qathet
REGIONAL DISTRICT

Report Date: June 15, 2026

Author: Julia Dykstra

Meeting Date: June 23, 2026

REQUEST FOR DECISION REPORT

TO: Planning Committee

FROM: Julia Dykstra, General Manager of Planning Services

IN COLLABORATION WITH:

SUBJECT: Proposed Nootka Street Zoning Amendment Bylaw No. 321.3, 2025

ACTION/RECOMMENDATION

THAT the Planning Committee recommends to the Board that the Board endorse amendments to the Nootka Street Zoning Amendment Bylaw No. 321.3, 2025, as presented as Appendix B on the report dated June 15, 2026; and

THAT the Board forward the Nootka Street Zoning Amendment Bylaw No. 321.3, 2025 to the August 26, 2026 Board meeting for consideration of first and second reading.

PURPOSE/SUMMARY

To report concerns with the April 8, 2025 endorsed Nootka Street Zoning Amendment Bylaw No. 321.3, 2025, and to consider a recommendation to amend the proposed bylaw.

BACKGROUND

On April 8, 2025, the Regional Board adopted the following resolutions:

> *THAT the Board endorse the proposed Nootka Street Zoning Amendment Bylaw No. 321.3, 2025; and*
>
> *THAT the bylaw be forwarded to a future Board meeting for first and second reading.*

STRATEGIC PLAN:

This application aligns with the following strategic priority and goal in the 2023-2027 qathet Regional District Strategic Plan:

ENVIRONMENT & CLIMATE – We proactively plan for growth in our region to ensure our land use is responsible and sustainable.

TYPE OF DECISION

Directive Decision

LEGISLATIVE, REGULATORY, BYLAW OR POLICY IMPACT/RELATIONSHIP

Local Government Act

The *Local Government Act* empowers the qathet Regional District Board of Directors to adopt official community plan bylaws. Under section 460 of the *Local Government Act,* a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for and amendment to the plan or bylaw.

On March 28, 2013, the Regional Board adopted *qathet Regional District Development Services Procedures Bylaw No. 477, 2013* to comply with Part 14 Section 460 of the *Local Government Act.* Bylaw No. 477 sets out procedures under which an owner of land may apply to amend an official community plan, amend a zoning bylaw, or apply for a permit.

Legislative Housing Updates

In the fall of 2023, the Province of British Columbia introduced changes to the *Local Government Act* to allow small-scale, multi-unit housing in land use zones that would otherwise be restricted to one single-family dwelling. Section 481.3 (3) of the *Local Government Act* requires that zoning bylaws must permit an additional dwelling unit on parcels zoned for a single-family dwelling.

To accompany the 2023 legislation, the Province published a document called “Provincial Policy Manual and Site Standards (Small Scale Multi-Unit Housing)” which provides guidelines local government must consider when adopting bylaws to comply with Section 481.3 (3) of the *Local Government Act: s*mall scale multi-unit housing obligations.

Staff note that while Section 481.3 of the *Local Government Act* requires local governments to permit an additional dwelling unit in zones that permit a single-family dwelling, the legislation does not prescribe the form of that unit in all contexts. Based on servicing conditions and the Provincial Policy Manual and Site Standards, local governments may adopt a compliance approach that permits additional units in a manner that mitigates risks to groundwater, onsite sewerage systems, and drinking water quality. The approach proposed in this report reflects a conservative and risk-managed interpretation of these requirements in a rural, unserviced context.

Drinking Water Protection Act

Water suppliers are responsible for delivering safe drinking water that meets the requirements of the *Drinking Water Protection Act* and Drinking Water Protection Regulation. These requirements include treating the water, if necessary, and ensuring water quality through monitoring. The health authorities' drinking water officers are responsible for providing the oversight to ensure compliance and drinking water safety. Vancouver Coastal Health drinking water officers were consulted for this report.

DISCUSSION/ANALYSIS

Existing Land Use Policy & Regulation

The *Electoral Area B Official Community Plan Bylaw No. 465, 2012* sets out the long-term vision for the community and establishes community goals, objectives and policies for achieving that vision. The following objectives and policies are provided for consideration:

> General Objective 2.1.6 To ensure that new development occurs in areas where adequate servicing can be provided.
>
> General Policy 2.2.1 The Regional District will endeavor to ensure that all development within the planning area occurs in accordance with OCP vision and policies pertaining to environmentally sensitive areas and water resources and all applicable provincial and federal government legislation and requirements.

Zoning bylaws are a planning tool for implementing an official community plan and regulating land use. The *Nootka Street Zoning Bylaw No. 321, 1999* regulates the land uses recommended in the policy of the *Electoral Area B Official Community Plan Bylaw No. 465, 2012* by limiting development to ensure appropriate servicing, and to ensure that development occurs in accordance with water resources and all applicable legislation and requirements.

In 1999, *Nootka Street Zoning Bylaw No. 321, 1999* was adopted, and whereas the Regional Board gave due regard to:

> (a) the need to preserve the Nootka Street residents' rural lifestyle;
> (b) the need to ensure the level of development in the Nootka Street area is consistent with available services, including water, sewer, and fire protection; and
> (c) the importance of protecting the area's aquifer by restricting the density of residential development which generates wastes, increases the speed of runoff, and consumes large volumes of groundwater.

Housing Legislation

The small scale multi-unit housing obligations apply to all municipalities and regional districts in the province. For land in electoral areas not connected to water or sewer services, the small scale multi-unit housing obligations require regional districts to allow a secondary suite (defined as an accessory dwelling unit within the same building as the principal dwelling unit on a property), or an accessory dwelling in a separate building on the property, in any zone that permits a single-family dwelling.

On parcels less than one hectare, the *Nootka Street Zoning Bylaw No. 321, 1999* currently permits neither a secondary suite or detached accessory dwelling unit; therefore, staff have concluded the *Nootka Street Zoning Bylaw No. 321, 1999* does not align with the small scale multi-unit housing legislative obligations.

To ensure the *Nootka Street Zoning Bylaw No. 321, 1999* aligns with provincial legislative requirements, the Board may amend the bylaw to permit additional dwelling units in a manner consistent with the *Local Government Act* and the Provincial Policy Manual and Site Standards. The Policy Manual provides guidance that, in areas not serviced by a community sewer system and on parcels under one hectare in size, local governments should prioritize permitting secondary suites rather than detached accessory dwelling units to mitigate risks related to groundwater contamination and wastewater management.

The Provincial Policy Manual and Site Standards (Small Scale Multi-Unit Housing) states:

> "To mitigate risks related to groundwater contamination, local governments should only permit secondary suites and not accessory dwelling units on properties under one hectare in size that are not serviced by a local government sewer system."

qathet Regional District does not operate a sewer system within the boundaries of the *Nootka Street Zoning Bylaw No. 321, 1999.*

Attached as Appendix A is the previously endorsed version (April 8, 2025) of the proposed amendment to *Nootka Street Zoning Bylaw No. 321, 1999*.

The previously endorsed version (April 8, 2025) of the proposed amendment to *Nootka Street Zoning Bylaw No. 321, 1999* would permit detached accessory dwelling units on all parcels and therefore, while not unlawful, would be contrary to guidance provided in the Provincial Policy Manual and Site Standards (Small Scale Multi-Unit Housing) to mitigate risks related to groundwater contamination.

Servicing Requirements

Under the *Drinking Water Protection Act* and Drinking Water Protection Regulation, water suppliers are responsible for delivering safe drinking water that meets the requirements of the Province. The Drinking Water Officers' Guide contains all provincial health policy related to drinking water. The Minister of Health provides the Drinking Water Officers' Guide to guide drinking water officials in their decision making.

Under the Drinking Water Officers' Guide, a "single-family residence" is not a water system and a household can maintain their own individual well. A "single-family residence" plus a secondary suite is not a water system, and the individual well can service both dwellings.

Under the Drinking Water Officers' Guide, residences with additional detached structures such as detached secondary suites, coach houses, and guest houses must adhere to standards as a Water System, as they fall outside the definition of "single-family residence".

Staff have considered the legislative requirements under the *Local Government Act* in conjunction with applicable provincial guidance and servicing constraints. The recommended approach is intended to achieve compliance with statutory requirements while minimizing potential conflicts with public health legislation, servicing limitations, and groundwater protection objectives. This approach is consistent with current interpretations of the legislation and reflects a defensible application of provincial guidance in a rural land use context.

Regional District Implementation Trends

Staff have reviewed approaches taken by other regional districts in British Columbia to implement the small-scale, multi-unit housing legislation in electoral areas. A common trend is the adoption of targeted zoning text amendments that permit secondary suites as a first phase of compliance, particularly in rural or unserviced areas. In many cases, regional districts have deferred permitting detached accessory dwelling units pending further analysis of servicing capacity, groundwater protection, and policy alignment. This approach reflects a broader emphasis on legal compliance combined with infrastructure feasibility and risk management, rather than immediate expansion of residential density forms in all contexts.

Regional Housing Capacity Analysis

Staff have also considered the Regional District's obligation to zone for 20 years of anticipated housing need under the new housing legislation. The 2026 Housing Capacity Analysis indicates that even under the most conservate growth scenario, the realizable capacity of 1,576 new housing units in the electoral areas far exceeds the 20-year forecasted housing need of 911 units.

These results mean the qathet Regional District need not make any further zoning changes beyond those required to align with the small scale multi-unit housing legislation, which can be met by amending *Nootka Street Zoning Bylaw No. 321, 1999* to allow a secondary suite on parcels smaller than 1 hectare.

Rezoning

Under the provisions of the *qathet Regional District Development Services Procedures Bylaw No. 477, 2013*, any property owner whose land is affected by the *Nootka Street Zoning Bylaw No. 321, 1999* can make an application for rezoning to permit a detached accessory dwelling unit.

The rezoning process provides a thorough review of an applicant's proposed development including available servicing, policy considerations, and opportunity for public feedback.

Staff Recommendation

Staff's concerns with the previously endorsed bylaw include:

- does not align with adopted policy to ensure development occurs in areas where adequate servicing can be provided;
- does not align with guidance provided in the Provincial Policy Manual and Site Standards, particularly with respect to groundwater protection on unserviced parcels;
- may create inconsistencies with servicing requirements under applicable public health and drinking water legislation;
- is unnecessary in the context of the Regional Housing Capacity Analysis, which demonstrates sufficient zoned capacity to meet projected housing needs;
- does not reflect common implementation practices among regional districts in British Columbia, where secondary suites are typically enabled prior to broader accessory dwelling unit permissions in rural areas; and
- removes the ability for residents and property owners to provide input through established rezoning processes for more complex or higher-impact development forms.

To ensure the *Nootka Street Zoning Bylaw No. 321, 1999* continues to align with the *Electoral Area B Official Community Plan Bylaw No. 465, 2012*, meets the obligations under the housing legislation and guidelines, and servicing capacity, staff recommends the proposed bylaw amendment be revised to permit a secondary suite, but not a detached accessory dwelling unit, on parcels smaller than 1 hectare.

The *Nootka Street Zoning Bylaw No. 321, 1999* already permits an additional dwelling unit on parcels with an additional 1.0 hectare of land, therefore no change is needed for these parcels.

Attached as Appendix B is staff's revised version of the proposed amendment to the *Nootka Street Zoning Bylaw No. 321, 1999* to permit attached secondary suites.

Next Steps

If the Board endorses the proposed amendment to the *Nootka Street Zoning Bylaw No. 321, 1999,* and gives first and second reading to the bylaw, staff will be obligated to undertake the following next steps prior to adoption of the bylaw:

1. seek approval from the Ministry of Transportation and Transit under section 52 of the *Transportation Act* (a bylaw being within 800m of a controlled access highway); and
2. prepare a notice of first and second reading in accordance with Section 467 of the *Local Government Act*(notice of public hearing not held).

OPTIONS

Alternative Motions for the Board's consideration:

THAT the Planning Committee recommends to the Board that the Board forward the April 8, 2025 endorsed version of Nootka Street Zoning Amendment Bylaw No. 321.3, 2025 to the August 26, 2026 Board meeting for first and second reading.

FINANCIAL IMPACT

All costs are accounted for in the Planning Budget of the 2026-2030 Financial Plan.

PUBLIC AND/OR STAKEHOLDER ENGAGEMENT REQUIRED OR PERFORMED

qathet Regional District’s Planning Committee meetings are public meetings and as such, any member of the public who sought interest could participate.

Under the *Local Government Act* Section 464 (4) states that a local government must not hold a public hearing on a zoning bylaw proposed for the sole purpose of complying with Section 481.3 [small-scale multi-family housing].

CONCLUSION

Staff have provided a rationale for revising Nootka Street Zoning Amendment Bylaw No. 321.3, 2025 to ensure consistency with the *Electoral Area B Official Community Plan Bylaw No. 465, 2012*, alignment with provincial legislation and guidance, and responsiveness to servicing constraints and environmental considerations. The recommended amendment represents a legally compliant, policy-aligned, and risk-managed approach to implementing provincial housing legislation in a rural context,

while maintaining the integrity of the existing density framework and protecting long-term servicing capacity.

The report before you reflects a careful balance between supporting housing flexibility for residents and maintaining the long-established servicing and environmental protections that underpin this area. Staff have reviewed the legislative requirements of Bill 44 alongside provincial guidance, infrastructure realities, and approaches taken across other regional districts. The recommended amendment is not about limiting housing opportunity, but about ensuring that new density is introduced in a way that is sustainable, legally defensible, and consistent with the Official Community Plan. It represents a measured first step, meeting statutory obligations while preserving the Board's ability to consider broader density decisions through a more comprehensive and evidence-based policy process.

ATTACHMENTS

APPENDIX A_April 8 2025 BL 321.3 Nootka Street Zoning Bylaw Amendment
APPENDIX B_Revised BL 321.3 Nootka Street Zoning Bylaw

Approved By:	**Status:**
Julia Dykstra, General Manager of Planning Services	Approved - 16 Jun 2026
Al Radke, Chief Administrative Officer	Approved - 17 Jun 2026

qathet REGIONAL DISTRICT

Bylaw No. 321.3, 2025

A Bylaw to amend "Nootka Street Zoning Bylaw No. 321, 1999"

WHEREAS the *Local Government Act, R.S.B.C.* empowers the qathet Regional District Board of Directors to adopt zoning bylaws and regulate the use of land, buildings and other structures;

AND WHEREAS the Board deems it necessary to amend *Nootka Street Zoning Bylaw No. 321, 1999*;

NOW THEREFORE the Board of Directors of the qathet Regional District in open meeting assembled hereby enacts as follows:

1. Under SECTION 5 – LAND USE REGULATIONS

    a. Inserting a new regulation 5.3.1, following regulation 5.3, that reads:

    "Despite section 5.3(a), one accessory dwelling unit is permitted."

2. This bylaw may be cited as *"Nootka Street Zoning Amendment Bylaw No. 321.3, 2025"*.

READ A FIRST TIME this ___day of _____, 2025.

READ A SECOND TIME this ___day of _____, 2025.

READ A THIRD TIME this ___day of _____, 2025.

ADOPTED this ___ day of _____, 2025.

_____ _____

Chair Corporate Officer

qathet REGIONAL DISTRICT

BYLAW No. 321.3, 2025

A Bylaw to amend "Nootka Street Zoning Bylaw No. 321, 1999"

WHEREAS the *Local Government Act, R.S.B.C.* empowers the qathet Regional District Board of Directors to adopt zoning bylaws and regulate the use of land, buildings and other structures;

WHEREAS Part 14, Division 2, Section 481.3 of the *Local Government Act, R.S.B.C* requires that a local government must allow an additional accessory dwelling unit;

AND WHEREAS the Board deems it necessary to amend *Nootka Street Zoning Bylaw No. 321, 1999*;

NOW THEREFORE the Board of Directors of the qathet Regional District in open meeting assembled hereby enacts as follows:

1. *Nootka Street Zoning Bylaw No. 321, 1999* is amended by:

    a. Adding to Section 3 - Definitions:

    "SECONDARY SUITE means a separate, fully-habitable accessory DWELLING UNIT located entirely within a residential structure, with its own entrance.

    b. Replacing section 5.3 (a) and (b) with the following:

    "(a) one DWELLING UNIT and SECONDARY SUITE per PARCEL 1.0 hectare in area or smaller; nor

    (b) one DWELLING UNIT and SECONDARY SUITE per PARCEL 1.0 hectare in area, plus one DWELLING UNIT per parcel for each additional 1.0 hectare of land."

2. This bylaw may be cited as *"Nootka Street Zoning Amendment Bylaw No. 321.3, 2025"*.

READ A FIRST TIME this ___day of _____, 2026.

READ A SECOND TIME this ___day of _____, 2026.

READ A THIRD TIME this ___day of _____, 2026.

ADOPTED this ___ day of _____, 2026.

_____ _____

Chair Corporate Officer

DRAFT