



DATE OF MEETING: October 8, 2024  
TO: Galiano Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Victoria Office  
SUBJECT: Groundwater Sustainability Project - Bylaw Nos. 283 and 284 – Post Public Hearing

## RECOMMENDATION

1. That Galiano Island Local Trust Committee proposed Bylaw No. 283, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be amended as follows:
  - By amending Section 10 to add the following wording after Exemption ‘g’ to include a new Development Permit Area exemption ‘h’:  
*“Cutting and removal of trees with a trunk diameter less than 20 centimeters measured 1.5 metres above the ground.”*
  - By replacing Plan No. 2 ‘Schedule G – Development Permit Area 4: Groundwater Recharge Protection’ with an updated map attached to staff report dated October 8, 2024.
2. That the Galiano Island Local Trust Committee proposed Bylaw No. 283, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be read a Second time as amended.
3. That the Galiano Island Local Trust Committee proposed Bylaw No. 284, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be read a Second time as amended.
4. That the Galiano Island Local Trust Committee proposed Bylaw No. 283, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be read a Third time.
5. That the Galiano Island Local Trust Committee proposed Bylaw No. 284, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be read a Third time.
6. That the Galiano Island Local Trust Committee proposed Bylaw Nos. 283 and 284 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
7. That the Galiano Island Local Trust Committee proposed Bylaw No. 283 be forwarded to the Minister of Municipal Affairs for approval.

## BACKGROUND

In February 2021 the Galiano LTC received a report on the preliminary results of the mapping and data analysis phases of the Groundwater Sustainability Project and subsequently endorsed the project charter. The draft Bylaw Nos. 283 and 284 were first presented to the Galiano Island LTC in May 2022. Over the course of a year, the draft bylaws were amended further and currently comprise:

- **Bylaw 284 - Amendments to the Land Use Bylaw (LUB)**
  - New definitions

- Cistern Requirements for all new builds (18,000 litres). An increase in cistern size for secondary suites to 18,000 litres. Captured and stored water is not required to be connected to the dwelling except in the Water Management Areas as per existing regulation 13.23
- References to “rainwater” with respect to cisterns has been changed to “freshwater” to support the capture and retention of groundwater as well as rainwater
- Updates to regulations related to proof of water for subdivision based on provisions developed for the North Pender LUB.
- **Bylaw 283 - General Amendments to Official Community Plan (OCP)**
  - Minor changes to Official Community Plan (OCP) language
  - Updates to relevant policies and objectives to ensure consistency with revised language, the new Groundwater Recharge Protection DPA, and other proposed changes to the OCP and the LUB
  - Replacement of Schedule D – Water Resources, with a new Schedule D – Groundwater Regions
  - Replacement of Schedule G – DPA Area 4: Elevated Groundwater Catchment, with a new DPA 4: Groundwater Recharge Protection
- **Bylaw 283- A Groundwater Recharge Protection Development Permit Area**
  - New Critical Aquifer Recharge Development Permit Area (DPA) guidelines which would amend the current Galiano Elevated Groundwater Catchment DPA. Amendments include: reference to 2021 mapping of recharge areas, additional exemptions (forest fire protection measures and land owned by persons with federal Indigenous status), changes consistent with introduction of cistern requirements for new builds, and changing the name of the DPA
  - The draft Bylaw includes the schedule map for the 5 hectare critical aquifer coverage option with the parks and protected areas taken out. This is the DPA option that had been endorsed by the previous LTC

Draft bylaws and background related to the bylaws can be found posted on the [Galiano projects webpage](#).

At the September 10, 2024, a Trustee requested a map showing the new DPA 4 area and indicate which of those lots have Managed Forest status. As shown on Attachment No. 4, there are 21 properties located in the DPA with Managed Forest status.

## AMENDMENTS

The following are amendments to Bylaw No. 283 for the LTC’s consideration:

- **Section 10** – To add a new exemption following Exemption ‘g’ that reads:
 

*“h) Cutting and removal of trees with a trunk diameter less than 20 centimeters measured 1.5 metres above the ground.”*

The proposed bylaw current exempts the cutting and removal of 5 trees per hectare (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period per lot, but does not exempt the cutting or removal of trees with less than a trunk diameter of less than 20 centimeters. If the proposed bylaw is not amended to include this new exemption, the removal of one small tree within the DPA would require the issuance of a Development Permit.
- **Plan No. 2** – To update Schedule G – Development Permit Area 4: Groundwater Recharge Protection map to remove a Nature Protection zoned lot from the new DPA as shown on Attachment No. 5.

## **PUBLIC HEARING**

A public hearing is a quasi-judicial process during 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 the opportunity to consider any new relevant material and 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 during 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 Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

## **ALTERNATIVES**

### **1. Place staff report on next LTC meeting agenda**

If the LTC requires more time to consider the Public Hearing submissions, the staff report can be placed on the next LTC meeting's agenda.

Resolution:

*That Galiano Island Local Trust Committee request staff to place the Groundwater Sustainability Project staff report dated October 8, 2024 on the November 8, 2024 regular Galiano LTC meeting agenda.*

### **2. Proceed no further with bylaw(s)**

The LTC may decide to proceed no further with Bylaw Nos. 283 and 284.

Resolution:

*That the Galiano Island Local Trust Committee proceed no further with Bylaw Nos. 283 and 284.*

### **3. Receive for information**

The LTC may receive the report for information

## **NEXT STEPS**

Staff will amend bylaws (if direction given by the LTC) and send to Executive Committee for approval.

|               |   |                    |
|---------------|---|--------------------|
| Submitted By: | Kim Stockdill, Island Planner           | September 24, 2024 |
| Concurrence:  | Robert Kojima, Regional Planning Manger | September 24, 2024 |

**ATTACHMENTS**

1. Proposed Bylaw No. 283
2. Proposed Bylaw No. 284
3. Referral Responses
4. Map – DPA & PMFL Lots
5. Updated Schedule G – Development Permit Area 4: Groundwater Recharge Protection map

# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 283

---

### A BYLAW TO AMEND 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. 1, 2022”.

**2. SCHEDULES**

Galiano Island Official Community Plan 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  | 14 <sup>TH</sup> | DAY OF | MARCH | 2023.  |
| PUBLIC HEARING HELD THIS                                      | _____            | DAY OF | _____ | 20____ |
| READ A SECOND TIME 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 MUNICIPAL AFFAIRS THIS               | _____            | DAY OF | _____ | 20____ |
| ADOPTED THIS  | _____            | DAY OF | _____ | 20____ |

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 283**

**SCHEDULE 1**

The Galiano Island Official Community Plan No. 108, 1995, is amended as follows:

1. Table of Contents Section V is amended by deleting “4. Development Permit Area 4 – Elevated Groundwater Catchment Areas” and replacing it with “4. Development Permit Area 4 – Groundwater Recharge Protection”.
2. Section II Land Use, Residential Policy “o)” is amended by deleting “Community, Sport and Cultural Development” and replacing it with “Municipal Affairs”.
3. Section II Land Use, Subsection 5.4 Light Industry, Light Industry Advocacy Policy “m)” is amended by inserting “recharge and” after “groundwater” and before “catchment areas”.
4. Section III Services, Subsection 2 Water Supply, Water Supply Objectives is amended by deleting Objectives 1-4 in entirety and replacing with:
  - “1) to ensure an adequate supply of potable freshwater to all users now and into the future,
  - 2) to ensure that groundwater use, and alteration to the land does not pollute or otherwise increase the vulnerability of groundwater regions,
  - 3) to protect critical groundwater recharge areas by evaluating land use decision based on available groundwater vulnerability data and applying the precautionary principle to land use decisions, and
  - 4) to consider and address climate change impacts on freshwater supply and quality.”
5. Section III Services, Subsection 2 Water Supply, Water Supply Policies is amended by deleting policy “a)” in its entirety and replacing it with:
  - “a) Areas identified to be key areas for water supply, fresh water catchment, storage and recharge shall be preserved and protected.

Land identified through groundwater recharge mapping to have significant recharge potential shall be designated as a development permit area for the protection of the watershed.”

6. Section III Water Supply, Water Supply Policy “b) vi)” is amended by deleting “elevated groundwater catchment” and replacing it with “groundwater recharge protection”.
7. Section III Water Supply, Water Supply Policies is amended by removing policy “c)” in its entirety and replacing it with “c) Regulations may require new developments to provide cisterns.”
8. Section IV Conservation and Environment is amended by deleting all instances of “Fresh Water” and replacing them with “Freshwater”.
9. Section IV Conservation and Environment, Freshwater Advocacy Policies is amended by deleting “and the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, and Ministry of Forests, Lands and Natural Resource Operations” and replacing it with “and relevant Provincial Ministries”.
10. Section V Development Permit Areas is amended by deleting subsection “4. Development Permit Area 4-Elevated Groundwater Protection” in its entirety and replacing it with:

**“4. Development Permit Area 4 – Groundwater Recharge Protection**

**4.1 Description of Area**

Development Permit Area 4 includes critical groundwater recharge areas identified on Schedule G. Critical groundwater recharge areas contain hydrogeological conditions that facilitate aquifer recharge and/or transmit contaminants to an underlying aquifer. Factors considered in the identification of critical aquifer recharge areas include topography, remote sensing, satellite multispectral analysis depth to water table, presence of highly permeable soils, land-cover analysis, structural geology, presence of flat terrain, and the presence of more permeable surficial geology.

**4.2 Authority**

The Groundwater Recharge Protection Development Permit Area is designated a development permit area pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and Section 488(1)(i) of the *Local Government Act* for the establishment of objectives to promote water conservation.

**4.3 Special Conditions and Objectives that Justify the Designation**

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 473(1)(d) of the *Local Government Act* that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

The Islands Trust Council has committed to identifying, protecting and, where possible, restoring or rehabilitating groundwater recharge areas in the Trust Area.

It is policy of the Islands Trust Council that Local Trust Committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, and
- the quality and quantity of drinking water sources for current and future Trust Area residents is preserved and protected, and
- the overall health of watersheds and ground water in the Islands Trust Area is protected.

Mapping of recharge and water balance completed in 2021 for Galiano Island identifies that the island has a number of areas of critical concern with respect to groundwater vulnerability.

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for groundwater wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development and climate change on groundwater supplies

#### **4.4 Development Approval Information**

The Groundwater Recharge Protection DPA is also designated an area for which development approval information (DAI) may be required according to Section 485(1) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

#### **4.5 Applicability**

A development permit is required for the subdivision of land, construction of, addition to or alteration of a building or other structure, or land alteration, including the cutting of trees, unless exempted below.

#### **4.6 Development Permit Exemptions**

The following activities are exempt from any requirement for a development permit:

- a) Development for which Islands Trust has been provided with a written statement from a registered professional hydrogeologist with relevant experience certifying that the proposed would have no impact on critical groundwater recharge.



- b) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required).
- c) Dwellings, cottages, accessory buildings and structures, and associated land alteration that are clustered within a residential home plate not exceeding an area of 1000m<sup>2</sup>, and one access driveway and overhead utility lines and poles outside of the residential home plate.
- d) Land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- f) Removal of invasive species.
- g) Cutting and removal of up to 5 trees per hectare (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.
- j) Forest management activities, as defined in the Private Managed Forest Land Regulation, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) The construction of an accessory building or structure with a lot coverage of less than 100m<sup>2</sup>.
- l) Construction of trails or fences that does not alter contours of the land.
- m) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
  - i. Forest fire protection measures;
  - ii. Flood and erosion protection works;
  - iii. Protection, repair or replacement of public facilities;
  - iv. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
  - v. Bridge repairs.
- n) Works undertaken by a local government or a body established by a local government.
- o) Works authorized under a provincial statute.

- p) Land owned by a person with federal Indigenous status living in their traditional territory with proof of Indigenous family lineage.

#### 4.7 Guidelines

The *Local Government Act* prohibits construction of buildings and structures and the alteration of land and subdivision in Development Permit Area 4 unless the owner first obtains a development permit. Development permits will be issued in accordance with the following guidelines.

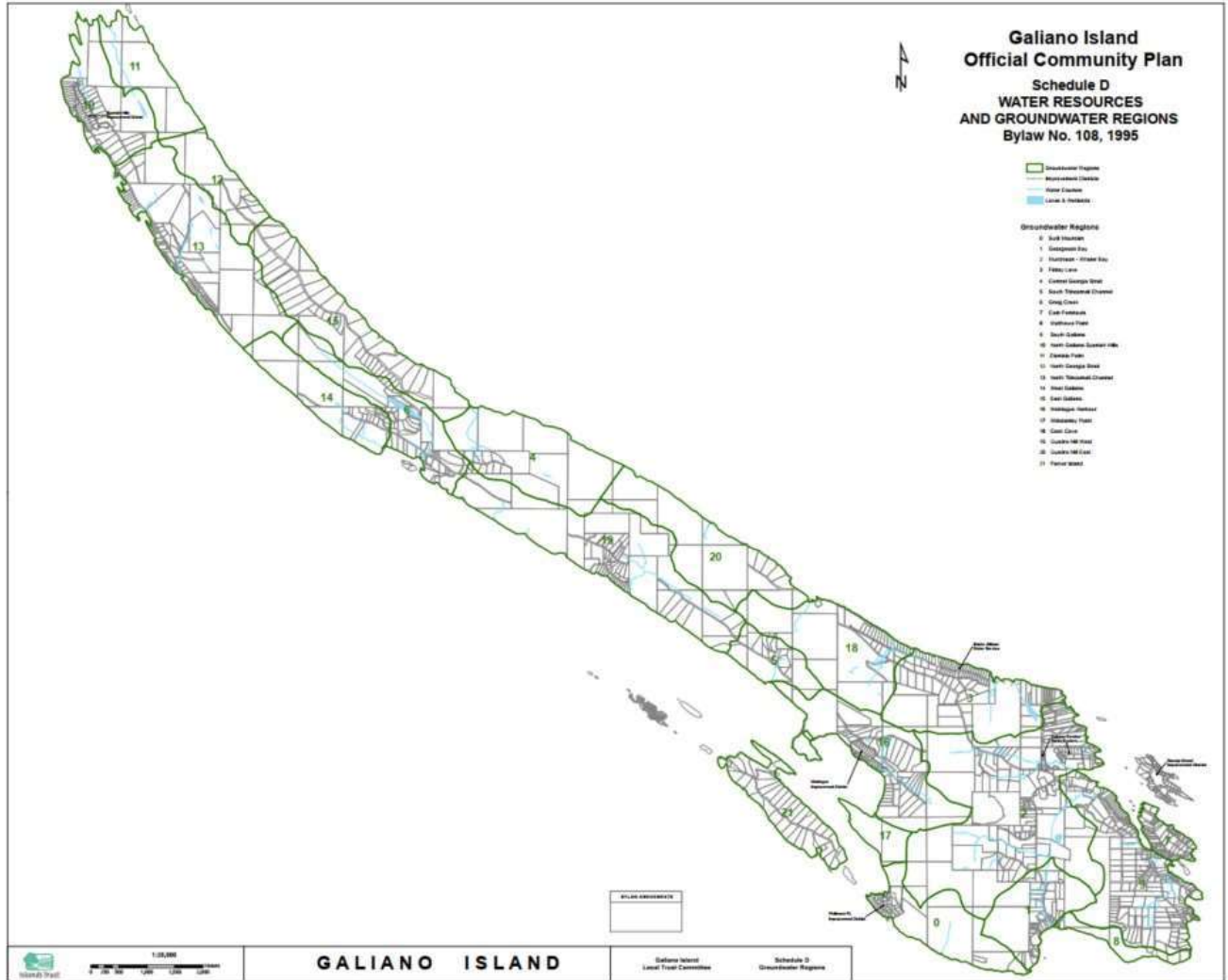
1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the permit conditions may include a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the qualified professional hydrogeologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydrogeologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be, to the greatest extent possible, designed to:
  - a) replicate the function of a naturally vegetated watershed;
  - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
  - c) minimize interference with groundwater recharge;
  - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. Where freshwater collection and storage cisterns are required as a condition of the construction of a building, impervious surfaces should be minimized.
6. Where freshwater collection cisterns are required as a condition of construction of a building, the LTC may require that all new dwelling units include:
  - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
  - ii. A pumping system;
  - iii. An overflow handling system.
7. The use of impervious paved driveways shall be discouraged.
8. Where tree removal is not exempt from the requirement for a permit:
  - a. Removal of trees from steep slopes should only be allowed where necessary and where

replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.

- b. All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
  - c. Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
  - d. If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.
  - e. Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
  - f. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage. The construction of roads and utility corridors and other activities involving the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.
  10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio- filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
  11. Permits may include minor variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area."
  12. Section VI Development Approval Information, Subsection 2. Special Conditions "ii" is amended by deleting "elevated groundwater catchments" and replacing it with "groundwater recharge".

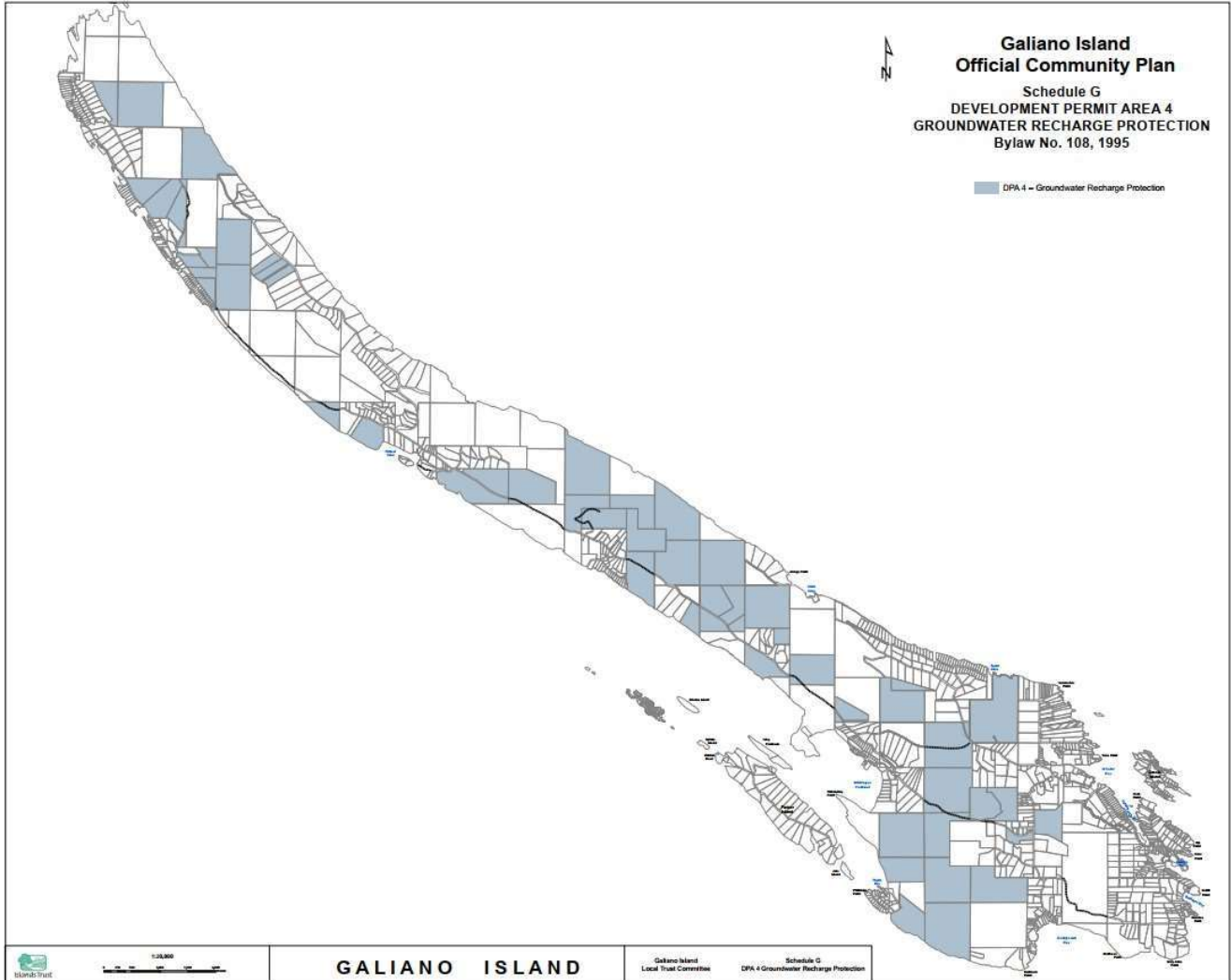
13. Schedule "D – Water Resources" is removed and replaced with Schedule "D – Groundwater Regions" as shown on Plan No. 1 attached and forming part of this bylaw.
  
14. Schedule "G – Development Permit Area 4: Elevated Groundwater Catchment" is removed and replaced with Schedule "G – Development Permit Area 4: Groundwater Recharge Protection" as shown on Plan No. 2 attached and forming part of this bylaw.

GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 283  
Plan No. 1



GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 283  
Plan No. 2

Schedule G – Development Permit Area 4: Groundwater Recharge Protection



**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 284**

---

**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. 1, 2022”.

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 Section 2 General Regulations, Subsection 2.28– Secondary Suites is amended by removing 2.28.6 in entirety and replacing it with “2.28.6 A building permit for a property outside a water service area shall not be issued for a secondary suite unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the property.”

2.2 Section 2 General Regulations is amended by inserting “Cistern Requirements” as a new heading under Section 2.28.

2.3 Section 2 General Regulations is amended by inserting, under the heading “Cistern Requirements” the following:

“2.29 A building permit for a property outside a water service area shall not be issued for a new building to be used as a dwelling, including a cottage, unless a cistern (or combination of cisterns) for the storage of freshwater having a capacity of at least 18,000 litre is installed on the property.

2.30 The floor area occupied by any cistern located in a building and the housing provided for such cistern is excluded from the calculation of the floor area of the building and the lot coverage of the lot on which it is located.”

2.4 Section 13 Subdivision and Development Regulations 13.23 is amended by removing “16,000” and replacing it with “18,000”.

2.5 Section 13 Subdivision and Development Regulations is amended by deleting 13.24 through 13.29 in its entirety and replacing it with the following and by making such consequential numbering alterations to effect this change.

**“Standards for Potable Water Supply**

*Information Note: If more than one dwelling unit is connected to the same source of water, the water system may be subject to the Drinking Water Protection Act, the Water Utility Act or other regulations pertaining to water supply systems.*

*Information Note: Water obtained from a stream, or non-domestic groundwater use requires a licence under the Water Sustainability Act.*

- 13.24 Where potable water is proposed to be supplied to lots in a subdivision by an established community water system, the applicant for subdivision must provide written confirmation from the community water system that it is able to supply potable water for the permitted principal use and density to each lot.
- 13.25 Where potable water is proposed to be supplied to lots in a subdivision by creating a community water system, the applicant for subdivision must provide proof of all authorizations required under the *Drinking Water Protection Act*, the *Water Utility Act* or any other enactment pertaining to water supply systems.
- 13.26 Where potable water is proposed to be supplied to lots in a subdivision from a stream, the applicant for subdivision must provide proof of authorization in the form of a water licence confirming that the total volume of water granted to the licence holder is able to supply potable water for domestic uses at the volume specified in Table 1 to each lot.
- 13.27 Where potable water is proposed to be supplied to lots in a subdivision by drilled wells the applicant for subdivision must provide written certification under seal of a hydrogeologist that:
- a. Each well has been constructed in accordance with the *Groundwater Protection Regulation*;
  - b. Each well has been constructed in accordance with Sections 13.29, 13.30 and 13.31;
  - c. Each well has sufficient available groundwater to provide the daily required volume of potable water for the permitted domestic uses on each lot in accordance with Table 1;
  - d. Each well for which a water licence has not been issued has sufficient available groundwater volume for all permitted non-domestic, non-agricultural, non-park, non-conservation area principal uses for each lot at the permitted density of use; and
  - e. Includes recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled well.



| <b>TABLE 1</b>   |                                    |
|--|------------------------------------|
| <b>DOMESTIC POTABLE WATER SUPPLY STANDARDS FOR SUBDIVISION</b> |                                    |
| <b>USE</b>   | <b>VOLUME<br/>(litres per day)</b> |
| <i>Per lot (including one dwelling)</i>                        | 2000                               |
| <i>Each additional permitted dwelling and cottage per lot</i>  | 2000                               |

- 13.28 Where the potable water is proposed to be supplied to lots in a subdivision by drilled wells, for any well where a water licence has not been issued the applicant for subdivision must also provide written certification under seal of a hydrogeologist:
- a. Results of a water quality analysis, completed by an accredited laboratory;
  - b. A plan of the proposed subdivision indicating the location where each water sample was taken;
  - c. A statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
  - d. Confirmation, based on the accredited laboratory water quality analysis, that each proposed water supply source is potable, or can be made potable, with a treatment system; and
  - e. Confirmation, based on the accredited laboratory water quality analysis of chloride concentrations, that each drilled well is not likely to be affected by the intrusion of saline groundwater or sea water in accordance with the Province of British Columbia guidance documents.
- 13.29 Where a water license has not been issued and where potable water is proposed to be supplied to lots in a subdivision by a drilled well, a pumping test shall be carried out on each well in a proposed subdivision by:
- a. pumping groundwater, at a constant rate, for a minimum period of 12 hours; and
  - b. withdrawing the total daily required volume specified in section 13.27 over a maximum period of 24 hours; and
  - c. monitoring groundwater levels continuously during the pumping test and during the recovery period.
- 13.30 Where potable water is to be supplied by a drilled well a sounding tube or wellhead port must be installed to enable the insertion of water level monitoring equipment.
- 13.31 Drilled wells used for the purposes of subdivision must not be located within 50 metres of the natural boundary of the sea.
- 13.32 If the daily required volume of potable water cannot be supplied in accordance with Section 13.24 or if the certification in Subsections 13.27(c) and 13.27(d) cannot be made, the Approving Officer may nonetheless approve the subdivision provided that the applicant grants a s.219 covenant to the Galiano Island Local Trust Committee and the Capital Regional District that restricts the development of the subdivision to the uses or density of the uses for which a certification has been made under

Sections 13.24 or 13.27.

- 13.33 Where the certification under subsection 13.28(d) states that a water supply is not potable but can be made potable with a treatment system, the Approving Officer may approve subdivision provided that the applicant grants a s. 219 covenant under the *Land Title Act* to the Galiano Island Local Trust Committee and the Capital Regional District that requires on-going treatment of the water to potable water standards recommended by a hydrogeologist.
- 13.34 For the purposes of subdivision, drilled wells impacted by seawater intrusion or whose operation is likely to cause seawater intrusion are not permitted sources of potable water.
- 13.35 For the purposes of subdivision, alternative potable water supplies including, but not limited to, shallow dug wells, rainwater catchment and desalination are not permitted sources of potable water.
- 13.36 The requirements of Sections 13.24-13.35 do not apply where the proposed subdivision is a boundary adjustment that does not result in an increase in the number of lots or permitted dwelling units, provided that all lots in the subdivision are currently serviced by existing wells, community water system connection or water licence.
- 2.6 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by inserting the following in alphabetical order:
- “aquifer” means a geological formation; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and capable of storing, transmitting and yielding groundwater.
- “groundwater” means water naturally occurring below the surface of the ground.
- “Hydrogeologist” means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the *Professional Governance Act, Engineers and Geoscientists Regulation*.
- “potable” means water that is safe to drink, fit for domestic purposes and meets the Health Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution.
- “pumping test” means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on aquifer characteristics.

- 2.7 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by removing the definition of “community water system” in its entirety and replacing it with:

““community water system” means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a regional district, a water utility, a society, or a water supplier.”

- 2.8 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by adding the following in alphabetical order:

“aquifer” means a geological formation; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and capable of storing, transmitting and yielding groundwater.

“groundwater” means water naturally occurring below the surface of the ground.

“Hydrogeologist” means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the *Professional Governance Act, Engineers and Geoscientists Regulation*.

“potable” means water that is safe to drink, fit for domestic purposes and meets the Health Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution.

“pumping test” means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on aquifer characteristics.

- 2.9 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by removing the definition of “community water system” in its entirety and replacing it with:

““community water system” means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a regional district, a water utility, a society, or a water supplier.”

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  | 14 <sup>TH</sup> | DAY OF | MARCH | 2023.  |
| PUBLIC HEARING HELD THIS                                      | _____            | DAY OF | _____ | 20____ |
| READ A SECOND TIME 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

**Referrals: Bylaw GL-283**

| Agency   | Sent        | Received    |
|--|-------------|-------------|
| <p><b>Bylaw Enforcement</b><br/> <i>Islands Trust: Warren Dingman</i></p>  | 07-Feb-2023 |             |
| <p><b>Capital Regional District - All Referrals Aggie Chan and Jessica Arnet</b><br/> <i>625 Fisgard Street: Aggie Chan</i><br/> <i>Comment: Integrated Water Services - The Bylaw update applies to the CRD water service area on Galliano Island (Stick Allison area). CRD Integrated Water Services wants to ensure the update takes into account the CRD water service supply. Has the CRD water supply for the Sticks Allison water service area on Galiano been considered in this bylaw amendment? Please confirm why the land where the water supply well sits, and is adjacent to, was not categorized as a Development Permit Area critical groundwater recharge area? CRD Building Inspection Dept. -Plumbing Permits will be required for plumbing systems or alterations to a plumbing system on site.</i></p>  | 07-Feb-2023 | 08-Mar-2023 |
| <p><b>Cowichan Tribes</b><br/> <i>5760 Allenby Rd: Tracey Flemming</i><br/> <i>Comment: No Comment Received</i></p>  | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Halalt First Nation</b><br/> <i>7973 Chemainus Rd: Raven August</i><br/> <i>Comment: No Comment Received</i></p>   | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Lake Cowichan First Nation</b><br/> <i>313B Deer Road: Carole Livingstone</i><br/> <i>Comment: Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this "no comment" response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory. Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.</i></p> | 07-Feb-2023 | 20-Mar-2023 |
| <p><b>Lyackson First Nation</b><br/> <i>8017 Chemainus Road: Linda Aidnell</i><br/> <i>Comment: No Comment Received</i></p>  | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Malahat First Nation</b><br/> <i>110 Thunder Road, RR4: Heather Adams</i></p>  | 07-Feb-2023 | 06-Apr-2023 |



**Referrals: Bylaw GL-283**

| Agency   | Sent        | Received    |
|--|-------------|-------------|
| <p><i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding these draft bylaws.</p> | 25-Jul-2024 | 26-Sep-2024 |
| <p><b>Mayne Island Local Trust Committee</b><br/> <i>Islands Trust:</i> Jas Chonk<br/> <i>Comment:</i> Interests unaffected by bylaw.</p>  | 07-Feb-2023 | 27-Mar-2023 |
| <p><b>Ministry of Environment, Water Stewardship Division - Water Protection &amp; Sustainable Branch</b><br/> <i>PO Box 9362:</i> No Contact Name Groundwater Section</p>   | 07-Feb-2023 |             |
| <p><b>Ministry of Municipal Affairs and Housing</b><br/> <i>Planning and Land Use Management:</i> Ron Burleson</p>   | 07-Feb-2023 |             |
| <p><b>Ministry of Transportation and Infrastructure</b><br/> <i>Ministry of Transportation and Infrastructure:</i> Owen Page<br/> <i>Comment:</i> The Ministry has no objections to the proposed changes to the OCP.</p>   | 07-Feb-2023 | 01-Mar-2023 |
| <p><b>Musqueam Nation</b><br/> <i>6735 Salish Dr.:</i> Referrals Coordinator<br/> <i>Comment:</i> Thank you for reaching out to Musqueam Indian Band. Our referrals team has reviewed the document for Galiano Island Local Trust Committee Draft Bylaws 283 and 284. We defer this referral to other closely affected First Nations.</p>  | 07-Feb-2023 | 11-Apr-2023 |
| <p><b>Pauquachin First Nation</b><br/> <i>9010 West Saanich Road:</i> Darlene Henry<br/> <i>Comment:</i> No Comment Received</p>   | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Penelakut Tribe</b><br/> <i>Box 360:</i> Denise James<br/> <i>Comment:</i> No Comment Received</p>   | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Salt Spring Island Local Trust Committee</b><br/> <i>1 - 500 Lower Ganges Road:</i> Peter Luckham</p>  | 07-Feb-2023 |             |
| <p><b>Semiahmoo First Nation</b><br/> <i>16049 Beach Rd:</i> Chief &amp; Council<br/> <i>Comment:</i> No Comment Received</p>  | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Snuneymuxw First Nation</b><br/> <i>668 Centre Street:</i> Desiree Thomas<br/> <i>Comment:</i></p>   | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Stz'uminus First Nation</b></p>  | 07-Feb-2023 |             |



Referrals: Bylaw GL-283

| Agency   | Sent   | Received           |
|--|--|--------------------|
| <p>12611A Trans Canada Hwy: Chenoa Akey</p> <p><i>Comment:</i></p>   | <p>22-Mar-2023</p> <p>25-Jul-2024</p>                    |                    |
| <p><b>Thetis Island Local Trust Committee</b></p> <p><i>Northern Office:</i> Laura Patrick</p> <p><i>Comment:</i> Interests unaffected by bylaw.</p>   | <p>07-Feb-2023</p>                                       | <p>28-Feb-2023</p> |
| <p><b>Tsartlip First Nation</b></p> <p><i>PO Box 70:</i> Karen Harry</p> <p><i>Comment:</i> No Comment Received</p>  | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> |                    |
| <p><b>Tsawout First Nation</b></p> <p><i>Box 121:</i> Cathy Webster</p> <p><i>Comment:</i> No Comment Received</p>   | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> |                    |
| <p><b>Tsawwassen First Nation</b></p> <p><i>1926 Tsawwassen Drive:</i> Victoria Williams</p> <p><i>Comment:</i> Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests all copies of interim and final environmental and archaeological reports produced for this project.</p> | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> | <p>21-Aug-2024</p> |
| <p><b>Tseycum First Nation</b></p> <p><i>1210 Totem Lane:</i> Chief Tanya Jimmy</p> <p><i>Comment:</i> No Comment Received</p>   | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> |                    |
| <p><b>WSANEC</b></p> <p><i>WSANEC Leadership Council Society:</i> Joni Olsen</p> <p><i>Comment:</i></p>  | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> |                    |

**Referrals: Bylaw GL-284**

| Agency   | Sent                                      | Received    |
|--|---|-------------|
| <p><b>Bylaw Enforcement</b><br/> <i>Islands Trust: Warren Dingman</i></p>  | 07-Feb-2023                               |             |
| <p><b>Capital Regional District - All Referrals Aggie Chan and Jessica Arnet</b><br/> <i>625 Fisgard Street: Aggie Chan</i><br/> <i>Comment: Integrated Water Services - The Bylaw update applies to the CRD water service area on Galliano Island (Stick Allison area). CRD Integrated Water Services wants to ensure the update takes into account the CRD water service supply. Has the CRD water supply for the Sticks Allison water service area on Galiano been considered in this bylaw amendment? Please confirm why the land where the water supply well sits, and is adjacent to, was not categorized as a Development Permit Area critical groundwater recharge area? CRD Building Inspection Dept. -Plumbing Permits will be required for plumbing systems or alterations to a plumbing system on site.</i></p>  | 07-Feb-2023                               | 08-Mar-2023 |
| <p><b>Cowichan Tribes</b><br/> <i>5760 Allenby Rd: Tracey Flemming</i><br/> <i>Comment: No Comment Received</i></p>  | 07-Feb-2023<br>22-Mar-2023<br>25-Jul-2024 |             |
| <p><b>Halalt First Nation</b><br/> <i>7973 Chemainus Rd: Raven August</i><br/> <i>Comment: No Comment Received</i></p>   | 07-Feb-2023<br>22-Mar-2023<br>25-Jul-2024 |             |
| <p><b>Lake Cowichan First Nation</b><br/> <i>313B Deer Road: Carole Livingstone</i><br/> <i>Comment: Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this "no comment" response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory. Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.</i></p> | 07-Feb-2023<br>22-Mar-2023<br>25-Jul-2024 | 20-Mar-2023 |
| <p><b>Lyackson First Nation</b><br/> <i>8017 Chemainus Road: Linda Aidnell</i><br/> <i>Comment: No Comment Received</i></p>  | 07-Feb-2023<br>22-Mar-2023<br>25-Jul-2024 |             |
| <p><b>Malahat First Nation</b><br/> <i>110 Thunder Road, RR4: Heather Adams</i></p>  | 07-Feb-2023<br>22-Mar-2023                | 06-Apr-2023 |





**Referrals: Bylaw GL-284**

| Agency   | Sent        | Received    |
|--|-------------|-------------|
| <p><i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding these draft bylaws.</p> | 25-Jul-2024 | 26-Sep-2024 |
| <p><b>Mayne Island Local Trust Committee</b><br/> <i>Islands Trust:</i> Jas Chonk<br/> <i>Comment:</i> Interests unaffected by bylaw.</p>  | 07-Feb-2023 | 27-Mar-2023 |
| <p><b>Ministry of Environment, Water Stewardship Division - Water Protection &amp; Sustainable Branch</b><br/> <i>PO Box 9362:</i> No Contact Name Groundwater Section</p>   | 07-Feb-2023 |             |
| <p><b>Ministry of Municipal Affairs and Housing</b><br/> <i>Planning and Land Use Management:</i> Ron Burleson</p>   | 07-Feb-2023 |             |
| <p><b>Ministry of Transportation and Infrastructure</b><br/> <i>Ministry of Transportation and Infrastructure:</i> Owen Page<br/> <i>Comment:</i> The Ministry has no objections to the proposed changes to the OCP.</p>   | 07-Feb-2023 | 01-Mar-2023 |
| <p><b>Musqueam Nation</b><br/> <i>6735 Salish Dr.:</i> Referrals Coordinator<br/> <i>Comment:</i> Thank you for reaching out to Musqueam Indian Band. Our referrals team has reviewed the document for Galiano Island Local Trust Committee Draft Bylaws 283 and 284. We defer this referral to other closely affected First Nations.</p>  | 07-Feb-2023 | 11-Apr-2023 |
| <p><b>Pauquachin First Nation</b><br/> <i>9010 West Saanich Road:</i> Darlene Henry<br/> <i>Comment:</i> No Comment Received</p>   | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Penelakut Tribe</b><br/> <i>Box 360:</i> Denise James<br/> <i>Comment:</i> No Comment Received</p>   | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Salt Spring Island Local Trust Committee</b><br/> <i>1 - 500 Lower Ganges Road:</i> Peter Luckham</p>  | 07-Feb-2023 |             |
| <p><b>Semiahmoo First Nation</b><br/> <i>16049 Beach Rd:</i> Chief &amp; Council<br/> <i>Comment:</i> No Comment Received</p>  | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Snuneymuxw First Nation</b><br/> <i>668 Centre Street:</i> Desiree Thomas<br/> <i>Comment:</i></p>   | 07-Feb-2023 | 22-Mar-2023 |
| <p><b>Stz'uminus First Nation</b></p>  | 07-Feb-2023 |             |





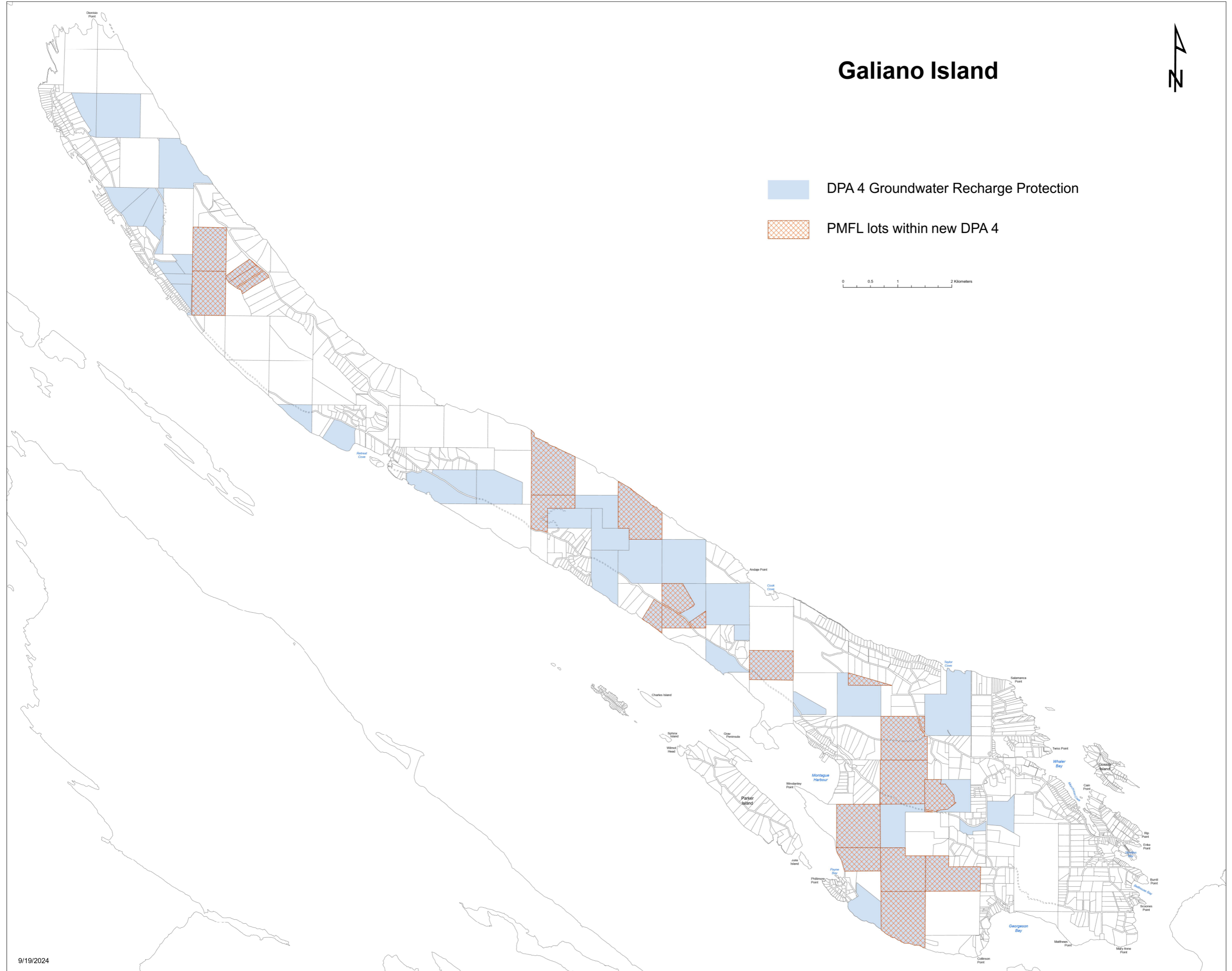
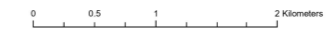
Referrals: Bylaw GL-284

| Agency  | Sent   | Received           |
|---|--|--------------------|
| <p>12611A Trans Canada Hwy: Chenoa Akey</p> <p><i>Comment:</i></p>  | <p>22-Mar-2023</p> <p>25-Jul-2024</p>                    |                    |
| <p><b>Thetis Island Local Trust Committee</b></p> <p><i>Northern Office:</i> Laura Patrick</p> <p><i>Comment:</i> Interests unaffected by bylaw.</p>  | <p>07-Feb-2023</p>                                       | <p>28-Feb-2023</p> |
| <p><b>Tsartlip First Nation</b></p> <p><i>PO Box 70:</i> Karen Harry</p> <p><i>Comment:</i> No Comment Received</p>   | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> |                    |
| <p><b>Tsawout First Nation</b></p> <p><i>Box 121:</i> Cathy Webster</p> <p><i>Comment:</i> No Comment Received</p>  | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> |                    |
| <p><b>Tsawwassen First Nation</b></p> <p>1926 Tsawwassen Drive: Victoria Williams</p> <p><i>Comment:</i> Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests all copies of interim and final environmental and archaeological reports produced for this project.</p> | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> | <p>21-Aug-2024</p> |
| <p><b>Tseycum First Nation</b></p> <p>1210 Totem Lane: Chief Tanya Jimmy</p> <p><i>Comment:</i> No Comment Received</p>   | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> |                    |
| <p><b>WSANEC</b></p> <p><i>WSANEC Leadership Council Society:</i> Joni Olsen</p> <p><i>Comment:</i></p>   | <p>07-Feb-2023</p> <p>22-Mar-2023</p> <p>25-Jul-2024</p> |                    |

# Galiano Island




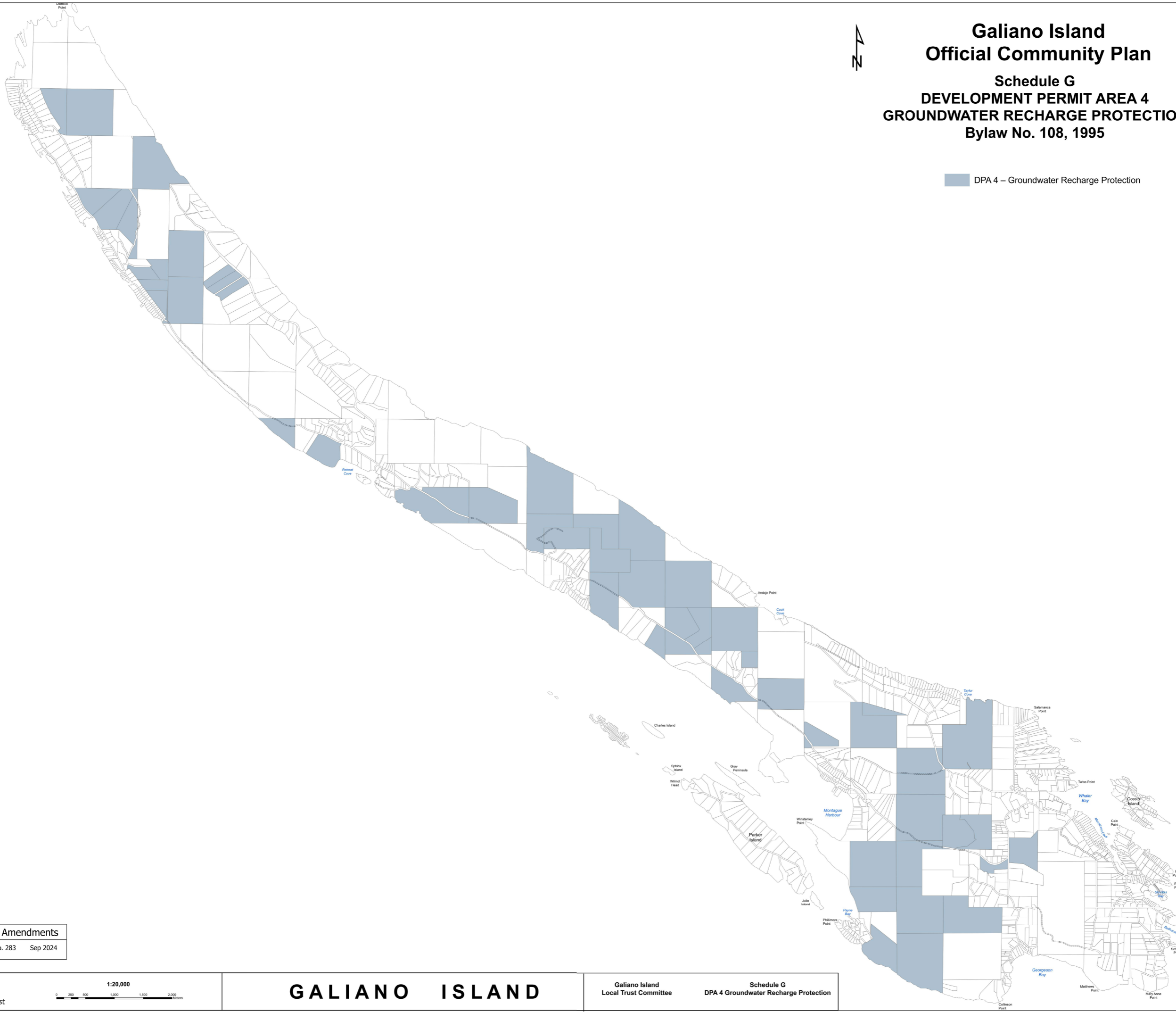
-  DPA 4 Groundwater Recharge Protection
-  PMFL lots within new DPA 4



**Galiano Island  
Official Community Plan**  
**Schedule G  
DEVELOPMENT PERMIT AREA 4  
GROUNDWATER RECHARGE PROTECTION  
Bylaw No. 108, 1995**



 DPA 4 – Groundwater Recharge Protection



Bylaw Amendments  
Bylaw No. 283 Sep 2024



**GALIANO ISLAND**

Galiano Island  
Local Trust Committee

Schedule G  
DPA 4 Groundwater Recharge Protection