

From: Stephen Rybak <szrybak@shaw.ca>
Sent: Thursday, October 3, 2024 2:53 PM
To: vicphsub
Subject: Galiano Ground Water Sustainability Project, proposed Bylaws # 283 and 284

I hope I may be able to get some clear public responses to the concerns I have raised in the past to the proposed Bylaws, particularly land use exemption "p" found in the draft Bylaw 283 (Section 4.6) in time for or during the scheduled Community Information Meeting on these bylaws..

1. To the Trustees - could someone please offer a fulsome rationale and background details for exemption "p". While it was proposed in February 2023, a rationale for the exemption was not presented until the second Town Hall portion of the September 2024 LTC meeting.. The superficial one offered at that time in the meeting leaves a number of questions and issues unaddressed. Is the exemption of this narrow class of user even necessary? Are not First Nations traditional land uses and practices unaffected by the proposed Bylaws? Are not those traditional uses and practices not already protected by superior Provincial and Federal statute?

If the rationale for this exemption adopted, does it not set a precedent for a similar exemption to be applied to and sought for any and all bylaws passed by the LTC? What would the impact be on the OCP?

2. To the Trustees - by adopting an exemption for a class of users in a section of land use activities, are the Trustees comfortable with opening the TLC to potential costly and resource consuming litigation. The legal opinion of September 2023 offers that the inclusion may be invalid, but it also offers up a scary prospect of needless future legal quagmires.

3. To the Trustees - One of the principles every trustee and staff reiterates during each and every application is that the merits of any proposal are to be decided upon land USE, not the land USER. Our Official Community Plan is based on that tenet. Adopting an exemption on the basis of a class of applicants crushes that fundamental bedrock of land use regulation. Are Trustees willing to set this precedent?

4. To the Staff - can you provide assurances that the proposed bylaws are in complete concurrence and harmony with the relevant provincial ground water regulatory regime.

5. To the Staff - there is some analysis of the 62 parcels of land that would be affected by the adoption of these bylaws in the September 10 2024 staff report. How many of those identified parcels of land, if any, would be affected by the adoption of the proposed exemption "p"?

I look forward to your specific responses during the Community Information Meeting.

Thank you,

Stephen Rybak