



**Lasqueti Island Local Trust Committee**

**Minutes of Regular Meeting**

- Date:** March 4, 2024
- Location:** Judith Fisher Centre  
#1 China Cloud Bay Road  
Lasqueti Island, BC
- Members Present:** Tobi Elliott, Chair  
Timothy Peterson, Local Trustee  
Mikaila Lironi, Local Trustee
- Staff Present:** Wil Cottingham, Administrator and Meeting Facilitator  
Sonja Zupanec, Senior Planner (by Zoom)  
Stephen Baugh, Island Planner  
Katherine Vogt, Recorder (by Zoom)
- Others Present:** There were approximately twenty (20) members of the public in attendance.
- Regrets:** Andrew Fall, Electoral Area Director for qathet Regional District

**1. CALL TO ORDER**

Chair Elliott called the meeting to order at 11:03 a.m. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations. She read out the names of fifteen First Nations that have territorial rights and interests in and around Lasqueti Island; and spoke on the ongoing shared governance efforts of the Islands Trust and First Nations. She introduced trustees, staff, and recorder; and welcomed members of the public. She expressed regret that long time Islands Trust Administrator Wil Cottingham would be retiring from her current position soon. She noted that the meeting would be livestreamed and recorded, and that the recording would be available at the Islands Trust website in approximately five days.

**2. APPROVAL OF AGENDA**

The following addition to the agenda was presented for consideration:

- add item 11.3: Consideration of Dust n’ Bones Film Screening.

**By general consent** the agenda was adopted as amended.

**3. REPORTS**

**3.1 Trustee Reports**

Trustee Peterson reported on the following:

- The Financial Planning Committee of the Trust Council has been meeting to prepare for upcoming budget deliberations at the March 2024 Trust Council meeting, focusing on how to reduce tax increases.
- Meetings of the Hiring Committee for the new Chief Administrative Officer.

Trustee Lironi reported on the following:

- Reviewing the new Provincial short-term housing regulations has been interesting, especially that the usual legal non-conforming clauses are not contained in this legislation.

### **3.2 Chair's Report**

Chair Elliott reported on the following:

- The Regional Planning Committee of the Islands Trust has a modest \$30,000 budget request to support the Housing Strategy Action.
- Staff are reviewing recent bylaw enforcement recommendations received by the Regional Planning Committee from the Ombudsman. Implementation of the recommendations, especially regarding the bylaw complaints communications process, will be happening over the next 18 months.
- The Province recently expanded their secondary suite incentive program, which offers up to a \$40,000.00 forgivable loan to build a new secondary suite in your house; the program includes previously excluded regional districts.
- A grant of \$127,000.00 from the Deputy Minister of Housing was received by the Islands Trust for conducting Housing Needs Assessments, which saves \$110,000.00 that would otherwise have come from the Trust budget.

### **3.3 Electoral Area Director's Report**

Chair Elliott reported for Director Andrew Fall that he sends regrets for not being able to attend the meeting; and conveys that there were no updates on the Wildfire Urban Interface Program.

## **4. TOWN HALL**

Members of the public spoke on the following:

- The community, during its review of the Official Community Plan (OCP), clearly expressed desire to reduce its carbon footprint. Another private dock would increase vehicle traffic, so I am opposed to it.
- Islands Trust needs to be reminded that Lasqueti does not have a Bylaw Enforcement Notification Bylaw.
- The current OCP encourages communal docks. Private docks take away from available public foreshore area access.
- Are Freedom of Information (FOI) request documents publicly quotable at Local Trust Committee meetings, including emails sent by a Trustee?

- Chair Elliott responded that FOI information was considered public; but comments made at Local Trust Committee meetings should be directed toward the business of the Trust, be of a non-personal nature, and not be defamatory.
- My last name, Darwin, was incorrectly spelled in several places in the last meeting minutes. I support the private dock. In addition, more public input is needed to change the existing bylaw to allow private docks on the very few places where the terrain makes it physically possible. We have a private dock in Scotty Bay and are relieved by the addition of the Carey dock, which is very professionally constructed, unobtrusive, and more ecologically sound than mooring buoys. Scotty Bay is the safest harbor for wind and can provide a safe access point off the island in case of a fire or other emergency. Also, ferry unreliability necessitates more private docks.
- The Carey application was previously rejected by Trust staff in 2020, was moved forward in 2023; and now staff is recommending it be rejected and that 50% of the application fee be retained when the only way the applicants could stop the bylaw enforcement court process against them was to reapply. The entire situation may be a matter for the criminal code and there seems to have been no local trustee communication with the public about this application and its court proceedings. Also, is there any public consultation process for the upcoming Trust Council budget deliberations?
  - Chair Elliott responded that the previous years of public consultation were considered too expensive and unfeasible; however, the public is always welcome to write in their opinions.
- The member of the public commented that the last public consultation on record states that up to around 80% of Trust residents want little or no budget increases.
- I am a member of the local fire department, a local emergency coordinator, and a first responder and I strongly support the Carey dock as a valuable resource for medical evacuation for when the ferry, coast guard or helicopter is not running or available. Currently, the helicopter will be unable to land at the school site while it is being rebuilt.
- Empty existing local buildings should be made available for local housing, especially in the winter months.
- Could the Local Trust Committee (LTC) make a motion to refer the matter of private docks to the local Advisory Planning Commission (APC)? Also, how much email communication did the LTC receive on this dock application?
  - Chair Elliott responded that approximately 30 emails were received.
  - Trustee Peterson added that more emails had been received over the weekend.
  - The member of the public asked why emails were not considered in the agenda under Correspondence?
  - Planner responded that correspondence related to an application, unlike general correspondence to the LTC, is posted to the Current Applications location on the Lasqueti area of the website rather than included in the general agenda package, unless the LTC makes a resolution to include it.
- Why is there one early email correspondence letter regarding the dock application included in this agenda package when all other emails were not included?
  - Chair Elliott noted this inconsistency and that it was a mistake.

- The LTC should be basing their consideration of the dock on how much public support there is for it.
  - Chair Elliott noted that if the application went forward there would be a Public Hearing; and, that LTC decisions needed to balance between the public good and the constraints of the Islands Trust Policy Statement and the Lasqueti Official Community Plan (OCP).
- I support the dock; also, could the LTC support the appropriation of land for a new public Tucker Bay dock facility, which is desperately needed given that in bad weather it is the only place that is accessible?
- The current Carey dock is a highly professional installation. Before-pictures of the site would show it littered with unsightly junk, whereas now it is immaculately clean.
- I have written a letter opposing this application because it is unaligned with the current OCP, and it sets a dangerous precedent for future proliferation of docks.
- Why do we support mooring buoys over docks given that buoys may move through up to 100 feet, in contrast to the smaller footprint of a stationary dock?
- The Carey application is such a big issue that it cannot be managed by a single public hearing; it needs a series of community information meetings.
- The historical Tucker Bay first-wharf site is the only public access site to deep water, which the Lasqueti Ratepayers Association has worked to preserve through a 10-year ongoing court case with the property owner who is trying to block access to the site.
- Why was the original Carey dock application denied?
  - A Trustee responded that the application came in after the dock was built.
- The current LTC meeting budget is 4.5 times overspent.
  - Chair Elliott responded that the local meeting budget is consistent with previous years; and there have been increasing travel costs for Chairs.
  - The member of the public responded that it was the minute- taking that was inflating the budget.
  - Chair Elliott responded that the previous request to have a local minute-taker has been received and is being considered; and that the meeting expenses money budgeted for a full-time meeting facilitator that has yet to be filled came from operations rather than LTC local meeting expense budgets. Overall, the Trust is coming in under budget for the last quarter.
- How could the Islands Trust afford a court case over the dock?
  - Chair Elliott responded that this took serious consideration.
- I record this meeting for my own use despite the chair saying I could not. Would the Chair be willing to modify this?
  - Chair Elliott clarified that there was no ruling, but that it had been encouraged as a courtesy to others being recorded to seek their permission and to convey how the recording will be used. The Director of Legislative Services is currently seeking further clarification on the recordings of meetings of elected officials.
- Where there is no road access a property owner is entitled to have a private dock. Also, if the public supports removing that portion of the OCP that says the community does not want private docks, then the private dock should be permitted.

- In recent years, we have had two private docks approved and built on Wolf Island and Johnson’s Lagoon without any problems.
- Previous OCP consideration of docks was made by residents who had no maritime or boating experience; so, this area of the OCP needs re-review.
- Why are there three vacant seats on the APC?
  - Chair Elliott offered that this could be reviewed.
- The LTC should initiate a property and shoreline review of Lasqueti to identify all areas suitable for docks.

**By general consent** the meeting was recessed at 1:26 pm and reconvened at 2:01 pm

**5. MINUTES**

**5.1 Local Trust Committee Minutes dated December 11, 2023 - for adoption**

The following changes to the minutes were presented for consideration:

- On page 3, bullet point 3, line 1, replace the word “foreign” with the term “off-island.”
- Correct the incorrect last name “Goodwin” to the proper last name “Darwin” in the following places: page 4, Item 5.1, paragraph 4, line 2; page 7, paragraph 8, line 1; page 7, paragraph 11, line 1; page 7, paragraph 12, line 1; page 7, paragraph 13, line 1; page 7, paragraph 14, line 1.

**By general consent** the minutes of the Lasqueti Local Trust Committee Meeting of December 11, 2023 were adopted as amended.

**5.2 Section 26 Resolutions-Without-Meeting Report - none**

**5.3 Advisory Planning Commission Minutes - none**

**6. BUSINESS ARISING FROM MINUTES**

**6.1 Follow-up Action List dated February 26, 2024**

Planner clarified that discussion between the Local Trust Committee (LTC) and Snaw-naw-as First Nation regarding the OCP Bylaw No. 98 could occur at an upcoming Working Group meeting.

Chair Elliot noted that the initiation of a Trust Accessibility Committee has been delayed.

**7. APPLICATIONS AND REFERRALS**

**7.1 LA-RZ-2023.1 (Carey) - Staff Report**

Planner presented the staff report that recommends that trustees do not proceed further with the Land Use Bylaw Amendment application LA-RZ-2023.1 that seeks the permitting of an existing private dock in the M2 Marine General (M2) zone, noting the following:

- The application is not supported by current Official Community Plan (OCP) conservation policies.
- There is a policy in the OCP that states that private docks may be considered on a site-specific basis and that environmental and social effects must be addressed.
- Approximately fifty (50) pieces of correspondence have been received regarding this application.
- One piece of correspondence related to the application is in the agenda package due to a previous Local Trust Committee (LTC) motion.

The applicants spoke on the following:

- The building of the dock was preceded by consultation with biologists, surveyors, other consultants, and all neighbours, to comply with the social and environmental effects section of the OCP.
- The dock can provide for alternate medical evacuation and the applicants are willing to provide easement through their property as an item on land title in perpetuity for emergency personnel access.
- The dock is a “general permission” dock, which means you must allow access for the public in and around the dock.
- The applicant has been allowing other residents to use the dock as needed on a per request basis.
- Applications for foreshore leases for “public” docks are not being granted currently, so the only avenue is to apply for a “general permission” dock.

Trustees considered the following:

- Public engagement on docks regarding their social and environmental effects being included in the current OCP review and occurring before the application is considered.
- The costs of specific application public hearings versus general issue community engagement processes.
- “Social effects,” not being clearly defined in the OCP and distinct from the term “community benefits,” could be referred to the APC.
- Bylaw compliance processes being applied in a fair way.
- Docks proliferation on other islands.
- Mapping of shoreline values intersecting with the docks siting issues undertakings of the Lasqueti Ratepayers Association.
- In perpetuity statutory right of way and insurance issues for access through a property for emergency personnel.
- The contrast between general permission guidelines and guidelines for public docks.
- The definition of ‘unique amenities’ being different for each island and each OCP.
- How to fairly gauge overall community support for, or opposition to, the Carey dock.
- The problem of divisive issues fraying the social fabric.
- That the Coast Guard will only come to False Bay for matters of life and death.
- First Nations access rights to shoreline areas.

- Site accessibility by public road has been determined by previous Lasqueti Ratepayers' review as being highly significant.

**By general consent** the meeting recessed at 1:26 pm and reconvened at 2:01 pm.

**LA-LTC-2024-001**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee requests that the applicant for LA-RZ-2023.1 work with planning staff to provide the following prior to the Local Trust Committee considering first reading of draft bylaws:

- a. Information on how land and water access to the dock will be legally secured in perpetuity for emergency services;
- b. Confirmation from the provincial approving authority of the correct crown lease tenure for an emergency dock; and
- c. Confirmation that the dock is sufficient for all emergency service providers who are proposed to use the dock.

**CARRIED**

**8. LOCAL TRUST COMMITTEE PROJECTS**

**8.1 Minor Project: Official Community Plan Review - Staff Report**

Planner presented the staff report that recommends that trustees endorse proposed amendments to the proposed Bylaw No. 98: Lasqueti Island Official Community Plan, 2020 to better align the bylaw with the Islands Trust Policy Statement and with the Local Government Act, noting the following:

- Schedule B map was edited to include the location of the school and update the parks and protected areas. This is not shown in the track changes.
- Minimum "parcel" size for Subdivision District A has been amended to an even 10 acres. Staff seek clarity for amending Subdivision District B "Lot" size from the existing 19.77 acres to an even 20 acres, for consistency.

The following further suggested amendments to the proposed Official Community Plan (OCP) document were recommended and considered by the Local Trust Committee (LTC):

- Amend Subdivision District B lot size to 20 acres for consistency.
- Change spelling of "Kweh et ey" to the more commonly used "Xwe-etay."
- 4.2.1.(e): strike "local feral/heritage" and replace with "unowned, formerly domestic," to be consistent with previous provincial advice.
- 4.2.3.(b): strike "exotic" and "feral" and replace "feral" with "unowned, formerly domestic."
- 4.2.10.(e): add "including public accesses to the foreshore."
- 4.4.3.(a): re-include the word "promptly" in reference to the removing of derelict vehicles.

- Add new 4.4.3.(b): “In order to stem the growing population of vehicles on-island, residents are encouraged to arrange for the removal of a vehicle before barging a new or used vehicle onto the island.”
- 4.4.11.(b): amend the archaic telephone wire language to include the possibility of fibre optic cable.
- 5.4.5: replace references to “Land and Water BC” to use more general language.
- 4.2.12.(a): add “First Nations and” before the words “the responsible ministry.”
- 4.2.13(d): add “In partnership with and guided by First Nations,” at the beginning of the sentence.

**LA-LTC-2024-002**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee endorse the proposed changes to Lasqueti island Official Community Plan, 2020, as amended.

**CARRIED**

**LA-LTC-2024-003**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee direct staff to amend the project charter to include as an in scope item a referral to the Lasqueti Island Advisory Planning Commission to consider private docks and their use, specifically towards defining how environmental and social effects should be addressed, as per Section 4.4.7 Boats and Maritime Vessel Policies.

**CARRIED**

**9. DELEGATIONS - none**

**10. CORRESPONDENCE**

**10.1 Email dated October 20, 2023 from S. Morrison**

Received for information.

**10.2 Email dated February 13, 2024 from Snaw-Naw-As regarding Snaw Naw As Forest Stewardship Plan**

Received for information.

**11. NEW BUSINESS**

**11.1 Review of the New Provincial Short-Term Rental Accommodation Act for Lasqueti Island Local Trust Area – Memorandum**

Planner Zupanec spoke on the memorandum, which provides an analysis of the implications for Lasqueti Island of the new Short Term Rental Accommodation Act, noting the following:

- There are no serious implications for the current Lasqueti Official Community (OCP) Plan with this act.
- The Province is setting up a recurring annual principal residence requirement for short-term vacation rentals local government opt in process with a March 31 deadline for a November of the same year enforcement of the requirement.

**11.2 Housing Statute Changes to British Columbia Legislation – Memorandum**

Received for information.

**11.3 Consideration of Dust n’ Bones Film Screening**

**LA-LTC-2024-004**

**It was MOVED and SECONDED,**

that the Lasqueti island local Trust Committee request staff to schedule a screening of Dust n Bones and/or one of the other films on the list and inquire about the feasibility of working with local First Nations to host a discussion on the film.

**CARRIED**

**12. REPORTS**

**12.1 Trust Conservancy Report - none**

**12.2 Applications Report dated February 26, 2024**

Received for information.

**12.3 Trustee and Local Expense Report dated December, 2023**

Received for information.

**12.4 Adopted Policies and Standing Resolutions**

**12.5 First Nations Report**

None.

**12.6 Local Trust Committee Webpage**

**13. WORK PROGRAM**

**13.1 Active Projects Report dated February 26, 2024**

Received for information.

**13.2 Future Projects Report dated February 26, 2024**

Received for information.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for Monday, May 6, 2024 at 11:00 am at Judith Fisher Centre, #1 China Cloud Bay Road, Lasqueti Island, BC**

**15. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:43 p.m.

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Tobi Elliott, Chair

Certified Correct:

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Katherine Vogt, Recorder