

Report

Date August 20, 2025

File: 3360-20 25.05

Subject Zoning Amendment Bylaw No. 4026, for first three readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 4026, 2025, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a second detached dwelling at 7999 Stoney Hill Road.

BACKGROUND

Property Details

The subject property is 7999 Stoney Hill Road, a waterfront property measuring slightly over one acre in size just east of Maple Bay. As per [Official Community Plan Bylaw No. 3900, 2022](#) (OCP), the subject property is designated as Rural Residential and is zoned as Rural Zone (A2) in [Zoning Bylaw No. 2950, 1997](#) (Attachments 1 and 2). The subject property is bounded by A2-zoned parcels to the east, west, and south, and by Sansum Narrows to the north (Attachment 3). It is located outside the Urban Containment Boundary (UCB) and is serviced by a private well and septic system.

The property contains an existing single-family dwelling of 176 m² of gross floor area constructed in 2022 (Site plan provided as Attachment 4).

Proposal

The applicant is requesting a text amendment to the A2 zone to permit a second detached dwelling on the property to accommodate an elderly parent. A letter of rationale has been provided by the applicant (Attachment 5).

DISCUSSION

Official Community Plan Designation and Policies

The OCP establishes guiding policies regarding growth management outside of the UCB. They are outlined and further elaborated on below:

Section 3.1.1 – Urban Containment Boundary

- *Focus development to the reduced urban containment boundary to protect rural and natural areas from expanded residential development and prevent residential intensification that necessitates extension of road networks and increases automobile dependency.*

No additional municipal infrastructure is needed for the proposal, and access is provided through the existing driveway, aligning with the policy goal of preserving rural character and minimizing service extensions.

Section 3.1.18 – Rural Residential Designation

- *Very little housing growth is anticipated in these areas, although there may be some limited context-specific opportunities.*

Section 3.2.19 - Rural Residential Designation

- *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.*

While growth in this area is expected to remain limited, this proposal presents a suitable, site-specific opportunity that aligns with OCP policy. The development will rely on existing servicing, with on-site water and septic systems confirmed to be sufficient.

5.1.2 (b) – Diverse Housing Mix

- *Assess and consider how proposals for new housing meet the needs identified in the most recent Housing Needs Assessment Report.*

The 2024 Interim Housing Needs Report for North Cowichan highlights a projected demand for 2,172 additional housing units by July 2029. This zoning amendment proposal supports that objective by enabling a second detached dwelling on the subject property, offering flexible living arrangements such as multi-generational housing.

Zoning Bylaw

The Zoning Bylaw permits a maximum of two dwelling units on parcels zoned A2, and limits residential development to one residential building unless the parcel exceeds two hectares in area. The subject property is slightly over 0.42 hectares (1.04 acres) and therefore does not meet the minimum parcel size to permit a second detached dwelling unit under current zoning regulations. However, the proposal does align with the Zoning Bylaw by keeping the maximum number of dwelling units proposed to two.

If Council chooses to proceed with the zoning amendment, a site plan prepared by a registered land surveyor will be required at the building permit stage to confirm compliance with Zoning Bylaw requirements for setbacks and siting.

Secondary Dwellings Rural Lands Policy

The [Secondary Dwellings Rural Lands Policy](#) (Policy), adopted by Council in 2019, outlines criteria for site-specific zoning amendments to permit a second dwelling on rural lands. The subject proposal generally aligns with the intent of the Policy; however, the proposed second dwelling has a gross floor area of 96.62 m², which modestly exceeds the policy's maximum of 90 m². Notably, the proposed unit comprises a main floor of 48.31 m² and an unfinished basement of equal size. The applicant has indicated that the unfinished basement is intended to be used as a personal hobby space. Staff do not anticipate that this modest increase of approximately 7 m² beyond the policy's maximum of 90 m² will result in any adverse impacts.

It is further noted that the application does not meet the Policy's criterion under Section 3(c), which requires a minimum parcel size of 1 hectare (2.47 acres) for properties that are serviced by a private well and septic system. This requirement is intended to ensure that on-site servicing can be safely and adequately accommodated. Should Council decide to proceed with the proposed zoning amendment, the applicant will be required to provide, as part of a subsequent building permit application, a report prepared by a Registered Onsite Wastewater Practitioner confirming that the septic system is sufficient, and confirmation from Island Health that the private well can adequately support the second dwelling unit. Staff are comfortable that the intent of this section of the Policy can be adequately met.

Development Permit Areas

The subject property is located within Development Permit Area (DPA) 4 – Hazard Lands, due to the presence of steep slopes and its classification as an extreme fire hazard area. A wildfire covenant is registered on title, and a geotechnical assessment prepared by a Registered Professional Geoscientist may be required to evaluate slope stability and site suitability for development. Any additional requirements or recommended mitigation measures identified through this assessment will be secured through a covenant registered on title and addressed at the building permit stage.

ANALYSIS & CONCLUSION

The application is generally consistent with the applicable policies of the OCP, particularly those that support optimizing residential potential without requiring subdivision or extension of municipal services. The proposed zoning amendment would allow for the efficient use of the maximum permitted density under the current zoning. The development is not anticipated to result in adverse impacts to adjacent properties or the broader neighbourhood and is in keeping with the established character of the area.

Should Council support Zoning Amendment Bylaw No. 4026, a section 219 *Land Title Act* covenant will be required as a condition of adoption to restrict the size of the second detached dwelling to its proposed gross floor area of 97 m² and to prohibit future subdivision or stratification of the subject property. This will help maintain consistency with the intent of the Policy while recognizing site-specific circumstances.

If Council decides to move forward with Zoning Amendment Bylaw No. 4026, a public hearing is not permitted under section 464(3) of the *Local Government Act*. A notice of prohibited public hearing was posted in the local newspaper on August 13, 2025, in accordance with section 467 of the *Local Government Act* (Attachment 6).

OPTIONS

1. **(Recommended Option)** THAT Council:
 - (1) Gives first, second, and third readings to Zoning Amendment Bylaw No. 4026, 2025; and,
 - (2) Requires the registration of a section 219 *Land Title Act* covenant prior to consideration of the adoption of Zoning Amendment Bylaw No. 4026, 2025, to:
 - a. restrict the size of the second detached dwelling unit at 7999 Stoney Hill to 97 m² in gross floor area; and,
 - b. prohibit subdivision or stratification of the property.

2. THAT Council deny Zoning Amendment Application ZB000265 to permit a second detached dwelling at 7999 Stoney Hill Road.

IMPLICATIONS

If Council decides to give first three readings to the amendment bylaw, it could be adopted following confirmation of covenant registration. The applicant would then be able to submit a building permit application to construct the second detached dwelling, which would require proof of sufficiency of private infrastructure and compliance with DPA 4 for Hazard Lands.

If the application is denied, the applicant will not be able to construct a second detached dwelling on the subject property.

RECOMMENDATION

THAT Council:

- (1) Gives first, second, and third readings to Zoning Amendment Bylaw No. 4026, 2025; and,
- (2) Requires the registration of a section 219 *Land Title Act* covenant prior to consideration of the adoption of Zoning Amendment Bylaw No. 4026, 2025, to:
 - c. restrict the size of the second detached dwelling unit at 7999 Stoney Hill to 97 m² in gross floor area; and,
 - d. prohibit subdivision or stratification of the property.

Report prepared by:

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Report reviewed by:



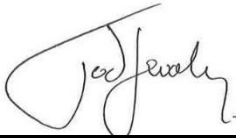
Amanda Young, RPP, MCIP
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Report reviewed by:



George Farkas
General Manager, Planning,
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Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Site Plan
- (5) Letter of Rationale
- (6) Public Hearing Prohibited Notice for Bylaw No.4026, 2025
- (7) Draft Zoning Amendment Bylaw No. 4026, 2025