

***Housing Statutes (Residential Development)
Amendment Act, 2023 – Bill 44***

“Development Permit Area Designations”

Committee of the Whole - Tuesday February 13, 2024

Development Permit Area Designations



Housing Statutes (Residential Development) Amendment Act, 2023 – Bill 44

- Adopted on November 30, 2023:
 - new housing needs reporting requirements;
 - Increases to residential densities;
 - requires OCPs be updated more frequently;
 - requires pre-zoning to accommodate a 20-year housing supply; and
 - changes to public hearing requirements.

Development Permit Area Designations

Important Timelines

- Dec. 2023 – SSMUH policy manual and site standards released.
- Jan. 2024 – HNR instructions provided to local governments.
- Feb. 2024 – Details announced for \$51 million funding allocation.
- June 30/24 – Bylaws to be updated to accommodate SSMUH reqmts.
- July 2024 – OCP/zoning update instructions provided to municipalities.
- Dec. 31/24 – Interim HNR must be completed.
- Dec. 31/25 – OCPs and zoning bylaws updated based on interim HNR.

Development Permit Area Designations

Important Timelines

- Dec. 2023 – SSMUH policy manual and site standards released.
- Jan. 2024 – HNR instructions provided to local governments.
- Feb. 2024 – Details announced for \$51 million funding allocation.
- June 30/24 – Bylaws to be updated to accommodate SSMUH reqmts.
- July 2024 – OCP/zoning update instructions provided to municipalities.
- Dec. 31/24 – Interim HNR must be completed.
- Dec. 31/25 – OCPs and zoning bylaws updated based on interim HNR.

Development Permit Area Designations

SSMUH Requirements :

- Bill 44 introduced the following requirement into the *Local Government Act*:
 - ... a local government must consider applicable guidelines, if any, under section 582.1 [provincial policy guidelines related to small-scale multi-family housing].



Development Permit Area Designations

Provincial Policy Manual:

- On December 7, 2023, the Minister released a Policy Manual related to Small-Scale Multi-Unit Housing (SSMUH);
- the Manual includes recommended approaches to development permit area designations.
- Council should create “a favourable regulatory environment” for new building forms in areas traditionally reserved for detached single-family and duplex homes.



Development Permit Area Designations

Provincial Policy Manual:

- *local governments in BC commonly use DPAs to achieve objectives that are outside the purposes prescribed in the LGA, and which can be regulated in other more appropriate ways.*
- DP area guidelines can negatively impact the viability of small-scale multi-unit housing development and local governments are encouraged to consider alternate approaches.



Development Permit Area Designations

“Form & Character” DPs (Policy Manual):

- *of the all the types of DPAs allowed under the LGA, those established ... for the purpose of managing the form and character of SSMUH development have the greatest potential to negatively impact the creation of new housing units.*
- *DPAs and the development guidelines through which they are typically exercised, can introduce significant time, costs, delays, and uncertainty into projects. In the context of SSMUH housing, these factors can easily undermine the viability of projects.*

Development Permit Area Designations

Important Considerations:

- ... *local governments are discouraged from using DPAs to control the form and character of SSMUH developments up to six units in all but exceptional circumstances*. [emphasis added]
- evaluating new projects on how they may impact neighbouring properties prioritizes the interests of existing development;



Development Permit Area Designations

Important Considerations:

- requiring entrances to a residential unit face, or be visible from, the street limits creativity;
- requiring landscaping plans by a qualified landscape architect is not necessary;
- managing building height should be addressed through zoning.



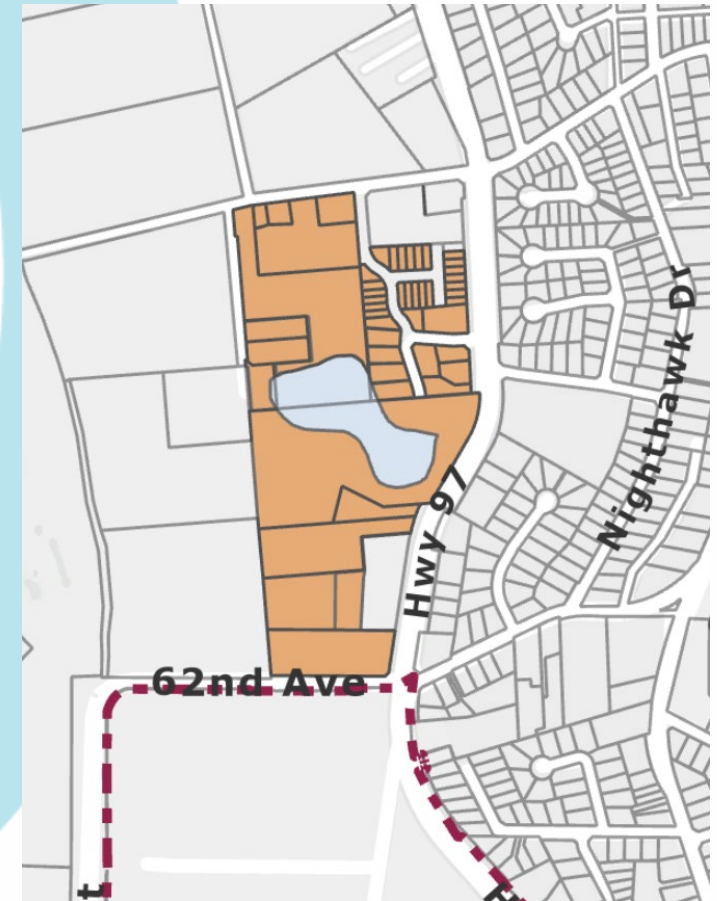
Development Permit Area Designations

Southeast Meadowlark DP Area

Development Permit Area Designations

Southeast Meadowlark DP Area:

- Generally applied to a range of different zones (i.e. IRD, R1, PI & AG).
- Appears to apply to all types of dwellings, including single detached.
- Seeks to minimize the impact of development on adjacent farm land.
- Also seeks to promote energy and water conservation and reduce greenhouse gas emissions.



 Southeast Meadowlark Development Permit Area

Development Permit Area Designations

Southeast Meadowlark DP Area :

- Existing development at Southeast Meadowlark has generally been in the form of single detached dwellings.
- Density at Southeast Meadowlark is unlikely to exceed 6 units per parcel;
- BC Step Code provides a better venue in which to address sustainability concerns;
- Multi-Family DP Area could be applied to un-developed parcels in future (subject to ALR exclusion and rezoning to Medium Density Residential).

Development Permit Area Designations



Development Permit Area Designations

Options:

1. Repeal the Southeast Meadowlark DP Area designation.
2. Revise the SMDP Area designation as follows:
 - a) repeal all guidelines that may negatively impact the creation of new housing;
 - b) only apply the SMDP to developments of 7+ units.
3. Replace with the MFDP Area designation (where appropriate)
4. Status quo.

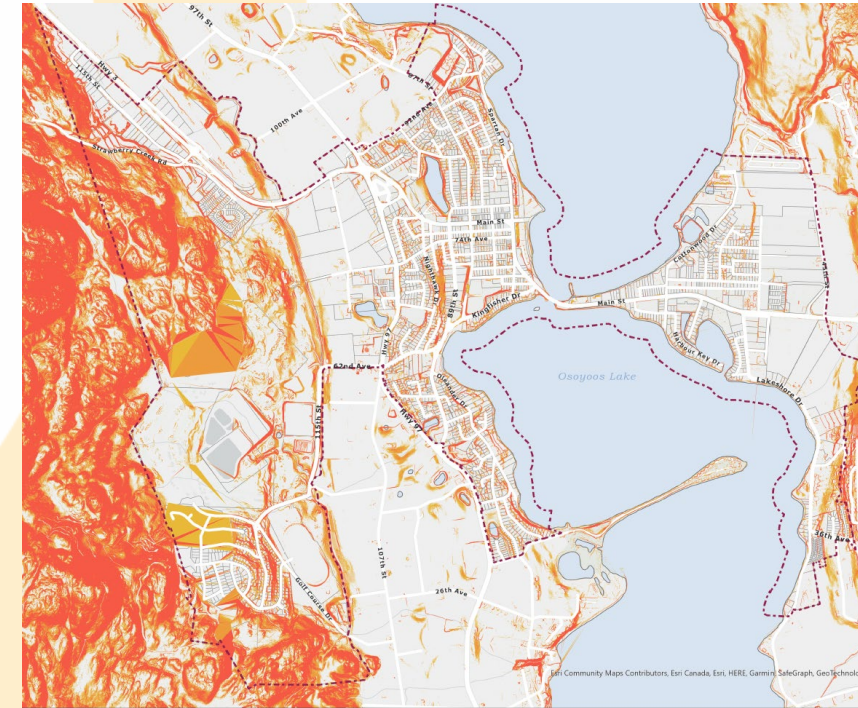
Development Permit Area Designations

Hillside DP Area

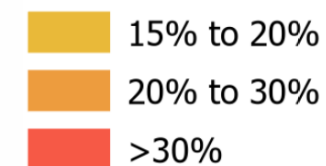
Development Permit Area Designations

Hillside DP Area:

- seeks to protect development from hazard based on “steep slope”.
- majority of lands affected are Crown or Town owned.
- the HDP also seek to do the following:
 - promote energy & water conservation and reduce greenhouse gas emissions;
 - regulate the form and character of “intensive residential” development;
 - environmental protection.



Hillside Development Permit Area



Development Permit Area Designations

Hillside DP Area:

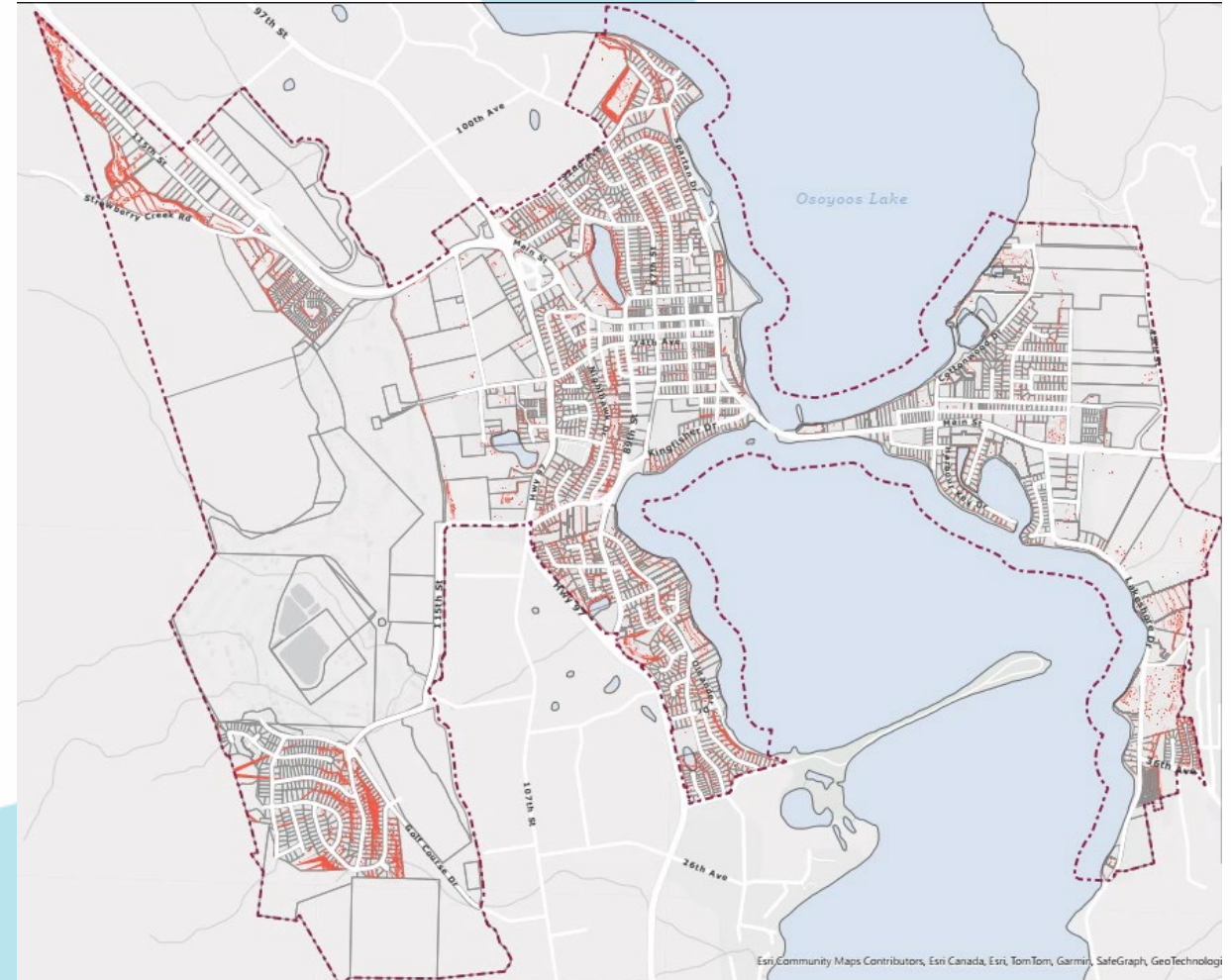
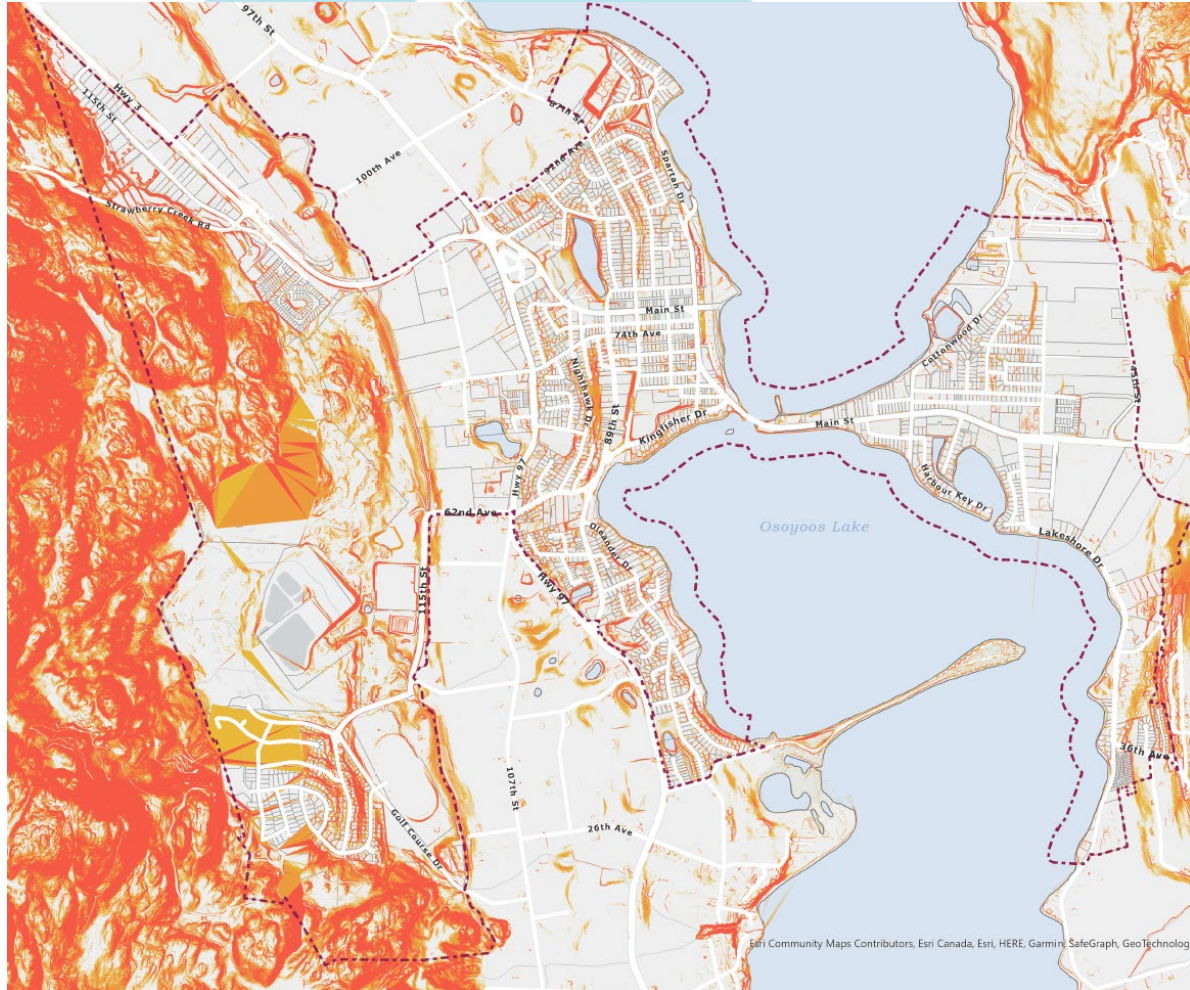
- the principal purpose of the HDP is unclear;
 - is it concerned with hazardous conditions?
 - is it concerned with energy, water and GHG reductions?
 - is it concerned with the aesthetics of development?
 - is it concerned with environmental protection?
- steep slopes are generally understood to be grades exceeding 30%;
- the Hillside DP has been applied to slopes exceeding 15%.

Development Permit Area Designations

Hillside DP Area:


- if DPs should not be applied to developments comprising 6 units or less, that generally removes the justification for “form and character” considerations;
- If the Building Code should be used to address sustainability consideration (Step Code), that removes the justification for energy, water and GHG considerations
- If applied only to steep slopes exceeding 30% on private land ...

Development Permit Area Designations



Development Permit Area Designations



 Hillside Development Permit Area

Development Permit Area Designations

Hillside DP Area:

- re-drafting the DP to address identified issues may not be a minor task;
- other options *could* be investigated, such as introducing retaining wall regulations into the zoning bylaw;
- the introduction of a new Hillside DP can also be investigated as a strategic project in 2025 – if identified by Council as a priority.

Development Permit Area Designations

Options:

1. Repeal the Hillside DP Area designation.
2. Revise the Hillside DP Area designation as follows:
 - a) repeal all guidelines related to “form and character”;
 - b) repeal all guidelines related to energy, water & GHG reductions;
 - c) repeal all guidelines related to environmental protection;
 - d) only designate lands with slopes exceeding 30%.
3. Status quo.

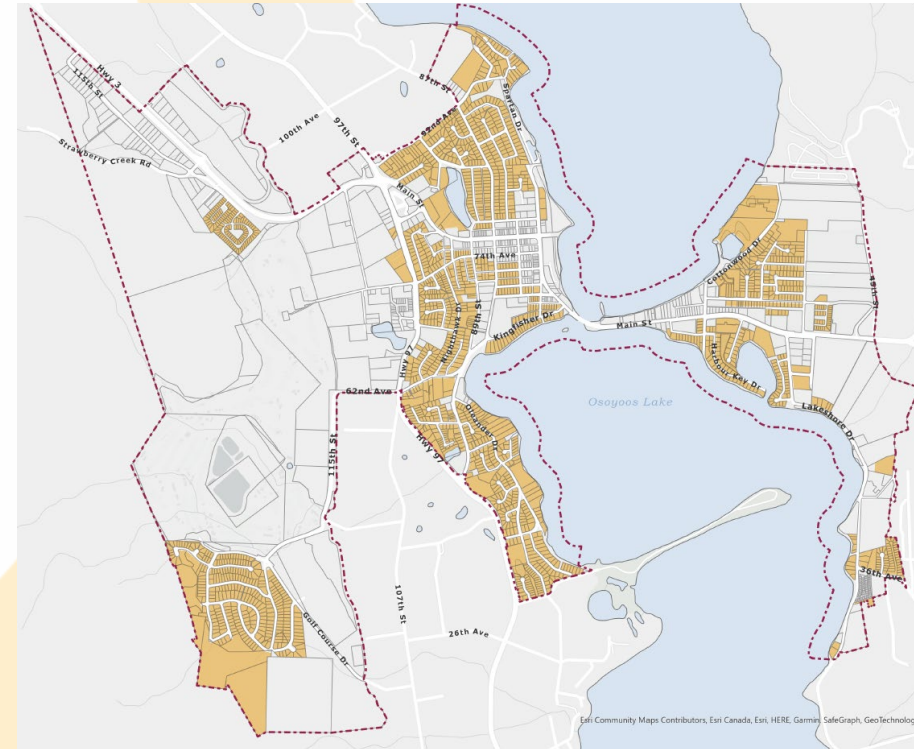
Development Permit Area Designations

Multi-Family DP Area

Development Permit Area Designations

Multi-Family DP Area:

- Generally applied to lands zoned Low & Medium Density Residential.
- Any development comprising two (2) or more units on designated parcels requires a development permit.
- Also seeks to promote energy and water conservation and reduce greenhouse gas emissions.



 Multi-Family Residential Development Permit Area

Development Permit Area Designations

Multi-Family DP Area Justification:

- *The objective of this development permit area is to ensure multi-family developments are designed in a manner that positively enhances the overall aesthetic of neighbourhoods, while minimizing conflicts with other less-intensive uses.*
- “other less-intensive uses” is understood to be existing single detached dwellings ...

Development Permit Area Designations

Multi-Family DP Area Guidelines:

- *Building massing should be considerate of uses on adjacent properties.*
- *The impact of shadows on surrounding uses and buildings should be minimized.*
- *Buildings on lakefront property shall be massed and sited with attention to viewscales of Osoyoos Lake from adjoining streets and nearby buildings.*
- *Lot grading must be harmonious with adjoining lots.*

Development Permit Area Designations

Multi-Family DP Area Guidelines:

- *The mains entrance of townhouse, duplex, and apartment buildings shall be oriented to face the street or an internal road where possible.*
- *A Landscape Plan prepared by a registered Landscape Architect or related professional shall be submitted as part of the Development Permit application.*
- *Screening in the form of landscaped buffers and/or solid fencing is required along property lines abutting land used for single detached housing.*

Development Permit Area Designations



Development Permit Area Designations

Issues:

- The stated justification for the Multi-Family DP Area, being the protection of existing residential neighbourhoods, is incompatible with the direction provided by the province.
- Aspects of the MFDP Area guidelines have been drafted to protect the character of existing low density residential neighbourhoods.

Development Permit Area Designations

Options:

1. Revise the Multi-Family DP Area designation as follows:
 - a) repeal all guidelines that may negatively impact the creation of new housing;
 - b) only apply the MFDP to developments of 7+ units;
 - c) only designate lands MFDP that are zoned RM1.
2. Repeal the MFDP Area designation.
3. Status quo.



Development Permit Area Designations

Mixed Use and Commercial DP Area

Development Permit Area Designations

Mixed Use and Commercial DP Area:

- The design guidelines for this DP contain *some* of the same elements found in the MFDP:
 - *Building mass should be considerate of uses on adjacent properties;*
 - *Buildings on lakefront property shall be massed and sited with attention to views of Osoyoos Lake from ... nearby buildings;*
 - *All areas not covered by buildings, structures, roadways, pathways, or parking ... shall be suitably landscaped;*
 - *Landscaping plans prepared by a registered Landscape Architect showing existing ... as well as all proposed landscaping.*

Development Permit Area Designations

Options:

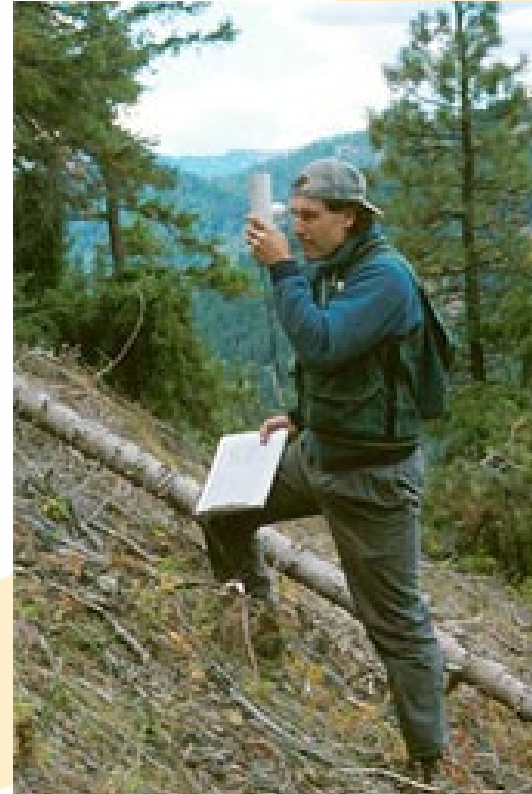
1. Revise the Mixed Use and Commercial DP Area designation as follows:
 - a) by revising guidelines that may negatively impact the creation of new housing.
2. Repeal the Mixed Use and Commercial DP Area designations.
3. Status quo.

Development Permit Area Designations

Protection of Environment DP Areas:



Riparian DPs

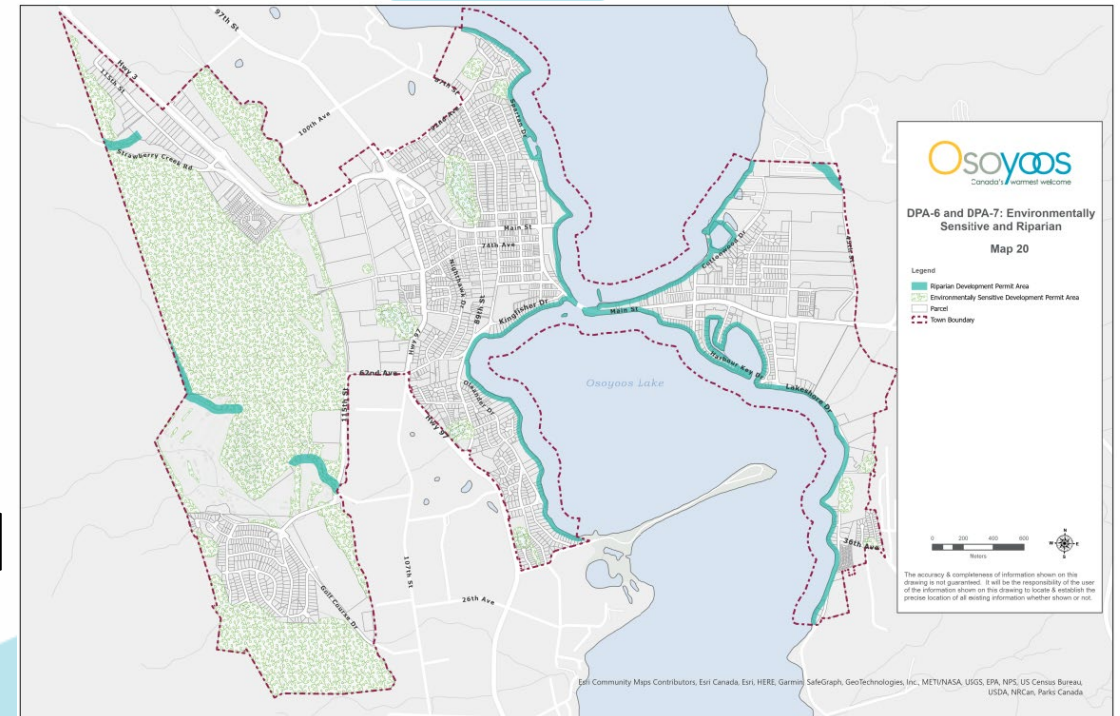


Environmentally Sensitive DPs

Development Permit Area Designations

Environmentally Sensitive & Riparian DP Areas:

- existing OCP Schedule 20 presents both DPs on the same map.
- concern that riparian areas may have incorrectly been designated as ESDP ...



Development Permit Area Designations



 Environmentally Sensitive Development Permit Area



 Small Lakes

Development Permit Area Designations

Options:

1. Revise the ESDP and Riparian DP Area designations as follows:
 - a) separate the lands that have been designated onto two separate maps; and
 - b) review the ESDP designation of various water bodies.
2. Status quo.

Development Permit Area Designations

Next Steps:

- Prepare amendment bylaws responding to new legislation by **June 30, 2024**;
- Prepare Interim Housing Report by **December 31, 2024**.
 - provincial funding announced in January; and
 - provincial criteria to be released in February.
- Prepare amendment bylaws responding to Interim HNR by **December 31, 2025**.

Development Permit Area Designations

QUESTIONS?