



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 20, 2018, 2018**

SUBJECT **Zoning Amendment Application for Lot 1, Section 128, Sooke District,
Plan VIP58851 – 5480, 5488 & 5494 Mt. Matheson Road**

ISSUE

The owners are proposing to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) to permit a 3-lot subdivision for the purpose of granting individual title to each dwelling unit currently located on the property.

BACKGROUND

The 4.05 ha property is located at 5480, 5488 & 5494 Mt. Matheson Road in East Sooke and is zoned Rural (A) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 (Appendix 1). A common driveway crosses Doerr Creek and rises up towards the north from Mt. Matheson Road. There are three dwellings on the property that were constructed between 1999 and 2004, as well as two accessory buildings. The dwellings are serviced by individual wells and septic systems.

The property is designated as Settlement (S) in the East Sooke Official Community Plan (OCP), Bylaw No. 4000, and is partially designated as Steep Slopes, Riparian and Sensitive Ecosystem development permit areas. The parcel is within the East Sooke Fire Protection Local Service Area, but outside the community water service area. There is a building scheme and a statutory right-of-way in favour of BC Hydro registered on title.

The owners have submitted rezoning and subdivision applications to create three bare land strata lots accessed from a common strata road (Appendix 2). The proposed rezoning to RR-6A would create potential for subdivision into four parcels with an average parcel area of 1.0 ha and a maximum density of one single-family dwelling with either a secondary or a detached accessory suite (Appendix 3). Staff have prepared Bylaw No. 4257, which would rezone the parcel from Rural A to RR-6A (Appendix 4).

At their meeting of September 18, 2018, the Land Use Committee recommended referral of the Bylaw to the East Sooke Advisory Planning Commission (APC), 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; Ministry of Transportation and Infrastructure; RCMP; Scia'new First Nation; Sooke School District #62; T'Sou-ke First Nation.

Comments were received from six agencies (Appendix 5). The application was considered by the Juan de Fuca Electoral Area Parks & Recreation Advisory Commission at their meeting on September 25, 2018 (Appendix 6). Since a member of the APC resigned before an APC meeting could be held, the Commission did not have the required membership to continue. As an alternative, a Public Information Meeting was held in East Sooke on October 10, 2018 (Appendix 7).

ALTERNATIVES

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

1. a) That the referral of proposed Bylaw No. 4257 directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission; 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; T'Sou-ke First Nation and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4257, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018" be introduced and read a first time and read a second time;

- 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. 4257.
2. That the CRD Board not proceed with proposed Bylaw No. 4257.
3. That more information be provided by staff.

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 Development Applications Procedures Bylaw No. 3110, 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.

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 nine agencies, the East Sooke APC, the Juan de Fuca Electoral Area Parks & Recreation Advisory Commission, and to appropriate CRD departments. Comments received are noted below and included in Appendices 5-7.

BC Hydro advised that it would want to respond to the 3-lot subdivision as they have an existing powerline on the subject property and would be concerned with subdivision and any planned construction or alterations to the site which may impact existing or future BC Hydro works.

CRD Bylaw Enforcement reported that it does not anticipate any bylaw enforcement implications as a result of the proposal.

Island Health provided comment to the Ministry of Transportation and Infrastructure stating that soil conditions are adequate for sewerage systems and that it has no objections to the proposed 3-lot subdivision provided individual wells are used to provide domestic potable water to each dwelling in each lot.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch provided information stating there is the possibility for unknown/unrecorded archaeological sites to exist on the property. Such sites must not be altered or damaged without a permit from the Archaeology Branch.

Ministry of Transportation and Infrastructure reported that it has no objection to the proposed rezoning of the subject property and confirmed that conditions will be provided as part of the subdivision application, should it proceed.

Sooke School District #62 responded to advise that it does not have any concerns with the proposal.

The Juan de Fuca Electoral Area Parks & Recreation Advisory Commission met on September 25, 2018, to review the proposed rezoning. The Commission provided the following motion:

MOVED by Commissioner Sloan, **SECONDED** by Commissioner Gaston that that the Commission supports rezoning application RZ000256 and protection of the creek.

CARRIED

A Public Information Meeting was held on October 10, 2018, with eleven members of the public in attendance. Five written submissions were received in support of the application. Comments made by members of the public related to maintaining the rural character of East Sooke, impacts of development on roads and water resources.

PLANNING ANALYSIS

The East Sooke Official Community Plan, 2018, Bylaw No. 4000, designates the subject property as Settlement (S). 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. Settlement policy 484 B supports an average density of one parcel per one hectare within a plan of subdivision, with one single-family dwelling or one two-unit dwelling, provided that no new parcel is created with an area less than 0.4 ha. There are three existing dwellings on the subject property and the applicant is proposing to create three bare land strata parcels with an average lot size of 1.35 ha.

The RR-6A zone allows a 1 ha average parcel size and a minimum parcel size of 0.5 ha. The RR-6A 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.

The proposed plan of subdivision includes one dwelling on each proposed lot. Should the RR-6A zone be approved, the dwelling unit density of the property would become legal non-conforming until such time as the subdivision is registered. The owners have submitted a subdivision application in order to expedite the process. An accessory building on proposed Strata Lot 3 may not meet the applicable front yard setback requirement and the owners could request a variance or adjust the subdivision boundaries accordingly.

The East Sooke OCP designates the property within the Steep Slopes, Riparian and Sensitive Ecosystem development permit areas. 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. Issuance of a development permit will include identification of the riparian area as a protected area on the property, as supported by the JdF EA Parks and Recreation Advisory Commission.

Ryzuk Geotechnical submitted a report outlining the steep slope areas on the property (Appendix 8). The report confirms that the proposed subdivision is feasible from a geotechnical perspective and the existing infrastructure is not located within any hazard areas. Corvidae Environmental Consulting Inc. prepared an environmental assessment report addressing Doerr Creek, which flows through the property and is designated as a Riparian and Sensitive Ecosystem DP area (Appendix 9). As no alteration of land is proposed as part of the development application, the report concludes that no environmental impacts are anticipated due to the proposed subdivision.

The subject property is located outside a community water local service area and there are currently no plans to extend water service to this property. Water is to be provided using existing ground water wells. Current water quality and quantity tests will be required as a condition of subdivision. Minor improvements to the proposed bare land strata driveway may be required as part of the subdivision process. However, additional traffic and increased impacts on public roads are not anticipated as a result of the proposed development.

Staff recommend proceeding with proposed Bylaw No. 4257 for first and second reading and proceeding to a public hearing.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone the 4.05 ha subject property from Rural A to Rural Residential 6A (RR-6A) to permit a 3-lot bare land strata subdivision for the purpose of granting individual title to each dwelling unit currently located on the property. The proposed rezoning to RR-6A would establish an average parcel area of 1.0 ha and a maximum density of one single-family dwelling with either a secondary or a detached accessory suite. Professional reports addressing the proposed development have been provided and referral comments have been received from agencies and CRD departments. Staff recommend that proposed Bylaw No. 4257 proceed for first and second reading and that a public hearing be held with respect to the Bylaw.

RECOMMENDATION

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

- a) That the referral of proposed Bylaw No. 4257 directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission; 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; T'Sou-ke First Nation and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4257, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018" be introduced and read a first time and read a second time;
- 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. 4257.

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| 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 |

Attachments:

- Appendix 1. Subject Property Map
- Appendix 2. Proposed Plan of Subdivision
- Appendix 3. Rural Residential 6A
- Appendix 4. Proposed Bylaw No. 4257
- Appendix 5. Referral Comments
- Appendix 6. JdF EA Parks & Recreation Advisory Commission Minutes
- Appendix 7. Public Information Meeting Minutes
- Appendix 8. Geotechnical Assessment Report
- Appendix 9. Environmental Assessment Report