



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

NOTICE OF BYLAW AMENDMENT

The Alberni-Clayoquot Regional District (ACRD) Board of Directors will consider first, second, and third readings of **Bylaw P1500, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw** at their regular meeting as scheduled below:

MEETING DETAILS

When: Wednesday, June 12, 2024 at 1:30 pm

Where: ACRD office at 3008 Fifth Avenue, Port Alberni, BC. Electronic, call-in, or in-person attendance options are available.

WHAT'S THIS ABOUT?

Background: The *Local Government Act* was amended on December 7, 2023 to require local governments to update their zoning bylaws by June 30, 2024, to comply with Provincial Small-Scale Multi-Unit Housing (SSMUH) legislation by allowing secondary suites or accessory dwelling units (ADUs) in all single-family zones.

Purpose: Bylaw P1500 is a zoning text amendment bylaw to amend the ACRD Zoning Bylaw No. 15 to permit one (1) secondary suite within or attached to the principal dwelling on all residential-zoned lots with no minimum lot size. The following zones are included: Single Family Residential (R1) District, Two Family Residential (R2) District, Acreage Residential (RA1) District, Acreage Residential (RA2) District, and Acreage Residential (RA3) District.

The zoning will continue to permit ADUs as detached units or within accessory buildings on lots that are larger than 0.4 hectare (1 acre), with an overall maximum of two dwellings on a residential or rural lot. The bylaw also includes updates to the setbacks and lot coverage in the Acreage Residential (RA3) District to be less restrictive on housing development.

HOW CAN I LEARN MORE?

Copies of Bylaw P1500 and all related documents are available at the ACRD office and linked as supplementary information on the ACRD website at: www.acrd.bc.ca/events/12-6-2024/.

Planning staff can answer questions in person, through email, or by phone during regular office hours 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays.

PROVIDE YOUR INPUT!

Providing an opportunity for public input is a top priority for the ACRD. SSMUH legislation prohibits local governments from holding a public hearing on amendments to a zoning bylaw proposed for the sole purpose of complying with the legislation.

If you have input on Bylaw P1500, we encourage you to submit your written comments to the ACRD by:

- Hard copy delivered to the ACRD office in person or by mail; and/or
- Email sent to planning@acrd.bc.ca

Email submissions will only be considered received if receipt confirmation is provided by ACRD staff. Written submissions must be received by **4:30 pm on June 11, 2024**. Submissions provided after this time will not be considered by the Board before first, second and third readings of the bylaw.

ASK US!

If you have questions or experience technical difficulties with website access, Planning staff are available to provide assistance during regular office hours 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays. We can be reached at:

Alberni-Clayoquot Regional District
Planning Department
3008 Fifth Ave, Port Alberni, BC V9Y 2E3
Phone: 250-720-2700
Email: planning@acrd.bc.ca



To: ACRD Board of Directors

Meeting Date: May 8, 2024

From: Amy Anaka, MCIP, RPP, Planner

File #: RT24004

Application Type: Rezoning Text Amendment

Voting Structure: Electoral Area Directors and Tofino

Electoral Area: A - Bamfield, B - Beaufort, C - Long Beach, D - Sproat Lake, E - Beaver Creek, F - Cherry Creek

Subject: Zoning Bylaw Text Amendment - Small-Scale Multi-Unit Housing - Secondary Suites

Recommendation:

THAT the Alberni-Clayoquot Regional District Board of Directors consider first reading of Bylaw P1500, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw at a future date, and that notice be given in accordance with section 467 of the Local Government Act.

Development Proposal: This is an ACRD initiated zoning text amendment to ensure compliance with the *Housing Statutes (Residential Development) Amendment Act, 2023* by June 30, 2024.

Background and Summary:

The *Local Government Act* (LGA) was amended on December 7, 2023, to require local governments to update their zoning bylaws by June 30, 2024, to comply with Small-Scale Multi-Unit Housing (SSMUH) legislation, to allow secondary suites or accessory dwelling units (ADUs) in all single-family zones. Through the SSMUH legislation, the Province aims to increase housing supply, create more diverse housing choices, and over time, contribute to more affordable housing across the province.

Text amendments are being proposed to the ACRD Zoning Bylaw No. 15 to ensure compliance with the new requirements of the LGA as it relates to SSMUH and prior to the statutory deadline of June 30, 2024. These are contained in Zoning Text Amendment Bylaw P1500, included in this report, and will permit one secondary suite within the principal dwelling (not detached accessory dwelling units or suites within an accessory building) on all lots with no minimum lot size that are zoned for only single-family residential use.

Compliance with Small-Scale Multi-Unit Housing Legislation:

To ensure compliance with the legislation, staff have completed the following:

- Reviewed Zoning Bylaw No. 15 to identify impacted zones that would permit one (1) additional housing unit, which include the following:
 - Single Family Residential District (R1)
 - Two Family Residential District (R2)
 - Acreage Residential District (RA1)
 - Acreage Residential District (RA2)
 - Acreage Residential District (RA3)
- Consulted the Province's *SSMUH Policy Manual and Site Standards* (Policy Manual) to identify updates for the zoning bylaw that will allow the required one (1) additional housing unit in Residential zones.

RT24004

Alberni-Clayoquot Regional District | 3008 Fifth Avenue, Port Alberni, BC V9Y 2E3 | 250.720.2700 | www.acrd.bc.ca

Serving Port Alberni, Tofino, Ucluelet, Treaty First Nations: Huu-ay-aht, Yuułu?ił'ath, Uchucklesaht Tribe Government, and Toquaht Nation, and Six Electoral Areas: "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek).

- As per the Policy Manual, other updates including setbacks, building height, lot coverage, and other technical requirements for the zones, as recommended in the Policy Manual, will be further reviewed and considered as part of future long range planning work.
- Bylaw P1500 includes updates to the RA3 District to align front, rear, and side yard setbacks, and lot coverage, with the other Residential zones to be less restrictive on the siting of dwellings. The front yard would be reduced from 49.2 ft to 40 ft, the rear yard would be reduced from 32.8 ft to 30 ft, the side yard would be reduced from 16.4 ft to 15 ft, and the maximum lot coverage would be increased from 15% to 25%. This update is consistent with policies and objectives in the Electoral Area Official Community Plans (OCPs) that support housing and residential uses.
- Geospatial analysis was also completed by staff to identify the number of lots that are included as part of Bylaw 1500.
 - There are approximately 1,400 lots that are less than one (1) acre in the R1, R2, RA1, RA2, RA3 Districts across the ACRD that would be permitted to have one (1) additional dwelling unit (a secondary suite) as a result of adoption of Bylaw P1500.
 - The addition of a secondary suite would be subject to building permit requirements and confirmation that sewage disposal, drinking water, building setback, lot coverage, and parking requirements can be met.
- Identified other plans, policies, and regulations that may be impacted by the zoning bylaw changes and prioritized them for review and updates, which include:
 - By January 1, 2025, the six (6) Electoral Area Housing Needs Reports (HNRs) must be updated to include a 20-year housing needs target, describe actions taken to reduce housing needs, and the need for housing in close proximity to multiple forms of transportation. It is anticipated that this work will be done in the second half of 2024. Once the interim HNRs are completed, the reports must be updated every five (5) years thereafter.
 - The six (6) current Electoral Area OCPs were adopted between 2007 and 2014, and only minor updates have been completed. Comprehensive updates to the OCPs will begin in 2024 as directed by the Board. Once completed, the OCPs must be updated every five (5) years thereafter.
- Presented Zoning Bylaw text amendment P1500 for adoption prior to June 30, 2024.
 - The ACRD Zoning Bylaw currently permits ADUs, including secondary suites, on lots 0.4 hectare (1 acre) or larger within an OCP area. As per SSMUH legislation, Zoning Text Amendment P1500 will permit one (1) secondary suite within the principal dwelling (not detached ADUs or suites within an accessory building) on all lots zoned for only single-family or two-family residential use without any minimum lot size.
 - This excludes lots zoned to allow seasonal, recreational or vacation residential use such as the Salmon Beach (SB) and Vacation Home (RVH) Districts.
 - This also excludes lots zoned for uses in addition to single-family residential uses, such as the Small Holdings (A1), Rural (A2), Forest Rural (A3), and Forest Reserve (A4) Districts which permit additional agriculture and other rural and resource-type uses.
 - The Policy Manual recommends that only secondary suites (not ADUs) be permitted on properties less than one (1) hectare (2.47 acres) in size that are not serviced by community sewer systems.

The following includes details on specific topics related to implementation of the SSMUH legislation for the ACRD:

Requirements of the SSMUH Policy Manual

The Province's *SSMUH Policy Manual and Site Standards* (Policy Manual) is a resource to support local governments with the implementation of zoning bylaw amendments required to comply with the changes to the LGA under the SSMUH legislation. It establishes provincial expectations for local government implementation of the SSMUH requirements.

In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the legislation, a local government must consider any applicable guidelines for SSMUH, including this Policy Manual.

By June 30, 2024, the ACRD must adopt zoning amendments to allow a secondary suite and/or a detached ADU on all lots zoned for only single-family residential use. The Policy Manual includes other recommendations for zoning updates which the ACRD is not required to initiate by June 30, 2024, but that will be considered as part of future long range planning work.

Short Term Rentals

The purpose of the SSMUH legislation is to encourage the construction of new small-scale, secondary unit housing for long-term occupancy. If a property owner wanted to use a secondary suite as a short term vacation rental (STR) they would need to apply to the ACRD for a STR Temporary Use Permit or rezone to a commercial use. The residential tenure in the Residential zones restricts any commercial activity.

Existing secondary suites built without a permit

The legislation will not legalize existing secondary suites built without a permit. It will allow secondary suites to be built within the principal house on all lots less than one (1) acre zoned for only single-family residential use. If a secondary suite was built without a building permit, property owners will have to work with the ACRD Building Department to bring it into compliance with the BC Building Code and other ACRD requirements.

Agricultural Land Reserve (ALR)

If a property is located within the ALR and is subject to SSMUH legislation, the property in the ALR continues to be subject to the *Agricultural Land Commission Act*, which currently allows landowners to have both a principal residence and small secondary residence on their property. The majority of the properties in the region located within the ALR are zoned A1, A2, A3, and A4. Secondary suites would only be permitted in the A Districts as part of the existing ADU regulations where a lot is one (1) acre or larger.

Communication:

The SSMUH legislation prohibits local governments from holding a public hearing on amendments to a zoning bylaw proposed for the sole purpose of complying with the SSMUH legislation. A public hearing cannot be held for the consideration of Bylaw P1500.

Even though a public hearing will not be held, the community will still have opportunities for public input on this proposed amendment, which will be advertised in the following ways: two consecutive newspaper adverts in the Alberni Valley and Westerly News, information posted on the ACRD website, through ACRD social media, included in ACRD Around the Region advertising, and an agency and First Nation bylaw referral.

In addition, there will also be more frequent opportunities for community members to be involved in shaping their communities earlier in the process, when OCPs are updated. The Board has directed that the Regional District undertake comprehensive updates to the six Electoral Area OCPs, starting with the first two OCP updates in 2024. These OCP update projects, which include a public hearing, will provide for more meaningful engagement opportunities for a greater number of community members to participate, and will include discussions around increasing the housing supply and promoting greater housing diversity across the ACRD.

Advisory Planning Commission (APC) Recommendation: As updates proposed in Bylaw P1500 are required by legislation to be adopted by June 30, 2024, it is recommended that the Board proceed without APC input on this specific bylaw. The six Electoral Area APCs will be engaged on upcoming discussions about comprehensive OCP updates, Housing Needs Reports updates, and any further potential zoning updates to allow additional housing supply and diversity.

Options to Consider:

The ACRD does not have an option to not update the zoning bylaw at this time to permit a secondary suite on all single-family residential zoned lots, but could consider the following:

1. Provide additional community outreach over May-June 2024 including additional advertising and communication to communicate the zoning bylaw updates, what the new rules are, and how property owners will be affected.
2. Proceed with required zoning bylaw updates as included in Bylaw P1500 by June 30, 2024, and following bylaw adoption, direct staff to bring a report back to the Board with additional zoning bylaw update options that would allow for more housing supply and diversity. Examples could include updating Rural Districts such as A1, A2, A3 and/or A4 to allow for more housing, allow detached ADUs on lots smaller than one (1) acre, allow ADUs and secondary suites larger than 90 m².

Submitted by: *Alex Dyer*
Alex Dyer, MCIP, RPP, Planning Manager

Reviewed by: *Cynthia Dick*
Cynthia Dick, General Manager of Administrative Services

Approved by: *Daniel Sailland*
Daniel Sailland, MBA, Chief Administrative Officer



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1500

OFFICIAL ZONING TEXT AMENDMENT

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the "Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971".

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw upon the affirmative vote of the Directors in accordance with the *Local Government Act*;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the text of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw No. P1500.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended as follows:

- a. Section 3 is hereby amended by deleting the definition of "granny flat" and "secondary suite" and replacing them with the following:

"Granny Flat means carriage house."

"Secondary Suite means a second dwelling unit that is located within or attached to and forms part of a principal dwelling unit."

- b. Section 6.5 Accessory Buildings and Uses is hereby amended by adding subsection 6.5(5) to read as follows:

"Secondary Suites - Secondary dwellings within or attached to a principal dwelling

- (a) a maximum of one (1) secondary suite is permitted per lot in the following districts: R1, R2, RA1, RA2, and RA3, provided the principal use of the lot is a single-family dwelling or two family dwelling.

- (b) there shall be a maximum of two (2) dwelling units per lot in the R1, R2, RA1, RA2, and RA3 Districts.
 - i. a lot in the Two Family Residential (R2) District is only permitted two (2) dwelling units; one (1) single-family dwelling and one (1) attached secondary suite, or one (1) two family dwelling.
- (c) there is no minimum lot area required for a secondary suite that is located within or attached to and forms part of a principal dwelling unit.
- (d) a secondary suite shall only be permitted to be erected on a lot where it is located within or attached to a principal dwelling unit.
- (e) a secondary suite shall have a total floor area of not more than 90 m².
- (f) a secondary suite shall only be one (1) storey.
- (g) a secondary suite shall have an entrance that is separate from that of the principal dwelling unit.
- (h) a secondary suite shall include facilities for storing, preparing and cooking food, sanitary facilities and a bedroom.
- (i) a secondary suite must be provided with potable water and sewage disposal facilities approved by the local health authority.
- (j) no person shall occupy a secondary suite unless an occupancy permit has been issued for it.
- (k) one (1) off-street parking space shall be provided for the exclusive use of the secondary suite.
- (l) the principal dwelling unit or the secondary suite must be occupied as a principal residence.
- (m) a secondary suite may not be a separate strata unit.

For clarity, secondary suites are for primary residents, not vacation rentals.”

c. Amending Schedule No. II – Section 200 – Bulk and Site Regulations as follows:

Zoning District or Use	Minimum Lot Width (feet)	Minimum Lot Area	Maximum Lot Coverage	Minimum Setbacks (Feet)			Maximum Height (feet)
				Front	Rear	Side	
RA3	98.4	0.24 hectare	25%	40	30	15	32.8

3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this day of ,

Read a second time this day of ,

Read a third time this day of ,

Adopted this day of ,

Corporate Officer

Chair of the Regional Board