

Special Considerations for Salt Spring Island

There is a lot of good advice and tips to consider when looking or property. Most of these are generic and apply to any property searches, anywhere. Salt Spring Island has a few unique considerations that you need to know about.

Government

British Columbia is divided up into areas known as Regional Districts. If you are from the US, think of it like Counties. There are elected representatives and they generally take care of many infrastructure services such as water or sewer or parks etc. If there is another form of organized territory within a Regional District such as a city or a municipality then many of these services become the responsibility of those entities or they can elect to “contract out” the fulfilment of these services to the Regional District. Salt Spring Island is in the Capital Regional District (CRD). This area includes the City of Victoria, City of Sidney and many Municipalities such as Saanich, Colwood, Langford etc. Salt Spring Island is neither a Municipality or a City.

Islands Trust

Islands Trust is a unique governance structure created by the Province of British Columbia that includes all the southern Gulf Islands. These islands are in several Regional Districts. The Islands Trust Board consists of 16 elected representatives, two from each island or small group of islands. Each island has it's own Official Community plan but must adhere to the mandate and statutes of Islands Trust as a whole. **Islands Trust only deals with land use via zoning bylaws.** Each island can have it's own zoning bylaws as long as they fit within the general Islands Trust mandate and bylaws, the CRD bylaws and the Provincial bylaws. Complicated eh! Islands Trust Mandate is “**Preserve and Protect**” You can go to the Islands Trust website at <http://www.islandstrust.bc.ca/>

You can drill down for more detailed information by going to :

- Islands Trust Main page <http://www.islandstrust.bc.ca/>
 - Specific to Salt Spring Island <http://www.islandstrust.bc.ca/ltc/ss/default.cfm>
 - Planning bylaws - <http://www.islandstrust.bc.ca/ltc/ss/bylaws.cfm>
 - Official Community Plan, Bylaw No. 434 - <http://www.islandstrust.bc.ca/ltc/ss/pdf/ssbylbaseocp0434.pdf>
 - Land Use Bylaws No. 355 - <http://www.islandstrust.bc.ca/ltc/ss/pdf/ssbylbaselu0355.pdf>
 - There are six maps of individual property zoning areas
 - There are 27 maps or Schedules showing special designated areas for consideration.

This is the Bible of what we as Realtor®s need to know to advise you about any property you are looking at.

Main considerations for Land Use

Buyers have some general questions that come up all the time.

1. How big a house can I build
2. Can I build a work shop or guest cottage
3. Can I build a second house on the property
4. Can I rent my house out when I am not using it.
5. Can I have a suite in my house.

1. Each zoning designation has specific limitations on the amount of the land that can be used for buildings. *In General* this does not have an effect on the size of main dwelling you can have. For example, the most restrictive zoning is R10 (Residential 10). It allows on 10% of the lot to be built on including all buildings (main house, garage, studio, workshop combined). The minimum lot size for this zoning is .3 acres or 13,068 sq ft., the footprint of all buildings an only be 1300 sq ft. and the second floor does not count in that. There are very very few

properties with that zoning. In fact I am still looking for one. A normal small lot on Salt Spring is about 1/2 an acre or 21,780 sq ft. Normal maximum use for all buildings is 33% so you can build a 7000 sq ft main house or a total of 7000 sq ft of buildings as long as they fit within the other zoning limitations according to the type of buildings they are.

2. You can build what is known as “outbuildings” on any property as long as they fit within the maximum size designated for each type of building according to the zoning of the property. This is where the nitty gritty of the details comes out. There is some terminology that is used that is very important. It is used to define specific buildings. The most important are:

- **Guest cottage**- This is a building to be used for temporary accommodation with specific limits on the maximum days/year and duration of each stay. It is not a full time residence building. It is to be a maximum of 602 sq ft including all floors. It is allowed to have bedrooms, a full kitchen and a full bathroom (sink, toilet and shower or bath).
- **Studio**- The studio designations was designed to accommodate the home based business and arts community of the island. It is supposed to be used as a workshop, studio or retail outlet (for your own products) on a property. It is not the designation used in an apartment condo type of use. A studio can be up to 750 sq ft on any property (with in the total allowable sq ft) or on a larger property (see 3 acres limits below) up to 2000 sq ft including upper floors. A studio is not to be used for sleeping or accommodation. It can't have a full kitchen and it can't have a full bathroom. Sink and toilet only.

There is a magic line in the sand on lot sizes. 3 acres (approx) is that line. Over 3 acres has special desirability.

- Under 3 acres you can build a main residence of any size (up to the maximum percentage allowable for the specific zoning) plus outbuildings (not attached to the main residence) of 750 sq ft. That means you can have a garage or workshop or studio with a total of 750 sq ft besides the main residence. Unfortunately the outbuilding size calculation includes second floors so a 325 sq ft 2 story building would hit the limit.
- **ALR- Agricultural Land Reserve**- The Provincial Government set up the Agricultural Land Commission (ALC) in order to protect agricultural land so we will have it available and it won't be covered in industrial or residential development where it will never be usable as farmland again. The ALC has their own regulations and they over ride the local land use bylaws. If the property you are interested in is in the ALR, ask your Realtor® (me) for advice on the restrictions and benefits. One main thing to note is that despite being over 3 acres, Guest Cottages have to be approved by the ALC and for the most part never are.

3. **More than one house**- In general...only one residence can be built on any piece of land. There are a few exceptions where the zoning allows for a duplex or a guest suite. The definition of a second accommodation is loosely having two kitchens in one building. A kitchen is defined by the stove. You can have a suite with a fridge sink, dishwasher etc etc but not a stove.

4. **Rentals**- There is no restriction on renting out your house full time unless it is in a townhouse development where the the Strata Bylaws restrict that. The term “Full Time” is the catch. That is defined as over 30 days. If you rent it out for under 30 days then it is considered a **Vacation Rental** and is not allowed. There have been many debates over this over the years. One you rent it out for over 30 days you now fall under the jurisdiction of the Provincial regulations of the Landlord Tenancy Branch. Ask me about this.

5. **Suites**- This is part of the rentals discussion. Unless the property is zoned for multiple residences, currently the answer is no. However..... Islands Trust is just on the brink of passing an amendment to allow suites in homes in specific areas. Ask about this.

The bottom line is ASK ME. I will help you weave through the tapestry of rules and regulations. There are a myriad of other rules and regulations that will effect what you want to do with your property including setbacks for lot lines, the ocean or water body and RAR (Riparian Area Regulations). They can be looked at a daunting but with the correct up front knowledge they may not effect what you want to do. They are very useful for protecting your property rights from what others may want to do.

