

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: February 6, 2020

RE: Official Community Plan & Zoning Bylaw Amendment – Accessory Dwelling Update Electoral Areas “A”, “C”, “D”, “E”, “F” & “I”

Administrative Recommendation:

THAT Bylaw No. 2785, 2020, Regional District of Okanagan-Similkameen Accessory Dwelling Update Amendment Bylaw be read a third time, as amended.

Proposed Development:

The purpose of Bylaw No. 2785 is to amend the Okanagan Electoral Area Official Community Plan (OCP) and Zoning Bylaws in order to allow for “accessory dwellings” (i.e. carriage houses) as a permitted use in certain low density residential zones (i.e. RS1, RS2, etc.) and Small Holdings (SH) zones.

Background:

At its meeting of March 7, 2019, the Planning and Development (P&D) Committee of the Board resolved that the Okanagan Electoral Area OCP Bylaws and Zoning Bylaws be amended to allow accessory dwelling units as a permitted use in the Small Holdings and Low Density Residential zones.

At its meeting of January 9, 2020, the Regional District Board resolved to approve first and second reading of the amendment bylaw and directed that a public hearing occur at the Board meeting of February 6, 2020.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed zoning amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97 & 3).

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

Communities that have introduced accessory dwellings (“carriage houses”) as a permitted type of dwelling in low density residential zones have generally seen this as an opportunity to:

- diversify housing stock and add housing choice;
- allow for greater privacy and independence for both the owner and the tenant;
- create a more liveable alternative to basement suites;
- create potential accommodation for extended family or caregivers;
- allow people to age in place and stay on their properties as their lifestyles change over time; and

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- expand rental housing options for young people, seniors and families while generating rental income for homeowners.

For these reasons, Administration has generally supported the introduction of accessory dwellings as a permitted form of dwelling type in the low density residential (RS) and small holdings (SH) zones and views these dwellings as meeting the affordable and rental housing objectives found in the various Electoral Area OCP Bylaws.

As considered by the Board at the March 7, 2019, meeting of the P&D Committee, there are a number of land use bylaw amendments required to facilitate this, including:

- supportive OCP policy statements in the Small Holdings (SH) land use designation;
 - due to the geo-technical hazard conditions that exist in the “Greater West Bench” area of Electoral Area “F”, it is proposed to maintain the existing policy statements restricting secondary suite and accessory dwelling development until such time as these hazard conditions can be adequately addressed.
- amended or new definitions for “accessory dwelling”, “amenity space”, “floor area, finished”, “floor area, gross”, “floor area ratio” and “secondary suite”;
- amended density provisions in the RS & SH zones allowing a maximum of one (1) “secondary suite” or “accessory dwelling” — but not both.
- limiting the maximum floor area of an accessory dwelling in the RS and SH zones to 90.0 m²;
 - it is further proposed to amend the maximum floor area provisions for accessory dwellings in the RA and LH Zones to reflect the clustering allowance applied to the AG Zones in 2017 (i.e. a maximum floor area of 360.0 m² for one accessory dwelling on a parcel greater than 16 ha in area).
- the maximum height of an accessory dwelling comply with the allowance for accessory structures in the applicable zone;
- that an “accessory dwelling” not be required to be attached to a garage or workshop (i.e. they be permitted as stand-alone structures);
- secondary suites on parcels less than 1.0 ha in area be connected to the same septic system that services the principal dwelling unit (as per direction from Okanagan Basin Water Board);
- a minimum amenity area of 15.0 m² be provided for secondary suites and accessory dwellings;
- accessible vehicle parking spaces (i.e. that a space not be in tandem — one-behind-another — with those for the principal dwelling) be provided for secondary suits and accessory dwellings;
- A building or structure is deemed to be a portion of a principal building if the following conditions are satisfied:
 - i) the building or structure shares a common wall with the principal building, where the common wall constitutes at least 50% of the vertical plane of the building or structure; and
 - ii) the building or structure shares, with the principal building, a common:
 - a) foundation; or
 - b) roof.

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- a new West Bench Small Holdings (SH6) Zone and West Bench Low Density Residential (RS6) Zone be introduced to the Electoral Area “F” Zoning Bylaw in order to maintain current prohibition against secondary suites and accessory dwelling in this community due to geotechnical hazards; and
 - introducing an RS1 Zone to 9 parcels on Heron Drive in Electoral Area “F” that were developed as part of the “Red Wing Resorts” subdivision and which are currently situated outside of the Penticton Indian Reserve No. 1.

With regard to the proposed amendments that Administration is recommending occur at 3rd reading, these are in relation to the inclusion of a new Section 2 & 3 in the amendment bylaw.

This will allow complete building permit applications for secondary suites, accessory dwellings and accessory structures that *may* not meet the new regulations to be “grandfathered” under the old regulations. Such applications will, however, have to be complete and be submitted to the Regional District prior to the adoption of Bylaw 2785.


Alternatives:

1. THAT third reading of Bylaw No. 2785, 2020, Regional District of Okanagan-Similkameen Accessory Dwelling Update Zoning Amendment Bylaw be deferred; or
2. THAT first and second reading of Bylaw No. 2785, 2020, Regional District of Okanagan-Similkameen Accessory Dwelling Update Zoning Amendment Bylaw be rescinded and the bylaw abandoned.

Respectfully submitted:


C. Garrish, Planning Manager

Endorsed By:


B. Dollevoet, G.M. of Development Services