

Report

Date January 17, 2024

File: 3360-20 23.06

Subject Zoning Amendment Bylaw No. 3944, 2023, for first three readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3944, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a detached accessory dwelling unit at 1935 Maple Bay Road.

BACKGROUND

Property Details

The subject property is located at 1935 Maple Bay Road and is 0.46 hectares in size (Attachments 1 & 2). Located within the Rural Residential (R1) Zone and designated as Rural Residential within the Official Community Plan (OCP), the property sits outside of the Urban Containment Boundary (UCB) (Attachment 3). The property presently contains one single family dwelling, one detached garage, and one shed.

The subject property is accessed by easement (Attachment 4) and is serviced by municipal water and a private wastewater treatment (septic) system. The property is bordered to the east, south, and west by R1 zoned residential property and to the north by Quamichan Lake.

Proposal

The applicant is requesting a text amendment to the R1 Zone (Attachment 5) to permit one additional accessory dwelling unit (ADU) limited to 90m² in gross floor area.

A plan prepared by a B.C. professional land surveyor identifies existing structures located on the property (Attachment 6). The final location of the proposed ADU will be determined at the development and building permit stage should the zoning amendment application be successful. A letter of rationale provided by the applicant is provided in Attachment 7.

DISCUSSION

Second Dwelling Rural Lands Policy

On December 4, 2019, Council adopted the Second Dwelling Rural Lands (SDRL) Policy (Attachment 8), which established criteria for staff to review site-specific zoning amendment applications for second dwellings (now referred to as ADUs) outside the UCB. This proposal is compliant with the SDRL provided that the ADU constructed is 90m² in area or less. As per the SDRL policy, it is recommended that a s.219 covenant is registered on the property prior to Council's consideration of adoption of the zoning amendment bylaw.

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.

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...

Development Permit Area 3 (Natural Environment)

The subject lands fall under Development Permit Area 3 (Natural Environment) due to proximity to Quamichan Lake and two drainage courses. To confirm the proposed building siting will not impact the Streamside Protection and Enhancement Area (SPEA) around each watercourse, a provincially approved Riparian Areas Protection Regulation (RAPR) report has been submitted by a Qualified Environmental Professional (QEP) (Attachment 9). The RAPR report confirms the proposed building location will not encroach on either SPEA. The report provides recommendations to be followed prior to, and during construction, to protect the SPEA. These recommendations would form requirements as part of a subsequent environmental development permit should this application be approved.

ANALYSIS & CONCLUSION

This application is largely compliant with OCP policy as maximising housing potential without subdivision is encouraged (section 3.2.17 c.). The proposed zoning amendment includes land uses and densities, which are compatible with the OCP Rural Residential designation. The (SDRL) policy supports an ADU on the subject property provided that the area limitation of 90m² in gross floor area is observed. Last, the RAPR and resultant SPEA confirm the proposed second dwelling site is viable. Approval of this application is recommended.

Should Council wish to proceed with consideration of the Zoning Amendment Bylaw No. 3944, a public hearing cannot be held due to recent amendments to the *Local Government Act*. Statutory notice has been given in advance of the first, second, and third reading, in accordance with sections 464(3) and 467 of the *Local Government Act* (Attachment 10).

OPTIONS

1. **(Recommended Option)** THAT Council:
 - (1) Gives first, second, and third readings to Zoning Amendment Bylaw No. 3944, 2023; and
 - (2) Requires the registration of a *Land Title Act* section 219 covenant to restrict the size of an accessory dwelling unit at 1935 Maple Bay Road to 90m² prior to Council's consideration of adoption of Zoning Amendment Bylaw No. 3944, 2023.

2. THAT Council denies Zoning Amendment Application ZB000176 to permit a detached accessory dwelling unit at 1935 Maple Bay Road.

IMPLICATIONS

If the application is denied, the property owner will not be permitted to construct a detached ADU, notwithstanding any future broad zoning changes made in response to the *Housing Statutes (Amendment) Act*, which may or may not subsequently permit such development on R1 lots.

Registration of a Section 219 *Land Title Act* covenant to restrict the size of the ADU to 90m² will be required prior to adoption of the Bylaw should Council choose to give third reading to this bylaw.

Prior to issuance of a building permit a septic filing from a Registered On-site Wastewater Practitioner (ROWP) and compliance with other applicable bylaws and regulations will be required.

RECOMMENDATION

THAT Council:

- (1) Gives first, second, and third readings to Zoning Amendment Bylaw No. 3944, 2023; and
- (2) Requires the registration of a *Land Title Act* section 219 covenant to restrict the size of an accessory dwelling unit at 1935 Maple Bay Road to 90m² prior to Council’s consideration of adoption of Zoning Amendment Bylaw No. 3944, 2023.

Report prepared by:

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Approved to be forwarded to Council:



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Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Access Easement
- (5) Draft Zoning Amendment Bylaw No. 3944, 2023
- (6) Site Plan
- (7) Letter of Rationale
- (8) Second Dwelling Rural Lands Policy

- (9) Riparian Areas Protection Regulation (RAPR) Assessment Report
- (10) Notice