

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: June 13, 2024

RE: Electoral Area “H” Zoning Bylaw No. 3065 – SSMUH Compliance (H2024.005-ZONE)

Administrative Recommendation:

THAT the Electoral Area “H” Zoning Bylaw No. 3065, 2024, be read a first and second time and proceed to public hearing;

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of July 4, 2024; and

THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Purpose:

It is being proposed to introduce a new zoning bylaw for Electoral Area “H” in order to comply with new provincial requirements for Small-Scale Multi-Unit Housing (SSMUH) in the *Local Government Act*.

Background:

On November 30, 2023, the provincial Legislature adopted Bill 44, which introduced a number of substantial amendments to the *Local Government Act*, the intent of which was the delivery of “more small-scale, multi-unit housing for people, including townhomes, triplexes and laneway homes, and fix outdated zoning rules to help build more homes faster.”

As a result of these legislative changes, the Regional District is required to ensure that its zoning bylaw(s) comply with SSMUH requirements by June 30, 2024, and notify the Minister of Housing, in writing, that the bylaw(s) have been adopted, the location(s) of any exempted land(s) and the legislative provisions supporting the exemptions.

SSMUH Compliance can be in the form of amendments to an existing zoning bylaw, or the introduction of a new zoning bylaw.

The current Electoral Area “H” Zoning Bylaw was adopted by the Regional District Board at its meeting of April 13, 2013, and is now the oldest zoning bylaw in the Regional District, with the bylaw having been the subject of over 30 amendments in the intervening 11 years.

Board Consideration:

At its meeting of February 22, 2024, the Planning and Development (P&D) Committee of the Board considered a series of proposed amendments to the various Electoral Area zoning bylaws in order to achieve SSMUH Compliance.

Amongst other things, it was recommended that “the Electoral Area “G” & “H” zoning bylaws be repealed and replaced by a combined Similkameen Valley Zoning Bylaw.”

This was on the basis that the bylaws were no longer current – particularly in Electoral Area “H” – “and, given the scope of the amendments required by Bill 44, it is recommended that a new bylaw be applied to these electoral areas.”

The Committee subsequently resolved to not support the consolidation of the Electoral Area “G” & “H” zoning bylaws into a single bylaw.

The P&D Committee is further scheduled, at its meeting of June 13, 2024, to consider an Administrative Report that provides an assessment of the draft zoning bylaw against the Board’s “Land Use Bylaw Transition Policy” (2016).

Public Process:

On April 22, 2024, the Regional District provided written notification to approximately five (5) property owners of industrially zoned land and approximately 23 property owners of commercially zoned land advising of the Project and offering an opportunity to review the zoning of their land.

On May 28, 2024, an electronic Public Information Meeting (PIM) was held via the Webex platform and was attended by approximately two (2) members of the public.

On May 30, 2024, an in-person PIM was held at the Princeton Library and was attended by approximately four (4) members of the public.

The Draft Electoral Area “H” Zoning Bylaw No. 3065 was referred to the agencies listed at Attachment No. 1, and all comments received to date in relation to this application are included in the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed bylaw applies to lands within 800 metres of a controlled access highway (i.e. Highway 3).

Public Hearing:

Under Section 464(4) of the *Local Government Act*, the Regional District is prohibited from holding “a public hearing on a zoning bylaw proposed for the sole purpose of complying with section 481.3 [zoning bylaws and small-scale multi-family housing].”

While the principal impetus for reviewing the Electoral Area “H” Zoning Bylaw is to ensure compliance with Section 481.3 of the Act, this is not its sole purpose and the other proposed changes to the bylaw remain subject to legislated public hearing requirements. For this reason, Administration is recommending that a public hearing be scheduled for July 4, 2024.

Analysis:

Administration considers that the introduction of a new Electoral Area “H” Zoning Bylaw will improve ease of use by the public as well as staff, ensure compliance with provincial SSMUH requirements and is also an opportune time to address internal inconsistencies and conflicts that may have arisen within the bylaw following its adoption in 2013.

Further to the Board’s “Land Use Bylaw Transition Policy”, the most “significant” policy change between the current zoning bylaw and Draft Zoning Bylaw No. 3065 is seen to be in relation to ensuring SSMUH Compliance.

The other proposed changes are generally considered to be more minor in nature and generally reflect directions set by the Board in relation to other electoral area zoning bylaws.

In summary, Administration is supportive of the Electoral Area “H” Zoning Bylaw No. 3065, and is recommending in favour of the bylaw.

Alternatives:

1. THAT the Electoral Area “H” Zoning Bylaw No. 3065, 2024, be read a first and second time and proceed to public hearing;

THAT the holding of the public hearing be delegated to Director Coyne;

THAT staff schedule the date, time, and place of the public hearing in consultation with Director Coyne; and

THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

2. THAT first reading of the Electoral Area “H” Zoning Bylaw No. 3065 be denied.

Respectfully submitted:



C. Garrish, Planning Manager

Attachments:

No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding the Electoral Area “H” Bylaw No. 3065, 2024:

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input checked="" type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Osoyoos Indian Band
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Penticton Indian Band
<input type="checkbox"/>	Integrated Land Management Bureau	<input checked="" type="checkbox"/>	Upper Similkameen Indian Band
<input type="checkbox"/>	BC Parks	<input checked="" type="checkbox"/>	Lower Similkameen Indian Band
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Okanagan Falls Irrigation District
<input type="checkbox"/>	Kaleden Irrigation District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input type="checkbox"/>	OK Falls Irrigation District	<input type="checkbox"/>	Fraser Valley Regional District