



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Areas C, F, G: Secondary Dwelling Units Project Official Community Plan Amendments

DESCRIPTION: Report from Christine LeFloch, Planner III, dated April 2, 2024.

RECOMMENDATION #1: THAT: pursuant to Section 477 of the Local Government Act, the Board has considered "Electoral Area F Official Community Plan Amendment Bylaw No. 830-24" and "Electoral Area C Official Community Plan Amendment Bylaw No. 725-22" in conjunction with the Columbia Shuswap Regional District's Financial Plan and Waste Management Plan."

Stakeholder Vote Unweighted (LGA Part 14) Majority

RECOMMENDATION #2: THAT: "Electoral Area F Official Community Plan Amendment Bylaw No. 830-24", be read a second time as amended, this 18th day of April, 2024.

Stakeholder Vote Unweighted (LGA Part 14) Majority

RECOMMENDATION #3: THAT: "Electoral Area C Official Community Plan Amendment Bylaw No. 725-22", be read a first and second time, this 18th day of April, 2024.

Stakeholder Vote Unweighted (LGA Part 14) Majority

RECOMMENDATION #4: THAT: a public hearing to hear representations regarding "Electoral Area C Official Community Plan Amendment Bylaw No. 725-22" and "Electoral Area F Official Community Plan Amendment Bylaw No. 830-24" be held at the CSR D Office;

AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Director Jay Simpson as Director for Electoral Area F or Alternate Director Charlotte Hall if Director Simpson is absent, and the Director or Alternate Director as the case may be, give a report of the public hearing to the Board.

Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

Staff are proposing amendments to two Official Community Plans (OCP) as part of the Secondary Dwelling Units project which is intended to increase opportunities for secondary dwelling units in Electoral Areas B, C, D, E, F, and G of the CSR D. The necessary zoning bylaw amendments to 9 zoning bylaws are underway and on schedule to be adopted at the June 20, 2024 Board meeting. OCP amendments are also required to ensure that areas that are not covered by a zoning bylaw but are

subject to an OCP with policies that include maximum density provisions have an opportunity construct secondary dwelling units. Staff are recommending that amending Bylaw No. 830-24 be read a second time as amended and amending Bylaw No. 725-22 be read a first and second time and a public hearing be scheduled to hear representations from the public regarding the proposed amendments. If a public hearing is held in May 2024, then the bylaws could be brought back to the Board for consideration of adoption at the same time as the secondary dwelling units (SDU) zoning amendments in June.

BACKGROUND:

Please see "[2023-03-16 Board DS Secondary Dwelling Units Phase 1 First.pdf](#)" for details about the Secondary Dwelling Units project as a whole and the amendments proposed when the project was first introduced in 2023 with Phase 1.

Please see "[2024-02-15 Board DS Secondary Dwelling Units First Second.pdf](#)" for details on the current SDU zoning regulations, results of the consultation process, and information on new Provincial Housing Statutes.

Phase 1 of the SDU project included proposed amendments to the Electoral Area F Official Community Plan Bylaw No. 830 to update policies related to secondary dwelling units. This was to ensure that proposed SDU amendments were consistent with the Official Community Plan (OCP). The Province has since advised that updates to zoning bylaws to implement Bill 44 do not need to be consistent with OCPs because the legislated timeframe for adoption of the required zoning amendments does not allow sufficient time for the public consultation required when amending an OCP. Bylaw No. 830-24 was read a first time in March of 2023 as part of the Phase 1 bylaws. As such it is now being brought forward for second reading as amended. Bylaw No. 725-22 has not had any readings yet and is being recommended for first and second reading to ensure both bylaws are at the same stage in the amendment process.

In the CSRD, there are parts of Electoral Areas C, G, and F that currently do not have a zoning bylaw in effect. However, these areas do have OCPs with density provisions which limit the maximum number of dwelling units that may be constructed on a parcel. These density provisions are only triggered where a Development Permit is required prior to a subdivision being approved or a building permit being issued, but there are many parcels that require a geohazard (steep slopes or steep creek/debris flow) development permit or are affected by the Riparian Areas Protection Regulation or Lakes 100 m Development Permit Area where a development permit would be triggered if someone wanted to construct a secondary dwelling unit. If the density provisions only permit one dwelling unit per parcel, and a development permit is required then a secondary dwelling unit would not be allowed. As a result, once the new zoning amendments take effect, areas that are not zoned but have an OCP may end up being more restrictive than zoned areas with regard to the number of dwellings permitted.

Therefore, OCP amendments for the Electoral Areas C (which includes G) and F OCPs are required to update provisions related to density and secondary dwelling units to ensure that all properties can have at least one SDU. New Provincial legislation introduced with Bill 44 requires that all OCPs will need to be fully reviewed and amended by each local government over the next two years (prior to the end of 2025) to implement the new housing projections for growth over the next 20 years that are to be identified in updated Housing Needs Reports that must be completed by the end of 2024. These Housing Needs Reports are also required by the Provincial legislation. As such, staff are not recommending updating the Areas B, E and Ranchero-Deep Creek OCPs at this time as all lands in those areas are zoned and will therefore not encounter the same issues related to having an OCP and no zoning bylaw.

POLICY:

Bill 44 – [Provincial Housing Statutes \(Residential Development\) Amendment Act 2023](#)

[Electoral Area C Official Community Plan Bylaw No. 725 \(also applies to Area G\)](#)

[Electoral Area F Official Community Plan Bylaw No. 830](#)

FINANCIAL:

Considerable staff time has been devoted by Planning staff to the SDU and Accessory Buildings amendments projects. These projects were initiated by the Planning Department in 2022 with the goal of updating the nine CSRD zoning bylaws and these two OCP bylaws to permit more opportunities for property owners to construct secondary dwelling units to assist in alleviating some of the affordable housing challenges.

CSRD Financial Services and Environment and Utilities Service have reviewed the proposed OCP amendments and confirmed that they are in accordance with the CSRD's Financial Plan and Waste Management Plan as required by Section 477 of the Local Government Act.

KEY ISSUES/CONCEPTS:

Official Community Plans

An Official Community Plan provides the vision for a community along with policies to support that vision. The applicable zoning bylaw turns these policies into regulations which must be adhered to when using or developing a property. The exception to this rule is that where there is no zoning bylaw, the density provisions of an OCP become regulatory where a Development Permit is required, as described above. For these areas, it is appropriate that there are policies in the OCP that enable property owners in these locations to have the same options for secondary dwelling units as is allowed in areas with zoning.

The OCPs in place in the CSRD were all written at different times and by different authors. Although the style and language can be very different between plans, it is not the intent of this project to make the OCPs consistent in their language and style. Staff are proposing modest changes to the existing wording of the two OCPs at this time to support SDUs. Given the inconsistent language in each OCP, each proposed OCP amendment will be a little bit different but will include similar language around the number of SDUs allowed based on parcel size and servicing. Regulations contained in the zoning bylaw amendments regarding SDUs being used for short term/vacation rentals and bed and breakfasts are not proposed to be included in the OCPs as they are not related to density. Further, the columns indicating the number of dwellings per parcel and the number of residential buildings per parcel in the SDU density chart proposed for inclusion in the zoning bylaws are not proposed to be included in the OCPs as this information applies only where there is a zoning bylaw. These columns reference zoning regulations specifying the number of single detached dwellings per parcel and will not be applicable to areas not affected by a zoning bylaw.

Electoral Area C Official Community Plan (OCP) Bylaw No. 725 – Proposed Changes

The Electoral Area C OCP applies to Electoral Areas C and G. It contains some language and policies providing support for secondary dwelling units. However, the language is specific to secondary suites within detached homes and requires some revision to provide support for secondary dwelling units in other various forms (attached and/or detached).

Staff are proposing to amend the following policies:

- Section 3.4.1.5 Residential policies to include the same density provisions and details for SDUs that are being added to each zoning bylaw. Staff are also proposing to add an asterisk under the

density table in Section 3.4.1.5 g) noting that the table applies where there is no zoning, and a proposed development requires issuance of a Development Permit. It is further proposed to state here that where a zoning bylaw applies the number of SDUs permitted is outlined in the zoning bylaw.

- Section 3.10 Agriculture (AG) policies to add an additional policy immediately following .4: .5 Secondary dwelling units are supported on land designated AG in accordance with the provisions of the Agricultural Land Commission Act, the Agricultural Land Reserve Use Regulation and the zoning bylaw."
- Section 4.3.2.2 Housing for Families to change the words from "secondary suite" to "secondary dwelling unit".
- Section 4.4.2.1 Housing for Seasonal Workers to change the words from "secondary suite" to "secondary dwelling unit".

Electoral Area F Official Community Plan (OCP) Bylaw No. 830 – Proposed Changes

The Electoral Area F OCP also contains some language and policies providing support for secondary dwelling units. Again, the language is specific to secondary suites within detached homes and requires some revision to provide support for secondary dwelling units in other various forms (attached and/or detached).

Staff are proposing to amend the following policies:

- Section 6.3 Policy 2 - Housing for Families to change the words from "secondary suite" to "secondary dwelling unit".
- Section 11.3 – Agriculture (AG) is proposed to be amended by adding an additional policy immediately following Policy 8:

"Policy 9

Secondary dwelling units are supported on land designated AG in accordance with the provisions of the Agricultural Land Commission Act, the Agricultural Land Reserve Use Regulation and the zoning bylaw."

- Section 11.5 Residential – the introduction to this section is proposed to be amended by adding an additional sentence explaining that density includes secondary dwelling units in association with a single detached dwelling unit in all Residential land use designations except Recreational Residential.
- Section 11.5 Residential – Policy 4 is proposed to be deleted and replaced with the following:

"Policy 4

Secondary dwelling units are appropriate in association with single detached dwellings provided they are compatible with surrounding residential uses and meet Provincial sewer and water regulations. Additional conditions related to secondary dwelling units are outlined in Section 12.15 and will be included in the applicable zoning bylaw."

- Section 12.15 Secondary Suites - to be renamed "Secondary Dwelling Units". This section is proposed to include the same density provisions and details regarding SDUs that are being added to each zoning bylaw. Staff are also proposing to add an asterisk under the density table in Section 12.15 g) noting that the table applies where there is no zoning, and a proposed development requires issuance of a Development Permit. It is further proposed to state here that where a zoning bylaw applies the number of SDUs permitted is outlined in the zoning bylaw. This is the same as is being proposed for the Area C OCP.

Analysis

The Secondary Dwelling Units project was initiated in 2022 to address the lack of long-term rental and affordable housing that was identified through the Housing Needs Reports prepared for each electoral

area. The Board gave first and second readings in February 2024 to the applicable zoning amendments required to advance this project. Staff identified the need for amendments to the Electoral Areas C (includes G) and F OCPs to address the situation where there are areas not affected by a zoning bylaw that are subject to OCPs with development permit areas. The proposed amendments are intended to address this gap and ensure that all property owners have equal opportunity for secondary dwelling units.

Rationale For Recommendation

Staff are recommending that the Board read the amending bylaws a first and second time and delegate a public hearing to hear representations from the public regarding the proposed amendments for the following reasons:

- The proposed amendments will ensure that properties in areas not subject to a zoning bylaw that are subject to an Official Community Plan have the same options for secondary dwelling units as is being proposed for all zoned areas of Electoral Areas B, C, D, E, F, and G in the CSRD; and,
- Delegation of a public hearing will provide an opportunity for interested members of the public to provide their input on the proposed amendments.

IMPLEMENTATION:

As the proposed amendments are for Official Community Plans, a public hearing is required as part of the amendment process. If the Board endorses the staff recommendations staff will arrange for a public hearing to be held and undertake the communications related to advertising a public hearing as outlined below. Policy P-25 Public Hearings indicates that public hearings will be organized to provide for in person attendance and remote participation by way of electronic attendance via Zoom or telephone. Public hearings are to be held in the Board Room of the CSRD Office in Salmon Arm unless there are unique circumstances that necessitate holding the public hearing at an alternative location. In this case, staff suggest that the public hearing be held in the CSRD Board Room. There are three electoral areas affected by these proposed amendments, therefore either the Electoral Area C, G or F Director would be appropriate to Chair the public hearing. As Electoral Area F Director Simpson has been a director for a longer period of time, staff are recommending that the public hearing be delegated to Director Simpson to Chair, with Alternate Director Charlotte Hall as back up if Director Simpson is unavailable.

A timeframe for the remaining steps in the bylaw amendment process is included below.

Action	Timing
Ads placed in newspapers prior to public hearing	End of April-Early May, 2024
Public hearing	May 2024
Referral to MOTI for Statutory Approval of bylaws	NOT REQUIRED for OCP AMENDMENTS
Board consideration of third reading and adoption	June 20, 2024
CSRD notifies Province of bylaw adoption	June 21, 2024

COMMUNICATIONS:

If the Board gives Bylaw Nos. 725-22 and 830-24 first and second readings and delegates a public hearing, staff will make the arrangements for the public hearing, including: placing two ads in the Shuswap Market News, and posting the ad on the CSRD website and social media. The public hearing information package will be made available on the CSRD website at least 10 days in advance of the

public hearing. Development notice signs and written notices to individual property owners are not required as per the Local Government Act because the proposed bylaw amendments will affect more than 10 properties. Notices will be posted at the CSRD office and on CSRD social media channels as are typically provided for bylaw amendments.

Referrals

A fulsome public consultation and referrals process was done for the SDU Project in 2023. The proposed OCP amendments were originally intended to run concurrently with the zoning amendments but were separated out because the zoning amendments do not require a public hearing and are required to be adopted by June 2024. The OCP amendments may take longer due to the need for a public hearing but are part of the same project.

OCP amendments need to be reviewed by the CSRD's Financial Services and Environmental and Utilities Services departments to ensure concurrence with the CSRD's Financial Plan and Waste Management Plan. Both departments have reviewed and confirmed concurrence. Additional referrals are not being recommended for these two bylaw amendments. Agency and First Nations referral comments and comments received through the public consultation process are linked below:

["SDU Project Agency and First Nations Referral Responses.pdf"](#)

["SDU and Accessory Buildings Survey Results.pdf"](#).

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2024-04-18_Board_DS_Secondary_Dwelling_Units_OCPs_First_Second.docx
Attachments:	- BL725-22_First_Second.pdf - BL830-24_Second_amended.pdf
Final Approval Date:	Apr 11, 2024

This report and all of its attachments were approved and signed as outlined below:



Gerald Christie



Jodi Pierce



Jennifer Sham

No Signature - Task assigned to John MacLean was completed by assistant Jennifer Sham

John MacLean