

The Corporation of the District of Saanich

Report

To: Mayor and Council

From: Lindsay Chase, Director of Planning

Date: February 18, 2025

Subject: Rezoning Application ● 4965 Old West Saanich Road

File: REZ00749

RECOMMENDATIONS

That the application to rezone 4965 Old West Saanich Road from A-1 (Rural) Zone (2.0 ha lot) to an amended A-1 (Rural) Zone (2.0 ha lot) to permit a second single family dwelling be denied.

PURPOSE

The purpose of this Report is to seek Council's direction on this application to rezone 4965 Old West Saanich Road from A-1 (Rural) Zone (2.0 ha lot) to an amended A-1 (Rural) Zone (2.0 ha lot) to permit a second single family dwelling at 4965 Old West Saanich Road. The modified A-1 (Rural) Zone would restrict second dwellings in the A-1 (Rural) Zone to the subject site only. The applicant is Deane Strongitharm (Strongitharm Consulting Ltd.)

BACKGROUND

A building permit was issued for a Farm Building in February 2023 for agricultural use, and storage. The building occupancy permit includes the following language:

“Residential occupancy is not permitted in this building. This building is not permitted to be used for overnight sleeping, food preparation, or in any other way as a dwelling unit, suite or residence. Saanich Zoning Bylaw 8200 strictly prohibits this use in accessory buildings”.

The Farm Building has since been converted into a home (the subject of this application) and is being occupied by the property owner's daughter and family. When District of Saanich staff became aware of a residential use occurring in the building, a Bylaw Enforcement file was initiated for the conversion of the Farm Building into a home. A rezoning application was subsequently submitted to legalize the second dwelling. It should be noted that the property is not within the Agricultural Land Reserve, therefore an application to, and approval from the Agricultural Land Commission for a Non-Adhering Residential Use is not required.

The property is within a Streamside Development Permit Area (SDPA). Specifically, Goward Springs C (which forms part of the Colquitz Creek watershed) runs through the subject property. A Streamside Development Permit, for the purpose of constructing an agricultural building was approved in 2022. No additional development into the Riparian Assessment Area is being proposed as part of this application.

DISCUSSION

Land Use and Neighbourhood Context

The 1.69 ha site is located within the Rural Area, outside of the Urban Containment Boundary (UCB) and is zoned A-1 (Rural) Zone (2.0 ha lot). The Official Community Plan (2023) designates the property as “Rural Area”. Surrounding land use consists of similar A-1 (Rural) Zoned lots with single detached dwellings (see Figure 1).

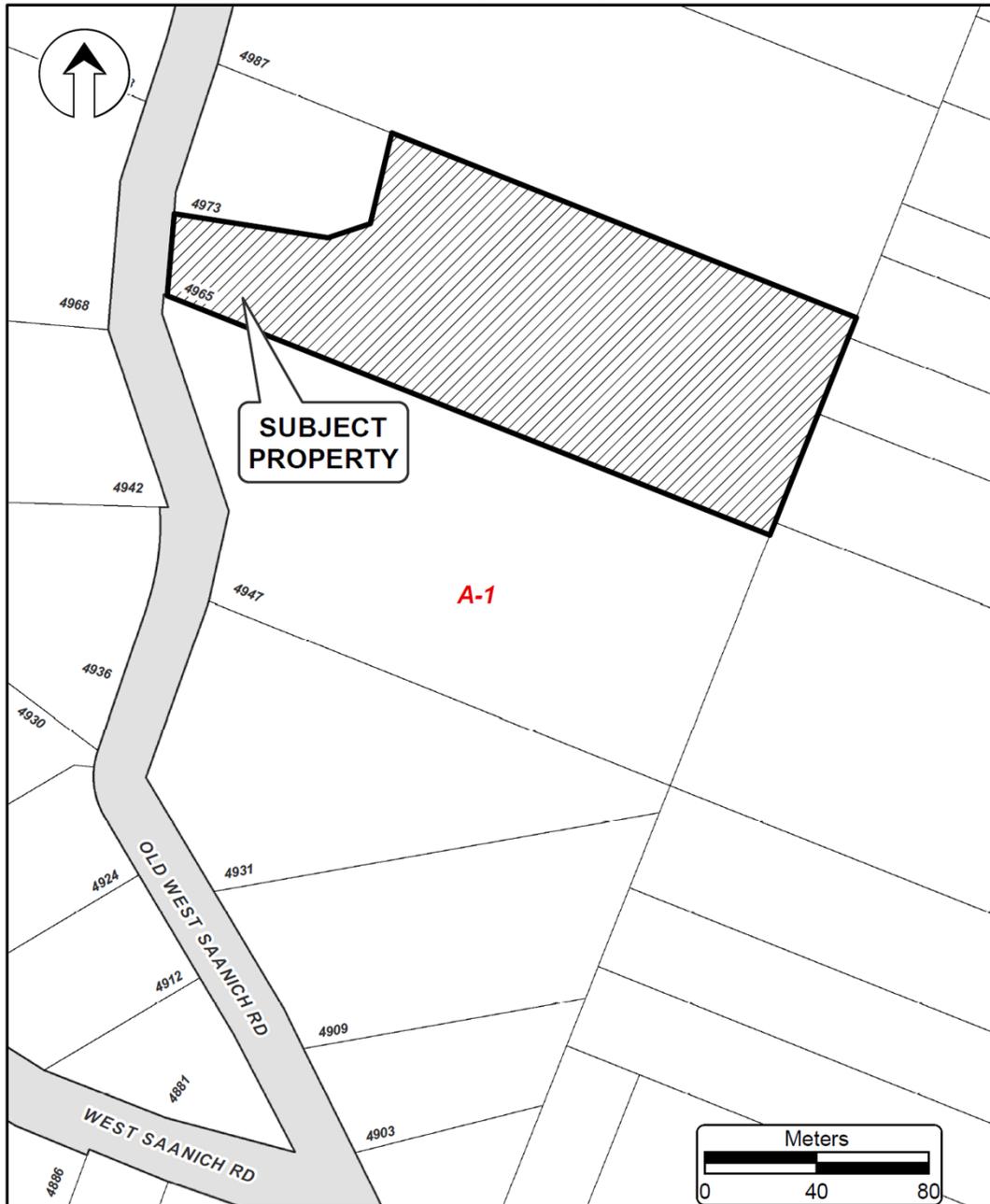


Figure 1. Neighbourhood Context

Proposed Development

The proposed development is to legalize a 223 m² second single family dwelling in the form of a converted farm building. The existing driveway off Old West Saanich Road will continue to be used for the second dwelling. Two energized parking spaces will be provided for the second dwelling, in accordance with the bylaw requirements. A draft zoning bylaw amendment that would support the proposal is included as Attachment 1 to this Report.

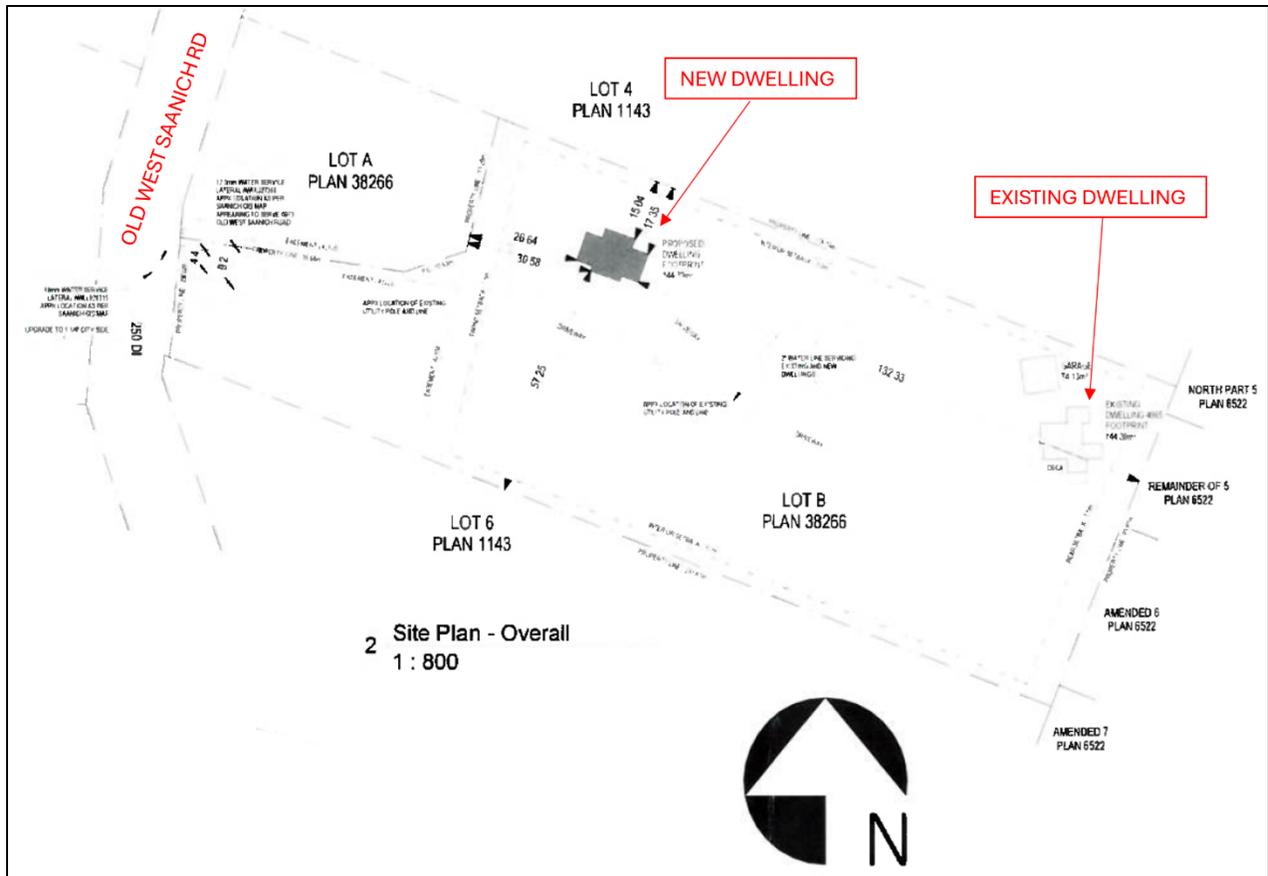


Figure 2. Site Plan (by Merge Design Studio, annotated by staff)

Consultation

Planning sent a referral to the Prospect Lake District Community Association who indicated that they take no position on this application.

Policy Analysis

Official Community Plan

- 7.1.2 Maintain the Urban Containment Boundary as the principal tool for growth management in Saanich, and direct new development to locate within the urban area.
- 7.2.3 Defer to the OCP where there is an inconsistency in policy direction between the OCP and a Local Area Plan or Action Plan.
- 7.7.1 Support the retention of rural and farmlands through adherence to the Urban Containment Boundary policy and preservation of the Agricultural Land Reserve (Map 7).
- 7.7.2 Maintain farming, food production, and large lot residential as the predominant land use in rural areas.
- 7.7.3 Maintain a minimum parcel area of 2.0 ha for the A-1 (Rural) zone and 4.0 ha for the A-2 (Rural) and A-4 (Rural) zones.

Rural Saanich Local Area Plan (2007)

Section 13.0 Housing - Objective “Maintain housing opportunities for family members”.

Section 13.0 – Housing for Family Members – “Families may wish to have multiple generations living in the same house, or on the same property, to provide care for children, seniors, or the disabled. Others may wish to provide housing for a child or other family members who would not otherwise be able to purchase a home”.

13.1 Maintain a minimum parcel area of 2.0 ha for the A-1 (Rural), Zone and 4.0 ha for the A-4 (Rural), Zone.

13.8 Encourage residential site and building design that acknowledges and contributes to the rural character and minimizes the risk of wildfires.

The Urban Containment Boundary (UCB) is a well-established planning policy to reduce urban sprawl by delineating where development should occur, generally directing development to the urban parts of the District of Saanich where there are existing infrastructure, amenities, and services to support the population. The UCB also protects the District of Saanich’s rural and farmland from rural sprawl by regulating residential development and supporting agricultural structures and single detached dwellings as the primary building forms in rural areas and limiting the minimum parcel size of these lots.

Council was recently required to consider permitting one secondary suite within the primary residence and/or one detached accessory dwelling unit on parcels outside of the UCB as part of recent changes to the *Local Government Act* to comply with the Small-Scale Multi-Unit Housing (SSMUH) requirements. While the proposal for one additional unit outside of the UCB is within the realm of what the Province required Local Governments to provide, each Local Government had the opportunity to determine what building form the additional density should take based on local context, policy and vision for development in the area.

At the June 24, 2024, Council Meeting, Council adopted Zoning Bylaw, 2003, Amendment Bylaw, 2024, No. 10044 to meet the SSMUH requirements. The bylaw permitted secondary suites on A-zoned lots outside of the UCB but chose not to permit detached accessory dwellings. The rationale for permitting only secondary suites outside the UCB was that it met the SSMUH legislation while continuing to reinforce District of Saanich growth management and land use policies that encourage residential growth within the UCB and prioritize farming on rural lands.

All A-zones in the District of Saanich now permit one single-family dwelling unit and one secondary suite, except for the A-2 (Rural) Zone (Two Dwelling) which permits two single family dwelling units and one secondary suite per real estate entity. The subject property is outside of the sewer service area and does not meet the minimum parcel size for the A-2 (Rural) Zone (Two Dwelling) which permits a second dwelling outside of the UCB (1.69 ha lot size vs. 4.0 ha required in the A-2 (Rural) Zone (Two Dwelling)).

While the housing section of the Rural Saanich LAP speaks to supporting housing for family members on the same property, Official Community Plan (OCP) Policy 7.2.3 directs that where there are inconsistencies in policy direction between the OCP, and an LAP, the OCP should take precedence. Further, there is the opportunity for additional housing for family members in the form of a secondary suite, contained within the legal single-family dwelling on the site.

Overall, the proposal is inconsistent with the Official Community Plan and Rural Saanich LAP and the recent Council decision to only permit secondary suites and not detached accessory dwellings on properties outside of the UCB. Further, staff consider what sort of precedent may be set for future applications for additional dwellings in the rural area and converting farm buildings for non-farm uses, outside of the urban containment boundary, should this application be approved.

COUNCIL OPTIONS

1. That Council reject the application. Staff recommend this option.
2. That Council support the application.
3. That Council provide alternate direction to staff.

FINANCIAL IMPLICATIONS

The proposal has no immediate implications to the District of Saanich 2024 – 2028 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The subject proposal aligns with the Housing theme in the District of Saanich's 2023 - 2027 Strategic Plan by improving the supply of diverse forms of housing in the community. However, it does not comply with Objective 3.2 to "make land use decisions that are consistent with the objectives of our community development plans".

CONCLUSION

The proposal to rezone to permit a second single family dwelling at 4965 Old Saanich Road is inconsistent with the Official Community Plan (OCP) and Rural Saanich LAP. The OCP contains strong growth management policies which directs development to the urban parts of the District of Saanich, within the UCB, where there is existing infrastructure, amenities, and services to support the population.

Should the application be supported, building and plumbing permits will be required to convert the existing "farm building" to a dwelling. Should the application be denied, Bylaw Enforcement staff will proceed with enforcement measures such as requiring the building to be decommissioned to "farm building" standards by removing elements that allow for a residential use.

For the above noted reasons, staff do not support the application to rezone 4965 Old Saanich Road.

Prepared by: Fiona Titley, Planner

Reviewed by: Carl Purvis, Manager of Current Planning

Approved by: Lindsay Chase, Director of Planning

FT/kb

Attachments 1: Draft Zoning Bylaw Amendment 10137

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer