



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 6, 2024  
**MEETING TYPE & DATE** Electoral Area Services Committee of June 5, 2024  
**FROM:** Community Planning Division  
Land Use Services Department  
**SUBJECT:** Bylaw No. 4571 – Electoral Areas A – Mill Bay/Malahat and C –  
Cobble Hill Detached Suites and Miscellaneous Amendments  
**FILE:** 3900-30 Bylaw No. 4571

## **PURPOSE/INTRODUCTION**

The purpose of this report is to provide further explanation of the options concerning how to proceed with part of all of draft Bylaw No. 4571's content.

## **RECOMMENDED RESOLUTION**

That it be recommended to the Board:

1. That draft of "CVRD Bylaw No. 4571 – South Cowichan Zoning Amendment Bylaw (Detached Suites & Miscellaneous Amendments), 2024" – Attachment A to the staff report, be amended by deleting headings h. and i. in their entirety and relabeling the subsequent headings accordingly, and then be forwarded to the Board for consideration;
2. That Amendment Bylaw No. 4571 be referred to the Ministry of Transportation and Infrastructure as much of it lies within 800 m of a Controlled Access Highway; and
3. That a public hearing not be held and that notice be provided in accordance with CVRD Bylaw No. 4483 – Development Application Procedures Bylaw, 2023.

## **BACKGROUND**

The original version of the South Cowichan Bill 44 Amendment Bylaw No. 4546 contained non-Bill 44 mandated material, of principal importance in this instance, the elimination of the minimum site area requirement for detached suites and the introduction of detached suites to the list of permitted uses in the A-1 and A-2 Zones (largely, Agricultural Land Reserve – ALR – land).

This non-Bill 44 material was separated out into Bylaw No. 4571 (Attachment A) after the first appearance of the matter at Electoral Area Services Committee (EASC), and the direction of the Committee was to alter the zone regulations for Area A by not permitting detached suites in the A-1 and A-2 Zones; and to alter the zone regulations for Area C by not permitting detached suites in the A-1 and A-2 Zones in the Koksilah River watershed.

At the last Board meeting in April 2024, the Board referred Bylaw No. 4571 to the EASC.

At the EASC meeting on May 1, 2024, a motion was put on the floor to amend Bylaw No. 4571 to remove the special restrictions on detached suites in the ALR for both Areas A and C. The vote was tied and the motion failed. The matter was then referred back to staff by EASC, and this report is the result.

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## **ANALYSIS**

### ***Miscellaneous Amendments***

The title of Bylaw No. 4571 is “Detached Suites and Miscellaneous Amendments”. This reflects the fact that some elements of the amendment bylaw are intended to improve on existing regulations (other than suites), in particular by introducing some more modern definitions and terminology for dwellings. In the event that the proposed change to suites regulations supported by the Directors for Areas A and C does not proceed, it is important that the “Miscellaneous Amendments” portion of the amendment bylaw do proceed. These amendments will enhance the efficacy of the bylaw and make it more readily understood by those reading it.

### ***Detached Suites***

The other main part of Bylaw No. 4571 proposes to add detached suites as an accessory permitted use in the ALR areas with A-1 and A-2 zoning. This addition would offer the landowners in such areas the option of having either an attached suited or a detached suite, but not both.

No change is proposed to the floor area limits of 85 m<sup>2</sup> for both types of suites. Potential complications may arise for detached suites on lands not serviced by community water. Provincial legislation requires that separate residences not share a single source unless the owner is licensed as a water purveyor. In some communities such as parts of Upland Electoral Area D, there are several ALR properties with community water connections, but this is not usual. Uptake on detached suites in the A-1 and A-2 Zones in South Cowichan may be very limited if the zoning is amended to permit this. Most owners are more likely to create an attached suite because it is far less onerous for unserviced parcels.

Staff continues to work on the agricultural “home plate” concept for the upcoming Consolidated Zoning Bylaw and that may provide further comfort with a liberalization of the detached suite regulations.

### ***Options***

#### ***1. Permit Detached Suites (Including the A-1 and A-2 Zones)***

That it be recommended to the Board:

1. That the draft of "CVRD Bylaw No. 4571 – South Cowichan Zoning Amendment Bylaw (Detached Suites & Miscellaneous Amendments), 2024" – Attachment A to the staff report, be amended by deleting headings h. and i. in their entirety and relabeling the subsequent headings accordingly, and then be forwarded to the Board for consideration.
2. That Amendment Bylaw No. 4571 be referred to the Ministry of Transportation and Infrastructure as much of it lies within 800 m of a Controlled Access Highway; and
3. That a public hearing not be held and that notice be provided in accordance with CVRD Bylaw No. 4483 – Development Application Procedures Bylaw, 2023.

#### ***2. Permit Detached Suites (Except in Area A A-1 and A-2 Zones, and Area C A-1 and A-2 Zones in the Koksilah Watershed):***

That it be recommended to the Board:

1. That draft of "CVRD Bylaw No. 4571 – South Cowichan Zoning Amendment Bylaw (Detached Suites & Miscellaneous Amendments), 2024" – Attachment A to the staff report, be forwarded to the Board for consideration;
2. That Amendment Bylaw No. 4571 be referred to the Ministry of Transportation and Infrastructure as much of it lies within 800 m of a Controlled Access Highway; and
3. That a public hearing not be held and that notice be provided in accordance with CVRD Bylaw No. 4483 – Development Application Procedures Bylaw, 2023.

#### **FINANCIAL CONSIDERATIONS**

N/A

#### **COMMUNICATION CONSIDERATIONS**

A revision to Bylaw No. 4571 may require a second public notice.

#### **STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

Referred to (upon completion):

- ☐ Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Facilities & Transit*)
- ☐ Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)
- ☐ Operations (*Utilities, Parks & Trails, Recycling & Waste Management*)
- ☐ Land Use Services (*Community Planning, Strategic Initiatives, Development Services, Building Inspection & Bylaw Enforcement*)
- ☐ Strategic Services (*Communications & Engagement, Economic Development, Emergency Management, Environmental Services*)

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Reviewed by:



Ann Kjerulf, MCP, RPP, MCIP  
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

#### **ATTACHMENTS:**

Attachment A – Draft Bylaw No. 4571