

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: February 20, 2025

RE: Small-Scale Multi-Unit Housing (SSMUH) Implementation - Zoning Bylaw Amendments (X2025.001-ZONE)

Administrative Recommendation:

THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.53, 2025, be read a first, second, and third time.

Purpose:

The purpose of this report is to amend the Okanagan Valley Zoning Bylaw No.2800 in order to ensure compliance with *Local Government Act* requirements for 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 23, 2025, the Planning and Development (P&D) Committee of the Board resolved that Zoning Amendment Bylaw No.2800.53 be initiated.

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

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.

Summary:

In summary, the administration recommends enabling a more flexible housing development through compliance with the provincial legislation to implement SSMUH.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed bylaw amendment(s) have been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternative:

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.53, 2025 be denied.

Respectfully submitted:

Tharini Prakash
Tharini Prakash
Planning Technician

Endorsed By:



C. Garrish
Senior Manager of Planning

Endorsed By:



A. Fillion
Managing Director, Dev. & Infrastructure