

# Report

Date February 5, 2025

File: 3360-20 24.07

Subject Zoning Amendment Bylaw No. 3992, 2025, for first three readings

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## **PURPOSE**

To introduce Zoning Amendment Bylaw No. 3992, 2025, which proposes to amend Section 58.1 (4) of Zoning Bylaw, 1997, No. 2950 to permit a detached accessory dwelling unit within an existing accessory building and a maximum of three dwelling units at 10117 Chemainus Road.

## **BACKGROUND**

### Property Details

The subject property is located at 10117 Chemainus Road and is 0.156 ha (0.39 acres) in size. The property is located within the Rural Residential One and Two-Family (R3-R) Zone, designated as Rural Residential within the Official Community Plan (OCP), and is outside the Urban Containment Boundary (UCB) (Attachments 1 & 2). The property contains one single-family dwelling with a secondary suite and an accessory garage serviced by municipal water and sanitary sewer (Attachment 3).

The subject property is a small property within a rural enclave that is surrounded by lands designated as Neighbourhood Residential in the UCB (Attachment 4). This enclave was removed from the UCB upon adoption of OCP Bylaw No. No. 3900, 2022.

### Proposal

The applicants are requesting a text amendment to the R3-R Zone (Attachment 5) to permit a third dwelling unit on the subject property within the upper floor of an existing accessory building. The R3-R zone only allows one residential building with a maximum of two dwelling units, hence the need for a site-specific Zoning Amendment to allow a detached accessory dwelling unit (ADU). A letter of rationale has been provided in Attachment 6.

A professional B.C. land surveyor prepared a site plan identifying the locations of the existing single-family dwelling with secondary suite (house) and the accessory building (garage/guest house) (Attachment 7). If the proposal is successful, the attic of the accessory garage will be converted to a detached ADU and will be situated entirely within the existing building footprint (Attachment 8).

## **DISCUSSION**

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

The following OCP policies apply to the proposal:

## Rural Residential Designation

Policy 3.2.18 Defining Success / Objective:

Very little housing growth is anticipated in these areas, although there may be some limited context-specific opportunities... .. Subdivision and stratification are not encouraged and significant mature tree and vegetation cover is maintained throughout these areas.

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.

There is no maximum number of dwelling units specified for the Rural Residential designation. However, there is a maximum of three dwelling units in two buildings specified for Agricultural Land Reserve (ALR) parcels in Policy 3.2.17 (c). As such, the OCP does not provide clear direction on the number of dwelling units that would be permissible under the Rural Residential designation.

## Diverse Housing Mix

The introduction states that “homes in urban and rural neighbourhoods may have ancillary accommodation in the form of basement suites and secondary dwellings including coach houses, cottages, or laneway homes which can provide an affordable option for tenants, as well as making housing more affordable for homeowners”.

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.
- d. Direct residential development as shown on the land use map with the highest densities in the Village Centres, decreasing density in the neighbourhoods with a gradual transition to the low density in the rural areas outside the UCB.

## Second Dwelling Rural Lands (SDRL) Policy

For the last 5 years, the SDRL policy has informed zoning amendment applications for ADUs (Secondary Dwellings) on rural lands. Since it’s creation, ADUs have become increasingly common in the Municipality, especially due to Bill 44 and the associated zoning bylaw updates. The primary purposes of the SDRL policy are to restrict the size of secondary dwellings, prevent the future subdivision and stratification of the subject property, and to ensure adequate site services are provided.

The stated purpose of this policy is to “establish criteria for site specific zoning amendment applications for detached second dwellings in areas designated as “Rural” by Official Community Plan Bylaw No. 3450.” Although this policy has not been updated since the adoption of Official Community Plan Bylaw No 3900, it has been Planning’s practice to continue to apply the policy where detached accessory dwelling units are proposed outside of the UCB. The SDRL policy likely requires review and updating considering the 2022 OCP to ensure agreement between the policies in the OCP and the SDRL and to ensure clarity in the application of the SDRL. For example, the policy refers to areas designated as

"Rural" in the OCP, this designation does not exist in the 2022 OCP, but generally the policy has been applied to properties outside the UCB on which detached accessory dwelling units are proposed, which are usually designated either "Rural Residential" (such as the subject property) and "Agriculture, Forestry and Conservation". In the case of the subject property, it was within the UCB in OCP Bylaw No. 3450 and therefore was not designated "Rural."

Although likely in compliance with the intent of the SDRL Policy, policy 3 indicates that site specific zoning amendment applications outside the UCB should be reviewed by staff with respect to "(c) That the size of the parcel be a minimum of (iii) 0.2 ha (0.5 acres) where Municipal water and sewer exist". The subject parcel is under this minimum size. It is noted that staff did consider this during their review of the parcel, and recommended approval despite this as the proposed detached accessory dwelling unit is within an existing building and the parcel is under 0.2 ha due to the taking of a road right of way in 2010.

To fulfill the intentions of the SDRL policy and applicable OCP policies, a covenant will be required to be registered on title prior final approval and adoption of the proposed.

### **Housing Needs Assessment Report**

Building from the 2021 Housing Needs Assessment Report, the most recent 2024 Interim Housing Needs Report combines the use of six key housing indicators (aka components) to determine housing needs anticipated over 5 and 20-year horizons. Both reports clearly portray an acute need for additional housing in the next 5-years. Specifically identifying an extreme need for more one and two-bedroom market rental homes.

### **Site Context**

The subject property was created in 2010 and is accessed by a shared panhandle driveway. Through the subdivision process, an extension of Dogwood Road South was dedicated to the Municipality and community water and sanitary services were extended to the subject property. Even though this portion of Dogwood Road South has not been developed, the parcel looks and functions in manner consistent with many Neighbourhood Residential designated parcels.

The parcels immediately east of the subject property are rural, heavily forested, and largely comprised of single-family dwellings that are not serviced by the community sanitary system. Currently it is unclear why the subject property was removed from the UCB along with these larger, less developed parcels, with no municipal water or sewer services provided.

### **Development Permit Areas (DPAs)**

All applicable DPAs were addressed through the subdivision process and initial building permits for the subject property.

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## ANALYSIS & CONCLUSION

This application is consistent with OCP policy, maximizing housing potential without further subdivision as per OCP policy 3.2.19 c. The proposed zoning amendment is compatible with the Rural Residential designation land uses and densities.

The intentions of the SDRL policy will be satisfied through the registration of a covenant restricting the maximum size of the detached ADU and prohibiting future subdivision and stratification of the subject property.

The subject parcel is fully serviced with municipal water and sewer and the proposed detached accessory dwelling unit will be within an existing accessory building (detached garage).

A fully serviced parcel outside the UCB is a fairly uncommon circumstance, that was the result of the urban containment boundaries being adjusted in 2022. As such, the positive recommendation relied heavily on the fully serviced nature of the parcel.

Prior to building permit issuance, the proposal will have to demonstrate compliance to Section 40.4 of the Zoning Bylaw. These bylaw provisions further restrict the design, size, siting, and maximum height of the detached ADU. Approval of this application is recommended.

Should Council wish to proceed with consideration of Zoning Amendment Bylaw No. 3992, a public hearing cannot be held as per Section 464 (3) of the *Local Government Act*. Statutory notice has been given in advance of first, second, and third reading, in accordance with sections 467 of the *Local Government Act*.

## OPTIONS

1. **(Recommended Option)** THAT Council:
  - (1) Gives first, second, and third readings to Zoning Amendment Bylaw No. 3992, 2025; and,
  - (2) Require the registration of a section 219 covenant to restrict 10117 Chemainus Road from future subdivision or stratification prior to Council's consideration of adoption of Zoning Amendment Bylaw No. 3992, 2025.
2. THAT Council deny zoning amendment application ZB000233 to permit a third dwelling and associated detached accessory dwelling unit at 10117 Chemainus 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 R3-R lots.

Should Council choose to give the bylaw third reading, registration of a section 219 Land Title Act covenant requiring the installation of a rainwater storage system and the prohibition of future subdivision and stratification will be required prior to adoption.

**RECOMMENDATION**

THAT Council:

- (1) Gives first, second, and third readings to Zoning Amendment Bylaw No. 3992, 2025; and,
- (2) Require the registration of a section 219 covenant to restrict 10117 Chemainus Road from future subdivision or stratification prior to Council’s consideration of adoption of Zoning Amendment Bylaw No. 3992, 2025.

Report prepared by:

*Amanda Young*

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Community Services

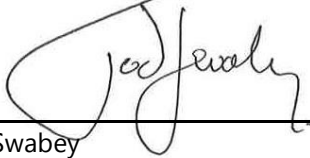
Report reviewed by:

*George Farkas*

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George Farkas  
General Manager, Planning, Development and

**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachment(s):

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Land Use Map
- (5) Draft Zoning Amendment Bylaw No. 3992, 2025
- (6) Letter of Rationale
- (7) Site Plan
- (8) Building Plans