TO: Governance and Services Committee

FROM: Ron Fralick
Manager of Planning

DATE: August 30, 2016

SUBJECT: Secondary Suite Applications (3360-01)

Purpose: To obtain direction from the Board with respect to consideration of secondary suites by policy approval rather than bylaw amendment.

Executive Summary:
The Regional Growth Strategy, Official Community Plans, and Rural Land Use Bylaw support the provision of secondary suites in the Electoral Areas. However, a property owner wishing to install a secondary suite in the Electoral Areas is required to apply for rezoning or to amend the land use designation prior to obtaining a building permit. In terms of volume, the Regional Board has approved 19 secondary suites since 2000.

Three of the four RDCO member municipalities, and our RDNO and OSRD neighbours permit secondary suites by policy; the District of Peachland is exploring implementing similar changes. It is noted that prior to approving this change, these local governments completed a significant public consultation process to which we expect to follow as well.

RECOMMENDATION:

THAT the Governance and Services Committee recommend the Board direct staff to include consideration of secondary suite applications by policy approval rather than bylaw amendment in the 2017 Program Plan (111 – Electoral Planning).

Respectfully Submitted:

R. Fralick, MCIP, RPP
Manager of Planning

C. Radford
Director of Community Services

Prepared by: Janelle Taylor, Planner 1

Approved for Board’s Consideration

Brian Reardon, CAO
Implications of Recommendation:

Strategic Plan: Directing staff to review the secondary suite provisions in 2017 meets the 2015-2018 Strategic Priorities Plan, Strategic Priority #1: Provide Proactive and Responsive Governance.

Policy: Directing staff to review the secondary suite provisions in 2017 complies with Regional Growth Strategy Bylaw No. 1336’s Policy No. 3.2.10.2: Encourage effective governance and service delivery by being transparent, accountable and accessible.

Legal/Statutory Authority: Directing staff to review the secondary suite provisions in 2017 meets Local Government Act Section 464 requirement of holding a public hearing prior to adopting a land use bylaw.

Background:
On June 27, 2016, the Regional Board passed the following resolution: #140/16 THAT staff be directed to bring a report to a future Governance & Services Committee meeting for consideration of secondary suite applications by policy approval rather than bylaw amendment.

History
The provision for secondary suites was introduced into Zoning Bylaw No. 871 at time of adoption in 2000; however, Joe Rich Rural Land Use Bylaw No. 1195 only recently included the use in 2012 (File: RLUB-12-01, Amendment Bylaw No. 1195-06).

Current RDCO Secondary Suite Regulations
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. Should the land-use-amendment application for a secondary suite be successful, a subsequent Building Permit for the building construction / alteration is required.

At this time, the Electoral Areas have a total of 19 parcels with approved secondary suites, plus 1 application currently in queue (11 in Central Okanagan East Electoral Area and 9 in Central Okanagan West Electoral Area).

Regional Growth Strategy Bylaw No. 1336
Policy No. 3.2.6.1 “Preserve and enhance existing neighbourhoods through encouragement of a variety of housing types, densities, choices and affordability”.

Official Community Plans / Rural Land Use Bylaw
Brent Road / Trepanier Official Community Plan Bylaw No. 1303:
Section 6.2, Policy No. 7 notes that “secondary suites are recognized as an appropriate form of infill housing that provides affordable rental/special needs housing options without a significant impact on the character of a neighbourhood.”
Rural Westside Official Community Plan Bylaw No. 1274:
Section 6, Policy No. 7 notes that the following should be reviewed “to provide more affordable housing using secondary suites, manufactured homes within existing and new developments, while maintaining sensitivity to the existing rural character of the North Westside area, and resolving additional load on any infrastructure”

South Slopes Official Community Plan Bylaw No. 1304:
Section 6, Policy No. 6 “The Board may consider allowance of secondary suites on properties that are zoned for residential use. A zoning amendment process is required in accord with the Local Government Act and with provisions of the Zoning Bylaw. Secondary suites are recognized as an appropriate form of infill housing that provides affordable rental/special needs housing options without a significant impact on the character of a neighbourhood. The Regional Board generally supports secondary suites where a landowner demonstrates that all technical issues will be addressed, and where there are no significant objections from neighbouring landowners. Limited growth is anticipated in the foreseeable future due to constraints of potable water and servicing. If there is to be growth, it will be located near or adjacent to established settlement areas of Lakeshore Road and June Springs Estates.”

Ellison Official Community Plan Bylaw No. 1124:
Section 16, Policy No. 2.8 supports “a range of residential types and densities in order to accommodate different socio-economic groups, age groups, and lifestyles.”

Joe Rich Rural Land Use Bylaw No. 1195:
Part 3 – Rural Lands for Residential Use, Policy No. 3.2.9 “Investigate the requirements for housing with relatives for family members within the study area.”

Comparison
The following table is a comparison of RDCO, member municipality, and neighbouring Regional District policies and bylaws regarding secondary suite use:

<table>
<thead>
<tr>
<th>Local Government</th>
<th>Approval Authority</th>
<th>Process</th>
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</thead>
<tbody>
<tr>
<td>RDCO</td>
<td>Board</td>
<td>Bylaw Amendment and Building Permit</td>
</tr>
<tr>
<td>District of Peachland</td>
<td>Council</td>
<td>Bylaw Amendment and Building Permit Note: Process under consideration (ie: considering permitting secondary suites by policy)</td>
</tr>
<tr>
<td>City of West Kelowna</td>
<td>Permits Secondary Use in some zones</td>
<td>Building Permit, Suite Application Fee, Registration Fee, Business License</td>
</tr>
<tr>
<td>City of Kelowna</td>
<td>Permits Secondary Use in some zones</td>
<td>Building Permit, Business License</td>
</tr>
<tr>
<td>District of Lake Country</td>
<td>Permits Secondary Use in some zones</td>
<td>Building Permit</td>
</tr>
</tbody>
</table>
As shown above, three of the four member municipalities currently permit secondary suites by policy in some zones; the District of Peachland is exploring potential changes to their current process. In regards to the two neighbouring Okanagan Valley regional districts, they both permit secondary suites by policy in some zones.

**Organizational Issues & Financial Considerations:**

The 2016 Program Plan for the Planning Section’s 111- Electoral Planning does not include a project to consider implementing secondary suites by policy, and subsequently processing bylaw amendments to Zoning Bylaw No. 871 and Joe Rich Rural Land Use Bylaw No. 1195. Including the Project in the 2016 Program Plan may cause other projects to be deferred.

**External Implications:**

The local governments which have provisions to allow secondary suites by policy completed significant public consultation at time of considering the amendment. Planning staff believes that a similar public consultation process should apply if the Committee supports the provision of secondary suites via policy.

**Conclusion**

Consistency among secondary suite bylaws, policies, and regulations may be beneficial to Central Okanagan residents. Planning staff supports consideration of allowing secondary suites in some zones/land use designations by policy approval rather than bylaw amendment. In order for this process to occur, appropriate amendments to both the RDCO Zoning Bylaw No. 871 and Joe Rich Rural Land Use Bylaw No. 1274 would be required. This initiative should be considered as part of the 2017 Program Plan (111 – Electoral Planning), and the level of public consultation should be greater than the minimum required by the Local Government Act.

**Alternative Recommendation:**

THAT the provision of secondary suites continues to be subject to a bylaw amendment process in accordance with RDCO Application Procedures Bylaw No. 944.

**Considerations not applicable to this report:**

- General

Attachment(s):

- Zoning Bylaw No. 871, Section 3.26 Secondary Suites
- Joe Rich Rural Land Use Bylaw No. 1195, Section 2, Subsection 3.16 Secondary Suites