

Housing Statutes (Residential Development)
Amendment Act, 2023 – Bill 44

Development Permit Area Designations

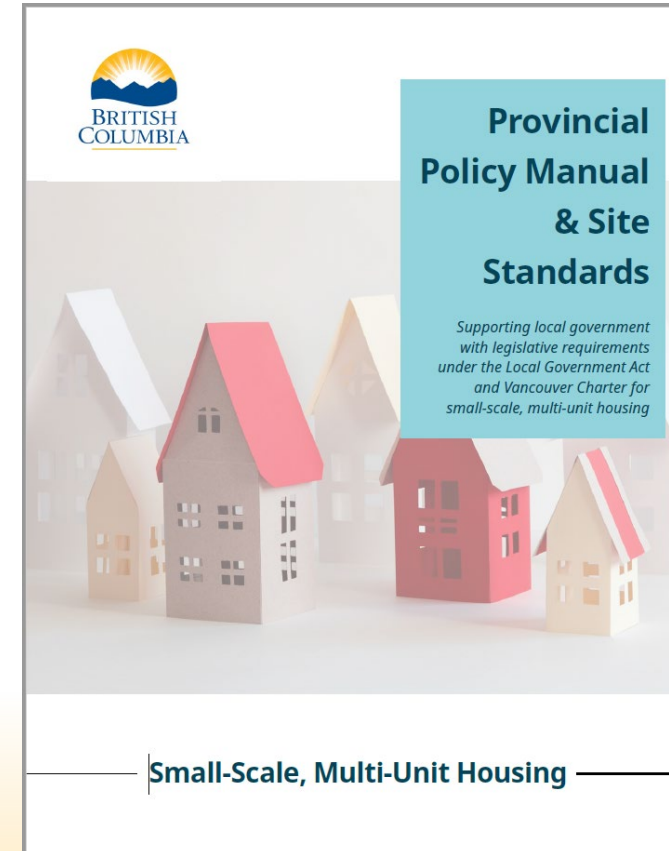
Planning and Development Committee

Thursday February 22, 2024

Development Permit Area Designations

Provincial Policy Manual:

- the Board “must consider applicable guidelines” made by the Minister;
- the Manual includes recommended approaches to development permit area designations.
- the Board should create “a favourable regulatory environment” for new building forms in areas traditionally reserved for detached single-family and duplex homes.



Development Permit Area Designations

Provincial Policy Manual:

- *local governments in BC commonly use DPAs to achieve objectives that are outside the purposes prescribed in the LGA, and which can be regulated in other more appropriate ways.*
- DP area guidelines can negatively impact the viability of small-scale multi-unit housing development and local governments are encouraged to consider alternate approaches.



Development Permit Area Designations

“Form & Character” DPs (Policy Manual):

- *of the all the types of DPAs allowed under the LGA, those established ... for the purpose of managing the form and character of SSMUH development have the greatest potential to negatively impact the creation of new housing units.*
- *DPAs and the development guidelines through which they are typically exercised, can introduce significant time, costs, delays, and uncertainty into projects. In the context of SSMUH housing, these factors can easily undermine the viability of projects.*

Development Permit Area Designations

“Form & Character” DPs:

- The Regional District has implemented six (6) different DP Areas related to form and character:
 - OK Falls Multiple Family
 - OK Falls Town Centre
 - OK Falls Industrial
 - OK Falls Commercial
 - Naramata Village Centre
 - Gallagher Lake Commercial

Development Permit Area Designations

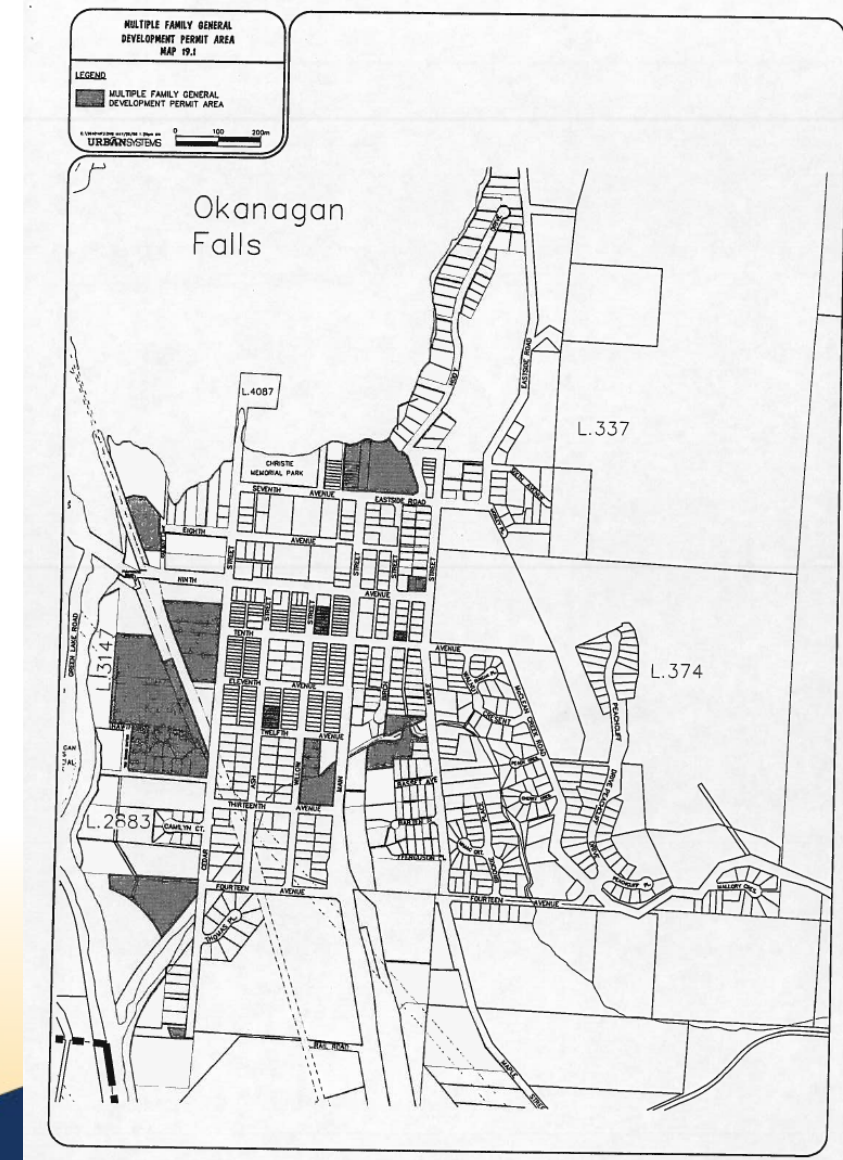
“Form & Character” DPs:

- Of these, three (3) are seen to be related to the form and character of multi-unit residential development:
 - OK Falls Multiple Family
 - OK Falls Town Centre
 - OK Falls Industrial
 - OK Falls Commercial
 - Naramata Village Centre
 - Gallagher Lake Commercial

Development Permit Area Designations

Multiple Family DP Area:

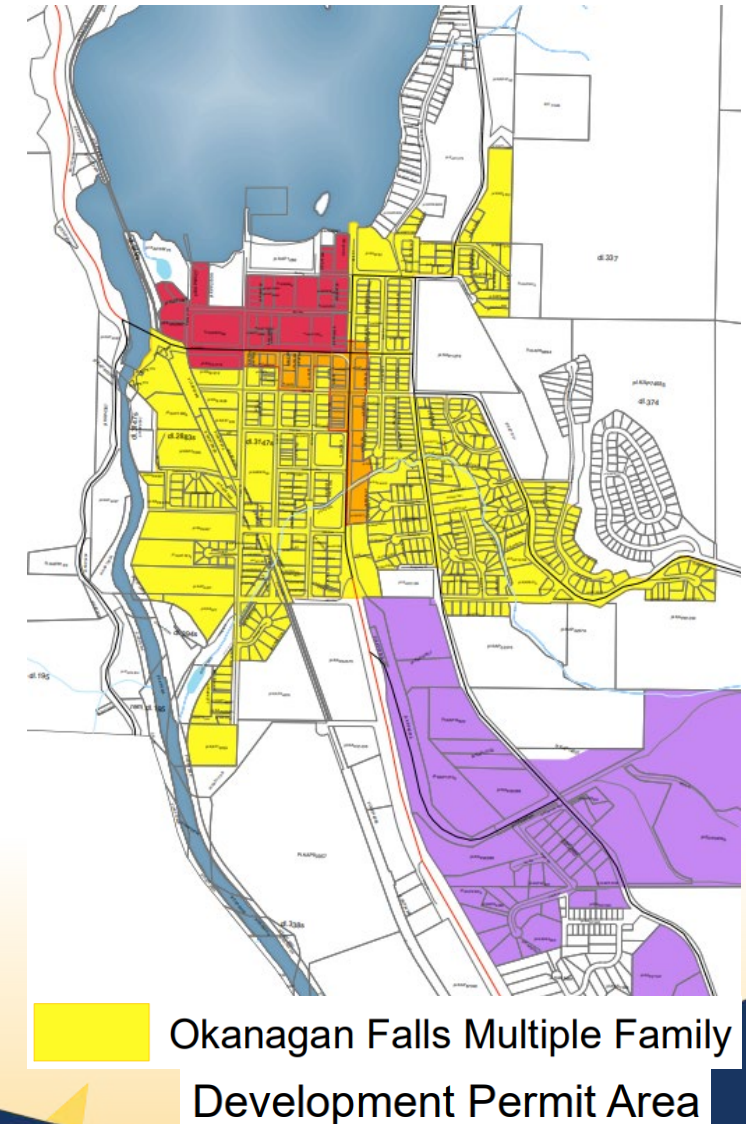
- First introduced to the Electoral Area “D” OCP Bylaw in 1996.
- Generally applied to lands designated for “multi-family” development (e.g. Medium Density (RM1) Zone).
- Any development comprising two (2) or more units on designated parcels requires a development permit.



Development Permit Area Designations

Multiple Family DP Area:

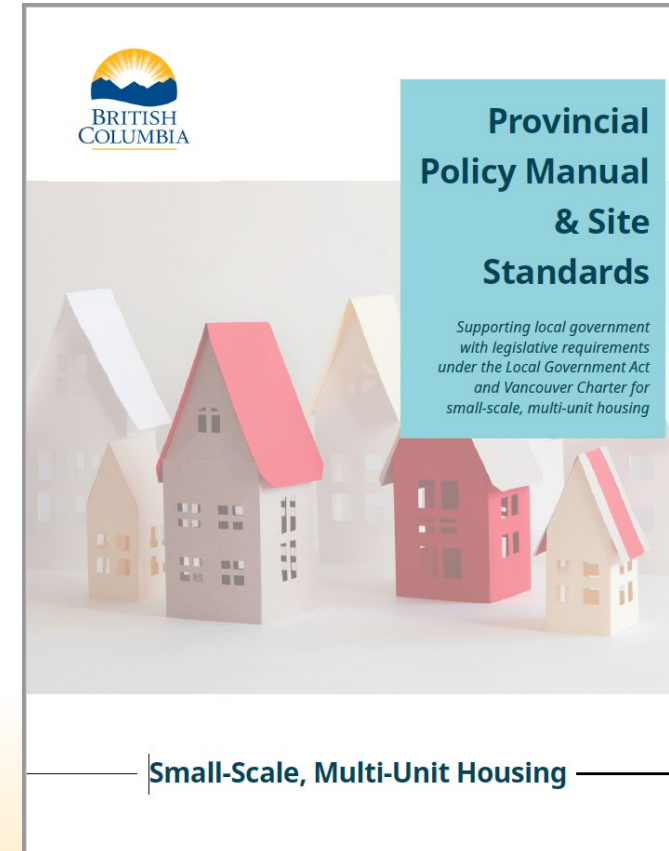
- Area that is subject to the Multiple Family DP designation expanded as part of 2013 OCP Review.
- Justification remained un-changed.
- Development requiring a permit also remained un-changed (i.e. duplexes, townhouses, apartment buildings).
- Approximately six (6) DPs have been issued since 2001.



Development Permit Area Designations

Provincial Policy Manual:

- *DPA guidelines predicated on an evaluation of how a project may impact neighbouring properties prioritizes the interests of existing single-detached dwellings and detracts from the intention of the SSMUH legislation, which is to stimulate the creation of new SSMUH homes.*



Development Permit Area Designations

OK Falls Multiple Family DP Area Justification:

- *Good design guidelines can help ensure that the development enhances the area rather than creates an eyesore and a source of friction between existing residents and the new development.*
- *The objective of this designation is to ensure that multiple family residential development is attractive and compatible with existing neighbourhoods and the rural character of the surrounding area.*

Development Permit Area Designations

OK Falls Multiple Family DP Area Guidelines:

- *The mass and façade of buildings should be articulated with variations in materials and detailing to maintain the scale of the existing neighbourhood.*
- *The design and introduction of new building types to a residential neighbourhood should provide harmony and lend continuity to the neighbourhood and should not create excessive disruption of the visual character of the neighbourhood.*

Development Permit Area Designations

OK Falls Multiple Family DP Area Guidelines:

- *... abrupt transition between well-established areas of single family buildings and higher proposed multi-family development is undesirable.*
- *Multiple Family development is encouraged to be sensitive to the existing neighbourhood.*
- *The mass and façade of buildings should be articulated with variations in materials and detailing to emulate the scale of the existing neighbourhood.*

Development Permit Area Designations



Development Permit Area Designations

Provincial Policy Manual:

- *Some form and character DPA guidelines require buildings to have primary entrances to each residential unit that face, or are visible from, the street. Adherence to such guidelines may limit creative building design or be open to administrative misinterpretation.*



Development Permit Area Designations

OK Falls Multiple Family DP Area Guidelines:

- *All units facing a street should have a street orientation, including picture windows and pedestrian entrances to the street.*
- *Front entrances should be well defined and provide a focal point to the building.*

Development Permit Area Designations

Provincial Policy Manual:

- *Guidelines that attempt to manage building height through a development permit to reduce impact on adjacent buildings or address shadow or privacy are not best practice for buildings of three storeys or less. Maximum building height is more appropriately regulated through the zoning bylaw.*



Development Permit Area Designations

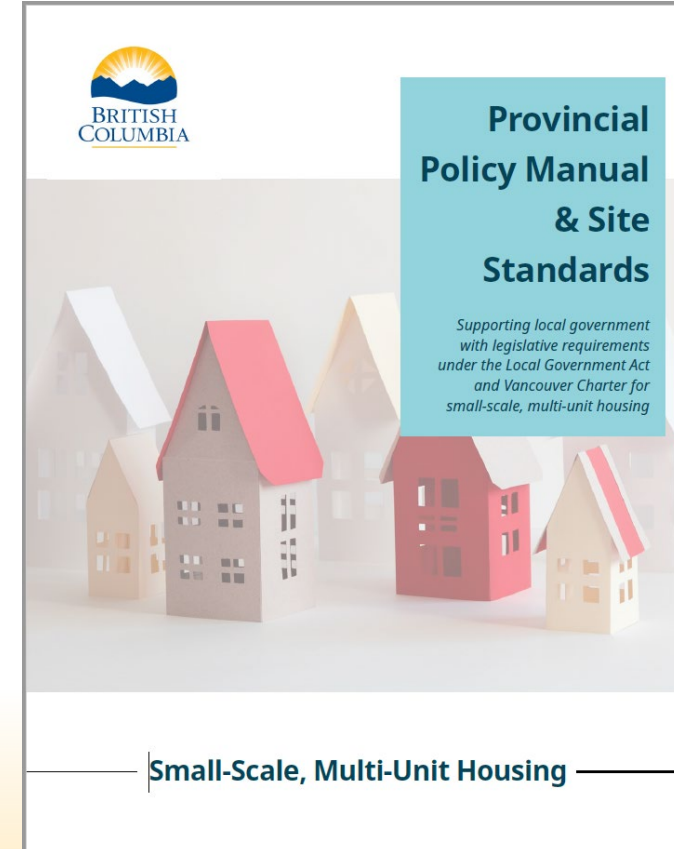
OK Falls Multiple Family DP Area Guidelines:

- *New development should not be greater than one storey higher than adjacent development. Subsequent storeys should be terraced back a minimum of 3.0 metres.*

Development Permit Area Designations

Provincial Policy Manual:

- *Policies that require parking areas to be completely enclosed or screened may result in more space being allocated for vehicles that could be dedicated for living. The same is true for solid waste management infrastructure.*



Development Permit Area Designations

OK Falls Multiple Family DP Area Guidelines:

- *The site should be provided with supplementary screening in the form of walls, fencing, hedging, planting, other screening materials or a combination of materials in the following areas: around outdoor storage areas and waste containers, heating and cooling equipment, and other service areas; and between parking areas and the street.*

Development Permit Area Designations

Provincial Policy Manual:

- *Policies that require landscaping plans by a qualified landscape architect or irrigation installation are discouraged. For SSMUH there may be little landscaped area and these requirements may not be necessary.*



Development Permit Area Designations

OK Falls Multiple Family DP Area Guidelines:

- *Landscaping design plans prepared by a landscape professional will be required with landscaping densities designed to industry standards.*
- *A 30 metre [landscaped] setback for multi-family buildings, and a 2 metre high trespass proof, chain or solid wood fence be required between a multi-family development and the adjoining Agricultural Land Reserve parcel.*

Development Permit Area Designations

Issues:

- The stated justification for the Multiple Family DP Area, being the protection of existing residential neighbourhoods, is incompatible with the direction provided by the province.
- Many of the MFDP Area guidelines have been drafted to protect the character of existing low density residential neighbourhoods.
- The scope of amendments required to ensure the MFDP is consistent with provincial policy direction would be extensive.

Development Permit Area Designations

Options:

1. Repeal the MFDP Area designation.
2. Revise the MFDP Area designation as follows:
 - a) repeal all guidelines that may negatively impact the creation of new housing;
 - b) only apply the MFDP to developments of 7+ units;
 - c) only designate lands MFDP that are zoned RM1.
3. Status quo.

Development Permit Area Designations

Town & Village Centre DP Areas:

- Residential Guidelines contained within these DPs contain some of the same design recommendations found in the MFDP:
 - *Medium density developments should be sensitive to the existing residential context;*
 - *All ground-oriented residential units facing a street should have a street orientation ...;*
 - *Medium density residential buildings greater than three storeys in height should have the fourth and any higher floors stepped back ...*
 - *Landscaping plans prepared by a landscape professional will be required.*

Development Permit Area Designations

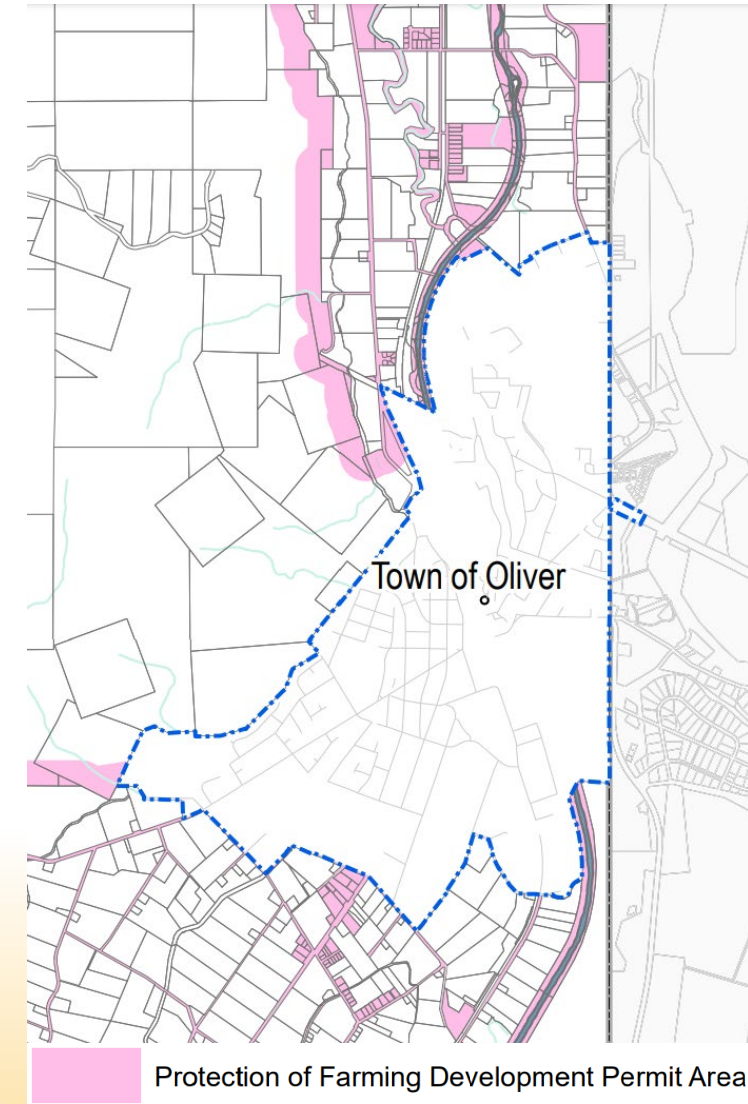
Options:

1. Repeal the Town & Village Centre DP designations.
2. Revise the Town & Village Centre DP designations by repealing all guidelines that may negatively impact the creation of new housing.
3. Status quo.

Development Permit Area Designations

Protection of Farming DP Area:

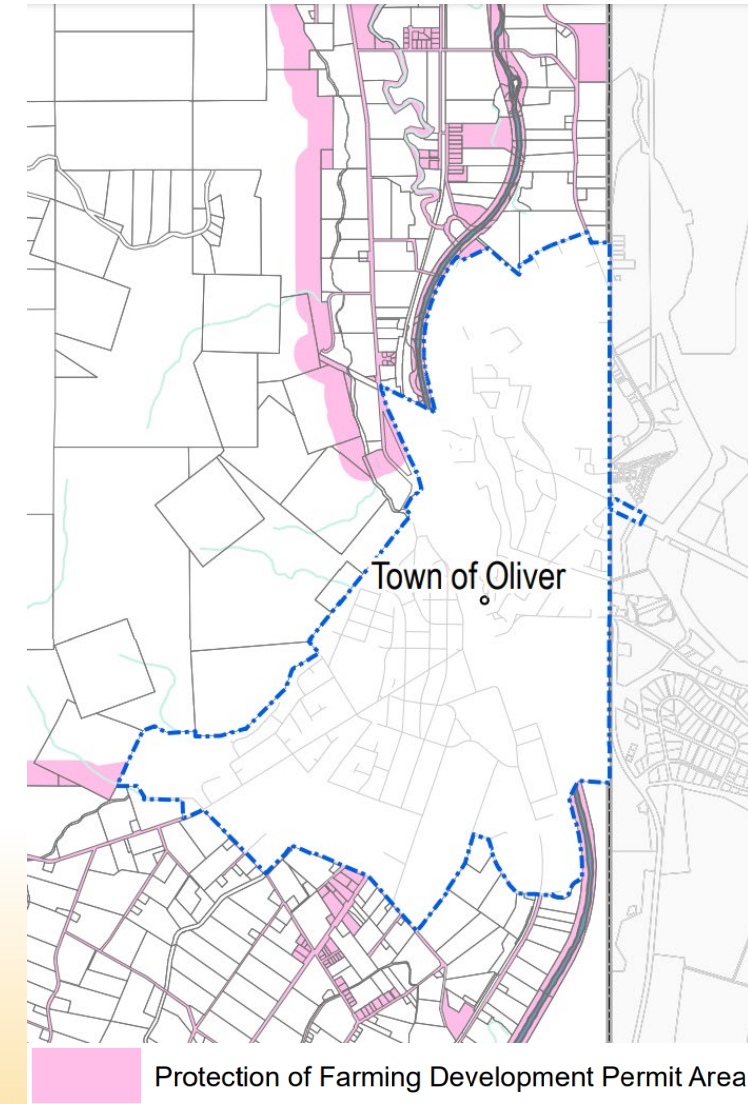
- Introduced into the Electoral Area “C” OCP Bylaw in 2012.
- Implementation of the DP was a recommendation of the Electoral Area “C” Agricultural Area Plan (AAP).
- Applies to lands 150 metres opposite the Agricultural Land Reserve (ALR) boundary.
- No PFDPs have ever been issued.



Development Permit Area Designations

Protection of Farming DP Area:

- When subdividing land within a PFDP Area, the guidelines require the following:
 - 15.0 metre buffer to ALR boundary;
 - residential building envelope outside of buffer area;
 - no direct road ends;
 - fencing; and
 - use of non-invasive species.



Development Permit Area Designations

Issues:

- concerns being addressed in the PFDP can be considered prior to the rezoning of a property to facilitate subdivision (i.e. is rezoning appropriate given proximity of ALR boundary);
- the 15.0 metre buffer requirement likely creates a hardship on many properties that may otherwise be suitable for residential dwellings.



Development Permit Area Designations

Options:

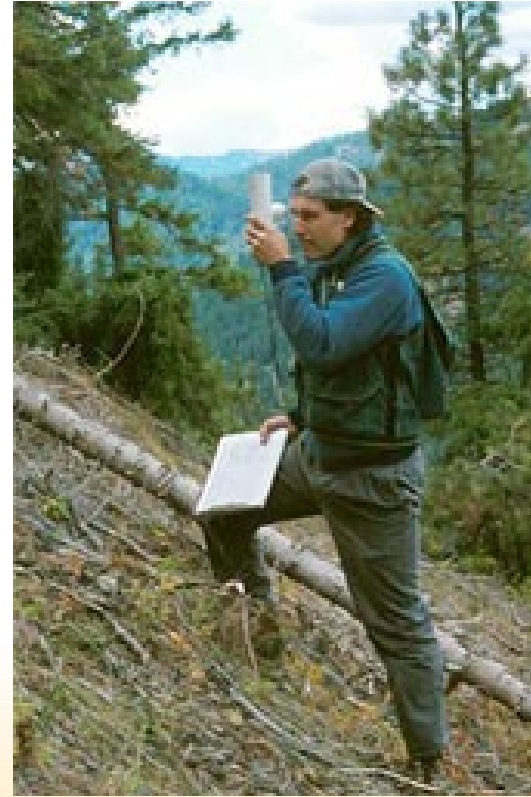
1. Repeal the Protection of Farming DP designation.
2. Revise the Protection of Farming DP designation by reducing the required 15.0 metre buffer strip from the ALR boundary.
3. Status quo.

Development Permit Area Designations

Protection of Environment DP Areas:



Watercourse DPs



Environmentally Sensitive DPs

Development Permit Area Designations

Recommendations:

1. Repeal the Multiple Family DP designation and supporting policies;
2. Repeal the Protection of Farming DP designation and supporting policies;
3. Revise the Town and Village Centre DP designations by removing guidelines that may negatively impact the creation of multi-unit housing.

Development Permit Area Designations

Next Steps:

- Prepare amendment bylaws responding to new legislation by **June 30, 2024**;
- Prepare Interim Housing Report by **December 31, 2024**.
 - provincial funding announced in January; and
 - provincial criteria to be released in February.
- Prepare amendment bylaws responding to Interim HNR by **December 31, 2025**.

QUESTIONS?