

ISLANDS TRUST POLICY STATEMENT REVIEW
General Commentary-Peter Frinton

The Policy Statement was last consolidated in 2003, other than a more recent administrative review.

It remains a pivotal document, and referenced frequently when evaluating land use proposals within the Trust area. There is no question that the language needs to be updated, yet every time trustees and staff peer at it, a wave of fear descends and everyone quietly steps back from the cliff.

I will comment on just one Directive Policy-4.4.2, largely because it has been so contentious over the years, and is of seminal importance. In fact, water quality and availability may be the prime limiting factor affecting growth on the islands.

The current wording is noble and clear:

4.4.2 Local Trust Committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:

- *neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,*
- *water quality is maintained, and*
- *existing, anticipated and seasonal demands are considered and allowed for.*

It is written as an absolute- words such as ‘shall’, ‘ensure’ leave little wiggle room.

shall | SHal, SHəl |

modal verb (third singular present **shall**)

- expressing a strong assertion or intention: *they shall succeed* | *you shall not frighten me out of this.*
- expressing an instruction or command: *you shall not steal.*

ensure | in 'SHōor, en 'SHōor |

- [no object] (**ensure against**) make sure that (a problem) shall not occur.

ORIGIN

late Middle English (in the senses ‘convince’ and ‘make safe’): from Anglo-Norman French *enseurer*, alteration of Old French *aseurer*, earlier form of *assurer* (see [assure](#)).

Unfortunately (or not) we do not live in a world of absolutes. What has repeatedly happened is that 4.4.2 has been ‘interpreted’, or overridden/ignored as the potential for water shortage is omnipresent.

The peril is episodic- seasonal or even once a decade. If enforced, 4.4.2 could be interpreted as saying that no further development should take place at all, anywhere in the Trust area. However, the directive ignores the fact that shortages and quality deficiencies occur at current densities. Issues such as St. Mary's Lake on Salt Spring or salt infiltration on Gabriola and Denman, necessitating water truck deliveries at times.

So it is the Directive which belies the reality.

There is no simple fix, nor any perfect wording. It is hard to craft new language that would not either water down the intent nor open a can of worms.

Notwithstanding this, I think an approach which analyses the elements of the issue, and proffers solutions is not that difficult.

1. Intent- This is pretty simple, to provide water security. The wording of the Directive should acknowledge the difficulties, in the face of unknowns, seasonal differences and longer term climate change, of providing certainty.
2. Approach to solutions- I think the emphasis should be on mitigations and a policy of 'continuous improvement' (ie what we can do now and staging of new water use regulations over time.
3. Specific actions- these have been visited many times, but never or rarely implemented as part of the Building Code or local bylaws. But water storage, grey water separation and reuse, broad water conservation measures, attention to groundwater hydrology whenever sites are disturbed could all, over time, significantly contribute to improving water outlooks.

Strictures are needed. It would be foolish to ignore that. But rather than stating no increase in density nor intensity of use shall take place in water deficient areas, the emphasis could be on requiring demonstration that sufficient measures will be undertaken such that there be a low likelihood of water problems.

That partially makes the problem an engineering one, but should be worded so that even if a proponent appears to be properly addressing issues, that there can be an external review to validate.

The other thing, again just from my perspective, is to not misuse directives as a way of thwarting initiatives. Instead, clear statements about community objectives, normally residing in OCPs, should be elaborated in Land Use Bylaws to make an overriding development framework. For this to work, for example to anticipate a 'number of folio' buildout, it is essential to get definitions correct and have a clear view of envisioned outcomes.

'Density' is a poor measure if a bachelor suite in multifamily housing is counted in the same way a four bedroom house might be. Similarly, if folios are counted, but 'accessory residential use is permitted' (Bowen allows attached and detached suites in most residential areas), then the overall intent gets compromised. A better metric might be 'number of pillows', as is used at Whistler, or aggregate residential footprints.

Parsing just one clause does beg questions about others, and there is always a chance effort will be misdirected, or taken to a certain point, then the process being truncated.

The cure for that is good process, both public and at the staff/trustee level. If there is clear agreement on overarching principles, the details do not work themselves out, but at least there are paths forward.

I think there is a need for iterations of an updated Policy Statement, not ‘here it is, yes or no’? That way, sticking points get elucidated at each stage and can be hopefully rectified.

Setting the time goal, eg new PS before end of current term, and providing appropriate resources without going to outside consultants except for syntax and legal, are more than helpful.

I really encourage the Trust to successfully do this work. It has been nearly two decades since the Programs Committee I was on attempted a rewrite.

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