Salt Spring Island Local Trust Committee

Regular Meeting Addendum

Date:	Thursday, December 14, 2023
Time:	9:30 a.m.
Location:	64 Learning Hub 122 Rainbow Road

Pages

14. LOCAL TRUST COMMITTEE PROJECTS 12:30 PM - 2:30 PM

14.1 Proposed Bylaw 530 - Accessory Dwelling Units

14.1.1 Proposed Bylaw 530 - Accessory Dwelling Units *2*

Staff Report

STAFF REPORT

File No.: 6500-20 Housing Action Program (Accessory Dwelling Units)

DATE OF MEETING:	December 14, 2023
TO:	Salt Spring Island Local Trust Committee
FROM:	Chris Hutton, Regional Planning Manager Salt Spring Island Team
SUBJECT:	Proposed Land Use Amendment Bylaw to allow Accessory Dwelling Units

RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee read Salt Spring Island Local Trust Committee Bylaw No. 530, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022" a second time, as presented in Attachment 1 of the Regional Planning Manager's December 14, 2023 report and request staff to schedule a public hearing.**

2. **That the Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement Checklist as presented in Attachment 2 of the Regional Planning Manager's December 14, 2023 report, and determined that Proposed Bylaw No. 530, as read a second time cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022," is not contrary to or at variance with the Islands Trust Policy Statement.**

REPORT SUMMARY

This report follows up on requests for information related to land use policy change and programmatic actions related to the regulation and allowance of accessory dwelling units (ADUs) in the Salt Spring Islands Land Use Bylaw No. 355, 1999 (SS LUB) area.

BACKGROUND

At this time, Salt Spring Island Local Trust Committee Bylaw No. 530, cited as "Salt Spring Islands Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022" (proposed Bylaw No. 530) has first reading, as read April 19th, 2022 (Attachment 3).

At its November Regular meeting, staff presented a substantial amendment to Proposed Bylaw No. 530 that proposes that ADUs should be permitted by indication on a map appended to the Salt Spring Island Land Use Bylaw No. 355, 1999 (SS LUB) rather than allowing ADUs by right in certain zone designations. Following discussion of this option, SS LTC passed the following resolutions:

> **SS-2023-141**
> **It was MOVED and SECONDED,**
> That the Salt Spring Island Local Trust Committee request staff to prepare a new bylaw number replicating Bylaw 530 as presented in the staff report dated November 16, 2023.
>
> **CARRIED**

> **SS-2023-142**
> **It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to look into whether Bylaw readings could be held at a Special Meeting or by Resolution Without Meeting.

CARRIED

SS-2023-143
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee direct staff to develop a spot zoning pilot program for Accessory Dwelling Units considering criteria, fees and potential to waive Public Hearings.

CARRIED

DISCUSSION:

Staff have prepared Draft Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 2, 2023" in response to a request for a new bylaw. This bylaw is a copy of the previously presented map-based ADU Bylaw, which retains the existing establishment of regulations for secondary suites and accessory dwelling units (ADUs), the secondary suites map (Schedule "I"), and proposes adding a new ADU Map (Schedule "M").

In researching the direction of the SS LTC to explore the possibility of:

- not holding a public hearing,
- advancing the bylaw through resolution without meeting, and
- development of a pilot program for ADUs,

staff have outlined a number of items that should be considered at this stage:

Readings by Resolution without Meeting

Section 13 of the *Islands Trust Act* provides powers of a process conventionally known as a "resolution without meeting" (RWM). Subsection 13.4 explicitly states that a RWM is not valid if it gives second or third reading to a bylaw. Trust Council Policy No. 2.2.3 outlines the process and conditions of resolutions without meeting.

Notably, section 1 of that policy notes that most decisions should be voted on at properly called and constituted meetings and that RWMs should only be used where it requires *immediate* action as a result of *unforeseen* circumstances and *must* be dealt with before the next regular meeting. Not discounting the clear need for affordable, long-term rental housing, this amendment will not be unduly affected by following a regular voting process in open meeting and members of the SS LTC may wish to consider this in making and deliberating such a motion.

Proceeding Without Public Hearing:

Section 464(2) of the *Local Government Act* provides that a local government like the SS LTC may choose to not hold a public hearing for a proposed zoning (land use) bylaw provided the bylaw is consistent with the OCP. In such case, the SS LTC must provide notice *prior to* first reading. The draft Bylaw No. 537 is consistent with the OCP, and the SS LTC therefore could choose to resolve not to hold a public hearing and publish notification that it will not hold a public hearing on the new bylaw amendment. In fact, in this case, the adoption of *Bill 44 – Housing Statutes (Residential Development) Amendment Act, 2023* stipulates that a public hearing is prohibited from being held on this bylaw. In this case, notification is still required prior to public hearing. If the SS LTC wishes to proceed without a public hearing, the process would be as follows, provided that each vote is successful:

1. December 14 – Resolve to not hold a public hearing for proposed Bylaw No. 537, and requests that staff publish notification that a public hearing will not be held.
2. February 15 – LTC gives 1st-3rd readings, and refer to EC.
3. February 28 – EC Approval

4. March 7 – Approval at LTC Regular Meeting

As noted above, use of resolutions without meeting is only allowed to give bylaws first reading or to adopt them. Therefore, it would not accelerate the process to move first reading prior to a meeting of SS LTC. If, despite the fact that RWMs are discouraged outside of an emergency, SS LTC wished to consider adopting the bylaw, such RWM would only result in savings of about one week.

SS LTC could consider holding a special meeting prior to January 23rd to read the bylaws three times and refer to the January 31st EC meeting, and adopt the bylaw at the February 15th meeting as well. That process is as follows:

1. December 14 – Resolve to not hold a public hearing for proposed Bylaw No. 537, and requests that staff publish notification that a public hearing will not be held.
2. Prior to January 23 – LTC gives 1st-3rd readings, and refer to EC.
3. January 31 – EC Approval
4. February 15 – Approval at LTC Regular Meeting

Alternatively, SS LTC could consider the following timeline, which would incorporate a public hearing:

1. December 14 – Give second reading to proposed Bylaw No. 530
2. Prior to January 23 – Public hearing for proposed Bylaw No. 530, third reading, and refer to EC
3. January 31 – EC Approval
4. February 15 – Approval at LTC Regular Meeting

It is common practice for SS LTC to schedule public hearings separately from regular meetings so that they do not overly disrupt the schedule of the Regular Meeting. The SS LTC may consider third reading immediately following the public hearing.

Referral Consideration at First Reading

Islands Trust policy requires that LTCs must also consider the need for referral to governance partners, including agencies and First Nations at first reading. While it could be argued, as it was in the November 16 report, that the draft alternative is a significantly scaled down version of the current proposed Bylaw No. 530 and therefore referral is not necessary, the purpose of referrals is to identify policy issues and perspectives from interest holders that may affect the policy outcome.

Referral of Draft Bylaw No. 537 following first reading would result in a 90-day gap between LTC meetings and restrict SS LTC from reading the bylaw three times. Given that SS LTC has indicated a desire to accelerate the timeline of this approval, unless SS LTC is confident that not referring is without consequence to the important working relationships with governance partners and First Nations, it may wish to consider simply reading the Draft Bylaw No. 530 as a second reading, and proceeding to a public hearing. Given the amount and range of input received on this application through referral responses and public engagement, SS LTC may wish to consider the value of hearing input from the community directly in a public hearing, prior to consideration of third reading.

ADU Expansion Pilot

Staff have also considered the potential of a pilot project. The San Juan County Community Development department operates an annual ADU Lottery, allowing for up to eight units, with a two unit waitlist (2023) for detached ADUs in rural areas outside of a designated growth area.

In consideration of a similar pilot project at Islands Trust, this process may be inhibited by a legislative barrier in the context of BC municipal legislative powers. The concern here is that of fettering. Outside of agreements

entered into in the process of a rezoning (i.e. amenity zoning), local governments cannot fetter their authority to make certain land use changes based on, for example, the outcome of lottery among qualifying applicants.

Additionally, while a lottery system may be useful where there is a need to manage the flow of applications, the SS LTC is not prohibited from, and is in fact *required to* consider each land use application it receives. The challenge of volume, with regard to compliance with the OCP is primarily based in the requirement that exceptions to applications that increase the island population should be few and minor and only to achieve affordable housing (Policy B.2.2.15(m)). In the case of draft regulations set out in the bylaws under consideration, future applications that are shown to be able to meet the regulations for individual lots would not be inconsistent with the SS OCP, and SS LTC may wish to forego any further program at this time, and instead welcome applications for individual accessory dwelling units.

ANALYSIS

Policy Statement:

Policy Statements analysis is provided for two streams of bylaw advancement:

1. The existing policy statement assessment for the proposed Bylaw No. 530 (Attachment 4)

2. The map based alternative presented as either the amendment draft for Bylaw No. 530 or Draft Bylaw No. 537 (Attachment 2)

The analysis in Attachment 4 remains unchanged. The analysis for the map-based approach in the draft amendment to Proposed Bylaw No. 530 or Draft Bylaw No. 537 is provided if LTC wishes to advance either of these bylaws, and thematic discussion follows in this section:

Section 3.1 (Ecosystems) policies are largely unaffected, insofar as the application of development permitting under the existing OCP is our most current form of regulation and the protection of environmentally sensitive areas will continue to apply in these areas as needed. Section 3.2 (Forest Ecosystems) is equally protected insofar as the OCP itself protects forest ecosystems. The restriction on driveways encourages location of ADUs near the originally disturbed areas near principal residences existing as much as possible. Section 3.3 (Freshwater and Wetland Ecosystems and Riparian Zones) is upheld through the incorporation of the proof of water requirement. Future policy work in this area would improve policy performance in this area. Section 3.4 (Coastal and Marine Areas) relies on development permitting for environmentally sensitive areas. Future review of this area for current practice in funded projects will improve policy performance.

Section 4.1 (Agricultural Land) while the impacts of ADUs are less impactful than full-size housing, their addition and the lack of agriculture protection development permit policy in the OCP to ensure buffering from agricultural uses is a gap in policy that should be addressed regardless of consideration of ADUs. This policy change does not represent a significant departure from standing policy regarding development on or near agricultural areas, regardless of whether or not they are in the ALR.

Sections 4.2 – 4.6 policies are as noted relating to Section 3 comments above, or in consideration of existing regulations for any dwelling type.

The balance of the analysis similar to that provided for proposed Bylaw No. 530.

Rationale for Recommendation

Despite the potential to advance the application quickly, SS LTC may wish to consider holding a public hearing. Although the bylaw has been reduced considerably, this proposal has not been simple and has resulted in wide and varied responses through community engagement. Not conducting a public hearing for an important housing policy decision at the outset of the recently accepted policy roadmap that will shape much of the engagement work in the SS LTA over the next two years could pose a risk to these projects. This recommendation is consistent with typical and prudent practice.

ALTERNATIVES

SS LTC may consider the following alternatives to the staff recommendation:

1. **Proceed without Public Hearing or Referral:**

   As SS LTC has requested, it could read the revised bylaw as a newly numbered bylaw a first, second and third time, and refer the bylaw to the Executive Committee for Approval. Suggested wording is found below.

   That the Salt Spring Island Local Trust Committee not require a Public Hearing for Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 2, 2023"as presented in Attachment 5 of the Regional Planning Manager's December 14, 2023 report as the Bylaw is consistent with the "Salt Spring Island Official Community Plan No. 434, 2008, and request staff to proceed with public notification as per Section 464 of the Local Government Act.

   That the Salt Spring Island Local Trust Committee proceed no further with Salt Spring Island Local Trust Committee Bylaw No. 530, cited as "Salt Spring Islands Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022".

2. **Read the preferred draft or proposed Bylaw and Request that staff refer it to Executive Committee as read**

   SS LTC may choose to request that prior to advancing a bylaw, staff referring the selected bylaw to the Executive Committee for comment. In this case, staff would report back on comments at the first possible LTC meeting for consideration and provide recommendations, if necessary. Recommended wording for this option:

   That the read [preferred bylaw] a ["first", "first and second", or "first, second and third") time.

   That the Salt Spring Island Local Trust Committee refer [read bylaw] to the Islands Trust Executive Committee for comment, and place the comments on the earliest possible meeting agenda of the Salt Spring Island Local Trust Committee.

3. **Defeat proposed Bylaw 530:**

   The SS LTC may choose to defeat Bylaw 530 and not explore ADUs, except as part of the OCP-LUB project. There is no benefit to keeping the project in abeyance and the substance of this bylaw may be addressed through upcoming LTC projects. It should be noted that this option has the benefit of a more streamlined implementation, but would result in a significant delay before consideration of further policy development on this form of housing could begin. Recommended wording for the resolution is as follows:

   That the Salt Spring Island Local Trust Committee proceed no further with proposed Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022.

NEXT STEPS

If the SS LTC approves the recommendation, staff will schedule a public hearing.

Submitted By:	Chris Hutton, MCIP, RPP Regional Planning Manager	December 6, 2023

ATTACHMENTS

1. **Map-based Option** - Draft Salt Spring Island Local Trust Committee Bylaw No. 530, cited as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022"
2. Islands Trust Policy Statement Checklist for Draft Salt Spring Island Local Trust Committee Bylaw No. 530, cited as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022" OR Draft Salt Spring island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 2, 2023 (Bylaw No. 537) (Map-based Options)
3. **Current Amendment Bylaw (as read April 19, 2022)** - Proposed Salt Spring Island Local Trust Committee Bylaw No. 530, cited as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022"
4. Islands Trust Policy Statement Checklist for Proposed Salt Spring Island Local Trust Committee Bylaw No. 530, cited as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022" (historic option)
5. **New Map-based Bylaw Option** - Draft Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 2, 2023"

ATTACHMENT 1

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 530

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. Citation

This bylaw may be cited for all purposes as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022".

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "Salt Spring Island Land Use Bylaw, 1999," is amended as follows:

2.1 By adding the following in Section 1.1 "Definitions:"

"Accessory Dwelling Unit" means a dwelling unit accessory to a single-family dwelling unit intended as an independent, separate unit, and subordinate to the principal structure.

2.2 Schedule "M" is appended to and forms part of "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022", as shown on attached Plan No. 1

2.3 By replacing Section 3.16 "Secondary Suites" with the following:

3.16 ACCESSORY DWELLING UNITS AND SECONDARY SUITES

Regulations for accessory dwelling units and secondary suites:

3.16.1 *Secondary suites* and *accessory dwelling units* are permitted only on *lots* that are within or partially within the shaded areas per the following:

(1) *Secondary suites* - Schedule "I" of this Bylaw;

(2) *Accessory dwelling units* – Schedule "M" of this Bylaw.

Information Note: An accessory dwelling unit located within the Provincial Agricultural Land Reserve must also be consistent with the provisions of the Agricultural Land Commission Act and its regulations.

3.16.2 Only one (1) *secondary suite* or one (1) *accessory dwelling unit* is permitted per *lot.*

3.16.3 The *secondary suite* or *accessory dwelling unit* shall not be:

(1) located within a portion of a *lot* that is identified as a Community Well Capture Zone on Map 22 of the Salt Spring Island Official Community Plan;

(2) located within a *community water system*, except where written confirmation from the operator of the *community water system* is provided that the site has sufficient capacity to supply a *secondary suite* or an *accessory dwelling unit;*

(3) operated as a *Bed and Breakfast home-based business*, nor rented on a *temporary* basis.

(4) subdivided from the dwelling unit, single family to which it is accessory under the Land Title Act or the Strata Property Act.

3.16.4 The *secondary suite* or *accessory dwelling unit* shall be:

(1) occupied by the owner of the *lot*; or

(2) occupied by a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbours arising from the occupancy of the property.

Information Note: Pursuant to other provisions of this Land Use Bylaw, short term vacation rentals are not permitted in residential areas.

3.16.5 A building permit must be obtained for any *secondary suite* or *accessory dwelling unit.*

3.16.6 Where water to a *lot* containing a *secondary suite* or an *accessory dwelling unit* is supplied from:

(1) rainwater collection, the rainwater system must be capable of supplying it with a sufficient quantity of *potable* water;

(2) Where a *lot* is supplied by groundwater, a *single-family dwelling* containing a *secondary suite*, or *an accessory dwelling unit*, must have sufficient available groundwater.

Information Note: At time of Building Permit application, the Capital Regional District requires specific amounts of potable water be demonstrated, and proof of adequate septic capacity be provided, prior to issuing approvals.

(3) a combination of sources, a written plan for the supply of water is to be provided under seal of an engineer that demonstrates an adequate supply of potable water;

(4) a surface water body, a water license, issued or amended after November 30, 1994, must permit the withdrawal of the required amount of water.

Information Note: The provincial Water Management Branch completed a study of surface water availability in November of 1994. Water licenses issued before this time may not be a reliable indication that water is actually available in the necessary quantity.

Accessory dwelling unit Regulations

3.16.7 The maximum *height* of an *accessory dwelling unit* is 7 metres;

3.16.8 The maximum *floor area* of an *accessory dwelling unit* is 56 square metres on *lots equal to or* less than 1.2 hectares in area;

3.16.9 The maximum *floor area* of an *accessory dwelling unit* is 90 square metres on *lots* greater than 1.2 hectares;

3.16.10 Despite section 4.3, no accessory dwelling unit shall be constructed 4.5 metres from any interior side lot line;

3.16.11 The driveway access to the accessory dwelling unit must be shared with access to the principal residence, unless access to the accessory dwelling unit can be provided from a rear lane.

3.16.12 The *accessory dwelling unit* can be freestanding or combined with an *accessory building*;

3.16.13 The *accessory dwelling unit* must not have a *basement*;

3.16.14 The *accessory dwelling unit* including any stairs, decks or porches or other *structure*s that are attached to the unit, or that function as part of the unit, should not be located within 6 metres of any other *building* on a *lot*;

3.16.15 An *accessory dwelling unit* does not include recreational vehicles, or any *dwelling unit* on wheels.

Secondary Suite Regulations

3.16.16 The maximum *floor area* for a *secondary suite* is 90 square metres.

3.16.17 The *secondary suite* must be contained within the walls of the *building* that contains the *principal dwelling unit*.

3.16.17 The entrance to a *secondary suite* from the exterior of the *building* must be separate from the entrance to the *principal dwelling unit*.

2.4 By adding a change to the table under Subsection 7.1.5 "Minimum Number of Parking Spaces for Automobiles, Disabled Parking and Bicycles" with the following:

TABLE 3
MINIMUM NUMBER OF PARKING SPACES FOR AUTOMOBILES, DISABLED PARKING AND BICYCLES

LAND USE	Number of Automobile Parking Spaces Required	Number of required Automobile Parking Spaces which must be designed for *use* by the disabled	Number of Bicycle Parking Spaces Required
RESIDENTIAL			
Seasonal Cottage, Accessory Dwelling Unit or Secondary Suite	1 per unit	0	0

And by making consequential numbering alterations to effect this change.

READ A FIRST TIME THIS 19TH DAY OF APRIL, 2022

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

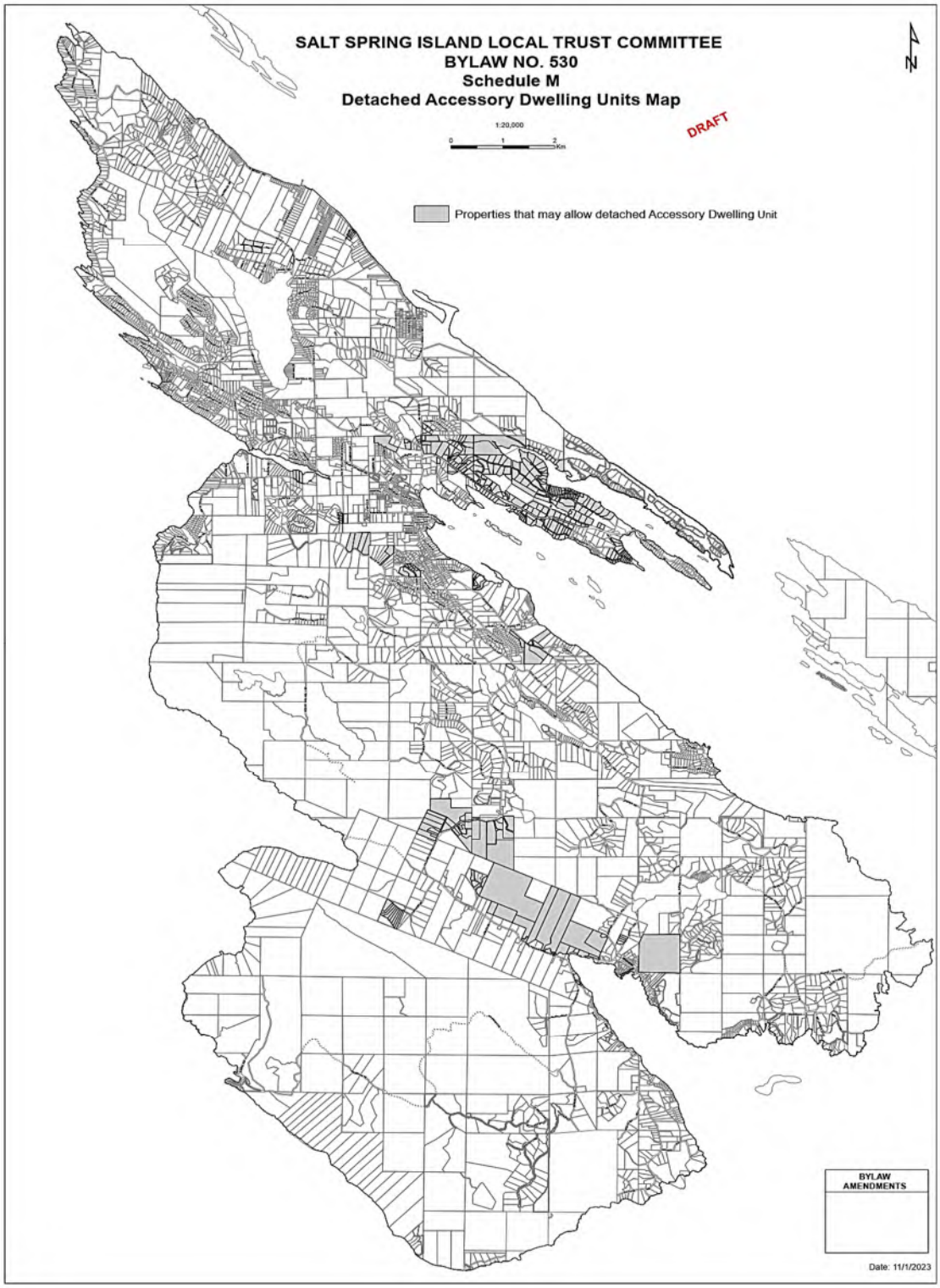
_____ DAY OF _____ 20_____

ADOPTED THIS _____ DAY OF _____ 20_____

_____ _____

Chair **Secretary**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 530
Plan No. 1



Attachment 2

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 Housing Action Program (Accessory Dwelling Units)

Bylaw Name (s): Draft Amendment to Proposed Bylaw No. 530 or Draft Bylaw No. 537

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
N/A	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
YES	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
YES	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
YES	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
YES	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
YES	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	**Agricultural Land**
MAYBE	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
MAYBE	**4.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
MAYBE	**4.1.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
MAYBE	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.

MAYBE	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
MAYBE	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	**Forests**
N/A	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
YES	**4.4.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
YES	**4.4.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
N/A	**4.5.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	**4.5.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	**4.5.10**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	**4.5.11**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
N/A	**4.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
N/A	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
N/A	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
MAYBE	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
MAYBE	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

	5.3	**Transportation and Utilities**
N/A	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
N/A	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**
	5.5	**Recreation**
N/A	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	**Cultural and Natural Heritage**
N/A	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
MAYBE	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	**Economic Opportunities**
MAYBE	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	**Health and Well-being**
YES	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
YES	***In compliance with Trust Policy***
	Not in compliance with Trust Policy for the following reasons:

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 530

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. Citation

   This bylaw may be cited for all purposes as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022".

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "Salt Spring Island Land Use Bylaw, 1999," is amended as follows:

2.1 By adding the following to Section 1.1 Definitions:

"Accessory Dwelling Unit" means a *dwelling unit accessory* to a *single-family dwelling unit* intended as an independent and separate unit which contains its sleeping, living, cooking and sanitary facilities, and its own independent entrance. *Accessory dwelling units* may be contained within the *principal single-family dwelling unit* or located as a detached *accessory structure*. For the purpose of this bylaw, *accessory dwelling units* include *secondary suites*, tiny homes, garden suites, seasonal cottages or *full-time rental cottages* that can be placed in or adjacent to an existing or new *dwelling unit* on the same lot. *Accessory dwelling unit* does not include recreational vehicles, or detached *accessory dwelling units* on wheels.

2.2 By deleting Schedule "I" Secondary Suites Map

2.3 By replacing Section 3.14 "Seasonal Cottages" and Section 3.15 "Full-Time Rentals Cottages" with the following:

3.14 DETACHED ACCESSORY DWELLING UNITS

3.14.1 A detached *accessory dwelling unit* is permitted provided that:

(1) no detached *accessory dwelling units* may be constructed or occupied on a *lot* less than 1.2 hectares in area;

(2) no detached accessory dwelling units may be constructed on a lot with a *duplex* or *multi-family dwelling unit*;

(3) the maximum *floor area* of a detached *accessory dwelling unit* is 90 square metres;

(4) a detached *accessory dwelling unit* is not located within a portion of a *lot* that is identified as a Community Well Capture Zone on Map 22 of the Salt Spring Island Official Community Plan;

PROPOSED

(5) a detached *accessory dwelling unit* is not located within an existing *community water system*, except, where alternative *potable* water supply, in compliance with this bylaw, is provided; or, written confirmation from the operator of the *community water system* that the site has sufficient capacity to supply the *secondary suite*;

(6) a detached *accessory dwelling unit* must not be operated as a *Bed and Breakfast home-based business*, nor rented on a *temporary* basis.

3.14.2 There is a maximum of one detached *accessory dwelling unit* permitted per *lot*.

3.14.3 A detached *accessory dwelling unit* must not have a *basement*.

3.14.4 A detached *accessory dwelling unit*, including any stairs, decks or porches or other *structure*s that are attached to the unit or that function as part of the unit, is not to be located within 6 metres of any other *building* on a *lot*.

3.14.5 A detached *accessory dwelling unit* may be a *mobile home* or a *manufactured home*.

2.4 By replacing Section 3.16 "Secondary Suites" with the following:

3.15 SECONDARY SUITES

3.15.1 *Secondary Suites* are permitted only within, or attached to a permitted *principal single-family dwelling unit* provided that:

(1) the *principal single-family dwelling unit* or the *secondary suite* is occupied by the owner of the property or a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbours arising from the occupancy of the property; and

(3) the *secondary suite* is not located within a portion of a *lot* that is identified as a Community Well Capture Zone on Map 22 of the Salt Spring Island Official Community Plan;

(4) the *secondary suite* is not located within an existing *community water system*, except, where alternative *potable* water supply, in compliance with this bylaw, is provided; or, written confirmation from the operator of the *community water system* that the site has sufficient capacity to supply the *secondary suite*; and

(5) a *secondary suite* is not operated as a *Bed and Breakfast home-based business*, nor rented on a *temporary* basis.

3.15.2 The entrance to a *secondary suite* from the exterior of the *building* must be separate from the entrance to the *principal dwelling unit*.

3.15.3 The maximum *floor area* of a *secondary suite* is forty per cent (40%) of the *floor area* of the *principal dwelling unit* and up to a maximum of ninety square metres of *floor area*.

3.15.4 A *secondary suite* must not be *subdivided* from the *principal dwelling unit* under the Land Title Act or the Strata Property Act.

PROPOSED

2.5 By adding to the table under Subsection 9.9.1 "Permitted Uses of Land, Buildings, and Structures" with the following:

	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12
Principal Uses, Buildings and Structures												
Accessory Uses												
Detached Accessory Dwelling Units, subject to Section 3.14							♦	♦	♦			
Secondary Suites, subject to Section 3.15	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
*Home-based business*es, subject to Section 3.13	♦	♦	♦	♦	♦	♦	♦	♦	♦			

2.6 By adding to the table under Subsection 9.10.1 "Permitted Uses of Land, Buildings and Structures" with the following:

	R	RU1	RU2	RU3	RW1	RW2	Ri
Principal Uses, Buildings and Structures							
Accessory Uses							
Detached Accessory Dwelling Units, subject to Section 3.14	♦	♦		♦			
Secondary Suites, subject to Section 3.15	♦						
Home-based business use, subject to Section 3.13	♦	♦	♦	♦	♦	♦	♦

2.7 By deleting Section 9.9.4 Exceptions in Particular Locations "Zone Variation R7(a)"

2.8 By deleting Section 9.10.4 Exceptions in Particular Locations "Zone Variation R(f)"

2.9 By deleting Section 9.10.4 Exceptions in Particular Locations "Zone Variation RU1(f)"

3.0 This bylaw should replace all mentions of *full-time rental cottages*, and *seasonal cottages* with *accessory dwelling units*.

3.1 This bylaw should be in harmony with the proposed bylaw No. 526 which deletes any mention of *seasonal cottages* from the Agriculture zones.

And by making consequential numbering alterations to effect this change.

PROPOSED

READ A FIRST TIME THIS 19TH DAY OF APRIL, 2022

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20_____

ADOPTED THIS _____ DAY OF _____ 20_____

_____ _____

Chair **Secretary**

PROPOSED

Attachment 4

ISLANDS TRUST POLICY STATEMENT
DIRECTIVES ONLY CHECKLIST

File No.: 6500
File Name: Proposed Bylaw No. 530

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
N/A	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
YES	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
YES	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
MAYBE	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
N/A	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	**Agricultural Land**
N/A	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	**4.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	**4.1.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
N/A	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	**Forests**

N/A	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
YES	**4.4.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
YES	**4.4.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
N/A	**4.5.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	**4.5.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	**4.5.10**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	**4.5.11**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
N/A	**4.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
N/A	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
N/A	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
MAYBE	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
MAYBE	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
N/A	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.

N/A	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
N/A	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**
	5.5	**Recreation**
N/A	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	**Cultural and Natural Heritage**
N/A	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
MAYBE	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	**Economic Opportunities**
MAYBE	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	**Health and Well-being**
YES	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
YES	***In compliance with Trust Policy***
	Not in compliance with Trust Policy for the following reasons:

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 537

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. Citation

This bylaw may be cited for all purposes as "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 2, 2023".

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "Salt Spring Island Land Use Bylaw, 1999," is amended as follows:

2.1 By adding the following in Section 1.1 "Definitions:"

"Accessory Dwelling Unit" means a dwelling unit accessory to a single-family dwelling unit intended as an independent, separate unit, and subordinate to the principal structure.

2.2 Schedule "M" is appended to and forms part of "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022", as shown on attached Plan No. 1

2.3 By replacing Section 3.16 "Secondary Suites" with the following:

3.16 ACCESSORY DWELLING UNITS AND SECONDARY SUITES

Regulations for accessory dwelling units and secondary suites:

3.16.1 *Secondary suites* and *accessory dwelling units* are permitted only on *lots* that are within or partially within the shaded areas per the following:

(1) *Secondary suites* - Schedule "I" of this Bylaw;

(2) *Accessory dwelling units* – Schedule "M" of this Bylaw.

Information Note: An accessory dwelling unit located within the Provincial Agricultural Land Reserve must also be consistent with the provisions of the Agricultural Land Commission Act and its regulations.

3.16.2 Only one (1) *secondary suite* or one (1) *accessory dwelling unit* is permitted per *lot.*

3.16.3 The *secondary suite* or *accessory dwelling unit* shall not be:

(1) located within a portion of a *lot* that is identified as a Community Well Capture Zone on Map 22 of the Salt Spring Island Official Community Plan;

(2) located within a *community water system*, except where written confirmation from the operator of the *community water system* is provided that the site has sufficient capacity to supply a *secondary suite* or an *accessory dwelling unit;*

(3) operated as a *Bed and Breakfast home-based business*, nor rented on a *temporary* basis.

(4) subdivided from the dwelling unit, single family to which it is accessory under the Land Title Act or the Strata Property Act.

3.16.4 The *secondary suite* or *accessory dwelling unit* shall be:

(1) occupied by the owner of the *lot*; or

(2) occupied by a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbours arising from the occupancy of the property.

Information Note: Pursuant to other provisions of this Land Use Bylaw, short term vacation rentals are not permitted in residential areas.

3.16.5 A building permit must be obtained for any *secondary suite* or *accessory dwelling unit.*

3.16.6 Where water to a *lot* containing a *secondary suite* or an *accessory dwelling unit* is supplied from:

(1) rainwater collection, the rainwater system must be capable of supplying it with a sufficient quantity of *potable* water;

(2) Where a *lot* is supplied by groundwater, a *single-family dwelling* containing a *secondary suite*, or *an accessory dwelling unit*, must have sufficient available groundwater.

Information Note: At time of Building Permit application, the Capital Regional District requires specific amounts of potable water be demonstrated, and proof of adequate septic capacity be provided, prior to issuing approvals.

(3) a combination of sources, a written plan for the supply of water is to be provided under seal of an engineer that demonstrates an adequate supply of potable water;

(4) a surface water body, a water license, issued or amended after November 30, 1994, must permit the withdrawal of the required amount of water.

Information Note: The provincial Water Management Branch completed a study of surface water availability in November of 1994. Water licenses issued before this time may not be a reliable indication that water is actually available in the necessary quantity.

Accessory dwelling unit Regulations

3.16.7 The maximum *height* of an *accessory dwelling unit* is 7 metres;

3.16.8 The maximum *floor area* of an *accessory dwelling unit* is 56 square metres on *lots equal to or* less than 1.2 hectares in area;

3.16.9 The maximum *floor area* of an *accessory dwelling unit* is 90 square metres on *lots* greater than 1.2 hectares;

3.16.10 Despite section 4.3, no accessory dwelling unit shall be constructed 4.5 metres from any interior side lot line;

3.16.11 The driveway access to the accessory dwelling unit must be shared with access to the principal residence, unless access to the accessory dwelling unit can be provided from a rear lane.

3.16.12 The *accessory dwelling unit* can be freestanding or combined with an *accessory building*;

3.16.13 The *accessory dwelling unit* must not have a *basement*;

3.16.14 The *accessory dwelling unit* including any stairs, decks or porches or other *structure*s that are attached to the unit, or that function as part of the unit, should not be located within 6 metres of any other *building* on a *lot*;

3.16.15 An *accessory dwelling unit* does not include recreational vehicles, or any *dwelling unit* on wheels.

Secondary Suite Regulations

3.16.16 The maximum *floor area* for a *secondary suite* is 90 square metres.

3.16.17 The *secondary suite* must be contained within the walls of the *building* that contains the *principal dwelling unit*.

3.16.17 The entrance to a *secondary suite* from the exterior of the *building* must be separate from the entrance to the *principal dwelling unit*.

2.4 By adding a change to the table under Subsection 7.1.5 "Minimum Number of Parking Spaces for Automobiles, Disabled Parking and Bicycles" with the following:

TABLE 3 **MINIMUM NUMBER OF PARKING SPACES FOR AUTOMOBILES, DISABLED PARKING AND BICYCLES**			
LAND USE	**Number of Automobile Parking Spaces Required**	**Number of required Automobile Parking Spaces which must be designed for *use* by the disabled**	**Number of Bicycle Parking Spaces Required**
RESIDENTIAL			
Seasonal Cottage, Accessory Dwelling Unit or Secondary Suite	1 per unit	0	0

And by making consequential numbering alterations to effect this change.

READ A FIRST TIME THIS _____ DAY OF _____ 20_____

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

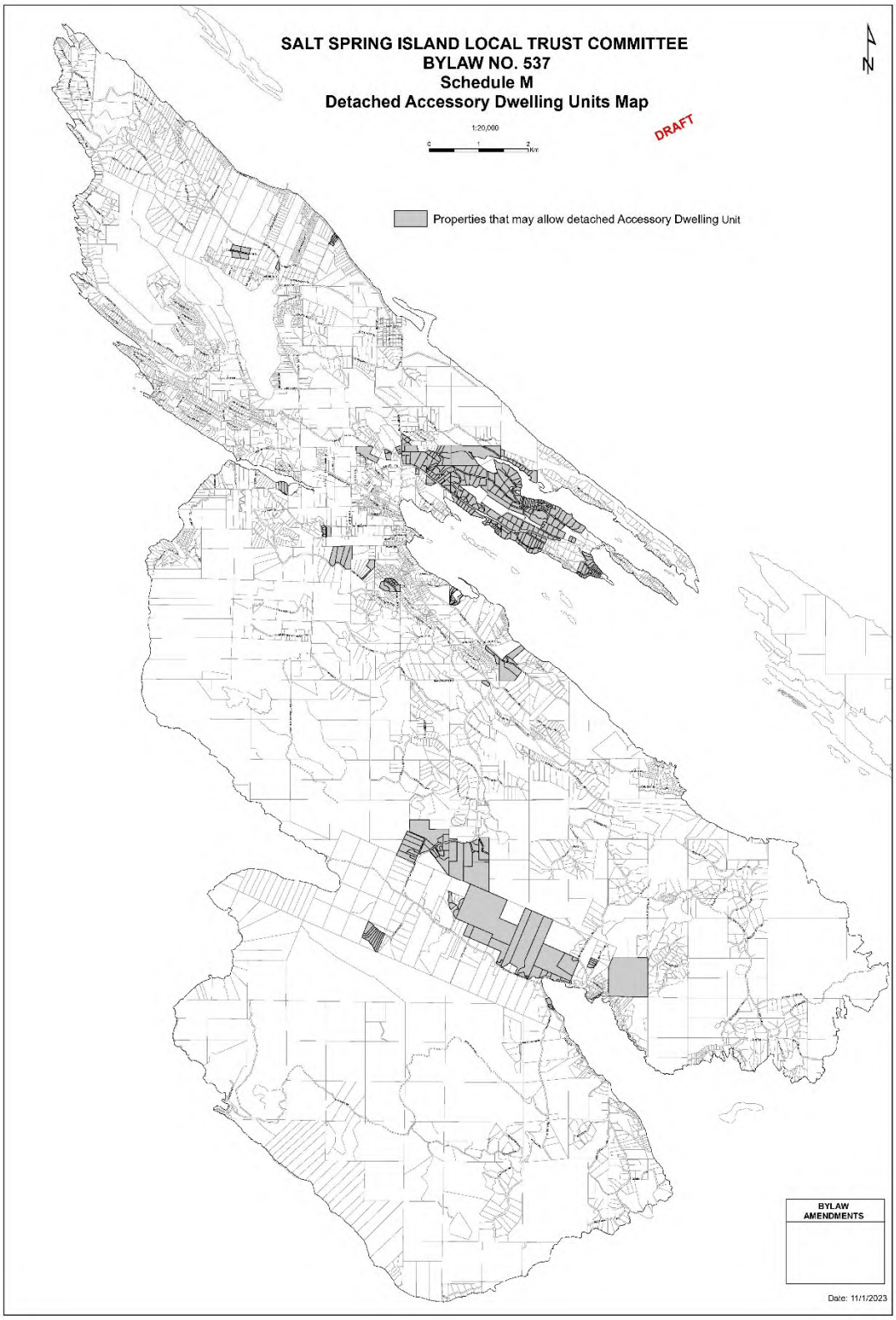
READ A THIRD TIME THIS _____ DAY OF _____ 20_____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20_____

ADOPTED THIS _____ DAY OF _____ 20_____

_____ _____

Chair **Secretary**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 537
Plan No. 1