



Salt Spring Island Local Trust Committee Minutes of Special Meeting

Date: Wednesday, November 15, 2023

Location: Salt Spring Island Golf Club
805 Lower Ganges Road, Salt Spring Island

Members Present: Timothy Peterson, Chair
Jamie Harris, Local Trustee
Laura Patrick, Local Trustee

Staff Present: Chris Hutton, Regional Planning Manager (RPM)
Rob Pingle, Legislative Clerk
Sarah Shugar, Recorder

Others Present: Approximately 11 members of the public

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed and recorded.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 5:00 p.m. He welcomed everyone to a Special meeting of the Salt Spring Island Local Trust Committee and introduced himself, the Trustees and staff. Chair Peterson humbly stated gratitude to live and work in Coast Salish First Nations territory.

2. APPROVAL OF AGENDA

By general consent, the agenda was adopted.

3. TOWN HALL AND QUESTIONS

Chair Peterson opened the town hall at 5:00 p.m.

A member of the public spoke to the Clean and Safe Harbours Initiative (CASHI) presentation at the June 22, 2023 LTC meeting and asked when a staff report regarding the CASHI recommendations is expected to be presented to the LTC. The member of the public requested the LTC to seriously consider the CASHI proposal and asked whether there are legal reviews in process regarding the CASHI proposal. The member of the public advised he spoke with Bylaw Compliance and Enforcement Manager (BCEM) Dingman regarding a legal opinion received on the authority of the Islands Trust right to legalize dwellings in the harbours and asked whether the LTC has received the legal opinion.

RPM Hutton reported staff is reviewing the CASHI proposal and there are some outstanding questions that are in process, a staff report will be presented to the LTC at a future meeting and there are no current legal reviews regarding the CASHI proposal.

Chair Peterson reported bylaw enforcement is authorized to seek legal opinions that are relevant to jurisdictions within the Local Trust Area. A legal opinion has been received regarding Islands Trust authority to regulate dwellings in harbours and bylaw enforcement will provide a briefing regarding the legal opinion to Trust Council.

A member of the public spoke to the SSILTC standing resolution regarding deferral of Bylaw Enforcement on unlawful dwellings and the exceptions such as health and safety concerns and asked whether enforcement of unlawful dwellings is occurring in some circumstances.

Chair Peterson advised the LTC is notified when a bylaw enforcement file is open, requests for legal action are referred to the LTC and bylaw enforcement files are considered in closed meetings.

A former member of the Housing Action Program Task Force advised there is community opinion that the scope of Bylaw 530 – Accessory Dwelling Units was reduced due to legal issues, and asked whether the LTC would support the original version of draft Bylaw 530 with a limit to the number of dwellings that would be allowed.

Trustee Patrick spoke to the challenge to cast a wide net to legalize additional housing units and limit the numbers of Accessory Dwelling Units (ADU's). Staff presented a map as the only option to limit the numbers of ADU's in Bylaw 530. There are other methods to limit the numbers of ADU's such as the lottery system used in the San Juan Islands. Trustees have asked for a limit to the number of ADU's based on a first come first serve basis and staff has not been able to provide a legal mechanism for that.

The member of the public advised Salt Spring Island is not doing what it should be doing in terms of housing and that the Province has indicated communities of more than 10,000 residents will allow ADU's although the Islands Trust has been exempted from the proposed legislation. The member of the public asked if the LTC could request Salt Spring Island to be included in Bill 44.

Trustee Patrick reported she sent an email to the Minister of Housing regarding including Salt Spring in Bill 44 – Housing Statutes Amendment Act, 2023.

A member of the public asked who requested the Province to exempt the Islands Trust Area from Bill 44.

Chair Peterson advised that he asked BC Premier Honourable David Eby at the 2023 Union of BC Municipalities (UBCM) Conference, why Islands Trust was excluded from the Homes for People Action Plan Secondary Suite Incentive Program. Chair Peterson reported Islands Trust did not request to be exempted from Bill 44.

Trustee Patrick advised the LTC has written a letter to request for Salt Spring Island to be included in the Homes for People Action Plan Secondary Suite Incentive Program.

A member of the public asked who is the best contact to advocate for including Salt Spring Island in the housing action programs.

Chair Peterson suggested the Ministry of Housing and Islands Trust Chief Administrative Officer (CAO) Hotsenpiller as contacts regarding advocating for Salt Spring Island to be included in housing action programs.

Trustee Patrick suggested writing to the Minister of Housing, the Minister of Municipal Affairs and a petition to the legislature to request Salt Spring Island to be included in housing action programs.

A member of the public advised Bill 44 includes communities with population over 10,000 and noted Salt Spring Island is the only community with a population over 10,000 within the Islands Trust Area. The member of the public asked who is lobbying the Province for Salt Spring Island to be excluded from Bill 44. Bylaw 530 is sitting on the table and the Province is saying this type of Bylaw needs to be approved Province-wide. The member of the public expressed concern that someone is lobbying for Salt Spring Island to be excluded when there is a housing crisis on Salt Spring Island. The member of the public asked whether CAO Hotsenpiller listens to public opinion or only takes direction from Trust Council.

Chair Peterson advised staff would not lobby the Province without direction from Trust Council and encouraged the public to write to the Province. Chair Peterson noted all types of public input are important and encouraged members of the public to engage local Trustees.

A member of the public asked why the LTC would not approve Bylaw 530 and let Executive Committee make their decision.

Chair Peterson advised Executive Committee must follow the Official Community Plan.

A former member of the Housing Action Program Task Force asked the LTC to be specific on which items in the Salt Spring Island Official Community Plan (OCP) do not support Bylaw 530 and advised the OCP is a living document that has the potential to be updated. The Housing Action Program Task Force recommended Bylaw 530 include provisions for alternative water sources.

Trustee Harris advised he suggested amending the OCP where necessary to support Bylaw 530 in January 2023 and added that he supports approving Bylaw 530 in the original form and forwarding it to Executive Committee.

RPM Hutton advised the concerns are primarily for properties within the Uplands land designation and OCP policy B.8.2.2.2; and application of the precautionary principle to ensure that land use is not increased in areas that are known to have concerns with supply of potable water OCP policy C.3.1.1.1; and policy specific to secondary suites. Bylaw 530 addresses a comprehensive set of criteria to be met in consideration allowing secondary suites is required, policy B.2.2.1.5. The most considerable element is the question of additional density. The OCP specifies that any increase to density must be few and minor. The SSILTC adopted the current OCP in 2008 and the LTC has a project to amend the OCP. OCP's must be approved by Executive Committee, and the Ministry of Municipal Affairs and there is an obligation to consult with 13 First Nations with interest in the area.

A member of the public asked why Trustee Patrick has only sent emails to the Province and has not asked the public for a petition. The member of the public asked if the plan is to send more emails and advised that their family has sent letters with hundreds of signatures to the Islands Trust that have been ignored and maybe things have changed.

Trustee Patrick reported Bill 44 was read in the legislature last week and advised she is doing what she can as an elected official to communicate with those that can debate on our behalf and she expects there will be a petition soon.

A member of the public advised it is not the elected officials' position to request the public to start a petition.

Trustee Harris advised he started a petition to oppose the Coastal Douglas Fir (CDF) and Associated Ecosystems project and it went a long way. Trustee Harris advised housing issues are not hot off the press and expressed concern regarding the Islands Trust mandate and the CDF project that attacked our community.

Chair Peterson advised that a petition with hundreds of signatures to the Province could go a long way to advocate for Salt Spring Island to be included in Bill 44.

Trustee Harris expressed concern that nothing has happened regarding housing in the past year.

Chair Peterson advised Bylaw 530 was not going to be a complete solution to housing issues, and there was a possibility that Bylaw 530 would not be approved by Executive Committee. Chair Peterson expressed support for an OCP review to address the housing issues.

A member of the public expressed concerns regarding the lack of workforce housing, employees living in sub standard housing conditions and having issues showing up to work. The member of the public expressed support for Trustees to do the hard work and make it happen and added that the community elected Trustees to do find solutions for housing.

Trustee Harris advised a review of the housing section of the OCP should take four hours and adoption of Bylaw 530 should take two-months, that this is a stall tactic and a long-term view is that Salt Spring Island will become a park. Trustee Harris expressed concern that there are people that want less people living on Salt Spring Island. Trustee Harris expressed support to address the housing section of the OCP and fast track it to address housing.

A member of the public asked whether Bylaw 530 could include a limit of 500 additional units.

Chair Peterson advised if the Province had not excluded the Islands Trust from Bill 44 – Housing Statutes (Residential Development) Amendment Act, 2023, housing would not be limited by the OCP. Chair Peterson advised it is within LTC authority to pass a resolution to request that Salt Spring Island be included in Bill 44.

Trustee Patrick expressed support for setting a limit to ADU's and staff have advised that there was no mechanism to set a limit.

RPM Hutton advised the challenge in limiting the number of ADU's is that it needs to be codified in a bylaw and the Islands Trust does not have infrastructure to track ADU's at this time. The challenge with a lottery system is that it would require a program that would have to review all of the applications and make recommendations to the LTC. Bill 44 would waive the requirement for public hearings.

A member of the public asked if setting a limit on ADU's is an administrative challenge or a legal challenge.

RMP Hutton reported a system for tracking ADU's would be an operational challenge.

A member of the public noted Bill 44 is in process and asked who requested Salt Spring Island to be excluded. The member of the public advised the Province did not decide to exclude the Islands Trust randomly and whoever has the concern, should be listened to. The member of the public suggested the LTC amend the OCP specific to housing, and not undertake an entire OCP review.

Chair Peterson advised Trust Council did not ask the Province to exclude the Islands Trust from Bill 44.

RPM Hutton reported engagement process for amending the OCP must be scoped to the amendments and engagement must be thorough or it could be challenged. The LTC must engage with 13 First Nations with interests in the area.

Trustee Harris expressed support for taking consideration of the community into account and then taking action for what is best for our community.

Chair Peterson advised if Executive Committee did not approve a bylaw that the LTC approved, the LTC could appeal the decision.

Trustee Patrick advised the Province has raised the bar in terms of consultation for OCP amendments. The Province turned down an LTC making minor amendments to their community's OCP on the grounds that they did not do sufficient consultation. The LTC has received a Complete Communities Grant to fund the OCP review project.

A former member of the Housing Action Program Task Force advised that putting process over people makes them nauseous, expressed support that it is worth a try to see if Bylaw 530 would be rejected. The member added that if the LTC does not do something substantial to improve housing, Trustees would hear the same message at every meeting.

A former member of the Housing Action Program Task Force noted that all three trustees care about housing. The Province is supporting housing and Bylaw 530 should be approved while the Province is moving forward on housing. The member asked the LTC to approve Bylaw 530 as written and address the opposition at that time. The LTC is losing the confidence of the people of Salt Spring Island. Bylaw 530 would support intergenerational living, aging in place, and young families. The member of the task force expressed concern that teachers, health care workers, and ferry workers cannot find housing.

Trustee Harris asked where Bylaw 530 stands now and whether the LTC could waive the public hearing and proceed to third reading.

RPM Hutton advised the LTC rescinded second reading of Bylaw 530 and it would need second reading and a request for staff to schedule a public hearing. RPM Hutton advised staff would not recommend waiving the public hearing. A public hearing for Bylaw 530 was held in August 2022 although changes have been made to Bylaw 530 since that time.

A member of the public asked Trustees what they are prepared to do to advance Bylaw 530.

Trustee Harris expressed support to vote for second reading and waive public hearing at the November 16, 2023 LTC regular meeting.

Trustee Patrick advised she has supported the process from the beginning and there has to be a way to limit the numbers. Trustee Patrick expressed support to change the current version of Bylaw 530 to increase the success rate.

A member of the public asked who would legally challenge Bylaw 530.

Trustee Patrick advised there is a group that has said they would legally challenge Bylaw 530.

Chair Peterson advised his approach is to listen, consider staff advice, compatibility with the OCP and the object of the Islands Trust. If Salt Spring could be included in Bill 44 this would be an easier solution. Bylaw 530 is not the solution, it is a starting point to address housing and a more impactful solution will be a targeted review of the OCP.

A member of the public spoke to the SSILTC standing resolution regarding deferral of Bylaw Enforcement on unlawful dwellings and asked if are we in a perpetual cycle of doing nothing to increase housing units while there is no bylaw enforcement.

Trustee Harris advised people are dealing with bylaw enforcement. There is an estimate that SSI needs 3500 units and Bylaw 530 is a drop in the bucket to address the housing needs. It is up to Trustees to figure out what is best for our community.

Trustee Patrick reported SSILTC standing resolution regarding deferral of Bylaw Enforcement on unlawful dwelling provides was approved by Trustee Grams and Trustee Grove. The Standing Resolution was expanded in 2022 to include other forms of housing to give some relief although some people are dealing with bylaw enforcement due to complaints.

A member of the public asked whether the LTC needs help getting a meeting with First Nations and offered to set up the meeting.

A member of the public spoke to the two-year timeline for Bylaw 530 to get to this point and expressed support to approve Bylaw 530 and take a chance on it failing.

Trustee Patrick spoke to the accumulated costs to build housing beyond Bylaw 530 including the high costs of construction that makes it cost prohibitive for property owners to build a rental unit. If a property owner adds a water connection to their well, a community drinking water permit is

required at an approximate cost of \$60,000. The uptake is expected to be low due to it being cost-prohibitive to property owners. The CRD identified adding a secondary suite is the most feasible option although a lot of houses do not have basements that can be converted to a suite. The second most feasible option is a suite above a garage. One objective is that Bylaw 530 would provide a path for homeowners to make their existing illegal ADU to be legal.

There was a question regarding whether a well is necessary to be permitted to have a legal ADU in Bylaw 530.

Trustee Patrick reported the Province requires secondary well connections to have a permit under the BC Drinking Water Act. The State of Washington allows three well connections before the higher requirements are triggered. Islands Trust is lobbying the Province to increase the number of well connections and the Province is considering raising the limit to five.

There was a question regarding whether Trustees could ask MLA Olsen to lobby for housing on behalf of Salt Spring Island and ask him to look into why Salt Spring Island was excluded from Bill 44. The member of the public advised MLA Olsen is very supportive of housing initiatives and the CASHI proposal.

Trustee Harris expressed concern that someone asked for Salt Spring Island to be excluded from Bill 44 and Salt Spring Island is the only community that has 10,000 people within the Islands Trust Area.

Chair Peterson advised if Bill 44 did not exclude the Islands Trust, the new Provincial regulations to support housing initiatives would apply to Salt Spring Island.

A member of the public asked who specifically is the best contact regarding Bill 44.

Chair Peterson advised the Minister of Municipal Affairs, the Minister of Housing and the Premier would be the best contacts for Bill 44.

A member of the public asked whether Trustees could set up those meetings and members of the public could attend.

Chair Peterson advised the LTC could add a new business item to consider Bill 44 at the November 16, 2023 LTC meeting.

Trustee Harris expressed support to pass Bylaw 530 in its original form, waive the public hearing and proceed to third reading, lobby the Province to be included in Bill 44, and amend the housing section of the OCP.

A member of the public advised they would take the day off work to attend a meeting with the Minister of Housing. The member of the public expressed concern that the LTC asked the Province to review whether including Salt Spring Island in the Speculation and Vacancy Tax is a good idea. The member of the public expressed support for the LTC to ask the Province to include Salt Spring Island in the Speculation and Vacancy Tax immediately.

Trustee Patrick reported the Province is considering expanding the Speculation and Vacancy Tax area and the Minister of Housing requested the LTC to provide a request regarding inclusion in the Speculation and Vacancy Tax area.

Trustee Harris expressed concerns regarding a blanket approach to including Salt Spring Island in the Speculation and Vacancy Tax.

A member of the public advised in their experience as a realtor on Salt Spring Island, the Speculation and Vacancy Tax will not solve any housing problems. The member of the public advised most property owners with vacant homes would not do a long-term rental due to the BC Residential Tenancy Act.

Chair Peterson thanked everyone for attending the meeting.

4. ADJOURNMENT

By general consent the meeting adjourned at 6:42 p.m.

Timothy Peterson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder