

On Mar 12, 2022, at 10:10 AM, [REDACTED] wrote:

Dear Peter and Laura

I have had an opportunity to review the Staff Report dated March 22, 2022, regarding our application. (page 102 - <https://islandstrust.bc.ca/document/salt-spring-ltc-regular-meeting-agenda-7/>)

Unfortunately, once again, it appears Planner Mayes has disregarded mentioning in her report, the moratorium review process that North Salt Spring Waterworks District is conducting.

The “rationale” she has put forth to recommend closing the application is the following:

Staff recommend closing (this) application in support of effective and efficient staff time management, and to ensure development proposals are evaluated based on current bylaws....Staff recommend closing application file SS-RZ-2013.7 as the application has not proceeded in a timely manner and in consideration of the considerable staff time that has been allocated to this application. The SS LTC has granted the applicant multiple extensions and the application has been in abeyance for almost two years (since May 2020).

I find it somewhat peculiar, in the midst of a housing crisis, which gets worse by the month, that Staff would not be doing everything within their powers to encourage and support a rezoning application that:

1. Proposes a component of affordable housing
2. Proposes the allowable OCP density for Ganges of 15 units per acre,
3. Involves a property within the Ganges Sewer Area and easy walking/biking distance to all of Ganges.
4. Has the potential to provide a total of 49 affordable housing units, should either the Province, BC Housing, Community Services, or a non-profit organization make a bid to acquire the property as part of fulfilling the over 600 housing units the CRD has estimated Salt Spring is deficient.
5. They have spent virtually no time on over the past two years other than to (in May 2020, October 2020, February 2021, October 2021 and March 2022) prepare “copy and paste” reports recommending closure.

I find it also perplexing that Staff would not bring to your attention in the Staff Report ANY of the information I have forwarded you regarding NSSWD’s moratorium review process, and particularly the fact that in 9 days after this report will be considered, on March 31st, the 4 hydrology reports, which have been under peer review are to be brought forward at the NSSWD Board’s meeting. Staff are obviously aware of the review, but, for whatever reason, apparently feel that information is not relevant to the question at hand, when in fact it is central to why this application has been delayed....a delay which has been of an arms length nature.

You will recall I brought it to your attention in October 2021, Planner Mayes had not provided you with information on the progress of the budgeted NSSWD moratorium review at that time, and, had actually **PREDICTED, without any supporting evidence, information or rationale, and in spite of good evidence to substantiate the moratorium question was actively being pursued by the NSSWD Board, that “it is**

unlikely the NSSWD moratorium will be lifted or modified.”

*(From October Staff Report - Additionally, staff recommend closing application file SS-RZ-2013.7 as the application has not proceeded in a timely manner and in consideration of the considerable staff time that has been allocated to this application. The SS LTC has granted the applicant multiple extensions and the application has been in abeyance since May 2020. Staff note the required potable water volumes for the proposed density increase have not been achieved and **as it is unlikely the NSSWD moratorium will be lifted or modified**, staff recommend closure of this application.)*

With all due respect to Staff, if I was Staff, knowing the NSSWD moratorium review was funded, and in process, I would have, in order to effect “efficient staff time management,” recommended to have put the application in abeyance until such time as the moratorium review process was completed.

As my elected representatives to the Trust I would ask that you, at least, question the rationale/motivation behind Staff (a) **consistently not providing you with all relevant information** before making a recommendation to you, and/or (b) actually making an unsubstantiated personal prediction on what another public body may or may not decide.

An independent observer, given all of the above circumstances, could very well come to the conclusion there is a reasonable apprehension of bias involved in Staff’s recommendations.

And, while a junior planner may be forgiven for “oversights” or inappropriate predictions made in a staff report, I note the Regional Planning Manager’s approval/concurrence of the reports, which is more disconcerting.

Thank you once again for your attention and consideration.

Best regards,

Eric Booth

PS – Staff may wish to review this paper in the context of considering the term “reasonable apprehension of bias,” and, how decision makers’ decisions can be inappropriately affected if they are not provided with all the pertinent information in respect to an application -

https://bcombudsperson.ca/assets/media/OMB-FairnessInPracticeGuide-web_0.pdf