

PUBLIC HEARING INFORMATION PACKAGE

Zoning Bylaw Amendment No. 3933, 2023 7495 Relke Road

Public Hearing Notice and Bylaw No. 3933

1. Notice of Public Hearing for **November 15, 2023** at **7:00 p.m.**
2. 1st Notification - Twitter and Facebook - Publication Date: October 31, 2023
3. 2nd Notification - Cowichan Valley Citizen and Chemainus Valley Courier – Publication Date: November 9, 2023
4. Bylaw No. 3933
5. Map of Subject Property

Planning Staff Report

1. Report to October 18, 2023 Regular Council – First and Second Readings of Bylaw No. 3933

Council Minutes

1. Excerpt from October 18, 2023 Regular Council Minutes – First and Second Readings of Bylaw No. 3933, and Authorize Public Hearing

Public Comments

1. No Comments Received To-Date
- 

NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **7:00 p.m.** on **Wednesday, November 15, 2023** to allow Council to receive public input on Bylaw No. 3933 which proposes to amend "Zoning Bylaw 1997," No. 2950. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be conducted by video conference using the Cisco Webex platform, and though electronic, is open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone, or tablet. If you wish to participate electronically, please visit www.northcowichan.ca/virtualmeeting for instructions on how you can join this hearing and find the link to join. You may also view the hearing as it is streamed live by going to www.northcowichan.ca/Agendas and click on the 'View Live Stream' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

Zoning Amendment Bylaw No. 3933 (7495 Relke Road), 2023 proposes to amend Zoning Bylaw 1997, No. 2950, Section 53 (4) (e) [Density in the Rural Restricted Zone (A3)] by adding the following subsection:

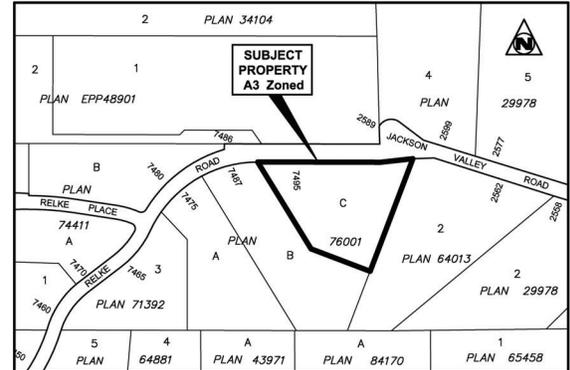
"(ix) 7495 Relke Road (PID: 025-779-338)."

The purpose of the Zoning Bylaw Amendment is to allow for a detached accessory dwelling unit on the subject property (PID: 025-779-338) as shown outlined in bold on the map.

PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m.** on **Tuesday, November 14, 2023**, using any of the writing methods identified below.

Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.



1. In Writing in Advance of the Public Hearing:

Written submissions will be accepted by:

- Email to publicmeetings@northcowichan.ca
- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan BC, V9L 6A1
- Fax to 250-746-3133
- In-Person deposited through the mail slot at the Municipal Hall, Main Entrance

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- Virtually by logging in electronically, details and instructions will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings.
- Written submissions may be submitted during the Public Hearing by presentation to the Corporate Officer or her designate.

PLEASE NOTE: Submissions should reference the bylaw number and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual's name and address will form part of the public record and will be published on North Cowichan's website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions, phone numbers and signatures). Written submissions will not be accepted after the conclusion of the Public Hearing.

Copies of the bylaw and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing. The documents may also be inspected in the Planning Department at the Municipal Hall, Monday to Friday (excluding statutory holidays) between **8:30 a.m.** and **4:30 p.m.** from **October 23, 2023** to **November 15, 2023**.

Rob Conway, Director of Planning and Building

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing.

Please direct any questions about personal information to North Cowichan's Privacy Officer by

Phone: 250-746-3116, Email: privacy@northcowichan.ca or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

7030 Trans-Canada Highway, Duncan BC V9L 6A1
T: 250-746-3100 F: 250-746-3133 www.northcowichan.ca

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PUBLIC HEARING NOTICE

1ST NOTIFICATION

Social Media Publication Date

October 31, 2023

2nd NOTIFICATION

Newspaper Publication Date

November 9, 2023

Facebook Preview
Oct 31, 2023 · 2:00 PM PDT

Municipality of North Cowichan
October 31 at 2:02 PM

Council will be conducting a Public Hearing in Council Chambers and by video conference using the Cisco Webex platform at 7:00 p.m. on November 15, 2023 to provide all persons who believe that they are affected by Zoning Amendment Bylaw No. 3933, an opportunity to be heard or to present written submissions to Council.

Those wishing to comment on the bylaw may share their thoughts during the Public Hearing or submit their feedback in writing by email, mail, or by dropping them off at the Municipal Hall before 1:00 p.m. Tuesday, November 14, 2023.

The purpose of this amendment is to allow for a detached accessory dwelling unit on 7495 Relke Road. Copies of the public notice and bylaw are available on North Cowichan's website at <https://loom.ly/3Hh3c0r>.



Notice of Public Hearing

Zoning Amendment Bylaw No. 3933
7495 Relke Road
November 15, 2023 at 7pm



Twitter Preview
Oct 31, 2023 · 2:00 PM PDT

North Cowichan @NorthCowichan · 1h

A public hearing for Zoning Amendment Bylaw No. 3933 is scheduled for 7:00 p.m. on November 15, 2023. Copies of the public notice and bylaw are available on North Cowichan's website at <https://loom.ly/3Hh3c0r>.



Notice of Public Hearing

Zoning Amendment Bylaw No. 3933
7495 Relke Road
November 15, 2023 at 7pm



Interaction icons: retweet, reply, like, share, bookmark

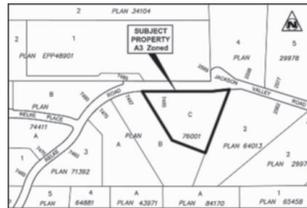
NOTICE OF PUBLIC HEARINGS

The Director of Planning and Building gives notice that Public Hearings will be held starting at **7:00 p.m.** on **Wednesday, November 15, 2023** to allow Council to receive public input on Bylaw No's. 3920, 3927 and 3933 which propose to amend Zoning Bylaw 1997, No. 2950. As authorized by the *Local Government Act*, these hearings will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearings. The hearings will be conducted by video conference using the Cisco Webex platform, and though electronic, are open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone, or tablet. If you wish to participate electronically, please visit www.northcowichan.ca/virtualmeeting for instructions on how you can join these hearings and find the link to join. You may also view the hearings as they are streamed live by going to www.northcowichan.ca/Agendas and click on the 'View Live Stream' link. A copy of the recording will be made available after the hearings on North Cowichan's website for on-demand viewing.

Zoning Amendment Bylaw No. 3920 (3351 Auchinachie Road), 2023 proposes to amend Zoning Bylaw 1997, No. 2950 by reclassifying 3351 Auchinachie Road (PID: 001-893-661) from Residential One and Two-Family Zone (R3) to Residential Small Lot Single-Family Zone (R3-S) and Village Residential Infill Comprehensive Development Zone (CD24). The purpose of the Zoning Bylaw Amendment is to facilitate a two-lot subdivision of the subject property (PID: 001-893-661) as shown outlined in bold on the map for future development of a single-family dwelling on a small lot and potential for six to nine multi-family dwelling units on the remainder lot.



Zoning Amendment Bylaw No. 3933 (7495 Relke Road), 2023 proposes to amend Zoning Bylaw 1997, No. 2950, Section 53 (4) (e) [Density in the Rural Restricted Zone (A3)] by adding the following subsection: "**(ix) 7495 Relke Road (PID: 025-779-338).**" The purpose of the Zoning Bylaw Amendment is to allow for a detached accessory dwelling unit on the subject property (PID: 025-779-338) as shown outlined in bold on the map.



Zoning Amendment Bylaw No. 3927 (7550 Bell McKinnon Road), 2023 proposes to amend Zoning Bylaw 1997, No. 2950 by:



- Inserting the definition "Animal Shelter" under Section 12 [Definitions].
- Inserting the permitted use "Animal Shelter (subject to the Conditions of Use set out in Section 52(8)(h) and (i))" under Section 52(1) [Permitted Uses in the Rural Zone (A2)].
- Adding subsection "(g) Animal Shelter – Yard, Front (20.0m (65.62’); Yard, Side, 20.0m (65.62’); Yard, Rear, 20.0m (65.62’)" to Section 52(6) [Minimum Setbacks in the Rural Zone (A2)].
- Adding subsections "(h) An "Animal Shelter" is a site-specific permitted use on 7550 Bell McKinnon Road exclusively. (i) Despite Section 52(6)(g), the minimum permitted setback for outdoor animal enclosures (e.g. runs, pens, cages) is 30.0 m (98.432’) from residentially zoned properties." to Section 52(8) [Conditions of Use in the Rural Zone (A2)].

The purpose of the Zoning Bylaw Amendment is to formalize the existing land use and allow for a replacement animal shelter facility on the subject property at 7550 Bell McKinnon Road (PID: 018-856-586) as shown outlined in bold on the map.

PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaws, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m. on Tuesday, November 14, 2023**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

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Rob Conway, Director, Planning and Building

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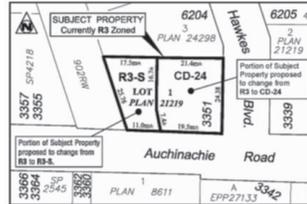
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The Corporation of the District of North Cowichan

Zoning Amendment Bylaw 3933

*A bylaw to amend Zoning Amendment Bylaw 1997, No. 2950, to permit two dwelling units at
7495 Relke Road.*

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3933, 2023".

Amendment

2 That Zoning Bylaw 1997, No. 2950 Section (4) Density in the Rural Restricted Zone (A3) be amended by adding the following as subsection (e) (ix):

"7495 Relke Road (PID 025-779-338)".

READ a first time on October 18, 2023

READ a second time on October 18, 2023

This bylaw was advertised on the municipality's _____ site on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____, and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

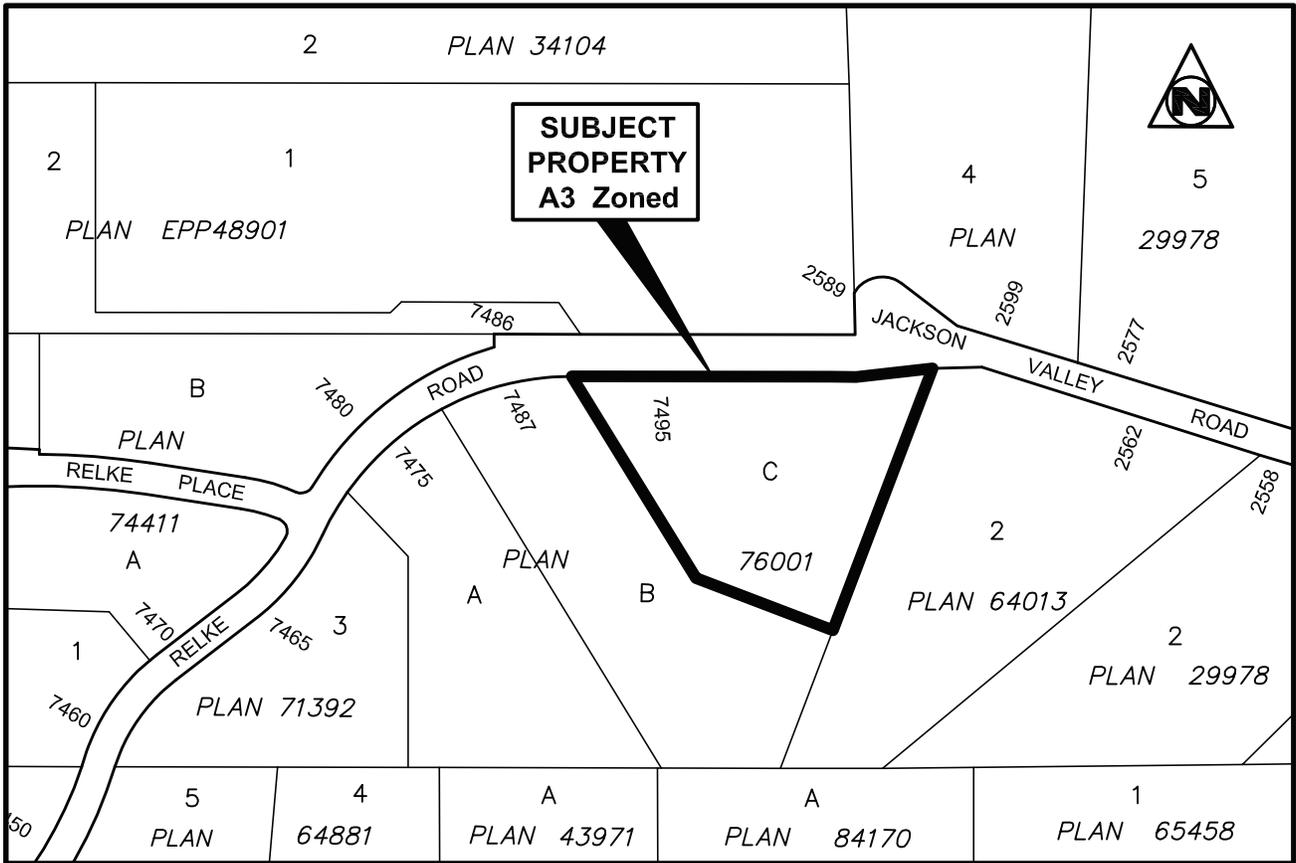
Certified a true copy of Bylaw No. ____ as at third reading.

COVENANT registered on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER



PLANNING REPORT

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.

Report prepared by:



Chris Hall
Contract Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

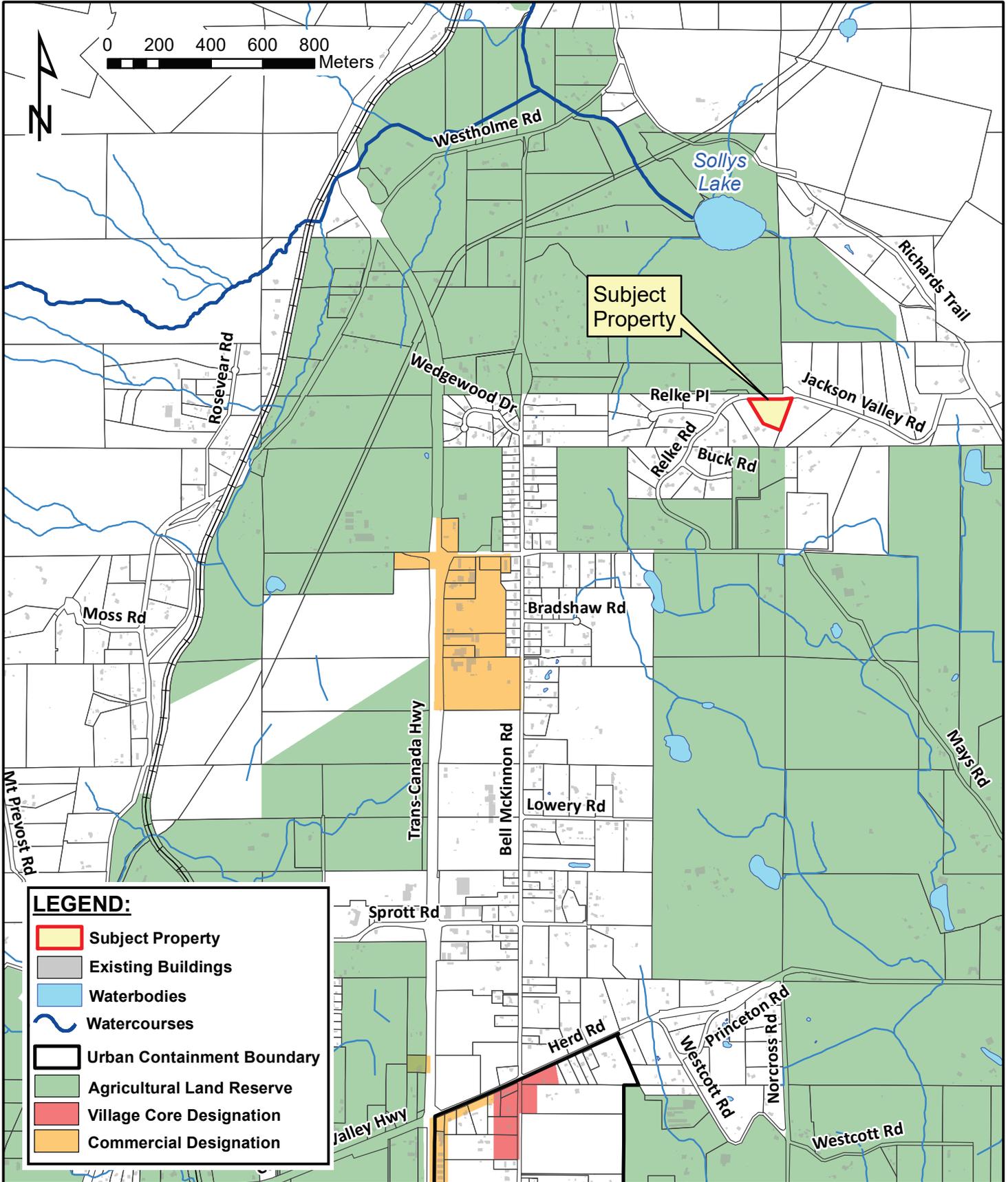
Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

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



	LOCATION MAP		DATE:	August 11, 2023
	7495 Relke Road		TYPE:	Zoning Amendment
			FILE#:	ZB000214

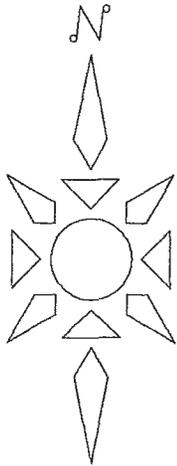
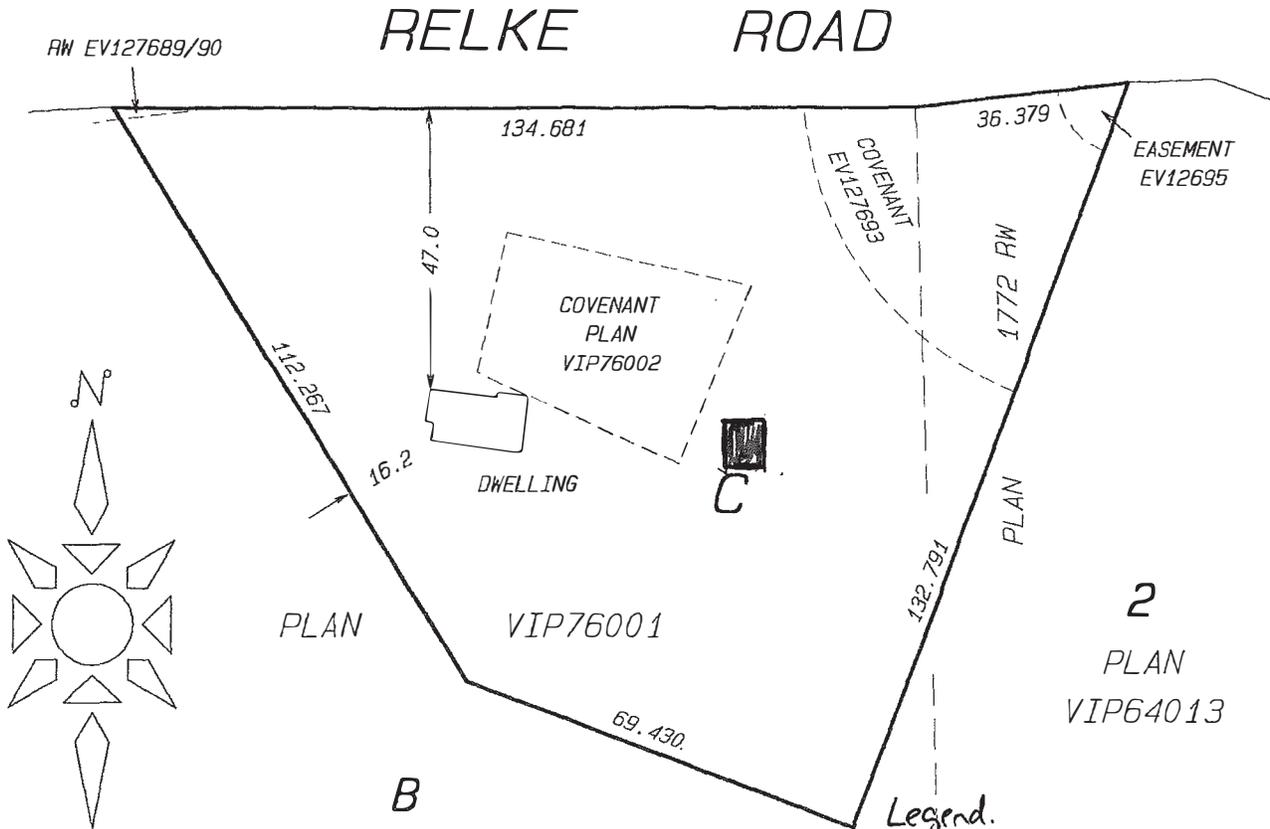
B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON
LOT C, SECTION 14, RANGES 6 & 7
SOMENOS DISTRICT, PLAN VIP76001.

Civic address - 7495 Relke Road, Duncan (PID 025-779-338)

Scale = 1: 1250

LEGEND

All distances are in metres.



Legend.
 Proposed Carriage house is on the east side of the covenant area

Note: Title subject to Rights-of-way 370863G, ES60445/6 & EV127689/90 and Covenants EP80984 & EV127691/3 and Statutory Building Scheme EP91276 and Easement EV127695.

Field survey completed May 28, 2004.

This document was prepared for mortgage purposes, in accordance with the Manual of Standard Practice, for the exclusive use of our client.

The surveyor accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made or actions taken based on this document.

This document shows the relative location of the surveyed structures and features with respect to the registered boundaries of that land, and is not a boundary survey.

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or part without the consent of the signatory.

Certified correct this 31st day of May, 2004.

B.C.L.S.

BOWERS & ASSOCIATES

B.C. LAND SURVEYOR
 2856 Caswell Street
 Chemainus, B.C., V0R 1K3
 phone/fax: 250-246-4928

© 2004

This document is not valid unless originally signed and sealed.

June 3, 2023

To the Municipality of North Cowichan

Dear Sir/ Madame

Re: letter of intent for 7495 Relke Road

Richard Light and myself Cara Light are owners of 7495 Relke Road. We are applying for a development permit to allow for a second dwelling on our property.

We would like to build a carriage home on the east side of our property for my mother to live in.

My father passed away two years ago, and my mother is struggling with the upkeep of her property in Cowichan Bay. Building the carriage home on our property would allow us to assist her with home care.

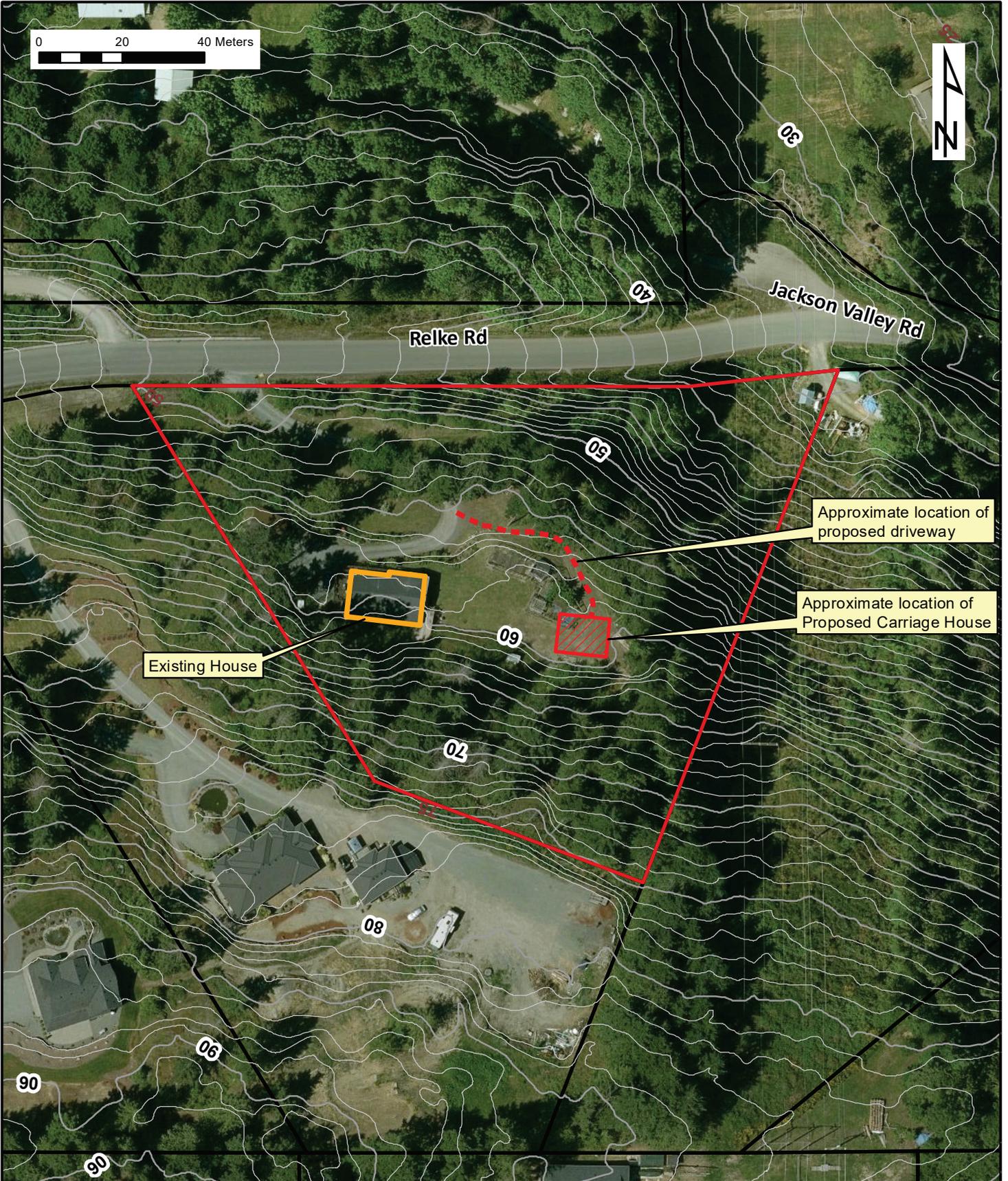
My mother plans to sell her home in Cowichan Bay and move into the Carriage home which would create additional housing.

The carriage home would consist of a garage and 966 square feet of living space. There would be stairs on the interior of the building to allow for stair lift equipment.

Our property is zoned as A3 but is not suitable agricultural property as it is all rock and the property faces north.

Thank you for your consideration

Cara Light



	CONTOUR MAP (Orthophoto is from 2017 aerial photography)	DATE: August 11, 2023
	7495 Relke Road	TYPE: Zoning Amendment
		FILE#: ZB000214



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw 3933

A bylaw to amend Zoning Amendment Bylaw 1997, No. 2950, to permit two dwelling units at 7495 Relke Road.

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

- 1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3933, 2023".

Amendment

- 2 That Zoning Bylaw 1997, No. 2950 Section (4) Density in the Rural Restricted Zone (A3) be amended by adding the following as subsection (e) (ix):

"7495 Relke Road (PID 025-779-338)".

READ a first time on _____

READ a second time on _____

This bylaw was advertised on the municipality's _____ site on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____, and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

Certified a true copy of Bylaw No. ____ as at third reading.

COVENANT registered on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

COUNCIL MINUTES

Waiting for publication of October 18, 2023 Minutes

PUBLIC COMMENTS

(NO COMMENTS RECEIVED TO DATE)