

Report

Date March 6, 2024

File: 3360-20 22.19

Subject Zoning Amendment Bylaw No. 3913, 2024 for first three readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3913, 2024, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a detached accessory dwelling unit at 2524 Ashcroft Road.

BACKGROUND

Property Details

The subject property is located at 2524 Ashcroft Road and is 1 hectare in size. It is located within the Rural (A2) Zone (Attachments 1, 2, and 3) and is designated as Rural Residential in the Official Community Plan (OCP), i.e., outside of the Urban Containment Boundary (UCB).

The property is serviced by well water and a septic system.

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

- North: Ashcroft Road – Rural (A2) and Rural Restricted (A3)
- East: Rural (A2)
- South: Undeveloped Crown Provincial Land (PU)
- West: Undeveloped Crown Provincial Land (PU)

Proposal

The applicant is requesting a text amendment to the A2 Zone (Attachment 4) to permit the use of an existing 103.6m² (coach house) on the subject property. The applicant purchased the property unaware that the construction and use of the existing suite over the garage was not permitted under the current zoning.

A site plan was prepared to identify the location of the existing home and a detached garage containing the second dwelling (Attachment 5). The proposed Accessory Dwelling Unit (ADU) is sited to utilize the existing driveway and is adjacent to the existing home. A well and septic system will service the ADU. The applicant provided a letter of rationale explaining this application's purpose in Attachment 6.

DISCUSSION

Zoning Bylaw No. 2950 – Rural ADUs 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 amendment authorized parcels two hectares or larger in area to site a detached accessory dwelling unit of up to 90m² of gross floor area, subject to registration of a

covenant prohibiting future stratification and subdivision of the subject property.

The ADU gross floor area proposed in this application exceeds the 90m² permitted under the A-zoned parcels and the Second Dwelling Rural Lands Policy.

Second Dwelling Rural Lands Policy

On December 4, 2019, Council adopted the Second Dwelling Rural Lands Policy (SDRL) (Attachment 7), which established criteria for staff to review site-specific zoning amendment applications for second dwellings (now referred to as ADUs) outside the UCB. Further to Attachment 7, the proposal does not meet the Policy conditions in terms of gross floor area (103.6m² vs 90m²). Should Council choose to support this application, registration of a covenant restricting future subdivision and stratification of the subject property before bylaw adoption is required.

OCP No. 3900 Designation and Policies

The following OCP policies apply 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 (DPA-4) Hazard Lands

The property is in Development Permit Area 4 Natural Hazard Areas (DPA-4) due to high fire hazard risk. Should this zoning amendment be supported, the requirements of DPA-4 will be addressed at the building permit stage.

ANALYSIS & CONCLUSION

The applicant has explained that the proposed ADU is an existing coach house, and alteration of the dwelling to comply with a policy floor area of 90m² for a building of this age would alter the integrity of the structure. As the application is not compliant with the SDRL policy, staff are obligated to recommend the denial of the application.

Council recently considered an exemption to the SDRL policy on a similar application at 1211 Barnes Road (Bylaw 3911), where the existing ADU was 106m². Council has the option to consider a similar exemption to the current application.

Should Council wish to proceed with consideration of the Zoning Amendment Bylaw No. 3913, 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 8).

OPTIONS

1. **(Recommended Option)** THAT Council deny Zoning Amendment Application ZB000196 to permit a detached accessory residential dwelling at 2524 Ashcroft Road as the property is outside of the Urban Containment Boundary and does not meet the criteria set out in the Second Dwelling Rural Lands Policy.
2. THAT Council:
 - (1) Authorize Zoning Amendment Application ZB000196 to proceed despite the 103.6m² detached accessory dwelling unit at 2524 Ashcroft Road exceeding the 90m² or less of gross floor area restriction under section 3(a) of the Second Dwelling Rural Lands Policy, by making an exception in this circumstance due to the age of the building and that an alteration to the accessory dwelling unit to comply with the Policy would alter the integrity of the structure;
 - (2) Give first, second, and third readings to Zoning Amendment Bylaw No. 3913, 2024; and,
 - (3) Require the registration of a *Land Title Act* section 219 covenant to restrict the size of an accessory dwelling unit at 2524 Ashcroft Road to 103.6m² before Council considers adoption of Zoning Amendment Bylaw No. 3913, 2024.

IMPLICATIONS

Registration of a section 219 *Land Title Act* covenant to restrict the size of the ADU to 103.6m² will be required before the adoption of the Bylaw should Council choose to give third reading to this bylaw.

The property owners have provided a signed commitment that if the zoning amendment is successful, they will apply for a building permit to complete any necessary updates to bring the ADU to meet the current BC building code (Attachment 9). Before issuance of a building permit, a septic filing from a Registered On-site Wastewater Practitioner and compliance with other applicable bylaws and regulations will be required.

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 A2 lots.

RECOMMENDATION

THAT Council deny Zoning Amendment Application ZB000196 to permit a detached accessory residential dwelling at 2524 Ashcroft Road as the property is outside the Urban Containment Boundary and does not meet the criteria set out in the Second Dwelling Rural Lands Policy.

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Approved to be forwarded to Council:



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Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) Draft Zoning Amendment Bylaw No. 3913, 2024
- (5) Site Plan
- (6) Letter of Rationale
- (7) Second Dwelling Rural Lands Policy
- (8) Notice
- (9) Signed Commitment