



Lasqueti Island Local Trust Committee Minutes of Special Meeting

Date: September 17, 2020
Location: Lasqueti Island Community Hall
 Main Road, Lasqueti Island, BC

Members Present: Peter Luckham, Chair
 Peter Johnston, Local Trustee
 Timothy Peterson, Local Trustee

Staff Present: Dave Olsen, Recorder

Others Present: There were approximately twenty (20) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 12:03 pm, welcomed the public and introduced the Trustees and Recorder. He acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

He noted that this Special Local Trust Committee Meeting was being recorded and advised that if someone wished to speak without being recorded, he could pause the recording while they spoke.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

4. Discussion of Home Enterprise and Docks.

By general consent the agenda was approved as amended.

3. COMMUNITY INFORMATION MEETING REGARDING THE LASQUETI ISLAND OFFICIAL COMMUNITY PLAN (OCP) REVIEW PROJECT

3.1 Presentation by the Lasqueti Community Association OCP Review Steering Committee

Chair Luckham introduced Andrew Fall and Colin James as representatives of the Lasqueti Community Association's Official Community Plan Review Steering Committee (LCA OCP SC).

Andrew Fall began the presentation by noting that two and a half years have passed since the first meeting was held regarding the OCP Review Project. He also noted that:

- Seven (7) forums were held and were well attended;
- A formal report was sent to the Local Trust Committee (LTC);
- The LCA OCP SC no longer officially exists;
- A Vision Statement Committee has since formed and is working on that aspect of the Project;

- The LCA OCP SC's Report noted that some policy gaps remained.

3.2 Question and Answer Session

The Chair opened the session by reminding everyone about the meeting guidelines for respectful dialogue and to speak to issues and not of individuals.

The Chair invited questions and comments and the following was noted:

- The report does not address sheep and instead of calling them heritage sheep, it refers to them as exotic and invasive; it was suggested that they are an excellent source of sustainable food/animal protein.
- Humans and deer were suggested to be the primary causes of wildflower decline.
- It was suggested that the feral sheep herd is down to about 10% of its original population and that they eat blackberries and scotch broom, and therefore limit these invasive species on Lasqueti.
 - Andrew Fall responded that sheep were discussed at two forums with strong opinions for and against sheep, but no clear scientific information to support either side; hence, the recommendation for more Community consultation.
- Lasqueti is not an easy island to build a dock; there are many cliffs at the ocean's edge and not many places sheltered from winter's winds and waves.
- Working around the island and starting with the best site at Scottie Bay, a dock could be put in Long Bay, then Rouse Bay, then Squitty Bay (where a breakwater would be needed to expand the current public dock), Powder Flask Cove would need a new break water, Boat Cove will not work, possible in Old School House Bay, not in Jenkins Bay, and then back to False Bay.
- China Cloud Bay and Maple Bay could also host many docks.
- Tucker Bay is the only other location for a public dock but the access to it is currently in court.
 - Andrew Fall responded that:
 - The LCA OCP SC considered the current policy "to support community owning of existing docks" and recommended it be changed "to ensure continued government ownership and environmentally-sound upkeep of public docks."
 - On page 21, the recommendation is "To encourage the communal use of docks and boat ramps and to limit the number of private docks and boat ramps located along the foreshore in order to alleviate cumulative ecological damage", which came from the forum.
 - The Report did not identify docks as a contentious issue but we could add it now that Scottie Bay has become one.
 - The Chair noted that:
 - Docks are a big issue throughout the islands and that ferries could stop at anytime for any reason.
 - People show up and build a long dock and the first winter it is washed away.
 - Governments have not fully grasped that if someone has enough money, they will do anything they want, but we live in that reality now.

- When does the Land Use Bylaw (LUB) get updated?
 - The Chair noted that the OCP is the vision and if the LUB is not updated soon after, they can be out of sync, whereby something is allowed in the LUB but does not support the vision.
- If two people live on every existing property, the island population would be 2,000.
- If every property were subdivided to the maximum and had two people on each parcel, the population would be 5,000.
- Need to talk about population limits.
- Would like another objective regarding access to private boats.
- If people wish to change or add policy and objectives, how best to present them?
 - The Chair and staff advised that:
 - The LTC will consider all public input.
 - Guidelines are embedded in the OCP; they guide the LTC to see if any application “offends” the OCP or not.
 - It is important to consider how the public is travelling; whether by foot, bike, car or boat, and that providing public access may require a covenant to be enshrined.
 - Staff will receive any comment.
 - More people signing on to a submission carries more weight.
- On page 3, the definition of “affordable” may not reflect our intentions.
- Very thankful to everyone who was involved in this project.
- Want a statement acknowledging that humans are the primary invasive species.
- Public trails become roads for bikes, quads and trucks; a network of trails would allow environmental degradation to follow. Only support trails that follow existing roads.
- How can we ensure government ownership of docks?
 - Andrew Fall advised that:
 - There are two kinds of policies; regular and advocacy.
 - The regional district has to follow our OCP.
 - Every bylaw has to be consistent with our policy/OCP.
 - The federal government would not necessarily have to follow our policies, but that is the value of advocacy policy, to show them that we care. When they seek input, this would give it to them immediately.
- The federal government has divested itself of 200 docks.
 - There is a list of “essential” docks that cannot be dismantled; having it in the OCP says that we do use it, we do care, and it gives the LTC the weight that you desire.
 - Some divestitures came with a lot of money but when the money runs out, these docks are being abandoned.
 - A letter from the federal government was sent to the qathet Regional District (qRD) offering to take over the False Bay dock; the qRD previously did that for Savory Island, but all the money was used up the first winter.
- Is it possible to require future subdivisions along the water to provide public docks or a public access to sheltered water?

- When an application to subdivide is made, unless a local government hires a staff member to deal with it, it falls to the Province’s Ministry of Transportation and Infrastructure (MOTI) to administer.
- Ruxton Island has a map of future public amenities for future subdivisions.
- MOTI is obligated to take into consideration the values and aspirations of the OCP.
- Why was cluster housing and density transfer not included in the report?
 - Trustees advised that it is on our Projects list for the LTC, which have their own timeline and requires us to wait until the OCP Review is complete.
 - Andrew Fall advised that in the forum, support was mixed and it was too big of a topic to deal with then.
- On page 18, under Waste Management (e) Section 3.7, Introduction to "Garbage Disposal": maintaining the local dump needs to be revised since it is now closed.
- Part of 2.11 Definitions: the guest cabin definition is an oxymoron; if people are paying, it is a rental cabin.
 - Colin James advised that the Advisory Planning Commission (APC) has resolved that issue.
- In reference to the rural nature of Lasqueti: it has roads, not streets, so it is not possible to have off-street parking, only off road parking.
- Regarding Short Term Vacation Rentals, Policy 20 says “may”, while Policy 21 says “must” on page 30 of the existing Official Community Plan Bylaw.
- A Temporary Use Permit (TUP) was suggested for temporary log dumps.
- Opposed to exporting logs from Lasqueti; could enhance Advocacy Policy 5 on Page 30.
 - The Chair noted that may have been put in a long time ago and could be out of the LTC’s jurisdiction.
 - **The Chair requested that Staff research the current requirements for log dumps.**
- The LCA OCP SC was not sure how the interface with the LTC would be and that they were very pleased with how their work has been received and supported.

Trustees reiterated a huge thanks for all the work that the LCA OCP SC has done. They could not have done the same amount of public consultation. The Chair has been very supportive.

Chair Luckham concluded the Question and Answer portion of the meeting. He also acknowledged Andrew Fall’s work and noted that he was a valuable resource.

The Chair advised that the next LTC Special meeting is scheduled for September 18, 2020 and will be held electronically.

4. DISCUSSION OF HOME ENTERPRISE AND DOCKS

4.1 Home Enterprise

The Chair noted that the next two topics are presented due to recent events. He suggested that the discussion generally focus on the definition of what constitutes a Home Enterprise and whether the definition needs to expand or contract, with the understanding that whatever is done, it will apply to all applications and lands.

Trustees began the discussion and the following was noted:

- Home enterprise is defined in the current bylaw very liberally; the limits only include the number of automobiles outside, that there be no persistent noise, and that the owner needs to live there.
- Specifically, after a long time of fuel being sold at the barge ramp, a fuel tank is now dispensing gas near to the Feed Store.

The following questions and comments were noted:

- Can you make a complaint anonymously? If the complainant's name is kept private, it does not seem fair.
 - The Chair responded that the complainant's name is not revealed, but if it goes to court, anonymity cannot be guaranteed.
- It would be valuable to have a more official process on island before it goes to the bylaw enforcement people, who are then obligated to follow through.
 - The Chair noted that talking to neighbours could avoid this; once it becomes official, it has a different weight to it and bylaws cannot be negotiated.
- The hotel zoning has included gas sales and the resulting taxes have all been paid.
- What is the process when someone makes a complaint about a bylaw infraction?
 - The Chair advised that, in general, a complaint must be received in writing, before it is determined whether it is within our responsibility; if it looks like a violation has occurred, an officer is assigned and gets in contact with the person alleged to have infringed upon the bylaws; the primary role of bylaw enforcement is to reach compliance.
- If the resolution is not immediate, how long does it take?
 - The Chair advised that the Islands Trust is obligated to provide some time for compliance because the Courts would ask if it was given.
 - If there is a blatant offense to other Ministries, they are brought in.
 - Sometimes issues are resolved immediately.
 - Andrew Fall advised that it could take a year of back and forth to close the file, with Court as the last resort.

The Chair asked the public to consider if all commercial enterprise should fall under home enterprise? The traditional interpretation is only if it is not overtly commercial. On Salt Spring Island, they changed industrial land use zoning to employment based zoning.

Trustees added that the current situation has shown that there can be more than one interpretation of whether a new business falls under home enterprise; this is problematic for the LTC when situations like this come up. Do we want to be more specific in terms of what we allow or not?

The public responded and the following was noted:

- This could be referred to the APC, who could then see what other islands have done, and perhaps tighten up the bylaw.
- It is difficult to make a living here; want to help people support themselves.

- The way the bylaw is currently written is good; there is very limited economic opportunity here.
- If a business gets big and intrusive, then they need to rezone.
- Anytime you tighten regulations, you bring in the bureaucrats.

The Chair advised that if there is a need to go to court, then the LTC will have to make a decision. After that, it would go before the Executive Committee of the Islands Trust.

LA-2020-022

It was MOVED and SECONDED,

that the LTC request staff for a report on current bylaw enforcement files as soon as possible.

CARRIED

4.2 Docks

The Chair asked that the discussion be general in nature and not name individuals.

Comments from the public ensued and the following were noted:

- That a focus group be created to determine where docks could be feasible by looking at marine traffic history with a comprehensive view of the island.
- Opposed to these docks in Scottie Bay, which is a heavily used harbour; they violate the bylaws, prevent access to the foreshore, and were built before being permitted.
- Need another five or six private docks; False Bay is a potential disaster: salt on False Bay hill could disable waiting vehicle brakes and the ferry is congested. The fishing company dock absorbs 40 transient people on a long weekend.
- Want more public docks.
- Private docks take the load off of public docks, but the cost is a loss of public access, while the land value goes up.

The Chair reminded the Community to consider whether a private landowner should have a dock free and clear of community amenities. The LTC can zone for uses but not for particular people to use.

Andrew Fall advised that it could be useful to educate private landowners about the cost of easements or covenants, and noted that there is a wide gradient from fully private to fully public.

The Chair reported that:

- The Islands Trust is attempting to re-organize around model bylaws, which could result in a template bylaw for docks.
- The template could then be modified to allow for local autonomy.
- This is expected to better facilitate OCP and LUB reviews.
- The Islands Trust wants to learn from Lasqueti how to better embrace community values.

Questions from the public arose and the following was noted:

- Does a rezoning application change the bylaw?
 - The Chair advised that bylaws cannot be changed but could result in a LUB amendment. In a zoning application, the landowner could offer that they

will allow public access, which would then be considered with the values of your OCP to determine if it is compatible.

- After a rezoning is approved, how can a later, similar application be refused?
 - The Chair noted that:
 - This is especially problematic when bylaw enforcement is involved.
 - Temporary Use Permits allow a better opportunity to look at cumulative effects.
 - We need to be administratively fair.

LA-2020-023

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee refer the topics of Home Enterprise and Docks, both public and private, to the Advisory Planning Commission (APC).

The Chair advised that the LTC may be setting expectations that it will act on anything that the APC sends back.

Trustees noted the following:

- Most of people here understand that the LTC process is not fast;
- Only one Top Priority project will be worked on at one time.
- Having heard an APC member refer to subgroups today, maybe the APC will make similar recommendations.

LA-2020-024

It was MOVED and SECONDED,

that LA-2020-023 be postponed until the October 5, 2020 meeting.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 2:36 pm.

Peter Luckham, Chair

Certified Correct:

Dave Olsen, Recorder