



ADOPTED

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: March 21, 2017
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present Laura Busheikin, Chair
Sandy Pottle, Local Trustee
George Harris, Local Trustee

Staff Present Rob Milne, Islands Planner
Colleen Doty, Recorder
Fiona MacRaid, Senior Intergovernmental Policy Advisor

Others Present Approximately 15 members of the public and no media

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:05 am. She acknowledged the meeting was being held in territory of the Coast Salish First Nations. Introductions were made.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Rezoning application guidelines and practices added as New Business Item 13.2.
- Electronic meetings added as New Business Item 13.3.
- C2C (Community to Community) grant added as New Business Item 13.4.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Stephen Rybak inquired as to whether the current regulatory regime respecting private docks needed improvement and asked what was broken with the process.

Trustee Pottle provided some background, explaining there had been conflicts between property owners about docks, such as the orientation of docks. Many difficulties had been brought before the Local Trust Committee (LTC). Foreshore is Crown land which involves aboriginal rights and title. In Sechelt the government declared a moratorium on docks because of FN interests; as Crown land, foreshore necessarily comes under the Tsilhqot'in decision (William, SCC 2014).

Louise Decario was pleased that New Business Item 13.2 (rezoning process) was added to the agenda. She noted planners should be getting direction from LTC before drafting bylaws and not the other way around. She was concerned that more conflict was unnecessarily being created. With respect to the dock review, she wanted her views presented to the planners, yet they were not present. She found the 11am start to meetings difficult. She asked how best to could get her views to the planners.

Chair Busheikin agreed the meeting time was not ideal. Chair Busheikin stated that the LTC provides direction to staff, and indicated that comments about the dock review would be presented to the planners.

Trustee Pottle noted that draft bylaws should be contained in the final staff report. She agreed that having draft bylaws up front causes conflict.

Louise Decario noted the Galiano Conservancy Association application was delayed by a month because they did not see the staff report until it was in the package. She indicated support for a dock review process because there have been problems. She referenced the north end dock conflict between neighbours which happened beside a community dock. Eelgrass habitat was affected. Because of the way the bylaws were written, the LTC could not do anything about that conflict. With regard to the recent dock survey, Ms. Decario noted that 66% respondents were water-front owners or outer-island residents where the need for a dock is more pressing than having docks along the waterfront on Galiano. She stressed the importance of considering shared docks or community docks.

Trustee Pottle referred to the Islands Trust report entitled "Community and Shared Docks, Case Studies from the BC Coast" by Jason Youmans, available at: <http://www.islandstrust.bc.ca/media/223034/Community%20Dock%20Report%20Final%20-%20July%202025.pdf>

Ms. Decario supported sending dock applications to FLNRO (Ministry of Forest, Lands, and Natural Resource Operations) and First Nations right away, before draft bylaws are prepared.

Trustee Pottle referred to a *Vancouver Sun* article about the Guy-Cerezin controversy: "Gulf Island Dwellers hope to stop Giant Docks" (February 6, 2015), and also cited issues around a dock project by Chip Wilson at Middlepoint Bight, Sunshine Coast. Trustee Pottle said she would forward approximately six articles about docks.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated March 6, 2017 (for Adoption)

The following amendments were presented for consideration:

- Page 10 of package, page 8 of minutes in section 12.1.1, delete Stockdill “recommended only having” and replace with “...noted staff can usually only work on...”

-Page 12 of package, page 10 of minutes, section 13.1: Delete “Staff are requested” and replace with “FLNRO is being requested by the Islands Trust Chair...”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report

none

Planners arrived at 11:45am.

6.3 Advisory Planning Commission Minutes (for Receipt)

6.3.1 Galiano Island Special APC Minutes Dated February 7 & 28, 2017

Minutes were received.

It was noted that the SAPC Report was now being looked at by Hornby Island which has an antennae/tower proposal before it.

Stephen Rybak, Chair of the former SAPC, noted a helpful report by BC Centre for Disease Control dated April 2016, citing a two-year review of radio-frequencies and health issues for the benefit of Hornby’s LTC. He felt the report would have addressed some outstanding issues within their own committee. Mr. Rybak stated he would send the link to the LTC. The report concluded that research on health concerns has not been replicated and while concerns are still outstanding, current safety standards were deemed adequate.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated March 2017

Planner Milne provided an overview. Information as provided.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

none

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Dock Review - Staff Report

Planner Milne provided an overview. Chair Busheikin summarized comments from the earlier Town Hall. There was agreement that the LTC's role with respect to receiving applications for docks needed clarifying. Senior Intergovernmental Policy Advisor MacRaild noted that Islands Trust staff and FLNRO would begin meeting the following day on many issues, dock tenure being one of them.

There was discussion and consensus about using the Dock Project as an opportunity to begin having a conversation with First Nations, the Penelakut as a first priority, about the use and impact of development in specific areas. A declaration of shoreline protection areas could be something to work toward. A community-to-community meeting could be held to articulate a meaningful framework of priorities and help bring in other Hul'qumi'num people, before draft bylaws would be proposed.

Trustee Pottle noted the LTC provided staff direction in June 2016 to initiate consultations with First Nations.

GL-2017-014

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee request staff to organize a meeting with the Penelakut tribe to discuss the current dock review project being undertaken by Galiano Island Local Trust Committee.

CARRIED

There was further discussion with respect to:

- Having early consultation with FNs and FLNRO.
- Recommendation 1.c) was considered problematic and unfavourable to the LTC.
- Senior Intergovernmental Policy Advisor MacRaild would advise FLNRO of LTC's concerns.
- Concern about significantly amending the charter.
- Concern about assuming there will be changes to the way docks are regulated.
- Lasqueti Island experience, whereby a basket of regulatory tools were prioritized. It was noted that tools may be more appropriate in certain contexts than others: some regulatory, some advocacy-related.

GL-2017-015

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee amend bullet three of the Dock Review project charter to read as follows:

- *To consider the need for potential regulatory changes to restrict private docks.*

CARRIED

GL-2017-016

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee revise the Dock Review project charter as follows:

Amend the project charter "Purpose" to read as follows:

To consider amendments to the OCP and LUB to regulate private docks on Galiano Island while at the same time recognizing that private docks are a near necessity of life for residents of the associated islands and water access only neighbourhoods.

CARRIED

The consensus was to wait until the LTC hears from First Nations and FLNRO before scheduling an Open House and Community Information Meeting.

GL-2017-017

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee revise the Discussion Paper to include an analysis of "Community and Shared Docks, Case Studies from the BC Coast" by Jason Youmans.

CARRIED

It was noted that Community docks will require access by the neighbours. There will be easements, covenants, liability, and other technical issues to sort out.

A break was called at 1:00pm.

The meeting reconvened at 1:19pm.

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated March 2017

With respect to the telecommunications strategy, it was noted that a staff report would follow, commenting on recommendations, possible alternatives, and potential bylaw considerations.

12.1.2 Projects List Report Dated March 2017

One of the recommendations is to review the Affordable Housing Tool kit. When staff have capacity, a report will be provided.

12.2 Applications Report Dated March 2017 (attached)

As provided.

12.3 Trustee and Local Expense Report

none

12.4 Adopted Policies and Standing Resolutions (attached)

As provided.

12.5 Local Trust Committee Webpage

No comments.

12.6 Chair's Report

Chair Busheikin noted Trust Council approved the budget. The presentations on archaeology and the role of the trustee were helpful and thoughtful. Staff have been asked to follow up with FLNRO.

12.7 Trustee Report

Trustee Harris noted that office hours have been quiet. He reported that the Salt Spring Island incorporation vote is now scheduled for September 9, 2017.

Trustee Pottle noted the zero-percent increase in the recently-approved budget. With respect to the Islands Trust preserve and protect mandate versus a notion about constituents' interests, she would like to see the mandate promoted in a much more visible way.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

13.1 First Nations Presentation - Fiona MacRaid

Intergovernmental Policy Advisor MacRaid presented "37 First Nations and the Gulf Islands", noting there are currently 37 First Nations who have asserted aboriginal rights and title, or treaty rights, to the Gulf Islands. This is the most overlapping/complex area in Canada. Her presentation, covering the history of the region, is available online at: <http://www.islandstrust.bc.ca/media/342432/37-first-nations-and-the-gulf-islands-fm1-1.pdf>

13.2 Rezoning guidelines

There was extensive discussion about when draft bylaws are presented in a rezoning application. Reference was made to Trust Council agenda package, Role of Trustee, section 15.1, page 291, and Procedural Fairness Policy, table on page. 294, section 5.4.ii). This guideline for applicants lays out a process to support the rules of procedural fairness and natural justice that are recognized in administrative case law. Concern was expressed about how draft bylaws for the Galiano LTC are often presented at the outset of a rezoning process. When draft bylaws are presented up front to the applicant, the applicant can feel disgruntled if the LTC decides to take another direction. Planners can be seen to be facilitators of the applicants, but allied against Trustees. It was noted how options presented by planners include draft bylaws.

The LTC discussed how best to align policy with practice. Points discussed included:

- One drawback of leaving the bylaws until the end of the process is that there might not be enough time for community to thoughtfully consider draft bylaws.
- The LTC has the ability and authority to create the processes they feel work for our community.
- LTC directs staff as to specific actions.
- LTC could have a standing resolution that bylaws for applications not be drafted until instruction comes from LTC.
- LTC should give detailed explicit instruction to Planners to provide draft bylaws.
- How does the community have a chance to comment on draft bylaws?
- The timing of when bylaws are drafted is a balancing act. If one does not have draft bylaws, people speak to things not being proposed.
- There's not one size fits all. Draft bylaws done at the appropriate time can focus the conversation.
- Process is application-oriented.
- Bylaws should be drafted once the LTC has had time to consider the application.
- Bylaws don't necessarily have to have been drafted by the time one has a CIM.
- As to when something goes to APC depends on the LTC. The Galiano Conservancy application was used as an example of how the LTC will wait to see what the planners propose before considering giving direction to the APC.

13.3 Electronic Meetings

It was noted that an enabling bylaw is required to authorize electronic meetings. There are associated guidelines and best practices.

GL-2017-018

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee ask staff to look into legalities of what is involved in having electronic meetings for the Local Trust Committee and Advisory Planning Commission meetings.

CARRIED

There was agreement that this would be more of a follow-up action item. Reference was made to an LTC electronic meetings bylaw for Lasqueti which might be used as a template for the Galiano LTC.

13.4 Possible C2C Application

GL-2017-019

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee ask staff to pursue a Community-to-Community grant to facilitate further First Nations' relationship building.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for April 3, 2017, at the South Community Hall, Galiano Island

12:30 start time.

15. TOWN HALL

Stephen Rybak noted that, for the SAPC, which has its own meeting guidelines, he had looked into how one conducts online meetings, for he had considered ways of dealing with expenses and other constraints. He wondered to what extent the LTC might have looked into online meetings.

Chair Busheikin noted that e-meetings include online and/or by phone. Fairness and accessibility has to be maintained.

Roger Pettit asked how much funding the Islands Trust gets from the province every year.

Trustee Harris noted the grant was approximately 2.9%.

Roger Pettit supported representation according to the degree of financial support.

Debbie Holmes stated that the province needs to continually be lobbied for more funds to support the Islands Trust. She indicated the grant has not increased for 17 years. The province created the mandate that is making the Islands Trust more valuable. She stated that this needed Executive Committee (EC) attention.

Chair Busheikin indicated the EC was aware of this and would like more support.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:01 pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder