

**From:** Sheila Harrington  
**Sent:** April 24, 2024 9:51 AM  
**To:** Lasqueti Island Local Trust Committee  
**Subject:** LA-RZ-2023.1-LTC

The Lasqueti Trust Committee has a significant challenge in determining how to proceed with this proposed rezone to exclude this property and its unpermitted dock within the Land Use Bylaw (LUB). The Lasqueti community developed the Official Community Plan with its stated goals based on NOT being a transient or commuter community. The two days a week we have no ferry reflects this overall goal. The OCP was reviewed by the public in 2019, and these marine zones and restrictions remain. However, there has been considerable support for the particular people who have installed this dock, while there is also considerable objection to going against the community's vision and wishes, reflected in the OCP and legally outlined in the LUB.

The Carey's property, Lot 62, was purchased and developed from a forested property to a recreational home in 2019/20, including building a home and driveway leading from (Conn Road) down to the foreshore, including the installation of cement blocks in the intertidal area and a dock.

- The owners were made aware that the Community's Official Community Plan and Land Use Bylaws prohibit docks in areas with public road access by trustees, our regional director and Islands Trust staff. Nonetheless they went ahead and built it. After being initially turned down, they are now again asking for approval based on offering a public benefit.
- If approved, it will likely set a precedent for future applications for private docks. Just in Scottie Bay alone, there could be several other lots where waterfront owners could apply for a private dock. The acceptance and proliferation of waterfront owner's docks would open the door to a different type of community, impacting the foreshore, surrounding environment, and neighbouring islander's property taxes, peace and tranquility.
- With all the moorings and boats currently in Scottie bay, there is very little room for a passing or visiting boater to take safe anchorage in the only all weather bay off the Island. The applicant's dock takes up some of that room, including for boaters with twin keels who can sit on tidal lands (such as Brent Swain, who often anchored in the dock's current location. Brent installed the large marker at the head of the bay marking that hidden reef to help boaters safely pass into the bay.)

The Islands Trust LTC seems to be considering acceptance of this non-conforming dock, subject to public benefit being given to the community by the owners. The owners have proposed this benefit as occasional emergency access through placing a statutory right-of-way across their property in Scottie Bay to their dock for emergency purposes. Despite the long-term legal and cost implications of the Careys' offer, the LIVFD and the Qathet Regional District, and other emergency services provided by the Province will likely be unable or need to use the Careys' dock, for several reasons.

1. The Cape Class SAR boats used by the Coast Guard at French Creek to evacuate people off the island in an emergency have a draft of 1.4m and a length of 14.6m. It may not be possible for an evacuation at low tides or any tide at this location.
2. The ramp from shore to the Carey's float may be too narrow for four First Responders to carry a stretcher. The new private driveway that connects Conn Road to the dock may be too steep for the ambulance.
3. The LIVFD doesn't need permission to cross private property and doesn't need a legal right-of-way in the event of an emergency.
4. The extensive docks owned by the Lasqueti Fish Company are far more accessible for emergency use in Scottie Bay.

The Careys' current offer doesn't seem viable, and doesn't meet the threshold for providing public benefit. However, there is no doubt that the Lasqueti community could use more public dock space. The dingy dock at the end of the public access road in Scottie Bay, which was removed a few years ago, allowed the owners of the 18 boats currently moored in the bay safe public access to shore. Karl's study of safe dock locations identifies Scottie Bay as one of the best places on the island for a dock. A safe dingy or larger public dock, built to standards and set adjacent to the existing public road access would provide real long-term community benefits. A public dock in the bay would:

- take transit boating pressure off the Lasqueti Fish Company dock;
- provide a safe access to shore for locals and visitors who moor their boats in Scottie Bay;
- allow the Careys to keep their dock (without further extensions of the float).

If the Careys offered to build and install a public dock at the existing public road access site in Scottie Bay in exchange for approval of their existing non conforming dock they would be providing a considerable public benefit to the Lasqueti community. Once completed and installed, the dock could be transferred to the Qathet Regional District (or other public body) similar to the public ramp in False Bay. The Islands Trust could then complete approval of this application.

Although this would be costly to the applicants, it would eliminate costs resulting from legal action for this bylaw infraction, including removal of the dock and any remediation required. Instead, the Careys would be receiving legal access to use crown/public land, adding substantially to the value of their property.

The community needs a safe public dock in Scottie Bay, and this proposal may provide a one-time exclusion that does not set a precedent for future private docks.