

From: Maxine Leichter <[REDACTED]>
Sent: Monday, July 5, 2021 12:14 PM
To: SSIInfo; Louisa Garbo
Cc: Rhonan Heitzman; Laura Patrick
Subject: letter & attachments to Housing Action TF
Attachments: Letter to Housing Task Force & staff.pdf; ATT00001.htm; Affordable Housing Projects on SSI.pdf; ATT00002.htm; bylaw enf policy June 2021.pdf; ATT00003.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Please forward these **three** documents to the Housing Action Task Force to assist them in their work.



DATE OF MEETING: June 29, 2021
TO: Salt Spring Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance & Enforcement Manager
Salt Spring Island Team
SUBJECT: Enforcement Policy on unlawful dwellings

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee adopt the following enforcement policy:

Enforcement activities will be deferred for all unlawful dwellings except in the following circumstances:

- a. there are concerns regarding health and safety;
- b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;
- c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;
- d. there are concerns of possible contamination of wells or other drinking water sources;
- e. unlawful dwellings are in environmentally sensitive areas;
- f. there are non-permitted campgrounds; and

that the Salt Spring Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities at any time.

2. The Salt Spring Island Local Trust Committee rescinds all previous resolutions about enforcement policy related to unlawful dwellings.

REPORT SUMMARY

The purpose of this report is to provide an update on compliance and enforcement files for unlawful dwellings and to provide recommendations for a new enforcement policy.

BACKGROUND

One 23-Mar-2021 the Salt Spring Island Local Trust Committee adopted the following resolution:

That the Salt Spring Island Local Trust Committee direct staff to review Standing Resolution SS-2017-168 (Unlawful Suites and Dwellings) and report back options that better reflect the types of housing being used, including employee housing.

There are currently 44 open files for unlawful dwellings on Salt Spring Island. A dozen of these files are older than 5 years. As many of the files have been in abeyance, there has been no contact with the property owners by compliance and enforcement staff and some of the non-permitted uses may have been resolved.

Table 1 Currently Open Unlawful Dwelling Enforcement Files on Salt Spring Island

Type/Use	Open
Accessory Building	21
Travel Trailers	11
Secondary suite	7
Residential use in marine zone (float homes)	3
Seasonal Cottage – residential use	1
Homeless camp	1
Total Files	44

A small fraction of the files have multiple issues with the use of both accessory buildings as dwellings along with the use of travel trailers. At present, I have no specific information about complaints for properties being used specifically for employee housing.

ANALYSIS

The public health emergency for Covid-19 will most likely end in the near future. A new policy will provide clarification for staff on how to prioritize files and proceed with enforcement.

The main concern that complainants express about unlawful dwellings is whether or not they are connected to an approved septic system and sewage disposal field. These concerns are heightened when the use is located in proximity to water bodies of any kind. There have been several instances of make-shift outhouses being constructed within proximity to water bodies and within riparian areas. Some of these facilities consist only of buckets and staff have been unable to determine the location for the waste disposal.

Rationale for Recommendation

The priority for enforcement should be on those properties with multiple non-permitted dwellings and where there are health and safety concerns with the lack of approved sewage disposal. A priority should also be placed on those properties with environmental development permit areas.

The recommended enforcement policy would be interpreted as including all types of non-permitted dwellings and employee housing; non-permitted suites; residential use in accessory buildings, structures and travel trailers; and for residential use in marine zones.

ALTERNATIVES

- 1. Proceed with enforcement**

That the Salt Spring Island Local Trust Committee direct compliance and enforcement staff to prioritize the open files on unlawful dwellings and proceed with enforcement through the Bylaw Enforcement Notice system.

2. Receive for information

The LTC may receive the report for information only.

Submitted By:	Warren Dingman, Bylaw Compliance and Enforcement Manager	June 16, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager, Salt Spring Island Office	June 16, 2021

Date: July 5, 2021
To: Salt Spring Housing Action Task Force
From: Maxine Leichter
Re: Background and Survey Suggestions

This letter is to assist the Housing Task Force by providing background information and survey suggestions. I support the suggestion by your members to investigate why past projects failed and what could be done to correct that. Also, some spoke of the need to identify the purpose of the Task Force. To these suggestions, I add the need to be clear on the problem being tackled and the ultimate goal. A good solution requires a clear vision of the problem.

I was told by Laura Patrick that the Housing Task Force was not just about affordable housing but was about all housing. I hope that you will hold that goal.

Firstly, I am providing you with background information. Next, I have suggestions for what to include in the survey so it is not biased towards a specific conclusion. If anyone knows that anything I have written below or in the attachments is incorrect, please let me know.

Attachments:

- A list I made of affordable housing project on SSI. It would be good to find out exactly who these projects are targeted at.
- New illegal housing enforcement policy approved at the June 2021 LTC meeting.

Information for the Task Force

Steps taken up to now – Below are the steps already taken to address the lack of housing and the degree of success of each, at least the ones I know about:

- In 2013 the Local Trust Committee passed Bylaw 461 designating 1,598 lots to have in-house suites. How much up take has there been? If not, why not? (Factors are likely the expense to build and that most people do not want to have others in their house.)
- 2020 The Local Trust Committee passed Bylaw 401 designating 411 lots to have cottages legally occupied full time. How much up take has there been? If not much, perhaps the same reasons as above.
- Since November of 2017, a bylaw enforcement policy has been in place, that people not be turned out of illegal residences unless there was a health and safety issue, environmental threat, or other agencies are requesting action. The new version of this policy is attached.
- My impression is that affordable housing projects have been given priority by the LTC and are handled by experienced staff.

BARRIERS TO PROVIDING NEW AFFORDABLE HOUSING AND RENTAL HOUSING

North Salt Spring Waterworks moratorium – The moratorium was put in place because the water district has a limited water supply. It has to assure it can provide water to the many owners of yet undeveloped lots that have been paying an annual fee for many years to have access to water when they are ready to develop. When developed, those lots will be given only a connection for one residence, despite zoning potential for more units. These rules could change slightly in the future but they are necessary because the district has a limited amount of water. This is a real limit that we need to accept.

Groundwater supply in Ganges – Many have advocated that affordable housing be located in Ganges which is served by the North Salt Spring Waterworks District. Given the moratorium, new developments are turning to groundwater. A private developer has already asked for a density increase from 2 to 6 units of market housing in the Ganges area. Currently there are no studies showing how much groundwater is available in the Ganges area before over-pumping will cause salt water intrusion that can spoil the freshwater there now. Also, a pump test done now for a particular property will not reflect groundwater conditions after currently planned multi-unit housing projects in the Ganges area are completed and using that water. Please consider if the Local Trust Committee should grant additional densities on groundwater in Ganges for market rate housing or if this water should be held in reserve for affordable housing.

Proof of water – A new development of any kind has to show it has adequate water before obtaining a building permit. The standard for proving water is weak. The Salt Spring Island Local Trust Committee has a project to tightening these rules. As long as weak rules are in place, there will be no confidence that a new project will not adversely affect existing groundwater users in the area. Hence, neighbours are likely to oppose new multi-family or new dense developments on wells in their neighbourhood.

Please also consider that the amount of water used is primarily determined by the number of people occupying a house and their water use habits, i.e. use of the toilet, bathing and clothes washing, not how big the house is.

Regulated water system – A multi-unit development on a well or wells has to form or water utility or contract with a water utility to manage water collection, distribution and treatment.

Rainwater collection - Salt Spring has a long mostly dry season. One has to be able to gather enough water during the wet season to last through the dry season. This requires a lot of storage and water storage is expensive. Also, there does not appear to be a way to legally require a household to use rainwater. It could be explored if there could be a requirement that new construction require that toilets and washing machines be plumbed for rainwater only. Unless something like that is possible, it appears that requiring a rainwater collection system does not assure that use of well water will be minimized.

Rezoning - If one wants to build more housing units/residences on a lot than is allowed by the current zoning, a zone change has to be obtained from the SSI Local Trust Committee. The purpose of zoning is to give certainty to current property owners. Before obtaining a zone change, the Province requires a process of public notification and consultation. Together with necessary staff work, this process takes a year or more. The Islands Trust does not have the authority to vary this process. Neighbours may oppose increased density on nearby properties because of concerns about water supply but also traffic and wear/upkeep on dirt roads that serve much of the island's rural areas.

Barriers to worker housing – It seems likely that most people on Salt Spring favor that housing be available for employees of island businesses and other essential workers. I have been told that some businesses have purchased property for their employees. I urge the Task Force to identify other legal mechanisms by which housing could be provided specifically for workers. It is possible to zone property for rental housing only. But I don't know how to restrict housing to island workers. The Whistler workforce housing project example could be investigated.

Limiting house size – The last OCP review produced a recommendation to limit house size but allow increased size if sustainability features were included. This proposal generated very strong opposition from the construction sector and others and was not put in place.

OCP Revisions – The Housing Task Force Project Charter states the intention to recommend significant revisions to the Salt Spring Island Official Community Plan the most significant being to increase the number of people who can live on Salt Spring. Salt Spring is not just any community. It is supposed to be in an area protected for the benefit of its residents and BC residents generally. OCP revisions require a more extensive public review process than does rezoning.

Mini home village considerations: A number of homes grouped close together but not on city water and sewer will require the following:

- Any multi-family residence or residential area to be served by a well or wells, needs to form a water utility that functions under the rules of Island Health. In the past, poorly operated community water systems have resulted in illness and death. This regulation is for the protection of the residents, but it is expensive. This is a provincial requirement and not under the control of the CRD or Islands Trust.
- Space must be allocated not just for the houses, but for road access and a large septic field.
- Provision (such as a strata) must be made for the owners to jointly manage and pay for management and maintenance of the well, water storage system, water treatment system, septic system, and access road.

SURVEY BACKGROUND AND QUESTIONS

Survey: If you ask people if they want affordable housing, of course they will say yes. To get meaningful feedback, people also need to know the constraints. To be fair and credible the survey should include the following:

- Number of current residences and current population.
- Current population during the summer including visitors.
- Current number of non-subsidized rental units on Salt Spring both legal and illegal
- Population limit in the current OCP Number of units of worker housing currently being provided by employers.
- Number of worker housing units needed
- Provide population at “build out”. This is the number of residences and population if all current zoning is built out both winter and summer with visitors. Identify if illegal dwellings are included or not.

How to calculating population at build out

- 1) First Calculate number of lots at build out. This is the number of lots that are in existence now (from BC Assessment) plus parcels that can be created through subdivision given current zoning.
- 2) Subtract densities on properties that will not be developed because they are owned by a conservancy, including the Salt Spring Island Water Preservation Society.
- 3) Multiply number of lots/parcels at build out by the Housing Needs Assessment estimate of 2.1 persons per household to get the population.
- 4) Summer population is generally thought to be double the winter number. At least one could count the number of accommodation units that are available and multiply that by the average number of people in each unit. Then add a number for visitors staying in the homes of residents. Number of visitors, time of year and length of stay could be asked in the survey. Identify how summer population was calculated.

After the background information has been provided, here are some questions to ask:

- 1) Who should be provided with housing for, first priority, second priority, i.e., workers, families, seniors, hard to house, etc.
- 2) How many units of affordable housing exist here now and under construction, broken down by who is eligible for occupancy, i.e. seniors, disabled persons, hard to house, workers, etc. (I've attached my guess at this.)
- 3) How many units of subsidized housing are appropriate for Salt Spring?
- 4) Should groundwater in Ganges be reserved for affordable and/or worker housing?
- 5) Would they support hi-density single family housing development in their neighbourhood, if so under what conditions and if not, why not.
- 6) Provide an estimate of the number of illegal suites or cottages in your neighbourhood.
- 7) Do you have visitors during the summer, if so how many and how long do they stay?

**Affordable Housing Projects on SSI
From Maxine Leichter July 5, 2021**

(Most of the information comes from the websites of the sponsoring organizations)

Salt Spring Commons (24 units)

Affordable housing project on a 5-acre property owned by SSI Community Services. Phase 1 of the project includes 12 two- and three-bedroom units occupied as of January 1, 2021. Phase II includes another 12 units with occupancy taken in June 2021.

Murakami Gardens (27 units)

There are 27 self-contained studios, one-, two- and three-bedroom rental suites with rent levels set to ensure ongoing affordability. Opened in 2008.

Croftonbrook (20 existing, 54 under construction = 74) (seniors and disabilities)

<http://saltspringhousing.ca/projects-under-development/croftonbrook/>
Island Women Against Violence (IWAV) owns and operates Croftonbrook which provides 20 units of subsidized rental housing for seniors and people with disabilities. In response to the serious housing shortage in the community, IWAV is building a 2-phase development that will add 54 new rental units.

Pioneer Village (22 Units low income seniors)

This development provides independent rental housing for low-income seniors age 60 and over, in four studio units and 18 one-bedroom units. Individuals must be capable of living independently, although may arrange to receive home support. Rent is a set rate. Only accepts applications from individuals already living on Salt Spring Island.. Operated by the Salt Spring Island Lions Club. Nonprofit society.

Meadowbrook (30 units, seniors)

Meadowbrook is a two-storey seniors living complex on Salt Spring Island with thirty seven accessible, affordable, and supportive apartments. The building is centrally located with onsite parking. Meadowbrook is operated by the Gulf Island Senior Residence Association.

Lautman House (7 bedrooms)

Rooming style residence for low-income individuals. The building has a shared kitchen and living spaces with private bed and bathrooms and is located near Cushion Lake. Inquiries: Outreach or Housing First Coordinator: 250-537-9971

Existing and under construction total 184 units

Planned Projects (Not yet under construction)

Drake Road – 80 Units

Meadow Lane Seniors Housing – 50 units

Senior's Housing

<https://www.gisra.ca/meadowlane>