

February 20, 2018

To - CRD Director Wayne McIntyre, Trustee Peter Grove, Trustee George Grams, Trustee Peter Luckham

Re – Ganges Sewer System

Dear Wayne, Peter, George and Peter,

I have recently been in communication with CRD Staff, a Ganges Sewer Commission representative (David Toynbee), Trustee Grove and Director McIntyre regarding the current apparent lack of policy with respect to the CRD's responsibility to provide service to the Ganges Sewer Area ("GSA").

My expressed concern is that properties within the GSA, which are already currently zoned for a particular density, apparently have no right, in policy, or through a sewer service bylaw, to be assured of being able to hook up to the system, or, any kind of guarantee that when then they are ready to hook up to the system there will be sufficient capacity to service the development allowed under existing zoning.

I have been informed in writing by Ms. Karla Campbell (CRD) that in order to obtain certainty of capacity my property would first have to be granted a development permit from the Islands Trust.

Frankly, and with all due respect, I find this "approach" to land use planning on Salt Spring to be absurd, for the following reasons:

1. Currently there are a number of properties in the GSA which have rezoning proposals before the Islands Trust. Croftonbrook, Meadowbrook 2, Drake Road, Harbour House Hotel, 155 Rainbow, and, my project on Park Drive. The date of my rezoning application (2013) precedes all other applications.
2. My property was rezoned by the Islands Trust to allow 33 units of multi-family in 1988. In 2010 the Islands Trust granted a Development Permit for 33 units. However, the DP expired in May 2012.
3. My current rezoning application is to add an additional 16 units (8 of which would be affordable housing units).
4. The placement of the current North Salt Spring Waterworks District moratorium has denied our project water from NSSWD. As a result, like Croftonbrook and Drake Road we have had a hydrology study conducted on our well, and, have applied for a water license for the use of the water for our project. We are awaiting the outcome of the Islands Trust's decision on the recent "Approval Processes for Water Supply Systems on Salt Spring Island" to give us guidance.
5. Given Ms. Campbell's response, it is my understanding that neither Croftonbrook, Drake Road, Meadowbrook or Harbour House have secured capacity for their projects, since all four are still in the rezoning process, and, are therefore many months away from having rezoning approval, let alone approval of an, as yet, unapplied for, or granted, Development Permit.
6. In my opinion, it is absurd for any multi-million dollar, proposed project like Croftonbrook, to be proceeding with a rezoning application OR a DP application, without any guarantee that at the end of the day there will be capacity for the project, or, that further capacity will require a significant contribution to an, as yet, undetermined expansion, which may, or may not be feasible financially or physically.
7. The Islands Trust currently is struggling with the issue of determining how much potable water supply from a well should be available for a particular level of zoning. It is my understanding the Trust's concern is, as an example, whether Croftonbrook will be able to service its proposed development, or how many units or people should be allowed under the proposed rezoning given the level of proven water supply.
8. If we take it that that concern by the Trust is a valid concern, and needs to be addressed during the rezoning process, then how is the question of the availability of disposing of the same water, via the GS, any less of a question that should be answered with certainty during the rezoning process? If the Islands Trust believes it must act responsibly when it comes to supply of water during a rezoning process, surely it should be equally cognizant of whether, after the rezoning, the project will be able to dispose of sewage in a manner that is reasonable?

The above points serve as a background to my recommendations to both the Trust and the CRD as to how to move forward to properly resolve this issue:

In consultation, with the Islands Trust, the CRD should create a bylaw/policy guidelines that lay out the following policies:

- a. The servicing requirements for all properties, within the GSA, under their current zoning capabilities and likely future uses, should be identified and quantified as to the potential number of gallons per day which are likely to be used by the properties at full development potential.
- b. The existing maximum capacity of the GS should be quantified.
- c. The existing excess capacity, IF ANY, should be quantified.
- d. Any **excess capacity** should be reserved, on a prioritized basis, based on the date of a rezoning application to the Islands Trust. (this is similar to the existing Water Licensing provisions which are priority based upon the date of application for a license)
- e. Future capacity of an expansion of the GSA's plant should be projected, a projected cost (with inflationary cost increase projections) estimated for the expansion, Capital Expenditure Cost charges identified for any properties which will be dependent upon expansion should be quantified, and the projected MINIMUM number of expansion requests which would be required to be made prior to expansion should be quantified, along with projected timelines from the time of sufficient requests to the time of expansion.
- f. The CRD will recommend to the Trust to NOT give final reading to rezone any properties within the GSA which may require a plant expansion, until such time as the plans for the plant's expansion are finalized and Capital Expenditure Charges are provided by bonds from the applicant(s).

The proposed policy/bylaw would establish a fair playing field for existing zoned properties/owners, and give certainty to all parties as to the viability/practicality/potential timing of any proposed rezoning application.

To proceed, I suggest a meeting to discuss the above be held between the Director, one of the Trustees (who can report back to LTC), a senior staff member of the Islands Trust (Stefan Cermak?), a senior staff member of the CRD (Karla Campbell?), and one or more members of the Ganges Sewer Commission. I would be happy to attend to give the perspective of a property owner/developer with the GSA, but I would recommend inviting all other current rezoning applicants in the GSA.

Thank you for your attention to this issue, and I look forward to your responses.

Best regards,

Eric Booth

