

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 471

**A BYLAW TO AMEND SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 434, 2008**

WHEREAS the Salt Spring Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Salt Spring Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Salt Spring Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS Section 27 of the *Islands Trust Act* requires that the Executive Committee of the Islands Trust must approve an Official Community Plan prior to adoption;

AND WHEREAS the Salt Spring Island Local Trust Committee wishes to amend the Salt Spring Island Official Community Plan Bylaw No. 434, 2008;

AND WHEREAS the Salt Spring Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Salt Spring Island Local Trust Committee enacts as follows:

CITATION

1. This Bylaw shall be cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2013".

ORGANIZATION

2. Salt Spring Island Local Trust Committee Bylaw No. 434, 2008 is altered as shown on Schedule 1 of this amending bylaw.

SEVERABILITY

3. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

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READ A FIRST TIME this 24th day of October , 2013

PUBLIC HEARING HELD this ay of , 20__

READ A SECOND TIME 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__

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20__

ADOPTED this day of , 20__

SECRETARY

CHAIRPERSON

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SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 471

SCHEDULE 1

Salt Spring Island Official Community Plan Bylaw No. 434, 2008 is amended as follows:

1. By replacing the words “Temporary Commercial and Industrial Use Permits” with the words “Temporary Use Permits” wherever they appear in Official Community Plan Bylaw No. 434, 2008.
- 2, By amending Schedule A, Volume 2, Part G – Temporary Commercial and Industrial Use Permits and Development Approval Information – by replacing Parts G.1.1, G.1.2, and G.1.3 with new Parts G.1.1, G.1.2, and G.1.3.as follows:

“PART G TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION

G.1.1 Areas where Temporary Use Permits can be issued

The following Designations are areas where the Local Trust Committee may issue Temporary Use Permits.

Agriculture Designation
Channel Ridge Village Designation
Educational Designation
Forestry Designation
Fulford Harbour Village Designation
Ganges Village Designation
Health Services Designation
Industrial and Commercial Services Designation
Park and Recreation Designation
Residential Neighbourhoods Designation
Rural Neighbourhoods Designation
Shoreline Development Designation
Uplands Designation

G.1.2 Objectives for issuing Temporary Use Permits

Permits for temporary uses should only accommodate uses that are consistent with this Plan. Permits could be issued for uses such as:

- G.1.2.1 The temporary use of land for commercial community events such as festivals, fairs or markets on land where commercial use may not be appropriate permanently.
- G.1.2.2 The temporary use of land by local businesses to provide essential community services not provided by local government. Such uses may include waste disposal or transfer, communications or transportation.

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- G.1.2.3 The temporary use of land for industrial or commercial uses that are compatible with land use designations, but are not specifically allowed by the local zoning bylaw. Such uses may be transitional or there may be uncertainty as to their appropriateness or viability. It may be premature or inappropriate to decide upon rezoning and long-term land use changes.
- G.1.2.4 Farm-oriented commercial uses consistent with agriculture which enhance the economic viability of an existing farm operation. Examples may include farm fairs, farm-oriented tourism or educational activities, and food service or market events serving local farm products. Such uses are subject to approval of the Agricultural Land Commission for property in the Agricultural Land Reserve.
- G.1.2.5 The temporary use of a secondary suite for residential use. For the purpose of this section, a secondary suite means an accessory, self-contained dwelling unit, located within a permitted accessory building or single-family dwelling unit, and having a lesser floor area than the principal dwelling unit. This use may be transitional or there may be uncertainty as to its appropriateness outside of the area where secondary suites are permitted by zoning. It may be premature or inappropriate to decide upon rezoning and long-term land use changes, and the use may be considered as part of a pilot program to permit secondary suites.
- G. 1.2.5 Temporary affordable housing units such as care cottages for those that are disabled or in demonstrated need of family care may be considered.

G.1.3 Permit Guidelines

Conditions included in Temporary Use Permits should follow the guidelines below to achieve the objectives of this Plan.

- G.1.3.1 Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.
- G.1.3.2 Permit conditions should be generally consistent with applicable Development Permit Area guidelines, while recognizing the temporary nature of structures and site development.
- G.1.3.3 Permit conditions should ensure that temporary uses are compatible with adjacent land uses. Noise, traffic, parking, general activity levels and any disturbance that may be apparent beyond the property's boundaries should be considered.
- G.1.3.4 Applications for Temporary Use Permits should ensure that where a lot is supplied by groundwater there is sufficient available groundwater for the temporary use, as required by the Capital Regional District building permit process.
- G.1.3.5 Applications for Temporary Use Permits should ensure that where a lot is supplied by rainwater collection, the rainwater system is capable of supplying a sufficient quantity of potable water for the temporary use, as required by the Capital Regional District building permit process.

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- G.1.3.6 Applications for Temporary Use Permits should ensure that where a lot is supplied by a combination of sources, a written plan permit for the supply of water is attached to the permit that demonstrates an adequate supply of potable water for the temporary use, as required by the Capital Regional District building permit process.
- G.1.3.7 Applications for Temporary Use Permits should ensure that where a lot is supplied by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity for the temporary use.
- G.1.3.8 Applications for Temporary Use Permits should ensure that where a lot is 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 for the temporary use.
- G.1.3.9 Applications for Temporary Use Permits should ensure that where a lot is serviced by an on-site septic disposal system that it has sufficient capacity for the temporary use, as required by the Vancouver Island Health Authority; and where serviced by a community sewer system, the operator of the community sewer system must provide written confirmation that it has sufficient capacity to service the temporary use.
- G.1.3.10 Permit conditions should ensure that the entrance to the secondary suite from the exterior of the building is separate from the entrance to the principal dwelling unit.
- G.1.3.11 Permit conditions should ensure that the maximum floor area of a secondary suite is 90m² (968 ft²).
- G.1.3.12 Permit conditions should ensure that care cottages are limited in floor area, and subject to the Salt Spring Island Local Trust Committee agreeing on a mechanism to ensure the use of the unit is affordable for someone who is disabled or in need of family care.
- G.1.3.13 Permit conditions should ensure that that the owner or a person other than the owner with responsibility for managing the property, including dealing with complaints of neighbours, is resident on the property where a Temporary Use Permit is for a residential use.
- G.1.3.14 Permit conditions should ensure that a care cottage or a secondary suite is not used for short term commercial accommodation.
- G.1.3.15 Permit conditions should ensure that a care cottage or a secondary suite is not located in a sensitive ecosystem.
- G.1.3.16 Permit conditions should ensure that a care cottage or a secondary suite should not be allowed in areas that are community water system supply watersheds or in community well capture zones.
- G.1.3.17 Permit conditions should ensure that building safety issues are addressed through compliance with the B.C. Building Code and applicable health standards.

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- G.1.3.18 Permit conditions should ensure that off-street parking is provided in a way that is consistent with local bylaws.
- G.1.3.19 Permits applications should include evidence that suitable alternate sites with appropriate zoning are not available.
- G.1.3.20 Permits should not be issued for uses in excess of 60 days unless it is a new venture that does not directly compete with an existing business in a legal zone and there is a demonstrated need or market for the proposed use. Consideration could also be given to the temporary relocation of an existing business in emergency or hardship situations.
- G.1.3.21 Permitted uses should be consistent with the objectives of this Plan.
- G.1.3.22 Permitted uses should not preclude or compromise future permitted uses on the land parcel affected.
- G.1.3.23 Uses should not be allowed if they conflict with any on-going or intended planning policies or programs.
- G.1.3.24 Where appropriate, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with neighbouring land uses.
- G.1.3.25 Permits can include, as a condition, the provision of an undertaking by the owner of the affected land to remove buildings or a secondary suite and restore the land to a condition specified in the permit by a date specified in the permit.
- G.1.3.26 Permits can include, as a condition, the provision of security to guarantee the performance of the terms of the permit.”