

# Report

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Date	June 15, 2022	File: 3360-20 21.04
Subject	Zoning Amendment Bylaw No. 3871 (7167 Bell McKinnon Road) for first and second readings	

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## PURPOSE

To introduce Zoning Amendment Bylaw No. 3871, 2022, which proposes to amend Zoning Bylaw No. 2950, 1997 to permit a second detached dwelling unit at 7167 Bell McKinnon Road. A staff presentation will be provided at the meeting.

## BACKGROUND

### Property Details

The subject property (PID: 005-465-621) is a 1.63 hectare (4.04 ac) largely wooded parcel located 1.2 kilometres north of the Urban Containment Boundary (UCB) (Attachments 1 & 2). The parcel is zoned Rural A2 and currently contains a 96.6 m<sup>2</sup> (1039.8 ft<sup>2</sup>) single-family dwelling, an accessory shop and shed adjacent to Bell McKinnon Road (Attachment 3).

The existing house is a compact single-level post-war era dwelling that has undergone minor renovations over the years. There are no building permit records of the initial construction. The property is serviced with municipal water and an on-site sewage treatment system.

### Land Use Context

Parcels to the east, south, and west of the subject property are zoned A2, with the lands to the north zoned A2, A3 and R1 (Attachment 3). The subject property and adjacent lands are outside of the Agricultural Land Reserve. Surrounding land uses along Bell McKinnon Road generally consist of one and two-storey rural homes on properties of 2000 m<sup>2</sup> (0.49 acres) and larger in size, with the exception of a BC Hydro power transfer station located kitty-corner to the subject property.

### Policy Context

On December 4, 2019, Council adopted the Second Dwelling Rural Lands Policy, which established the following criteria for site-specific zoning amendment applications for second dwellings outside the UCB:

- a. *That size of the proposed second dwelling be restricted by covenant to 92 m<sup>2</sup> (990.28 ft<sup>2</sup>) 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;*
  - 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.*

### Proposal

The applicant is requesting a text amendment to the A2 Zone (Attachments 7 & 8) to permit a detached second dwelling limited to a maximum habitable gross floor area of 96.6 m<sup>2</sup>. If the application is successful as proposed, the applicant intends to retain the existing house as an accessory second dwelling and construct a new single-family dwelling. A letter of rationale in support of the application is provided with a site plan, identifying how the applicant intends to develop the property for a second dwelling if the requested zoning amendment is approved. (Attachments 4 & 5).

The applicant intends to service the proposed new dwelling by extending the existing municipal water connection and installing a new on-site sewage disposal system. A qualified professional has confirmed the viability of the new system (Attachment 6).

Although the size of the existing dwelling exceeds what is specified in the Second Dwelling Rural Lands Policy, the applicant has requested to retain this marginally larger dwelling (96.6 m<sup>2</sup> versus 92 m<sup>2</sup>) in order to preserve the building's integrity and functionality, and to avoid the considerable costs associated with decreasing the habitable area by 50ft<sup>2</sup>.

### **DISCUSSION**

In accordance with the Second Dwelling Rural Lands Policy, registration on the title of a Section 219 covenant securing the policy requirements will be necessary before adopting the zoning bylaw amendment (Attachment 9). The applicant is aware of the policy and is agreeable to registering a covenant as a condition of the rezoning.

### **Official Community Plan (OCP) Designation and Policies**

The subject property is designated as "Rural" within the OCP.

### **OCP Policy:**

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 policies 2.1.5.6 and 2.1.5.9 speak to discouraging additional density. Staff note that the A2 zoning that applies to the subject property allows up to two dwelling units in the form of a two-family dwelling (duplex) or a single-family dwelling with a secondary suite. The requested zoning amendment would allow for a new principal single-family dwelling to be built and the preservation of the existing dwelling. The maximum number of dwellings permitted under the zoning (i.e. two) will remain. The request as presented complies with OCP policy, as no increase in net density (i.e. the number of permitted dwellings per parcel) will result should Council approve this application.

The location identified for the proposed driveway and single-family dwelling was carefully chosen to provide privacy while preserving the forested nature of the property (Attachment 5). The protection of this significant stand of trees, along with the proposed 22.6 metre rear yard setback, provides a substantial vegetative buffer between the subject property and adjacent agricultural uses supporting OCP policy 2.1.5.6 (iii).

Further to OCP policy 2.1.5.6 (iv), if Council supports the proposal, the cost of extending the existing Municipal water service to the new dwelling will be borne by the applicant.

### **Housing:**

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

OCP policy 2.5.2.3 encourages new forms of rental housing. The application is supported by the retention of the older dwelling and the registration of a restrictive covenant, contributing to the rental housing stock.

## **ANALYSIS & CONCLUSION**

This application is generally compliant with the OCP and fulfills the intentions of the Second Dwelling Rural Lands Policy, even though it exceeds the maximum permitted gross floor area by 4.6 m<sup>2</sup> (49.51 ft<sup>2</sup>). Although the size of the subject structure is slightly over what is supported by the Second Dwelling Rural Lands Policy, the size of the structure is comparable with what is specified in the policy.

Modifications to the existing dwelling to reduce it to 92 square metres is not recommended due to the loss of functionality and the expense involved. Detached second dwellings can provide housing for young adults, single and two-person households, individuals with special needs, and the elderly. It is generally more affordable than conventional single-family housing and can contribute positively to the available rental housing stock.

The Housing Needs Assessment Report (2021) provides (relatively) current information on North Cowichan residents' housing needs. The report identified that the average household size has decreased, and there is an increased need for more one-bedroom dwelling units. There is also a significant demand for affordable rental housing, with 41% of North Cowichan's renter households in core housing need, with 13% in extreme core housing need.

Applications for second dwellings in rural areas are presently being considered on a case-by-case basis through the rezoning application process. Council supported this approach when it established the Second Dwelling Rural Lands policy in December 2019. This was an interim measure until the OCP update, and Zoning Bylaw review projects are completed. These larger bylaw review processes should identify community housing needs and preferences and provide direction on various housing issues, including detached second dwellings. As the public has not had an opportunity to provide input on a comprehensive approach to second dwellings, the public hearing will provide an opportunity for the public to give feedback on this site-specific application. Although Council has the authority to waive the public hearing before considering adopting the proposed zoning amendment, it is not recommended for this application.

As the application is generally compliant with the OCP policy and the Second Dwelling Rural Land Policy, with the exception of the subject structure being slightly over the maximum recommended size of 92 square metres, approval of the application is recommended.

## OPTIONS

### 1. **(Recommended Option)**

THAT Council:

- (1) Give first and second readings to "Zoning Amendment Bylaw No. 3871, 2022" to permit a second detached residential dwelling at 7167 Bell McKinnon Road; and,
- (2) Authorize a Public Hearing for "Zoning Amendment Bylaw No. 3871, 2022" and notification in accordance with the *Local Government Act*.

### 2. THAT Council:

- (1) Give first and second readings to "Zoning Amendment Bylaw No. 3871, 2022" to permit a second detached residential dwelling at 7167 Bell McKinnon Road to a maximum habitable area of 92m<sup>2</sup>; and,
- (2) Authorize a Public Hearing for "Zoning Amendment Bylaw No. 3871, 2022" and notification in accordance with the *Local Government Act*.

### 3. THAT Council:

- (1) Deny Zoning Amendment Application ZB000155 to permit a second detached residential dwelling at 7167 Bell McKinnon Road.

## IMPLICATIONS

If Council gives first and second readings to Zoning Amendment Bylaw No. 3871 and forwards the application to a public hearing, owners and occupants of the properties within a 60-metre radius of the subject property will be notified, and advertisements will be placed in the local newspaper in accordance with the requirements of the *Local Government Act*. If the application is denied, use of the existing dwelling would have to be removed or decommissioned before the construction of a new single-family dwelling.

The social implication of this application is the potential for an additional affordable rental housing unit. This is supportive of Council's goal for '*providing housing choices for all*' as identified in the 2019-2022 Council Strategic Plan.

## RECOMMENDATION

THAT Council:

- (1) Give first and second readings to "Zoning Amendment Bylaw No. 3871, 2022" to permit a second detached residential dwelling; and,
- (2) Authorize a Public Hearing for "Zoning Amendment Bylaw No. 3871, 2022" and notification in accordance with the *Local Government Act*.

Report prepared by:



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Anthony Price  
Development Planner

Report reviewed by:



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Rob Conway  
Director, Planning and Building

## Approved to be forwarded to Council:



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Ted Swabey  
Chief Administrative Officer

## Attachments:

- (1) Location Map
- (2) Othophoto Map
- (3) Zoning Map
- (4) Letter of Rationale
- (5) Site Plan
- (6) Site Feasibility Septic Installation Summary
- (7) Rural Zone (A2)
- (8) Draft Zoning Amendment Bylaw No. 3871
- (9) Draft Second Dwelling Covenant

## Report Approval Details

Document Title:	ap2022-06-15_ZB000155_7167 Bell McKinnon Road.docx
Attachments:	<ul style="list-style-type: none"> <li>- ZB000155 Attach 1 (Location Map).pdf</li> <li>- ZB000155 Attach 2 (Orthophoto Map).pdf</li> <li>- ZB000155 Attach 3 (Zoning Map).pdf</li> <li>- ZB000155_Attach 4 (Letter of Rationale_2022-04-18).pdf</li> <li>- ZB000155 Attach 5 (Site Plan- 2021-05-12).pdf</li> <li>- ZB000155_Attach 9 (Draft Second Dwelling Covenant).pdf</li> <li>- ZB000155_Attach 6 (Site Feasibility Septic Installation Summary).pdf</li> <li>- ZB000155_Attach 7 (A2 Rural Zone).pdf</li> <li>- ZB000155_Attach 8 (Draft Bylaw 3871 1st and 2nd Reading - 2022-05-19).pdf</li> </ul>
Final Approval Date:	Jun 10, 2022

This report and all of its attachments were approved and signed as outlined below:

Rob Conway

Talitha Soldera

**No Signature - Task assigned to Michelle Martineau was completed by workflow administrator Tricia Mayea**

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