

ADMINISTRATIVE REPORT



TO: Planning & Development Committee

FROM: J. Zaffino, Chief Administrative Officer

DATE: January 23, 2025

RE: Land Use Bylaw Amendments — SSMUH Implementation (X2025.001-ZONE)

Administrative Recommendation:

THAT the Okanagan Electoral Area Small-Scale Multi-Family Housing Implementation Zoning Amendment Bylaw No. 2800.53 be initiated.

Purpose:

The purpose of this report is to provide options to the Board in relation to proposed land use bylaw amendments required to ensure compliance with changes enacted to the *Local Government Act* in 2023 related to Small-Scale Multi-Unit Housing (SSMUH).

Legislative Requirements:

Pursuant to Section 481.3(2) of the *Local Government Act* (the “Act”), the Regional District is required to have zoning in place by June 30, 2024, that permits for a minimum of two (2) dwelling units per parcel and, in certain circumstances, up to four (4) dwelling units per parcel.

Section 481.3(7) of the Act also requires that a local government developing or adopting a zoning bylaw to permit the use and density of use required under Section 481.3 must consider any guidelines issued by the Minister in relation to Small-Scale Multi-Unit Housing (SSMUH).

The Regional District is required to notify the Minister, in writing, that the bylaw(s) have been adopted, the location of any exempted lands and the provisions supporting the exemptions.

Under Section 584 of the Act, the Minister retains authority to determine a bylaw to be contrary to the public interest of British Columbia and to direct a local government to alter the bylaw to address the Minister’s objections.

If the local government does not alter the bylaw in accordance with a notice from the Minister, the Minister may, with the prior approval of the Lieutenant Governor in Council, order the bylaw to be altered in accordance with the notice. On the date of such an order by the Minister, the local government’s bylaw is conclusively deemed to be altered in accordance with the notice.

Background:

On December 6, 2024, the Regional District received correspondence from the Ministry of Housing and Municipal Affairs advising the following:

... the compliance deadline for implementing small-scale multi-unit housing (SSMUH) legislative requirements has passed, and the Ministry of Housing has not yet received notification of the Regional District of Okanagan-Similkameen (RDOS) adopting a SSMUH zoning bylaw.

We would appreciate knowing when zoning bylaw amendments to implement SSMUH legislative requirements are expected to be on the Board's agenda and considered for subsequent readings and adoption. Should the Board choose not to adopt the required bylaw amendments, RDOS may be subject to compliance measures.

At its meeting of January 9, 2025, the Planning and Development (P&D) Committee of the Board considered the letter from the Ministry of Housing and Municipal Affairs and directed that the Okanagan Valley Zoning Bylaw be amended so that the RS1 and RD1 zones are brought into compliance with the SSMUH requirements of the *Local Government Act*.

Analysis:

Further to the direction provided by the P&D Committee of the Board, the proposed amendments to the Okanagan Valley Zoning Bylaw will address the "restricted" nature of the Low Density Residential (RS1) and Low Density Residential Duplex (RD2) zones by:

- introducing "secondary suite" as a permitted accessory use within a "single detached dwelling" unit; and
- allowing a maximum number of two (2) dwelling units per parcel.

Administration considers that this will bring the Okanagan Valley Zoning Bylaw into compliance with the SSMUH requirements of the *Local Government Act*.

The adoption of a new Electoral Area "H" zoning bylaw on July 25, 2024, is seen to have previously addressed compliance issues in this electoral area, while the Electoral Area "G" zoning bylaw is already compliant with SSMUH minimum density requirements.

Alternative:

Conversely, the option of not initiating an amendment to the Okanagan Valley Zoning Bylaw is available to the Board but is not recommended as this would result in the bylaw remaining non-compliant with the SSMUH requirements of the Act.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

Under Section 461(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]." Accordingly, no communication strategy is being proposed in relation to the adoption of the proposed amendments to the zoning bylaw.

Alternative:

1. THAT the Okanagan Electoral Area Small-Scale Multi-Family Housing Implementation Zoning Amendment Bylaw No. 2800.53 not be initiated.

Respectfully submitted:



C. Garrish, Senior Manager of Planning