



The Corporation of the District of Central Saanich

COMMITTEE OF THE WHOLE REPORT

For the Regular Council meeting on Monday, May 13, 2024

Re: Bill 44 – Housing outside the Urban Containment Boundary

RECOMMENDATION(S):

1. *That notices be prepared to inform the public that First Reading of Zoning Bylaw Amendment Bylaw No. 2172, 2024 (Bill 44 – Outside of the Urban Containment Boundary) will be considered at the June 10th Regular Council Meeting.*

Resolutions for Consideration at the June 10, 2024 meeting:

1. That Zoning Bylaw Amendment Bylaw No. 2172, 2024 (Bill 44 – Outside of the Urban Containment Boundary) be introduced and given First and Second Reading.
2. That Council consider the provincial recommendations outlined in the Provincial Policy Manual and Site Standards prepared for Bill 44, Housing Statutes (Residential Development) Amendments Act, 2023, and specifically Site Standards Package A for lots requiring a minimum of 2 dwelling units prior to adoption of Zoning Bylaw Amendment Bylaw No. 2172, 2024 (Bill 44 – Outside of the Urban Containment Boundary).

PURPOSE:

The purpose of this report is to present the first zoning amendment required in response to provincial Bill 44 – Housing Statutes (Residential Development) Amendment Act, 2023. Attached Bylaw No. 2172 would amend five zones outside of the Urban Containment Boundary to comply with Bill 44 requirements.

BACKGROUND:

Although the impacts of Bill 44 are more significant for properties inside an Urban Containment Boundary (UCB), there is also a requirement to permit at least one additional dwelling in any restricted zone where single family dwellings or duplexes are permitted. The legislation applies to any “Restricted Zones” which are defined as zones that limit the permitted residential use to detached single family dwellings, detached single family dwellings with suites or detached accessory dwellings on the same property, duplexes, or duplexes with up to two additional housing units.

Under a separate project the District is considering amending the Agricultural and Rural Estate zones in response to changes in provincial legislation affecting lands in the Agricultural Land Reserve; however, to meet the legislated timeline, zoning amendments must be adopted by June 30, 2024.

The District is prohibited from holding a public hearing on bylaws for the sole purpose of complying with LGA s. 481.3 for small-scale multi-unit housing, therefore considering First, Second and Third Reading is recommended. However, notice of the bylaw readings must be posted before First Reading, therefore this report includes draft resolutions for consideration at the June 10 meeting.

DISCUSSION:

Under the requirements of Bill 44, for lands outside of an Urban Containment Boundary (UCB) a local government must amend any 'restricted' zones to allow either a secondary suite or a detached accessory dwelling. Although most of our zones meet this requirement, there are five that do not and thereby need to be amended.

One of the discrepancies with Bill 44 is that it refers to allowing more residential uses within a zone, whereas a local government generally account for residential uses on a lot basis. Of the five zones identified that do not comply Bill 44 requirements, three are located on split zoned properties where the majority of the property is zoned A-1, which allows for residential uses on the land and currently meets the requirements of Bill 44.

One agricultural zone, Veterinary Agriculture A-6 applies to an entire property where allowing for accessory residential uses is recommended. All properties in the RE-5 zone are not permitted accessory dwellings and adding this as a permitted use to the zone is required to comply with Bill 44. It is recommended to allow for either a secondary suite or detached accessory dwelling in the RE-5 zone to be consistent with other Rural Estate zones.

Zone	Address/Location	Comment
Rural Estate - RE5	Island View/ Beach View (25 properties)	Add 'secondary suite' to list of permitted accessory uses
Veterinary Agriculture A-6	2263 Mt Newton	
Fairground Agriculture A-3	Portion of 1528 Stelly's Cross Rd	Remove 'Residential Single Family' from the zone
Historical Artifacts Agriculture A-5	Portion of 7321 Lochside Dr Heritage Acres	
Agriculture A-7 Model Aerodrome	2 split zoned properties 6730 Lochside Dr + unaddressed property to north	

As part of implementing a number of initiatives to expedite new housing the province provided guidance materials, including the Provincial Policy Manual and Site Standards for Small-Scale, Multi-Unit Housing. The *Local Government Act* includes a new section 481.3(7) which requires a local government to consider applicable guidelines when adopting a zoning bylaw for small-scale, multi-unit housing in response to Bill 44. For Council's consideration, attached as Appendix B is a table showing the provincial recommendations for lots requiring a minimum of 2 units (Site Standards A), compared to the staff recommendation with comments. Since the District has permitted second dwellings (suite or carriage house) for some years now and zoning regulations such as setbacks or height have not been a barrier, retaining the current zoning regulations is recommended.

OPTIONS:

As this work is required to comply with Bill 44 before the June 30 deadline, there are few options, however Council could:

1. Proceed with the draft zoning regulations as outlined in Draft Bylaw 2172, or
2. Direct staff to revise one or more of the zoning regulations in Draft Bylaw 2172 and give readings to the bylaw 'as amended'.

CONCLUSION:

Zoning amendments must be adopted to comply with Bill 44 before the June 30 deadline. For lands outside the Urban Containment Boundary this is relatively straight-forward and would have minimal impact.

Report written by:	Andrea Pickard, Planner
Report reviewed by:	Kerri Clark, Manager of Development Services
Respectfully submitted by:	Jarret Matanowitsch, Director of Planning and Building Services
Concurrence by:	Christine Culham, Chief Administrative Officer

ATTACHMENTS:

Appendix A: Draft Zoning Bylaw No. 2172, 2024

Appendix B: Consideration of Provincial Recommendations (Site Standards A)