



DATE OF MEETING: April 19, 2022

TO: Salt Spring Island Local Trust Committee

FROM: Louisa Garbo, Island Planner, Salt Spring Island Team

COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Island Team

SUBJECT: Housing Action Program Proposed Bylaws

RECOMMENDATIONS

1. **That the Salt Spring Island Local Trust Committee requests staff to report back on issues raised in this staff report, dated April 19, 2022, as they relate to the draft Bylaw No. 530 on accessory dwelling units.**

PURPOSE

The purpose of this report is to follow up on the Salt Spring Island Local Trust Committee’s direction to amend draft Bylaw No. 528 on secondary suites to more boldly increase the development potential of accessory dwelling units. Draft Bylaw No. 530 on accessory dwelling units (ADUs) is attached to this report as requested. This report summarizes numerous issues that require further analysis in supporting ADUs in all zones. These issues include but are not limited to: infrastructure carrying capacity issues, total build-out scenarios, the potential impact on full-time rental cottages and seasonal cottages, legal interpretation on incremental changes, analysis of accessory dwelling units, building code restrictions, and a thorough analysis of the drafted changes as they relate to relevant OCP policies, and the Islands Trust Policy Statement. This report will also provide an alternative recommendation for SS LTC to consider by proceeding with a secondary suites bylaw, followed by drafting OCP amendments to include clear policy direction for accessory dwelling units in tandem with related land use bylaw amendments.

BACKGROUND

On February 15, 2022, staff presented a draft Bylaw 528 on secondary suites for consideration of first reading, along with a recommendation to proceed with an amendment to the SS LTC Official Community Plan (OCP) to permit accessory dwelling units on Salt Spring Island in response to a resolution by SS LTC which stated:

“That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force’s recommendation and request staff to report back on potential bylaw amendments to permit accessory dwelling units in all zones.”

However, SS LTC felt an amendment to the OCP to allow accessory dwelling units would not be necessary if there were mechanisms to set a number of units to be permitted on the island. SS LTC requested staff revise draft Bylaw 528 on secondary suites to be expanded to include accessory dwelling units, and consider the items as identified in the resolution below.

“That the Salt Spring Island Local Trust Committee request staff to amend Salt Spring Island Local Trust Committee Draft Bylaw No. 528, cited as “Salt Spring Island Land Use Bylaw, 199, Amendment No. 4, 2021” as follows:

- *Remove the definition of density;*
- *Add a new definition of suites in combination with accessory building;*
- *Permitting both kinds of suites in all zones except for islets; and*
- *Explore appropriate conditions and restrictions to phase in and manage impacts.”*

In addition to the SS LTC resolution above, the Housing Action Program Task Force, at their meeting on March 3, 2022, made a few recommendations for the SS LTC for consideration. The resolution stated:

“That in order to increase the uptake of Bylaw No. 528 so that the numbers of dwellings permitted translate to actual built and lived in affordable rental units, and to give maximum opportunity to property owners with intent to rent long term to make use of existing buildings, the Housing Action Program Task Force recommend that the Salt Spring Island Local Trust Committee:

- a. *Adopt the suggested definition of Accessory Dwelling Units in the draft bylaw, recognizing that this includes suites, suites in accessory buildings and cottages. All of these types of dwellings are accessory to the principal residence and all have a comparable environmental impact;*
- b. *Respect the limitations on numbers of suites and cottages permitted that is described in the current Official Community Plan by limiting the total numbers of Accessory Dwelling Units to the total numbers already permitted by the suites pilot Bylaw No. 471 and the cottages pilot Bylaw No. 512, but distributing them island wide in all zones, on a first come first serve basis to property owners expressing intent to rent long term according to defined conditions such as:*
 - *Intent to rent long term;*
 - *Using existing unit or begin building permit within 2 years;*
 - *Use of alternative water supply where existing supply is a concern;*
 - *Adequate waste treatment;*
- c. *Request the resources necessary to create and maintain a registry of Accessory Dwelling Units. (Note direction from OCP section B.2.2.2.13 n. “The Local Trust Committee will consider an annual registration system in order to remain informed about the number and location of occupied suites” OCP Section B.2.2.2.14 contains a similar quote regarding cottages);*
- d. *Require an automatic review of the allotted quota of Accessory Dwelling Units after the release of each new provincially mandated Housing Needs Assessment (every 5 years) and increase the quota incrementally if needed.”*

SUMMARY OF RECOMMENDED PROCESSES

Resolutions by SS LTC	Recommended Process
<p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee request staff to amend Salt Spring Island Local Trust Committee Draft Bylaw No. 528, cited as “Salt Spring Island Land Use Bylaw, 199, Amendment No. 4, 2021” as follows:</p> <ul style="list-style-type: none"> • Remove the definition of density; • Add a new definition of suites in combination with accessory building; • Permitting both kinds of suites in all zones except for islets; and • Explore appropriate conditions and restrictions to phase in and manage impacts. 	<ul style="list-style-type: none"> • Definition on density is removed from the draft Bylaw No. 530 • Definition on ADUs is added to the draft Bylaw No. 530 • Draft Bylaw No. 530 proposes to excluded RUs, RWs and Ri zones unless accompanying by an amendment to the SS LTC OCP • Conditions and restrictions that are within the land use regulatory authority have been proposed in the draft Bylaw No. 530.
Recommendations from Task Force	Recommended Process
<ol style="list-style-type: none"> a. Adopt the suggested definition of Accessory Dwelling Units in the draft bylaw, recognizing that this includes suites, suites in accessory buildings and cottages. All of these types of dwellings are accessory to the principal residence and all have a comparable environmental impact; b. Respect the limitations on numbers of suites and cottages permitted that is described in the current Official Community Plan by limiting the total numbers of Accessory Dwelling Units to the total numbers already permitted by the suites pilot Bylaw No. 471 and the cottages pilot Bylaw No. 512, but distributing them island wide in all zones, on a first 	<ul style="list-style-type: none"> • Habitable spaces in accessory buildings are not permitted per CRD building code. SS LTC to collaborate with CRD on building code amendment to allow accessory dwellings in accessory structures. • It is challenging to enforce water supply or waste treatment as these are also not within Islands Trust’s purview. • There is a logistical and legal challenge to put a cap on building permits or a registration type system used to regulate development numbers as the process is not within the purview of Islands Trust. • All new secondary suites and accessory dwelling units must

<p>come first serve basis to property owners expressing intent to rent long term according to defined conditions such as:</p> <ul style="list-style-type: none"> • Intent to rent long term; • Using existing unit or begin building permit within 2 years; • Use of alternative water supply where existing supply is a concern; • Adequate waste treatment; <p>c. Request the resources necessary to create and maintain a registry of Accessory Dwelling Units. (Note direction from OCP section B.2.2.2.13 n. “The Local Trust Committee will consider an annual registration system in order to remain informed about the number and location of occupied suites” OCP Section B.2.2.2.14 contains a similar quote regarding cottages);</p> <p>d. Require an automatic review of the allotted quota of Accessory Dwelling Units after the release of each new provincially mandated Housing Needs Assessment (every 5 years) and increase the quota incrementally if needed.</p>	<p>be registered with the BC Housing Licensing-consumer services, there may not be the need to establish another process to track ADUs if the information is accessible to staff. Alternatively, tracking newly built ADU’s is a relatively simple administrative task that could be developed in the implementation phase of a proposed bylaw.</p> <ul style="list-style-type: none"> • The province requires a Housing Needs Assessment every 5 years. Most recently the SS LTC worked with the CRD to develop a Housing Needs Assessment. This is a more harmonized approach with a regional and local perspective and efficient use of resources. However, delivery of the Needs Assessment was not timed to take advantage of new data from Stats Canada. • A regulatory bylaw may not compel future LTCs to review quotas; nor can an LTC assume that current LTC projects will remain future LTC projects. Thus, a policy recommending regular review may best be included in an OCP policy amendment.
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Policy/Regulatory

Proposed Bylaw No. 530 on Accessory Dwelling Units (ADUs)

In response to SS LTC’s directive, a proposed ADUs bylaw to include both attached and detached accessory dwelling units under draft Bylaw No. 530 (Appendix 1) has been developed for review and consideration by the community as part of the process should SS LTC moves Bylaw No. 530 forward to First Reading.

In a study titled “Accessory Dwelling Units: Case Studies and Best Practices from BC Communities” conducted by BC Housing, accessory dwelling units include secondary suites, garden suite (aka coach or carriage house), tiny home, and garage/lane suite. In the context of Salt Spring Island, Bylaw No. 530 offers the following 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.

Compliance with SS OCP

The proposal to allow ADUs in all zones must consider the Islands Trust Policy Statement listed in Appendix 2. Furthermore, pursuant to the Local Government Act Section 478 (2), which stated that

“All bylaws enacted or works undertaken by a council, board or greater board, or by the trustees of an improvement district, after the adoption of (a) an official community plan, or (b) an official community plan under section 711 of the Municipal Act, R.S.B.C. 1979, c. 290, or an official settlement plan under section 809 of that Act, before the repeal of those sections became effective, must be consistent with the relevant plan.”

Therefore, the proposed ADUs in all zones must also be consistent with relevant policies in the Salt Spring Island Official Community Plan (OCP) as listed in Appendix 3.

Prior land use bylaw amendment, Bylaw No. 512, adopted in 2018, attempted to allow cottages in all zones had resulted in a restricted number to be permitted due to a legal opinion on the amendment not consistent with the parameter of “few and minor” per section B.2.1.2.1 and “zoning changes incrementally” per

B.2.2.2.13 of the SS OCP. An amendment to permit ADUs to be in all zones will be affected by these same policies, an amendment to the relevant SS OCP policies should be considered. However, the direction from SS LTC is to avoid the OCP amendment process to address the housing crisis and consider conditions and restrictions necessary to cap the number of ADUs and protect the natural resources.

This draft Bylaw No. 530 utilizes the following mechanisms to restrict the numbers and types of ADUs to be allowed:

For detached accessory dwelling units:

Proposed 3.14 states that a detached accessory dwelling unit, such as a tiny home, a garden suite, or a full-time rental cottage is permitted provided that:

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;
- (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 *structures* 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*.

For secondary suite:

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.

Outstanding SS OCP Concerns

During the February SS LTC regular business meeting, the SS LTC discussed OCP policies that support and encourage the development of affordable housing and suggested ADUs could be permitted in all zones. Although various affordable housing policies support the draft Bylaw No. 530, there are still policies on the parameter of “few and minor” per section B.2.1.2.1, “zoning changes incrementally” and per B.2.2.2.13, policies on limits to growth, infrastructure servicing, waste management in the SS OCP to consider. Moreover, the few and minor exceptions have arguably been applied to numerous rezoning applications already approved by the SS LTC and do not appear to be intended for application to such a large scope as allowing ADUs to be in all zones.

Outstanding Issues to be addressed

Due to time constraints, many issues have not been adequately addressed prior to moving Bylaw No. 530 forward. Although those may not prevent the draft bylaw from receiving First reading, they will ultimately require attention, especially at the OCP amendment stage. Those issues included:

- Incomplete analysis of the draft bylaw to ensure consistency with the policies in the Islands Trust Act, the Islands Trust Policy Statement, and SS OCP;
- The potential stress of ADUs on the island’s existing infrastructure (parking, water, sewage, roads) if usage levels are already close to maximum capacity;
- Data on carrying capacity has not been analyzed;
- Proposed amendments to Land Use Bylaw No. 355 on Proof of Water is underway; the outcome could assist in addressing the necessary provision of water supply requirements;
- Water districts’ concerns about existing limited water capacity;
- Data on existing secondary suites and the potential units as a result of this bylaw have yet to be completed;
- Mapping analysis to identify locations for all ADUs that could be developed;
- Consideration of seasonal cottages;
- Reconsideration of full-time rental cottages;
- Public engagement and consultation with First Nations have yet to be finalized; Education to homeowners on detached ADUs building code requirements, specific guidelines will need to be developed.

To date, staff presented a general overview of the proposed Bylaw 528 on Secondary Suite to the Technical Working Group that consisting of staff from various ministries, Salt Spring Water District, and CRD. This Bylaw 530 has yet to be formally circulated for review. Salt Spring Island Watershed Protection Alliance (SSIWPA) Technical Work Group is providing further follow up. Until an island-wide water balance map is made available, impacts on the island for additional development is uncertain. Such data, once available, will assist in drafting amendments future bylaw amendments.

In summary, draft Bylaw No. 530 could foreseeably be receiving the First Reading but subject to certain risks and potentially unrealistic expectations. Depending on resources, certain issues may be alleviated before Second Reading. As pointed out in the same BC Housing study for communities new to accessory dwelling units experience, a recommendation is to phase the effort by first allowing attached secondary suites before expanding to allow detached ADUs in the community. Secondary suites create an ‘invisible’ density and less impacts on the character of the neighbourhood. Another recommendation in the study is to pilot ADUs in a specific area or on larger lot sizes before broaden ADUs to additional neighbourhoods. SS LTC may choose to phase the effort in addressing the affordable housing issue by moving forward with Bylaw No. 528 on Secondary Suites to First Reading, then requests staff to undertaking Bylaw No. 530 on ADUs, perhaps accompanied by an OCP amendment to ensure a comprehensive approach to the review on various policies.

Bylaw No. 528 on secondary suites, as shown in Appendix 5, can be adopted expeditiously without an OCP amendment. As explained in the prior staff report, the draft bylaw complies with the following provisions of the SS OCP policies:

- Units will be fewer and minor as they are within existing principal dwelling units, along with the size and zone restrictions on the units;
- Potable water supply system within existing units;
- Not permitted in watersheds and community well capture zones that supply community drinking water;
- Minimize auto dependency;
- Address ongoing affordability;
- Not permitted for short-term rental; and
- Zoning changes incrementally.

Consultation

Referrals of land use bylaws to agencies, organizations, and First Nations typically occur at time of first reading. Early conversation with First Nations, as required by the Islands Trust First Nations Engagement Principles, and the necessary public engagement processes per the Local Government Act section 879 and 882, has already started with the original proposed Bylaw No. 528. The SS LTC may consider if it wishes to undertake further consultation beyond the below groups identified in this report and direct staff accordingly. Statutory notification of the proposed land use bylaw will be made in accordance with [Section 466](#) of the *Local Government Act* and the [Salt Spring Island Development Procedures Bylaw No. 304](#) at the time of the public hearing. Notification will be sent to the following agencies and organizations:

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

Options

The Salt Spring Island Local Trust Committee may consider the following options:

1. Proceed with Bylaw No. 530 on Accessory Dwelling Units, acknowledging the risks identified in this report (a challengeable interpretation of whether the LUB meets existing policies) and determine to proceed forward in order to provide affordable housing. Resolution to this option will be read as follow, and as shown on the first page of this report:

- *That the Salt Spring Island Local Trust Committee Bylaw No. 530 on Accessory Dwelling Units, cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2022,” be read a first time.*
 - *That the Salt Spring Island Local Trust Committee requests staff to send Bylaw No. 530 to external agencies, groups, and First Nations for referral.*
2. Proceed with Bylaw No. 528 on Secondary Suites and phase the effort in providing affordable housing to ensure compliance with all statutory requirements and processes. Resolutions to this option will be read as follow:
- *That the Salt Spring Island Local Trust Committee request staff to proceed with a secondary suites bylaw first, followed by drafting OCP amendments to include clear policy direction for accessory dwelling units and to draft related land use bylaw amendments in tandem with proposed policy changes*

NEXT STEPS

- Continue conversation with First Nations to include amendment to allow accessory dwelling units.
- Continue the efforts to collaborate with agencies and community organizations.
- Continue to collaborate with agencies and community groups on water supply issues
- Initiate the official SS OCP amendment process explore amendments to the SS LTC Official Community Plan Bylaw No. 434, 2008, as they relate to the accessory dwelling units and the Housing Action Program as a whole.
- Legal review on the proposed draft bylaw on secondary suites.

Submitted By:	Louisa Garbo, Island Planner	April 4, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	April 8, 2022

ATTACHMENTS

- Appendix 1 Draft SS LTC Bylaw No. 530 on Accessory Dwelling Units
- Appendix 2 Islands Trust Policy Statement Checklist
- Appendix 3 Preliminary SS OCP Policy Review
- Appendix 4 Draft SS LTC Bylaw No. 530 on Accessory Dwelling Units (with strikethroughs)
- Appendix 5 Draft SS LTC Bylaw No. 528 on Secondary Suites (with strikethroughs)

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 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;

- (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 *structures* 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.

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												
<i>Detached Accessory Dwelling Units, subject to Section 3.14</i>							◆	◆	◆			
<i>Secondary Suites, subject to Section 3.15</i>	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
<i>Home-based businesses, subject to Section 3.13</i>	◆	◆	◆	◆	◆	◆	◆	◆	◆			

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							
<i>Detached Accessory Dwelling Units, subject to Section 3.14</i>	◆	◆		◆			
<i>Secondary Suites, subject to Section 3.15</i>	◆						
<i>Home-based business use, subject to Section 3.13</i>	◆	◆	◆	◆	◆	◆	◆

- 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.

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

ATTACHMENT 2 RELEVANT POLICY STATEMENTS TO DRAFT BYLAW No. 530

No.	DIRECTIVE POLICY
3.2	Forest Ecosystems
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.
3.4	Coastal and Marine Ecosystems
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.
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.
4.4	Freshwater Resources
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.
4.5	Coastal Areas and Marine Shorelands
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.
5.2	Growth and Development
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.
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.
5.8	Health and Well-being
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.

ATTACHMENT 3 – PRELIMINARY REVIEW OF OCP POLICIES

PROPOSED BYLAW 530 ON OFFICIAL COMMUNITY PLAN

Complies	OCP Objective/Policy
Yes Through zoning standards on principal dwelling	A.5.2.5 The Local Trust Committee should not make zoning changes that would result in more development or greater impacts on areas identified as Environmentally Sensitive.
Yes Through zoning standards on principal dwelling	A.5.2.9 The Local Trust Committee will continue to use Development Permit Area designations for protection of the natural environment to protect watersheds used for community surface water supplies or within the capture zone of community water supply wells. Zoning changes should not be made so that more development would be located in these areas. Development permit area guidelines should encourage subdivision layouts that avoid impacts on these areas. Stewardship on the part of property owners and other agencies will also be encouraged.
Yes Allowing more density within existing development	A.6.2.2 The Local Trust Committee will consider the energy efficiency attributes and climate change adaptation and mitigation impacts in all rezoning applications that propose an increase in density or significant change of use.
Informational Statement But has been used as a population project guideline	B.2.1 Housing quantity Background Note: There are approximately 5800 residential lots on Salt Spring Island (2007). While approximately 1300 of these are vacant, local zoning allows for the construction of a single family dwelling on each of them. Of the existing residential parcels, many are large enough that they can be further subdivided under the existing local subdivision bylaw. A few are zoned for multi-family use. All told, the number of dwelling units (not including seasonal cottages and suites) that could be built on Salt Spring Island under current residential zoning is estimated to be about 8150. The eventual population of Salt Spring Island that might result from the zoning now in place is estimated to be a little over 17,000.
Maybe Allowing ADUs in all zones could “result in a larger island population than is expected”	B.2.1.2.1 Zoning changes should be avoided if they would likely result in a larger island population than is expected under the development potential zoned in 2008. Exceptions to this policy are to be few and minor and only to achieve affordable housing and other objectives of this Plan.

<p>Yes Bylaw 530 will expand the units permitted but the criteria in the bylaw will be consistent with this guiding policy.</p>	<p>B.2.2.2.15 The Local Trust Committee may give consideration to amending the Land Use Bylaw to allow secondary suites in dwellings as affordable housing under certain circumstances. Any initiative to allow suites should address the following criteria:</p> <ul style="list-style-type: none"> a. A maximum of one suite is allowed per dwelling. b. The owner occupies either the principal dwelling or the suite. c. Suites should only be allowed in areas with an adequate supply of potable water. d. Suites should not be allowed in areas that are community water system supply watersheds or in community well capture zones. e. New construction of dwellings with suites in areas containing sensitive ecosystems or areas that are hazardous for development should be managed by development permit. f. The use of suites will not be for short-term rental, in accordance with the Land Use Bylaw. g. Regulations should limit suites to 40% of the floor area of the principal dwelling and no more than 90 m² of floor area. h. Building safety and waste disposal issues are addressed through compliance with the B.C. Building Code and applicable health standards. i. The Local Trust Committee will consider the use of housing agreements and other measures to ensure that suites are affordable and to address occupancy. j. The Local Trust Committee will work with the Capital Regional Housing Corporation on the administration of housing agreements in order to implement this policy. k. The Local Trust Committee should coordinate implementation of zoning changes with Capital Regional District Building Inspection and the Vancouver Island Health Authority. l. The Local Trust Committee may also consider limits on the numbers and location of secondary suites to minimize dependency on private automobiles. m. The Local Trust Committee will make zoning changes incrementally and monitor changes in order to have the effect of limiting the overall number of suites on the island. <p>The Local Trust Committee will consider an annual registration system in order to remain informed about the number and location of occupied suites.</p>
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<p>Yes Bylaw 530 will expand the units permitted but the criteria in the bylaw will be consistent with this guiding policy.</p>	<p>B.2.2.2.16 Seasonal cottages should continue to be allowed wherever they are allowed by current zoning. The Local Trust Committee may also consider amending the Land Use Bylaw to allow the use of seasonal cottages as full time affordable rental housing units in certain areas. In order to encourage housing for families, the Land Use Bylaw may be amended to permit cottages with a maximum floor area of 90 m² on lots 2 hectares or larger in area, while retaining the existing floor area limits on cottages on lots between 1.2 hectares and 2 hectares in area.</p> <p>Any amendment to zoning to allow cottages to be used as full time residences should address the following criteria:</p> <ol style="list-style-type: none"> a. Full time residence of cottages should only be allowed in areas with an adequate supply of potable water. b. Full time residence of cottages should not be allowed in areas that are community water system supply watersheds or in community well capture zones. c. New construction of cottages for full time residence should be not allowed in areas containing sensitive ecosystems or areas that are hazardous for development. d. The use of cottages will not be for short-term rental in accordance with the Land Use Bylaw. e. Building safety and waste disposal issues are addressed through compliance with the B.C. Building Code and applicable health standards. f. The Local Trust Committee will consider the use of housing agreements and other measures to ensure that cottages are affordable and to address occupancy. g. The Local Trust Committee will work with the Capital Regional Housing Corporation on the administration of housing agreements in order to implement this policy. h. The Local Trust Committee should coordinate implementation of zoning changes with Capital Regional District Building Inspection and the Vancouver Island Health Authority. i. The Local Trust Committee may also consider limits on the location of cottages to minimize dependency on private automobiles. j. The Local Trust Committee will make zoning changes incrementally and monitor changes in order to have the effect of limiting the overall number of full-time units on the island. <p>The Local Trust Committee will consider an annual registration system in order to remain informed about the number and location of occupied cottages.</p>
<p>Maybe Expanding the scope to allow ADUs in all zones may not be consistent with this policy</p>	<p>B.2.2.2.15 The Local Trust Committee will make zoning changes incrementally and monitor changes in order to have the effect of limiting the overall number of suites on the island.</p>
<p>Yes This bylaw does not permit ADUs to be within the RWs zone</p>	<p>B.3.1.1.1 Land that is presently zoned only for watershed protection should remain in such a zone and not have development potential.</p>
<p>Maybe Water issue is being addressed in another bylaw</p>	<p>C.3.2.1.1 To ensure that the potential water demand of development within community water systems does not exceed the licensed capacity, or the amount of water that can be safely withdrawn from each system's water source.</p>
<p>Maybe Water issue is being addressed in another bylaw</p>	<p>C.3.2.1.2 To reduce, delay or avoid the impacts of withdrawing additional water from surface water bodies.</p>
<p>Maybe Water conservation is being addressed in another bylaw</p>	<p>C.3.2.1.3 To encourage a variety of conservation methods in all community water systems.</p>

<p>Maybe This bylaw requires sign-off by water districts</p>	<p>C.3.2.2.2 In addition to policy C.3.2.2.1, the Local Trust Committee should not make zoning changes within the North Salt Spring Waterworks District that could mean that water will not be available (under the District's existing license) for the following projects (in order of priority):</p> <ul style="list-style-type: none"> a. essential services such as hospitals and schools needed within the district to serve the island's projected population. b. special needs and affordable housing needed by the community <p>The Local Trust Committee could make an exception to this policy so that one of the above projects could proceed before another of higher priority. However, it must be satisfied that the District will receive a sufficiently larger water license in time to serve the higher priority project when it is needed.</p>
<p>Maybe This bylaw requires sign-off by water districts</p>	<p>C.3.2.2.5 The Local Trust Committee will continue to cooperate with community water system operators to ensure water supply issues are considered before zoning changes are made. The Committee should also continue to assist in the development of better estimates of projected water demands and supply potential. The Committee could consider zoning changes that would limit land uses with a high water demand. The Committee particularly recognizes that this Plan could critically affect the North Salt Spring Waterworks District's ability to meet future needs and will cooperate with the District to address this issue.</p>

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 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 SEASONAL COTTAGES~~

~~3.14.1 Unless otherwise specified, no seasonal cottage may be constructed or occupied on a lot less than 1.2 ha in area.~~

~~3.14.2 The maximum floor area of a seasonal cottage is 56 square metres.~~

~~3.14.3 A seasonal cottage is to be physically detached from any other building or structure, and may not be constructed or occupied on any lot occupied by two or more other dwelling units.~~

~~3.14.4 A seasonal cottage, including any stairs, decks or porches or other structures that are attached to the cottage or that function as part of the cottage, is not to be located within 6 m of any other building on a lot.~~

~~3.14.5 A seasonal cottage may not have a basement, or a garage or carport that is physically attached or functions as part of the seasonal cottage.~~

~~3.14.6 A seasonal cottage may only be used for temporary occupation by a person or persons having a permanent residence elsewhere and using the cottage for recreational or~~

~~vacation purposes. A seasonal cottage may be used as part of a bed and breakfast home-based business as set out in Subsection 3.13.8, but is not to be used as a separate commercial guest accommodation unit that is not operated as a home-based business.~~

Information Note: ~~Those wishing to use a seasonal cottage on Salt Spring Island as a legal full-time residential dwelling unit may apply for a zoning amendment specific to their property. Policies in the Salt Spring Island Official Community Plan indicate such use can be considered, subject to available water supplies and neighbourhood consultation.~~

~~3.14.7 Where a lot on Salt Spring Island is between 0.6 ha and 1.2 ha in area and contains a seasonal cottage not exceeding 56 square metres in total floor area and built prior to March 21, 1979, one single-family dwelling may also be permitted on the lot.~~

~~3.14.8 Where a lot on Salt Spring Island is greater than 0.6 ha in area and was split by a public highway prior to January 1, 1980, resulting in each side of the split lot exceeding 0.2 ha, then a single-family dwelling is permitted on one portion of the split lot and a seasonal cottage is permitted on the other portion across the highway.~~

~~3.14.9 A seasonal cottage may be a mobile home or a manufactured home.~~

~~3.15 FULL-TIME RENTAL COTTAGES~~

~~3.15.1 No full-time rental cottage may be constructed or occupied on a lot less than 1.2 ha in area.~~

~~3.15.2 A full-time rental cottage may not exceed 56 square metres in floor area on a lot less than 2 hectares in area, or 90 square metres in floor area on lots with an area 2 hectares or greater.~~

~~3.15.3 A full-time rental cottage is to be physically detached from any other building or structure, and may not be constructed or occupied on any lot occupied by two or more other dwelling units.~~

~~3.15.4 A full-time rental cottage, including any stairs, decks or porches or other structures that are attached to the cottage or that function as part of the cottage, is not to be located within 6 m of any other building on a lot.~~

~~3.15.5 A full-time rental cottage may not have a basement.~~

~~3.15.6 A full-time rental cottage may have an attached garage or carport. All areas of an attached garage or carport meeting the Land Use Bylaw definition of floor area will be considered floor area for the purpose of calculating the total floor area of the full-time rental cottage.~~

~~3.15.7 A full-time rental cottage may be a mobile home or a manufactured home.~~

~~3.15.8 On lots where a full-time rental cottage is permitted, no full-time rental cottage with a floor area exceeding 56 square metres may be used as part of a bed and breakfast home-based business.~~

~~3.15.9 No full-time rental cottage with a floor area greater than 56 square metres, or addition to an existing cottage that exceeds 11.6 square metres of floor area, may be constructed unless the cottage is equipped with a rainwater storage, treatment, and delivery system for potable water designed in accordance with Canadian Standards Association rainwater harvesting system standard CSA B805-18.~~

Information Note: ~~Building permit applications for new cottages or additions to existing cottages submitted to Islands Trust for land use review~~

~~should include plans for a rainwater harvesting system certified by an ASSE-certified designer, professional engineer or geoscientist to comply with the above-noted standard. Installation of the system will be made a condition of permit applications deemed to be land use compliant.~~

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;**
- (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 structures 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:

3.163.15 SECONDARY SUITES

3.15.1 3.16.1 Secondary suites are permitted on lots that are within or partially within the shaded area on Schedule “I” to this Bylaw. Secondary Suites are permitted only within, or attached to a permitted principal single-family dwelling unit provided that:

Information Note: ~~Secondary suites are also permitted on lots within the Agricultural Land Reserve, zoned Agriculture 1 and Agriculture 2 by this Bylaw.~~

Information Note: ~~Secondary suites that are permitted by these regulations also require a building permit from the Capital Regional District Building Inspection Office to be fully legalized.~~

~~3.16.2~~ A dwelling unit is permitted to contain a secondary suite provided that:

- ~~(1) the *dwelling unit* or the *secondary suite* is occupied by the owner of the dwelling;~~
- ~~(2) (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*.~~

~~3.16.3~~ There is a maximum of one *secondary suite* permitted per lot.

~~3.16.4~~ A secondary suite must be located contained within the walls of the building that contains the principal dwelling unit.

~~3.16.5~~ 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*.

~~3.16.6~~ 3.15.3 The maximum *floor area* for a *secondary suite* is 90m² (968 ft²), 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*.

~~3.16.7~~ 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.

~~3.16.8~~ Where a lot is supplied by groundwater, a *building* containing a *secondary suite* 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.~~

~~3.16.9~~ Where a *secondary suite* is supplied by rainwater collection, the rainwater system must be capable of supplying the suite with a sufficient quantity of *potable* water.

~~3.16.10~~ Where water is to be supplied to a *secondary suite* by a combination of sources, a written plan for the supply of water is to be provided that demonstrates an adequate supply of *potable* water.

3.16.11 Where water is supplied to a *secondary suite* by a *community water system*, the operator of the *community water system* must provide written confirmation that it has sufficient capacity to supply the *secondary suite*.

3.16.12 Where water is to be supplied from 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.

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												
<i>Detached Accessory Dwelling Units, subject to Section 3.14</i>							◆	◆	◆			
<i>Secondary Suites, subject to Section 3.15</i>	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
<i>Home-based businesses, subject to Section 3.13</i>	◆	◆	◆	◆	◆	◆	◆	◆	◆			
<i>Seasonal cottages subject to Section 3.14</i>							◆	◆	◆			

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							
<i>Detached Accessory Dwelling Units, subject to Section 3.14</i>	◆	◆		◆			
<i>Secondary Suites, subject to Section 3.15</i>	◆						
<i>Seasonal cottages subject to Section 3.14</i>	◆	◆		◆			◆
<i>Home-based business use, subject to Section 3.13</i>	◆	◆	◆	◆	◆	◆	◆

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)”

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

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 528

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. 4, 2021”.

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 removing Schedule “I” Secondary Suites Map

2.2 By replacing Section 3.16 – Secondary Suites – with the following:

3.16 SECONDARY SUITES

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

~~Information Note: Secondary suites are also permitted on lots within the Agricultural Land Reserve, zoned Agriculture 1 and Agriculture 2 by this Bylaw.~~

~~Information Note: Secondary suites that are permitted by these regulations also require a building permit from the Capital Regional District Building Inspection Office to be fully legalized.~~

~~3.16.2 A dwelling unit is permitted to contain a secondary suite provided that:~~

~~(1) the principal single-family dwelling unit or the *secondary suite* is occupied by the owner of the dwelling; ~~or~~~~

~~(2) the principal single-family dwelling unit or the *secondary suite* is 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.~~

~~(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;

(5) the secondary suite is not located within a portion of a lot that is zoned Rural Uplands, Rural Watershed, or Rural Islet as designated on Schedule A of the Salt Spring Island Land Use Bylaw No. 355; and

(6) a secondary suite must not be operated as a Bed and Breakfast home-based business, nor rented on a temporary basis.

3.16.32 There is a maximum of one secondary suite permitted per lot.

3.16.3 A secondary suite shall not be permitted on the parcel if a cottage has been constructed and a cottage shall not be permitted on the parcel if a secondary suite has been constructed.

~~3.16.4 A secondary suite must be located contained within the walls of the building that contains the principal dwelling unit.~~

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

~~3.16.65 The maximum floor area for a secondary suite is 90m² (968 ft²);~~ The maximum floor area for a secondary suite is forty per cent (40%) of the floor area of the principal dwelling unit and no more than ninety square metres (90 m²) of floor area.

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

~~3.16.8 Where a lot is supplied by groundwater, a building containing a secondary suite 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.

~~3.16.9 Where a secondary suite is supplied by rainwater collection, the rainwater system must be capable of supplying the suite with a sufficient quantity of potable water.~~

~~3.16.10 Where water is to be supplied to a secondary suite by a combination of sources, a written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water.~~

~~3.16.11 Where water is supplied to a secondary suite by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity to supply the secondary suite.~~

~~3.16.12 Where water is to be supplied from 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.~~

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