

ADOPTED
MINUTES of the SALT SPRING ISLAND
LOCAL TRUST COMMITTEE SPECIAL BUSINESS MEETING
Wednesday, November 21, 2012 – 6:00 p.m.
Central Hall, 901 North End Road, Salt Spring Island, BC

Members Present:

Sheila Malcolmson, Chair
George Grams, Local Trustee
Peter Grove, Local Trustee

Staff Present:

Leah Hartley, Regional Planning Manager (RPM)
Stefan Cermak, Planner 2
Kathryn Luttin, Recorder

Others Present:

Les Brost, Facilitator
Approximately 40 members of the public

These minutes follow the order of the agenda even though the sequence may have varied.

1. CALL TO ORDER

Chair Malcolmson called the meeting to order at 6:04 p.m. She welcomed everyone, introduced herself and the Trustees and explained the meeting procedures.

2. APPROVAL OF AGENDA

The agenda was adopted as presented by general consent.

3. RIPARIAN AREAS REGULATION – PILOT STREAM MAPPING REVIEW

3(a) Trustees Report: Why are we here?

Trustee Grove explained the purpose of the meeting and introduced the facilitator.

Trustee Grams spoke about the steps taken to date in the implementation of the Riparian Areas Regulation (RAR).

Facilitator Brost expressed his hopes for the meeting and explained his role. He outlined three key questions:

- What do the maps and reports tell us, and what are strengths of the pilot mapping process?
- Are there concerns about the maps?
- What are the community's thoughts on next steps – is there value in doing more mapping?

He then reviewed the guidelines for the meeting, and noted that it was being audio recorded.

3(b) Planner Report: What is new about these maps? How were they done?

Planner Cermak provided a verbal report on the background of the Riparian Areas Regulation. He defined key terms and explained the implementation process. He described three aspects of the pilot mapping: the approach to mapping that was taken; the accuracy of the maps and findings of the pilot including peer review results.

3(c) Public Feedback: facilitated by Les Brost

Public feedback included the following:

- How does the RAR address the different types of ditches; for example, intentional ditches and machine dug roadside ditches?
- What are the definitions of 'stream' and 'fish-bearing stream'?
- Could Planner Cermak's verbal report from Item 3(b) be made available in writing?
- Has the utility of mapping the rest of the island (cost versus threat of rural development to fish habitat) been investigated?
- It seems like a waste of money to map the rest of the island.
- Large buffers are useful around heavily populated lakes/creeks, but they are a heavy burden in less populated areas – an entire property can fall within the RAR.
- It seems too costly to map creeks that affect only one person.
- Can the public access the criteria used by professionals to determine whether a waterbody is fish habitat or potential fish habitat?
- Why don't the maps distinguish between inflow and outflow of lakes?
- It seems that outflows from lakes should not be included in a watershed – are they included because of salmon?
- The maps should use different colors for inflow and outflow.
- The maps should be clearer – for example, are the black lines simply red and blue lines overlapping?
- Will RAR have grandfathering rules? (e.g. will people have to move their houses because of RAR?)
- Where can the public find a list qualified environmental professionals that are accepted by the Islands Trust?
- And that can assess a property for riparian areas?
- What if there is a dispute between qualified environmental professionals whether or not an area is riparian?
- If a professional states that a watercourse has fish potential, but the property owner knows there has never been fish there, can the property owner hire another professional for a second opinion?
- Make sure that the bylaw has a clear process for dispute resolution.
- Don't take unnecessary property – the 30m setback is a property-taker.
- If an environmental professional says an area is RAR applicable, then the property owner has to pay a lot of money to make an application.
- Whether there are fish in a particular stream is not really the issue, since all streams upstream of a fish-bearing stream feed into it.
- How will RAR affect property values?
- Could the maps specify which streams are fish-bearing?
- What are the permissible uses in RAR setbacks?

- Since the Islands Trust and the Capital Regional District (CRD) use complaint-driven enforcement, does that mean that at any time there could be a complaint that leads to an assessment?
- The definition of 'stream' is crucial.
- Need to clearly define 'development' – does it mean paving, planting flowers, or any disruption of soil, for example?
- Need to know the definition of 'development' in order to make the bylaw.
- Is 'development' provincially defined? Do local governments have any say?
- Last year, planners gave two totally different definitions of 'development.'
- Why not keep things simple and just make the setbacks 10 meters everywhere, instead of wasting energy and money on being overly accurate.
- The problem with defining watercourses is that heavy rains make most places 'creeks' – better to outline a patch of land instead.
- There is a tendency to think that people don't want restrictions, but we need them to protect the land – the ecosystems were healthy before becoming populated with people.
- St Mary Lake is in trouble because of development in its surrounding area, whereas Maxwell Lake is healthy because its surrounding area is not developed – we need effective regulations.
- Support mapping and strong RAR regulations.
- The key question is what we want to leave to future generations.
- What are the costs and benefits of more mapping? Is there an estimate to map the rest of the island yet?
- Can the \$45,000 allocated be carried over to the next year's budget?
- The maps need to clearly show that shorelines of lakes are also included.
- Did the province mandate the mapping? Is the current mapping sufficient for the province? Is this mapping brought on by the community or the government?
- There is enough mapping already.
- What has the province actually asked the Islands Trust to do? Are we doing more than is expected, being more accurate than necessary?
- Why is RAR being debated at all, since it has to be implemented?
- We need to be as accurate as possible about what is really needed to protect fish.
- A side benefit of protecting fish is that drinking water is also protected.
- Public education is important. People need to know why it's important to protect tributaries – why development hurts things. Start with 'why' and build everything else on that.
- Most people want a workable, meaningful solution that is good for both fish and the community. The debate is about accuracy.
- Where did the high cost come from to map the rest of the island?
- Can we prioritize the most important next watersheds to do, and think of this as a work in progress? Can we map the rest over a longer period?
- The cost of mapping is minor when split between all the properties on the island. It's cheaper to map than to have development permit applications.
- Mapping will relieve all homeowners of the burden of having to prove that their activity is not within setbacks from fish habitat.
- If people make a declaration about riparian areas on their property, it doesn't transfer when the land sells.
- It's not easy to restore land after it has been altered.
- The problem with mapping the rest of the island is that we could end up with way more regulations this way.
- There are concerns about the accuracy of the maps.
- Will RAR be limited to these maps, or is it up to residents?

- What about streams that are not on the maps, but are known to flow in?
- The professional mappers missed some streams – so don't agree with these maps being the final documents.
- What about when there is a man-made obstacle to a stream that creates tributaries?
- The Fairway Crescent ditches are not marked but they go into St Mary Lake, whereas another flat, non-moving, machine-dug ditch is on the map.
- We want a system that allows people to challenge the mapping.
- The posting of the maps on the website needs to be fixed.
- The current mapping has reduced error, it's easier to see who is affected by RAR now, but if the aim is to protect fish, we need to look at the bigger picture – we need something between just streams and entire watersheds.
- The problem with mapping is that an owner's hired experts can disagree with the Islands Trust's hired experts and litigation can happen. It will be neighbors against neighbors.

There were two registered speakers:

Maxine Leichter spoke on behalf of the Water Preservation Society. She provided suggestions and recommendations.

John MacPherson spoke as an individual and provided a written statement dated November 21, 2012.

Dr. A.N.T. Varzeliotis submitted a written statement titled "Tom's Town Hall Placard" dated November 21, 2012.

This revision to the adopted minutes was authorized by Resolution SSI-041-13 introduced at the January 31, 2013 Regular Business Meeting of the Salt Spring Island Local Trust Committee.

Summarizing all that was heard through public feedback, facilitator Les Brost sought to clarify if there was general consensus that stream mapping has value and should continue. The majority of those present agreed. One participant indicated that they were not in support of continued mapping.

4. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:16 p.m. by general consent.

Sheila Malcolmson, Chair

Kathryn Luttin, Recorder