

June 27 , 2011

**File No.:** SS 38 LUB Review

**To:** Salt Spring Island Local Trust Committee  
For July 7, 2011

**From:** Justine Starke  
Island Planner

**Re:** LUB Update Progress Report – Secondary Suites

**PURPOSE:**

This staff report provides a progress report on the LUB Update – Secondary Suites.

**BACKGROUND:**

During the last year, there has been much research and learning on the issue of legalized secondary suites and the full time occupation of seasonal cottages to be permitted on Salt Spring Island. At this time, direction has been given to focus on the legalization of secondary suites, as the objective of affordability is better understood with respect to suites, while more information may be needed concerning cottages. The following key advances have occurred so far in this LUB update process to legalize secondary suites:

- November 2, 2010
  - Community open house held to present information and concepts regarding secondary suites and cottages
  - Demonstrated strong support for legalization of suites and cottages
- December 2, 2010
  - LTC meeting where various resolutions were passed regarding requests for further information and next steps in the bylaw update process
- February 21, 2011
  - Public meeting held with housing consultant Tim Wake and Janis Gauthier
  - Became clear that experience did not support using rent controls to assure affordability of secondary suites
  - Evident that there remains broad support for the legalization of suites.
- March 3, 2011
  - LTC meeting – staff directed to provide further information regarding mapping and parcel data for potential pilot areas
- April 7, 2011
  - LTC meeting – LTC received a staff report providing mapping and parcel data as requested
  - Pilot areas were refined to present two options
- May 2, 2011 LTC meeting – the following resolutions were passed:

*SSI-93-11 It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee directs staff to investigate potential water conservation measures to address water supply challenges and concerns related to the further legalization of suites – via LUB*

*provisions, inter-agency agreements and/or other appropriate mechanisms – and report back to the LTC no later than the July 2011 LTC meeting.* **CARRIED**

SSI-94-11 *It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee refers the secondary suites staff reports dated March 31, 2011 and April 27, 2011 and background materials to the Advisory Planning Commission and the Environment Advisory Committee for review and comment.* **CARRIED**

SSI-95-11 *It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee directs staff to continue consultations with the CRD Engineering Services and Building Inspection Departments to develop a potential multi-year implementation and monitoring strategy for secondary suites.* **CARRIED**

SSI-96-11 *It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee directs staff to present, no later than at the July 2011 LTC meeting, a thorough summary report of key information gathered to date regarding further legalization of suites along with recommended choices for action, to enable an informed LTC discussion of options and to provide staff with direction for bylaw drafting.* **CARRIED**

- May 19, 2011
  - Advisory Environmental Committee Meeting -- Staff provided information and presented an update on the process to date. The AEC discussed the topic but did not pass any resolutions.
  - Advisory Planning Commission -- Staff provided information and presented an update on the process to date. A good discussion ensued. No resolutions were passed but the APC took a “straw vote” on the different pilot areas. A majority of APC members voted that the whole island become a pilot area.

## **DISCUSSION:**

### **Pilot Areas:**

Pilot areas have been presented to the LTC as a way to implement OCP policies. Specifically, the pilot areas respond to OCP policy B.2.2.2.15 (m):

*The Local Trust Committee will make zoning changes incrementally and monitor changes in order to have the effect of limiting the overall number of suites on the island.*

At the April 7, 2011 LTC received a staff report that proposed two options for pilot areas for legalizing secondary suites. Option 1 – Limited Pilot Areas is based on Official Community Plan (OCP) policy criteria and focuses on the location of existing transit routes. Option 2 - Expanded Pilot Areas is based on existing land use zones (R7, R8, R9 and R) located in areas that are consistent with OCP policies but not focused on existing transit route locations. At this time, LTC has not given direction on the preferred option to use as the basis for preparing a draft bylaw. APC members voiced a perspective that was also heard at the community information meetings; this perspective sees the pilot areas as conferring a benefit to some while not to others. Pilot areas also create complication with the fact there are currently hundreds of suites located throughout the island that may not be included in a pilot area and yet may to continue to operate illegally, without a building permit and with little security for the tenants. However, pilot areas are still seen as a sound approach to implementing OCP policies, especially in the drinking watersheds of Salt Spring Island.

## **Water:**

Water quantity and quality are the major limiting factors to any kind of community growth. At the time of building permit application, applicants must demonstrate that there is sufficient capacity to provide potable water for residential building additions (based on an occupant load determined by the number of bed rooms, assuming two people for each bedroom). These policies are based on the assumed consumption of 80 gallons/person/day. Likewise, upon application for building permit to expand a residential use on a property, the property owner must demonstrate that the septic disposal system has sufficient capacity to handle increases, based on both number of bedrooms and on the floor area of the unit. Nevertheless, to apply the precautionary principle, the pilot areas have been drafted to exclude the watersheds of community water districts and the community well capture zones. This also responds specifically to OCP policy B.2.2.2.15 (c) and (d):

- c. Suites should only be allowed in areas with an adequate supply of potable water.
- d. Suites should not be allowed in areas that are community water system supply watersheds or in community well capture zones.

More research and consultation is needed with the water providers as well as with water stewardship groups. Staff are continuing to pursue this as well as to explore options for partnerships on water use that can address supply challenges throughout the island.

## **Bylaw Drafting:**

At the May 2, 2011 LTC meeting, some preliminary regulations were introduced as the basis for discussing direction for bylaw drafting. The regulations addressed OCP policies, provisions of the BC Building Code, public input and review of secondary suite regulations in other communities. They have not been given thorough staff analysis or been presented for community feedback.

## **Community Engagement:**

It is important to continue to engage the community on this policy topic. Specifically, staff would like more feedback on the pilot areas, water supply, and to the draft bylaw regulations that have been presented. It is suggested that a round of consultation sessions be scheduled over the summer to get input into a bylaw before it is given first reading. There are opportunities for engaging the community over the summer at community events that draw a broad spectrum of the community. At some point it would also be useful to have representation from CRD building inspection answer questions concerning building bylaw requirements.

## **Implementation:**

An initiative to allow suites will need to be implemented by the CRD Building Inspection office through the building permit process and enforcement of the Building Code. Staff have had initial meetings with representatives from the CRD to discuss potential options for coordinating efforts to implement the secondary suites bylaw, including a communication program to inform the community of options and approval processes.

Further, as a companion policy area for all of the planning work done locally it would be advisable to coordinate a water conservation management plan for the whole island. Discussion

will continue with the various water districts regarding their policies and procedures for addressing the legalization of existing suites and newly constructed suites, while a broader effort towards island wide water demand management could be targeted over a longer timeframe.

In addition, there has been feedback that it will be important to monitor the uptake of secondary suites, changes in water demand, and the impacts on neighbourhoods. Some people have suggested the use of statutory declarations and an annual registration system, while others have concerns over enforcement of illegal suites. Developing an implementation strategy, including a comprehensive communication strategy to inform homeowners of the processes and fees associated with legalization of secondary suites, will be an important component for encouraging homeowners with existing suites to come forward and apply for a building permit.

**CONCLUSIONS:**

It has been presented by staff in previous staff reports that the preparation of an implementation strategy in cooperation with CRD Building Inspection office will be important to undertake prior to first reading of a bylaw amendment in order to address questions and concerns of the public regarding the legalization process. Preliminary discussions regarding preparation of a monitoring plan can also be initiated at this time in cooperation with the CRD representatives.

There is more coordination required with the various water districts on Salt Spring Island as well as the Salt Spring Water Council to design a process for the legalization of secondary suites. Staff will continue to pursue this and report back with a more comprehensive report. A resolution is not needed for this action to take place. Finally, staff believe that continued consultation with the community is important to bringing forward a bylaw that has broad community understand and input.

**RECOMMENDATIONS:**

THAT the Salt Spring Island Local Trust Committee direct staff to engage the community further on the legalization of secondary suites.

Respectfully submitted by:	Concurred by:
Justine Starke	Leah Hartley
Date	Date
July 27, 2011	July 27, 2011