



# Regional Board Report

## Request for Decision

**To:** Regional Board  
**From:** Director of Development and Engineering Services  
**Date:** September 26, 2024  
**Subject:** Building Bylaw Amendments

**Voting Entitlement:** *All Directors - Unweighted Corporate Vote - Simple Majority (LGA s.208)*  
*Bylaw adoption requires 2/3 majority (LGA s.228)*

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**Purpose:** To consider Building Bylaw amendments which will define the works necessary to convert an existing dwelling into a non-residential accessory building or accessory home, so that a new principal dwelling can be built on the same property.

### Executive Summary:

The intent of this amendment is to define the structural features and facilities that differentiate between residential and non-residential buildings. RDCO staff have found that when these features are included in accessory buildings (not intended for residential use), these buildings are frequently illegally occupied.

The proposed amendments provide clarity on the specific building alterations that are needed to decommission an existing conforming dwelling to convert it into a non-residential accessory building. This will help to ensure that; land use and density remains consistent with what is permitted under each property's zone, building code requirements are met, only legally built structures are occupied, and illegal occupancy does not compromise human health and safety.

The proposed amendment also defines a process whereby landowners can continue to reside in an existing conforming dwelling during the construction of a new home. This process allows the RDCO to hold security to ensure that the original building is appropriately decommissioned, altered or demolished once the new home is complete.

**THAT** the Regional Board gives first, second and third reading to Bylaw No.1553, Amendment No.2 to Building Bylaw No. 1482, 2023;

**AND THAT** the Regional Board adopts Bylaw No.1553, Amendment No.2 to Building Bylaw No. 1482, 2023;

**AND THAT** the Regional Board gives first, second and third reading to Bylaw No. 1554, Amendment No.3 to Development Application Fees and Charges Bylaw No.1483, 2023;

**AND FURTHER THAT** the Regional Board adopts Bylaw No. 1554, Amendment No.3 to Development Application Fees and Charges Bylaw No.1483, 2023.

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Respectfully submitted by: Adam Bednarski, Building Official and Shaun O'Dea, Senior Planner  
Report Approved by: Danielle Noble Brandt, Director of Development and Engineering Services  
Approved for Agenda: Sally Ginter, Chief Administrative Officer

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**Strategic Plan Alignment:**

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| <input type="checkbox"/> Emergency preparedness  | <input type="checkbox"/> Truth and reconciliation   |
| <input type="checkbox"/> Health and wellness     | <input type="checkbox"/> Environment and climate – Regional priority only                 |
| <input type="checkbox"/> Regional transportation | <input checked="" type="checkbox"/> Growth and development – Electoral Area priority only |
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**Background:**

Zoning regulations for all rural and residential properties in the RDCO's Electoral Areas allow for the development of a principal residence and accessory buildings. In the course of their duties, RDCO Inspections Services staff have encountered multiple situations where existing regulations do not sufficiently distinguish between the two uses or provide necessary guidance for landowners who wish to convert from one use to another. For example:

- A property contains a conforming dwelling, however;
  - The owner wants to build a new home and convert the existing dwelling into an accessory building (or accessory home where the property size and zoning permits).
  - The owner wants to build a new home and continue to reside in the original dwelling while the project is under construction, but they intend to demolish the original dwelling once the new home is completed.
- An accessory building (which may not be used for residential purposes) is proposed, but it includes fixtures and design features which are consistent with residential uses.
- An inspection or enforcement action reveals an accessory building that contains fixtures and design features which are consistent with unpermitted residential uses.

Staff have identified a need to improve the transparency and consistency of the regulations to guide landowners and ensure that only suitably permitted dwellings are occupied according to the allowed density on any given parcel.

**Proposal:**

Development Services staff have reviewed other policy examples and drafted clauses to enhance the alignment between the RDCO's Building Bylaw, land use bylaws, BC Building Code, ALC regulations, and other central and south Okanagan jurisdictions. The proposed amendments to Building Bylaw No. 1482 are summarized below:

- Subsection 10.55 specifies that accessory buildings shall not be used for residential occupancy.
- Subsection 10.56 describes the design features and fixtures that shall not be included in accessory buildings that are solely associated with dwellings.
- Subsection 10.57 establishes building permit processes for decommissioning existing conforming dwellings.
- Subsection 10.58 describes the process whereby a resident may continue to live in an existing principal dwelling, which will be converted to an accessory home or decommissioned upon the completion of a new home on the property.
- Subsection 10.59 describes how converted buildings must comply with fire smart and wildfire covenant standards.
- Subsection 11.5 provides greater clarity on when a recreational vehicle may be used as a temporary building during the active construction of a new dwelling.

An amendment has also been drafted for Schedule 1 of the RDCO Development Application Fees and Charges Bylaw. The amendment outlines the building permit fees and security bonding associated with decommissioning or converting an existing dwelling:

- 2.b. Decommissioning Application Fee: A non-refundable fee required to convert a building from a legal or illegal residential use to a non-residential accessory building has a fee of \$520 (2024 rates).
- 22a. Temporary occupancy of a dwelling during the construction of a new principal dwelling requires a \$20,000 security bond.

These enhanced regulations create a greater degree of regional consistency between the electoral areas and the RDCO's member municipalities. This consistency helps to ensure that rural and remote areas are not unduly positioned to invite illegal uses due to vague or non-explicit regulations.

### Referral Comments:

The Agricultural Land Commission reviewed initial draft amendments and asked that the RDCO explicitly reference requirements for *Non-adhering Residential Use* approvals when there is a proposal to build additional dwellings on ALR land. These recommendations have been included as subsection 10.58(c).

The Ministry of Agriculture supports the Building Bylaw update and provided recommendations to help ensure that the amendments support farm operations while mitigating the impact of former residential structures on farmland. In response to their feedback, the regulations have been structured to allow features such as showers in accessory buildings that are associated with commercial farm operations where they are needed for worker safety and biosecurity.

### Advisory Committee Comments:

The Planning Advisory Committee supports the proposed amendments.

### Considerations:

Financial: Amendments to Development Application Fees and Charges Bylaw No. 1483 will establish the Decommissioning Application Fee and the security bonding required to ensure existing dwellings are suitably decommissioned upon the completion of a new principal dwelling. The new application fee will help ensure that RDCO Inspections Services recovers the cost associated with conducting inspections on building conversions.

Legal/Statutory Authority: Section 298 of the *Local Government Act* grants regional districts the power to enact building regulation bylaws.

Attachments: 

1. Bylaw No.1553, Amendment No.2 to Building Bylaw No. 1482, 2023
2. Bylaw No.1554, Amendment No.3 to Development Application Fees and Charges Bylaw No.1483, 2023
3. PowerPoint Presentation