



Governance & Services Committee

TO: Governance and Services Committee

FROM: Todd Cashin
Director of Community Services

DATE: January 10, 2019

SUBJECT: Secondary Suite Regulations (Z17/05 & RLUB-17-02)

Purpose: To review the public consultation process and outline recommended policy changes for Secondary Suites.

Executive Summary:

The Regional Growth Strategy, Official Community Plans, and Rural Land Use Bylaw support the provision of secondary suites in the Central Okanagan; however, a property owner wishing to install a secondary suite in an Electoral Area is required to apply for rezoning or to amend the land use designation prior to obtaining a building permit.

On August 30, 2016, the Regional Board directed staff to consider secondary suite applications by policy approval rather than bylaw amendment (Appendix 'A'). RDCO staff reviewed member municipality and neighbouring regional districts' secondary suite policies and regulations, engaged with stakeholders and the public, and conducted an online survey. As a result of this research and public engagement process, staff is recommending the following:

- Conduct additional public engagement with a technical stakeholder group;
- Permit secondary suites by policy rather than via a bylaw amendment in a number of residential zones and land use designations;
- Eliminate the use of breezeways; and,
- Implement a minimum lot size requirement of 1.0 hectare (2.47 acres) for secondary suites to address existing and future servicing requirements.

Building permits would continue to be required and applicable regulations would be addressed at time of building permit application.

RECOMMENDATION:

THAT the Governance and Services Committee receive for information the Secondary Suite Regulations report from Planning Services dated January 10, 2019;

AND FURTHER THAT it is recommended the Regional Board direct staff to proceed with the proposed technical stakeholder review and prepare bylaws to implement the proposed secondary suite regulations.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Approved for Committee's Consideration



Brian Reardon, CAO

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Implications of Recommendation:

Strategic Plan: Directing staff to prepare amendments to the secondary suite provisions meets the 2015-2018 Strategic Priorities Plan, Strategic Priority #1: Provide Proactive and Responsive Governance.

Policy: Directing staff to prepare amendments to Zoning Bylaw No. 871 and Joe Rich Rural Land Use Bylaw No. 1195 complies with:

- Regional Growth Strategy Bylaw No. 1336:
 - Policy No. 3.2.10.2: "Encourage effective governance and service delivery by being transparent, accountable, and accessible"
 - Policy No. 3.2.6.1: "Preserve and enhance existing neighbourhoods through encouragement of a variety of housing types, densities, choices, and affordability"; and,
- Okanagan Basin Water Board Sewage Facilities Assistance Grant Program:
 - Policy No. 3.6.1: "Communities must have policies and bylaws in place prohibiting the development of accessory dwellings on properties less than 1.0 hectare that are not connected to community sewer".

Background:

The provision for secondary suites was introduced into Zoning Bylaw No. 871 at time of adoption in 2000, and Joe Rich Rural Land Use Bylaw No. 1195 included the use in 2012.

In 2017, staff began a policy review of secondary suite regulations in the Electoral Areas by reviewing neighbouring jurisdictions regulations, policies, and servicing requirements to permit a secondary suite (summarized in [Table 1.1](#)).

Currently, all four member municipalities and two neighbouring Okanagan Valley regional districts currently permit secondary suites by policy in some zones; however, there are differences in servicing and minimum parcel size requirements. In general, the secondary suite must be connected to community sanitary sewer unless the parcel meets the Interior Health Authorities' (IHA) requirements for on-site sewage disposal.

Should an owner wish to include a secondary suite within a principal residence, under Zoning Bylaw No. 871 and Joe Rich Rural Land Use Bylaw No. 1195 the person must apply to rezone or amend the land use designation of the parcel.

The RDCO is the only local government within the Okanagan region that requires a rezoning process to allow for a secondary suite. The Regional Board has approved 24 secondary suites since 2000 (15 in the Central Okanagan East and 9 in the Central Okanagan West), with 1 application in queue.

Table 1.1 Secondary Suite Regulations in Neighbouring Jurisdictions

Secondary Suites			
Local Government	Approval Authority	Process	Servicing Requirements
RDCO	Regional Board	Bylaw Amendment and Building Permit	Must be connected to community sanitary sewer; unless the parcel meets the requirements for onsite sewage disposal.
RDNO	Permitted secondary use in some residential zones	Building Permit	Not permitted on lots smaller than 1.0 hectare; unless the parcel is connected to community sanitary sewer.
RDOS	Permitted secondary use in some residential zones	Building Permit	Must be connected to sanitary sewer; unless the parcel is a minimum of 0.2 ha (2,020 m ²) and meets the requirements for onsite sewage disposal.
City of Kelowna	Permitted secondary use in some residential zones	Building Permit	No secondary suite will be allowed without connection to sewer for lots less than 0.08 ha (830 m ²). Where lot size permits, the parcel meets the requirements for on-site sewage disposal.
City of West Kelowna	Permitted secondary use in some residential zones	Building Permit plus Business Licence	Must be connected to community sanitary sewer; unless the parcel meets the requirements for onsite sewage disposal.
District of Peachland	Permitted secondary use in some residential zones	Building Permit plus Annual Suite Fee	Not permitted on lots smaller than 1.0 hectare; unless the parcel is connected to community sanitary sewer.
District of Lake Country	Permitted secondary use in some residential zones	Building Permit	Must be connected to community sanitary sewer; unless the parcel meets the requirements for on-site sewage disposal.

Proposed Regulations

Allowing secondary suites by policy rather than via a bylaw amendment is consistent with neighbouring jurisdictions. In addition, the proposed regulations would clarify what “located within the single detached house” means by defining ‘*breezeways*’.

Furthermore, the recommended regulations would ensure that servicing requirements are in keeping with external agency policies by limiting residential zones that permit secondary suites to parcels greater than 1.0 hectare (2.47 acres) in size. There are currently 7 parcels in the Electoral Areas with the secondary suite ('s') zoning designation that are less than 1.0 hectare.

The proposed changes would streamline the secondary suite application process, offer a better service to residents in the Electoral Areas, and be less expensive, less time consuming, and provide more certainty with future land use decision.

Stakeholder Consultation

In 2018, staff began the referral process and engaged with applicable provincial ministries, First Nations, water purveyors, member municipalities, RDCO Advisory Commissions, utility service providers, Okanagan Basin Water Board (OBWB), IHA, and internal departments.

Secondary suites, which are self-contained and located within an existing single family dwelling, are considered acceptable to tie into the primary septic field assuming that the field is sized appropriately, and with proper maintenance and treatment; however, during review of the information received, other issues were raised regarding drainage and servicing, most notably with the number of small undeveloped lots in the Electoral Areas.

Adding density in rural areas that do not have community sewer, particularly on smaller parcels, lowers the septic field capacity and the ability to relocate a field if it fails or needs to be expanded.

Public Consultation

From July to November 2018, staff attended community events, posted an online survey, and made hard copy surveys available at the Planning and Inspection Services front counter to gauge the public's feedback on proposed changes to secondary suites. A total of 55 completed surveys were received, and some of the main concerns include servicing, parking, enforcement, and the potential of short-term rental accommodation negatively impacting rural residential communities (Appendix 'B').

OBWB 1.0 Hectare Policy

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 sewers. 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.
- Carriage houses / accessory dwellings are prohibited on properties less than 1.0 hectare and not connected to community sewer.

Conclusion:

Consistency among secondary suite bylaws, policies, and regulations may be beneficial to Central Okanagan residents; however, recognizing that the Electoral Areas are unique and inherently rural in nature, increasing density in all residential zones may not be appropriate and may cause a significant strain on servicing and the environment.

Given recent drainage issues and geotechnical concerns experienced in the valley over the past few years, staff is proposing to limit residential zones that permit secondary suites to parcels greater than 1.0 hectare (2.47 acres) in size. This proposal is consistent with the District of Peachland and Regional District of North Okanagan's regulations and minimum lot size requirements.

Staff recommends further in-depth review with various technical stakeholders regarding servicing requirements to ensure that the proposed increased density of permitting secondary suites in the Electoral Areas is adequately addressed.

Considerations not applicable to this report:

- *General*
- *External*
- *Financial*
- *Organizational*
- *Legal/Statutory Authority*

Attachment(s):

- Appendix 'A' – August 30, 2016 Governance and Services Committee Report
- Appendix 'B' – Secondary Suites Public Survey Results