



ADOPTED

Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: March 14, 2023
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island BC

Members Present: Tim Peterson, Chair
Ben Mabberley, Trustee
Lisa Gauvreau, Trustee

Staff Present: Kim Stockdill, Island Planner
Narissa Chadwick, Island Planner (electronic)
William Shulba, Senior Freshwater Specialist (electronic)
Warren Dingman, Bylaw Enforcement and Compliance Manager (electronic)
Robin Ellchuk, Recorder (electronic)

Others Present: Paul Brent, Southern Gulf Islands Electoral Area Director

These minutes follow the order of the agenda, although the sequence may have varied. The electronic meeting was live-streamed, recorded, and made available for electronic public attendance.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

12.1 Three pieces of correspondence from Tahirih Rockafella.

By general consent, the agenda was approved as amended.

3. TRUSTEE REPORTS

Trustee Gauvreau thanked staff for preparing the agenda package and presented the following highlights from the March 7-9, 2023 Trust Council. The 2023-24 budget was approved. It was a challenging budget year, as the Province negotiated new collective agreements that resulted in salary increases and the Islands Trust is affected by high inflation and staffing shortages. Trust Council established a new Accessibility Committee to address new Provincial regulations. Trust Council established a Reconciliation Learning Group to develop positive, productive relationships with First Nations Leaders. An anticipated outcome will be to update the Reconciliation Action

Plan; and Trust Council requested a BC Ombudsman review of bylaw enforcement practices to seek advice on best practices and policies.

Trustee Maberley welcomed everyone to the meeting and reported he attended the Southern Gulf Islands Forum on March 13, 2023 on housing issues, commercial businesses and freighter anchorages.

Trustee Maberley presented the following highlights from the March 7-9, 2023 Trust Council:

- Acknowledged the Financial Planning Committee for their work to keep the 2023-24 budget increase as low as possible, and reported the Financial Planning Committee will review the budget process and make recommendations on the process going forward;
- Trust Council requested a BC Ombudsman review of bylaw enforcement practices to seek advice on best practices and policies;
- Trust Council withdrew the request for tree cutting authority; and Trust Council heard a delegation on Human Rights for Housing was impactful.

4. CHAIR'S REPORT

Chair Peterson presented the following highlights from the March 7-9, 2023 Trust Council:

- The Governance Committee will develop a strategic and financial plan for the four-year term;
- The Islands Trust Policy Statement Amendment project was advanced with a reduced budget that includes a 6-month public engagement process; and
- Trust Council appointed a representative to the Department of Fisheries and Oceans (DFO) Aquaculture Advisory Committee.

5. ELECTORAL AREA DIRECTOR'S REPORT

CRD Director Brent reported the CRD, Islands Trust and MLA Adam Olsen are working together to address housing and employment issues within the Southern Gulf Islands. Director Brent expressed support to work together to support communities and reduce government legislative barriers.

6. TOWN HALL AND QUESTIONS

Chair Peterson opened the town hall at 1:16 p.m.

A resident of Wise Island thanked staff for the staff report regarding Wise Island Bylaw Enforcement (item 17.3), expressed concern that solar panels cannot be located within the 7.5 meter setback from the sea and suggested that going through a Development Variance Permit process to comply with unworkable setbacks is cost prohibitive for property owners. The member of the public expressed concern for the costs spent on bylaw enforcement staff time, spoke to the low environmental impacts and necessity of solar panels on Wise Island, including that it is more environmentally impactful to remove trees to increase the light to solar panels than it is to locate solar panels within the setback. The member of the public asked the LTC to adopt the alternative recommendation in the staff report and asked the LTC to refer the

Gambier Island Local Trust Committee Bylaw No. 114 for Passage Island to the APC, to consider whether it could be used as a template for a Wise Island Bylaw Review.

A member of the public expressed concerns regarding a Trustee introducing a motion and then recusing himself for the discussion. The member of the public suggested the LTC follow staff advice regarding replacement of standing resolutions including an assessment of consistency and resource impacts.

Chair Peterson advised it is each Trustee's responsibility to declare a conflict of interest for a real or perceived conflict of interest.

A member of the public read a statement on behalf of a resident stating that the Groundwater Sustainability Bylaw should be stopped, as elevated preferential recharge areas are critical and all the large storage lots need to be protected. Most of Galiano Island has no critical recharge areas due to light maximum population density and absent population issues, and the regulation of tree cutting would take advantage of public concern over water supply and include collection of application fees. Most elevated recharge areas on Galiano Island are overstocked second-growth Douglas fir trees that require selective thinning to reduce fire risk and increase groundwater recharge. The member of the public expressed support for regulation of groundwater, although not the proposed approach.

A member of the public expressed concerns for capitalistic society impacts. The member of the public expressed support for environmental sensitivity, resilient husbandry and risk mitigation are new expectations and have costs. The limitation of the use of land is the power of zoning. Sustainability of humanity is dependent on the health of the biosphere. There are eight bylaw enforcement files in the forestry lot properties. The member of the public expressed that the community expects cooperation with the Official Community Plan (OCP), including a durable two-way roadway, clustered housing and environmental sensitivity within the Forest lot areas. The member of the public asked whether Trustees are supporting the OCP or individual property owners and interest groups. The member of the public expressed concerns that private roads leading to forest estates, mixed zone developments like Crystal Mountain and firefighters carrying keys to gates are not in the OCP. The member of the public expressed that is not the job of a Trustee to provide affordable housing or reconcile the injustice of a colonial history and asked the LTC to support the OCP. The member of the public suggested the LTC to look into the Short-Term Vacation Rentals that are still running with expired Temporary Use Permits.

A member of the public spoke to the 2023-24 budget and expressed concern that the increase is not sufficient to support the services and staff support that are needed. The member of the public suggested that notice of motions should not be included in the Trustee reports on the website, as it can be confusing for the public. The member of the public expressed support for the Groundwater Implementation Project, although recommended removal of clause p) "Land owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage". The member of the public advised tree cutting is allowed in the proposed Groundwater Implementation Project bylaws although the property owner needs to have a plan.

A member of the public expressed concerns regarding transparency and process, including Trustee Mabblerley presenting significant new business items at the beginning of the last two regular business meetings. The member of the public expressed concerns regarding deferral of

bylaw enforcement on Wise Island, including protection of sensitive eco-systems, and asked the LTC to refrain from spending funds on a limited project such as a Wise Island Bylaw Review Project. The member of the public expressed support for a Coastal Douglas-fir Ecosystems Project and the Groundwater Implementation Project. The member of the public expressed concerns regarding Trust Council's decision to withdraw the request to the Province for tree cutting authority and welcomed each Trustee to provide their rationale on the decision.

A member of the public welcomed Chair Peterson and staff, expressed support for arts and culture and suggested the LTC waive the Yellowhouse Art Centre Society application fee (GL-DVP-2023.1).

Chair Peterson reported Executive Committee agreed to refund 100% of the Yellowhouse Art Centre Society Temporary Use application fee.

A member of the public asked how the Groundwater Implementation Project regulations would impact his property and expressed support for emergency access through the old Haul logging road.

Planner Stockdill reported Planner Chadwick would be able to answer the question later in the meeting.

A member of the public asked why the community forest is excluded from protection in the proposed Groundwater Implementation Project bylaws, and stated that the community forest is a significant groundwater recharge area that is being considered for a high-density residential development. The member of the public asked for clarification regarding a statutory right of way on Lot B in the Crystal Mountain application and asked why the matter was not addressed earlier in the application process. The member of the public expressed support for a clear and fair bylaw enforcement program.

Planner Stockdill advised Planner Smith will add information regarding the statutory right of way on Lot B in the Crystal Mountain application to the website. Securing an emergency access was a condition of the Crystal Mountain rezoning application.

A member of the public suggested that the Notice of Motion regarding Standing Resolution GL-2019-053 be amended to replace "Indigenous organizations" with "knowledge holders" to be more inclusive of indigenous community members with proven connection to the lands and waters. The member of the public asked for clarification regarding item f "Direct staff not to take enforcement action against any Indigenous peoples in regards to their traditional inherent rights", and stated that this item would serve a small portion of community members and would not preserve our land and waters for future generations. The member of the public thanked staff for including her in the Groundwater Implementation Project roundtable, and recommended removal of clause p) "Land owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage", as it would not serve Indigenous communities but would serve interests of individual property owners.

A member of the public spoke to item 17.1 Mayne LTC request regarding Siting and Use Permit Option and expressed concerns that the circumstances are not applicable to Galiano Island. The member of the public asked the LTC to refer Hornby Island Bylaw No. 128 regarding siting and use permits to the Galiano Island Advisory Planning Commission to see if it is applicable to Galiano Island.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Minutes Dated February 7, 2023

The following items were presented for consideration:

- Item 6 – Replace “A member of the public asked for an update regarding a recent court case regarding herring fishery brought forward by Galiano residents. Trustee Mabberley advised the herring case is finished and residents are waiting for a decision from the court.” with “A member of the public asked for an update regarding a recent court case brought forward by Galiano residents. Trustee Mabberley advised the case is finished and residents are waiting for a decision from the court.”
- Item 6 – Replace “Trustee Mabberley spoke to the need for affordable housing on Galiano Island and advised he would declare conflict of interest regarding the notice of motion for Bylaw Enforcement on Unlawful Dwellings.” with “Trustee Mabberley spoke to the need for affordable housing on Galiano Island and advised he would recuse himself for the notice of motion for Bylaw Enforcement on Unlawful Dwellings.”
- Item 17 – Replace “Trustee Mabberley declared conflict of interest with item 17.1 - Deferred Enforcement on Unlawful Dwellings and left the meeting at 2:50 p.m.” with “Trustee Mabberley recused himself for item 17.1 - Deferred Enforcement on Unlawful Dwellings and left the meeting at 2:50 p.m.”

By general consent, the Local Trust Committee meeting minutes of February 7, 2023 were adopted, as amended.

9.2 Section 26 Resolutions Without Meeting Report - None

9.3 Advisory Planning Commission Minutes – None

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List Dated February 2023

Staff noted the Follow-up Action List is not in the agenda package and would be added to the agenda package on the website.

11. DELEGATIONS - None

12. CORRESPONDENCE

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

- 12.1 Three pieces of correspondence from Tahirih Rockafella.

13. MEETING BREAK - COMMUNITY UPDATE – None

14. APPLICATIONS AND REFERRALS

14.1 GL-TUP-2023.1 and GL-DVP-2023.1 (Parfitt) - Staff Report

Planner Stockdill presented a staff report dated March 7, 2023 regarding a Temporary Use Permit (TUP) and a Development Variance Permit (DVP) to temporarily legalize the use of a Community Art Centre, to permit the use of short-term guest accommodation for artists, and to legalize the siting of existing structures on the subject property.

Representatives of the Yellowhouse Art Centre Society spoke to the application.

A member of the public submitted two additional items of correspondence.

GL-2023-006

It was Moved and Seconded,

That the Galiano Island Local Trust Committee amend draft Temporary Use Permit GL-TUP-2023.1 (Parfitt), as shown in Figure 3 of this staff report by the addition of the following:

- a. Construction of a fence along the south-eastern edge of the property to shield visual and noise impacts from the stage area prior to issuance of a Temporary Use Permit renewal application; and
- b. Placement of individual fence panels in between existing structures along southern lot line to shield visual and noise impacts from the stage area prior to issuance of a Temporary Use Permit renewal application.

CARRIED

GL-2023-007

It was Moved and Seconded,

That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2023.1 (Parfitt) for a period of three (3) years, as amended.

CARRIED

GL-2023-008

It was Moved and Seconded,

That the Galiano Island Local Trust Committee approve issuance of GL-DVP-2023.1 (Parfitt).

CARRIED

The meeting recessed for a 5-minute break.

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Groundwater Implementation Project - Staff Report

Planner Chadwick presented a staff report dated March 7, 2023 regarding the

Groundwater Sustainability Implementation Project. In discussion the following items were noted:

- Planner Stockdill presented a town hall question regarding why the Community Forest is an excluded area. Planner Chadwick advised the Community Forest property is excluded due to a covenant on the property.
- Planner Stockdill presented a town hall question regarding how the proposed Development Permit Area would affect existing water licenses. Freshwater Specialist Shulba advised that water licences are considered a point of diversion and the proposed DPA would not impact user access or right to water. The DPA would provide protections of surrounding recharge areas that supply water for groundwater licenses and/or surface water licenses. Planner Chadwick advised there would be no negative impacts to water license holders.
- A Trustee spoke to a town hall submission regarding the term “critical”. Freshwater Specialist Shulba advised the term “critical aquifer recharge area” is based on a State of Washington regulatory structure and speaks to contamination due to agricultural practices and degradation of recharge. The Galiano Island Groundwater Sustainability Implementation Project supports sensitive eco-systems, wetlands and forests. Specialist Shulba agreed that densely planted young, unmanaged second growth forest does not promote groundwater recharge as a sustainably managed forest.
- Trustees spoke to Development Permit Exemption item p) “Land owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage” and it was noted that more information is needed. Staff can report back with implications, challenges and opportunities.

GL-2023-009

It was Moved and Seconded,

That the Galiano Island Local Trust Committee request legal advice regarding whether inclusion of Development Permit Exemption section p) “Land owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage.” aligns with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Declaration on the Rights of Indigenous Peoples Act (DRIPA), the Islands Trust Act, the Local Government Act and the BC Land Title Act.

CARRIED

GL-2023-010

It was Moved and Seconded,

That the Galiano Island Local Trust Committee Bylaw No.283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be read for the first time.

CARRIED

GL-2023-011

It was Moved and Seconded,

That the Galiano Island Local Trust Committee Bylaw No. 284 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be read for the first time.

CARRIED

GL-2023-012

It was Moved and Seconded,

That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” and Bylaw No. 284 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GL-2023-013

It was Moved and Seconded,

That the Galiano Island Local Trust Committee request staff schedule a public hearing for Bylaws No. 283 and 284.

CARRIED

16. REPORTS

16.1 Work Program Reports

16.1.1 Active Projects Report Dated February 2023

Received for information.

16.1.2 Future Projects Report Dated February 2023

Received for information.

16.2 Applications Report Dated March 2023

Received for information.

16.3 Trustee and Local Expense Report Dated January 2023

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage - None

16.6 Islands Trust Conservancy Report Dated January 2023

Received for information.

17. NEW BUSINESS

17.1 Mayne LTC request regarding Siting and Use Permit Option

An email received from D. Maude dated January 31, 2023 regarding siting and use was presented.

GL-2023-014

It was Moved and Seconded,

That the Galiano Island Local Trust Committee task the Galiano Island Advisory Planning Commission to investigate siting and use options in relation to Galiano Island.

CARRIED

17.2 Notice of Motion to Replace Standing Resolution 2019-053

GL-2023-015

It was Moved and Seconded,

That the Galiano Island Local Trust Committee seek to engage in reconciliation with local First Nations, governments and island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, the United Nations Declaration on Rights of Indigenous Peoples, draft principles that guide the Province of British Columbia's relationship with Indigenous Peoples and Islands Trust First Nations engagement principles. The Galiano Island Local Trust Committee endeavour to:

- a. Annually write a letter to all First Nations knowledge holders 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 local First Nations and knowledge holders to attend meetings, as well as provide a traditional welcome to the Territory if they would like;
- c. Work with Local First Nations Governments and knowledge holders on cooperative initiatives, including but 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 Local First Nation Governments and knowledge holders on engagement principles for inclusive land use, marine use and climate change planning advocacy, protection and stewardship and knowledge and information sharing protocols; and
- e. Establish and maintain government to government dialogue with Local First Nations and knowledge holders now and into the future based on respect and recognition of Aboriginal Rights and Titles, Treaty Rights, and First Nations Traditional Territories within the Islands Trust Area.

CARRIED

17.3 Wise Island Bylaw Enforcement - Staff Report

BECM Dingman presented a staff report dated March 6, 2023 regarding bylaw enforcement activities on Wise Island and the enforcement options available to the Local Trust Committee.

In discussion the following items were noted:

- There was a question regarding whether there are alternative power sources, considering there is no power to Wise Island. BECM Dingman reported there are

areas to locate solar panels on the majority of lots that are not within the 7.5-meter setback from the sea, and rooftop solar panels are also an option.

- A Trustee expressed support for an OCP review to address community concerns.
- A Trustee expressed concern that an OCP review would not happen during this 4-year term.

GL-2023-016

It was Moved and Seconded,

That the Galiano Island Local Trust Committee defer enforcement on Wise Island for any solar panels, stairs or decks sited within the setback from the natural boundary of the sea, and contravening section 2.14 of the Land Use Bylaw No. 127, until a Wise Island Bylaw Review is completed and that the Galiano Island Local Trust Committee direct that the adjudication process for any disputed Bylaw Violation Notices for section 2.14 be placed on hold until a Wise Island Bylaw Review is completed.

DEFEATED

18. UPCOMING MEETINGS

The next regular meeting is scheduled on April 11, 2023, at 1:00 p.m. at the South Community Hall.

19. TOWN HALL

A member of the public acknowledged the LTC for asking for legal advice regarding Indigenous Rights and for the work ahead to make things right and advised there are many Indigenous organizations to assist the LTC.

A member of the public expressed support for an OCP review and advised the 2009-2011 OCP review process was relatively low-cost and included a community-led process. The member of the public advised the OCP section regarding inherited lands should be removed as soon as possible.

A member of the public reported the community forest property does have a covenant although it is not protected, and requested staff to look into including the community forest property in the Groundwater Sustainability Implementation Project DPA.

A member of the public reported the last OCP review was a long process and expressed support for protection of forests over development.

A member of the public expressed support for an option to introduce site-specific bylaws for Wise Island and requested the LTC to refer Gambier Island Local Trust Committee Bylaw No. 114 for Passage Island to the APC to consider whether it could be used as a template for a Wise Island Bylaw Review.

A member of the public requested the LTC to consider a setback zone as part of the Groundwater Sustainability Implementation Project.

A member of the public advised some Wise Island property owners are removing trees due to solar panels being set back too far.

A member of the public expressed concerns that including language such as Indigenous status creates further division and oppression of Indigenous people.

20. CLOSED MEETING

20.1 Motion to Close Meeting

GL-2023-017

It was Moved and Seconded,

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1)(f) for the purpose of considering:

- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

CARRIED

The meeting moved to an in-camera session at 4:15 p.m.

20.2 Recall to Order

20.3 Rise and Report

21. ADJOURNMENT

By general consent, the meeting was adjourned at 4:26 p.m.

Tim Peterson, Chair

Certified Correct:

Sarah Shugar, Recorder