

**Date** October 29, 2024  
**Author** Rory Stever, Planner II  
**Subject** Accessory Dwelling Unit Planning Process

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## REQUEST

Authorize staff to proceed with a planning process to consider updates to zoning and land use bylaw regulations regarding Accessory Dwelling Units.

## OPTIONS

1. THAT staff be authorized to proceed with the Accessory Dwelling Unit Regulations project review and bylaw amendment processes as outlined in the October 29, 2024 Request for Decision.
2. THAT staff not proceed with further work on this project at this time.

## RECOMMENDATION

Option 1

## BACKGROUND

The role of local government in accommodating a diverse range of housing types to meet the needs of current and future residents has evolved in recent years. The Provincial Government has implemented legislative changes to require local governments to undertake Housing Needs Reports and to amend guiding documents such as Official Community Plans (OCP) to include statements and policies that demonstrate guidance on how to achieve housing objectives. The most recent legislative changes include the Housing Statutes (Residential Development) Amendment Act, or Bill 44, 2023.

In June 2024, the Board adopted zoning amendments to implement the mandated Bill 44 changes to permitted residential dwelling units, through permitting a secondary suite in all single family only residential zones. As was identified during the bylaw amendments to align the RDEK zoning regulations with the Bill 44 requirements, further consideration of regulatory changes to detached Accessory Dwelling Units (ADUs) should proceed through a separate process that can incorporate the appropriate community consultation, OCP amendments, and fully consider the provincial guidance on servicing requirements and site standards as prescribed by the Provincial Policy Manual.

While the RDEK zoning and land use bylaws regulations related to housing options has evolved over time, it has largely been reactive and targeted to specific niche or specialized housing types, such as a relative requiring care or a dwelling unit for a farm hand. The permissibility of additional dwelling units has also been constrained by other factors, such as density limits with the Agricultural Land Reserve (ALR). Changes to other legislation provides an opportunity for some of these constraints to be reassessed.

The necessity for a project of this type is also demonstrated by dialogue within RDEK communities regarding the need for a range of housing types and options. The RDEK has also seen an increase in development variance permit applications for the relocation of detached secondary suites from above a garage to the main level to accommodate accessibility and the size of the suite permitted by current zoning regulations. Consideration of these types of variances demonstrates that the secondary suite regulations are not meeting the current demands for a range of housing types within the rural communities.

## DISCUSSION

This project represents an opportunity for the RDEK to be proactive in its land use policy decisions and to respond to a key housing need across the region. The Accessory Dwelling Unit planning process will provide a robust and detailed review of current bylaws as well as community consultation. The process will also address key considerations and potential challenges including site servicing (water and sewer), parcel size requirements, and accessibility needs. These key considerations and potential challenges will also be incorporated into the updated planning process. The project will address changes related to ADUs including size, typology, location, and amount of ADUs on properties throughout the RDEK.

### *Secondary Suites*

Although zoning regulations now permit a secondary suite within a principal dwelling in all residential zones, further exploration is required to determine the type and number of secondary dwelling units (suite or detached) that could be permitted. Second dwelling units can either be a secondary suite in the principal dwelling or as a detached ADU. ADUs are often referred to as carriage houses, granny flats, garden suites and laneway housing. The zoning bylaws currently have accommodations for detached ADUs, although use and parcel size limitations limit when the option is available. The Jaffray, Tie Lake, Rosen Lake Land Use Bylaw does not currently permit carriage houses.

### *Detached Secondary Dwelling Units*

Through the Bill 44 bylaw amendment process, zones that were classified as restricted zones were only permitted to have a secondary suite within the principal dwelling unit. Expansion beyond this mandated requirement was determined to require community consultation prior to implementation. Further investigation is warranted regarding increased flexibility in the development of secondary dwelling units based on current zoning regulations, water and sewage servicing considerations and community compatibility. What is suitable for small urban sized residential parcels in the rural context may be different than much larger parcels that have the potential to allow detached secondary dwelling units and can accommodate on-site servicing of multiple ADUs.

### *Summary of Potential Changes*

- Allowance of all second dwelling unit typologies (including carriage houses) in communities throughout the RDEK
- Potential allowance of two ADUs in specific communities based on compatibility
- Expansion of clearly defined guidelines for servicing requirements including water and sewer for all secondary suite typologies
- Increase in the size of second dwelling units permitted based on servicing considerations and community compatibility

*Relative Requiring Care Regulations*

The relative requiring care zoning regulations allows the placement of a temporary dwelling (manufactured home) for a relative requiring care and assistance. The regulations generally allow one additional residence on 2 ha (5ac) parcel sizes and larger. The regulations limit the dwelling unit to a manufactured home which must be removed once the relative is no longer living on the property or no longer requires care. Due to the similarities between this regulation, consideration of recent changes to the ALR Regulations and the potential allowance of a detached secondary dwelling unit on residential properties, this project will explore the possibility of integrating this regulation with the new regulations.

*ALR Act & Regulations*

The Agricultural Land Commission has permitted a second residence on all parcels since January 2022. The size of the second residence is determined based on the size of the parcel. Some additional dwelling units have been accommodated under current zoning regulations related to permitted secondary dwelling units (eg farm hand); however, the current bylaw regulations remain a limiting factor in expanding housing opportunities. Staff has identified potential opportunities to amend regulations to ensure flexibility in housing options in the rural areas and to align zoning regulations with recent changes in provincial legislation shown in the table below:

	Detached Accessory Dwelling Unit (ADU) Optional Changes			
	Maximum Permitted ADU Size by Parcel Area			ADU Location Restrictions
	Less than 1 ac	1 ac to 40 ac	Greater than 40 ac	
All Zoning Bylaws & the Land Use Bylaw	Match ALR Regulation ▪ 90 m <sup>2</sup>	Option 1 – Match ALR Regulation ▪ 90 m <sup>2</sup>  Option 2 – Exceed ALR Regulation outside the ALR ▪ 125 m <sup>2</sup>	Match ALR Regulation ▪ 186 m <sup>2</sup>	Remove requirement for location on second storey above a garage.

The suitability of the potential amendments will be explored through the proposed consultation process.

*Timeline*

The draft timeline below provides a rough outline of timing that will be refined as the project evolves and specific consultation events and outgoing communications are planned. As community, partner, and stakeholder perspectives emerge the process will adapt to best ensure that the resulting ADU regulations are reflective of community concerns and ambitions.

- **January to March** –Consultation (e.g. public survey, community association & utility operators consultation, Electoral Area Director Workshop)
- **April & May** – Drafting of options for regulatory changes & interagency consultation (e.g. ALC, MOTI)
- **June & July**- Public Review of Proposed Changes

- **August & September** – Bylaw preparation & final consultation (as needed)
- **October** – Formal bylaw adoption process

## **SPECIFIC CONSIDERATIONS**

### **Priority Projects**

Review of Secondary Suite Size Limits and amending zoning bylaws is identified as a 2024 Strategic Priority.

The Board has also identified sustainable land use planning including harmonizing and modernizing our existing official community plans and zoning bylaws to create more consistency and improve the effectiveness of land use planning across the region.

### **Communications**

A dedicated Engage Page with information resources will be established for the planning process. A Communications Plan will be developed.