Heads up!
Wellness in the Park
Saturday, AUGUST 2
12:30 - 3:30 p.m.

ISLANDS TRUST

Small-lot development makes big stink on Fort Street

History of water problems raised at meeting

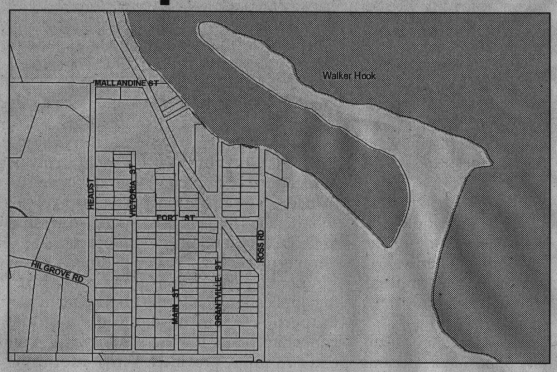
BY SEAN MCINTYRE
DRIFTWOOD STAFF

Development in one of the island's most densely populated neighbourhoods has set off a dispute over water supply, public health and property rights.

"We have three of our neighbours that have wells that have already gone dry this summer," said Gayle Baker during Thursday afternoon's meeting of the Salt Spring Island Local Trust Committee. "We have another neighbour whose fecal coliform count [in the groundwater] is so high that neither he nor his family can shower in the water."

Baker began to investigate the history of her Fort Street neighbourhood this spring, when she learned the Capital Regional District offered building permits for quarter-acre lots in her subdivision. Issuance of those permits, Baker said, is contrary to what she and many other neighbours have been told over the past several decades: that homes were limited to half-acre sections.

The Fort Street neighborhood is hard to miss on the island's master zoning map. The dense patchwork of small lots was created in the late 19th century. The rumour is that the lots would provide housing for staff at the Empress Hotel, which had initially been planned for a site near Walker Hook.



ISLANDS TRUST MAPIT SITE

Fort Street-area subdivision map.

"That never happened, but the quarter-acre lots stayed to this day," Baker said.

Baker's research also uncovered a 1973 Supreme Court decision that prohibits residential development on any of the quarter-acre lots.

Most of the area's homes are built upon adjacent quarter-acre properties, but Baker worries ongoing sales of the tiny lots and the CRD's issuance of building permits endangers a neighbourhood that already feels the effects of too many people in too small an area.

"With 34 quarter-acre developments in the little area accessed by Fort Street, the potential buildout is devastating," Baker told Salt Spring's Local Trust Committee on Thursday.

"With enough money and time, there is a possibility of a tremendous amount of build out," she added.

Scott Simmons, an island-based realtor, told the meeting he always warns potential clients of the neighbourhood's water worries.

"I always recommend my customers that they never drink the water in the area, it's that bad," he said.

Simmons said he believes the only sure fix for the water shortages and health concerns is to connect the neighbourhood to an established community water system.

"[A water line] would make an area that's livable for families," he said.

In a July 19 letter to the Salt Spring Local Trust Committee, Fort Street residents Jennifer Lee and Rob Cannon say much of the fear over "unlimited development" in the neighbourhood is unfounded.

The couple has cleared a half-acre lot, where they intend to build a 1,200-square-foot home.

"To our knowledge, there are no other homes planned for quarter-acre lots in the Walker Hook neighbourhood," the couple writes. "In reality, there are not many more quarter-acre lots left in the area and, of those available, very few can be developed."

Cannon and Lee say they have a well in place and satisfy all legal guidelines for septic installation and property setbacks.

"Our current residence is adjacent to our new lot, and our well has provided good and ample water since 1994," they wrote. "We feel that [. . .] concerns of 'water degradation' are unfounded."

Choosing to err on the side of caution, however, Salt Spring LTC members have asked staff to consider steps to get a modern take on the 1973 Supreme Court decision that speaks to land use in the neighbourhood.

> **"I think this is, unquestionably, a Local Trust Committee issue."**
>
> GEORGE GRAMS
> *SS LTC member*

"I think this is, unquestionably, a Local Trust Committee issue," said trustee George Grams. "A Supreme Court ruling has been made with regard to development densities in that area. Are we in breach of that?

"If we are in breach of that, are other agencies in breach of that, such as [Island Health] and the CRD by passing building permits? That's a fairly simply thing to ascertain and I think we have a duty to get a legal opinion on that.

"If that is the case, then it stops further development in its tracks . . . If it doesn't, then I think we are into a rather more complex issue of discussing which jurisdiction is responsible for this stuff."

Michael Dawson, a Victoria Street resident who spoke at the town hall session of Thursday's meeting, urged LTC members to implement a moratorium on further development of quarter-acre lots.

"I know personally of a number of residents in the area who are considering to subdivide their half-acre lots to potentially build and I'd like to prevent that from happening in the interim while the appropriate research is done by staff," he said.

The LTC is expected to make a decision on the matter through a resolution without meeting, when staff has completed its report.

"A great lesson in governance that I never had before is that it truly does fall out of everyone's area," Baker told trustees. "I went through Islands Trust to the [CRD's] building department, to VIHA, and back again. Everybody's telling me it's not them, so it's not a simple matter to find out who truly is responsible, which is kind of a problem. I wish you well in your journey and I hope it's easier than mine."

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