

ADOPTED
MINUTES of the SALT SPRING ISLAND
LOCAL TRUST COMMITTEE REGULAR MEETING
Thursday, February 27, 2014 5:40 PM
Orchard Room - Harbour House Hotel – 121 Upper Ganges Road

Members Present:

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

Staff Present:

Leah Hartley, Regional Planning Manager (RPM)
Justine Starke, Island Planner
Jason Youmans, Planner 1
Torill Gillespie, Planner 1
Neva Hohn, Recorder

Media and Others Present:

Approximately 20 members of the public

The regular meeting of the Salt Spring Island Local Trust Committee reconvened from the afternoon recess at 5:40 p.m.

1. COMMUNITY CONSULTATION FOR PROPOSED BYLAW NO. 471 (Temporary Use Permits)

1.1 Project Overview

Planner Starke provided an overview of the project and of the participatory exercises.

2. EXERCISE ONE - DRAWING

Participants at each table collaboratively illustrated a plan of a typical Salt Spring Island property, including a main house, one (or more) illegal housing unit(s), other buildings, servicing infrastructure, and driveways, etc. and took turns presenting their drawings.

3. EXERCISE TWO – ROLE PLAYING – NEEDS AND CONCERNS EXPRESSED

Participants drew a “role” from the role basket. Roles included landowners, tenants, grandparents, gardens, septic systems, wells, etc. Participants were then asked to imagine what the greatest need would be of the roles they were personifying. Their input was expressed as follows:

- *Landowners* want minimum cost, maximum rent, to meet building code minimally. Rental revenue from one or more buildings, to be responsible in managing property so the salmon-bearing creek can be kept safe;
- *Tenants* want quality accommodations, affordable rent, warmth, good water, privacy and a reasonable landlord;

- *Person with illness* or health crisis needs someone to live close by or in the house to give help;
- *A Family Member* wants to move in because they need landowner's help;
- *grandparents* need affordable taxes, closeness to grandchildren but separate private dwelling; a garden, a nice safe place to be;
- *A Neighbour* wants privacy, good neighbourliness, relief from too many other people, is worried about septic smell, too many cars on the roadway, lack of safety for kids who are walking, lack of action by Island Health and wants to know how much water is being consumed;
- *A Homeless Person* needs a roof over their head;
- that a *Bylaw Officer* needs to enforce bylaw and report to their supervisor, can also be a landowner, may be conflicted because they live close to the property and may suffer because the water testing is not being done;
- *The Community at Large* needs to keep the population in balance with the available resources, e.g. water, septic capacity, food, transportation, carbon general consideration, taxes;
- *A Garden* wants to avoid toxic runoff from industry next door, good drainage, to safely be able to grow organic veggies for sale, a good place on the property, wants to stay in spite of additions to the property;
- *Soil* needs to stay clean for plants, wants to be left alone to just be;
- That *trees* have concerns about rising carbon, densification of housing and impacts on forest;
- *A water well* needs to serve the family but also wants to be sure there is water in the ground to serve the ecosystem, wants protection from pollution and overdrawing, has concern over amount of water in the land to service many houses;
- *A stream* has concern of toxic run-off, doesn't want agricultural activities with pesticides, wants not to be diverted, wants a reasonable amount of water and vegetation and replanting when trees and vegetation are removed;
- *A Septic Tank* need good drainage in soil, good maintenance;
- *The Natural Ecosystem* needs to be healthy to fulfill its natural function.

4. **OVERVIEW OF PROPOSED BYLAW NO. 471**

Planner Starke reviewed Proposed Bylaw No. 471 and the process it will follow.

5. **TEMPORARY USE PERMIT (TUP) GUIDELINES**

Planner Starke reviewed the terms and guidelines of Proposed Bylaw No. 471, and asked those present if they thought the proposed guidelines adequately met the concerns that were introduced during the last exercise.

6. **DISCUSSION**

Questions and responses included:

Q: Current system is crisis driven; what is the long term vision for affordability?

A: Affordable housing is a broad topic that needs to be addressed through a community process as a top priority of the Local Trust Committee. Proposed Bylaw 471 does not address the breadth of issues related to affordable housing, but is a small change as part of implementation of the secondary suites bylaw. It will allow land owners who are outside of the pilot area to try a suite out or seek voluntary

compliance with zoning if they have an existing illegal suite, offers an opportunity to bring the unit up to code and receive an occupancy permit.

Q: Care cottages need to be able to house care-givers as well as persons needing care.

A: There is currently no language in the guidelines that states that care cottage dwellers could be care givers, good idea.

Q: Is there a limit on the number that can live in a suite?

A: Land use bylaws control land use and density, or number of dwelling units, not number of people. We do not regulate how many people may live in a unit, but size limits do control this.

Q: What about people spending money to upgrade and then the permit ends?

A: This bylaw is all about a temporary use, most people will not build expensive buildings for a temporary use.

Q: How would enforcement happen other than a security deposit?

A: Security deposit can be kept; use of bylaw enforcement officers, fines, and legal action – permits are readily enforced.

Q: Realistically, bylaw enforcement on Salt Spring does not exist, no one has been fined. People are already building large expensive additions for a stated temporary purpose but which will continue as permanent fixtures even if the permit ends.

A: One suggestion is a security bond, a third party who can enforce the bond.

A: Unpermitted space is not covered by household insurance and bonds cannot be obtained for unpermitted uses.

Q: How will affordability be ensured?

A: Housing agreements are used to ensure the affordability of housing. This is not proposed by the current guidelines. If you have suggestions of other tools that would be useful to ensure affordability please let us know.

Q: Expansion of definition of secondary suite to include cottages. Cottages have more environmental impact than in-house suites.

A: As a result of referral responses, there is merit in considering an amendment which would require the secondary suite be smaller than the principle use of the building, and to require that it not be in a standalone building. The language could also be changed to be closer accord with the building code (e.g. residential suite versus secondary suite). Health and safety standards could also be included in permit guidelines. NSSWD has requested TUPs be issued for only 18 months.

Q: What is the impact of the previous bylaw? Now there is another amendment to add more uses. The concern is that we are moving forward to quickly on something that has yet to be explored. This would make properties more expensive and it does not address the problem of putting more families with young children on Salt Spring. There is a concern about this complaint-driven process and turning a blind eye to things like water needs and safety.

A: (From member of the public) - An update on new secondary suites: there are two on the island. The cost is approximately \$77 per square foot to put in a secondary suite.

- A: This is a tool to help people with illegal suites to voluntarily comply with zoning regulations. It is part of the implementation of the secondary suites bylaw, it is not a new initiative. The secondary suites bylaw has been proposed to be reconsidered after 5 years.
- Q: How many applications are foreseen? What is budget for and cost of bylaw enforcement for this? What good are guidelines?
- A: We do not foresee a large uptake of TUPs for secondary suites or care cottages, but when people need it, it will be an option for them. When people apply for a permit, the guidelines become requirements of the permit.
- Q: Secondary suites are not meant for families – diversity is advantageous.
- Q: Who is it meant to help, the people who own the land, or the people coming in?
- A: It is intended to help the land owner become compliant with regulations and offer an opportunity for a tenant to stay in the unit. It is not expected that this bylaw will impact the number of people moving to Salt Spring.
- A: It allows each situation to be considered on its merits through the permit process; it allows a trial period for a property and to evaluate the impacts of the temporary use in order to consider longer term changes to zoning.
- Q: Are we still going to allow temporary use permits in a coach house, a duplex or semi-detached buildings?
- A: Currently secondary suites are not allowed in duplexes. Coach-houses and semi-detached buildings are addressed in Land Use Bylaw 355. The proposed TUP bylaw specifies secondary suites and care cottages for consideration under a permit.
- Q: Would bed and breakfasts have to comply with the permit?
- A: Short term vacation rentals specifically prohibited in the bylaw so far; bed and breakfasts are something for the local Trust Committee to consider.
- Q: Is there a limit to how many can be on one property?
- A: There is no limit at this time. We invite your input on this issue.
- Q: This seems to be doing away with the existing Zoning bylaw. Is the TUP intended to be used to get property owners out of a problem on a temporary basis until he can come up with another solution?
- A: It doesn't do away the zoning bylaw but varies it for specific situations under certain conditions. Yes, it is to help people out of a problem on a temporary basis.
- Q: Regarding water supply, what are the guidelines regarding gallons per minute (GPM) and historical record of the well water use?
- A: It defers to the CRD and the amount has to be permitted at the time of building permit. It could be more specific about the amount of water that is required, however it is good to be consistent with other agencies on things like water supply standards.
- Q: Regarding TUPs for care cottages, do the impervious surfaces (cement pads) have to be removed after the use ends and the building is removed? The concern is how much land is being covered and the implications for groundwater. Why are we not waiting until we have the results of the Diane Allen's study on groundwater? We

have not looked far enough ahead to see what impacts impervious systems make on groundwater and that interfere with faults and fractures that allow water to accumulate.

A: The current lot coverage limit in most zones is 33% that can be covered with impervious surface. The current proposal will not change this, this is a different issue for discussion.

7. NEXT STEPS

Planner Starke gave an overview of the bylaw process and next steps.

Participants thanked staff for this meeting/workshop.

8. ADJOURNMENT

The meeting adjourned at 7:15 p.m.

Sheila Malcolmson, Chair

CERTIFIED CORRECT:

Neva Hohn Recorder