

# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 471

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

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The Salt Spring Island Local Trust Committee being the Local 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 Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2013”.

2. Salt Spring Island Official Community Plan Bylaw No. 434, cited as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008” is amended as shown on Schedule No. 1, attached to and forming part of this bylaw.

READ A FIRST TIME THIS 24TH DAY OF OCTOBER, 2013  
READ A SECOND TIME THIS 26TH DAY OF NOVEMBER, 2019  
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\_\_  
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

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**SECRETARY**

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**CHAIRPERSON**

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 471

### SCHEDULE NO. 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.
2. In Section D.9 [DEFINITIONS], the following is inserted:  
  
“Tiny home on wheels” means a dwelling unit on a wheeled chassis with a maximum floor area of 37.5 square metres.
3. PART G [*TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION*] is deleted in its entirety and replaced as follows:

#### **“PART G      TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION**

##### **G.1.1      Areas where Temporary Use Permits can be issued**

The Local Trust Committee may issue Temporary Use Permits within the following Land Use Designations:

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

##### **G.1.2      Objectives for issuing Temporary Use Permits**

Permits for temporary uses should only accommodate uses that are consistent with the Permit Guidelines contained in this Plan. Permits could be issued for the following types of uses:

- G.1.2.1 The temporary use of land for community events such as festivals, fairs, or markets on land where that 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 systems, or transportation systems.
- G.1.2.3 The temporary use of land for industrial or commercial uses that is compatible with land use designations, but is 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 The temporary use of land for agriculture-related uses, which enhance the economic viability of an existing farm operation. Examples may include farm fairs, farm-oriented tourism activities, farm education events, and short-term food service. Such uses are subject to approval of the Agricultural Land Commission for property in the Agricultural Land Reserve. Temporary Use Permit applications for uses in the Agricultural Land Reserve that are not permitted in the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation require the approval of the Agricultural Land Commission.
- G.1.2.5 The temporary use of buildings, tiny homes on wheels, or recreational vehicles to provide staff housing.
- G.1.2.6 The temporary use of tiny homes on wheels on land zoned for residential use to help meet the housing needs of Island residents.
- G.1.2.7 Other temporary residential use of buildings on land zoned for residential use, such as secondary suites or cottages, to help meet the housing needs of Island residents.

### **G.1.3 Permit Guidelines - General**

Temporary Use Permits may be issued in accordance with the following guidelines. Permits should specify conditions so that possible impacts of the uses are minimized in accordance with the objectives of this plan.

- G.1.3.1 Permitted uses should be consistent with the objectives of this Plan.
- G.1.3.2 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.1.3.3 Permitted uses should not preclude or compromise future permitted uses on the land parcel affected.
- G.1.3.4 Uses should not be allowed if they conflict with any on-going or intended planning policies or programs.

- G.1.3.5 Permit conditions should be consistent with applicable Development Permit Area guidelines, while recognizing the temporary nature of structures and site development.
- G.1.3.6 Noise, traffic, parking, general activity levels, and any disturbance that may be apparent beyond the property's boundaries should be consistent with neighbouring uses or minimized by conditions specified within the permit.
- G.1.3.7 Permit conditions should detail off-street parking in accordance with requirements of the Land Use Bylaw.
- G.1.3.8 Where appropriate, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with neighbouring land uses.
- G.1.3.9 Where appropriate, permits should include an undertaking by the owner of the affected land to remove buildings or structures and restore the land to a condition specified in the permit by a date specified in the permit.
- G.1.3.10 Where appropriate, a security should be required requiring removal of temporary buildings, structures, tiny homes on wheels or recreational vehicles, and restoration of the land to a condition specified in the permit. Permits should include conditions to ensure that the buildings or structures are removed and land is restored in the event of a default.

#### **G.1.4 Permit Guidelines – Residential Uses**

- G.1.4.1 Applications for Temporary Use Permits for a residential use should ensure that there is a sufficient supply of potable water consistent with the Canadian Drinking Water Standards, and:
  - a. Where the proposed use is supplied by groundwater, applicants should provide a recent well log or pump test demonstrating a minimum supply of 680 litres per day for the temporary residential use in addition to the minimum volume required for all permitted uses on the lot by the subdivision requirements of the Land Use Bylaw.
  - b. Where the proposed use is supplied by rainwater collection, the applicant should provide a design from an ASSE-certified designer or professional engineer confirming that the system has been designed in accordance with Canadian Standards Association rainwater harvesting system standard CSA B805-18.
  - c. 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 proposed use.

- d. Where a proposed use is supplied from a surface water body, a water licence issued or amended after November 30, 1994 must permit the withdrawal of the required amount of water for the temporary use. Applicants should demonstrate a minimum supply of 680 litres per day for the temporary residential use in addition to the minimum volume required for all permitted uses on the lot by the subdivision requirements of the Land Use Bylaw.
  - e. Applications for temporary residential uses with more than one bedroom may be requested to demonstrate additional potable water in volumes consistent with the *British Columbia Guidelines for Rural Residential Water Systems* based on an occupancy assumption of two people per additional bedroom.
- G.1.4.2 Applications for Temporary Use Permits for a residential use must ensure that there is a sufficient capacity for sewage treatment under the Public Health Act, and:
- a. Where a lot is serviced by an on-site septic disposal system, the applicant should provide confirmation by an authorized person confirming that the system has sufficient capacity accommodate the additional proposed residential use.
  - b. Where a lot is 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 proposed use.
- G.1.4.3 Buildings, tiny homes on wheels, or recreational vehicles for temporary residential use should not be located in an ecosystem designated as sensitive by Islands Trust mapping. If there is uncertainty as to the exact location or extent of a known sensitive ecosystem, the applicant should provide a report from a registered professional with relevant expertise delineating the extent of the sensitive ecosystem and providing recommendations for maintaining its integrity.
- G.1.4.4 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 a permanent resident on the property where a Temporary Use Permit is issued for a residential use
- G.1.4.5 Buildings, tiny homes on wheels, or recreational vehicles for temporary residential use should not be allowed in areas that drain into community water system supply watersheds (Watershed Land Use Designations) or in community well capture zones (Development Permit Area 5).
- G.1.4.6 Secondary suites proposed for temporary residential use should be generally consistent with the size and siting regulations for secondary suites contained in the Salt Spring Island Land Use Bylaw.
- G.1.4.7 No more than one tiny home on wheels, recreational vehicle, or additional dwelling unit for temporary residential use should be permitted per lot.

G.1.4.8 Consideration of temporary residential use of secondary suites or seasonal cottages should be based on demonstrated family need, other hardship, or helping achieve the Local Trust Committee's strategic priorities.

## **G.1.5 Permit Guidelines – Commercial and Industrial Uses**

In addition to the guidelines outlined above, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a commercial and industrial use:

G.1.5.1 Permits applications for commercial and industrial uses should include evidence that suitable alternate sites with appropriate zoning are not available.

G.1.5.2 Permits should not be issued for commercial and industrial 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 1.6 Development Approval Information**

G.1.6.1 The Plan Area, as described on Map 1, is designated as an area for which development approval information may be required for a rezoning application, a development permit application, or a temporary use permit application.

G.1.6.2 The objective of the designation of the Plan Area as a development approval information area is to ensure that consistent and comprehensive information pertaining to the impacts of proposed development on the environment, infrastructure and services, energy efficiency, energy security, and the local community is obtained.

G.1.6.3 The Local Trust Committee should consider a development approval information bylaw, and forward such a bylaw to Trust Council for adoption, as required by s. 29(3.1) of the Islands Trust Act.”

2. Bylaw No. 434 is further amended by making such consequential numbering alterations to effect all changes in this bylaw.