

Report

Date March 4, 2026

File: SPP00109
ZB000290

Subject Zoning Amendment No. 4031, 2026 for first, second and third reading

PURPOSE

To introduce Zoning Amendment Bylaw No. 4031, 2026, which proposes to permit a detached second dwelling on the 23 properties affected by the repeal of the Temporary Mobile Home Bylaw in July 2025.

BACKGROUND

The Temporary Mobile Home Bylaw No. 1685 established a system under which North Cowichan issued Temporary Mobile Home Permits (TTPs). These permits were renewed annually to allow temporary mobile homes on properties where a second dwelling was not otherwise permitted by zoning. In July 2025, this bylaw was repealed by Zoning Amendment Bylaw No. 4016.

Prior to the bylaw repeal, a 2024 review of active TTPs found that over half of them were no longer necessary due to changes to the zoning bylaw that have occurred over time (e.g., changes that allow second dwellings in more circumstances in rural areas). This resulted in 33 permits being cancelled in 2024. When the 1976 bylaw was repealed, the remaining mobile homes with active TTPs became non-conforming uses with protection under Part 14, Division 14 of the *Local Government Act*. Although the non-conforming protection allows mobile homes to remain indefinitely, it has limits. Mobile homes are not permitted under zoning and cannot be expanded or replaced, even if they are damaged or destroyed.¹

At the Public Hearing on June 18, 2025, a concern was raised that the zoning non-conformity would put the remaining mobile homes in a vulnerable position in the event of a worst-case scenario of a total loss of property (e.g., due to a fire). Following the Public Hearing, Council resolved:

THAT Council direct staff to prepare a report on options for addressing the 23 legal non-conforming properties identified during the update to the temporary mobile home bylaw.

DISCUSSION

To enable the existing mobile homes to be replaced in the event of a total loss, the zoning bylaw must be amended to permit a second detached dwelling on these properties, as is proposed in draft Zoning Amendment Bylaw No. 4031 (Attachment 1). This means that mobile homes will again be permitted under the zoning bylaw, this time without requiring an annual permit renewal. If adopted, the bylaw will allow the mobile homes to be replaced if damaged or destroyed, or at any time the property owner

¹ [LGA 532\(1\)](#) "If a building or other structure, the use of which does not conform to the provisions of a land use regulation bylaw, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, the structure must not be repaired or reconstructed except for a conforming use in accordance with the bylaw."

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The existing mobile homes, previously permitted by TTP, have been on these properties for years (in some cases, decades). There is little reason to believe that there will be different impacts to allowing these properties to have a second detached dwelling on a permanent basis rather than only until the existing mobile home reaches the end of its life.

Size limited second dwellings are already permitted in many rural zones on properties over 2 ha. The zoning bylaw also permits detached second dwellings on a site-specific basis on approximately 60 properties that fall below the 2 ha size.

OCP Consistency

Conferring more permanent status on the existing mobile homes is generally consistent with Official Community Plan Bylaw No. 3900, 2022 (OCP).

The 23 subject properties are located within the following OCP designations:

- 12 of the properties are within the Agriculture, Forestry & Conservation (Rural) designation (outside of the Urban Containment Boundary (UCB)):
 - In this designation, subdivision is strongly discouraged; however, the OCP provides support for housing options to allow rural landowners to accommodate family, farm labour, or to generate a modest income. More specifically, OCP policy 3.2.17. states that in the Rural designation
“The Municipality will strive to... c. Maximize housing options without subdividing or urbanizing land, through zoning agricultural land reserve parcels that allow up to three permanent dwelling units per parcel, within no more than two separate buildings, and subject to servicing criteria or conditions that preserve natural features or agriculture. (in the form of up to three permanent dwelling units contained within two buildings).”
- 10 of the properties are within the Rural Residential designation (outside of the UCB):
 - In this designation, again, little housing growth is anticipated, and subdivision is generally discouraged, but with a cautious policy regarding maximizing housing potential (OCP 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 [where] alternative, adequate on-site common septic treatment and water supply can be achieved.”
- The last property is 7022 Bell McKinnon Road, which, unlike the other 22 properties, is located within the UCB in the Commercial designation close to the northern boundary of the Bell McKinnon Growth Area.
 - The Commercial designation applies to larger scale/regional scale retail and to types of commercial uses that require larger sites (e.g., hardware and appliance retailers, garden centres or auto dealerships). The OCP states (3.2.11.c) that:

“The Municipality will strive to... b. Generally not support residential development in these areas.”

- Within the Bell McKinnon Local Area Plan (BMLAP), the property is designated as Employment Lands, which are intended to:
 - “maintain and expand existing service commercial and light industrial use areas, which provide important economic activity, employment, and generally act to buffer the wider neighbourhood from the impacts of the Trans-Canada Highway.”
- In the specific context of 7022 Bell McKinnon, development of the property in accordance with the vision of the OCP and BMLAP would require the property owner to pursue a zoning amendment and potentially consolidate with one or more neighbouring properties. The property is not within an area of the BMLAP that is anticipated to develop in the immediate term: it is some distance from the existing built-up area (e.g., Drinkwater Road) and from the new Cowichan Hospital, and it is not adjacent to the servicing upgrades installed as part of the hospital project. In this specific context, allowing for the potential for an existing detached secondary dwelling to be replaced is unlikely to prevent a large-scale commercial project in the long-term. Although the OCP does not provide direct policy support for the proposed rezoning for 7022 Bell McKinnon (unlike the supportive policies applicable to the other 22 properties), the wording of the policy that the Municipality will “generally not” support residential development indicates that there are instances where residential development is not necessarily OCP-inconsistent. On balance, given the context, there is not a strong argument for treating this property differently from the other 22 properties affected by the repeal of the Temporary Mobile Home Bylaw, and so this property has been included in draft Bylaw No. 4031.

Second Dwelling Rural Lands Policy (SDRLP)

The 2019 Council Policy SDRLP established criteria for staff to use when evaluating zoning amendment applications for detached second dwellings in rural areas. To the extent possible, these criteria have been applied to the TTP properties to answer the hypothetical question:

If the property owners requested a zoning bylaw amendment to make their mobile home permanent, would staff be likely to support the request based on the criteria established in the SDRLP?

Although it was not possible to evaluate every provision of the SDLRP with the available information, the review suggested that 16 of the 23 properties under review hypothetically meet the SDLRP's provisions. For the remaining 7 properties, since these mobile homes have already been constructed and have been in place for years or decades, it has already been demonstrated that it is possible to accommodate a second dwelling on these properties.

Size of second dwelling

The SDRLP recommends that detached second dwellings in rural areas be limited to 90 m² (966 sq ft). In many cases, no information is available about the size of the existing mobile homes; however, at least three of the existing mobile homes exceed this maximum size. It is reasonable to assume that there are other dwellings over 90 m², since the temporary mobile home bylaw limited size by trailer width rather than total floor area. If these larger mobile homes are replaced, any new dwelling will need to meet the zoning regulations.

Restriction on subdivision

The SDRLP calls for the registration of a covenant on the property prohibiting subdivision, including strata subdivision. All but five of the existing mobile homes are in the A1, A2, and A3 zones, which already contain provisions to address this same issue. The A1, A2, and A3 zones state that no detached second dwellings nor duplexes are permitted unless the owner, prior to the issuance of a building permit by the Municipality, registered a covenant under Section 219 of the *Land Title Act* prohibiting registration of a strata plan under the *Strata Property Act*. This provision would be triggered by any application for a building permit to replace the existing mobile homes. The risk of the few properties in the R1 zones converting to strata is relatively low, since stratification must be done at the time of construction, which could only be done by rebuilding both dwellings on the property concurrently.

Size of parcel

All but seven of the subject properties are larger than the minimum size described in the SDRLP (generally 1 ha [2.5 acres]). The remaining properties are between the minimum parcel size prescribed by the Temporary Mobile Home Bylaw (generally 0.81 ha [2 acres]) and thus are not far short of compliance.

Attachment 2 provides details of each of the 23 subject properties of proposed Zoning Amendment Bylaw No. 4031.

Agricultural Land Reserve

The proposed bylaw limits the size of the second detached dwelling to a maximum of 90 m², which is consistent with the regulations for the Agricultural Land Reserve (keeping in mind that both regulations apply in the event of any discrepancy).

OPTIONS

1. **(Recommended Option)** THAT Council gives first, second, and third reading to Zoning Amendment Bylaw No. 4031, 2026.
 - Following the adoption of the proposed bylaw, the 23 properties affected by the repeal of Temporary Mobile Home Bylaw No. 1685 will be permitted to have a detached second dwelling on their properties indefinitely. The mobile homes previously permitted by TTP could be replaced (e.g., when the structures reach the end of life or in the event of a fire) or at any time at the property owners' choosing, subject to current zoning rules.
2. THAT Council not adopt proposed Zoning Amendment Bylaw No. 4031, 2026.
 - In this option, the 23 existing dwellings previously permitted by TTP can remain indefinitely, but

cannot be replaced. The existing dwellings fall under the protection of the *Local Government Act* (Part 14, Division 14 [Non-conforming Use and Other Continuations]).

IMPLICATIONS

No significant implications have been identified.

STATUTORY REQUIREMENTS

Because the proposed bylaw relates to residential development, the Local Government Act (Section 464) prohibits the local government from holding a public hearing. Notice has been issued that Council will consider giving readings to Bylaw No. 4031 at this meeting. The bylaw must be approved by the Ministry of Transportation and Transit prior to adoption.

RECOMMENDATION

THAT Council gives first, second, and third reading to Zoning Amendment Bylaw No. 4031, 2026.

Report prepared by:



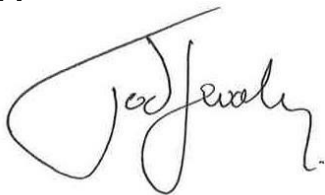
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Attachments:

- (1) Zoning Amendment Bylaw No. 4031, 2026
- (2) Site Specific Information