



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, FEBRUARY 19, 2019**

SUBJECT **Zoning Amendment Application for Lot 9, Section 129, Sooke District,
Plan VIP67208 – 590 Seedtree Road**

ISSUE

The owner is proposing to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land strata subdivision as an alternative to a building strata development.

BACKGROUND

The 4.03 ha property is located at 590 Seedtree Road in East Sooke and is zoned Rural A in the Juan de Fuca (JdF) Land Use Bylaw, Bylaw No. 2040 (Appendix 1). The property is adjacent to other Rural A properties to the north, east and west and Seedtree Road to the south. There is one existing house on the property that is serviced by a groundwater well and an on-site septic system. There are building schemes, geotechnical and environmental covenants registered on title. The property is within the East Sooke Fire Protection Service Area, but outside any Capital Regional District (CRD) community water distribution areas.

The property is designated as Settlement in the East Sooke Official Community Plan (OCP), Bylaw No. 4000, and is designated as Steep Slopes, Riparian and Sensitive Ecosystem development permit areas. Development Permit DP-12-11 was issued in 2011 for driveway construction and site preparation. A development permit addressing the guidelines of each development permit area will be required at the time of subdivision; however, professional reports have been received to support the rezoning.

James Russell, M.Sc., P.Eng. (Ryzuk Geotechnical), prepared a report addressing steep slopes and hazardous conditions on the property (Appendix 2). Adam Compton, R.P.Bio (EDI Environmental Dynamics Inc.), prepared an environmental overview assessment to address the older second growth forest ecosystem and the riparian assessment area (Appendix 3).

Staff have prepared Bylaw No. 4265 for consideration, which would rezone the parcel from Rural A to RR-6A (Appendix 4). The RR-6A zone would create the potential for subdivision into four parcels with an average parcel size of 1.0 ha prior to the removal of land for common property, and a maximum density of one single-family dwelling with either a secondary or a detached accessory suite (Appendix 5). In addition to the zoning amendment application, the applicant has submitted a subdivision application to create four bare land strata lots that would be accessed from a common strata road (Appendix 6).

At their meeting of November 20, 2018, the Land Use Committee recommended referral of the Bylaw to the East Sooke Advisory Planning Commission (APC), the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, CRD departments and to the following agencies: BC Hydro; District of Sooke; Island Health; Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch (FLNRORD); Ministry of Transportation and Infrastructure; RCMP; Scia'new First Nation; Sooke School District #62; T'Sou-ke First Nation.

Comments were received from five agencies (Appendix 7). The East Sooke APC considered the application on January 9, 2019 (Appendix 8). The Juan de Fuca Electoral Area Parks and Recreation Advisory Commission considered the application on November 27, 2018 (Appendix 9).

ALTERNATIVES

Alternative 1

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4265 directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; appropriate CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch; Ministry of Transportation and Infrastructure; RCMP; Scia'new First Nation; Sooke School District #62; and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4265, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018" be introduced and read a first time and read a second time; and
- c) That in accordance with the provisions of Section 469 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4265.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4265.

Alternative 3

That more information be provided.

LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *Local Government Act* (LGA) will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendment and it will be advertised in the local paper and on the website.

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 Official Community Plan area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. This application is consistent with the policies of the East Sooke OCP.

The RGS recognizes that water service may be extended to those lands designated as Settlement by the East Sooke OCP. The subject property is outside of a community water service area and no water connections are requested.

REFERRAL COMMENTS

Referrals were sent to 11 agencies, including the East Sooke APC and the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, and to appropriate CRD departments. Comments received are noted below and included in Appendices 7-9.

CRD Bylaw Enforcement does not anticipate significant bylaw enforcement implications.

FLNRORD – Archaeology Branch stated there are no known archaeological sites recorded on the subject property; however, there are some small areas of potential in the northwest and southwest corners of the property.

Island Health stated that subdivision requirements will be reviewed in a subsequent referral and outlines

water and on-site septic servicing requirements.

Ministry of Transportation and Infrastructure stated no objection to the proposed rezoning and that conditions will be addressed through the subdivision process.

Sooke School District #62 stated no concern with the referral.

East Sooke APC stated support for the application (Appendix 8). Concerns were raised regarding availability of potable water to support the subdivision and the APC stated support for consideration being given to requiring that the subdivision servicing standards be amended to require proof of potable water be provided during the dry season.

Juan de Fuca Electoral Area Parks and Recreation Advisory Commission stated that, due to the steep terrain, park dedication through the subject property would provide limited community use and that the Commission consider park dedication pursuant to Section 510 of the *LGA* at the time of subdivision (Appendix 9).

PLANNING ANALYSIS

The East Sooke Official Community Plan, Bylaw No. 4000, designates the subject property as Settlement. The objectives of this designation are to maintain the rural character of East Sooke through low-density development occurring at a gradual pace; to support a range of economic activities at a scale appropriate to the size of the community and its rural nature; and to provide affordable housing and rental accommodation options appropriate for a rural community.

As an alternative to building strata development on Rural A zoned lands, Settlement policy 484 E supports the consideration of rezoning applications to permit subdivision based on a ratio of one parcel per hectare of land within a plan of subdivision, prior to the subtraction of area for road and park dedication.

The Rural A zone allows a minimum parcel size of 4 ha, with a maximum of 4 dwellings on a 4 ha parcel, plus either a secondary suite or a detached accessory suite. The proposed RR-6A zone allows a 1 ha average parcel size prior to dedication of road, park or common property, with a minimum parcel size of 0.5 ha. The zone allows for residential, agricultural and home based business uses, with a density of one dwelling unit plus either a secondary suite or a detached accessory suite.

Policy 424 G of the East Sooke OCP outlines the preferred methods for acquiring park land and trails including: as a condition of a rezoning, as an amenity contribution, or as dedication at time of subdivision. Subdivisions that create three or more lots, where the smallest lot is less than 2 ha in size, are required to provide park dedication pursuant to Section 510 of the *LGA*. Subject to approval of the rezoning, JdF EA Community Parks and Recreation will consider park dedication as part of the subdivision application; however, during their consideration of the zoning amendment application, the Commission noted that due to the steep terrain, park dedication through the subject property would provide limited community use.

As previously noted, this zoning amendment application was referred to 11 agencies including the East Sooke APC and the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, and to appropriate CRD departments. Of those agencies and departments that responded, none expressed objections or raised concerns regarding the proposal.

Initial professional review of the development permit (DP) areas has been conducted and a development permit will be required as a condition of subdivision should the request for rezoning be supported. Ryzuk Geotechnical submitted a report outlining the steep slope areas on the property (Appendix 2). The report describes the topography as bedrock controlled, rising moderately to the north at approximately 40%. Rockfall hazards were identified in three locations on the property and mitigation measures are recommended in the report. Improvements to the existing driveway are proposed as part of the bare land strata subdivision development that would include drilling and blasting, and safe building sites have been identified for proposed lots 2-4.

The report prepared by EDI Environmental Dynamics Inc. identifies plant and wildlife species at risk with potential for occurrence within the project area, plus potential at risk forested ecological communities (Appendix 3). With the exception of a blue-listed Band-tailed Pigeon siting, no rare species were observed on site. The report also confirms the location of a watercourse that drains from a nearby wetland and flows as a roadside ditch within 30 metres of the southwest corner of the subject property. The report concludes that the proposed subdivision development is not anticipated to result in significant environmental impacts and recommendations are provided to ensure negative impacts to sensitive ecosystems, habitat features and wildlife do not occur.

Based on the information provided by the applicant and the policies of the East Sooke OCP, JdF Community Planning staff recommend receipt of the referral comments and proceeding with proposed Bylaw No. 4265 for first and second reading and proceeding to a public hearing.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone the subject property from Rural A to RR-6A in order to allow subdivision of the property into four parcels with an average area of 1 ha. Referral comments have been received and staff recommend proceeding with proposed Bylaw No. 4265 for first and second reading and proceeding to a public hearing.

RECOMMENDATIONS

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4265 directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; appropriate CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch; Ministry of Transportation and Infrastructure; RCMP; Scia'new First Nation; Sooke School District #62; and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4265, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018" be introduced and read a first time and read a second time; and
- c) That in accordance with the provisions of Section 469 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4265.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET:wm

Attachments:

- Appendix 1. Subject Property Map
- Appendix 2. Geotechnical Report
- Appendix 3. Environmental Assessment Report
- Appendix 4. Proposed Bylaw No. 4265
- Appendix 5. Rural Residential 6A Zone
- Appendix 6. Proposed Plan of Subdivision
- Appendix 7. Referral Comments
- Appendix 8. East Sooke APC Minutes
- Appendix 9. JdF EA Parks and Recreation Advisory Commission Minutes