, or better than, the board. If the land, or interest in land, was acquired as an Ecological Gift, Islands Trust Conservancy will notify Environment and Climate Change Canada of the disposition.

The board will consider the following tools to ensure that any transferred land and associated values will be protected in perpetuity for the residents of the Trust Area and the people of British Columbia:

- a) Islands Trust Conservancy may transfer land on condition that it be used for conservation purposes, or transfer land as determinable fee simple providing that the land will revert to Islands Trust Conservancy if the land is no longer being used for the specified purposes.
- b) Islands Trust Conservancy may register a conservation covenant on title to land before a transfer, to ensure the protection of the land's ecological values, provided an appropriate agency can be found to hold the covenant, and the recipient agency has the legal authority to accept the encumbrance.

Section 3: Communication, Cooperation and Liaison

Communication

Islands Trust Conservancy board members and staff conduct activities in a manner that enhances Islands Trust Conservancy's reputation as an organization that works proactively, constructively and collaboratively to advance Islands Trust Conservancy Three-Year Plan.

Islands Trust Conservancy's land conservation negotiations are confidential and will be treated as such by all board members and staff of the Islands Trust Conservancy. Generally, information about on-going covenant and land donation projects will not be discussed or announced publicly until the project is complete, unless the project is associated with a development application, or the applicant has specified that the project may be discussed publically.

Collaboration

Islands Trust Conservancy works collaboratively with other agencies, First Nations and individuals to promote conservation in the Islands Trust Area. Staff and Board members participate regularly in partnerships with various levels of government, non-profit organizations, community groups and other agencies to further preservation of nature in the Islands Trust Area. Islands Trust Conservancy wishes to maintain good communications with First Nations and other agencies working in the region. The approach to First Nations engagement will be consistent with Islands Trust First Nations Engagement Principles Policy 6.1.1.

Advocacy

Islands Trust Conservancy will ensure that its advocacy positions are consistent with Islands Trust Conservancy Three-Year Plan and Islands Trust Advocacy Policy 6.10.3 and are supported by a resolution of the board. Advocacy letters from Islands Trust Conservancy to elected officials will be signed by a board member.

5. CONCLUSION

Guided by the Regional Conservation Plan, Islands Trust Conservancy will continue to pursue its mandate in accordance with its policies and in partnership with individuals, island communities and First Nations, as well as local, regional, provincial and national conservation and government agencies.

Islands Trust Conservancy will continue to strive for organizational excellence, and to eliminate barriers to its continued success. With excellent working relationships with the island-based and regional land trusts and strong connections to local and regional governments, the Islands Trust Conservancy is well positioned to take a lead role in the protection of the ecologically significant areas found in Canada's islands in the Salish Sea.

Islands Trust Conservancy looks forward to the next three years of conservation successes, inspired by the generosity and perseverance of our partners, collaborators and supporters, and the endless beauty of fragile island ecosystems.

APPENDIX A: List of Islands Trust Conservancy protected areas, by fiscal year

FISCAL YEAR	PROPERTY NAME	HECTARES PROTECTED	ISLAND	
1992-1993				
Nov. 1992	Scott Covenant Lands	1.00	Salt Spring	
Dec. 1992	Inner Island Nature Reserve	9.40	Denman	
Dec. 1992	Deep Ridge Nature Reserve	14.20	Salt Spring	
			Hectares Protected:	24.60
1993-1994				
Jun. 1993	Enchanted Forest Regional Park Covenant	4.20	South Pender	
Dec. 1993	Coats Millstone Nature Reserve	0.25	Gabriola	
Feb. 1994	Cunningham Covenant	12.17	Salt Spring	
Feb. 1994	Cyril Cunningham Nature Reserve	3.95	Salt Spring	
			Hectares Protected:	20.57
1995-1996				
Jun. 1995	Medicine Beach Nature Sanctuary	8.00	North Pender	
			Hectares Protected:	8.00
1996-1997				
Jun. 1996	Lower Mt. Erskine Nature Reserve	22.00	Salt Spring	
Mar. 1997	Tate Covenant	72.20	Salt Spring	
			Hectares Protected:	94.20
1997-1998				
Jan. 1998	Cable Bay Covenant	61.51	Galiano	
Jan. 1998	Kwel Nature Sanctuary	21.00	Lasqueti	
			Hectares Protected:	82.51
1998-1999				
Jun. 1998	South Winchelsea Island Covenant	10.28	South Winchelsea	
Mar. 1999	Reid Chapman Covenant	0.54	Gabriola	
Mar. 1999	Ledingham Covenant	1.10	North Pender	
			Hectares Protected:	11.92
1999-2000				
Jun. 1999	Retreat Island Covenant	1.60	Galiano	
Jul. 1999	McIntyre Covenant	1.20	Bowen	
Nov. 1999	Dennis Covenant	0.40	North Pender	
Dec. 1999	Singing Woods Nature Reserve	9.00	Bowen	
Dec. 1999	Terminal Creek Covenant North	0.30	Bowen	
Dec. 1999	Terminal Creek Covenant South	0.85	Bowen	
Jan. 2000	Brooks Point Regional Park Covenant	4.00	South Pender	
			Hectares Protected:	17.35

2000-2001

Dec. 2000	Floating Cattails Marsh Covenant	1.92	Saturna	
Dec. 2000	Strand-Dohan Covenant	0.52	Saturna	
Feb. 2001	Trincomali Nature Sanctuary	12.00	Galiano	
			Hectares Protected:	14.44

2001-2002

Jun. 2001	Lindsay Dickson Nature Reserve	52.40	Denman	
Jul. 2001	Green Frog Farm Covenant	24.30	Galiano	
Jul. 2001	Longini Covenant	8.00	Galiano	
Aug. 2001	Burnt Snag Covenant	6.60	Sidney	
Aug. 2001	Dragonfly Pond Covenant	4.40	Sidney	
Aug. 2001	Kingfisher Pond Covenant	1.40	Sidney	
Aug. 2001	Sandbanks Covenant	3.01	Sidney	
Aug. 2001	Sunrise Covenant	0.47	Sidney	
Aug. 2001	Windthrow Covenant	26.60	Sidney	
Aug. 2001	Woodpecker Pond Covenant	0.94	Sidney	
Oct. 2001	Lot 31 Covenant	67.43	Salt Spring	
Jan. 2002	Ruffed Grouse Covenant	11.5	Salt Spring	
Feb. 2002	Ruby Alton Nature Reserve	1.60	Salt Spring	
Feb. 2002	Horton Bayviary Nature Reserve	0.52	Mayne	
			Hectares Protected:	209.17

2002-2003

Aug. 2002	Keough Covenant	0.66	Salt Spring	
Sept. 2002	Where 'Ere You Walk Covenant	0.34	Salt Spring	
Dec. 2002	Winter Wren Wood Covenant	2.50	Denman	
Jan. 2003	Loretta's Wood Nature Reserve**	40.00	North Pender	-40.00
Mar. 2003	Manzanita Ridge Covenant	20.00	Salt Spring	
			Hectares Protected:	63.50

2003-2004

Dec. 2003	Cottonwood Creek Covenant	4.31	North Pender	
Dec. 2003	Treetop Covenant	10.22	Sidney	
Feb. 2004	Old Point Farm Covenant	8.89	Saturna	
			Hectares Protected:	23.42

2004-2005

May 2004	Laughlin Lake Covenant	11.00	Galiano	
May 2004	Sharp-tailed Snake Covenant	0.03	North Pender	
Jan. 2005	Brigade Bay Bluffs Nature Reserve	5.14	Gambier	
Jan. 2006	Long Bay Wetland Nature Reserve	38.00	Gambier	
			Hectares Protected:	54.17

**transfer of Loretta's Wood to Parks Canada, March 2005

2005-2006

Mar. 2005	Meadow Valley Covenant	1.40	Thetis
Nov. 2005	Bachmann Covenant	2.07	Gabriola
Oct. 2005	Shacum Covenant	4.00	Salt Spring
Oct. 2005	Walter Bay NAPTEP Covenant	2.38	Salt Spring
Oct. 2005	Owls Call NAPTEP Covenant	3.31	Salt Spring
Oct. 2005	Leader NAPTEP Covenant	1.80	Salt Spring
Oct. 2005	Arthur Lineham NAPTEP Covenant	23.69	Salt Spring
Dec. 2005	Mount Trematon Nature Reserve	57.87	Lasqueti
Jan. 2006	Morrison Marsh Nature Reserve	51.73	Denman
			Hectares Protected: 148.25

2006-2007

May 2006	Vogt Covenant	29.74	Salt Spring
May 2006	Elder Cedar (S'ul-hween X'pey) Nature Reserve	64.67	Gabriola
Jul. 2006	Little D'Arcy NAPTEP Covenant	8.15	North Pender LTA
Oct. 2006	Barrineau NAPTEP Covenant	1.76	Galiano
Nov. 2006	David Otter Nature Reserve	3.04	Bowen
			Hectares Protected: 107.36

2007-2008

Aug. 2007	Oscar's Landing Covenant	0.69	North Pender
Aug. 2007	Richardson NAPTEP Covenant	1.75	Salt Spring
Oct. 2007	My Whim NAPTEP Covenant	2.20	Salt Spring
Oct. 2007	Polden NAPTEP Covenant	3.39	Salt Spring
			Hectares Protected: 8.03

2008-2009

May. 2008	Mount Artaban Nature Reserve	107.00	Gambier
Oct. 2008	Wennanec NAPTEP Covenant	1.64	Salt Spring
Oct. 2008	Frog Haven NAPTEP Covenant	3.60	Salt Spring
Oct. 2008	Woodwinds NAPTEP Covenant	0.76	North Pender
Oct. 2008	Lot 16 NAPTEP Covenant	0.31	North Pender
Oct. 2008	Lot A NAPTEP Covenant	0.95	North Pender
			Hectares Protected: 114.26

2009-2010

Oct. 2009	Steil's Woods NAPTEP Covenant	1.49	North Pender
Nov. 2009	Westbourne NAPTEP Covenant	1.69	Galiano
Mar. 2010	McRae NAPTEP Covenant	7.37	Gabriola
			Hectares Protected: 10.55

2010-2011

Jul. 2012	Fairy Fen Nature Reserve	18.10	Bowen
Oct. 2010	Frog Song Forest Covenant	1.78	North Pender
			Hectares Protected: 19.88

2011-2012

Nov. 2011	John Osland Nature Reserve	66.37	Lasqueti
Aug. 2011	Lot 44 (Ogden Road)	0.76	North Pender
Dec. 2011	Great Beaver Swamp Covenant	10.20	Galiano
Sep. 2011	Lot 45 (Ogden Road) Covenant	0.86	North Pender
Oct. 2011	Lot 16 addition NAPTEP Covenant	0.18	North Pender
Oct. 2011	Garry Oaks NAPTEP Covenant	0.50	North Pender
			Hectares Protected: 78.87

2012-2013

Oct. 2012	Nighthawk Hill NAPTEP Covenant	0.91	North Pender
Oct. 2012	Myra Powers NAPTEP Covenant	4.69	Hornby
Oct. 2012	Valens Brook Nature Reserve	3.74	Denman
Dec. 2012	Laughlin Lake Nature Reserve addition	0.50	Galiano
			Hectares Protected: 9.84

2013-2014

Apr. 2013	Mount Tuam Covenant	13.40	Salt Spring
Apr. 2013	Vanilla Leaf Land Nature Reserve	40.50	Galiano
May 2013	Burren's Acres Nature Reserve	2.03	Gabriola
Sep. 2013	Stanley Point Covenant (Lot 21)	1.31	North Pender
			Hectares Protected: 57.24

2014-2015

Sep. 2014	Old Divide NAPTEP Covenant	0.81	Salt Spring
Oct. 2014	McFadden Creek Nature Sanctuary	5.09	Salt Spring
Feb. 2015	Goldenback Fern Covenant	0.29	Salt Spring
			Hectares Protected: 6.19

2015-2016

May 2015	Finlay Lake Covenant	6.73	Galiano
Oct. 2015	Wallace Point NAPTEP Covenant	1.63	North Pender
Nov. 2015	Clam Bay Farm Covenant	8.26	North Pender
			Hectares Protected: 16.62

2016-2017

Aug. 2016	Fischer Covenant	6.12	Hornby
Feb. 2017	Moore Hill Nature Reserve	21.04	Thetis
Mar. 2017	Isabella Point Covenant	2.15	Salt Spring
			Hectares Protected: 29.31

2017-2018

Sep. 2017	Settlement Lands Covenant	63.25	Denman
Jan. 2018	Fairyflipper Forest Nature Reserve	16.60	Thetis
			Hectares Protected: 79.85

2018-2019

Sep. 2018	Swift Family Link Island NAPTEP Covenant	19.30	Link	
Dec. 2018	Valens Brook Nature Reserve Addition	2.55	Denman	
				Hectares Protected: 21.85

2019-2020

Jul. 2019	Salish View Nature Reserve	11.47	Lasqueti	
				Hectares Protected: 11.47

2020-2021

Dec. 2020	Sandy Beach Nature Reserve	3.30	Keats	
Feb. 2021	Lisa Baile Nature Reserve	4.05	North Pender	
				Hectares Protected: 7.35

2021-2022

Jul. 2021	Earl Batista Covenant	0.86	Salt Spring	
Sep 2021	Saturnina Island Nature Sanctuary (Lease)	4.05	Saturnina	
Oct. 2021	Woodpecker Forest NAPTEP Covenant	3.73	North Pender	
Oct. 2021	Moss Mountain NAPTEP Covenant	45.43	Salt Spring	
				Hectares Protected: 54.07

2022-2023

April 2022	Link Island Nature Sanctuary	21.45	Link	
				Hectares Protected: 21.45

Total Hectares Protected: 1366.7

Notes: Properties called Nature Reserves or Nature Sanctuaries are owned or leased by Islands Trust Conservancy.

NAPTEP - Natural Area Protection Tax Exemption Program

APPENDIX B: Complete List of Islands Trust Conservancy Policies

BYLAW #2 [A Bylaw to Regulate the Meetings of the Islands Trust Conservancy Board and Committees of the Islands Trust Conservancy Board](#)

POLICIES Policies are online at islandstrust.bc.ca/about-us/accountability/policies/

SECTION 1 ORGANIZATIONAL

- 1.1 Islands Trust Conservancy Board Member Appointments, Reappointments and Elections
- 1.2 Board and Committee Elections
- 1.3 Islands Trust Conservancy Board Roles and Responsibilities
- 1.4 Board Standards of Conduct
- 1.5 Board Member Attendance and Participation and Member Removal
- 1.6 Annual Budget Submissions
- 1.7 Fundraising and Donations
- 1.9 Funds For Partnership Acquisition Projects Policy

SECTION 2 LAND TRANSACTIONS AND PROPERTY MANAGEMENT

- 2.1 Board Approval of Projects and Transactions
- 2.2 Assessing Conservation Proposals
- 2.3 Acquisition and Management of Land
- 2.4 Conservation Covenants
- 2.5 Natural Area Protection Tax Exemption Covenants
- 2.6 Heritage Forest Land Acquisition and Protection
- 2.7 Disposition of Land
- 2.8 Covenant Enforcement
- 2.9 Management Plan Costs

SECTION 3 COMMUNICATIONS, COOPERATION AND LIAISON

- 3.1 Islands Trust Conservancy and Local Planning Services Coordination
- 3.2 Communicating Information Regarding Covenant and Acquisition Projects
- 3.3 Relationships with External Groups
- 3.4 Islands Trust Conservancy Role in Partnership Acquisition Projects
- 3.5 Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Islands Trust Conservancy Board Matters
- 3.6 Research
- 3.7 Freedom of Information and Protection of Privacy – Routinely Released Information
- 3.8 Freedom of Information and Protection of Privacy
- 3.9 Freedom of Information and Protection of Privacy – Designation of Fees



DATE OF MEETING: September 6, 2022
 TO: Galiano Island Local Trust Committee
 FROM: Robert Kojima, Regional Planning Manager
 Southern Team
 COPY: Brad Smith, Island Planner
 SUBJECT: Delegation of Development Permits

RECOMMENDATION

1. **That the Galiano Island Local Trust Committee request staff to prepare a bylaw that would delegate the issuance of development permits to staff for the following development permit areas:**
 - a) **Galiano Island OCP Bylaw No. 108, 1995 Development Permit Areas 1 through 5, and Development Permit Area 7.**

REPORT SUMMARY

Local trust committees now have the authority to delegate issuance of development permits (DP) to staff. In June, Trust Council adopted a policy (attached) that provides guidance to local trust committees and staff in considering adopting a delegation bylaw and also requested that local trust committees consider adoption of delegation bylaws. This report reviews the Galiano Island Local Trust Committee development permit areas (DPA) based on the Trust Council policy criteria, and recommends that the LTC consider a bylaw to delegate issuance of certain development permits to staff.

BACKGROUND

Following requests to the Minister from Trust Council, recent amendments to the *Islands Trust Regulation* by the Minister have empowered local trust committees to delegate the issuance of development permits to staff. This authority has long been provided to other local governments in British Columbia, and was also a recommendation of the recent governance review and of previous Local Planning Services reviews. Delegation of the issuance of development permits to staff can be expected to improve efficiency, reduce the length of LTC agendas, reduce staff time spent on development permit applications, reduce processing times, and provide greater certainty for applicants.

Approval or refusal is based on adherence to guidelines, and supporting information in the form of reports can be required by bylaw. However, not all development permit areas may be suitable for delegation. The Trust Council policy provides criteria for the consideration of delegation by local trust committees, as well as policies directing staff in the implementation of delegation, and this report provides a review of the LTC's DPA based on the criteria in the policy and makes recommendations as to which DPA meet the criteria for consideration of delegation. The policy also states that staff should prioritize delegation bylaws for LTCs that support delegation of DPs to staff. If the LTC does not support delegation, the LTC should proceed no further and staff will focus on those LTCs that support delegation (see alternative 2 below for resolution wording).

Analysis

Staff have reviewed the LTC's DPA provisions, along with the recent history of applications, based on the policy criteria.

1. Volume of applications:

- a. 15 DP applications have been received over the past five years, only North Pender and Salt Spring had a larger volume of DP applications in the same period. These are broken down by DPA as follows:

Development Permit Area	Number of applications (2017 – 22)
DPA 1 – Riparian Areas	2*
DPA 2 - Shoreline and Marine	10
DPA 3 – Tree Cutting and Removal	1*
DPA 4 - Groundwater	
DPA 5 – Sensitive Ecosystems	3*
DPA 6 – Commercial and Industrial	2
DPA 7 – Steep Slope	
Total	*Includes permits for 2 or more DPA

The majority of DP applications were for work in the Shoreline and Marine DPA.

- b. Processing time for applications has generally been between 4 and 8 weeks from the moment a complete application is received until it can be first considered by the LTC (where applications take longer, typically applicants' reports are delayed, the application changes mid-stream, or the application is dependent upon another approval). Some applications were processed in as little as 2 weeks. The longer processing times generally result from the timing of the application not aligning with LTC meetings, new information being received, or when there are particularly high volumes and/or staff shortages. Consequently, delegating DPs would be expected to reduce processing times by eliminating the need for applications to be advanced to LTC agendas, and thus also eliminating the need to prepare staff reports for the LTC.
2. Date of adoption of Development Permit Areas:
 - a. DPA 4 (Groundwater) was adopted in 2014
 - b. All other DPA were adopted or updated in 2011 during the last OCP review.
 3. Development Approval Information Bylaw: There is a Development Approval Information Bylaw that establishes specific requirements for all DPA except the commercial and industrial form and character DPA (DPA 6).
 4. Professional Reports: Professional reports are required for all DPA except DPA 6 (Form and Character).
 5. Assessment of Guidelines: The Shoreline, Riparian and Sensitive Ecosystem DPA provisions have proven to be comprehensive, effective and objective. Staff have long used checklists to assess compliance with the guidelines, checklists are also provided to professionals to assist in addressing each relevant guideline in their reports. The guidelines for the Form and Character DPA are design oriented and while comprehensive, tend to call for an interpretation of the guidelines rather than based on clear criteria and professional recommendations.

Summary: staff consider that the issuance of DPs for all the Environmental and Hazard DPAs can be delegated to staff, the guidelines are comprehensive and relatively objective, staff have long been assessing compliance with guidelines against professional reports, and incorporating professionals' recommendations into DP conditions. However, applications for the Commercial and Industrial Form and Character DPA should continue to be considered by the LTC; while the guidelines are comprehensive, the more subjective interpretation of design-based guidelines, along with the sometimes high profile nature of these DPs, make staff reluctant to recommend delegation. Form and character DP applications have made up a small number of the DP applications over the last 5 years.

Timeline

A delegation bylaw is an administrative bylaw, requiring three readings, Executive Committee approval, and adoption by the LTC. If the LTC gives direction to proceed with a delegation bylaw staff will bring a draft bylaw, based on the model bylaw endorsed by Trust Council, to the next LTC meeting with a recommendation to give three readings and refer it to EC. If approved by the EC the LTC could adopt the bylaw at a subsequent meeting or by RWM.

Rationale for Recommendation

Trust Council has adopted a policy for delegation of development permits to staff and has requested LTCs consider adopting delegation bylaws. Delegation of DPs has been recommended in the governance review. Staff has prioritized the Galiano LTC's DPA for review and consideration of delegation based on the relative volume of applications and has assessed the DPAs to be appropriate for delegation with the exception of form and character DPs.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If the LTC requests information which requires a significant amount of staff time in analysis or community consultation, the bylaw should be added to the LTC's work program. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee request that staff report back to the LTC with the following information: .

2. Proceed no further

If the LTC does not support delegation of DPs, either in principle or based on a consideration of the DPA provisions, the LTC should resolve to proceed no further. If the decision is based on DPA being considered out of date or in need of review, the resolution could specify proceeding no further until such time as the DPA(s) in question have been reviewed and updated.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee proceed no further with consideration of the delegation of the issuance of development permits to staff.

3. Defer Consideration

The LTC may defer consideration, effectively directing that delegation be considered in the next term of the LTC.

That the Galiano Island Local Trust Committee defer consideration of the delegation of the issuance of development permits to staff and request that staff bring the report back to an agenda in the new term.

NEXT STEPS

If direction to proceed is given, staff will prepare the draft delegation bylaw for consideration of three readings.

Submitted By:	Robert Kojima, Regional Planning Manager	August 19, 2022
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ATTACHMENTS

1. Trust Council Policy – Delegation of Land Use Permits



Policy:	
Approved By:	
Approval Date:	
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

Delegation of Land Use Permits

Purpose

To provide policy for local trust committee consideration of the delegation of the power to issue certain land use permits to staff

Principles

1. Local trust committee delegation of the issuance of development permits to staff is intended to improve overall efficiency, reduce the number of items on local trust committee agendas and streamline processing of permits.
2. Delegation may be warranted as the scope of determining the approval or refusal of permits is determined by consistency with guidelines adopted by local trust committees.
3. Delegation of the power to issue development permits to staff has been recommended by external reviews, and amendments to the *Islands Trust Regulation* now provide local trust committees with the authority to delegate the issuance of development permits to staff.
4. The delegation of the issuance of development permits to staff by local trust committees should only be implemented where development permit area provisions are consistent with the criteria outlined in this policy.
5. The delegation of the power to issue minor development variance permits to staff may be considered by future amendment of this policy and amendment of delegation bylaws.

A. Definitions

B. Policy

1. Delegation by Bylaw

- 1.1 Delegation of the power to issue development permits may only be implemented by the adoption of a delegation bylaw by a local trust committee.
- 1.2 Delegation bylaws adopted by local trust committees should be substantially consistent with the bylaw template attached to this policy.
- 1.3 A delegation bylaw should only delegate the power to issue permits to staff for development permit areas (DPA) that meet the criteria outlined in this policy.

- 1.4 A delegation bylaw should only delegate the authority to issue permits to the Director and in his or her absence to Regional Planning Managers.
 - 1.5 The staff person reviewing the application shall not also approve or refuse the permit.
 - 1.6 A delegation bylaw should not delegate authority to issue form and character development permits except where a local trust committee considers the guidelines to be sufficiently objective.
 - 1.7 A delegation bylaw should not delegate permits requiring variances unless the local trust committee has also delegated the issuance of minor development variance permits to staff.
 - 1.8 The bylaw must include the opportunity for the owner of the land subject to the decision to have the local trust committee reconsider the decision.
- 2 Local trust committees should only consider delegation of issuance of permits to staff for development permit areas that meet the following criteria:
 - 2.1 The development permit area provisions are relatively current.
 - 2.2 A development approval information bylaw has been adopted, or the application requirements are equivalent (e.g. a DPA enacted consistent with the *Riparian Area Protection Regulation* or geo-technical hazard area DPA).
 - 2.3 Professional reports can be required to provide an assessment of impacts and to recommend measures that can be included as conditions of a permit.
 - 2.4 Guidelines have been assessed by staff to be relatively thorough, clear, current and certain.
- 3 Local Planning Services staff should prioritize drafting of delegation bylaws for:
 - 3.1 Local trust committees that have indicated support for delegation.
 - 3.2 Local trust committees that receive higher volumes of permit applications.
- 4 Local Planning Services shall implement the following procedures where delegation has been authorized by a local trust committee bylaw:
 - 4.1 Checklists for compliance or non-compliance with guidelines for each DPA shall be prepared prior to implementing delegation.
 - 4.2 The local trust committee shall be provided with a copy of permit applications and copied on the decision to issue or to refuse a permit.

- 4.3 Where the planner reviewing the application determines that the application does not comply with one or more of the guidelines, applicants shall be provided with advice as to why the application does not comply and shall be given the opportunity to revise the application before a decision to issue or refuse the application is made.
- 4.4 The planner reviewing an application shall provide the checklist, draft permit and a written recommendation with reasons to the Director or Regional Planning Manager prior to the delegate making a decision to approve or refuse issuance of a permit.
- 4.5 Where the Director or Regional Planning Manager determines that an application is contrary to one or more of the guidelines, the application shall be refused unless the delegate is satisfied that the permit would be consistent with the overall objectives of the development permit area, that the non-compliance is minor, and that compliance with the guideline would result in the application being contrary to other, more relevant guidelines.
- 4.6 If issuance of a permit is refused, the owner of the subject property shall be provided written reasons for the refusal and informed of the opportunity to request a reconsideration by the local trust committee.
- 4.7 The Director may recommend that an applicant for a refused permit apply for reconsideration by the local trust committee.
- 4.8 Procedures for reconsideration, consistent with the bylaw, shall be established by the Director.

C. Legislated References

Local Government Act sections 229 [delegation of authority], 230 [bylaw required for delegation], 232 [reconsideration of delegate's decision] 490(5) [development permits: general authority] and 498.1 [delegation of power to issue development variance permit].

BC Reg 119/90 as amended by *B.C. Reg 275/21* [delegation of authority]

D. Attachments:

a. Delegation Bylaw Template

ATTACHMENT A
Delegation Bylaw Template

_____ ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. xxx, 20xx

A bylaw of the _____ Island Local Trust Committee to Delegate the Power to Issue Certain Land Use Permits

The _____ Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the _____ Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as “_____ Island Local Trust Committee Delegation Bylaw No. XXX, 20XX”.

DEFINITIONS

2. In this bylaw:

“**Act**” means the Local Government Act.

“**Local Trust Committee**” means the _____ Island Local Trust Committee.

“**Director**” means the Director of Local Planning Services.

“**Regional Planning Manager**” means the Manager assigned to the Local Trust Committee.

DELEGATION

3. The Local Trust Committee hereby delegates to the Director, or in his or her absence the Regional Planning Manager, the power to issue a development permit or a development permit amendment under Section 490 of the Act in respect of development permits issued within the following development permit areas:
 - a. Development Permit Area X;
4. The delegation under Section 3 does not include the authority to vary or supplement a land use regulation or a subdivision regulation.
5. The Director, or in his or her absence the Regional Planning Manager, is also delegated the power to require, under Section 502 of the Act, an applicant to provide security in an amount stated in the Permit by way of an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Director.
6. The amount of security to be provided under Section 502 of the Act, in relation to a development permit issued by the delegate, shall be 125% of the cost of site restoration, landscaping, remediation of damage to the natural environment or improvements including materials and installation, as determined by a professional landscape architect, a nurseryperson,

a landscape contractor, a habitat biologist, or another person approved by the Director to provide.

7. For clarity, a person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

RECONSIDERATION

8. An applicant may have a decision of the delegate in relation to a permit reconsidered by the Local Trust Committee by submitting a written request for reconsideration to the Deputy Secretary within thirty days after the decision is delivered to or made available to the applicant.
9. The request for reconsideration must include the following:
 - a. the applicant's address for receiving correspondence related to the request for reconsideration;
 - b. a copy of the written decision;
 - c. reasons why the applicant wishes the decision to be reconsidered by the Local Trust Committee;
 - d. the decision which the applicant requests be made by the Local Trust Committee;
 - e. reasons in support of the decision requested from the Local Trust Committee; and
 - f. a copy of any documents which support the applicant's request for reconsideration by the Local Trust Committee.
10. Each reconsideration request shall be placed on the agenda of a regular Local Trust Committee meeting and shall include a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered and any further materials delivered by the owner.
11. The Local Trust Committee may consider any presentations made by the applicant and may either:
 - a. confirm all or part of the delegate's decision,
 - b. set aside all or part of the delegate's decision; or
 - c. amend the delegate's decision or make a new decision.

SCOPE OF BYLAW

12. For clarity, subject to the *Act*, unless a power, duty or function of the Local Trust Committee has been expressly delegated by this Bylaw or another bylaw, all of the powers, duties and functions of the Local Trust Committee remain with the Local Trust Committee.

READ A FIRST TIME THIS _____TH DAY OF _____, 20XX.

