



PIBC PLN Ask a Lawyer

Housing Legislation

February 23, 2024

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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
 - Applies uniformly in all jurisdictions
- **No additional units** required if
 - no urban containment area under RGS or OCP, and
 - 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 or sewer services
 - in zones with a minimum parcel size of one acre
 - parcel is greater than 4050 m²



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 or sewer services
- NOT “water and 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

