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REGIONAL DISTRICT OF CENTRAL OKANAGAN
PUBLIC HEARING AGENDA

Monday, January 27, 2020
7:00 p.m.
Woodhaven Board Room
1450 K.L.O. Road, Kelowna, BC

Pages

1. CALL TO ORDER

Chair Given acknowledged that this meeting is being held on the traditional territory of the syilx/Okanagan peoples.

This Special Meeting is being held for the purpose of considering amendments to the RDCO Joe Rich Rural Land Use Bylaw No. 1195 and RDCO Zoning Bylaw No. 871.

The **Public Hearing was advertised** as follows:

- Kelowna Capital News on Friday, January 17th and Wednesday, January 22, 2020, (pursuant to the Local Government Act), and,
- Peachland View and Vernon Morning Star on Friday, January 17, 2020.

The role of the Regional Board is to hear representation from those persons who wish to provide comments regarding the proposed bylaws. Everyone who wishes to speak shall be given the opportunity to be heard. No one will be, or should feel, discouraged or prevented from making his or her views known. However, it is important that all who speak at this meeting restrict their remarks to matters contained in the bylaws and it is my responsibility as Chairperson of this meeting to ensure that all remarks are so restricted.

Members of the Regional Board may, if they so wish ask questions of you following your presentation. However, the main function of the Regional Board members this evening is to listen to the views of the public. It is not the function of the Regional Board at this Public Hearing to debate the merits of the proposed bylaws with individual citizens.

No decision will be made at the Hearing, but the entire proceedings will be considered by the Regional Board at a subsequent meeting.

Submissions regarding the proposed bylaws may be received prior to or at this Hearing.

No further information or representations can be considered by the Regional Board after the Public Hearing is terminated.

- 1.1 **Joe Rich Rural Land Use Amendment Bylaw No. 1195-22 (File No. RLUB-17-02) Central Okanagan East Electoral Area** 1 - 20

Applicant: Regional District of Central Okanagan

Received First Reading: November 25, 2019

To amend Joe Rich Rural Land Use Bylaw No. 1195 to incorporate changes to secondary suite regulations.

- 1.2 **Zoning Amendment Bylaw No. 871-257 (File No. Z17/05) - Central Okanagan West Electoral Area** 21 - 40

Applicant: Regional District of Central Okanagan

Received First Reading: November 25, 2019

To amend Zoning Bylaw No. 871 to incorporate changes to secondary suite regulations.

2. **TERMINATE & ADJOURN**



Regional Board Report

For the Public Hearing January 27, 2020

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: January 27, 2020

SUBJECT: Text Amendments to Joe Rich Rural Land Use Bylaw No. 1195, 2007
Joe Rich Rural Land Use Amendment Bylaw No. 1195-22

Purpose: To amend secondary suite regulations in Joe Rich Rural Land Use Bylaw No. 1195.

Executive Summary:

In 2017, staff began a policy review of secondary suite regulations in the Central Okanagan Electoral Areas. During the review process, it was identified that increasing density by permitting secondary suites in all residential land use designations may cause drainage and slope stability challenges, particularly in areas without access to community sewer and without proper drainage plans.

Following extensive analysis and review, Planning Services staff is recommending the current process of requiring a land use designation amendment remain in place which will have the Regional Board making informed decisions on a site-specific, case by case basis. Furthermore, several recommended changes to Zoning Bylaw No. 871 will reflect recent updates to the B.C. Building Code with respect to design and construction requirements for secondary suites.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Todd Cashin".

Todd Cashin
Director of Community Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

Prepared by: Brittany Lange, Environmental Planner

Background:

In 2016, the Regional Board directed staff to review secondary suite regulations to consider allowing secondary suites by policy rather than through bylaw amendments, and to establish regional consistency. As such, in 2017 Planning staff embarked on a policy review of secondary suites in the Central Okanagan Electoral Areas. Subsequently, staff engaged with the public by attending community events, conducting an online survey, and making information available at the Planning Services front counter to gauge the public's opinion on proposed regulatory changes.

Upon review of the information received during this process, issues were raised regarding drainage and servicing, most notably with the number of small, undeveloped lots in the Electoral Areas. Secondary suites, which are self-contained and located within an existing single family dwelling, have always been considered acceptable to tie into the primary septic field assuming that the field is sized appropriately, and with proper maintenance and treatment. However, recognizing the rural nature of the Electoral Areas and minimal servicing, increasing density in all residential zones may not be appropriate and may cause a significant strain on servicing and the environment.

On November 25, 2019, the Regional Board granted first reading of the amendment bylaws for secondary suites and recommended that staff move forward with a public hearing.

Timeline

2017	2018	January 2019	April 2019	May 2019	November 2019	January 2020
<ul style="list-style-type: none"> Staff began policy review and referral Project delayed due to flooding and fire emergencies 	<ul style="list-style-type: none"> Staff continued with policy review Re-referral to RDCO Departments and External Agencies 	<ul style="list-style-type: none"> Staff brought forward summary of policy review Staff proceeded with a technical stakeholder review 	<ul style="list-style-type: none"> Staff brought forward summary of technical review process and recommended policy changes 	<ul style="list-style-type: none"> Staff brought forward 1st reading of the amendment bylaw Moratorium on secondary suite applications 	<ul style="list-style-type: none"> Staff brought application back for 1st reading of the amendment bylaw due to changes in the B.C. Building Code. 	<ul style="list-style-type: none"> Public Hearing of the proposed bylaw amendments

Rural Land Use Bylaw Amendment Proposals

Following extensive analysis, research, and careful consideration of the comments received to date, staff is recommending the following key changes to secondary suite regulations:

Item 1: To continue to require an amendment under the Joe Rich Rural Land Use Bylaw No. 1195 for LH, RA, SH-1, SH-2, and CR land use designations to permit a secondary suite and add the 's' designation.

- Rationale: The bylaw amendment/redesignation process allows the Regional District to consider secondary suites on a site specific, case by case basis.

Item 2: Removing any limit to total floor area or percentage distribution of the secondary suite to the principal building.

- Rationale: The Ministry of Municipal Affairs and Housing has adopted changes to the current B.C. Building Code that will impact land use planning decisions (See Appendix 'A'). To align with the provincially legislated changes, Planning staff recommends removing limits to the size of a secondary suite.

Item 3: Define '*breezeway*', '*carport*', '*private water source*', and '*on-site sewerage system*'.

- Rationale: Connecting a secondary suite to a principal dwelling via an open, unenclosed space is seen as a form of subdivision and is not consistent with the Okanagan Basin Water Board's 1.0 hectare policy, or the B.C. Building Code. To avoid ambiguity going forward, *breezeway* and *carport* will be defined to clarify what 'located within a single detached house' means and ensure secondary suites constitute a single real estate entity.
- In addition, '*private water source*' and '*on-site sewerage system*' are defined to ensure consistency with the RDCO Subdivision Servicing Bylaw No. 1397 and the Provincial *Sewerage System Regulation*.

Item 4: To allow only one secondary suite or one additional dwelling unit per parcel, where land use permits.

- Rationale: Currently, a single parcel of land that equals or exceeds 8 hectares is permitted to have one single family dwelling with a secondary suite (amended to the 's' designation) as well as one additional dwelling unit subject to further regulations under Part 3 – Section 3.13 of Bylaw No. 1195. To be consistent with surrounding jurisdictions and to minimize environmental impacts, staff is proposing that only one suite or one additional dwelling unit be permitted where land use and parcel size permit.

Item 5: To require that new and existing on-site sewerage systems demonstrate compliance with today's standards and include a primary reserve area for a back-up Type I trench system.

- Rationale: Technical stakeholders, including Interior Health Authority, local hydrogeologists, groundwater technicians, and onsite wastewater practitioners all agreed that stronger regulations are needed regarding on-site sewerage systems. Given this, it was recommended that new and existing septic systems are reviewed to ensure compliance with today's standards and can sufficiently accommodate the increased density of adding a secondary dwelling.

Furthermore, several of the existing secondary suite regulations will remain in force, such as continuing to prohibit the use of secondary suites as short-term rentals and continue to recognize parcels with the 's' designation.

Okanagan Basin Water Board (OBWB)

The OBWB Sewage Facilities Assistance grant program was established to subsidize construction of tertiary sewage treatment plants for local governments. The intention of the policy and program is to decrease water pollution coming from development on small lots and failing or over-capacity septic systems, and reduce the amount of phosphorus entering the lakes from municipal effluent.

To be eligible for the grant, local governments are required to have zoning policies or bylaws prohibiting new development on lots less than one hectare that are not serviced by community sewer. As per the grant program terms of reference:

- Secondary suites are permitted so long as they tie into the sewage disposal system of the existing dwelling; and,
- Carriage houses / additional dwelling units are prohibited on properties less than 1.0 hectare and not connected to community sewer.

Regional Board Strategic Priorities 2019-2022

Granting first reading to the amendment bylaw complies with the following policies of the Regional Board Strategic Priorities:

Transportation and Mobility

- Promote transportation and land use approaches that reduce our collective reliance on cars.

Sustainable Communities

- Develop best practices to encourage housing innovation and the adoption of sustainable building standards.

Environment

- Support efforts to reduce our environmental footprint and adapt to climate change.

Regional Growth Strategy Bylaw No. 1336

Granting first reading to the amendment bylaw complies with the following policies of the RGS:

Our Water

- Consider water resources in land use planning decisions.

Our Housing

- Preserve and enhance existing neighbourhoods through encouragement of a variety of housing types, densities and affordability.

Our Health

- Support Interior Health in efforts to explore opportunities to develop healthy community strategies.

Our Land

- Support logical and sequential growth patterns that minimize urban encroachment into rural areas.
- Proposals for new growth areas should consider the impacts on existing services and facilities in the community.

Our Economy

- Support effectively managing and protecting the integrity of the Region's critical assets such as the lakes, natural environment and agricultural lands that promote attraction of employment and investment.

Our Ecosystems

- Manage growth to minimize disturbance to habitat, watershed and natural drainage areas and systems.

Joe Rich Rural Land Use Bylaw No. 1195

Granting first reading to the amendment bylaw complies with the following policies in Section 4 of the Joe Rich Rural Land Use Bylaw:

- Ensure that all development has an adequate water supply that does not adversely affect water supplies of existing lands, and that suitable means of sewage disposal are available that does not adversely affect adjoining lands;
- Set aside land for rural residential use, provided that the natural character is maintained, and provided that overall water supplies and sewage disposal are adequate, and site conditions are respected;
- Consider slope, soil stability, natural hazards, water supply, sewage disposal capability and road access in designating rural lands for residential use;
- Require, for rural lands for residential use, the development of water supplies and sewage disposal adequate for the long term, which will not adversely affect neighbouring lands or community water supplies;
- Require that applications for a change in land use designation include a detailed environmental review that considers conditions and future environmental impacts both on the property under application and the surrounding area. Development should avoid sensitive areas and be designed to retain important ecosystem feature and functions. Responsiveness to this information will be a very important consideration in the approval of an application;
- Protect the drinking water quality and quantity in the community when considering additional uses or development; and,
- Continue to protect Environmentally Sensitive Areas on private land through the development permit, rezoning, and subdivision processes.

RDCO TECHNICAL COMMENTS (Presented at First Reading):

Planning Services staff acknowledges that secondary suites are recognized as an appropriate form of infill housing that provides affordable rental/housing options without a significant impact on the character of a neighbourhood.

In the past, the Regional Board has generally supported secondary suites where a landowner demonstrates that all technical issues will be addressed, and where there are no significant objections from neighbouring landowners. However, Planning staff strongly encourages settlement and housing in areas with existing services and infrastructure in order to support logical and sequential growth patterns and limit impacts to infrastructure and the environment.

Planning staff note that local government plays an important role in the creation of affordable housing through policy, zoning, partnerships, and staff support. While secondary suites are intended to be used as living accommodation based on rental periods of one month or greater and are one significant example of private rental housing, they are also prime candidates for AirBNB and short-term rentals which do not contribute to the need to secure long-term rental housing¹.

¹ RDCO Regional Housing Needs Assessment, 2019

Furthermore, Planning staff continues to promote long-term sustainability within the region. It is important that land use planning and development activities avoid sensitive areas and be designed to retain important ecosystem features, functions, and connectivity as well as protects hillsides and minimizes damage to surrounding parcels.

Prior to the issuance of a Building Permit, development proposals must ensure that drainage, topography, and natural features are considered as this may require Development Permit approval. Proposals should be assessed on a site-by-site basis to ensure that existing and future servicing as well as development suitability of land is adequately addressed.

Inspections Services staff note that recent changes to secondary suite requirements in the B.C. Building Code will provide a higher level of health and safety as well as make it easier for residents wishing to construct a secondary suite. Furthermore, defining 'breezeway' and 'carport' will provide additional clarification to homeowners wishing to construct or legalize a secondary suite.

Corporate Services staff advises that the number of complaints from residents related to illegal/legal secondary suites is minimal and that there are no foreseeable issues with the proposed bylaw amendments.

Environmental Services staff advise that all secondary suites should meet minimum servicing requirements with respect to water and community sewer or on-site sewerage disposal. As such, adequate water and wastewater servicing must be in place to accommodate a secondary suite. Furthermore, onsite parking, access, and additional traffic loading within the community should be reviewed and addressed.

Fire Services staff support the amendment bylaw. The recent changes to secondary suite requirements in the B.C. Building Code will provide a higher level of fire safety and are intended to moderate risks attributed to fire load and occupant load.

RDCO TECHNICAL COMMENTS (Subsequent to First Reading):

Environmental Advisory Commission members support Joe Rich Rural Land Use Amendment Bylaw No. 1195-22.

Anecdotal Comments:

- Requiring sufficient room on the property for a back-up type 1 trench system will influence the minimum parcel size required to accommodate a suite.

AGENCY REFERRAL COMMENTS:

Interior Health Authority (IHA) staff has been involved extensively throughout the RDCO secondary suite policy review process, and provide the following comments:

- IHA staff are aware of failing septic systems throughout the region on parcels with secondary suites;
- IHA staff acknowledge that many neighbourhoods, when not serviced by sanitary sewer, have old septic systems that were designed originally for a single family dwelling (i.e. not multiple families in one dwelling) and many systems are approaching the end of their lifespan;

- IHA staff recommend that new and existing on-site sewerage systems demonstrate compliance with today's standards and include a primary reserve area on the parcel for a back-up Type I trench system; and,
- Recommend establishing a requirement test for radon gas prior to tenant occupancy to protect the secondary suite tenants and primary residents.

Okanagan Basin Water Board staff approve of the recommended bylaw amendments as it is consistent with their Sewage Facilities Assistance Grants Program.

Ministry of Municipal Affairs and Housing staff had no objections to the proposal and commended RDCO staff for the extensive referral and consultation process to date. The Ministry further recommends continuing with an open and transparent dialogue with all stakeholders regarding the proposed zoning amendment bylaws.

Ministry of Agriculture staff indicated that accumulative residential uses on the Agricultural Land Reserve (ALR) and other farmland may potentially restrict agricultural activity or impact farm practices. Minimising the impact of residential uses plays a critical role in supporting agriculture. As such, permitting secondary suites on the ALR and local government agricultural zones may increase the principal dwelling's total floor area or its farm residential footprint.

Further to the recent changes to the *Agricultural Land Commission Act* under Bill 52, the RDCO may wish to consider regulatory options that limit the impact of residential uses on the ALR such as limiting footprint sizes and siting requirements. It was also noted that secondary suites in the ALR comply with the Agricultural Land Commission's Policy L-08.

Ministry of Transportation and Infrastructure staff granted Preliminary Approval for the bylaw amendments for one (1) year, and advise that the bylaws must be forwarded to the Ministry for signature after they have achieved 3rd reading.

Glenmore Ellison Improvement District staff advise that water rates in the Ellison area are subject to change and it is recommended that property owners coordinate the installation of a water meter during the construction of a secondary dwelling unit to allow for possible reductions in water billings in the future.

Westbank First Nation Chief and Council provided consent to the proposed bylaw amendment.

Fortis B.C. staff advise that primary distribution lines within and along public roads and lands servicing the Central Okanagan Electoral Areas. Future applicants seeking land use changes stemming from the proposed bylaw amendments are responsible for the costs associated with any change to the existing service, if any, as well as provision of appropriate land rights where required.

Unaffected RDCO Departments include Parks Services.

Unaffected Agencies include the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development, Ministry of Environment and Climate Change Strategy, District of Lake Country, B.C. Hydro, Shaw Cable, Telus, Agricultural Land Commission, City of Kelowna, City of West Kelowna, District of Peachland, Black Mountain Irrigation District, Glenmore Ellison Improvement District, and Okanagan Indian Band.

External Implications:

Newspaper notices advertising the Public Hearing and proposed amendments were printed in the Kelowna Capital News (two consecutive days), the Peachland View and the Vernon Morning Star. In accordance with the *Local Government Act*, since more than 10 properties owned by 10 different people is involved with the proposed bylaw amendments the 500 metre notification to surrounding property owners is not required.

At time of writing this report, no letters of opposition have been received.

Conclusion:

Should the Regional Board close the Public Hearing, the application will come forward with a separate report for Board consideration of further readings to the bylaw amendments.

Attachment(s):

- Land Use Bylaw Amendment No. 1195-22
- Appendix 'A' - Bulletin No. B19-05

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1195-22

A Bylaw to Amend Joe Rich Rural Land Use Bylaw 1195, 2007

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Joe Rich Rural Land Use Bylaw No. 1195 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. **This bylaw shall be cited as Joe Rich Rural Land Use Bylaw No. 1195-22.**
2. **That the Regional District of Central Okanagan Joe Rich Rural Land Use Bylaw No. 1195, 2007 is hereby AMENDED by the following and forms a part of this bylaw:**

2.1 Amending **SECTION 2 – PART 1 – Definitions**

- 2.1.1 In the appropriate alphabetical order **ADDING** the new definition: “Breezeway means a connection between buildings that is not heated or insulated and is not restricted by intervening doors.”
- 2.1.2 In the appropriate alphabetical order **ADDING** the new definition: “Carport means a roofed structure free standing or attached to the principal building which is not enclosed on the front and at least one side, used by the building occupants to shelter parked vehicles.”
- 2.1.3 In the appropriate alphabetical order **ADDING** the new definition: “Private Water Source means a water supply from a well or a surface water, not from a community water system, that serves a single parcel of land.”
- 2.1.4 **REMOVING** the “On-Site Sewage Disposal” definition and **REPLACING** with the following new definition: “On-Site Sewage Disposal means a system for treating domestic sewage that uses one or more treatment methods and a discharge area, but does not include a holding tank or a privy, and is consistent with the British Columbia Ministry of Health (Health Protection Branch) Sewerage Standard Practices Manual.”

2.2 Amending **SECTION 2 – PART 3 – General Requirements**

- 2.2.1 By **REMOVING** SECTION 3.16 Secondary Suites in its entirety, and **REPLACING** with the following:

“Section 3.16 Secondary Suites

A secondary suite is subject to the following regulations:

1. A secondary suite is added to the list of permitted uses in the LH, RA, SH-1, SH-2, and CR land use designations if the designation has an “s” notation shown on Schedule ‘B’ (Land Use Designation Maps) of the Joe Rich Rural Land Use Bylaw

No. 1195, 2007, as part of the land use identification. The "s" notation shall be shown on Schedule B the Land Use Designation Map as follows: LHs, RAs, SH1s, SH-2s, and CRs. An "s" classification on a parcel shall be established by redesignating the subject parcel to the "s" version of the land use designation. The regulations set out for the "s" version of the land use designation will be the same as the regulations for the version without the "s", except for the addition of secondary suite as a permitted use.

2. The secondary suite shall have its own separate cooking, sleeping and bathing facilities.
3. The secondary suite shall have direct access to outside without passing through any part of the single family dwelling.
4. The secondary suite shall be located within a single family dwelling.
 - a) The secondary suite shall not be connected to a single family dwelling by a breezeway or carport.
5. No more than one secondary suite is permitted per parcel.
6. A secondary suite is not permitted in conjunction with a bed and breakfast.
7. A secondary suite is not permitted if an additional dwelling unit exists.
8. A home occupation is permitted within a secondary suite.
9. One parking space for the secondary suite is required in addition to those required for the single family dwelling.
10. A secondary suite shall meet all requirements of the British Columbia Building Code and amendments thereto.
11. The secondary suite must be serviced by a community water system or a private water source.
 - a) For a community water system, written authorization permitting the secondary suite from the service provider is required.
 - b) For a private water source, a copy of the Water License, if applicable under the Water Sustainability Act, is required.
12. The secondary suite must be connected to a community sewer system or serviced by an on-site sewage disposal system, subject to the following:
 - a) For community sewer system, written authorization permitting the secondary suite from the service provider is required.
 - b) For on-site sewage disposal, written confirmation is required from an Authorized Person under the Public Health Act: Sewerage System Regulation which includes:
 1. For lots with an existing on-site sewage disposal system, a Compliance Inspection report must indicate that the existing system is capable of processing the daily domestic sewerage flow for both dwelling units and demonstrates the existing system meets today's standards and can be expanded for the new Daily Design Flow and room on the property for a back-up type 1 trench system.

2. For lots without an existing on-site sewage disposal system, a primary and reserve area for type 1 trench disposal for intended Daily Design Flow.

READ A FIRST TIME this 25th day of November 2019

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____
day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

Approved under the Transportation Act this _____ day of _____

Ministry of Transportation & Infrastructure

ADOPTED this _____ day of _____

Chairperson

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Joe Rich Rural Land Use Bylaw
No. 1195-22 as read a third time by the Regional District of Central Okanagan the _____
day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Joe Rich Rural Land Use Bylaw No. 1195-22 which was Adopted by the Regional District of Central Okanagan on the _____ day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

H:\Planning\3360-Zoning\20-Applications\2017\Z17-05 (Sec Suites)\Bylaw\ Joe Rich Rural Land Use Bylaw 1195-22.docx

No. B19-05
December 12, 2019

Secondary Suites, Changes to Design and Construction Requirements British Columbia Building Code 2018 Revision 2

The purpose of this bulletin is to provide information about Revision 2 changes to the British Columbia Building Code 2018 (BC Code) for the design and construction of new secondary suites. Changes are effective December 12, 2019 and apply to projects for which a permit is applied for on or after this date.

A separate bulletin B19-04 discusses how the BC Code changes to secondary suite requirements may impact land use planning.

Background

The BC Code introduced requirements for secondary suites in 1995. Therefore, the National Building Code (National Code) provisions were not adopted when they were first published in 2010. The BC Code requirements have not been substantially updated since 1995.

The adopted changes:

- harmonize with the form and approach of the National Code, and most of its technical requirements;
- incorporate historical requirements from the BC Code that provide a higher level of health and safety; and
- adapt some requirements based on application to existing buildings and to coordinate with other requirements.

The Province of British Columbia (B.C.) is working to remove barriers to secondary housing forms. These mid-cycle revisions to the BC Code aim to increase options for the design and construction of new secondary suites in buildings. Allowing the construction of more secondary suites in more building types helps create more housing units while providing an acceptable level of health and fire safety to occupants. These changes provide local authorities with more options for land use planning.

The definition of secondary suite in the BC Code is not to be equated with similar terms in land use bylaws. Land use bylaws may define or use the term secondary suite to describe housing types. The term might carry a different meaning in bylaw than the meaning assigned in the BC Code. It is often appropriate to set aside the BC Code terms when considering land use and zoning matters.

Including solutions for design and construction of secondary suites in the BC Code does not allow owners to contravene land use bylaws. Land use bylaws govern where secondary suites are permitted whereas the BC Code governs how they are to be built. **Before constructing a secondary suite, check with the local authority.**

The BC Code governs the design and construction of new secondary suites including alterations to existing buildings to add a secondary suite as well as new work or alterations within a secondary

suite. It is not intended that the BC Code be used as evaluation metrics or retroactive construction requirements for existing secondary suites.

Changes to the Definition of Secondary Suites

The BC Code **previously** defined a *secondary suite* as “a *dwelling unit*

- having a total floor space of not more than 90 m² in area,
- having a floor space less than 40% of the habitable space of the *building*,
- located within a *building* of *residential occupancy* containing only one other *dwelling unit*, and
- located in and part of a *building* which is a single real estate entity.”

The **new** definition states that a *secondary suite* means “a self-contained *dwelling unit* located within a *building* or portion of a *building*

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 h and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
- of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
- where both *dwelling units* constitute a single real estate entity.”

The previous definition placed limits on floor space as a mechanism to moderate fire load and occupant load. This revision **discontinues the prescribed floor space amounts and percentage distribution**. New requirements as well as some existing and revised requirements, moderate risks attributed to fire load and occupant load as compensatory measures. **Check with the local authority on floor space allowances.**

It cannot be assumed that the owner occupies one of the dwelling units, nor that the occupant of the dwelling unit has direct control over the secondary suite or use by its occupants as a means of increasing the level of safety. A secondary suite is not a subordinate suite to a principle suite. However, there are health and safety opportunities and benefits that come with a house with a secondary suite having single ownership that may not be available for units with separate ownership. Typical requirements for separately-owned dwelling units have been adjusted to accommodate the interest, coordination, and maintenance that is available with single ownership.

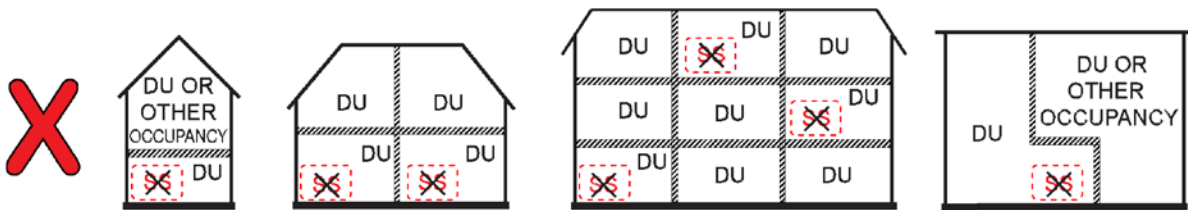
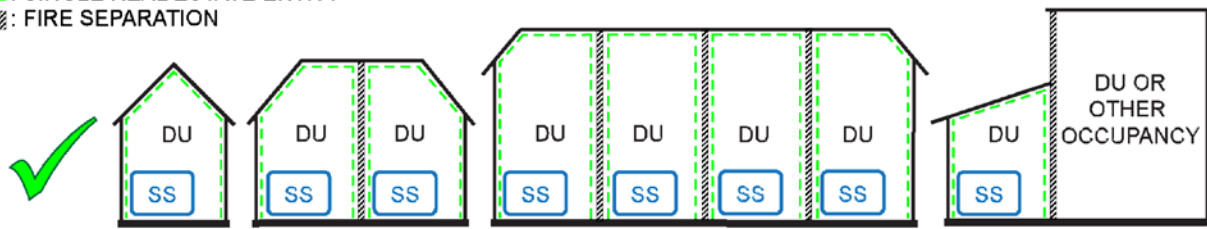
In addition, this change adopts and adapts permissions in the National Code to **allow the construction of secondary suites in a building that may contain more than one dwelling unit or other occupancy**. These permissions are limited and only apply where a dwelling unit and its secondary suite are completely separated from other parts of the building with continuous vertical fire-rated construction. These permissions do not apply where any portion of the dwelling unit and its secondary suite are above or below another dwelling unit or other occupancy.

Examples of buildings where the BC Code allows the construction of secondary suites include side-by-side duplexes and also row houses where a vertical fire separation separates the portion with the dwelling unit with the secondary suite from the remainder of the building. Examples where secondary suites are not permitted are up/down duplexes and apartment buildings where dwelling units are above or below other dwelling units.

The following illustration provides examples of the types of buildings in which the BC Code allows the construction of secondary suites and where secondary suites are not permitted. **Before constructing a secondary suite, check with the local authority.**

Local government contact information is available here: <http://www.civicinfo.bc.ca/directories>.

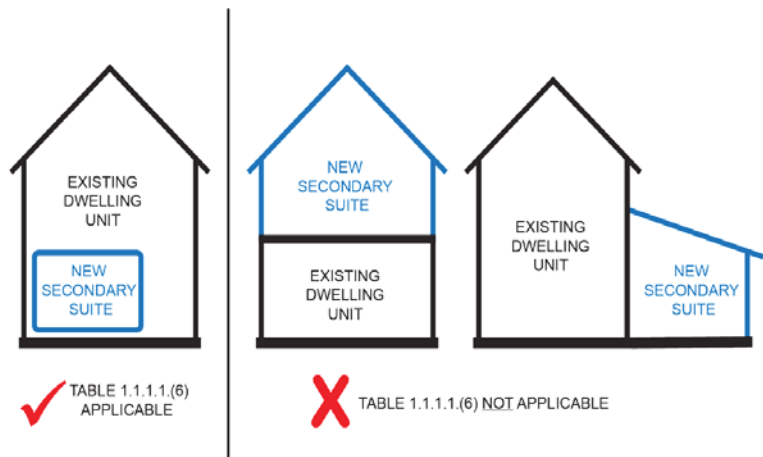
DU: DWELLING UNIT
SS: SECONDARY SUITE
□: SINGLE REAL ESTATE ENTITY
▨: FIRE SEPARATION



Changes to Alterations to Existing Buildings to Add a Secondary Suite

Some previous requirements were based on the premise of 'finishing' an unfinished basement and dealing with the hardships that may exist when working within the confines of an existing home. Some accommodation for when existing construction poses a practical or financial hardship is necessary to avoid abandoning projects or creating disincentives to permits and inspections.

This change distinguishes requirements for new construction - with no existing construction imposing hardship - from requirements for alterations to existing buildings where existing construction poses a hardship. Division A provides Table 1.1.1.1.(6) containing Alternative Compliance Methods that are considered adequate but may only be used where existing construction acts as a practical barrier to compliance with the acceptable solutions in Division B of the BC Code.



Similar to the alternative compliance methods available to heritage buildings, the alternative compliance methods in Table 1.1.1.1.(6) may be substituted for the requirements contained elsewhere in the BC Code. The owner may choose any or a combination of these options:

- apply acceptable solutions in Division B,
- apply alternative solutions under Division A, or
- apply alternative compliance methods in Table 1.1.1.1.(6) of Division A.

Changes to Design and Construction Requirements (Division B)

This change adopts the form and approach of the National Code with regards to secondary suites. Requirements specific to secondary suites are found along side those for dwelling units throughout Part 9 and B.C.'s unique Section 9.37. is deleted.

A table providing references to secondary suite-specific content as it appears throughout Part 9 of Division B is included in the Appendix to this bulletin.

Many provisions are carried over and/or adapted from B.C.'s previous Section 9.37., however there are some provisions that are new. Examples are as follows (references are to Division B):

Examples of New Secondary Suite Provisions	
Means of Egress	Section 9.9.
A second and separate means of egress may be required depending on the design and risk to the first means of egress. Sprinklered buildings and access to balconies provide some alternatives. Where an openable window is relied upon as a second means of egress, it must meet certain conditions; it must have a larger opening (at least 1 m high by 0.55 m wide) than a bedroom egress window, and the sill height is limited to 1 m above the floor and 7 m above adjacent ground level.	
Fire Protection	Section 9.10.
Within a house with a secondary suite, the dwelling units and the common spaces are required to be separated from each other by a fire separation that acts as a continuous barrier to the spread of smoke and fire. Fire separations in a house with a secondary suite must have a fire-resistance rating unless the house is fully sprinklered. As previous, a 45-minute fire-resistance rating is required if smoke alarms are not interconnected (smoke alarms are still required) and a 30-minute fire-resistance rating is permitted where additional photo-electric smoke alarms are installed in each unit and the additional smoke alarms are interconnected. A new 15-minute fire-resistance rating is now permitted where every smoke alarm in the house (secondary suite and the other dwelling unit including their common spaces) are interconnected. A 15-minute rating can be based on testing described in Part 3, calculated using the component additive method in Appendix D, or the designer can follow the construction specifications detailed in Clause 9.11.1.1.(2)(a). There are also construction specifications detailed in Sentence 9.10.3.1.(3) that the designer can use where a 30-minute fire-resistance rating is required. The construction specifications for both the 15-minute assembly and the 30-minute assembly permit the use of 12.7 mm regular gypsum board and satisfy the sound transmission requirements as well.	

Examples of New Secondary Suite Provisions (continued)	
Fire Protection (continued)	Section 9.10.
<p>Doors as closures in fire separations do not need to be labelled or tested, provided they are designed to specific criteria such as having a 45 mm thickness of solid wood and be provided with a self-closing device.</p> <p>Assemblies that separate houses with secondary suites need not be constructed as a firewall but shall be constructed as fire separations with not less than a 1-hour fire-resistance rating. The assembly must be continuous from the top of footings to the underside of the roof deck and may not at any point be horizontal. A house with a secondary suite may not be above or below any other unit or occupancy.</p> <p>Interconnected smoke alarms must be photo-electric type as they are less susceptible to nuisance alarms and may now rely on wireless technology for interconnection.</p> <p>Windows or access panels for firefighting are not required for houses with secondary suites, nor is firefighting access to basements required.</p>	
Sound Transmission	Section 9.11.
<p>Controlling sound transmission is important to occupant health and well-being. The separation between a secondary suite and the other dwelling unit within a house has a reduced apparent sound transmission class (ASTC 40 from 47) and reduced sound transmission class (STC 43 from 50). There is an additional option in lieu of a rating of a prescriptive assembly that is considered acceptable. Sound resistance can be further improved by selecting furnishings and finishing materials that absorb sound such a carpet.</p>	
Carbon Monoxide Alarms	Article 9.32.4.2.
<p>All carbon monoxide alarms installed in a house with a secondary suite including their common spaces must be interconnected and may rely on wireless technology for interconnection.</p>	

A house with a secondary suite may contain common spaces such as common storage, common service rooms, common laundry facilities, and common areas used for egress. Common spaces that are part of a shared means of egress must be separated from the dwelling units with a fire separation and have available controls such as for lighting.

More Information

BC Codes are Now Available Free Online

Free online access to the [BC Building Code](#) and the [BC Fire Code](#) is available on the BC publications [website](#). In addition, Revision 2 content changes are summarized in the online [BC Building Code](#) and the [BC Fire Code 2018](#), for convenience.

Links

- Codes Canada: (volunteer & attend) https://www.nrc-cnrc.gc.ca/eng/solutions/advisory/codes_centre_index.html
- Ministry website: <https://www2.gov.bc.ca/gov/content/industry/construction-industry/building-codes-standards>
- National Code Change Request: https://www.nrc-cnrc.gc.ca/eng/solutions/advisory/codes_centre/code_change_request.html

Contact the Building and Safety Standards Branch

- **General** inquiries can be sent to building.safety@gov.bc.ca
- **Technical** code inquiries can be sent to codequestion@gov.bc.ca

Contact the Local Authority

- Local authority contact information is available online at <http://www.civicinfo.bc.ca/directories>.

The Building and Safety Standards Branch does not enforce compliance with the BC Code. Local authorities are authorized to enforce the BC Code through the Local Government Act and the Community Charter.

Appendix A

British Columbia Building Code 2018 Revision 2 References to Secondary Suite Provisions

The following table provides references to secondary suite-specific content as it appears throughout Part 9 of Division B.

Secondary Suite Provisions in Part 9		
Reference	Application	Provision
Article 9.5.3.1.	Ceiling Heights of Rooms or Spaces	Ceiling and clear heights in secondary suites shall be the same as for all other dwelling units
Article 9.5.5.1.	Doorway Opening Sizes	Doorway opening sizes shall be the same as for all other dwelling units
Section 9.8.	Stairs, Ramps, Landings, Handrails and Guards	Stairs, ramps, landings, handrails and guards shall be the same as for those serving single dwelling units
Article 9.9.2.4.	Principal Entrances	Exemption from requirements for exits
Article 9.9.3.3.	Width of Corridors	Minimum width for public corridors and exit corridors serving a house with a secondary suite including its common spaces
Article 9.9.3.4.	Clear Height	Minimum clear height for public corridors and exit corridors serving a house with a secondary suite including its common spaces
Subsection 9.9.4.	Fire Separations for Exits	Exits shall be separated by a fire separation with a fire-resistance rating corresponding to the interconnection of smoke alarms and the presence of sprinklers
Subsection 9.9.6.	Doors in a Means of Egress	Limits on obstructions of doors and at doorways in a means of egress
Article 9.9.9.2.	Two Separate Exits	Permitted alternatives from providing a second and separate exit
Article 9.9.9.3.	Shared Egress Facilities	Permitted alternatives from providing a second and separate means of egress
Subsection 9.9.11.	Signs	Exemption from requirements for signage
Subsection 9.9.12.	Lighting	Exemption from requirements for lighting in a means of egress
Article 9.10.3.1.	Fire-Resistance and Fire-Protection Ratings	Permitted assemblies where a fire-resistance rating is required
Article 9.10.9.2.	Continuous Barrier	Sealing of joints in fire separations
Article 9.10.9.3.	Openings to be Protected with Closures	Permitted alternative for doors where a fire-protection rating is required

Secondary Suite Provisions in Part 9 (continued)		
Reference	Application	Provision
Article 9.10.9.6.	Penetrations of Fire Separations	Permitted alternative to providing fire dampers
Article 9.10.9.14.	Separation of Residential Suites	Dwelling units shall be separated by a fire separation with a fire-resistance rating corresponding to the interconnection of smoke alarms and the presence of sprinklers
Article 9.10.9.15.	Separation of Public Corridors	Public corridors shall be separated from the remainder of the building by a fire separation with a fire-resistance rating corresponding to the interconnection of smoke alarms and the presence of sprinklers
Article 9.10.10.4.	Location of Fuel-Fired Appliances	Permitted alternative for the separation of service rooms containing a fuel-fired appliance
Article 9.10.11.2.	Firewalls Not Required	Permitted alternative to the requirement for a firewall on a property line
Article 9.10.12.3.	Exterior Walls Meeting at an Angle	Required distance between unprotected openings
Subsection 9.10.15.	Spatial Separation Between Houses	Application of Subsection 9.10.15. to houses with a secondary suite
Article 9.10.19.1.	Required Smoke Alarms	Smoke alarms required in ancillary spaces and common spaces
Article 9.10.19.5.	Interconnection of Smoke Alarms	Options for interconnection of smoke alarms corresponding with the fire-resistance rating of fire separations and the presence of sprinklers
Subsection 9.10.20.	Firefighting	Exemption from providing access panels and basement access
Subsection 9.11.1.	Protection from Airborne Noise	Requirement for protection from airborne noise, and permitted assemblies where an apparent sound transmission class rating or a sound transmission class rating are required
Section 9.32.	Ventilation	Permitted alternative to a self-contained mechanical ventilation system serving only one dwelling unit
Article 9.32.4.2.	Carbon Monoxide Alarms	Carbon monoxide alarms shall be interconnected
Section 9.33.	Heating and Air-Conditioning	Permitted alternative to a heating system or air-conditioning system serving only one dwelling unit
Article 9.33.4.3.	Heating System Control	Individual temperature controls shall be provided in each dwelling unit
Subsection 9.34.2.	Lighting Outlets	Requirement for stairways to be lighted



Regional Board Report

For the Public Hearing January 27, 2020

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: January 27, 2020

SUBJECT: Text Amendments to Zoning Bylaw No. 871, 2000
Zoning Amendment Bylaw No. 871-257 (Z17/05)

Purpose: To amend secondary suite regulations in Zoning Bylaw No. 871.

Executive Summary:

In 2017, staff began a policy review of secondary suite regulations in the Central Okanagan Electoral Areas. During the review process, it was identified that increasing density by permitting secondary suites in all residential zones may cause drainage and slope stability challenges, particularly in areas without access to community sewer and without proper drainage plans.

Following extensive analysis and review, Planning Services staff is recommending the current process of requiring a rezoning application remain in place which will have the Regional Board making informed decisions on a site-specific, case by case basis. Furthermore, several recommended changes to Zoning Bylaw No. 871 will reflect recent updates to the B.C. Building Code with respect to design and construction requirements for secondary suites.

Respectfully Submitted:

Todd Cashin
Director of Community Services

Approved for Board's Consideration

Brian Reardon, CAO

Prepared by: Brittany Lange, Environmental Planner

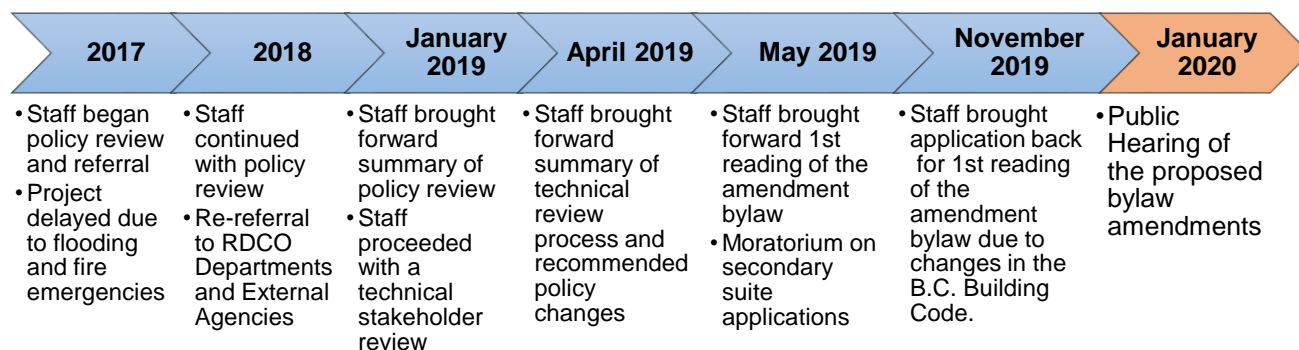
Background:

In 2016, the Regional Board directed staff to review secondary suite regulations to consider allowing secondary suites by policy rather than through bylaw amendments. As such, in 2017 Planning staff embarked on a policy review of secondary suites in the Central Okanagan Electoral Areas. Subsequently, staff engaged with the public by attending community events, conducting an online survey, and making information available at the Planning Services front counter to gauge the public's opinion on proposed regulatory changes.

Upon review of the information received during this process, issues were raised regarding drainage and servicing, most notably with the number of small, undeveloped lots in the Electoral Areas. Secondary suites, which are self-contained and located within an existing single family dwelling, have always been considered acceptable to tie into the primary septic field assuming that the field is sized appropriately, and with proper maintenance and treatment. However, recognizing the rural nature of the Electoral Areas and minimal servicing, increasing density in all residential zones may not be appropriate and may cause a significant strain on servicing and the environment.

On November 25, 2019, the Regional Board granted first reading of the amendment bylaws for secondary suites and recommended that staff move forward with a public hearing.

Timeline



Zoning Bylaw Amendment Proposals

Following extensive analysis, research, and careful consideration of the comments received to date, staff is recommending the following key changes to secondary suite regulations:

Item 1: To continue to require a rezoning application under Zoning Bylaw No. 871 for A1, RU1, RU2, RU3, RU4, RU5, RU6, and R1 zones to permit a secondary suite and add the 's' designation.

- Rationale: The rezoning process allows the Regional District to consider secondary suites on a site specific, case by case basis.

Item 2: Removing any limit to total floor area or percentage distribution of the secondary suite to the principal building.

- Rationale: The Ministry of Municipal Affairs and Housing has adopted changes to the current B.C. Building Code that will impact land use planning decisions (See Appendix 'A'). To align with the provincially legislated changes, Planning staff recommends removing limits to the size of a secondary suite.

Item 3: Define '*breezeway*', '*carport*', '*private water source*', and '*on-site sewerage system*'.

- Rationale: Connecting a secondary suite to a principal dwelling via an open, unenclosed space is seen as a form of subdivision and is not consistent with the Okanagan Basin Water Board's 1.0 hectare policy, or the B.C. Building Code. To avoid ambiguity going forward, *breezeway* and *carport* will be defined to clarify what 'located within a single detached house' means and ensure secondary suites constitute a single real estate entity.
- In addition, '*private water source*' and '*on-site sewerage system*' are defined to ensure consistency with the RDCO Subdivision Servicing Bylaw No. 1397 and the Provincial *Sewerage System Regulation*.

Item 4: To allow only one secondary suite or one accessory home per parcel, where zoning permits.

- Rationale: Currently, a single parcel of land that is over 9.88 acres in size is permitted to have one single detached house with a secondary suite (rezoned to the 's' designation) as well as one accessory home subject to further regulations under Part 3 – Section 3.18 of Bylaw No. 871. To be consistent with surrounding jurisdictions and to minimize environmental impacts, staff is proposing that only one suite or one accessory home be permitted where land use and parcel size permit.

Item 5: To require that new and existing on-site sewerage systems demonstrate compliance with today's standards and include a primary reserve area for a back-up Type I trench system.

- Rationale: Technical stakeholders, including Interior Health Authority, local hydrogeologists, groundwater technicians, and onsite wastewater practitioners all agreed that stronger regulations are needed regarding on-site sewerage systems. Given this, it was recommended that new and existing septic systems are reviewed to ensure compliance with today's standards and can sufficiently accommodate the increased density prior to the addition of a secondary dwelling.

Furthermore, several of the existing secondary suite regulations will remain in force, such as continuing to prohibit the use of secondary suites as short-term rentals and continue to recognize parcels with the 's' designation.

Okanagan Basin Water Board (OBWB)

The OBWB Sewage Facilities Assistance grant program was established to subsidize construction of tertiary sewage treatment plants for local governments. The intention of the policy and program is to decrease water pollution coming from development on small lots and failing or over-capacity septic systems, and reduce the amount of phosphorus entering the lakes from municipal effluent. To be eligible for the grant, local governments are required to have zoning policies or bylaws prohibiting new development on lots less than one hectare that are not serviced by community sewer. As per the grant program terms of reference:

- Secondary suites are permitted so long as they tie into the sewage disposal system of the existing dwelling; and,
- Carriage houses / accessory dwellings are prohibited on properties less than 1.0 hectare and not connected to community sewer.

The proposed amendments to secondary suite regulations will remain in compliance with the OBWB Sewage Facilities Assistance grant program terms of reference.

Regional Board Strategic Priorities 2019-2022

Granting first reading to the amendment bylaw complies with the following policies of the Regional Board Strategic Priorities:

Transportation and Mobility

- Promote transportation and land use approaches that reduce our collective reliance on cars.

Sustainable Communities

- Develop best practices to encourage housing innovation and the adoption of sustainable building standards.

Environment

- Support efforts to reduce our environmental footprint and adapt to climate change.

Regional Growth Strategy Bylaw No. 1336

Granting first reading to the amendment bylaw complies with the following policies of the RGS:

Our Water

- Consider water resources in land use planning decisions.

Our Housing

- Preserve and enhance existing neighbourhoods through encouragement of a variety of housing types, densities and affordability.

Our Health

- Support Interior Health in efforts to explore opportunities to develop healthy community strategies.

Our Land

- Support logical and sequential growth patterns that minimize urban encroachment into rural areas.
- Proposals for new growth areas should consider the impacts on existing services and facilities in the community.

Our Economy

- Support effectively managing and protecting the integrity of the Region's critical assets such as the lakes, natural environment and agricultural lands that promote attraction of employment and investment.

Our Ecosystems

- Manage growth to minimize disturbance to habitat, watershed and natural drainage areas and systems.

Ellison Official Community Plan Bylaw No. 1124

Granting first reading to the amendment bylaw complies with the following policies of the Ellison OCP:

- Require that properties served by individual wells or water licenses meet Regional District bylaw requirements with regard to water quality and quantity; and,
- Support the Province of British Columbia policy with respect to ensuring that all new development one hectare or smaller in parcel size is served by community sewer (including satellite community sewage systems) rather than on-site (septic) disposal.

South Slopes Official Community Plan Bylaw No. 1304

Granting first reading to the amendment bylaw complies with the following policies of the South Slopes OCP:

- Continue to protect Environmentally Sensitive Areas on private land through the Development Permit, rezoning and subdivision processes; and,
- Housing is encouraged in adjacent municipal areas where there are services and infrastructure to support growth.

Brent Road / Trepanier Official Community Plan Bylaw No. 1303

Granting first reading to the amendment bylaw complies with the following policies of the Brent Road / Trepanier OCP:

- Continue to review the bylaws and activities of the Regional District so that environmentally responsible practices are being utilized;
- Limited growth is anticipated in the foreseeable future due to constraints of potable water and servicing; and,
- Evaluate land use decisions and development applications on the implications and impacts on the natural environment.

Rural Westside Official Community Plan Bylaw No. 1274

Granting first reading to the amendment bylaw complies with the following policies of the Rural Westside OCP:

- Assess future residential developments and concept development plans on the following development criteria:
 - a) capability of handling on-site domestic water and sewage disposal, or availability of community water or sewer;
 - b) availability of community water or sewer systems to be extended to existing neighbouring subdivisions which are presently unserved;
 - c) capability of the natural environment and topography to accommodate additional development;
 - d) impact on adjacent land uses and character of the existing area;
 - e) location relative to existing roads and other community and essential services;
 - f) susceptibility to natural hazards including, but not limited to, flooding, soil stability, land slide, rockfall, moderate or higher forest fire risk;
 - g) demonstration of housing need, and provision for a variety of housing types;
 - h) timing and staging of development;
 - i) an environmental impact assessment where the parcel contains watercourses;
 - j) a visual quality assessment where development is proposed on hillsides and other visually sensitive areas; and,
- Review opportunities to implement long-term sustainable sewage collection and disposal methods for existing developments where appropriate.

RDCO TECHNICAL COMMENTS (Presented at First Reading):

Planning Services staff acknowledges that secondary suites are recognized as an appropriate form of infill housing that provides affordable rental/housing options without a significant impact on the character of a neighbourhood.

In the past, the Regional Board has generally supported secondary suites where a landowner demonstrates that all technical issues will be addressed, and where there are no significant objections from neighbouring landowners. However, Planning staff strongly encourages settlement and housing in areas with existing services and infrastructure in order to support logical and sequential growth patterns and limit impacts to infrastructure and the environment.

Planning staff note that local government plays an important role in the creation of affordable housing through policy, zoning, partnerships, and staff support. While secondary suites are intended to be used as living accommodation based on rental periods of one month or greater and are one significant example of private rental housing, they are also prime candidates for AirBNB and short-terms rentals which do not contribute to the need to secure long-term rental housing¹.

Furthermore, Planning staff continues to promote long-term sustainability within the region. It is important that land use planning and development activities avoid sensitive areas and be designed to retain important ecosystem features, functions, and connectivity as well as protects hillsides and minimizes damage to surrounding parcels. Prior to the issuance of a Building Permit, development proposals must ensure that drainage, topography, and natural features are considered as this may require Development Permit approval. Proposals should be assessed on a site-by-site basis to ensure that existing and future servicing as well as development suitability of land is adequately addressed.

Inspections Services staff note that recent changes to secondary suite requirements in the B.C. Building Code will provide a higher level of health and safety as well as make it easier for residents wishing to construct a secondary suite. Furthermore, defining 'breezeway' and 'carport' will provide additional clarification to homeowners wishing to construct or legalize a secondary suite.

Corporate Services staff advises that the number of complaints from residents related to illegal/legal secondary suites is minimal and that there are no foreseeable issues with the proposed bylaw amendments.

Environmental Services staff advise that all secondary suites should meet minimum servicing requirements with respect to water and community sewer or on-site sewerage disposal. As such, adequate water and wastewater servicing must be in place to accommodate a secondary suite. Furthermore, onsite parking, access, and additional traffic loading within the community should be reviewed and addressed.

Fire Services staff support the amendment bylaw. The recent changes to secondary suite requirements in the B.C. Building Code will provide a higher level of fire safety and are intended to moderate risks attributed to fire load and occupant load.

¹ RDCO Regional Housing Needs Assessment, 2019

RDCO TECHNICAL COMMENTS (Subsequent to First Reading):

Environmental Advisory Commission members support Zoning Amendment Bylaw No. 871-257 (Z17/05).

Anecdotal Comments:

- Requiring sufficient room on the property for a back-up type 1 trench system will influence the minimum parcel size required to accommodate a suite.

AGENCY REFERRAL COMMENTS:

Interior Health Authority (IHA) staff has been involved extensively throughout the RDCO secondary suite policy review process, and provide the following comments:

- IHA staff are aware of failing septic systems throughout the region on parcels with secondary suites;
- IHA staff acknowledge that many neighbourhoods, when not serviced by sanitary sewer, have old septic systems that were designed originally for a single family dwelling (i.e. not multiple families in one dwelling) and many systems are approaching the end of their lifespan;
- IHA staff recommend that new and existing on-site sewerage systems demonstrate compliance with today's standards and include a primary reserve area on the parcel for a back-up Type I trench system; and,
- Recommend establishing a requirement test for radon gas prior to tenant occupancy to protect the secondary suite tenants and primary residents.

Okanagan Basin Water Board staff approve of the recommended bylaw amendments as it is consistent with their Sewage Facilities Assistance Grants Program.

Ministry of Municipal Affairs and Housing staff had no objections to the proposal and commended RDCO staff for the extensive referral and consultation process to date. The Ministry further recommends continuing with an open and transparent dialogue with all stakeholders regarding the proposed zoning amendment bylaws.

Ministry of Agriculture staff indicated that accumulative residential uses on the Agricultural Land Reserve (ALR) and other farmland may potentially restrict agricultural activity or impact farm practices. Minimising the impact of residential uses plays a critical role in supporting agriculture. As such, permitting secondary suites on the ALR and local government agricultural zones may increase the principal dwelling's total floor area or its farm residential footprint.

Further to the recent changes to the *Agricultural Land Commission Act* under Bill 52, the RDCO may wish to consider regulatory options that limit the impact of residential uses on the ALR such as limiting footprint sizes and siting requirements. It was also noted that secondary suites in the ALR comply with the Agricultural Land Commission's Policy L-08.

Ministry of Transportation and Infrastructure staff granted Preliminary Approval for the bylaw amendments for one (1) year, and advise that the bylaws must be forwarded to the Ministry for signature after they have achieved 3rd reading.

Westbank First Nation Chief and Council provided consent to the proposed bylaw amendment.

Glenmore Ellison Improvement District staff advise that water rates in the Ellison area are subject to change and it is recommended that property owners coordinate the installation of a water meter during the construction of a secondary dwelling unit to allow for possible reductions in water billings in the future.

Fortis B.C. staff advise that primary distribution lines within and along public roads and lands servicing the Central Okanagan Electoral Areas. Future applicants seeking land use changes stemming from the proposed bylaw amendments are responsible for the costs associated with any change to the existing service, if any, as well as provision of appropriate land rights where required.

Unaffected RDCO Departments include Parks Services.

Unaffected Agencies include the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development, Ministry of Environment and Climate Change Strategy, District of Lake Country, B.C. Hydro, Shaw Cable, Telus, Agricultural Land Commission, City of Kelowna, City of West Kelowna, District of Peachland, Black Mountain Irrigation District, and Okanagan Indian Band.

External Implications:

Newspaper notices advertising the Public Hearing and proposed amendments were printed in the Kelowna Capital News (two consecutive days), the Peachland View and the Vernon Morning Star. In accordance with the *Local Government Act*, since more than 10 properties owned by 10 different people is involved with the proposed bylaw amendments the 100 metre notification to surrounding property owners is not required.

At time of writing this report, no letters of opposition have been received.

Conclusion:

Should the Regional Board close the Public Hearing, the application will come forward with a separate report for Board consideration of further readings to the bylaw amendments.

Attachment(s):

- Zoning Amendment Bylaw No. 871-257
- Appendix 'A' - Bulletin No. B19-05

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 871-257

A Bylaw to Amend Regional District of Central Okanagan Zoning Bylaw 871, 2000

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Zoning Bylaw No. 871 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. This bylaw shall be cited as Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-257.
2. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby **AMENDED** by the following and forms a part of this bylaw:

2.2. Amending **PART 3 – General Regulations**

- 2.2.1. By **REMOVING** SECTION 3.26 Secondary Suites in its entirety, and **REPLACING** with the following:

“Section 3.26 Secondary Suites

A *secondary suite* is subject to the following regulations:

1. A *secondary suite* is added to the list of permitted uses in the A1, RU1, RU2, RU3, RU4, RU5, RU6, and R1 *zone* if the *zone* has an “s” notation shown on Schedule B, the Zoning Map, as part of the zone identification. The “s” notation shall be shown on Schedule B the Zoning Map as follows: A1s, RU1s, RU2s, RU3s, RU4s, RU5s, RU6s, and R1s. An “s” zoning classification on a *parcel* shall be established by rezoning the subject *parcel* to the “s” version of the *zone*. The regulations set out for the “s” version of the *zone* will be the same as the regulations for the version without the “s”, except for the addition of *secondary suite* as a permitted use.
2. The *secondary suite* shall have its own separate cooking, sleeping, and bathing facilities.
3. The *secondary suite* shall have direct access to outside without passing through any part of the principal *dwelling unit*.
4. The *secondary suite* shall be located within a *single detached house*.
 - a) The *secondary suite* shall not be connected to a *single detached house* by a *breezeway* or *carport*.
5. No more than one *secondary suite* is permitted per *parcel*.

6. A *secondary suite* is not permitted in conjunction with *bed and breakfast accommodation*.
7. A *secondary suite* is not permitted if an *accessory home* exists.
8. A minor *home based business* is permitted within a *secondary suite*.
9. One *parking space* for the *secondary suite* is required in addition to those required for the principal dwelling.
10. A secondary suite shall meet all requirements of the British Columbia Building Code and amendments thereto.
11. The *secondary suite* must be serviced by a *community water system* or a *private water source*.
 - a) For a *community water system*, written authorization permitting the secondary suite from the service provider is required.
 - b) For a *private water source*, a copy of the Water License, if applicable under the Water Sustainability Act, is required.
12. The *secondary suite* must be connected to a *community sewer system* or serviced by an *on-site sewerage system*, subject to the following:
 - a) For *community sewer system*, written authorization permitting the secondary suite from the service provider is required.
 - b) For *on-site sewerage system*, written confirmation is required from an Authorized Person under the Public Health Act: Sewerage System Regulation which includes:
 1. For lots with an existing *on-site sewerage system*, a Compliance Inspection must indicate that the existing system is capable of processing the daily domestic sewerage flow for both *dwelling units* and demonstrates the existing system meets today's standards and can be expanded for the new Daily Design Flow and there is sufficient room on the property for a back-up type 1 trench system.
 2. For lots without an existing *on-site sewerage system*, a primary and reserve area for type 1 trench disposal for intended Daily Design Flow.

2.2. Amending **PART 15 – Definitions**

- 2.2.1. In the appropriate alphabetical order **ADDING** the new definition: “*Breezeway* means a connection between *buildings* that is not heated or insulated and is not restricted by intervening doors.”
- 2.2.2. In the appropriate alphabetical order **ADDING** the new definition: “*Carport* means a roofed *structure* free standing or attached to the *principal building* which is not enclosed on the front and at least one side, used by the building occupants to shelter parked vehicles.”
- 2.2.3. In the appropriate alphabetical order **ADDING** the new definition: “*On-site sewerage system* means a system for treating domestic sewage that uses one or more treatment methods and a discharge area, but does not include a holding tank or a privy, and is consistent with the British Columbia Ministry of Health (Health Protection Branch) Sewerage Standard Practices Manual.

2.2.4. In the appropriate alphabetical order **ADDING** the new definition: "*Private Water Source* means a water supply from a well or a surface water, not from a *community water system*, that serves a single *parcel* of land."

READ A FIRST TIME this 25th day of November 2019

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____
day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

Approved under the Transportation Act this _____ day of _____

Ministry of Transportation & Infrastructure

ADOPTED this _____ day of _____

Chairperson

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-257 as read a
third time by the Regional District of Central Okanagan the _____ day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-257 which was Adopted by the Regional District of Central Okanagan on the _____ day of

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

H:\Planning\3360-Zoning\20-Applications\2017\Z17-05 (Sec Suites)\Bylaw\ Zoning Amendment Bylaw 871-257.docx

No. B19-05
December 12, 2019

Secondary Suites, Changes to Design and Construction Requirements British Columbia Building Code 2018 Revision 2

The purpose of this bulletin is to provide information about Revision 2 changes to the British Columbia Building Code 2018 (BC Code) for the design and construction of new secondary suites. Changes are effective December 12, 2019 and apply to projects for which a permit is applied for on or after this date.

A separate bulletin B19-04 discusses how the BC Code changes to secondary suite requirements may impact land use planning.

Background

The BC Code introduced requirements for secondary suites in 1995. Therefore, the National Building Code (National Code) provisions were not adopted when they were first published in 2010. The BC Code requirements have not been substantially updated since 1995.

The adopted changes:

- harmonize with the form and approach of the National Code, and most of its technical requirements;
- incorporate historical requirements from the BC Code that provide a higher level of health and safety; and
- adapt some requirements based on application to existing buildings and to coordinate with other requirements.

The Province of British Columbia (B.C.) is working to remove barriers to secondary housing forms. These mid-cycle revisions to the BC Code aim to increase options for the design and construction of new secondary suites in buildings. Allowing the construction of more secondary suites in more building types helps create more housing units while providing an acceptable level of health and fire safety to occupants. These changes provide local authorities with more options for land use planning.

The definition of secondary suite in the BC Code is not to be equated with similar terms in land use bylaws. Land use bylaws may define or use the term secondary suite to describe housing types. The term might carry a different meaning in bylaw than the meaning assigned in the BC Code. It is often appropriate to set aside the BC Code terms when considering land use and zoning matters.

Including solutions for design and construction of secondary suites in the BC Code does not allow owners to contravene land use bylaws. Land use bylaws govern where secondary suites are permitted whereas the BC Code governs how they are to be built. **Before constructing a secondary suite, check with the local authority.**

The BC Code governs the design and construction of new secondary suites including alterations to existing buildings to add a secondary suite as well as new work or alterations within a secondary

suite. It is not intended that the BC Code be used as evaluation metrics or retroactive construction requirements for existing secondary suites.

Changes to the Definition of Secondary Suites

The BC Code **previously** defined a *secondary suite* as “a *dwelling unit*

- having a total floor space of not more than 90 m² in area,
- having a floor space less than 40% of the habitable space of the *building*,
- located within a *building* of *residential occupancy* containing only one other *dwelling unit*, and
- located in and part of a *building* which is a single real estate entity.”

The **new** definition states that a *secondary suite* means “a self-contained *dwelling unit* located within a *building* or portion of a *building*

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 h and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
- of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
- where both *dwelling units* constitute a single real estate entity.”

The previous definition placed limits on floor space as a mechanism to moderate fire load and occupant load. This revision **discontinues the prescribed floor space amounts and percentage distribution**. New requirements as well as some existing and revised requirements, moderate risks attributed to fire load and occupant load as compensatory measures. **Check with the local authority on floor space allowances.**

It cannot be assumed that the owner occupies one of the dwelling units, nor that the occupant of the dwelling unit has direct control over the secondary suite or use by its occupants as a means of increasing the level of safety. A secondary suite is not a subordinate suite to a principle suite. However, there are health and safety opportunities and benefits that come with a house with a secondary suite having single ownership that may not be available for units with separate ownership. Typical requirements for separately-owned dwelling units have been adjusted to accommodate the interest, coordination, and maintenance that is available with single ownership.

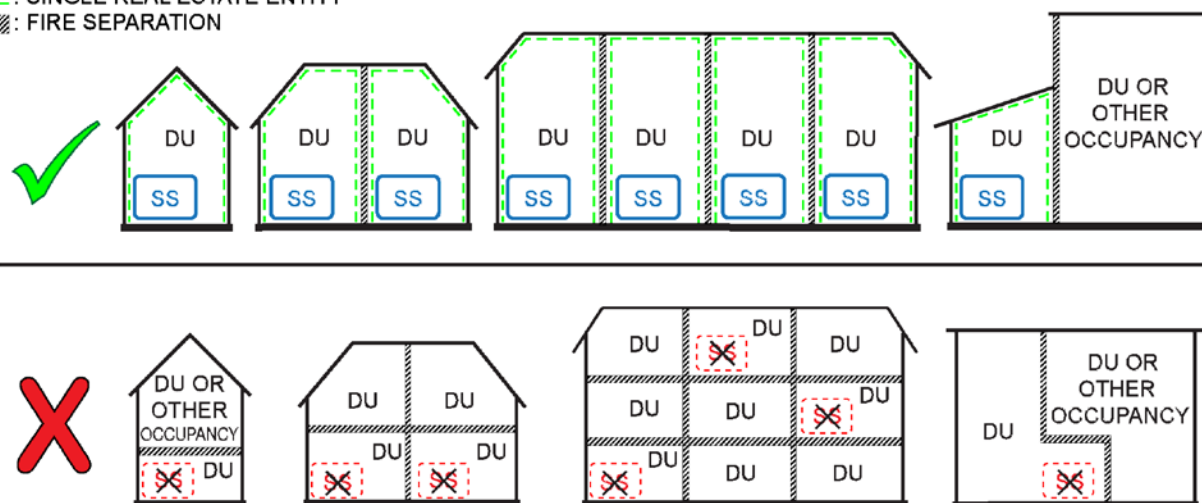
In addition, this change adopts and adapts permissions in the National Code to **allow the construction of secondary suites in a building that may contain more than one dwelling unit or other occupancy**. These permissions are limited and only apply where a dwelling unit and its secondary suite are completely separated from other parts of the building with continuous vertical fire-rated construction. These permissions do not apply where any portion of the dwelling unit and its secondary suite are above or below another dwelling unit or other occupancy.

Examples of buildings where the BC Code allows the construction of secondary suites include side-by-side duplexes and also row houses where a vertical fire separation separates the portion with the dwelling unit with the secondary suite from the remainder of the building. Examples where secondary suites are not permitted are up/down duplexes and apartment buildings where dwelling units are above or below other dwelling units.

The following illustration provides examples of the types of buildings in which the BC Code allows the construction of secondary suites and where secondary suites are not permitted. **Before constructing a secondary suite, check with the local authority.**

Local government contact information is available here: <http://www.civicinfo.bc.ca/directories>.

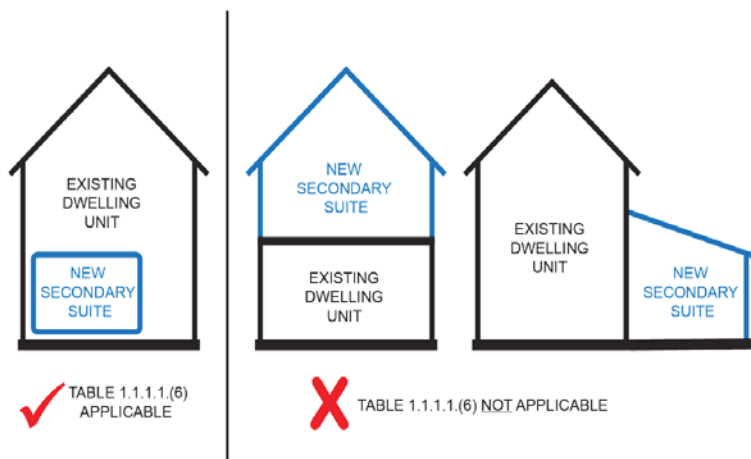
DU: DWELLING UNIT
SS: SECONDARY SUITE
□: SINGLE REAL ESTATE ENTITY
▨: FIRE SEPARATION



Changes to Alterations to Existing Buildings to Add a Secondary Suite

Some previous requirements were based on the premise of 'finishing' an unfinished basement and dealing with the hardships that may exist when working within the confines of an existing home. Some accommodation for when existing construction poses a practical or financial hardship is necessary to avoid abandoning projects or creating disincentives to permits and inspections.

This change distinguishes requirements for new construction - with no existing construction imposing hardship - from requirements for alterations to existing buildings where existing construction poses a hardship. Division A provides Table 1.1.1.1.(6) containing Alternative Compliance Methods that are considered adequate but may only be used where existing construction acts as a practical barrier to compliance with the acceptable solutions in Division B of the BC Code.



Similar to the alternative compliance methods available to heritage buildings, the alternative compliance methods in Table 1.1.1.1.(6) may be substituted for the requirements contained elsewhere in the BC Code. The owner may choose any or a combination of these options:

- apply acceptable solutions in Division B,
- apply alternative solutions under Division A, or
- apply alternative compliance methods in Table 1.1.1.1.(6) of Division A.

Changes to Design and Construction Requirements (Division B)

This change adopts the form and approach of the National Code with regards to secondary suites. Requirements specific to secondary suites are found along side those for dwelling units throughout Part 9 and B.C.'s unique Section 9.37. is deleted.

A table providing references to secondary suite-specific content as it appears throughout Part 9 of Division B is included in the Appendix to this bulletin.

Many provisions are carried over and/or adapted from B.C.'s previous Section 9.37., however there are some provisions that are new. Examples are as follows (references are to Division B):

Examples of New Secondary Suite Provisions	
Means of Egress	Section 9.9.
A second and separate means of egress may be required depending on the design and risk to the first means of egress. Sprinklered buildings and access to balconies provide some alternatives. Where an openable window is relied upon as a second means of egress, it must meet certain conditions; it must have a larger opening (at least 1 m high by 0.55 m wide) than a bedroom egress window, and the sill height is limited to 1 m above the floor and 7 m above adjacent ground level.	
Fire Protection	Section 9.10.
Within a house with a secondary suite, the dwelling units and the common spaces are required to be separated from each other by a fire separation that acts as a continuous barrier to the spread of smoke and fire. Fire separations in a house with a secondary suite must have a fire-resistance rating unless the house is fully sprinklered. As previous, a 45-minute fire-resistance rating is required if smoke alarms are not interconnected (smoke alarms are still required) and a 30-minute fire-resistance rating is permitted where additional photo-electric smoke alarms are installed in each unit and the additional smoke alarms are interconnected. A new 15-minute fire-resistance rating is now permitted where every smoke alarm in the house (secondary suite and the other dwelling unit including their common spaces) are interconnected. A 15-minute rating can be based on testing described in Part 3, calculated using the component additive method in Appendix D, or the designer can follow the construction specifications detailed in Clause 9.11.1.1.(2)(a). There are also construction specifications detailed in Sentence 9.10.3.1.(3) that the designer can use where a 30-minute fire-resistance rating is required. The construction specifications for both the 15-minute assembly and the 30-minute assembly permit the use of 12.7 mm regular gypsum board and satisfy the sound transmission requirements as well.	

Examples of New Secondary Suite Provisions (continued)	
Fire Protection (continued)	Section 9.10.
<p>Doors as closures in fire separations do not need to be labelled or tested, provided they are designed to specific criteria such as having a 45 mm thickness of solid wood and be provided with a self-closing device.</p> <p>Assemblies that separate houses with secondary suites need not be constructed as a firewall but shall be constructed as fire separations with not less than a 1-hour fire-resistance rating. The assembly must be continuous from the top of footings to the underside of the roof deck and may not at any point be horizontal. A house with a secondary suite may not be above or below any other unit or occupancy.</p> <p>Interconnected smoke alarms must be photo-electric type as they are less susceptible to nuisance alarms and may now rely on wireless technology for interconnection.</p> <p>Windows or access panels for firefighting are not required for houses with secondary suites, nor is firefighting access to basements required.</p>	
Sound Transmission	Section 9.11.
<p>Controlling sound transmission is important to occupant health and well-being. The separation between a secondary suite and the other dwelling unit within a house has a reduced apparent sound transmission class (ASTC 40 from 47) and reduced sound transmission class (STC 43 from 50). There is an additional option in lieu of a rating of a prescriptive assembly that is considered acceptable. Sound resistance can be further improved by selecting furnishings and finishing materials that absorb sound such a carpet.</p>	
Carbon Monoxide Alarms	Article 9.32.4.2.
<p>All carbon monoxide alarms installed in a house with a secondary suite including their common spaces must be interconnected and may rely on wireless technology for interconnection.</p>	

A house with a secondary suite may contain common spaces such as common storage, common service rooms, common laundry facilities, and common areas used for egress. Common spaces that are part of a shared means of egress must be separated from the dwelling units with a fire separation and have available controls such as for lighting.

More Information

BC Codes are Now Available Free Online

Free online access to the [BC Building Code](#) and the [BC Fire Code](#) is available on the BC publications [website](#). In addition, Revision 2 content changes are summarized in the online [BC Building Code](#) and the [BC Fire Code 2018](#), for convenience.

Links

- Codes Canada: (volunteer & attend) https://www.nrc-cnrc.gc.ca/eng/solutions/advisory/codes_centre_index.html
- Ministry website: <https://www2.gov.bc.ca/gov/content/industry/construction-industry/building-codes-standards>
- National Code Change Request: https://www.nrc-cnrc.gc.ca/eng/solutions/advisory/codes_centre/code_change_request.html

Contact the Building and Safety Standards Branch

- **General** inquiries can be sent to building.safety@gov.bc.ca
- **Technical** code inquiries can be sent to codequestion@gov.bc.ca

Contact the Local Authority

- Local authority contact information is available online at <http://www.civicinfo.bc.ca/directories>.

The Building and Safety Standards Branch does not enforce compliance with the BC Code. Local authorities are authorized to enforce the BC Code through the Local Government Act and the Community Charter.

Appendix A

British Columbia Building Code 2018 Revision 2 References to Secondary Suite Provisions

The following table provides references to secondary suite-specific content as it appears throughout Part 9 of Division B.

Secondary Suite Provisions in Part 9		
Reference	Application	Provision
Article 9.5.3.1.	Ceiling Heights of Rooms or Spaces	Ceiling and clear heights in secondary suites shall be the same as for all other dwelling units
Article 9.5.5.1.	Doorway Opening Sizes	Doorway opening sizes shall be the same as for all other dwelling units
Section 9.8.	Stairs, Ramps, Landings, Handrails and Guards	Stairs, ramps, landings, handrails and guards shall be the same as for those serving single dwelling units
Article 9.9.2.4.	Principal Entrances	Exemption from requirements for exits
Article 9.9.3.3.	Width of Corridors	Minimum width for public corridors and exit corridors serving a house with a secondary suite including its common spaces
Article 9.9.3.4.	Clear Height	Minimum clear height for public corridors and exit corridors serving a house with a secondary suite including its common spaces
Subsection 9.9.4.	Fire Separations for Exits	Exits shall be separated by a fire separation with a fire-resistance rating corresponding to the interconnection of smoke alarms and the presence of sprinklers
Subsection 9.9.6.	Doors in a Means of Egress	Limits on obstructions of doors and at doorways in a means of egress
Article 9.9.9.2.	Two Separate Exits	Permitted alternatives from providing a second and separate exit
Article 9.9.9.3.	Shared Egress Facilities	Permitted alternatives from providing a second and separate means of egress
Subsection 9.9.11.	Signs	Exemption from requirements for signage
Subsection 9.9.12.	Lighting	Exemption from requirements for lighting in a means of egress
Article 9.10.3.1.	Fire-Resistance and Fire-Protection Ratings	Permitted assemblies where a fire-resistance rating is required
Article 9.10.9.2.	Continuous Barrier	Sealing of joints in fire separations
Article 9.10.9.3.	Openings to be Protected with Closures	Permitted alternative for doors where a fire-protection rating is required

Secondary Suite Provisions in Part 9 (continued)		
Reference	Application	Provision
Article 9.10.9.6.	Penetrations of Fire Separations	Permitted alternative to providing fire dampers
Article 9.10.9.14.	Separation of Residential Suites	Dwelling units shall be separated by a fire separation with a fire-resistance rating corresponding to the interconnection of smoke alarms and the presence of sprinklers
Article 9.10.9.15.	Separation of Public Corridors	Public corridors shall be separated from the remainder of the building by a fire separation with a fire-resistance rating corresponding to the interconnection of smoke alarms and the presence of sprinklers
Article 9.10.10.4.	Location of Fuel-Fired Appliances	Permitted alternative for the separation of service rooms containing a fuel-fired appliance
Article 9.10.11.2.	Firewalls Not Required	Permitted alternative to the requirement for a firewall on a property line
Article 9.10.12.3.	Exterior Walls Meeting at an Angle	Required distance between unprotected openings
Subsection 9.10.15.	Spatial Separation Between Houses	Application of Subsection 9.10.15. to houses with a secondary suite
Article 9.10.19.1.	Required Smoke Alarms	Smoke alarms required in ancillary spaces and common spaces
Article 9.10.19.5.	Interconnection of Smoke Alarms	Options for interconnection of smoke alarms corresponding with the fire-resistance rating of fire separations and the presence of sprinklers
Subsection 9.10.20.	Firefighting	Exemption from providing access panels and basement access
Subsection 9.11.1.	Protection from Airborne Noise	Requirement for protection from airborne noise, and permitted assemblies where an apparent sound transmission class rating or a sound transmission class rating are required
Section 9.32.	Ventilation	Permitted alternative to a self-contained mechanical ventilation system serving only one dwelling unit
Article 9.32.4.2.	Carbon Monoxide Alarms	Carbon monoxide alarms shall be interconnected
Section 9.33.	Heating and Air-Conditioning	Permitted alternative to a heating system or air-conditioning system serving only one dwelling unit
Article 9.33.4.3.	Heating System Control	Individual temperature controls shall be provided in each dwelling unit
Subsection 9.34.2.	Lighting Outlets	Requirement for stairways to be lighted