

**From:** john barrett [REDACTED]  
**Sent:** Wednesday, February 28, 2024 4:18 PM  
**To:** Stephen Baugh  
**Subject:** LA-RZ-2023.1-LTC

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I would like my opinion to be included as not supporting LA-RZ-2023.1-LTC.

I am sending a letter written by me regarding the first application. It contains questions which the LTC should address re permitted uses.

LA-RZ-2023.1-LTC. Is this in the public interest? How would granting this application further the Goals of the Islands Trust?

Yours, John M Barrett Lasqueti resident.

Regarding an application to amend the Rural Land Use Bylaw

Issue: The application would if successful allow a private dock. The RLUB states that private docks are not a permitted use. However the LTC must accept applications to amend the RLUB, and give the application due process. The LTC can choose to accept the application, or choose to not accept the application.

Opinion: The LTC should choose to not accept these applications. A very recent review of the OCP stated clearly that the public do not support private docks.

Precedents: The approval of this rezoning would not set a legal precedent, but would set a social and political precedent. Future applicants would still have to apply, but could ask for similar treatment, making it difficult to refuse their rezoning without claims of unfairness.

Permitted use? Does the application define the permitted uses? What are permitted uses under the existing bylaw? Can docks be used for commercial purposes? Are there limits on noise, lights, structures, number of vessels, guest stays, storage of fuel? Can a floating home or vessel be tied to the dock and used for private or rental accommodation? How many floating homes or vessels may be tied to the dock? For how long?

A simple restriction would be to limit the permitted use of a private dock to non-residential / non commercial use for the moorage of the upland owners private vessels. No structures, no rentals or accommodation, or rental space.

Question? Does the applicant require a foreshore lease? License of occupation?

Who benefits? Not the public!

How would such a bylaw amendment meet the Islands Trust Policy guidelines, or further the Islands Trust Objectives.

If the RLUB is to have meaning, it must be difficult to amend. The RLUB does allow for consideration of an amendment for rezoning. It does not allow for consideration of an application to regularize illegal activities.

The LTC should resolve to not proceed with this application. This will confirm that the existing dock is in contravention of the bylaw. If the owner does not remove it, the LTC may resolve to proceed with a legal challenge. The results of such a challenge would establish guidelines for future decisions.

This is not a personality issue but a legal one. This is a test of our OCP's validity and strength and the inclusive process that created it. The bylaw is clear, the public support it, and the LTC should choose to not accept this application to rezone.

If the Trust Committee wishes to examine the uses of Scotty Bay, then that is when a public process is appropriate. A committee would look at current uses, stakeholder opinions, options and establish clear goals and viable solutions. A public dock at the existing public access, zoned by the LTC and administered by the Regional District would give all users access to launch small craft.

I recommend that the Lasqueti Trust Committee resolve to not accept the rezoning application.

Yours,

John Barrett

