

Report

Date June 15, 2022

File: 3360-20 21.08

Subject Zoning Amendment Bylaw No. 3870 (964 Pacific Place) for first and second reading

PURPOSE

To introduce Zoning Amendment Bylaw No. 3870, 2022, which proposes to amend Zoning Bylaw No. 2950, 1997 to permit a second detached dwelling at 964 Pacific Place. A staff presentation will be provided at the meeting.

BACKGROUND

A recently constructed 66 square metre (715 square foot) carriage house at 964 Pacific Place (“the property”) has been granted occupancy as a principal single family dwelling. The homeowner wishes to construct a new principal dwelling on the same parcel and continue to use the carriage house as a dwelling unit. As the Rural Residential (A5) zoning applicable to the property does not permit two detached dwellings on the property, a zoning amendment is required in order for the proposed second dwelling to be constructed (Attachments 1, 2 and 3).

DISCUSSION

Property Context

The property is outside of the Urban Containment Boundary and the Agricultural Land Reserve. The .33 ha (.8 acre) property contains steep slopes to the east, is designated a high wildfire risk, and accessed by a driveway constructed over an easement as opposed to the (east lot boundary) frontage on Pacific Place due to the challenges presented by steep grade. Land use in the surrounding area is predominately rural residential. The property and adjacent rural residential parcels are serviced with municipal water and private onsite wastewater systems.



Site easement access and steep slopes are illustrated in the image above

Proposal

The applicant is requesting a site specific zoning amendment which would permit the existing carriage house as a second detached dwelling on the parcel. Should Council support this request, the landowner will make a building permit application to construct the detached principal single-family dwelling (Attachments 4 and 6). The proposed principal dwelling will be located midpoint on the lot atop and set back a safe distance from the steep slope to the east (as directed by the Geotechnical Engineer). The applicant currently occupies the carriage house and is intended to provide housing for the applicant's mobility-challenged parents.

Servicing

Municipal water and a wastewater treatment system installed by a Registered Onsite Wastewater Practitioner (ROWP) service this property. A letter provided by the ROWP confirms that the installed wastewater system has been sized to accommodate two detached dwellings containing a total of four bedrooms (Attachment 5).

Policy Context

Zoning amendment applications for second dwellings in rural areas are guided by the Official Community Plan (OCP) and Council's Second Dwelling Rural Lands (SDRL) Policy.

The OCP designation for this property is *Rural*. OCP policy for housing and servicing in rural areas include the following:

HOUSING & SERVICES in RURAL AREAS:

Policy 2.1.5.5 - *...All rezoning applications in rural areas are required to consider policy 2.1.5.6.*

Policy 2.1.5.6 - *The Municipality may consider rezoning applications in rural areas to allow additional residential units if all the following provisions are met:*

- i) *The proposal demonstrates how the applicant will produce, complement or expand rural economic development activity ... and incorporate provision for the long-term security of the land (e.g., through an Agriculture Land Reserve (ALR) designation or a covenant on use); and*
- ii) *Rural views from public areas will be maintained*
- iii) *Any adjacent agricultural or other resource use (e.g., forestry, gravel removal) will be appropriately buffered from the residential units; and*
- iv) *The extension of municipal services is not anticipated or, should service extension be required, the proposed development will cover the full cost of installing, maintaining and operating the additional services; and ...*

Policy 2.1.5.9 *The Municipality generally discourages the development of accessory (second) residences on rural lands, except to address farm labour housing needs.*

OCP policy for housing and servicing in rural lands generally discourages additional density and the extension of municipal servicing save for support to farming operations. Farming activity is not apparent on these lands, nor those adjacent, and no extension of municipal servicing is anticipated. The A5 Zoning permits the use of a two-family dwelling, defined under the Zoning Bylaw as a duplex or a single-family dwelling with a suite. The applicant requests to separate the permitted density into two detached dwellings as opposed to both dwellings under one roof. In this respect, the application does not increase density beyond what is currently permitted.

HOUSING:

Policy 2.5.2.2 *a) The Municipality recognizes that the older housing available in most neighbourhoods, often small single – family detached homes, is a valuable resource to be maintained and added to when new development is being considered.*

Policy 2.5.2.3 *The Municipality supports development of new market forms of affordable housing both for rent and purchase.*

Policy 2.5.2.5 *The Municipality will ensure that new residential development respects and complements the character of the surrounding neighbourhood.*

Policy 2.5.2.6 *The Municipality will encourage development of secondary suites and infill housing.*

OCP Housing policy is generally supportive of the applicant's desire to build additional housing where progress will be measured in part *by the share of alternative housing types (e.g.... semi – detached, coach house) as a percentage of total housing units created – page 72 OCP.* It would not (in the writer's opinion) be markedly different in function, buffering or appearance from neighbouring properties in this instance - referencing Policy 2.5.2.5 (Attachment 2).

The SDRL Policy specifies the following criteria for applications to add the use of a second detached dwelling outside of the Urban Containment Boundary:

- a. That size of the proposed second dwelling be restricted by covenant to 92 m² (990.28 ft²) or less;*
- b. That subdivision be restricted by covenant to prevent subdivision including strata subdivision;*
- c. That the size of the parcel be a minimum of; and*
 - i. 1 ha (2.5 acres) where no Municipal sewer or water exists;*
 - ii. 0.4 ha (1 acre) where no Municipal sewer exists;*
 - iii. 0.2 ha (0.5 acres) where Municipal water and sewer exist; and*
- d. That siting of second dwellings on agricultural lands be established and restricted by covenant to preserve agricultural land*

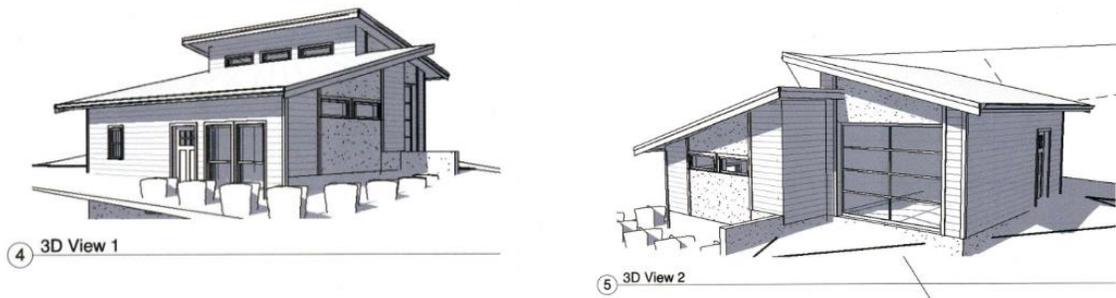
Development Permit Areas

Development Permit areas intended to describe special conditions or objectives have been established in North Cowichan in accordance with the *Local Government Act*. Guidelines to address these conditions or objectives are provided within the Zoning Bylaw. The property is within Development Permit Area 4 – Hazard Lands due to the presence of steep slopes (greater than 20% on east property extent) and assessed as a high wildfire hazard area. The landowner has addressed each hazard and the Development Permit area through the registration of both a wildfire covenant on title and a geotechnical report addressing steep slopes and siting for two detached dwellings (both registered in 2021).

Analysis

The homeowner had communicated his intent to construct two detached dwellings on the subject property with Municipal staff prior to constructing the carriage house. The homeowner was aware that a second detached dwelling on the property would be contingent on Council approving a zoning amendment to allow it.

The existing carriage house has been sited in compliance with the A5 Zoning, received occupancy and is 66 square metres in size and thus compliant with the SDRL Policy second dwelling size limitation of 92 square metres.



Existing carriage house elevations

A ROWP designed wastewater system has been installed on the property, and is sized to accommodate two detached dwellings. Thus adequate servicing is available and confirmed by acceptance of wastewater system Filing DC21 – 029 by Island Health on February 17, 2021 (see Attachment 5). As the property is serviced by municipal water and onsite sewage disposal, the SDRL policy specifies a minimum parcel size of 0.4 ha. (1 ac.) in order to be eligible for a second detached dwelling. Since the property is 0.33 ha. (0.8 ac.), it is not supported by the minimum parcel size requirement in the policy.

OCP policy relating to the creation of additional housing density in rural areas is limited to supporting farming and ensuring municipal services are not extended into rural areas except under certain conditions. No extension of municipal services are required for this application and as proposed, is compatible with the OCP policy in that it will not result in increased density. The current zoning permits up to two dwelling units on the parcel and the proposed amendment will not increase permitted density beyond two dwellings.

OCP housing policy supports and encourages additions to the housing stock in a manner which respects the character of the existing surroundings. The OCP policy for rural housing and the protection of farmland seems less relevant given the intent through the zoning and use history for this neighbourhood. Support is evident for the addition of various housing forms through OCP Housing policy.

Compliance with the SDRL Policy in terms of building size has been met as the existing carriage house is 66 square metres in area. The applicant is agreeable to restricting the size of the second dwelling to 92 square metres, prohibiting subdivision of the parcel and has registered a covenant that secures these commitments (Attachment 7). However, the SDRL lot size criteria of 0.4 ha. for parcels serviced with municipal water and onsite sewage disposal is not met, as the size of the parcel is 0.33 ha.

Conclusion

This application is generally compliant with applicable OCP policy and complies with many of the criteria of the SDRL Policy. However, the size of the property is below what the SDRL policy recommends for parcels serviced by municipal water and onsite sewage disposal. The policy recommends a minimum parcel size of 0.4 ha for detached second dwellings in this context because the 0.4 ha land area is better able to support onsite sewage disposal. Although the applicant has obtained approval from a qualified professional for a sewage disposal system for two dwellings on the subject property, there could be environmental impacts with the increased development of second detached dwellings at the neighbourhood scale if no regard is given to parcel size. For this reason, it is recommended that the criteria of the SDRL Policy be followed and the application be denied.

OPTIONS

1. **(Recommended Option)** THAT Council deny Zoning Amendment Application ZB000159 to permit a second detached residential dwelling at 964 Pacific Place.
2. (Alternate Option) THAT Council give first and second reading to "Zoning Amendment Bylaw No. 3870, 2022" to permit a second detached residential dwelling at 964 Pacific Place and a public hearing be scheduled for Bylaw No. 3870 in accordance with the *Local Government Act*.

IMPLICATIONS

Should Council deny the application, the use of a second detached dwelling will not be permitted. If the owner wishes to build a new dwelling on the property, the carriage house dwelling will have to be decommissioned by removing kitchen facilities prior to issuance of a building permit to construct the principal dwelling. Alternately, the applicant may choose to maintain the existing dwelling unit and not construct a new dwelling unit on the property.

RECOMMENDATION

THAT Council deny Zoning Amendment Application ZB000159 to permit a second detached residential dwelling at 964 Pacific Place.

Report prepared by:



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Report reviewed by:



Rob Conway
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning
- (4) Site Plan
- (5) Letter from ROWP
- (6) Letter of Rationale
- (7) Registered Second Dwelling Covenant
- (8) Draft Bylaw 3870