

Let's Not Be Naive - Without Legal Limits on Development Anything Goes

By Frantz Attorp – Appeared in the Salt Spring Exchange October 16, 2025

Regardless of individual opinions on the future of Salt Spring, we should all consider this fact: When everything is discretionary, nothing is truly protected.

There are only a few policies in our Official Community Plan that serve as unequivocal legal roadblocks to widespread development. Two of them, first identified by Islands Trust lawyers in 2018, have to do with growth, and by extension, protection of the island's resources, ecosystems and rural character.

Together, these policies have the legal clout to prevent indiscriminate rezoning of private land. For example, they helped stop the recent Bylaw 530 which sought to upzone thousands of lots for extra dwellings—without any guarantee of affordability or long-term rental.

But those policies are now threatened. As part of the 530 process, trustees instructed staff to create a list of policies that were impeding “opportunities for workforce housing,” notably without an analysis of their role in protecting the environment. Included on that list are:

Policy 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 (estimated at 17,000). Exceptions to this policy are to be few and minor and only to achieve affordable housing and other objectives of this Plan.”

Policy B.2.2.2.16 – “The Local Trust Committee will make zoning changes incrementally and monitor changes in order to have the effect of limiting the overall number of full-time units on the island.”

If these two legal heavyweights are removed or weakened, it will be like removing the brakes on a car. Trustees will have infinitely more freedom to rezone as they please, and Salt Spring will, for all intents and purposes, be subject to municipal-style governance.

Planning documents say the new OCP will “guide residential growth and change on Salt Spring Island over the next decade or more.” This raises serious questions about discretionary powers—not just for today's trustees but all future trustees. Is it wise to rely forevermore on the judgment of elected officials to preserve and protect this unique place we call home? The evidence says no.

In September 2023, Trust Council, consisting of 26 trustees from 13 major islands, met behind closed doors to discuss the Trust's conservation-oriented mandate. According to a press release following that meeting, the words “unique amenities” are not unique at all, but “broad-ranging and may include issues such as, but not limited to, housing, livelihoods, infrastructure and tourism.” In other words, everything imaginable.

The reinterpretation basically nullifies the ecological mandate and leaves everything to the discretion of trustees. Indeed, the press release indicates that trustees can set their own priorities providing “there is a reasoned recognition of all the elements.”

In response, 34 former trustees signed a letter expressing concern about the potential for “compromising environmental policies.” Thankfully, the Minister of Housing and Municipal Affairs has refused to review the provincial legislation prior to the next local elections.

All the while, Salt Spring’s housing shortages are being cited and even exploited to justify deregulation. The island definitely needs more housing, especially for local workers, but that doesn’t mean we should throw the Trust baby out with the bathwater.

Two community organizations, Positively Forward and Keep Salt Spring Sustainable, are promoting non-market housing as the way forward, an approach that is built into our existing OCP and broadly aligns with what MLA Rob Botterell and CRD Director Gary Holman have been saying.

Today’s travails are just a taste of what’s to come for this island. How can it be otherwise given our location between two fast-growing cities?

Salt Spring as we know it cannot survive development pressures and the vicissitudes of time without well-defined growth limits that are legally binding and based on science. Leaving everything to the discretion of politically-motivated trustees is just as dangerous as it sounds.

Please send your comments to trustees before October 24 (ssiinfo@islandstrust.bc.ca) with “OCP-LUB” written in the subject line.