# PIBC PLN Ask a Lawyer

**Housing Legislation** 

February 23, 2024

Don Lidstone, KC





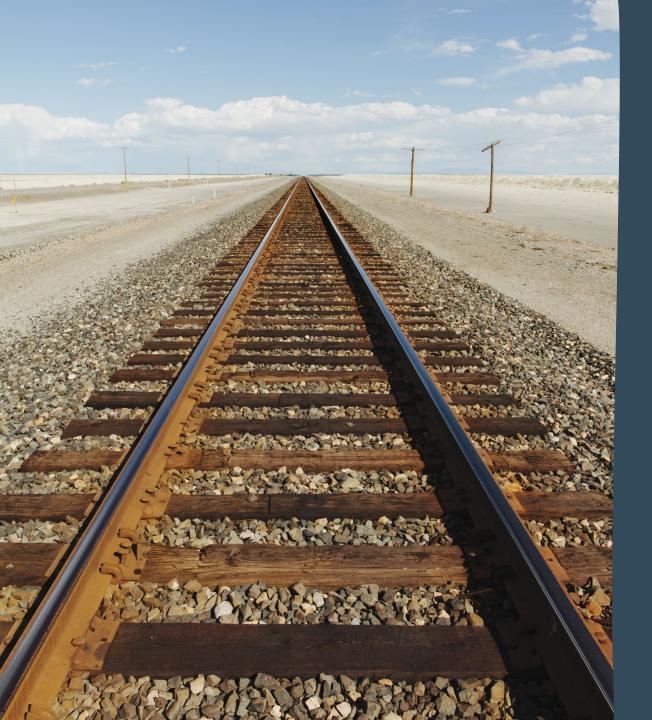
#### Overview

- Topics prescribed by PIBC
  - Small communities
  - Urban Containment Boundaries
  - Septic/well issues
- Other topics
  - Development permits
  - Infrastructure

#### Small communities

- 1 additional unit (secondary suite or Accessory Dwelling Unit) in single family zones
  - o Applies uniformly in all jurisdictions
- No additional units required if
  - o no urban containment area under RGS or OCP, and
  - o population less than 5,000
- Building Code, Agricultural Land Act and Riparian Areas Protection Regulation will continue to apply and supersede scheme





# Small Communities (continued)

- Population greater than 5000, exemption from three to six units if
  - protected under Heritage Conservation
    Act
  - parcel designated under a heritage designation bylaw on December 7, 2023
  - not connected to water <u>or</u> sewer services
  - in zones with a minimum parcel size of one acre
  - parcel is greater than 4050 m<sup>2</sup>



### Urban Containment Boundaries

Land is subject to the higher density if situate in one of following:

- (1)wholly or partly in an urban containment boundary established by RGS
  - different from Regional Context
    Statement
- (2)in a municipality with population of 5,000 or more **and** wholly or partly in urban containment boundary in an OCP
- (3)parcel located in municipality with a population of 5,000 or more

## Septic/Well Issues

- three to six unit requirement will not apply to land that is not connected to water <u>or</u> sewer services
- NOT "water <u>and</u> sewer services





### Development permits

#### **Types of Solutions**

- Form & Character + Heritage (other similar policy objectives like Winter City strategies)
- Protection of the natural environmental, its ecosystems & biological diversity
- Hazardous conditions

# Development permits (continued)

#### **Legal Constraints**

- Can restrict or prohibit SSMUH, just not unreasonably
- Must consider, but do not have to implement
- Clearly identify objectives that legitimately warrant the implementation of DPAs & the imposition of guidelines that restrict density to the level imposed by New Housing Legislation
- Based on specific site conditions or significant objectives



## Servicing bylaws

Considerations for Bylaw Changes

Revisiting subdivision servicing bylaw - levels of service

 E.g., threeplexes/fourplexes often have lower required levels of service than denser multi-family development

## Servicing bylaws (continued)



Revisiting subdivision servicing bylaw - standard specifications



Are standards in your subdivision servicing bylaw suitable for a different pattern of increase in servicing needs?



E.g., laneway use may increase.



Opportunity to revisit MMCD and supplementary specifications

