



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)

BYLAW NO. 2172

A Bylaw to Amend Zoning Bylaw

(Bill 44 – Housing Amendments Outside of an Urban Containment Boundary)

WHEREAS the Council by Bylaw No. 2180, 2024 adopted the Zoning Bylaw and deems it appropriate to amend the Zoning Bylaw;

WHEREAS the Province of British Columbia has enacted Bill 44 Housing Statutes (Residential Development) Amendment Act, 2023, which amends the *Local Government Act* by adding section 481.3 (3) requiring local governments to exercise their zoning powers under section 479 to permit at least one additional housing units within a restricted zone outside of an urban containment boundary;

WHEREAS the Province of British Columbia prohibits the holding of public hearing for a bylaw that is consistent with an official community plan for the sole purpose to permit residential development;

NOW THEREFORE the Council of the Corporation of the District of Central Saanich, in open meeting assembled, enacts as follows:

1. TEXT AMENDMENT

Appendix A, to Zoning Bylaw No. 2180, 2024, as amended, is hereby amended as follows:

- a. By adding “Secondary Suite” to the list of Permitted Accessory Uses in the following zone Veterinary Agriculture A-6,
- b. By deleting “Residential Single Family” from the list of Permitted Uses in the following zones and renumbering sections accordingly:
 - i. Fairground Agriculture A-3,
 - ii. Historical Artifacts Agriculture A-5,
 - iii. Agriculture A-7, and
- c. By amending the Rural Estate RE-5 zone as follows:
 - i. Adding “Accessory Dwelling Unit, in accordance with Part 4, Section 12 & 13” to the Permitted Accessory Uses,
 - ii. Amending “Siting of Buildings and Structures” by adding to the table of setbacks a column for “Detached Accessory Dwelling” with a Front Lot Line setback of 7.5 m, a Rear Lot Line setback of 7.5 m, and Side Lot Line – Interior of 3.0 m, and a Side Lot line – Exterior of 6.0 m.
 - iii. Amending “Size of Buildings and Structures” by:
Replacing (2) “The lot coverage for the principal residence and accessory

buildings or structures shall not exceed 20%" with ""The lot coverage for the principal residence and accessory buildings or structures, excluding a detached accessory dwelling, shall not exceed 20%", and
Adding (3) "A detached accessory dwelling unit may not exceed a gross floor area of 90m²"

- iv. Amending "Height of Buildings and Structures" by adding (4) "The maximum building height for a detached accessory dwelling is 6.5 m, however no portion of the roof may extend above 7.5 m"
- d. By amending paragraphs 7.4 in the Rural Estate RE-1, Rural Estate RE-2, Rural Estate RE-3, Rural Estate (Variable Lot Size) RE-4, and Rural Estate RE-6 zones by replacing "carriage house" with "detached accessory dwelling" such that it reads:
"The maximum building height for a detached accessory dwelling is 6.5 m, however no portion of the roof may extend above 7.5 m"

2. CITATION

This Bylaw may be cited for all purposes as the "**Zoning Bylaw Amendment Bylaw No. 2172, 2024.**"

READ A FIRST TIME this	day of	, 20__
READ A SECOND TIME this	day of	, 20__
READ A THIRD TIME this	day of	, 20__
ADOPTED this	day of	, 20__

Ryan Windsor Mayor	Christine Culham Chief Administrative Officer & Deputy Corporate Officer
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Note: although the vast majority of rural and agricultural properties already allow for two dwelling units, there are a few zones that do need amending. Consideration of the provincial recommendations is required under s. 481.3(7) of the *Local Government Act*. Two zones where permitting a second dwelling is required are the A-6 Veterinary zone and the RE-5 Rural Estate zone (Island/Beach View).

	Provincial Recommendations	Staff Recommendations for Rural and Agricultural Lands
Regulation		
Front Lot Line Setback	5-6 m	7.5
Comment	Retain current regulations of 7.5 m Setbacks are not a limitation on these larger properties	
Rear Lot Line Setback	6 m for main buildings 1.5 for ADU's	7.5
Comment	Retain current regulations of 7.5 m Setbacks are not a limitation on these larger properties	
Side Lot Line Setback	1.2m	1.5
Comment	Retain current regulations of 1.5 m Setbacks are not a limitation on these larger properties and 1.5 m still allows for projecting features and room for mechanical equip such as HVAC systems	
Maximum Height	11m 8 m for accessory dwellings	8 for principal And 6.5 m for ADU's with no portion above 7.5 m
Comment	Retain current regulations Height has not been a limiting factor and a slightly lower regulation for carriage houses helps to ensure they remain diminutive in nature to the principal dwelling	
Maximum No. Storeys	3 for principal dwellings 2 for accessory dwellings	n/a
Comment	Continue to regulate through max. building height without specifying storeys	
Maximum Lot Coverage	25-40%	
Comment	Currently lot coverage in Rural Estate zones range from 2% to 30%, which excludes detached accessory dwellings. The size of detached accessory dwellings is limited to 90m ² . Retain this approach until a comprehensive review of agricultural and rural housing is undertaken.	
Off-street Parking	1/unit	2 per principal dwelling and 1 for accessory dwelling
Comment	Retain as is since parking is not a limitation on these larger properties	