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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 20, 2026

SUBJECT **Zoning Bylaw Amendment Application for Lot 3, Sections 84 and 88, Sooke District, Plan VIP72026; PID: 024-994-944 – East Sooke Road**

ISSUE SUMMARY

The landowner has applied to rezone the subject property from the Rural A zone to the Rural Residential 6A zone (RR-6A) to facilitate subdivision.

BACKGROUND

The 6.74 ha subject property is a panhandle lot located on East Sooke Road (Appendix A). The parcel is split-zoned Rural (A) and Agricultural (AG) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, and is split-designated Settlement and Agriculture by the East Sooke Official Community Plan (OCP), Bylaw No. 4000.

An adjoining bare land strata located along the southern parcel boundary is zoned RR-6A. Neighbouring parcels to the east, west, and north are zoned Rural (A), AG and Neighbourhood Commercial (C-1). The AG zoned portion of the property comprises a narrow, 0.48 ha access strip to East Sooke Road and is located within the Agricultural Land Reserve (ALR). That portion is designated as Steep Slope, Riparian and Sensitive Ecosystem development permit areas (DPA). The remaining Rural (A) zoned portion is approximately 6.26 ha and is partially designated as a Farmland Protection DPA. The parcel is identified as a vacant property containing a gravel driveway, one unregistered well, and a small shed. The property is entirely within the East Sooke Fire Protection local service area.

The landowner has applied to amend Bylaw No. 2040 by rezoning that part of the property zoned Rural (A) (Appendix B) to RR-6A (Appendix C) to facilitate a 4-lot, bare land strata subdivision (Appendix D; CRD File: SU000762). The application was supplemented by an ALR Buffer Report (Appendix E), a Riparian Areas Regulation Report (Appendix F), and a letter from a well drilling company (Appendix G).

At their meeting of April 15, 2025, the Juan de Fuca Land Use Committee recommended referral of the proposed amendment bylaw (Appendix H) to the East Sooke Advisory Planning Commission and to appropriate CRD departments, First Nations and agencies. Comments have been received and are included in Appendix I.

ALTERNATIVES

Alternative 1

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4657, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 167, 2025", to the East Sooke Advisory Planning Commission; CRD departments; Sc'ianew (Beecher Bay) First Nation; T'Sou-ke First Nation; Agricultural Land Commission; BC Hydro; District of Sooke; Island Health; Ministry of Forests – Archaeology Branch; Ministry of Forests – Water Protection Section; Ministry of Land, Water and Resource Stewardship; Ministry of Transportation & Transit; RCMP; and Sooke School District #62 be approved and the comments received;
2. That proposed Bylaw No. 4657 be introduced and read a first, second and third time; and
3. That proposed Bylaw No. 4657 be adopted.

Alternative 2

That the CRD not proceed with proposed Bylaw No. 4657.

IMPLICATIONS

Legislative and Public Consultation Implications

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them related to Part 14 of the *Local Government Act* (LGA). The East Sooke APC considered the application at its meeting on May 5, 2025.

Pursuant to Section 464(3) of the *LGA*, if 1) an official community plan is in effect for the area that is the subject of the zoning bylaw, 2) the bylaw is consistent with the OCP, and 3) the sole purpose of the bylaw is to permit a development that is entirely a residential development, the CRD must not hold a public hearing with respect to the bylaw.

Since the development proposal meets all three conditions, the CRD must not hold a public hearing with respect to the bylaw. Notice of the proposed bylaw amendment advising of the date of first reading will be provided in accordance with Sections 466 and 467 of the *LGA*. Upon receipt of referral comments, the LUC may consider a recommendation for all bylaw readings and adoption at the same meeting.

Regional Growth Strategy Implications

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a regional growth strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the East Sooke OCP area is consistent with the OCP, it does not proceed to the CRD Board for a determination of consistency with the RGS. Staff are of the opinion that the proposed amendment is consistent with the policies of the East Sooke OCP.

First Nations Implications

The subject property is located within the asserted traditional territory of the Sc'ianew (Beecher Bay) and T'Sou-ke First Nations. Each Nation was invited to participate in an application review process with staff and the applicant to better inform consideration of the proposal.

T'Sou-ke First Nation commented that they had no concerns at this time, but that they would like to have someone onsite should there be any digging.

Sc'ianew (Beecher Bay) First Nation responded to advise that they did not have capacity to review the proposal and provide a detailed response.

Referral Comments

Referrals were sent to 10 agencies, CRD departments, and to the East Sooke APC and Juan de Fuca Parks and Recreation Advisory Commission. Comments received are summarized below and included in Appendix I.

CRD Electoral Area Fire Services responded that the applicant must produce a report by a Qualified Professional that recommends how the proposed development provides satisfactory access for emergency vehicles. JdF Planning staff note that confirmation of access for emergency vehicles would be addressed at the time of subdivision.

CRD First Nations Relations commented that a search of the Remote Access to Archaeological Data managed by the BC Archaeology Branch indicated that the property is not located within or immediately adjacent to a protected archaeological site and that a permit is not required to undertake work unless archaeological materials are exposed or impacted during land-altering activities.

Juan de Fuca Electoral Area Parks and Recreation Advisory Commission reviewed the application at its meeting of November 25, 2025, and provided the following recommendation by resolution:

MOVED by Commissioner Jorna, **SECONDED** by Commissioner McKay that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission state to the Juan de Fuca Land Use Committee that it considered Zoning Amendment Application RZ000287 and that its preference is for cash-in-lieu of parkland at the time of subdivision.

The Agricultural Land Commission (ALC) supported the ALR buffering recommendation, including registration of a covenant to ensure long-term protection. The ALC noted that the recommended 10-metre buffer is less than the 30-metre buffer provided in the Ministry of Agriculture and Food's *Guide to Edge Planning*. The ALC also had no concerns with the proposed strata subdivision layout provided that there is not subdivision in the ALR.

BC Hydro expressed no objection to the rezoning and proposed bare land strata subdivision.

District of Sooke stated that they had no comment regarding the proposed rezoning.

Ministry of Forests – Archaeology Branch advised that according to Provincial records, there are no known archaeological sites recorded on the subject property and that archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property.

Ministry of Water, Land and Resource Stewardship – West Coast Region Authorizations Branch noted that if wells to support the proposed subdivision were to be drilled, they would likely be completed within Aquifer 606 at a depth below sea level. Aquifer 606 consists for low productivity, fractured crystalline bedrock partially confined by Vashon till. JdF Planning staff note that the aquifer extends from Metchosin to Jordan River. Aquifer 606 was flagged in 2019 due to “Possible Water Shortage and/or Saline Intrusion Issues”. Increased groundwater extraction in the area may exacerbate current groundwater availability issues, increase potential for saltwater intrusion and impact the water supply in other wells in the area. It was noted that there are 53 registered wells in the area, with 47 of the completed in Aquifer 606. The median depth of the wells is 134 m. Due to the depth of surrounding wells and proximity to the ocean, there is an increased risk of saltwater intrusion. It was recommended that water quality be monitored during drilling and testing of new wells.

Ministry of Water, Land and Resource Stewardship – Ecosystem Section had no objection to approval of the proposed rezoning.

Ministry of Transportation and Transit had no objection to the zoning bylaw amendment and noted that approval of the bylaw pursuant to Section 52 of the *Transportation Act* is not required. The Ministry also advised that no storm drainage from the property may be directed into Ministry ditches and that the access connection to East Sooke Road must be approved under a Ministry residential access permit.

A Public Information Meeting was held in the community and the East Sooke APC considered the application on May 5, 2025, with approximately 10 members of the public in attendance. Members of the public raised concern regarding application of the ALR buffer given the topography and non-use of adjacent ALR land. The APC passed the following motion with respect to Bylaw No. 4657:

MOVED by Zac Doeding, **SECONDED** by Vicki Graham that the East Sooke Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee that it supports the application and proposed Bylaw No. 4657, to rezone a portion of the subject property from the Rural (A) zone to the Rural Residential 6A zone (RR-6A) and that it recommends provision of an adequate ingress/egress to service the proposed 4 bare land strata lots and reconsideration of the agricultural buffers on the subject property.

Land Use

The East Sooke OCP designates the subject property as Settlement and Agriculture. The intent of the Settlement Land Use Designation is to support residential and agricultural uses; suites to increase housing affordability; home-based businesses; small-scale commercial and tourism activities; cottage industry; civic and institutional uses; and community parks, subject to consideration of the anticipated impact of the use in any individual circumstances. The Settlement designation supports zones with an average density of one parcel per 1.0 ha, provided that no parcels are less than 0.4 ha. Additionally, OCP policies support the rezoning of Rural (A) zoned lands for the purpose of subdivision as an alternative to a building strata to allow for one parcel per 1.0 ha. Staff are of the opinion that proposed Bylaw No. 4657, which would rezone the property from Rural (A) to RR-6A, is consistent with the OCP and its intention to maintain the East Sooke’s rural character. That part of the property that is designated Agriculture is proposed to be part of common property access driveway. Since the ALR portion is not being subdivided, the subdivision regulations of the *Agricultural Land Commission Act* for land in the ALR do not apply to the access strip.

The proponent’s subdivision plan shows the creation of a 4-lot bare land strata over that part of the property that is proposed to be rezoned from Rural (A) to RR-6A; however, the maximum potential would be for six 1.0 ha parcels. The remaining portion will continue to be used exclusively as a common access driveway for the strata and will remain in the AG zone and the ALR.

The application was supplemented by an ALR Buffer Report, Riparian Areas Regulation Report, and a letter from Drillwell Enterprises to demonstrate the feasibility of the proposed subdivision. The ALR Buffer Report provided plans for an agricultural buffer, screening, and development setbacks to meet the Farmland Protection development permit (DP) guidelines applied at the time of subdivision. While the East Sooke

APC recommended that the buffer requirements be reconsidered in light of the topography and use of adjacent ALR land, the Buffer Report was supported by the Agricultural Land Commission. The East Sooke OCP is also supportive of buffers on non-ALR land to protect the long-term viability of agriculture. JdF Planning staff concur with the recommendation of the ALC and recommend that the buffer requirements remain in place and that they be assessed at the time of subdivision. Staff also advise that the buffer would be addressed and protected through a development permit, rather than a covenant.

Since a portion of the property is within a provincially designated riparian area, the Riparian Areas Regulation Report aimed to demonstrate that those provincial requirements for development authorization and the Riparian and Sensitive Ecosystem DP guidelines required by the CRD could be met at the time of subdivision.

The letter from Drillwell Enterprises provided an early assessment of potential groundwater availability indicating that domestic water supply for indoor use is likely based on overall productivity of wells in the immediate area. The Ministry of Water, Land and Resource Stewardship noted the characteristics of Aquifer 606 and recommended that new wells be monitored for saltwater intrusion during construction. If proposed Bylaw No. 4657 is considered for adoption, the proponent would be required to provide additional reporting to meet potable water requirements for the subdivision.

Based on the information provided by the applicants, referral comments received and the policies of the East Sooke OCP, staff recommend that proposed Bylaw No. 4657 be read a first, second and third time, and that Bylaw No. 4657 be adopted.

CONCLUSION

The purpose of Bylaw No. 4657 is to amend the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 by rezoning that portion of the Land zoned Rural A to Rural Residential 6A in order facilitate a 4-lot bare land strata subdivision. Based on the information provided and the referral comments received, Staff recommend that referral of the bylaw be approved and referral comments be received, that Bylaw No. 4657 be read a first, second and third time, and that Bylaw No. 4657 be adopted.

RECOMMENDATION

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4657, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 167, 2025", to the East Sooke Advisory Planning Commission; CRD departments; Sc'ianew (Beecher Bay) First Nation; T'Sou-ke First Nation; Agricultural Land Commission; BC Hydro; District of Sooke; Island Health; Ministry of Forests – Archaeology Branch; Ministry of Forests – Water Protection Section; Ministry of Land, Water and Resource Stewardship; Ministry of Transportation & Transit; RCMP; and Sooke School District #62 be approved and the comments received;
2. That proposed Bylaw No. 4657 be introduced and read a first, second and third time; and
3. That proposed Bylaw No. 4657 be adopted.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Administration
Concurrence:	Stephen Henderson, MBA, P.G.Dip.Eng., B.Sc., General Manager, Electoral Area Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Location, Zoning & DPA Map
- Appendix B: Rural (A) Zone
- Appendix C: Rural Residential 6A (RR-6A) Zone
- Appendix D: Proposed Subdivision Plan
- Appendix E: ALR Buffer Report
- Appendix F: Riparian Areas Protection Regulation Report
- Appendix G: Potable Water Letter
- Appendix H: Proposed Bylaw No. 4657
- Appendix I: Referral Comments