



DISTRICT OF NORTH SAANICH

PUBLIC HEARING BINDER

October 18, 2021

For

Zoning Bylaw No. 1255

Amendment Bylaw No. 1529 (2021).



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Section 1 – Zoning Bylaw No. 1255, Amendment Bylaw No. 1529 (2021)



DISTRICT OF NORTH SAANICH

BYLAW NO. 1529

A BYLAW TO AMEND DISTRICT OF NORTH SAANICH ZONING BYLAW NO. 1255 (2011)

THE COUNCIL OF THE DISTRICT OF NORTH SAANICH, in open meeting assembled, enacts as follows:

AMENDMENTS

That the following sections be deleted in their entirety:

1. Section 204.1.8 of the District of North Saanich Zoning Bylaw No. 1255 (2011); and
2. Section 206.1.6 of the District of North Saanich Zoning Bylaw No. 1255 (2011).

CITATION

3. This Bylaw may be known and cited for all purposes as "North Saanich Zoning Bylaw No. 1255 (2011), Amendment Bylaw No. 1529".

READ A FIRST TIME the 20th day of September, 2021.

READ A SECOND TIME the 20th day of September, 2021.

NOTICE OF PUBLIC HEARING published in the _____, 2021 and, _____, 2021 editions of the *Peninsula News Review*.

PUBLIC HEARING held at the North Saanich Municipal Hall the ____ day of _____, 2021.

READ A THIRD TIME the ____ day of _____, 2021

APPROVED BY THE MINISTRY OF TRANSPORTATION the ____ day of _____, 2021

FINALLY ADOPTED the ____ day of _____, 2021

MAYOR

CORPORATE OFFICER



Section 2 – Council Minutes and Staff Report



STAFF REPORT

To: Tim Tanton
Chief Administrative Officer

Meeting Date: September 20, 2021

From: Brian Green
Director of Planning and Community Services

File: 3360-30 Zoning Amendments
Staff Report No. PCS-21-001

Re: Zoning Bylaw No. 1255, Amendment Bylaw No. 1529 - Secondary Suites and Guest Cottages

RECOMMENDATION:

That Council give first and second readings to Zoning Bylaw No. 1255, 2011, Amendment Bylaw No.1529 and direct staff to schedule a public hearing as outlined in Staff Report No. PCS-21-001.

STRATEGIC PLAN IMPLICATIONS:

This matter relates to the following Council strategic priorities:

Ensure Strong Leadership, Fiscal Responsibility and Transparent Government

Staff is committed to periodically reviewing bylaws to ensure that they remain clear, functional and easy to understand.

INTRODUCTION:

The purpose of this report is to provide Council with information, analysis and recommendations regarding proposed amendments to Zoning Bylaw No.1255 regarding regulations relating to secondary suites and guest cottages.

BACKGROUND:

Zoning Bylaw No. 1255 permits secondary suites and guest cottages in North Saanich as long as certain conditions are met.

One category of these conditions is intended to prevent future subdivision/stratification of the suites or cottages, as described below.

For Secondary Suites the conditions to be satisfied in the current bylaw include:

206.1.5. A single family residential dwelling that contains a secondary suite must not be subdivided under the Strata Property Act or otherwise.

206.1.6. For new construction, be subject to a Section 219 covenant prohibiting such stratification.

For Guest Cottages the conditions to be satisfied in the current bylaw include:

204.1.7. Must not be legally stratified separately from the principal dwelling; and

204.1.8. For new construction, be subject to a Section 219 covenant prohibiting such stratification.

On August 16, 2021 at a Special Council meeting Council directed staff to draft an amendment bylaw to delete section 206.1.6 and section 204.1.8 of the Zoning Bylaw No. 1255 and bring back to Council for consideration.

DISCUSSION:

Over several years of processing applications staff have observed that the above requirements for Section 219 covenants often leads to lengthy delays in the building permit process. Building permits cannot currently be approved until the Section 219 covenant is registered, and this can be a lengthy process involving lawyers and the Land Title Office.

Further to the above, the covenant requirement is not really necessary as the preceding clauses (206.1.5 for Secondary Suites and 204.1.7 for Guest Cottages) effectively achieve the goal of preventing future subdivision/stratification. Staff are not aware of any other municipality in the Capital Regional District that requires a Section 219 covenant for this purpose.

Staff are therefore proposing that clauses 206.1.6 and 204.1.8 be deleted from Zoning Bylaw No. 1255. This change will make the Zoning Bylaw easier to interpret and apply, and permit processes will be shortened accordingly.

Promoting Secondary Suites and Guest Cottages can help to provide more rental accommodation and affordable housing options in North Saanich, and should therefore be supported rather than hindered.

OPTIONS:

Council has the following options:

1. **(Staff Recommended)** That Council give first and second readings to Zoning Bylaw No. 1255, 2011, Amendment Bylaw No.1529 and direct staff to schedule a public hearing as outlined in Staff Report No. PCS-21-001;
2. That Council direct staff *not* to proceed with first and second readings of Zoning Bylaw amendment bylaw No. 1529.

FINANCIAL IMPLICATIONS:

Financial implications to the District are minimal, although there would be savings in staff time should the bylaw amendment be adopted. In addition, there would be cost savings to applicants in terms of not having to have a covenant drafted and placed on title.

LEGAL IMPLICATIONS:

None associated with this report.

COMMUNICATIONS IMPLICATIONS:

Should Council direct staff to prepare the amendment bylaw and the bylaw proceeds, a public hearing and Ministry of Transportation and Infrastructure approval will be necessary prior to adoption of the bylaw. Council may also refer the amendments to the Community Planning Commission for their review and comment.

SUSTAINABILITY AND CLIMATE CHANGE IMPLICATIONS:

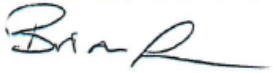
None associated with this report.

SUMMARY/CONCLUSION:

The proposed amendments are generally in response to issues that have been identified in the processing of building permit applications and general enquiries, and in administering the zoning bylaw. The intent remains to provide clear language, easier interpretation and appropriate regulations to result in a better functioning Council bylaw for the public and staff.

Staff recommend that Council give first and second readings to Zoning Bylaw No. 1255, Amendment Bylaw No. 1529 and direct staff to schedule a public hearing.

Respectfully submitted,



Brian Green
Director of Planning and Community Services

Attachments:

Attachment 1 – Zoning Bylaw Amendment Bylaw No. 1529

Concurrence,



Tim Tanton
Chief Administrative Officer



DISTRICT OF NORTH SAANICH

BYLAW NO. 1529

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FINALLY ADOPTED the ____ day of _____, 2021

MAYOR

CORPORATE OFFICER



Section 3 - Public Notices



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on **Monday, October 18, 2021 at 7:00 p.m.** in the Council Chambers of the Municipal Hall, 1620 Mills Road, North Saanich, B.C. to consider the following proposed amendment to the District of North Saanich Zoning Bylaw No. 1255:

- 1) District of North Saanich Zoning Bylaw No. 1255, Amendment Bylaw No. 1529 (2021).

In general terms, the purpose of Amendment Bylaw No. 1529 (2021) is to amend Zoning Bylaw No. 1255 to remove the requirement for a S.219 Covenant to be placed on title of a property where a secondary suite is proposed as part of new construction of a new single family dwelling or new construction of a guest cottage.

All persons who deem their interest to be affected by the proposed bylaw amendments will be afforded a reasonable opportunity to make a written submission or be heard by North Saanich Mayor and Council.

Due to COVID-19 there is limited public access to the municipal hall. You can provide your input in the following ways:

How to Participate	Deadlines	Contact
Make a submission in advance of the meeting: <ul style="list-style-type: none">• in writing• with an audio file (20mb file limit)• with a video file (20mb file limit)	Submissions must be received by noon, Monday, October 18, 2021	Email: corporateservices@northsaanich.ca Deliver to: Municipal Hall 1620 Mills Road North Saanich, BC V8L 5S9
Join by phone	Register by phone or email by noon, Monday, October 18, 2021 .	Email: corporateservices@northsaanich.ca
Join by online meeting link	Instructions will be provided following registration.	Call: 250-656-0781

All relevant documentation may be inspected on the District's website at: northsaanich.ca/public-hearing.



Section 4 – Correspondence

Municipal Hall

1620 Mills Road

North Saanich, BC V8L 5S9

By email to corporateservices@northsaanich.ca

Dear Mayor and Council

Re: Amendment to District of North Saanich Zoning Bylaw No 1255

Recently we filed an application for a building permit for the construction of a cottage on our property. Meeting the requirement of having a S.219 Covenant to be placed on the title of our property seemed to serve as a detriment to obtaining a building permit within a reasonable time frame, and the added burden of obtaining legal services and the costs incurred therein. The extra cost of obtaining this covenant was \$779.00.

It is my understanding that the limitations stated in the S.219 Covenant are already covered under the restrictions for obtaining a permit to build a cottage or secondary suite.

It is my hope that this requirement will be removed, and should this happen, that North Saanich will give some guidance and advice on how to have this covenant removed from title, as well as documentation that will permit the removal.

Respectfully submitted

Judith Pettit

11432 Chalet Road

From: Warren & Marguerite [REDACTED]
Sent: Tuesday, October 5, 2021 12:23 AM
To: admin <a@northsaanich.ca>
Subject: For Mayor, Council and Staff

Dear Mayor and Council:

In my review of the minutes of Council's Regular Meeting 20 September, 2021, I note that Council has given first and second readings of Zoning Bylaw No. 1255, Amendment Bylaw No. 1529 - Secondary Suites and Guest Cottages. The amendment apparently would remove the requirement for a Section 219 covenant prohibiting stratification of secondary suites or cottages from single family residential dwellings. The rationale for the amendment was that the requirement for the covenant was onerous and that other sections of the Zoning Bylaws already forbade the stratification or subdivision. It is not clear that removing the Section 219 requirement doesn't weaken a prohibition that could be more easily be altered by Council later. The amendment appears to be directed in part to large lots where cottages could be built and used for multiple purposes including short-term rentals. Continuing my review of the minutes, I noted Council's consideration for rezoning applications at 8630 Aldous Terrace and 8650 Aldous Terrace. The subject lots are large, 0.75 acres and 0.85 acres respectively. The applications asked for a change of zoning from R2 to R1-1 so that each property could be subdivided into two fully serviced lots with a panhandle. The application for 8630 Aldous Terrace was held in abeyance for a period of time until the Director issued a notice on 6 Aug, 2021 that, due to inactivity by the applicant, the application would be closed on 3 Sep, 2021, a period of 29 days. It appears that Council has now reserved its consideration of the application. The staff report indicates that the application for 8650 Aldous Terrace was originally intended to be considered for first and second readings at its meeting on 3 Feb, 2020. At that meeting, Council approved moving the application forward to public hearing. Oddly, according to the staff report, that action was negated through some error on the part of the District.

When the application was brought forward once again to Council on 22 Jun, 2020, it was 139 days later. At that meeting, Council passed a motion:

383 That Council postpone further consideration of the rezoning application for 8650 Aldous Terrace until the completion of the Official Community Plan review.

On 12 Jul, 2021, 524 days after the application was to have been reviewed initially, Council paused the OCP review process leaving the application with no reasonable date for fair consideration. It is rather incongruous that the applicant at 8630 Aldous Terrace was told the clock on their application had expired while Council then started an indeterminant clock for consideration of 8650 Aldous Terrace.

And then, the District staff put the 8650 Aldous Terrace on the agenda for the 20 Sep, 2021, regular meeting of Council, contrary to the previous 383 resolution. Why and how this could occur is rather puzzling.

The recorded minutes of the 20 Sep, 2021, meeting unfortunately indicate that there are ill-feelings and distrust being generated between the applicants and the District. Animosity is not conducive to objective representation and decision making.

Although I am not privy to all the communications that have taken place, it appears that the applicants have made every reasonable effort to answer the District's questions and have made a concerted effort to be consistent with the OCP, zoning bylaws and other similar applications. Indeed, it seems the applicants would agree to rather limiting Section 219 covenants that would be considered onerous impositions on cottage owners.

Although an effort was apparently made by an individual to solicit objections from some residents of the Terraces, it seems the applications have overwhelming support from the majority of neighbours. The panhandle lots are similar to others in the Terraces and would provide additional housing without harm to the agriculture community or the environment. Indeed, on checking through previous Council meetings, I noted that, subsequent to putting the Terraces rezoning applications in abeyance, Council approved a very similar rezoning application in the Deep Cove area. The lot is narrower, of a similar size, in the middle of R2 zoning and also requires a panhandle. It is disconcerting to see that many of the concerns voiced by members of Council with the Terraces applications were not raised with the Deep Cove application.

I declare that I have no direct interest in any of the rezoning applications. However, as an observer of District affairs, I am concerned that there is an apparent imbalance between what is considered fair treatment for lots with cottages and what is considered fair for other applicants who wish to provide additional home ownership in different areas of the District. I respectfully ask that Council review and consider all of its actions and inactions with respect to these applications.

Sincerely,
Warren Wolfe
2093 Wood Violet Lane, North Saanich



Sent from [Mail](#) for Windows

From: AJ & Linda Bennett [REDACTED]
Sent: Sunday, October 17, 2021 9:43 AM
To: corporateservices <corporateservices@northsaanich.ca>
Subject: Public Hearing 18 Oct 2021 - Covenants

Mayor, Council, and Staff

I agree that the S.219 Covenant requirement placed on title of a property should be removed. Guest Cottages that could provide long-term rental or to help seniors to age in place should be explored without that extra hoop. I believe land use planning should be accomplished by way of the OCP and By-Laws. It's not bullet-proof but then neither are Covenants.

Cheers
Linda Bennett
8560 Moxon Terrace, North Saanich, B.C.