

**From:** lucich [REDACTED]  
**Sent:** Wednesday, March 30, 2022 11:32 PM  
**To:** Islands2050  
**Cc:** Concerned Salt Spring Island Residents; Olsen.MLA, Adam  
**Subject:** re Trust procedures

**Categories:** Purple Category

Notice of a public hearing regarding a proposed land use bylaw amendment/rezoning, posted in the March 9 issue of the Driftwood, caught our attention. We accessed the on-line link included in the notice, and learned that the underlying issue pertained to the non-conforming size of a boathouse. We were puzzled as to why something so inconsequential would warrant this approach? Hoping for an answer, we reached out to the Trust's planning staff, inquiring why it was necessary to proceed with a bylaw amendment and rezoning vs. a variance. The response was prompt: "*As the size of a boathouse is regulated within it's [sic] definition per [Salt Spring Island Land Use Bylaw No. 355](#), the size is tied to use.*"

*Per Subsection [498\(2\)\(a\)](#), Local Governments cannot vary use or density by way of a Development Variance Permit."*

Unfortunately, this explanation conveyed not only a tortuous misinterpretation of Bylaw 355, but also of the Local Government Act. Per the response, permitted size is conflated with defined "use"....as though, due to excessive size, the boathouse has somehow transformed into something else. *What* exactly...a blimp hanger?

This is then tied to a section of the LGA in which the statement, quoted above, fails to include the full reference....i.e., that a development variance permit may not "vary the use or density *of land*".

In point of fact, the subsequent section of the LGA, 498.1, makes it clear that a variance permit is absolutely the appropriate tool to address non-conforming building size. Moreover, building size is considered of such minor importance that it is specifically included among items for which issuing a variance permit could be delegated to staff.

Are we to understand that the approach used here is the one consistently endorsed by the Trust....i.e., that if a building exceeds permissible size, the proper remedy is to amend the land use bylaw and rezone the property? If not, at what point should a

supervisor have stepped in to call a halt? When presented with this material, shouldn't the Trustees have questions for senior staff ?

This would be amusing if it were not such an egregious waste of time and resources....a wastefulness that extends not just to the "Local" Trust Committee (whose recent agenda package on this item was 197 pages), but to the 37 entities to whom this unnecessary exercise was referred.

This regrettable example demonstrates a willingness, at every level, to abdicate responsibility for analysis, inquiry, or supervision in the delivery of the one service....land use planning...for which the Trust currently has jurisdiction. Unless and until this is corrected, there is no reason to believe the Islands Trust should be granted the expanded authority being sought under the draft Trust Policy Statement.

Mark and Julia Lucich