

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** January 9, 2020

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

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### **Administrative Recommendation:**

**THAT** Bylaw No. 2785, 2020, Regional District of Okanagan-Similkameen Accessory Dwelling Update Amendment Bylaw be read a first and second time and proceed to public hearing;

**AND THAT** the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated January 9, 2020, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

**AND THAT**, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2785, 2020, in conjunction with its Financial and applicable Waste Management Plans;

**AND THAT** the holding of a public hearing be scheduled for the Regional District Board meeting of February 6, 2020;

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

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### **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. These amendments are part of on-going work related to the preparation of an Okanagan Valley Electoral Area Zoning Bylaw.

### **Background:**

At its meeting of October 16, 2008, the Board considered an Administrative Report proposing the creation of a single Electoral Area Zoning Bylaw and directed staff to investigate the preparation of such a bylaw.

Since that time, Administration has balanced work on a consolidated Okanagan Valley zoning bylaw with competing demands related to current planning (i.e. rezoning and permit applications) and other long-range planning projects (i.e. RGS, OCP & Area Plan reviews).

In support of this project, the Regional District’s recent Business Plans have included the development of “a consolidated Okanagan Valley Zoning Bylaw” and ensuring “all existing bylaws and policies are kept in a current and useful form ...” as on-going projects.

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In anticipation of bringing forward a draft zoning bylaw for consideration to the Board, Administration will be presenting a series of draft amendments (by zone category) over the coming months intended to update various zones and facilitate their eventual consolidation in a new bylaw.

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.

**Referrals:**

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).

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 53 & 67 have been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural land. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaw.

**Public Process:**

The bylaw was also notified on the Regional District's web-site, social media accounts and by inclusion in the "bi-weekly" advertisement in local newspapers.

Administration recommends that the written notification of affected property owners as well as formal referral to the agencies listed at Attachment No. 1, should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, the consultation process undertaken is seen to be sufficiently early and does not need to be further ongoing.

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 secondary suites;

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- create accommodation for extended family or caregivers;
  - allow people to age in place and stay on their properties as their lifestyles change over time; and
  - 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 m<sup>2</sup>;
  - 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 m<sup>2</sup> 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 m<sup>2</sup> 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 suites 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:

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- a) foundation; or
  - b) roof.
- 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.

**Alternatives:**

1. THAT Bylaw No. 2785, 2020, Regional District of Okanagan-Similkameen Accessory Dwelling Update Zoning Amendment Bylaw be deferred; or
2. THAT Bylaw No. 2785, 2020, Regional District of Okanagan-Similkameen Accessory Dwelling Update Zoning Amendment Bylaw be denied.

**Respectfully submitted:**



C. Garrish, Planning Manager

**Endorsed By:**



B. Dollevoet, G.M. of Development Services

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 Amendment Bylaw No. 2785:

<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 checked="" type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Environment & Climate Change Strategy	<input 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"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input checked="" type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input checked="" type="checkbox"/>	School District #53	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input checked="" type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input checked="" type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input checked="" type="checkbox"/>	Willowbrook Volunteer Fire Dept.
<input checked="" type="checkbox"/>	Naramata Volunteer Fire Dept.	<input checked="" type="checkbox"/>	Anarchist Mountain VFD
<input checked="" type="checkbox"/>	OK Falls Volunteer Fire Dept.	<input checked="" type="checkbox"/>	Kaleden Volunteer Fire Dept.