

## ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee

**FROM:** J. Zaffino, Chief Administrative Officer

**DATE:** June 13, 2024

**RE:** Draft Electoral Area “H” Zoning Bylaw No. 3065 - Summary of Significant Policy Changes FOR INFORMATION

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### **Purpose:**

In accordance with the Regional District’s “Land Use Bylaw Transition Policy” (2016), the purpose of this report is to provide the Board with a summary of:

- “significant policy changes” contained within the Draft Electoral Area “H” Zoning Bylaw No. 3065;
- “current subdivision proposals which may be affected by proposed changes to the regulations ... comprised within the Bylaw.”

### **Background:**

At its meeting of September 4, 1997, the Regional District’s (then) “Rural Services / Project Committee” resolved that a Disclosure Policy be established so that the Board would be apprised by staff, in relation to all Official Community Plan, Zoning and Rural Land Use Bylaw Updates, of the following:

- (i) *all significant policy changes, and*
- (ii) *a list of subdivision applications in progress which may be adversely affected by proposed reductions in development rights (i.e. use and/or density).*

This policy has been carried forward, largely unchanged, since that time and is now known as the “Land Use Bylaw Transition Policy” (2016), a copy of which is included at Attachment No. 1 for reference purposes.

### Electoral Area “H” Zoning Bylaw:

The current Electoral Area “H” Zoning Bylaw was adopted by the Regional District Board at its meeting of April 13, 2013, and has been the subject of over 30 amendments, including:

- approximately 32 separate amendments to various definitions;
- updated or introduction of new regulations related to:
  - modular home and mobile home zone review (2016);
  - permitted size of sleeping and living facilities in “accessory structures” (2016);
  - “agri-tourism accommodation” uses (2017);
  - “kennel facilities” (2017);
  - keeping of livestock and honeybees in residential areas (2017);
  - exemptions for minor building projections (2017 & 2018);

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- “retaining walls” (2018);
  - “cannabis production” – indoor & outdoor (2019);
  - “home industry” and “home occupation” uses (2019); and
  - increasing floor area allowances for “accessory dwellings” and “secondary suites” (2021).
- completing a review of the Resource Area, Agricultural, Large Holdings and Small Holdings zones (2017);
  - completing a zone review of the Headwaters Lakes “lease lots” (2014); and
  - introducing Comprehensive Development zones for Kennedy Lake (2016) and Elkhart Lodge (2019).

### **Analysis:**

In considering the requirements of the Land Use Bylaw Transition Policy to report on all “significant policy changes”, Administration notes that many of the “significant” changes that have occurred to the zoning bylaw have happened within the past 5 years and were initiated as regional projects and included other Electoral Areas.

In addition to the projects listed above (see “Background”), the Board has previously provided direction on new signage regulations, landscaping regulations, exterior lighting and

As a result, there are few “significant” policy changes occurring as a result of these previous reviews, and include the following:

- Small-Scale Multi-Unit Housing (SSMUH) Implementation:

In response to a statutory requirement that the Regional District’s zoning bylaws be compliant with recent changes to the *Local Government Act*, Administration is proposing the following changes to the zoning in Electoral Area “H”:

- the existing RS1 & RS2 zones be consolidated into a new Low Density Residential One (RS1) Zone;
- permitted uses include “single detached dwelling”, “duplex dwelling”, “accessory dwelling” and “secondary suite”;
- permitted densities include two (2) dwelling units per parcel (on parcels less than 1.0 ha in area, an “accessory dwelling” or duplex would only be permitted if connected to a community sewer system);
- setbacks in the RS1 be amended to reflect provincial direction in the SSMUH Policy Manual;
- maximum building height in the RS & SH Zones be increased to 11.0 metres for a principal dwelling and 8.0 metres for an “accessory dwelling”;
- the 125 m<sup>2</sup> floor restriction on “secondary suites” be deleted;
- “secondary suites” not count against density limits for accessory dwellings in the SH, LH, AG & RA zones.

NOTE: these proposals were previously considered by the Planning and Development (P&D) Committee of the Board at its meeting of February 22, 2024.

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- General Regulations to be revised and/or introduced:
    - in order to provide clarity in relation to the Regional District Board’s intent, it is being proposed to introduce new regulations for “Metal Storage Containers”, clarifying that these are permitting in all zones.
    - it is also proposed to introduce “Mobile Vendors” regulations to clarify that these are permitted in the same zones as the other electoral areas.
    - With regard to the regulations that govern the “Temporary Occupancy of an Existing Dwelling” (while a new dwelling is being constructed) it is being proposed to introduce a requirement for a “Decommissioning Plan”, which is consistent with previous Board direction as well as the requirement in the other electoral areas.
  - General Regulations to be repealed:
    - it is being proposed that “Screening and Landscaping” regulations that apply to commercially and industrially zoned parcels that adjoin a residential zone/use not be carried forward into the new bylaw. This is on the basis that the Regional District has not enforced these regulations and that “form and character” development permits are the better tool for this issue. Similar zoning regulations were removed from the other electoral areas in 2022.
    - it is proposed that “Setbacks for Strata Subdivisions”, which establish separate setback requirement for strata lots and strata roads not be carried forward. This is on the basis of the other changes to parcel line setbacks being introduced in support of SSMUH Implementation.
    - it is also being proposed that “Exterior Lighting” regulations, which speak to preventing glare on adjacent properties or roadways not be carried forward. This is on the basis that these are not zoning regulations and fall under the “nuisance” section of the *Local Government Act* (not the “zoning” section) and more properly resides in a “Good Neighbour Bylaw”. Similar zoning regulations were removed from the other electoral areas in 2022.
  - Subdivision Regulations:
    - it is proposed to revise the regulations for “hooked parcels” in order to require that no hooked part of a property be further than 30.0 metres from any other part.
    - it is being proposed to increase the minimum width permitted for a “panhandle” access from 6.0 metres to 8.0 metres.
  - Floodplain Regulations:
    - it is being proposed to remove an exemption that allows for a 25% floor area increase within a floodplain area every time the Board adopts a new zoning bylaw for Electoral Area “H”. This allowance is seen to be inconsistent with the regulation of development within a hazard area as well as the intent of the original exemption. A similar regulation was removed from the other electoral areas in 2022.

## Subdivisions

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There are approximately seven (7) subdivision referrals from the Ministry of Transportation and Infrastructure (MoTI) that the Regional District considers to be active and involve properties within Electoral Area “H”.

Of these, one (1) is seen to “be affected by proposed changes to the regulations ... comprised within the Bylaw”, specifically a 1-lot subdivision and boundary adjustment involving the parcels at District Lot 229, YDYG, and 551 Un-named Road (District Lot 1195, YDYG, Except Plan included within District Lot 901 & 627.

At issue is the proposed creation of a hooked parcel in which one of the parts of the hook will be in excess of 100 metres from any other part. A proposed new regulation would limit this distance to no more than 30 metres.

Under Section 511 of the *Local Government Act*, the applicant will have 12 months to complete their subdivision without having to comply with the new zoning regulations for hooked parcels. After 12-month, and if the subdivision is not complete, the applicant would need to seek a development variance permit (DVP) from the Board in order to complete their application.

NOTE: a separate boundary adjustment involving the parcels at Lot A, Plan KAP92425, District Lot 1506, KDYG, and 1245 Baker Hill Road may also be impacted by the proposed changes to the hooked parcel regulations.

While the subdivision plan referred to the Regional District does not appear to be proposing the creation of any hooked parcels, the property owner’s Surveyor has indicated that “additional dedication of Baker Hill Road within DL 1192 may be required” and this *could* result in the creation of hooked parcel(s). It is unknown if these would be (in)consistent with the proposed changes to the hooked parcel regulations.

**Respectfully submitted:**



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – “Land Use Bylaw Transition Policy” (2016)

NOTE: the Draft Electoral Area “H” Zoning Bylaw No. 3065 is linked to the report for 1<sup>st</sup> reading on the Board’s Regular Meeting Agenda for June 13, 2024.

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Attachment No. 1 – “Land Use Bylaw Transition Policy” (2016)

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
BOARD POLICY**

**POLICY:** Land Use Bylaw Transition Policy

**AUTHORITY:** Board Resolution dated February 11, 2016.

**POLICY STATEMENT**

The Regional District of Okanagan-Similkameen (RDOS) requires that, prior to first reading of a new Official Community Plan (OCP) Bylaw and/or Zoning Bylaw for an Electoral Area, the Board of Directors be apprised by Administration of the following:

- i) all significant policy changes comprised within the Bylaw(s); and
- ii) all current subdivision proposals which may be affected by proposed changes to the regulations (i.e. minimum parcel size requirements, development permit area designations, etc) comprised within the Bylaw(s).

**PURPOSE**

To ensure that the Board is properly apprised by Administration of all significant policy changes resulting from the preparation of a new OCP Bylaw and/or Zoning Bylaw for an Electoral Area prior to commencing the formal process to adoption.

**DEFINITIONS (IF REQUIRED)**

Not applicable

**RESPONSIBILITIES**

Development Services Department

**PROCEDURES**

Not applicable.