



# BOARD REPORT

<b>TO:</b>	Chair and Directors
<b>SUBJECT:</b>	Electoral Areas B, C, D, E, F, G: Accessory Building Project Zoning Bylaw Amendments
<b>DESCRIPTION:</b>	Report from Ken Gobeil, Senior Planner, dated April 4, 2024. Accessory Building Project; Zoning Bylaw Amendments to floor area definitions and accessory building regulations.
<b>RECOMMENDATION #1:</b>	THAT: Anglemont Zoning Amendment Bylaw No. 650-17 be read a third time this 18 <sup>th</sup> day of April 2024. <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>
<b>RECOMMENDATION #2:</b>	THAT: South Shuswap Zoning Amendment Bylaw No. 701-11 be read a third time this 18 <sup>th</sup> day of April 2024. <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>
<b>RECOMMENDATION #3:</b>	THAT: Ranchero/Deep Creek Zoning Amendment Bylaw No. 751-08 be read a third time this 18 <sup>th</sup> day of April 2024. <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>
<b>RECOMMENDATION #4:</b>	THAT: Magna Bay Zoning Amendment Bylaw No. 800-34 be read a third time this 18 <sup>th</sup> day of April 2024. <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>
<b>RECOMMENDATION #5:</b>	THAT: Scotch Creek/Lee Creek Zoning Amendment Bylaw No. 825-45 be read a third time this 18 <sup>th</sup> day of April 2024 <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>
<b>RECOMMENDATION #6:</b>	THAT: Electoral Area E Zoning Amendment Bylaw No. 841-09 be read a third time this 18 <sup>th</sup> day of April 2024. <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>
<b>RECOMMENDATION #7:</b>	THAT: Electoral Area B Zoning Amendment Bylaw No. 851-31 be read a third time this 18 <sup>th</sup> day of April 2024. <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>
<b>RECOMMENDATION #8:</b>	THAT: Salmon Valley Land Use Amendment Bylaw No. 2565 be read a third time this 18 <sup>th</sup> day of April 2024. <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>

**RECOMMENDATION  
#9:**

THAT: Kault Hill Land Use Amendment Bylaw No. 3009 be read a third time this 18<sup>th</sup> day of April 2024.

*Stakeholder Vote Unweighted (LGA Part 14) Majority*

**SUMMARY:**

Staff are proposing amendments to all nine zoning bylaws and land use bylaws for consistent floor area definitions and maximum building height and floor area regulations based on property size for rural and residential properties.

These amendments are being completed in conjunction with amendments to the nine zoning and land use bylaws to permit secondary dwelling units, and more specifically the accessory building bylaw amendments will allow detached secondary dwelling units in an accessory building.

At the February 15, 2024 Board meeting, these nine bylaws were brought to the Board for first and second reading, or second reading as amended. The Board approved the recommended readings for each bylaw amendment. An ad was placed in local newspapers advising that a public hearing is not required for these bylaw amendments and that written public submissions regarding the proposed amendments can be received until 4 pm on the Tuesday prior to consideration of third reading.

Staff are now recommending the Board consider the amending bylaws for third reading. If this occurs, staff will send the amending bylaws including lands located within 800 m of a controlled access highway to the Ministry of Transportation and Infrastructure (MOTI) for consideration of statutory approval. After MOTI provides statutory approval, the Board can consider the amending bylaws for adoption at the June 20, 2024 Board meeting.

**BACKGROUND:**Accessory Building Bylaw Amendment Project

- See [Item No. 17.3 in the March 19, 2020 Board Agenda](#) for the Board Report and all attachments regarding the Salmon Valley Land Use Amendment Bylaw No. 2565.
- See [Item No. 7.2 in the March 16, 2023 Board Agenda](#) for the Board Report and all attachments regarding the accessory building bylaw amendment project at phase 1.
- See [Item No. 17.3 in the February 15, 2024 Board Agenda](#) for the Board Report and all attachments regarding the secondary dwelling unit bylaw amendment project at Phase 2.

Secondary Dwelling Unit Bylaw Amendment Project

- See [Item No. 17.1 in the March 16, 2023 Board Agenda](#) for the Board Report and all attachments regarding the secondary dwelling unit bylaw amendment project at Phase 1.
- See [Item No. 17.4 in the February 15, 2024 Board Agenda](#) for the Board Report and all attachments regarding the accessory building bylaw amendment project at Phase 2.

**POLICY:**

See "[Acc Bldg Bylaw Excerpts.pdf](#)" for relevant excerpts from the following zoning and land use bylaws:

- [Anglemont Zoning Bylaw No. 650](#)
- [South Shuswap Zoning Bylaw No. 701](#)

- [Ranchero/Deep Creek Zoning Bylaw No. 751](#)
- [Magna Bay Zoning Bylaw No. 800](#)
- [Scotch Creek/Lee Creek Zoning Bylaw No. 825](#)
- [Electoral Area E Zoning Bylaw No. 841](#)
- [Electoral Area B Zoning Bylaw No. 851](#)
- [Salmon Valley Land Use Bylaw No. 2500](#)
- [Kault Hill Land Use Bylaw No. 3000](#)

**FINANCIAL:**

There are no financial implications associated with this project.

**KEY ISSUES/CONCEPTS:**

Accessory building height and floor area size in the Salmon Valley Land Use Bylaw No. 2500 were reviewed in 2020 where the Board gave first reading to Salmon Valley Land Use Amendment Bylaw No. 2565. However, the bylaw amendment was put on hold to be included as part of a larger project to update all zoning and land use bylaws. This project was brought to the Board at the March 16, 2023, Board Meeting when the Board gave first reading to the Electoral Area F Zoning Amendment Bylaws.

Following the March 16, 2023, Board Meeting, Planning Staff sent referrals to provincial agencies, first nations and local development professionals. Staff also used the CSRD-Connect website to inform the public of the project and give the public an opportunity to provide input through an online survey.

At the February 15, 2024, Board Meeting all nine amending bylaws were brought forward with the referral responses and online survey results. There were minor revisions proposed to the Electoral Area F Zoning Amendment and Salmon Valley Land Use Amendment Bylaws at the February 15, 2024, Board Meeting. Details of all consultation, and revisions are in the [February 15, 2024 Board Report](#).

The Electoral Area F Zoning Amendment Bylaws, and the Salmon Valley Land Use Amendment Bylaw were read a second time as amended and the other zoning and land use amendment bylaws (South Shuswap Zoning Bylaw, Kault Hill Land Use Bylaw, Electoral Area B, and E Zoning Bylaws, Ranchero/Deep Creek Zoning Bylaw) were read a first and second time.

The proposed bylaw amendments are intended to bring the CSRD's zoning bylaws into accordance with Bill 44 – Provincial Housing Statutes Amendment Act which requires all local governments to amend their zoning bylaws to permit secondary dwelling units in residential zones by June 30, 2024.

There have been no revisions to the proposed amending bylaws from February 15, 2024. Planning staff are recommending the Board give all amending bylaws third reading to have all secondary dwelling unit and accessory building bylaw amendments submitted to the Ministry of Transportation and Infrastructure for signature and returned to the CSRD for the Board to consider adoption of these bylaws at their June 20, 2024, Board meeting to meet the June 30, 2024, provincial government deadline.

**Rationale For Recommendation**

Staff are recommending these amendments for the following reasons:

- The definitions and regulations will provide clarity and consistency among all the zoning bylaws.
- The amendments will allow secondary dwelling units in accessory buildings and provide greater flexibility to incorporate secondary dwelling units on a property where permitted.
- The increases to maximum accessory building heights and floor areas will be consistent with the size of properties.

- The amendments will reduce the number of variance applications received and improve application processing times.
- Public feedback supported consistency between CSRD bylaws.
- While there was some negative public feedback on the height or floor area sizes for parcels under 0.4 ha, the overall feedback was generally supportive of the proposed amendments; and,
- Provincial statutes require that local governments have these amending bylaws adopted by June 30, 2024, as they relate to the opportunities for secondary dwelling units. The proposed amendments will allow for detached secondary dwelling units where permitted.

## IMPLEMENTATION:

Public hearings are not permitted where zoning bylaws are being amended to bring them into compliance with Bill 44 – Housing Statutes Amendments Act. Where a public hearing is not being held, Development Services Procedures Bylaw No. 4001-2 as amended, requires that ads be placed in 2 issues of a newspaper at least 3 days and no more than 10 days prior to the Board considering a bylaw for first reading. A second ad is to be placed in the same newspapers using the same date considerations prior to the Board considering a bylaw for third reading. The purpose of the ads is to invite written submissions from the public by 4 PM on the Tuesday prior to the Board meeting at which the Board will consider third reading. 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.

These bylaw amendments cover a large area, and much of it is located within 800 m of a controlled access highway. Therefore, Statutory Approval of the Ministry of Transportation and Infrastructure is required prior to Board consideration of the bylaws for adoption. Following third reading the bylaws including lands located within 800 m of a controlled access highway will be sent to the Okanagan Shuswap and Rocky Mountain Districts of the Ministry of Transportation and Infrastructure for Statutory Approval. These MOTI offices have been advised that these bylaws will be provided at that time and that there is a short timeframe for them to sign and return the bylaws. Following first and second readings the Board report and amending bylaws will be provided for their information. A timeframe for the remaining steps in the bylaw amendment process is included below.

Following bylaw adoption, the CSRD is required to provide notification to the Province that the amendments required to bring all zoning bylaws into compliance with Bill 44 have been completed.

Action	Timing
Ads placed in newspapers prior to first and second readings inviting public comments until Board consideration of third reading	February 2-9, 2024
Board consideration of first and second readings	February 15, 2024
Ad placed in newspapers prior to third reading advising of deadline for public submitting written comments (4 pm Tuesday prior to Board consideration of third reading)	April 5-12, 2024
Board consideration of third reading	April 18, 2024
Referral to MOTI for Statutory Approval of bylaws	April 19, 2024
Deadline for CSRD receiving the signed bylaws from MOTI	May 31, 2024

Board consideration of adoption	June 20, 2024
CSRD notifies Province of bylaw adoption	June 21, 2024

#### Guide to Accessory Buildings and Secondary Dwelling Units

A comprehensive Guide to Accessory Buildings in the CSRD will be developed prior to adoption of these bylaw amendments. This guide will be available to staff, building and development industry professionals, and the public to assist with implementation of the new secondary dwelling unit and accessory building regulations. It will outline the building application process, including the preliminary considerations and site planning that will need to be undertaken by applicants to ensure that they have enough parcel area to accommodate the proposed accessory building, or secondary dwelling unit. In some cases, other physical features, or requirements such as the Riparian Areas Protection Regulations, steep slopes, or other considerations will further reduce the area that may be used for development; and a development permit may be required prior to issuance of a building permit. The guide will include sample site plans and drawings to assist in communicating the requirements.

#### **COMMUNICATIONS:**

Where a public hearing is not being held, Development Services Procedures Bylaw No. 4001-02 as amended, requires that ads be placed in two issues of a newspaper at least three days and no more than ten days prior to the Board considering a bylaw for first reading (the February 2024 Board Meeting). A second ad is to be placed in the same newspapers prior to the Board considering a bylaw for third reading. Ads were placed in the April 11 editions of the Vernon Morning Star and the Revelstoke Review, and the April 12 edition of the Shuswap Market News.

The purpose of the ad is to invite written submissions from the public by 4:00 pm on the Tuesday prior to the Board meeting at which the Board will consider third reading. 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 were also posted at the CSRD office and on CSRD social media channels as are typically provided for bylaw amendments.

As of April 2, 2024 (date this report was written), no written comments have been received. Submissions made before 4:00 PM Tuesday April 16 will be submitted to the Board as a late agenda item.

#### **DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

#### **BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2024_04_18_Board_DS_Acc_Bldg_Third.docx
Attachments:	<ul style="list-style-type: none"><li>- Acc_Bldg_Project_Specific_Amendments.pdf</li><li>- BL650-17_Third.pdf</li><li>- BL701-111_Third.pdf</li><li>- BL751-08_Third.pdf</li><li>- BL800-34_Third.pdf</li><li>- BL825-45_Third.pdf</li><li>- BL841-09_Third.pdf</li><li>- BL851-31_Third.pdf</li><li>- BL2565_Third.pdf</li><li>- BL3009_Third.pdf</li><li>- Acc_Bldg_Bylaw_Excerpts.pdf</li><li>- Acc_Bldg_Project_Survey_Results.pdf</li><li>- Acc_Bldg_and_BL2565_Agency_and_First_Nations_Referral_Responses.pdf</li><li>- Acc_Bldg_Project_Maps_Plans_Photos_2024_02_15.pdf</li></ul>
Final Approval Date:	Apr 10, 2024

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

**No Signature found**

Gerald Christie



Jennifer Sham



John MacLean