



# BOARD REPORT

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chair and Directors  |
| <b>SUBJECT:</b>           | Electoral Areas B, C, D, E, F, G: Secondary Dwelling Units Project   |
| <b>DESCRIPTION:</b>       | Report from Christine LeFloch, Planner III, dated April 2, 2024.<br>Secondary Dwelling Units Project – Zoning Bylaw Amendments   |
| <b>RECOMMENDATION #1:</b> | THAT: "Anglemont Zoning Amendment Bylaw No. 650-19" be read a third time this 18 <sup>th</sup> day of April 2024.<br><br><i>Stakeholder Vote Unweighted (LGA Part 14), Majority</i>              |
| <b>RECOMMENDATION #2:</b> | THAT: "South Shuswap Zoning Amendment Bylaw No. 701-103" be read a third time this 18 <sup>th</sup> day of April 2024.<br><br><i>Stakeholder Vote Unweighted (LGA Part 14), Majority</i>         |
| <b>RECOMMENDATION #3:</b> | THAT: "Ranchero-Deep Creek Zoning Amendment Bylaw No. 751-05" be read a third time this 18 <sup>th</sup> day of April 2024.<br><br><i>Stakeholder Vote Unweighted (LGA Part 14), Majority</i>    |
| <b>RECOMMENDATION #4:</b> | THAT: "Magna Bay Zoning Amendment Bylaw No. 800-35" be read a third time this 18 <sup>th</sup> day of April 2024.<br><br><i>Stakeholder Vote Unweighted (LGA Part 14), Majority</i>              |
| <b>RECOMMENDATION #5:</b> | THAT: "Scotch Creek-Lee Creek Zoning Amendment Bylaw No. 825-49" be read a third time this 18 <sup>th</sup> day of April 2024.<br><br><i>Stakeholder Vote Unweighted (LGA Part 14), Majority</i> |
| <b>RECOMMENDATION #6:</b> | THAT: "Electoral Area E Zoning Amendment Bylaw No. 841-04" be read a third time this 18 <sup>th</sup> day of April 2024.<br><br><i>Stakeholder Vote Unweighted (LGA Part 14), Majority</i>       |
| <b>RECOMMENDATION #7:</b> | THAT: "Electoral Area B Zoning Amendment Bylaw No. 851-28" be read a third time this 18 <sup>th</sup> day of April 2024.<br><br><i>Stakeholder Vote Unweighted (LGA Part 14), Majority</i>       |
| <b>RECOMMENDATION #8:</b> | THAT: "Salmon Valley Land Use Amendment Bylaw No. 2566" be read a third time this 18 <sup>th</sup> day of April 2024.<br><br><i>Stakeholder Vote Unweighted (LGA Part 14), Majority</i>          |
| <b>RECOMMENDATION #9:</b> | THAT: "Kault Hill Land Use Amendment Bylaw No. 3007" be read a third time this 18 <sup>th</sup> day of April 2024.<br><br><i>Stakeholder Vote Unweighted (LGA Part 14), Majority</i>             |

## SUMMARY:

Staff are proposing amendments to all nine zoning and land use bylaws in order to allow options for secondary dwelling units on all rural and residential properties. These amendments are being completed in conjunction with amendments to the nine zoning and land use bylaws to create consistent floor area

definitions and maximum building height and floor area regulations for accessory buildings which will allow detached secondary dwelling units to be located 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:**

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. 17.2 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.

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:**

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

- [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:**

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

For water systems owned and operated by the CSRD, the Environmental and Utilities Service staff have noted that Water Rates and Regulation Bylaw No. 5819 will require updates to address new water user

fees for secondary dwelling units. Full comments are included in the attached "SDU\_Project\_Referral\_Responses.pdf".

### **KEY ISSUES/CONCEPTS:**

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.

The Board gave first reading to the bylaws applicable to Electoral Area F and provided direction to proceed with consultation on the whole project (Electoral Areas B, C, D, E, F, and G) at their meeting held on March 16, 2023. 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 provide input through an online survey.

At the February 15, 2024 Board Meeting all nine amending bylaws were brought forward. Revisions were made to address Bill 44 requirements and a timeline for the steps in the bylaw amendment process to ensure adoption by the date legislated by the Province were provided for the Board's information. Details regarding all consultation and revisions are in the [February 15, 2024 Board Report](#).

The Electoral Area F Zoning Amendment Bylaws were brought to the Board for consideration of second reading 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 brought to the Board for consideration of first and second reading.

There have been no revisions to the proposed amending bylaws since second reading on February 15, 2024. A notice 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 Board consideration of third reading (April 16, 2024). Planning staff are recommending that the Board read all amending bylaws a third time. Following third reading secondary dwelling unit and accessory building bylaw amendments for those bylaws including lands located within 800 m of a controlled access highway will be sent to the Ministry of Transportation and Infrastructure for Statutory Approval 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**

The purpose of the proposed bylaw amendments is to bring the CSRD's zoning bylaws into accordance with Bill 44 – Provincial Housing Statutes Amendment Act and to create zoning opportunities for landowners to construct secondary dwelling units on their properties which would help to create affordable housing for new and existing residents in the CSRD. Staff are recommending that the Board consider first and second reading, or second reading as amended (as applicable) of the nine amending bylaws proposing amendments to implement the secondary dwelling units project for the following reasons:

- The proposed amendments will allow greater flexibility for secondary dwelling units as a permitted use in rural and residential zones and will provide the opportunity for property owners to have an additional dwelling on their property that can act as a mortgage helper while adding additional housing units to the long-term rental stock; and,
- The proposed amendments will bring the CSRD's bylaws into accordance with Bill 44 – Provincial Housing Statutes Amendments Act. Adoption of the amendments is required by June 30, 2024.

## 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 were 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 Secondary Dwelling Units and Accessory Buildings

A comprehensive Guide to SDUs 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 SDU 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 SDU and/or accessory building, sewage disposal system and back up field area, required setbacks and parcel coverage. In some cases, other 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 3rd 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, 2024 will be submitted to the Board as a late agenda item.

**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_Project_Third.docx  |
| Attachments:         | <ul style="list-style-type: none"><li>- BL650-19_Third.pdf</li><li>- BL701-103_Third.pdf</li><li>- BL751-05_Third.pdf</li><li>- BL800-35_Third.pdf</li><li>- BL825-49_Third.pdf</li><li>- BL841-04_Third.pdf</li><li>- BL851-28_Third.pdf</li><li>- BL2566_Third.pdf</li><li>- BL3007_Third.pdf</li><li>- SDU_and_Accessory_Buildings_Survey_Results.pdf</li><li>- SDU_Project_Agency_and_First_Nations_Referral_Responses.pdf</li><li>- SDU_Project_Analysis_2024-01-31.pdf</li><li>- SDU_Specific_Amendments.pdf</li><li>- SDU_Project_Maps_Plans_Photos.pdf</li></ul> |
| Final Approval Date: | Apr 10, 2024   |

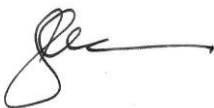
This report and all of its attachments were approved and signed as outlined below:



Gerald Christie



Jennifer Sham



John MacLean