

**Maxine Leichter
Salt Spring Island, BC**

Date: January 5, 2021
To: SSI Trustees Peter Luckham, Peter Grove and Laura Patrick
From: Maxine Leichter
cc: William Shulba, Senior Freshwater Specialist

Request to deny rezoning for an additional residence at 2188 North End Rd.

Reason #1 Such rezoning would not be consistent with this Directive in the Trust Policy Statement

“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 for water are considered and allowed for.*

4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.¹⁸

¹⁸ Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and the maintenance of water quality in lakes and streams and wetland.”

The owner of Salt Spring Water, the only water delivery service on Salt Spring, has told me that he delivers water to over 100 families, mostly in the North of Salt Spring. I asked two geologists about why the north would be different from the south and they said that the geology of the north island is likely to have groundwater shortages in some areas but hard to know exactly where.

Another indication of short groundwater in the north is the fact that the CRD Cedar Lane Water Service has been short of well water for several years. This is the only water service supplied by groundwater in the north of the island.

Because of the fractured rock nature of the geology, the water being used for this property may be also be used by a property some distance away. It cannot be assumed that the nearby well, used for comparison in the pump test, is drawing from the same fracture. Also, inadequate evidence was presented to show that water used by the additional residence is not currently impacting in-stream uses.

Therefore, this application should be denied. It may be hard to say “no” to a real-life person in order to protect the interest of persons and environmental

benefits that cannot be identified specifically. But that is supposed to be the job of the Islands Trust. There is never a better time than the present to take a new turn into the future.

Reason #2 This application should be rejected because it is not consistent with the Salt Spring Island Official Community Plan which states:

“B.2.1.2.1 Zoning changes should be avoided if they would likely result in a larger island population than is expected under the development potential zoned in 2008. Exceptions to this policy are to be few and minor and only to achieve affordable housing and other objectives of this Plan.”

The cottage at 2188 North End Rd. does not meet the criteria of being affordable unless there is an enforceable housing agreement applied to it.

Rezoning for this additional residence does NOT meet the criteria in this OCP section of being one of a “few” since 2008.

I have asked staff if they know how many additional residential permissions have been added through rezoning since 2008 and was told that it is not known. Without this information, it cannot be known if the number of residential permissions added since 2008 meets the criteria of being “few”. Until trust staff determine the number of residential permissions added since 2008, any such rezoning is not consistent with this section of the OCP.

Available data indicate that more than a FEW residential permissions have been added since 2008. Since 2008, permission have been granted for many affordable housing units, some developed, some not developed. Additionally, properties have been rezoned to allow another 1,598 suite residences and 411 cottage residences with no requirement that they be affordable.

This is NOT a few.

Staff have said that the rezoning to allow additional residences in suites do not count as densities. This interpretation is not consistent with the plain meaning of the words in the OCP. The OCP policy does not contain the word “densities” or “density”. The policy refers to “a larger island population”. Allowing more residences will allow a larger island population unless there is evidence otherwise. No such evidence has been presented. Therefore, whether they are called “densities” is not relevant.