



# STAFF REPORT

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

DATE OF MEETING: September 12, 2024  
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 rescind third reading of Salt Spring Island Local Trust Committee Bylaw No. 537, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023” as presented in Attachment 1 of the Regional Planning Manager’s September 12, 2024 report.
2. That the Salt Spring Island Local Trust Committee request staff to refer Salt Spring Island Local Trust Committee Bylaw No. 537, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023” as presented in Attachment 1 of the Regional Planning Manager’s September 12, 2024 report to the Tsawout First Nation for review and comment for a period of 60 day and report back upon receipt of response or expiry of the referral period.

## REPORT SUMMARY

This report provides follow up on previous direction from the Salt Spring Local Trust Committee (LTC) on this proposed bylaw regarding the procedural advancement of Salt Spring Island Local Trust Committee Bylaw No. 537, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023 (the proposed bylaw).

## BACKGROUND

Following notification of determination not to hold a public hearing and intent to read the proposed bylaw a first time, LTC gave first, second, and third readings to the proposed bylaw at a special meeting on January 22, 2024 and forwarded it for approval of the Executive Committee (EC). At its March 7, 2024 Regular meeting to consider adoption, LTC passed the following resolution:

**SS-2024-023**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to schedule a meeting with the LTC and Tsawout First Nation Leadership.

**CARRIED**

**Trustee Harris Opposed**

Following staff outreach, the LTC and supporting Islands Trust staff were invited and hosted by Tsawout First Nation to share a meal, discuss matters of shared interest, and find common interest. In follow-up discussions

between Islands Trust and Tsawout First Nation’s staff, it has been communicated that the Tsawout First Nation would appreciate the opportunity to comment on the proposed bylaw through a formal referral.

**ANALYSIS**

Further analysis of the proposed bylaw was provided in the December 14, 2023 and January 22, 2024 reports on land use bylaw amendments to allow ADUs. If LTC supports the recommendation, upon receipt of First Nations input, further amendment is likely, staff will provide analysis and recommendations on reporting back.

**Issues and Opportunities**

The following issues and opportunities pertaining to this report’s topic and recommendation are noted for LTC’s consideration.

**Statutory Requirements**

Referral of a proposed Land Use Amendment bylaw to affected First Nations is a valid consideration, particularly where such bylaw would impact multiple properties. Prior to this, LTC must rescind third reading of the proposed bylaw, as any potential amendments must be read into the bylaw and no change can occur after EC has approved the bylaw. Additionally, given that it is common practice that no changes should be considered after third reading, referring a proposed bylaw that has been read three times would need to be modified before any input could be considered.

**Additional Referrals**

The LTC previously referred Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022, a similar, discontinued bylaw. In consideration of a referral to Tsawout First Nation, LTC may wish to consider additionally referring this proposed bylaw to all treaty and territorial First Nations and other government agencies. The referral responses to that discontinued bylaw were summarized in a report to LTC on October 12, 2023 (Attachment 2). The list of anticipated referees is as follows:

<i>Public Agencies</i>	<i>Islands Trust/Local Government</i>	<i>First Nations*</i>
<ul style="list-style-type: none"> <li>▪ BC Assessment Authority</li> <li>▪ CRD – All Referrals<sup>+</sup></li> <li>▪ CRD – SSI Economic Sustainability Commission</li> <li>▪ CRD – SSI Building Inspection<sup>+</sup></li> <li>▪ CRD – SSI Director</li> <li>▪ CRD – SSI Transportation Commission</li> <li>▪ CRD – Housing Secretariat</li> <li>▪ Vancouver Island Health Authority<sup>+</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Galiano Island Local Trust Committee<sup>+</sup></li> <li>▪ Mayne Island Local Trust Committee<sup>+</sup></li> <li>▪ North Pender Island Local Trust Committee<sup>+</sup></li> <li>▪ Thetis Island Local Trust Committee<sup>+</sup></li> <li>▪ Cowichan Valley Regional District<sup>+</sup></li> <li>▪ Islands Trust Bylaw Enforcement and Compliance<sup>+</sup></li> <li>▪ Islands Trust – Trust Conservancy Board</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cowichan Tribes</li> <li>▪ Halalt First Nation</li> <li>▪ Lake Cowichan First Nation</li> <li>▪ Lyackson First Nation</li> <li>▪ Penelakut Tribe</li> <li>▪ Stz’uminus First Nation</li> <li>▪ Malahat First Nation</li> <li>▪ Pauquachin First Nation</li> <li>▪ Tsartlip First Nation</li> <li>▪ Tsawout First Nation</li> <li>▪ Tseycum First Nation</li> <li>▪ Semiahmoo First Nation</li> <li>▪ Tsawwassen First Nation</li> <li>▪ Hul’qumi’num Treaty Group <i>(for information only)</i></li> <li>▪ Te’Mexw Treaty Association <i>(for information only)</i></li> </ul> <p><i>*And others as determined by PIP</i></p>
	<b><i>Community Agencies/Groups</i></b>	
	<ul style="list-style-type: none"> <li>▪ BC Ambulance Service</li> <li>▪ North Salt Spring Waterworks District<sup>+</sup></li> <li>▪ RCMP</li> <li>▪ SSI Fire-Rescue</li> <li>▪ SSI Advisory Planning Commission</li> <li>▪ SSI Agricultural Advisory Planning Commission<sup>+</sup></li> </ul>	

**Rationale for Recommendation**

Staff recommend that LTC refer this bylaw to Tsawout First Nation as a First Nation with territorial and treaty interests on Salt Spring Island, who have indicated an interest in providing comment on the proposed bylaw. This referral is expected to provide valuable information that LTC can use to ensure that the proposed bylaw reflects possible concerns, thus ensuring the durability of its ultimate decision.

**ALTERNATIVES**

The LTC may consider the following alternatives to the staff recommendation in considering further direction:

**1. Conduct a full referral of the proposed bylaw**

The LTC may wish to consider a full referral of the proposed bylaw, in order to ensure that any further risk is identified by coordinating the opportunity for all potential referral parties to provide input and subsequently advance consideration of the bylaw. Recommended wording for the resolution is as follows:

1. *That the Salt Spring Island Local Trust Committee rescind third reading of Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023" as presented in Attachment 1 of the Regional Planning Manager's September 12, 2024 report.*
  
2. *That the Salt Spring Island Local Trust Committee request staff to refer Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023" as presented in Attachment 1 of the Regional Planning Manager's September 12, 2024 report to external agencies, groups, and First Nations for referral for review and comment for a period of 60 days, and report back upon receipt of response or expiry of the referral period.*

**2. Defeat the proposed bylaw**

The LTC may consider proceeding no further with the proposed bylaw. Staff advise that the implications of this alternative would be a departure for efforts to increase the diversity and supply of housing options. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee defeat Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023".*

**NEXT STEPS**

If LTC endorses the recommendation, the bylaw will be referred and staff will report back to LTC upon receipt of response, or lapse of the 60-day referral period.

Submitted By:	Chris Hutton, MPA, MCIP, RPP Regional Planning Manager, Salt Spring Island	September 4, 2024
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**ATTACHMENTS**

1. Proposed "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023"

2. Report to Salt Spring Island Local Trust Committee regarding “Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022” (Bylaw 530), dated October 19, 2023

# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 537

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

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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 *structures* 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:

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

And by making consequential numbering alterations to effect this change.

READ A FIRST TIME THIS      22      DAY OF      January      2024  
READ A SECOND TIME THIS    22      DAY OF      January      2024  
READ A THIRD TIME THIS      22      DAY OF      January      2024

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

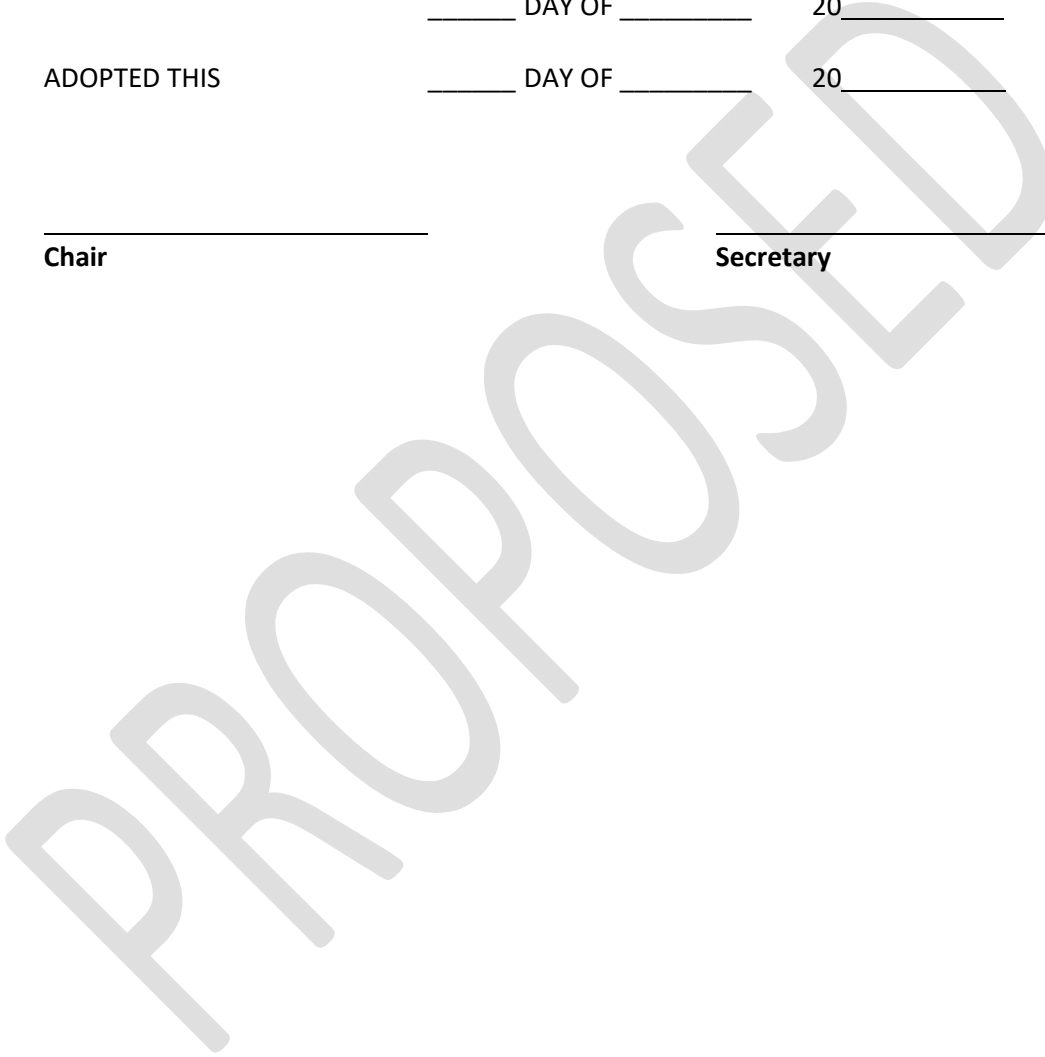
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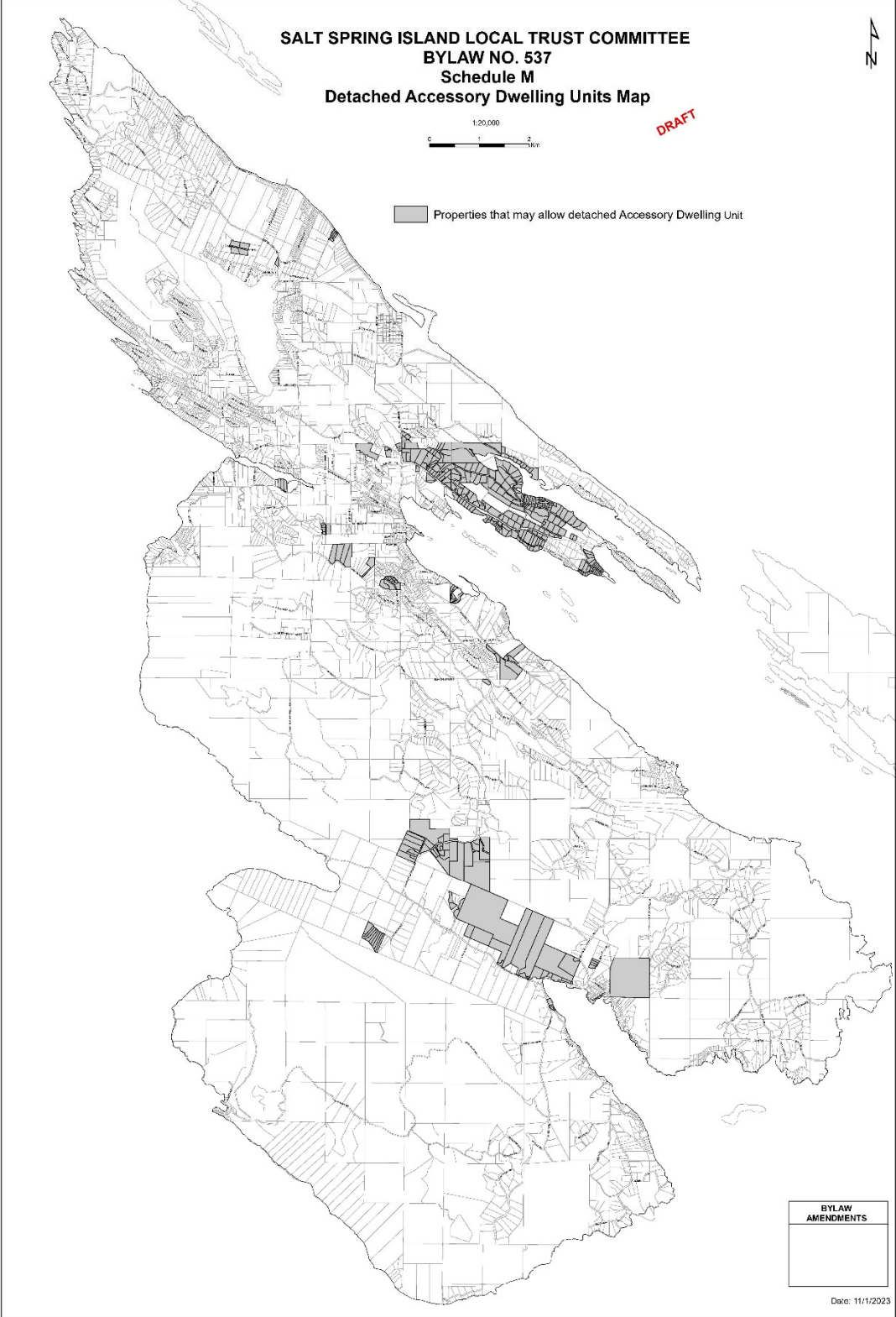
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**Chair**

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**Secretary**





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





Islands Trust

## STAFF REPORT

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

DATE OF MEETING: October 12, 2023  
TO: Salt Spring Island Local Trust Committee  
FROM: Chris Hutton, Regional Planning Manager  
Salt Spring Island Team  
SUBJECT: Proposed Bylaw No. 530 "Accessory Dwelling Units"

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### RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee rescind second reading of proposed "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022"
2. That the Salt Spring Island Local Trust Committee amend proposed "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022" as presented in Attachment 1 of the report from the Regional Planning Manager, dated October 12, 2023.
3. That the Salt Spring Island Local Trust Committee give second reading to "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022", as amended.
4. That the Salt Spring Island Local Trust Committee refer "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022", as amended 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.
5. That the Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement Checklist attached to the October 6, 2023 report, and determined that Proposed Bylaw No. 530, as amended 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.
6. That staff draft a standing resolution for the Salt Spring Island Local Trust Committee's consideration of criteria to assess when reviewing site specific amendments to Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999 for accessory dwelling units and secondary suites that assesses:
  - a) Water and wastewater servicing
  - b) Siting considerations
  - c) Affordable housing impacts

## REPORT SUMMARY

This report presents and analyzes options for further amendments to proposed Salt Spring Island Local Trust Committee Bylaw No. 530 (proposed Bylaw 530) (Attachment 1). The overall intent of this amendment is to provide increased opportunity for diversification and managed additional housing opportunities in specific residential areas of the LUB area in the form of attached secondary suites or accessory dwelling units. The report provides recent background and follows on a previous discussion of the proposal and specifically acknowledges the request put forward by LTC to report back on options to adjust the bylaw in response to feedback received through open houses. Several options are discussed and analysed in this report for LTC to consider and blended approach is recommended.

## BACKGROUND

At its regular meeting on June 22, 2023, LTC received a summary of the two open house meetings that had been held on Proposed Bylaw No. 530. Upon discussion of whether to move forward with the public hearing, given feedback received from public open houses and referral responses including those of First Nations, the LTC passed the following resolution:

### **SS-2023-76**

#### **It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to identify options for further amendments to proposed Bylaw 530 based on feedback received at the open houses and other relevant information regarding accessory dwelling units in rural areas.

#### **CARRIED**

LTC also requested that staff schedule a public hearing in the month of September. Given the request for additional reporting of options that could result in amendments to the bylaw, it was not feasible to undertake these two tasks simultaneously.

## DISCUSSION

### ***Public Feedback***

Comments from the public in the open houses and other outreach held in June were varied in their level of support, ranging from concern about availability of servicing resources (water) and the likelihood that ADUs would be used to provide full-time housing options; to acknowledgement as a step in the right direction to diversifying the number of units and their type to address the ongoing crises of housing availability and affordability. There does appear to be community consensus that ADUs and secondary suites would not be a “panacea” housing solution and that ongoing work to address the housing affordability and availability issues on Salt Spring Island remains to be done.

A common concern that is ADUs will not result in affordable housing. Cost of construction of ADUs is considerable recent softening trends in the housing ownership and rental markets may result in increase challenges to construction viability.

### **First Nations Referral Responses**

There was some confusion regarding the responses of First Nations referrals in the June meeting, so a refreshed summary of comments is provided here. All referral responses to two versions of proposed Bylaw No. 530 can be found in Attachment 1. Referrals were sent to the 13 First Nations with identified land or water interests in the Salt Spring Island Local Trust Area. Of the responses received in the 2023 referral:

- Tsawout First Nation indicated that the proposed bylaw raises concerns about the environmental impact, living capacity, and impacts to Tsawout First Nation’s rights to its traditional territory.
- Cowichan Tribes “does not oppose” amendment to allow ADUs.
- Malahat Nation respectfully defers to local First Nations’ opportunity to act as primary correspondents while reserving right to consultation and engagement on an ongoing basis for this proposal.

A 2022 referral of a similar iteration of proposed Bylaw 530 yielded similar comments from the above-noted First Nations, and:

- Ts'uubaa-asatx Nation notes that the proposal falls in their Statement of Intent Area with no comment but that such is without prejudice to any future consultation regarding this and any other application or decision within the Nation’s territory. The response goes on to reserve myriad rights, including potential compensation, court action, and sustained right to protect cultural heritage or against Aboriginal rights or title infringement.
- Lyackson First Nation previously indicated (not exhaustively) concerns about a lack of cumulative effects assessment related to environment, cultural, socioeconomic and historical values. The Nation further questioned how the proposal could facilitate dedication of units for affordable housing for local Indigenous peoples, “given the Islands Trust’s acknowledgement of the forcible dispossession of Indigenous peoples from the lands and waters of Shiya’hwt”. An email sent shortly after this referral indicated possible responses to these questions, indicating that LTC may consider requirement of a housing agreement or other legal instrument. However, this discussion does not appear to have been pursued further by any party.
- Halalt Nation indicated that it has no comment on the proposed bylaw.

LTC should consider that of the six nations that have responded, one does not object, one does not comment, two refrain from comment but reserve the right to do so and expressly reserve the right to further future action, one expresses concerns that have not been addressed, and one is clearly opposed. As we only received referral responses from three nations in the most recent referral, we are not able to identify if those who responded in 2022, but did not in 2023 simply felt that the last referral response is upheld.

Staff have had follow-up conversations with Tsawout regarding this referral response. These conversations have been caveated by Tsawout as not comprising engagement or consultation. Tsawout states that it does not currently have adequate apparatus to accommodate this but is preparing an engagement portal. Tsawout considers that until it has created this apparatus, it cannot be considered to have been engaged. The importance of building a meaningful relationship is additionally imperative to achieving meaningful engagement with Tsawout.

***Facilitating Broad Distribution with Managed Yield:***

As read, proposed Bylaw 530 would rezone 5,002 properties to allow for either a secondary suite or an ADU. This act would legalize the *land use*, any such units existing, known or unknown subject to the bylaw. Those units may still be subject to siting requirements, a building permitting, and risk management measures if constructed in hazard lands or environmentally sensitive lands. While not known comprehensively, it is not likely that the number of illegal units is a substantial number of the potential lots proposed to be rezoned.

***Ensuring Durability of the Bylaw***

Two points have been identified to the zoning by right approach proposed to enable development of ADUs and secondary suites, as in proposed Bylaw 530: (1) Lack of certainty about consistency with the OCP; and (2) responding to the input of First Nations.

## OCP Consistency

Section 478(b) of the *Local Government Act* requires that all bylaws enacted must be consistent with the plan. Concern has been raised by staff that authorization of ADUs or secondary suites in low or very low density areas could raise concerns about OCP consistency. These concerns centre primarily on zones in the Uplands land designation (OCP Policy B.8.2.2.2), as well as application of the precautionary principle to ensure that land use is not increased in areas that are known to have concerns with the supply of potable water (OCP Policy C.3.1.1.1). Policy specific to secondary suites a comprehensive set of criteria to be met in consideration of allowing secondary suites (OCP Policy B.2.2.2.15) is provided. A number of these 14 criteria are met, but specifically, the direction that LTC make zoning changes incrementally (m) is not met through proposed Bylaw 530. The need for metered responses is supported in the OCP's discussions of possible zoning changes that would result in population increases, where "exceptions to this policy are to be few and minor and only to achieve *affordable housing*<sup>1</sup> and other objectives of this Plan".

Various discussions with Islands Trust Counsel have been obtained and staff's understanding of these opinions is that it is unclear if the actions of advancing proposed Bylaw 530 would be vulnerable to court challenge.

## First Nations Engagement

It has been confirmed that the duty to consult and accommodate First Nations under s. 35(1) of the Constitution is a Crown duty and thereby does not extend to Islands Trust as a local government. That said, the Islands Trust Council's Reconciliation Declaration commits the organization to establishing mutually respectful relationships between Indigenous and non-Indigenous Peoples, acknowledging that this commitment is a long-term relationship-building and healing process. While not a direct barrier to advancing proposed Bylaw 530, it is important for LTC to consider the future relational impact of how it responds to the concerns raised by First Nations.

## ***Executive Committee Approval***

Prior to adoption of a LUB amendment bylaw such as proposed Bylaw 530, the Executive Committee (EC) must approve of the bylaw. The EC may return or refuse to approve the bylaw, giving reasons and notify LTC. In that case LTC may appeal to Trust Council to vote on the bylaw. In addition to considering that the bylaw is not consistent with the Policy Statement, EC may choose to not approve the bylaw for any other given reason. The reasons outlined above for LTC consideration may be considered by EC as well. More information about the role of the Executive Committee can be found in Attachment 3

Staff suggest that regardless of the option chosen, LTC may be wise to consider referring proposed Bylaw 530 prior to scheduling a public hearing to consider any improvements that could be made to the bylaw.

## **ANALYSIS**

### ***Replace Zoning by Designation Approach with a Map Schedule***

Proposed Bylaw 530 would formalize ADUs in nine zones and allow secondary suites in 16. One way to reduce the number of parcels and address the OCP consistency challenge to Policy B.8.2.2.2 would be shift from permitting suites and ADUs by zone and allowing by schedule. This is the case with the current [Schedule "I"](#) that applies to Secondary Suites. LTC could request that staff revise Bylaw 530 to a LUB schedule that would not

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<sup>1</sup> The OCP defines affordable housing as describes rental or owned housing that can be acquired with 30 per cent of the median gross income of families or individuals on Salt Spring Island. Median total incomes in 2020 was \$77,500 for families and \$38,000 for individuals.

include lands in the Uplands designation of the OCP ([map](#)). The Uplands Designation includes lands that are zoned other than RU and RU zones exist outside the Uplands OCP designation, so removing those zones would not accurately address this.

#### Allow ADUs Where Secondary Suites are Currently Permitted

An extreme form of reduction would result in limiting both the geographic coverage of this land use permission and the total number of parcels where ADUs are permitted. At present, secondary suites are permitted only in lands identified on [Schedule "I"](#) of the LUB. Adopting the proposed updated regulations for ADUs and secondary suites and expanding the potential housing types in Schedule "I" would be a means to pilot ADUs before considering a wider implementation of them on Salt Spring Island. This would be consistent with the OCP policies of concern noted above. Tsawout First Nation has advised in conversation that they do not support any expansion of ADUs currently.

#### Not Permit Secondary Suites or ADUs in areas not served by Salt Spring Island Fire Rescue Response Zone

Approximately 97 parcels re located on Salt Spring Island that are outside the response zone of the Salt Spring Island Fire Rescue service. These areas are located along the south west of the island, generally ([map](#)). While few in number of parcels, this is a significantly large area of the island that is wilder, and this would mitigate some concern about fire hazards.

#### ***Spot Rezoning for Qualifying Parcels***

Rather than permitting ADUs and Secondary suites "by right" in zoning designations, LTC could pass the zoning regulations for ADUs and secondary suites without permitting in specific zones and establish a concurrent policy that outlines criteria where complete, site-specific rezoning applications should be supported. Such criteria might include siting considerations, confirmation of criteria, etc. The benefit of this approach is that the bylaw would be clearly consistent with the OCP policies listed as areas of concern above. A complementary policy could consider an affordability condition, such as a housing agreement or other housing policy-based condition to be considered at the discretion of LTC. Monitoring compliance with housing agreements is a necessity and this can be administratively burdensome for multi-unit projects. The creation of many single unit:owner agreements may create future need for additional resources. Pursuing this detail of this option would require exploration of options prior to proceeding.

#### ***Islands Trust Policy Statement:***

The evaluation of the Proposed Bylaw No.530 in its original version against the ITPS found to be not contrary to the ITPS as a result of the development standards and requirements proposed.

#### **Consultation**

In consideration of the recommended option, or proposed Bylaw 530 as currently read, each has considers the input received. Therefore, beyond the recommendation that LTC refer the bylaw to EC and the requirement for a public hearing, not further engagement is recommended. If LTC wishes to research and explore other options, that exploration may include recommendations to engage the public or refer proposals again.

#### **Rationale for Recommendation**

Staff have combined the above options to create a strategy that would address OCP consistency concerns and mitigate, but not fully resolve concerns raised by the public and community partners. This proposal is to allow accessory dwelling units as identified and regulated in propose Bylaw 530 by right to those properties vetted in the existing Schedule "I". This approach would be consistent with the OCP and reduce impact for the moment. However, in order to manage the implementation of secondary suites and ADUs in other areas, it is proposed that a complementary policy in the form of a standing resolution be passed that would provide guidance to staff and applicants as to specific criteria where LTC is likely to consider approval of site-specific approval of ADUs or

secondary suites. This approach had the advantage of providing a streamlined rezoning application procedure under a clear framework for regulation, while ensuring that the growth of these units is managed and responsive to contemporary shifts in the housing market. Finally, as noted above, this approach recommends that LTC refer the proposed bylaw to EC prior to scheduling of a public hearing.

**ALTERNATIVES**

LTC may consider the following alternatives to the staff recommendation:

**1. Request that staff refer proposed Bylaw 530 as read to Executive Committee**

LTC may choose to request that staff move forward with proposed Bylaw 530 as read at this time by referring the bylaw to Executive Committee prior scheduling a public hearing. In this case, staff would refer the bylaw right away, and provide those comments at the first possible LTC meeting. Staff could also provide additional information in a covering report, if such information would be helpful. Recommended wording for this option:

*That the Salt Spring Island Local Trust Committee refer “Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022”, as amended 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.*

**2. Select a direction and request further information:**

The LTC may request further information prior to making a decision. Staff have provided options above that are vetted to opportunities and constraints. Ad hoc options are welcome, but may require additional investigation. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee request that staff report back with further options that consider [option selected].*

**3. Defeat proposed Bylaw 530:**

The LTC may choose to defeat Bylaw 530 and move forward with the OCP-LUB Project. In some cases, this option may be to hold the application in abeyance pending completion of the OCP. There is not likely any substantial 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 defeat proposed Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022.*

**NEXT STEPS**

Describe the next steps in the process, if applicable.

Submitted By:	Chris Hutton, RPP MCIP Regional Planning Manager	October 6, 2023
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**ATTACHMENTS REMOVED FOR CLARITY**