

On Aug 30, 2018, at 7:14 PM, Eric Booth <[REDACTED]> wrote:

Hi Karla

I'm following up on my June 13, 2018 response (see below) to your email.

I attended the Ganges Sewer Local Service Commission meeting today at which time the Staff Report (which included discussion on the Stantec Hydraulic Modelling Report) was accepted.

The Staff Report raised questions with respect to capacity that I am hoping you can now answer.

Three scenarios are referred to in the report. The first scenario is the current capacity, the second is proposed capacity (some of the rezoning applications in front of the Local Trust Committee), and the third is the Ultimate Build-Out Condition (UBOC) under existing zoning.

The Report states that "some surcharging may occur in low lying area(s)" in Scenario 3. If that is in fact the case, it would appear that Stantec has either:

- a. added the modelling of Scenario 1, 2 and 3 together, which results in a possible surcharge; or
- b. found that Scenario 1 and 3 added together may result in a surcharge.

Since it is now clear a potential surcharge may occur, the question of the future, potential, financial burden to Ratepayers is raised.

IF Scenario 1 and 3 added together result in a potential surcharge then it would stand that ALL additional rezoning proposals will likely add to the surcharge. This would strongly suggest Capital Expenditure Charges be applied to ALL rezoning proposals.

In that instance, it also then raises the question (which I have previously raised) of prioritization of rezoning applications by the Islands Trust.

I am going to strongly suggest that prioritization of applications to increase the demand on capacity of the sewer be recognized on a first applied, first served basis. "Leap-frogging" of applications should not be allowed, or ignored, through policies of either the LTC, the CRD or the GSLSC.

In my opinion, there should be a coordinated policy in the form of a Letter of Understanding, similar to the one between Staff of Administrations of Islands Trust and CRD with respect to the issuance of building permits.

(<http://www.islandstrust.bc.ca/media/343372/05orgagrfeb062002reg.pdf>)

The LOU should address, on a mathematical basis, that WHEN capacity is expected to begin surcharging the system, CEC charges will come into effect. That formula should be balanced by ensuring - Scenario 1 + Scenario 3 + the capacity of a proposed rezoning application = Sufficient Capacity.

WHEN, in the future, it is recognized Sufficient Capacity will likely be surpassed due to a rezoning application, it is incumbent, upon ALL agencies, to ensure that GSLS Ratepayers' financial interests are protected by requiring sufficient CEC charges to be levied as a condition of final approval of rezoning.

So, if you could please clarify if Stantec's conclusions on the three modelling scenarios are cumulative (1,2 and 3) leading to a potential surcharge, or separate (1 and 3) from existing rezonings, but still leading to a potential surcharge?

In addition, as I have brought to everyone's attention previously, it appears a complete list of LTC rezoning applications needs to be shared with, and acknowledged by, GSLS. To date, I can find nothing in the minutes of the GSLS, or the LTC, that reflect this has occurred. It is incumbent upon Staff of both agencies to insure the Local Trustees, the CRD Director, and the Commissioners are kept advised of matters which may have significant ramifications to their electorate and/or ratepayers which they represent.

Lastly, since the Stantec Hydraulic Modelling Report is being referenced now, and its "Recommendations" made public, can you please forward me a copy of the full report?

Thanks again for your attention, and I look forward to your response.

Best regards

Eric Booth

Cc – George Grams, Local Trustee
Peter Grove, Local Trustee
Peter Luckham, Chair SSILTC
Wayne McKintyre, CRD Director
Gary Utter, Chair, GSLS

Sent from [Mail](#) for Windows 10

From: [Eric Booth](#)

Sent: Wednesday, June 13, 2018 1:30 PM

To: [Karla Campbell](#); pluckham@islandstrust.bc.ca; [Peter Grove](#); ggrams@islandstrust.bc.ca; [directorssi](#)

Subject: RE: Park Drive, Salt Spring Island - 33 unit development -SewerCapacity for Lot 10 Plan 14710

Hi Karla

Thank you for confirming sewer capacity for the 33 existing zoned units. I've confirmed/answered your questions below in CAPS.

1. The current zoning allows for 33 housing units - CORRECT
2. There is an expired Development Permit (expired May 12, 2012) for this property – CORRECT and will be renewing prior to applying for a building permit or servicing - CORRECT
3. The property requires a rezoning application for an 16 additional units. – CORRECT, THERE HAS BEEN A REZONING APPLICATION WITH THE TRUST SINCE 2013 AWAITING THE TRUST'S DECISION ON HOW TO DEAL WITH THE WATER SERVICING ASPECT, IDENTICAL TO THE SUBSEQUENT DRAKE ROAD, CROFTONBROOK AND HARBOUR HOUSE REZONINGS CURRENTLY BEFORE THE LTC. NOW THAT THE LTC HAS PROVIDED SOME DIRECTION AS TO HOW THEY ARE HANDLING THE QUESTION OF WATER QUANTITY, I HAVE ASKED FOR MY APPLICATION TO PROCEED.

Upon receiving a referral from the Island Trust the CRD will require the applicant to provide the following calculations (from a professional engineer) to evaluate the additional flow on the sewer system and confirm sufficient capacity:

- The wastewater discharge rate is being proposed (how may litres per population equivalent per day)
 - The peaking factor for this development
 - The inflow and infiltration allowances
 - Based on the above, what is the total average dry weather flow (in Litres/second) and the total peak wet weather flow (in Litres/second)
4. Advise if the property will be supplied with water from NSSWW or will it be augmented the water supply from an onsite well water. If it is to be augmented by well water the development will be required to meter the well water production for billing purposes as well as obtain a ground water licence from the province. – THE PROPERTY, LIKE CROFTONBROOK PROPOSED REZONING, WILL HAVE ONE SFE CONNECTION FROM NSSWD, BUT PRIMARILY BE SUPPLIED FROM A DRILLED WELL. I HAVE BEEN PREVIOUSLY INFORMED OF THE METERING REQUIREMENT BY CRD ENGINEERING. THE PROVINCE IS CURRENTLY PROCESSING THE GROUND WATER LICENCE FOR THE WELL, AND ISLAND HEALTH IS PROCESSING THE SOURCE APPLICATION.

Thanks, and I look forward to reviewing the capacity study when it is released. I trust there is now discussion between Islands Trust staff and CRD staff as to the prioritization of rezoning applications as they may impact the future buildout capacity of the Ganges Sewer system. Could you please confirm that coordination is now occurring?

Best regards,

Eric

From: Eric Booth <[REDACTED]>

Date: June 8, 2018 at 9:18:21 PM PDT

To: directorssi <directorssi@crd.bc.ca>, Peter Grove <pgrove@islandstrust.bc.ca>, "ggrams@islandstrust.bc.ca" <ggrams@islandstrust.bc.ca>, "pluckham@islandstrust.bc.ca" <pluckham@islandstrust.bc.ca>

Subject: Ganges Sewer

Gentlemen,

I am following up on the issues I brought up at the Ganges Sewer Commission meeting held yesterday morning, and the Local Trust Committee meeting held yesterday afternoon – that of sewer capacity.

While I understand the CRD sewer capacity study has now been completed, is now under review and is expected to be released sometime in about a month's time, I wish to formally reiterate what I said regarding capacity.

I am extremely concerned at the apparent communication disconnect between the processing of Islands Trust rezoning applications, along with existing build out numbers, and the CRD/Ganges Sewer Commission and CRD Staff.

I am also concerned there is no policy or bylaw in place to address how prioritization, and/or co-ordination, of applications, either with the Islands Trust or CRD, should occur. In a municipality there would be no separation of application issues – e.g. – a rezoning application would necessarily take into account sewer capacity.

To date, thousands of dollars have been spent by property owners/ratepayers in anticipation that sewer connections will be available when required. The many undeveloped properties within the Ganges Sewer Area have paid property taxes and parcel taxes based on their assessed values which are partly due to their inclusion within the Sewer Area.

Frankly, I am alarmed at my personal experience to date – I was told by Karla Campbell in October I would need a DP issued BEFORE I could make an application to secure sewer capacity. I was then told by her on May 2nd, that she could not provide me with any information regarding capacity, and yet, as Ms. Petersen stated to the LTC yesterday, IWAV has evidently been given a green light assurance by Ms. Campbell.

As a result, I am calling on both government authorities in this case to immediately address my suggestion/request to all four bodies – CRD Staff, Ganges Sewer Commission, LTC and Islands Trust staff – to, if you'll pardon the "term of reference," literally sort this [REDACTED] out.

I cannot believe any Court would approve of "governmental leap frogging" of applications by staff, appointed advisory members or politicians, with a "first cross the finish line" approach to rezoning and servicing, with "losers" having to expend hundreds of thousands of dollars and be delayed potentially by years.

While I understand the Croftonbrook application is time sensitive, It is incumbent upon elected representatives and staff to insure fairness of process, and that no bias or prejudice or preference is given to any particular property owner/applicant.

I believe a fair approach to dealing with this issue going forward would be:

1. Identify the maximum capacity of the Ganges sewer plant, based on all factors, including infiltration/inflow calculations. This should be included in the soon to be released study.
2. Subtract from the identified available capacity, the build out estimates, supplied to the CRD by Islands Trust, which identify the potential build out under existing zoning. This is supported by

the OCP – “C.4.2.2.3 Map 8 shows the area of properties included in the Ganges Sewer Local Service Area. When making decisions about including properties outside that area (i.e. Map 8), the Ganges Sewer Local Service Committee and the CRD Board could consider supporting **inclusion if a study is undertaken to identify the capacity required to serve anticipated development potential allowed under current zoning...**” This clearly is a direction by the LTC to the GSLSC and the CRD that they should **serve** or reserve **anticipated development potential allowed under current zoning...** FIRST, prior to considering other inclusions/expansions.

“C.4.2.1.2 To ensure that zoning changes within the boundaries of any community sewer area do not result in such a level of development that sewer collection, treatment or disposal capacity of the area is or will be exceeded when the area is fully developed.” This clearly indicates the need for the LTC to consider not only the CRD/GSLSC capacity study, but, the existing zoning’s capacity requirements.

3. Then, subtract the requested additional capacity in each current rezoning application, prioritizing **by order of date of application of the rezoning**, from the net capacity after current build out is taken into consideration.
4. Determine at what point the capacity has theoretically been reached, and, inform all applicants of the decision as to whether or not they will be granted capacity, or, under what circumstances they may be granted approval e.g. capacity increase via sewer plant expansion or common septic field approved by VIHA.

While no CRD staff member or commission member at the GSC AGM yesterday could quantify the number of proposed additional SFE’s which are currently being proposed for the system through rezoning applications currently instream with the Islands Trust, Ms. Petersen (IWAV/Croftonbrook) informed the meeting there are currently 230 ADDITIONAL SFE’s proposed, including the 54 in the Croftonbrook application (which has now received 2nd reading at the Local Trust Committee meeting), the 80 units proposed for the CRD’s Drake Road project, and, presumably my application for an additional 16 units.

With some confidence, given current data from the system, I believe there will NOT be enough capacity for 230 PLUS the required capacity for existing build out of properties. I sincerely hope I’m wrong.

All of which raises the question – How can a CRD Staff member assure, in a CRD referral response to an Islands Trust application, there is capacity, when in fact it is a decision that can only be made by the Commission? Can I get that same kind of assurance right now, because I’ve been trying without success since last October?

I have attached a copy of the 2016 CRD referral response to proposed bylaw 491 (Ganges Boardwalk), in which the Ganges Sewer Commission did not approve the additional capacity being requested. Has anything changed since then? Reading through the minutes of the GSC the situation doesn’t appear to have changed.

The fact that it has taken a member of the public to bring this to light is likewise alarming. Staff within both jurisdictions should be, or should have been, in ongoing communication/contact with each other (at the latest in 2008 when the OCP was being reviewed), and, should keep each other informed on an ongoing basis as to land use planning/servicing issues, including the total number of SFE rezoning/capacity increase applications. It appears agency referrals have been lacking in taking into consideration the larger picture – capacity.

And yet, rezonings, some of which have already gone through public hearing, are evidently slowly making their way towards adoption based on anticipated capacity which may or may not be there. I believe there is a duty of care issue here.

Given the significant financial stakes in play for a number of property owners, myself included, I would appreciate a timely response from both authorities as to how you plan to address the above oversights with staff. I would gently

remind you that I initially brought this matter to your attention 4 months ago (February 21, 2018 – copy attached), and, unless I'm out of the loop (in which case I stand corrected), the central question seems to have been ignored. The fact the CRD Staff members in charge of the system as of yesterday have apparently no idea of the number of SFE's being asked for in rezoning applications is a strong indication the message hasn't gotten through to staff yet. Perhaps it did yesterday...

Thanks for your attention to this, and I look forward to your responses.

Sincerely

Eric Booth

Salt Spring Ventures Inc.

From: Karla Campbell <kcampbell@crd.bc.ca>

Date: May 2, 2018 at 12:56:21 PM PDT

To: Eric Booth <[REDACTED]>, directorssi <directorssi@crd.bc.ca>

Subject: RE: Ganges Sewer

Eric,

I am unable to provide you with a timeframe. The CRD reports to the Ganges Sewer Commission with regard to your question. If you are wanting notice of when the topic will be presented you may subscribe to the Ganges Sewer Commission to receive an email notification when Agenda's are posted. At that time you can review the agenda topics to see if it is scheduled to be released.

Karla Campbell, BPA

Senior Manager, Salt Spring Island Electoral Area

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