

Report

Date

October 18, 2023

File: ZB000214

Subject

Zoning Amendment Bylaw No. 3933, 2023, for first and second readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3933, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a detached accessory dwelling unit (ADU) at 7495 Relke Road.

BACKGROUND

Property Details

The subject property is a 1.26 hectares (ha). (3.11ac.) parcel zoned Rural Restricted (Attachment 1). The property is in a hilly area with vegetated slopes and rock outcroppings. There are several covenants, rights of way, and an easement and building scheme on the property title. Of specific relevance to the application is a covenant respecting an area designated for a septic field and a "No Build" area off the NE corner of the property (Attachment 2).

Proposal

The applicants propose building an Accessory Dwelling Unit (ADU) for an elderly parent (Attachment 3). It will be located at a similar elevation as the principal building, enabling ease of walking between the two homes while providing separate vehicle access. The ADU will be in a carriage house style. The foundation will be a garage of 96.25 square metres (m²) and an upper floor living area of 89.74 m². The upper floor will be accessible by an internal stairway from the garage with a ground level access at the rear of the structure to avoid slopes or stairs (Attachments 4 & 5).

DISCUSSION

Zoning

The Rural Restricted (A3) zone permits single and two-family dwelling units (Sec.53 (1)). It also allows a second dwelling unit that is detached from the principal dwelling provided the subject property is 2 ha or larger; the second dwelling is accessory to the principal dwelling and does not exceed 90 m² in area (s. 53(4)). For this application to proceed, a bylaw amendment will be required to accommodate the development proposed because the subject property is less than 2 ha.

Second Dwelling Rural Lands Policy

On December 4, 2019, Council adopted the "Second Dwelling Rural Lands Policy". Its purpose is to "establish criteria for site-specific zoning amendment applications for detached second dwellings in areas designated by the Official Community Plan (OCP) as Rural. Section 3 of the policy contains four conditions. The first requirement restricts the gross floor area to 90 m². The second condition is a requirement for a covenant to prevent strata subdivision. The applicants are aware of these requirements and willing to comply with them.

The third condition establishes a minimum parcel size based on municipal water and sewer availability. Since the subject parcel is not serviced with either water or sewer, the minimum parcel size specified in the policy is 1 ha. The subject property is 1.26 ha and complies.

The final condition requires that siting of the second dwelling preserve agricultural land. Agricultural capability mapping designates the general area as ranging from class 7 to 3 with sub-class limitations of rock outcroppings and slopes. The rating reflects an exceptionally low ability for any meaningful agriculture. Class 7 is defined as "soils in this class have no capacity for arable culture or permanent pasture." Class 3 lands "have moderately severe limitations that restrict the range of crops or require special conservation practices." Combined with the relatively small parcel size, and the limitations due to topography and bedrock, the site has little potential for viable commercial agricultural production.

In summary, the application complies with the policy.

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

The subject property is designated "Agriculture, Forestry and Conservation" in the OCP.

Section 3.2.16 describes the objectives for this designation. Included are: "Smaller parcels within the designation are well suited to small scale and part-time farming. Further subdivision of parcels within the Rural designation is strongly discouraged. Still, opportunities that support agriculture and rural economic activity are supported, as are housing options that allow rural landowners to accommodate family..." (p.49). It continues in Sec 3.2.19 (c): "Consider zoning to maximize housing potential without further subdivision to permit detached accessory dwellings where servicing options are available or in the alternative, adequate on-site common septic treatment and water supply can be achieved" (p.51). Subsection (f) states "Apply edge planning and buffering principles at the interface with agricultural land and wildfire risk areas."

Section 6 of the Plan covers "Natural Hazard Areas". It includes a policy to discourage development on slopes of 30% or greater unless a qualified professional confirms that the land can be used for the intended purpose (subsection (j) (p.120). Sub-policy (m) emphasizes the need to address wildfire risks.

In summary, the Plan allows for ADUs in rural areas while recognizing the need to assess potential site risks of steep slopes and wildfire hazards.

Analysis and Conclusions

The application broadly conforms to the objectives and policies of the OCP. The proposed siting of the ADU for an elderly family member is reasonable given the slope challenges of the site and its relationship to the existing structure (Attachment 6).

Approval of the zoning amendment will require registration of a covenant preventing future subdivision before final reading of the bylaw. Before issuance of a building permit, the applicants will be required to provide the Building Department with the following:

- A detailed survey plan of the proposed location relative to the septic field covenant area;
- Confirmation that the additional septic load is acceptable to the Ministry of Health;

- A geotechnical analysis addressing structural integrity for the ADU confirming the site is safe for the intended use; and,
- Registration of steep slopes and wildfire covenants.

Approval of the application is recommended.

OPTIONS

1. **(Recommended Option)** THAT Council:
 - (1) Give first and second readings to Zoning Amendment Bylaw No. 3933, 2023;
 - (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3933, 2023.
2. THAT Council deny Zoning Amendment Application ZB000214 to permit a detached accessory dwelling at 7495 Relke Road.

IMPLICATIONS

Option 1 will allow the application and zoning amendment bylaw to proceed to a public hearing before Council considers third reading and adoption. If Bylaw No. 3933 is adopted the property owner would be allowed to construct a detached second dwelling as proposed, subject to applicable zoning and permitting requirements.

Option 2 would terminate the rezoning application, and the property owner would be restricted to what is allowed within the A3 zone.

RECOMMENDATION

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3933, 2023;
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3933, 2023.

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Approved to be forwarded to Council:



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Attachments:

- (1) Location Map
- (2) Site Survey
- (3) Applicant's Letter
- (4) Building Plans
- (5) Building Plans
- (6) Contour Map
- (7) Draft Zoning Amendment Bylaw No. 3933