

# Report

Date May 3, 2023

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Subject Zoning Amendment Bylaw No. 3908, 2023, for first and second readings

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## PURPOSE

To introduce Zoning Amendment Bylaw No. 3908, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a detached accessory dwelling unit (ADU) at 3543 Auchinachie Road.

## BACKGROUND

### Property Details

The subject property is located at 3543 Auchinachie Road and is 0.494 hectares (1.22 acres) in size. It is located within the Rural Residential (A5) Zone (Attachments 1 & 2) and is designated as Rural Residential in the Official Community Plan, i.e., outside of the Urban Containment Boundary (UCB) (Attachment 3).

The property is serviced by community water and sanitary sewer. Connection to the Municipal stormwater system is not feasible due to the site's topography.

The predominant land uses surrounding the subject property are as follows:

- *North: Rural Restricted (A3)*
- *East: Rural Residential (A5)*
- *South: Rural Restricted (R3) and Private Institutional (PI) within the UCB*
- *West: Rural (A2)*

### Proposal

The applicant is requesting a text amendment to the A5 Zone (Attachment 7) to permit a 92m<sup>2</sup> (990ft<sup>2</sup>) ADU (garden suite) on the subject property.

A survey was prepared to identify the location of the proposal and associated site upgrades (Attachment 4). A letter of rationale that explains the purpose of the application is provided in Attachment 5. The proposed ADU is designed to utilize an existing driveway and is sited near the front (south-west corner) of the subject property. The ADU will be serviced by municipal water and sanitary systems, and an upgraded on-site private stormwater system will be required at the time of building permit.

## **DISCUSSION**

### Zoning Bylaw No. 2950 – Rural Accessory Dwelling Units and Density

On October 4, 2022, Council adopted Bylaw No. 3876 (Rural Accessory Dwelling Units), which updated Zoning Bylaw No. 2950 to closely align with Agricultural Land Commission Regulations for most A-zoned parcels (A1, A2, A3, and A5). The proposed amendment authorizes parcels two hectares or larger in the area to have a detached accessory dwelling unit of up to 90m<sup>2</sup> of gross floor area, with the registration of a covenant prohibiting future stratification and subdivision of the subject property. This bylaw amendment preserves the existing maximum density permitted while providing further housing options for property owners. In addition, this amendment codified the maximum size of an ADU and how it is measured (gross floor area).

Staff note that the A5 zone allows a maximum density of two dwelling units in the form of a two-family dwelling (duplex). The requested zoning amendment would allow for the construction of a detached ADU on the subject property. It will not increase the maximum permitted density under the zoning (i.e., two dwelling units).

### Second Dwelling Rural Lands Policy

On December 4, 2019, Council adopted the Second Dwelling Rural Lands Policy (Attachment 6), which established criteria for staff to review site-specific zoning amendment applications for second dwellings (now referred to as ADUs) outside the UCB. The proposal meets the policy criteria through the registration of a covenant restricting future subdivision and stratification of the subject property.

### Official Community Plan No. 3900 (OCP) Designation and Policies

The following OCP policies are applicable to the proposal:

#### ***Rural Residential Designation***

*Policy 3.2.19 The municipality will strive to:*

- c. Configure zoning to maximize housing potential without further subdivision to permit detached accessory dwellings where servicing connections are available, or in the alternative, adequate on-site common septic treatment and water supply can be achieved.*
- h. Require new dwellings or commercial buildings to incorporate rainwater storage systems.*

#### ***Diverse Housing Mix***

*Policy 5.1.2 The Municipality will strive to:*

- b. Assess and consider how proposals for new housing meet the needs identified in the most recent Housing Needs Assessment Report.*
- h. Explore and encourage different housing types that are suitable to aging in place...*

The proposed ADU will be tied into the existing municipal water and sanitary connections for the subject property through the building permit. A new on-site stormwater management system will be installed, fulfilling the OCP policies mentioned above. As per Section 55(4)(b) of Zoning Bylaw No. 2950 and Attachment 6, a covenant restricting unauthorized subdivision and stratification will be registered on the title prior to building permit issuance.

## **ANALYSIS & CONCLUSION**

Detached ADUs up to a maximum gross floor area of 90m<sup>2</sup> are currently permitted on most A-zoned parcels that are two hectares or larger. Now that the maximum size of an ADU is formalized in the zoning bylaw, staff recommendations for rural ADU zoning amendment applications will align with zoning bylaw provisions. This will provide consistency for applicants and staff while minimizing the need for additional zoning provisions (clutter) in Zoning Bylaw No. 2950.

Further to the policies mentioned above, the covenant will prohibit future stratification and subdivision of the subject property. Servicing requirements for the proposed will be satisfied through the building permit process.

Detached ADUs can provide housing for young adults, single and two-person households, individuals with special needs, and older people. ADUs are more affordable than conventional single-family housing and can contribute positively to the available rental housing stock.

The Housing Needs Assessment Report (2021) provides information on North Cowichan residents' housing needs. The report identified that the average household size has decreased, and there is an increased need for more one-bedroom dwelling units. There is also a significant demand for affordable rental housing, with 41% of North Cowichan's renter households in core housing need and 13% in extreme core housing need.

Applications for ADUs in rural areas are considered case-by-case through the zoning amendment application process. Council supported this approach when it established the Second Dwelling Rural Lands policy in December 2019. In October 2022, the adoption of Bylaw No. 3876 (Rural Accessory Dwelling Units) helped to expand the variety of housing forms permitted on most A-zoned parcels but fell short of authorizing detached ADUs on all rural properties that comply with the minimum parcel size of the applicable zone. Additional provisions for ADUs on rural properties will be considered as part of the Zoning Bylaw review project. With the OCP Bylaw No. 3900 complete and several detached ADU zoning amendment applications completed, a consistent approach for ADU development on rural lands is being followed.

As the application is compliant with OCP policy and the Second Dwelling Rural Land Policy, staff recommend approval of the application.

## **OPTIONS**

1. (Recommended Option)  
    THAT Council:
  - (1) Give first and second readings to Zoning Amendment Bylaw No. 3908, 2023; and,
  - (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3908, 2023 and notification in accordance with the *Local Government Act*.
2. THAT Council deny Zoning Amendment Application ZB000179 to permit a detached accessory residential dwelling at 3543 Auchinachie Road.

## IMPLICATIONS

If Council give first and second readings to Zoning Amendment Bylaw No. 3908 and forwards the application to a public hearing, owners and occupants of properties within a 60-metre radius of the subject property will be notified, as per section 1. (a) of Public Notice Bylaw No. 3406, and advertisements will be placed in the local newspaper in accordance with the requirements of the *Local Government Act* and the Community Charter.

If the application is denied, the property owner retains the ability to construct a two-family dwelling on the subject property but would not be permitted to construct a detached accessory dwelling unit.

## RECOMMENDATION

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3908, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3908, 2023 and notification in accordance with the *Local Government Act*.

Report prepared by:



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Report reviewed by:



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Rob Conway, MCIP, RPP  
Director, Planning and Building

Approved to be forwarded to Council:



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Ted Swabey  
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Site Plan
- (5) Letter of Rationale
- (6) Second Dwelling Rural Lands Policy
- (7) Draft Zoning Amendment Bylaw No. 3908, 2023