

Topic: Accessory Building Securities

**Introduction:**

This report provides information for the Committee of the Whole's consideration regarding the manner in which the County deals with accessory buildings prior to a principal onsite building.

**Facts (Background Information):**

In response to a notice of motion, which directed administration to present information regarding alternatives for accessory buildings security deposits related to development permits, administration presented the following alternatives at the June 14, 2016 Council meeting:

1. Remove the requirement for securities related to accessory buildings and allow certain buildings subject to appropriate regulations prior to a principal dwelling;
2. Retain the requirement for securities related to accessory buildings and provide greater discretion to the Development Authority to waive or vary the securities requirement; or
3. Not allow buildings to be constructed prior to the construction of the principal building within some or all applicable land use districts.

At the June 14, 2016 meeting, Council approved the following motion:

*That the matter be discussed further at the Committee of the Whole to clarify Council's expectations.*

**Discussion:**

The County's Land Use Bylaw requires applicants to provide a security in the form of cash or a letter of credit if they receive approval for an accessory building on a vacant residential parcel. The intent is to allow for certain accessory buildings in the short-term during the construction of the principal onsite building. These include buildings that provide temporary accommodation and buildings that provide storage for equipment and construction material. Allowing for these types of buildings assist the applicant/owner during the construction of the principal building. The purpose of the security is to encourage the development of the principal building and to provide funds to the County to defray any costs that the County may incur if it has to take action to remove the accessory building if the principal building is not constructed.

Requiring applicants to post a security in accordance with the current Land Use Bylaw can be problematic for the following reasons:

- Enables an accessory building to be developed prior to the principal building. This results in a building that does not comply because it can only be accessory to an existing principal building. The security is meant to encourage compliance at some point in the future;
- Discourages property owners from obtaining development permit approval;
- May pose an unnecessary hardship for an applicant/owner; and
- Creates ambiguity within the regulations and the Land Use Bylaw.

The current provisions within the Land Use Bylaw do not provide the Development Officer with the authority or discretion to waive the security or vary the security amount. Therefore, any change to the manner in which the County processes such development permit applications requires the Land Use Bylaw to be amended.

Administration recommends that the Committee of the Whole direct administration to amend the Land Use Bylaw 20-2009 to remove the requirement for securities associated with accessory buildings and allow minor buildings on vacant residential parcels subject to specific regulations and criteria (option 1). This approach will provide administration with the tools to approve, restrict, or refuse such development based on the merits of the application and the directions set out in the Land Use Bylaw.

#### **Alternatives**

Alternatively, the Committee of the Whole may consider options 2 or 3 as presented at the June 14, 2016 Council meeting or maintaining the status quo.

#### **Conclusion/Summary:**

Administration supports the proposed recommendation.

**AUTHOR: Craig Thomas**

Department: Planning and Development Services

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