

To: Her Worship Mayor McKortoff and Members of Council

From: Christopher Garrish, Planner

Date: May 14, 2024

Subject: Proposed OCP Amendments – SSMUH Implementation

Tracker No: BLW-396

RECOMMENDATION:

THAT Official Community Plan (OCP) Amendment Bylaw 1375.04, 2024, be read a first and second time;

AND THAT Land Use Procedures Amendment Bylaw No. 1235.08, 2024, and Municipal Ticket Information (MTI) Amendment Bylaw No. 1279.21, 2024, be read a first, second and third time;

AND THAT Council considers the process, as outlined in the Administrative Report dated May 14, 2024, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, Council has considered OCP Amendment Bylaw No. 1375.04, 2024, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing for OCP Amendment Bylaw No. 1375.04, 2024, be scheduled for May 28, 2024;

AND THAT staff give notice of the public hearing in accordance with the requirement of the *Local Government Act*.

CAO Comments:

Approved for Council consideration.

Executive Summary:

The purpose of this report is to provide Council with options in relation to a series of proposed amendments to the Town's Official Community Plan (OCP), Land Use Procedures (LUP) Bylaw and Municipal Ticket Information (MTI) Amendment Bylaw that relate to Small-Scale Multi-Unit Housing (SSMUH) Implementation.

Background:

On November 30, 2023, the provincial Legislature adopted Bill 44, which introduced a number of substantial amendments to the *Local Government Act*, the intent of which was the delivery of "more small-scale, multi-unit housing for people, including townhomes, triplexes and laneway homes, and fix outdated zoning rules to help build more homes faster."

On December 7, 2023, the provincial government released *Provincial Policy Manual & Site Standards* (Small-Scale, Multi-Unit Housing) as a resource to assist local governments with the implementation of zoning bylaw amendments required to comply with the changes to the Act.

Under a new Section 481.3(7) of the *Local Government Act*, Council “must consider applicable guidelines” made by the Minister (e.g. the SSMUH Policy Manual) when developing or adopting a zoning bylaw to permit the use and density of use required to be permitted under the Act.

While the SSMUH Policy Manual establishes numerous provincial expectations for local governments in relation to zoning regulations, it also addresses development permit area guidelines.

The Town is required to approve a zoning bylaw(s) that comply with SSMUH requirements by **June 30, 2024**, and notify the Minister of Housing, in writing, that the bylaw(s) have been adopted, the location(s) of any exempted land(s) and the legislative provisions supporting the exemptions.

Council Consideration:

At its meeting of February 13, 2024, the Committee of the Whole (COTW) considered staff reports regarding proposed amendments to residential policies, development permit (DP) area designations and various map schedules contained within the Town's OCP.

At its meeting of April 9, 2024, the Committee of the Whole (COTW) resolved that the following amendment bylaws be initiated and brought forward for consideration of first reading at a subsequent Council meeting:

- Official Community Plan Amendment Bylaw No. 1375.04, 2024;

AND the following amendment bylaws be initiated and brought forward for consideration of first three readings at a subsequent Council meeting:

- Land Use Procedures Amendment Bylaw No. 1235.08, 2024; and
- Municipal Ticket Information (MTI) Amendment Bylaw No. 1279.21, 2024.

Referrals:

Pursuant to Section 476 of the *Local Government Act*, Council must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, the School District has been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading Council must consider the proposed OCP amendment in conjunction with the Town's current financial and waste management plans. The proposed OCP amendment has been reviewed by the Operational Services and the Finance Department, and it has been determined that the proposed bylaw is consistent with the Town's current waste management plan and financial plan.

Pursuant to Section 475 of the *Local Government Act*, Council must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural land. Both the ALC and the Ministry of Agriculture have been made aware of the proposed OCP amendment bylaw.

Public Process:

Referral comments received in relation to the proposed OCP amendments are included as separate items in the Council Agenda.

Staff recommends that the notification of agencies listed at Attachment No. 1 should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, this process is seen to be sufficiently early and does not need to be further ongoing.

Analysis:

Further to the previous direction provided by Council at Committee, Administration has prepared draft amendments incorporating proposed changes to the OCP Bylaw, Land Use Procedures Bylaw and Municipal Ticket Information (MTI) Bylaw.

The proposed amendments to the OCP include, amongst other things, the following:

- revisions to the “Low- to Medium-Density Residential” designation;
- revisions to the “Medium- to High-Density Residential” designation;
- repeal of the Southeast Meadowlark, Hillside and Foreshore and Lake Development Permit Area designations; and
- revisions to the Multi-Family, Mixed Use and Commercial, Industrial, Environmentally Sensitive, and Riparian development permit area guidelines and mapping.

With regard to the proposed amendments to the Town’s Land Use Procedures Bylaw, this is principally in relation to transferring development permit (DP) application requirements from the OCP.

This is in order to avoid confusion over whether stated DP application requirements are actually required or merely suggested (due to currently being listed as “Guidelines” in the OCP) and also as a matter of consistency as the LUP is generally where all other formal application requirements are listed for rezonings, DVP, subdivisions, etc.

With regard to the proposed amendments to the Town’s Municipal Ticketing Information (MTI) Bylaw, this is principally in relation to the introduction of a new “Offence” section at Section 8 of the OCP Bylaw in which undertaking work without a permit or in contravention of a permit condition is subject to a fine.

Options/discussion:

1. THAT Official Community Plan (OCP) Amendment Bylaw 1375.04, 2024, be read a first and second time;

AND THAT Land Use Procedures Amendment Bylaw No. 1235.08, 2024, and Municipal Ticket Information (MTI) Amendment Bylaw No. 1279.21, 2024, be read a first, second and third time;

AND THAT Council considers the process, as outlined in the Administrative Report dated May 14, 2024, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, Council has considered OCP Amendment Bylaw No. 1375.04, 2024, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing for OCP Amendment Bylaw No. 1375.04, 2024, be scheduled for May 28, 2024;

AND THAT staff give notice of the public hearing in accordance with the requirement of the *Local Government Act*.

2. THAT first reading of Official Community Plan (OCP) Amendment Bylaw 1375.04, 2024, Land Use Procedures Amendment Bylaw No. 1235.08, 2024, and Municipal Ticket Information (MTI) Amendment Bylaw No. 1279.21, 2024, be denied.

Implications:

a) Community

- Increasing densities will provide additional housing opportunities and ensure the Town is compliant with recent provincial legislative changes. However, it is also likely to increase demand on Town services such as water and sewer and further increase demand for vehicle parking due to the influx of visitors during our peak seasons.

b) Organizational:

- Increased infrastructure and vehicle parking demands.

c) Budget:

- None at this time.

d) Financial/Risk Implications

- Infrastructure such as water and sewer will require upsizing in some areas. The exact number of pipes and associated cost is not known at this time but is estimated to be significant.

e) Significant Dates:

- The Town's zoning bylaw must be updated by June 30, 2024, to comply with provincial legislative requirements.

f) Sustainability

- Increasing residential densities is consistent with the Town's designation as a "Primary Growth Area" under the South Okanagan Regional Growth Strategy (RGS).

Others Consulted:

Referral List – Attachment 1

Attachments:

Attachment 1 - Agency Referral List

Attachment 2 – Official Community Plan Amendment Bylaw No. 1375.04, 2024

Attachment 3 – Land Use Procedures Amendment Bylaw No. 1235.08, 2024

Attachment 4 - Municipal Ticket Information (MTI) Amendment Bylaw No. 1279.21, 2024

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following departments and agencies as highlighted with a ☒, prior to Council considering first reading of Official Community Plan Amendment Bylaw No. 1375.04:

	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Chief Administrative Officer
<input checked="" type="checkbox"/>	Agricultural Land Commission	<input checked="" type="checkbox"/>	Corporate Officer
	Archaeology Branch (MFLNRORD)	<input checked="" type="checkbox"/>	Chief Financial Officer
	Interior Health Authority	<input checked="" type="checkbox"/>	Operational Services
<input checked="" type="checkbox"/>	Ministry of Agriculture & Lands	<input checked="" type="checkbox"/>	Building Inspector
	Ecosystem Section (MFLNRORD)	<input checked="" type="checkbox"/>	Fire Department
<input checked="" type="checkbox"/>	School District	<input checked="" type="checkbox"/>	Osoyoos Indian Band
	Fortis BC	<input checked="" type="checkbox"/>	RDOS
	Eastlink		RCMP
	Telus		