



## Lasqueti Island Local Trust Committee Minutes of Regular Meeting

**Date:** October 5, 2020  
**Location:** Electronic Meeting

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

**Staff Present:** Heather Kauer, Regional Planning Manager  
 Jaime Dubyna, Planner 2  
 Dave Olsen, Recorder

**Others Present:** Andrew Fall, qRD Regional Director  
 There were 13 members of the public in attendance.

### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:30 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He noted that this meeting was live streamed and explained the protocols required for the electronic meeting to function well. He then introduced the Trustees and staff.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

Under **10.5 Correspondence**, add the email from Kate Emmings, Islands Trust Conservancy.

Under **New Business**, add **11.3 Questions regarding Bylaw Enforcement**.

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

#### 2.1 Electronic Meetings Resolution

##### LA-2020-025

**It was MOVED and SECONDED,**

that in accordance with *Ministerial Order M192 - Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 - 2020*, Lasqueti Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and

therefore in order to meet the principles of openness, transparency and accessibility, meetings of the Lasqueti Island Local Trust Committee will be held electronically over the period October 5 to December 7, 2020, will be live streamed and the public invited to participate in meetings by connecting to the link or the phone number provided in

the meeting notice, in order to observe proceedings and speak when invited by the Chair.

**CARRIED**

**3. TOWN HALL**

No members of the public appeared to raise their digital hand to speak.

**4. REPORTS**

**4.1 Trustee Reports**

Trustee Johnston reported:

- That he found the in person Special Meeting very useful on September 17, 2020.
- That he has a meeting scheduled with Dana Lepofsky and Andrew Fall to discuss how to proceed with the archaeology project on island.

Trustee Peterson reported:

- That he thought that the Community Information Meetings were useful and informative.
- The Local Planning Committee is changing its name to the Regional Planning Committee to better reflect the actual scope of its work. It is working on a restructuring of the Model Fees Bylaw, to allow for applicants' fees to cover a larger portion of the cost of processing applications.

**4.2 Chair's Report**

Chair Luckham reported:

- That he attended the September 17, 2020 meeting on Lasqueti in person and thanked the community for the opportunity to do so.
- The Provincial election has put all government business on hold for up to a couple of months.
- That there was an electronic Trust Council meeting in September.

**4.3 Electoral Area Director's Report**

Director Fall reported:

- That the Vancouver Island Regional Library (VIRL) released its annual report and adopted next year's budget.
- Lasqueti is the only part of the qathet Regional District (qRD) that is served by the VIRL.
- That the Union of BC Municipalities Conference (UBCM) was held virtually via Pheedloop, and had panels called Reimagining Leadership and Confronting Systemic Racism in Canada: he noted that structural racism is embedded in laws, while systemic racism is the net effect of all forms of racism.
- That the Lasqueti landfill closure is moving forward with a plan for a six foot soil cap with geofabric to stop rainwater intrusion. The high cost of the landfill closure raises an inter-generational equity concern. The total cost is estimated at nearly \$460,000 for closure and post-closure monitoring (closure costs are estimated at about \$184,000, while post-closure monitoring costs until 2045 are estimated at

about \$276,000). The costs of post-closure monitoring will be paid incrementally from future property taxes.

**5. MINUTES**

**5.1 Local Trust Committee Minutes dated August 10, 2020 - for adoption**

The following amendments to the minutes were presented for consideration:

On Page 6, under **LA-2020-016**, delete everything in the sentence after “Trustee Johnston spoke against the motion.”

**By general consent** the minutes of August 10, 2020 were adopted as amended.

**5.2 Local Trust Committee Special Meeting Minutes dated September 17, 2020 - for adoption - to be distributed**

Received. Adoption deferred to next meeting.

**5.3 Local Trust Committee Special Meeting Minutes dated September 18, 2020 - for adoption - to be distributed**

Received. Adoption deferred to next meeting.

**5.4 Section 26 Resolutions-Without-Meeting - none**

**5.5 Advisory Planning Commission Minutes dated July 27, 2020 - for receipt**

Received for information.

**6. BUSINESS ARISING FROM MINUTES**

**6.1 Follow-up Action List dated September 23, 2020**

Trustees asked for clarification regarding the status of October 28, 2019, Item 1; update to Project Charter for the Freshwater Sustainability Project.

Staff advised that it is still ongoing.

**7. APPLICATIONS AND REFERRALS**

**7.1 LA-RZ-2020.1 (Carey Development LTD. - JE Anderson & Associates) - Staff Report**

Staff indicated that the applicants were present in the meeting.

Staff briefly presented their report and the following was noted:

- The provided Draft Bylaw would amend the Lasqueti Land Use Bylaw to allow a dock in the specified area.
- Staff considers the application to be inconsistent with several OCP Policies which are identified in the staff report.
- At the August 10, 2020 LTC meeting, Trustees asked staff to report back from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). Staff reported that that they spoke with FLNRORD staff and have been advised that this application does not qualify for General Permission and that a bylaw amendment would also not guarantee that authorization would be granted

for the development, as Specific Permission may approve only parts of the application. FLNRORD staff require more information from the applicant before being able to make any determinations about the application.

- Staff recommend that the application proceed no further.

Ken Kyler, on behalf of the applicant, reported that they are proceeding with reports and a survey that should be completed within a month.

The Chair advised that not proceeding is in fact a denial of the application.

Staff advised that in the event a Public Hearing is not held, the applicant would be entitled to a refund of \$1,650.00, and quoted policies 1.1 and 1.2 from Trust Council Policy 7.2.4 and Fees Bylaw No. 85 s. 3.5.

Staff also advised that reapplying in a year is a procedural fact; if nothing has changed, the decision would likely be the same.

Trustees thanked staff for reporting and liaising with FLNRORD staff and noted that even if the application were to proceed, it would not qualify for the Province's General Permission.

Staff advised that FLNRORD staff indicated that if fill was placed in the foreshore area, it is considered trespass and would need to be remedied.

The Chair noted that this application is complicated by the fact that this area has not been zoned for docks and that it is problematic for the Executive Committee to receive an application that is not compliant with the OCP. He advised that even if the work were done with the Province, it would not change the fact that the application does not conform with the OCP.

Trustees noted that the OCP states that we may consider docks in the M2 zone and asked about the weight they should give to the public correspondence.

The Chair responded that the correspondence received needs to be weighed with the lack of correspondence that could indicate public support for the OCP as is.

Staff noted that weighing correspondence is a political decision, that there is nothing legal that binds the Trustees either way.

Ken Kyler noted that they have not yet determined if fill extends into the foreshore.

John Carey noted that if there is fill in the foreshore, they are prepared to move it back. He also noted that they have received different information from the Province than what the Islands Trust staff have reported.

Trustees noted the following:

- That Lasqueti does need more docks, but they would prefer new docks to be public.
- There is an old public access in Scottie Bay that could be rehabilitated.
- If more reports were received, more staff time would be required to analyze those reports, unless we instruct them otherwise.
- The Trustees' job is to uphold the OCP as it stands today.
- That it would be appropriate to have more community discussion about the location of future docks and whether they are public or private.

**LA-2020-026**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee proceed no further with LA-RZ-2020.1.

**CARRIED**

**LA-2020-027**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee request staff to advise the applicant that they may not re-apply to the Local Trust Committee with a similar proposal for at least one year from the date of this resolution, as per the Lasqueti Island Local Trust Committee Development Procedure Bylaw No. 35, 1992; and that the Lasqueti Island Local Trust Committee request staff to issue a refund to the applicant in the amount of \$1,650.00 as per Lasqueti Island Local Trust Committee Fees Bylaw, 2009.

**CARRIED**

**7.2 LA-RZ-2020.2 (Colette Mann - JE Anderson & Associates) - Staff Report**

The Chair noted that previous applications do not set precedents for future applications.

Staff noted:

- That the applicant was present.
- That this application is slightly different in that the dock is not fully constructed.
- That there are possibly concrete blocks and fill in the foreshore.
- This application is also in opposition to many OCP policies.
- That staff recommend proceeding no further with this application.

Ken Kyler noted that both applications were covered by the same information and that reports will not be complete for another month.

Trustees asked staff to clarify whether the LTC required this information.

Staff confirmed that the applicant agreed to provide this information via conversations with staff.

**LA-2020-028**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee proceed no further with LA-RZ-2020.2; and that the Lasqueti Island Local Trust Committee request staff to advise the applicant that they may not re-apply to the Local Trust Committee with a similar proposal for at least one year from the date of this resolution, as per the Lasqueti Island Local Trust Committee Development Procedure Bylaw No. 35, 1992; and that the Lasqueti Island Local Trust Committee request staff to issue a refund to the applicant in the amount of \$1,650.00 as per Lasqueti Island Local Trust Committee Fees Bylaw, 2009.

**CARRIED**

**Chair Luckham recessed the meeting at 11:10 and reconvened the meeting at 11:15am**

**8. LOCAL TRUST COMMITTEE PROJECTS**

**8.1 Official Community Plan (OCP) Public Engagement - Staff Report**

Staff reported on the recent history of the process, explained the recommendations contained in the Staff report and the following was noted:

- That motions were made at the Community Information Meetings (CIMs).
- That the issues that the community is currently dealing with are with respect to the Land Use Bylaw (LUB) rather than the OCP.
- Based on the Advisory Planning Commission (APC) discussions, no major flags were raised aside from the Guest Cabin definition.
- That there is no reason to not refer the issues of docks and home enterprise zoning to the APC now, but cautioned that the potential time and resources required of staff to facilitate the referral may slow down the current phase of the OCP Review.

The Chair advised that he is in favour of asking staff to draft a bylaw to allow first reading at our next meeting to speed up the long legislative process.

He also cautioned that doing the APC referral now may set people's expectations that these issues would be part of the current OCP process, rather than in a later phase of it.

Trustees asked the following and the staff responses follow:

- Resolution LA-2020-002 asks that the nested layout of the LCA OCP Steering Committee report be retained;
  - Staff responded that the sections were to be moved around with the Environment listed first and that the current track changes document already reflects this request.
- Whether the next step in the current OCP Review process would be changing the LUB;
  - Staff advised that subdivision regulations are currently listed as the next step and that generally, staff believes that the LUB would not be significantly out-of-sync with current proposed changes to the OCP, but a report could be prepared to note the differences.
- Whether first reading could happen by Resolution Without Meeting (RWM);
  - First reading could happen by RWM;
  - Referrals made after first reading have a 60 day timeframe;
  - Second Reading can not be done by RWM;
  - Third Reading could happen at the same meeting as a CIM;
  - Adoption can be done by RWM after approval by Executive Committee and the Provincial Ministry;
  - The qRD is one of the referral agencies; setting a protocol meeting with them during the referral timeframe would allow us to talk through it.
- That copies of the new draft OCP be available to as many people as possible;
  - All the documents are on the Islands Trust website and the public could request a paper copy from the Gabriola office.
- Could minor or major changes be made between First and Second Reading;
  - If the changes are substantive, then we recommend restarting the process;
  - Changes after a Public Hearing require another Public Hearing.
- Current status of changes to the guest cabin definition;
  - The APC requested two definitions;
  - These could not be discussed in advance if first reading was passed by RWM.

The Chair agreed that minor changes that do not change the intent would not stop the process later on.

**LA-2020-029**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee request staff to post the Lasqueti Community Association Official Community Plan Steering Committee report, the staff report with changes tracked, and proposed bylaws to the website with paper copies available by request and to notify the public through an island mailer and posters.

**CARRIED**

**LA-2020-030**

**It was MOVED and SECONDED,**

that consideration of Official Community Plan objectives and policies regarding docks and home enterprises be added to Phase 4 of the Lasqueti Island Official Community Plan Project Charter; and that the Lasqueti Island Local Trust Committee endorse the revised Official Community Plan/Land Use Bylaw Review Project Charter v.4.5, dated October 2020.

**CARRIED**

**LA-2020-031**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee request staff to draft an amendment bylaw for consideration of first reading by RWM that incorporates:

- a. the recommendations of the January 2020 Lasqueti Community Association Official Community Plan Steering Committee report; and
- b. the recommendation of the Lasqueti Island Advisory Planning Commission to create two different definitions to differentiate between commercially-zoned cabins and non-commercial guest cabins; and
- c. technical amendments recommended by staff.

**CARRIED**

**8.2 Pete's Lake Water Project – none**

Trustees requested a written report for the next meeting.

**9. DELEGATIONS - none**

**10. CORRESPONDENCE**

*(Correspondence received concerning current applications or projects is posted to the LTC webpage)*

**10.1 Letter dated March 23, 2020 from Trustee Johnston to Tla'amin Nation**

Received.

**10.2 Email dated August 22, 2020 from M. Wendt regarding Private Docks and Home Based Businesses**

Received.

**10.3 Email dated September 15, 2020 from J. Fall regarding Bylaw Enforcement and Feed Store**

Received.

**10.4 Email dated September 15, 2020 from S and K Seiler regarding Bylaw Enforcement**

Received.

**10.5 Email from Kate Emmings of the Islands Trust Conservancy**

Received.

Trustees noted the following:

- That a local forester suggested that some additional viewsapes that could be added are the ferry and Mount Tremonton.
- Given current satellite technology, a virtual dome over the island could be added as a viewscape.
- To preserve the largest remaining Coastal Douglas Fir zone, ask that no further commercial logging be conducted on Lasqueti Island.

**Chair Luckham recessed the meeting at 12:20pm and reconvened the meeting at 12:50pm**

**11. NEW BUSINESS**

**11.1 Lasqueti Island Local Trust Committee - First Meeting Date for 2021 - for decision**

Trustee Johnston asked for meetings to be scheduled every other month.

The Chair noted that the travel was not a big concern but stressed that staff resources were limited and were also needed for all the other islands in the Trust area.

Staff noted that the Northern office was responsible for 38 meetings each year; there is only one legislative clerk who puts the agendas together for all of the meetings, including special meetings. She noted that there could also be a protocol meeting with the qRD before February.

Trustees noted:

- That a meeting could be scheduled every second month.
- The difficulty for staff to schedule more meetings
- They expected to have a RWM and advance business before February.
- That a date in December 2021 could be scheduled in case it was needed.

**LA-2020-032**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee schedule its regular business meetings on the following dates in 2021: February 1, April 26, June 21, August 9, October 4, and December 6.

**CARRIED**

**11.2 Agricultural Land Commission (ALC) Regulation Changes - for discussion**

Trustee Peterson began the discussion by noting that Director Marlor advised that these changes may affect our current OCP process.

Staff advised:

- That these items are already scheduled for inclusion in Phase 4 of the OCP Review Process; and
- The recent changes primarily impact individual landowners by preventing them from applying to remove their property from the Agricultural Land Reserve (ALR); now, only Local Trust Committees (LTCs) can apply to remove properties.

Trustees noted that an Islands Trust policy would be helpful to guide LTCs in the future.

**11.3 Questions Regarding Bylaw Enforcement**

Trustees asked the following, with the Chair's responses embedded:

- When could a legal opinion be sought;
  - Each legal opinion costs a minimum of \$1,000, however, Bylaw Enforcement retains a database of legal opinions.
- Whether or not the LTC can stop the legal process;
  - It would likely cost a minimum of \$50,000.00 to go to court.
  - If enforcement is not pursued, it would be prudent to change the bylaw.
  - The current policy at Executive Committee is not clear.
  - This is related to the cost of insurance, which has a \$150,000 deductible.
- Are all documents related to bylaw enforcement matters confidential?
  - Confidentiality concerns generally require discussion and decisions to be made *in camera*.
  - Once a bylaw enforcement matter has begun, the person who has been complained about is always contacted.
  - A legal opinion could be released to the public.

Staff advised that staff could seek a legal opinion as long as a file is open.

**12. REPORTS**

**12.1 Trust Conservancy Report - none**

**12.2 Applications Report dated September 23, 2020**

Received.

**12.3 Trustee and Local Expense Report dated July 2020**

Received.

**12.4 Adopted Policies and Standing Resolutions**

Received.

**12.5 Local Trust Committee Webpage**

Received.

**13. WORK PROGRAM**

**13.1 Top Priorities Report dated September 23, 2020**

Received.

**13.2 Projects List Report dated September 23, 2020**

Received.

**14. CLOSED MEETING**

**14.1 Motion to Close the Meeting**

**LA-2020-033**

**It was MOVED and SECONDED,**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated August 10, 2020 and Bylaw Enforcement and that the recorder and staff attend the meeting.

**CARRIED**

**14.2 Recall to Order**

**14.3 Rise and Report**

The Chair noted that there was nothing to report.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting – February 1, 2021**

Staff advised that any requests for reports should be made as far in advance of the next meeting as possible.

Trustee Johnston suggested that the LTC schedule another meeting prior to February 1<sup>st</sup>.

The Chair advised that the meeting dates be left in place for the interim.

**16. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:08 pm.

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Peter Luckham, Chair

Certified Correct:

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Dave Olsen, Recorder