

TO: Lorraine Hilton
Chief Administrative Officer

DATE: October 24, 2023
FILE: 3900.438 / 6430.04 / 3900.439

FROM: Laura Beckett
Municipal Planner

To Council
November 6, 2023

RE: FOLLOW-UP AND BYLAWS – SECONDARY SUITES AND ACCESSORY DWELLING UNITS PROJECT

PURPOSE

The purposes of this report are to provide:

- Responses to questions from Council, and
- A Zoning Bylaw amendment for Council's consideration.

BACKGROUND

This project was last considered at Council on August 14, 2023 when Council resolved:

- That Council direct staff to contact Island Health to confirm that it will provide oversight of additional hookups for wells for secondary dwelling units; and
- That Council direct staff to determine if the District of Highlands has jurisdiction to regulate a no-net-increase in water use for additional dwelling units.

Previously, staff provided a Building Bylaw amendment along with the Zoning Bylaw amendment for Council consideration. It is now clear that more amendments may be required to the Building Bylaw, and any amendments to it would be related or consequential to a policy decision implemented through a Zoning Bylaw amendment. Because Council has not finalized its decision on policy direction, any amendments to the Building Bylaw are best brought forward once Council has approved a Zoning Bylaw amendment. A delay for implementation has been built into the attached bylaw, and staff would bring forward any changes to the Building Bylaw during this delay period.

The previous covering report for the Zoning Bylaw amendment can be found at this website:
<https://www.highlands.ca/AgendaCenter/ViewFile/Item/8124?fileID=7136>.

OPTIONS

The following options are available for Council's consideration:

1.
 - a. That Highlands Zoning Bylaw, 1998, Amendment No. 41, (Accessory Dwelling Units) Bylaw No. 438, 2022 be given first and second readings.
 - b. That a public hearing be scheduled for December 4, 2023 in relation to Highlands Zoning Bylaw, 1998, Amendment No. 41, (Accessory Dwelling Units) Bylaw No. 438, 2022.
2. That Council provide alternate direction.

RESPONSES

Island Health advises that, under current legislation, once it becomes aware of a situation, it is required to seek compliance with any water supply system that serves more than one single-family residence. Its authority, through the *Drinking Water Protection Act* and *Drinking Water Protection Regulation*, is primarily for water quality.

The second question is about whether Highlands has the jurisdiction to regulate well water consumption. It *may* be possible to do this under certain circumstances including receiving approval by the Province. Additional staff and financial resources would be required to investigate this more definitively. The administrative effort and resources required to create, deliver, and enforce this kind of regulation, should it be possible, are estimated to be extensive and beyond the policy framework established by Council for this project.

For example, it is anticipated that, among other things, participating residents would be required to:

- Measure a baseline of water usage prior to installation of the secondary suite or accessory dwelling unit.
- Track water usage after installation of the secondary suite or accessory dwelling unit to verify that the household has not used any additional groundwater resulting from the secondary residence.
- If water usage has increased beyond the baseline, implement groundwater conservation measures as appropriate. It is important to note that there remains a risk that overall water (non-groundwater) consumption would still increase.
- Repeat this cycle indefinitely to assure continued compliance.
- Share all this information with the District.

This entire process would be unique for each property with a secondary suite or accessory dwelling unit. At every step, District resources would be required to receive and log the information. Integral to this sort of regulation are staff follow-up and possible enforcement for each property.

Without any additional regulations beyond what is currently proposed in the attached Zoning Bylaw amendment, additional staff resources will be required to deliver the program.

If Council only wishes to consider regulating secondary suites and accessory dwelling units if the District would/could also regulate water in those secondary dwelling units, staff suggests that Council consider referring the project to the next Strategic Planning update so that the additional increase in resources – (1) to definitively determine if this type of regulation is achievable, (2) to create the regulations, and (3) to implement them – can be considered in the context of resources required to implement other strategic priorities. Adding any type of regulation for well water to secondary dwelling units is likely to render a program unmanageable at this time for Highlands' operational structure.

Groundwater Licenses and Secondary Residences

There has been some confusion about groundwater licenses for secondary residences. The province advises that groundwater licenses are not required for wells with a domestic / household purpose that serve one or more private dwellings on a single parcel. (This does not include multi-family apartment buildings, hotels, and strata titled or cooperative buildings located on a single parcel.)

CONCLUSION

Under current legislation and if it becomes aware of situations, Island Health will seek compliance with water supply systems that serve more than one single-family residence.

While it *may* be possible for the District to regulate a no-net increase in water use for additional dwelling units, it would require a high level of Highlands' resources in both implementation and delivery that the overall program would likely become too complex for Highlands' current operational structure. If regulation of well water is critical to Council's consideration of secondary residence regulation, Council may wish to postpone the project at this time and determine if it wishes to receive further information regarding the potential to regulate water in the context of its Strategic Priorities.

Staff attaches a Zoning Bylaw amendment with an updated "coming into force date" of June 1, 2024 for Council consideration.

RECOMMENDATIONS

1. That Highlands Zoning Bylaw, 1998, Amendment No. 41, (Accessory Dwelling Units) Bylaw No. 438, 2022 be given first and second readings.
2. That a public hearing be scheduled for December 4, 2023 in relation to Highlands Zoning Bylaw, 1998, Amendment No. 41, (Accessory Dwelling Units) Bylaw No. 438, 2022.

Respectfully submitted,

Concurrence



Laura Beckett, MURP, MCIP, RPP
Municipal Planner



Lorraine Hilton,
Chief Administrative Officer

Attachments:

- Highlands Zoning Bylaw, 1998, Amendment No. 41, (Accessory Dwelling Units) Bylaw No. 438, 2022



DISTRICT OF HIGHLANDS BYLAW NO. 438, 2022

A BYLAW TO AMEND THE “HIGHLANDS ZONING BYLAW NO. 100, 1998”

The Council of the District of Highlands in open meeting assembled enacts as follows:

1. The District of Highlands Zoning Bylaw No. 100, 1998 is hereby amended:

a) In SECTION 1 DEFINITIONS by adding the following in alphabetical order:

ACCESSORY DWELLING UNIT means a *secondary suite* or a *detached secondary suite*;

DETACHED SECONDARY SUITE means a *dwelling unit* that is *accessory* to another *dwelling unit*, and located in a separate building.

PRINCIPAL DWELLING UNIT means a *dwelling unit* that is a *principal use* on a *lot*.

SECONDARY SUITE means a *dwelling unit* that is *accessory* to and contained within same building as another *dwelling unit*.

- b) i) In SECTION 3.8 (6) a) i) by inserting “*principal*” between “each” and “*dwelling*”;
ii) In SECTION 3.8 (6) a) ii) by inserting “*principal*” between “each” and “*dwelling*”;
iii) In SECTION 3.8 (6) a) by inserting a new subsection v) as follows:
in the column “LAND USE” insert the words “for each *accessory dwelling unit*”;
in the column “REQUIRED PARKING SPACES” insert the number “1”; and by renumbering the remaining subsections.

c) By adding a new SECTION as follows:

3.10 Accessory Dwelling Units

- (1) The total floor area of an *accessory dwelling unit* shall not exceed 90m².
- (2) The property owner must have as their principal residence either the *principal dwelling unit* or the *accessory dwelling unit*.
- (3) An *accessory dwelling unit* must not be used for a *home-based business*.
- (4) An *accessory dwelling unit* must not be subdivided from the *principal dwelling unit* on the same *lot*.

- d) In SECTIONS 6.1.2, 6.2.2, 6.2A.2, 6.3.2, 6.4.2, 6.5.2, 6.7.2, 6.8.2, 6.14.2, 6.15.2, 6.16.2, 7.1.2, 7.2.2, 7.3.2, 7.3A.2, 7.3B.2, 7.3C.2, 7.3D.2, 7.4.2, 7.5.2, 7.6.2, 7.7.2, 7.8.2, 8.1.2, 8.2.2, 12.14.2, 12.16.2:

In paragraph (1) by inserting "*principal*" between "one (1)" and "*dwelling*"; and by inserting a new paragraph (2) as follows:

(2) In accordance with a density benefit scheme under Section 482 of the *Local Government Act*, there may be no more than one (1) *accessory dwelling unit* on each *lot* if the property owner grants a covenant pursuant to Section 219 of the *Local Government Act*, in favour of the District of Highlands, prohibiting the *accessory dwelling unit* from being subdivided under the *Land Title Act* or the *Strata Property Act*, or their successor legislation, from the *principal dwelling unit*.

- e) In SECTION 8.1A (Greenbelt 1A (GB1A) Zone), subsection 8.1.2, by inserting "*principal*" between "(4)" and "*dwelling*", and by inserting a new paragraph (2) as follows:

(2) In accordance with a density benefit scheme under Section 482 of the *Local Government Act* there may be no more than four (4) *accessory dwelling units* on each *lot* if the property owner grants a covenant pursuant to Section 219 of the *Local Government Act*, in favour of the District of Highlands, prohibiting any *accessory dwelling unit* on the lot from being subdivided under the *Land Title Act* or the *Strata Property Act*, or their successor legislation, from the *principal dwelling unit*.

2. This Bylaw comes into force on June 1, 2024.
3. This Bylaw may be cited for all purposes as, "Highlands Zoning Bylaw, 1998, Amendment No. 41, (Accessory Dwelling Units) Bylaw No. 438, 2022."

READ A FIRST TIME THIS DAY OF

READ A SECOND TIME THIS DAY OF

PUBLIC HEARING HELD THIS DAY OF

READ A THIRD TIME THIS DAY OF

ADOPTED THIS DAY OF

MAYOR

CORPORATE OFFICER