



**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, FEBRUARY 13, 2019**

SUBJECT **Public Hearing Report on Bylaw No. 4246, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 134, 2018”**

ISSUE

To receive the Report of the Public Hearing held January 30, 2019, for proposed Bylaw No. 4246, and to consider Bylaw No. 4246 for third reading and adoption.

BACKGROUND

At its meeting on November 14, 2018, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4246, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 134, 2018”, and passed a resolution to delegate authority to the Regional Director to hold a Public Hearing with respect to Bylaw No. 4246.

Bylaw No. 4246 (Appendix 1) will amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, by deleting Lot 2, Section 97, Sooke District, Plan 15036 from the Rural A zone, and adding said lot to a new Rural Residential 6A (RR-6A) zone in order to permit a proposed 9-lot subdivision.

On January 30, 2019, a Public Hearing was held for Bylaw No. 4246. There were thirty-four people in attendance. One written submission was received opposing the subdivision proposed by the rezoning application. The Report of the Public Hearing is attached (Appendix 2).

ALTERNATIVES

Alternative 1

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4246, which is certified as a fair and accurate summary of the representations that were made at the Public Hearing held on January 30, 2019, for Bylaw No. 4246, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 134, 2018”, be received; and
- b) That Bylaw No. 4246 be read a third time and adopted.

Alternative 2

That the minutes that form the Report of the Public Hearing for Bylaw No. 4246, which is certified as a fair and accurate summary of the representations that were made at the Public Hearing held on January 30, 2019, for Bylaw No. 4246, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 134, 2018”, be received.

LAND USE IMPLICATIONS AND PLANNING ANALYSIS

The East Sooke Official Community Plan (OCP), 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 designation policies support the rezoning of lands currently zoned Rural A based on a ratio of one parcel per hectare of land in the parent parcel prior to the subtraction of any area for road or park dedication. Settlement policies are also supportive of an average density of one parcel per hectare within a plan of subdivision, provided that no new parcels are created with an area of less than 0.4 ha.

The proposed RR-6A zone allows a 1 ha average parcel size and a minimum parcel size of 0.5 ha. The zone allows for residential, agricultural and home based business uses, as well as secondary suites or detached accessory suites.

The East Sooke OCP designates the property as Steep Slopes and Sensitive Ecosystems development permit areas. In support of this rezoning application, the owner has provided geotechnical and sensitive ecosystem reports prepared by qualified professionals. The lands in East Sooke are the traditional territory of the T'Sou-ke and Scia'new First Nations, and there are recorded archaeological sites in the community. In order to determine whether this specific property was previously used or occupied by First Nations, the applicant retained an archaeologist to review the land and provide an overview assessment.

A corridor proposed for environmental protection is to be secured through a covenant registered on title pursuant to section 219 of the *Land Title Act* through the subdivision process. At that time, a strata corporation would be registered and could act as a third party to the agreement. The covenant can specify conditions, such as demarking the protected area with fencing, environmental monitoring and enforcement measures. This approach is consistent with the East Sooke Advisory Planning Commission's recommendation to protect the land for its ecological values and not dedicate the land as park for recreation purposes.

Park land considerations are outlined in the East Sooke OCP and include policies for the location and type of future parks including trails. Park land can be acquired as a condition of rezoning, as an amenity contribution, as dedication at time of subdivision, as a donation or by direct purchase. Section 510 of the *Local Government Act (LGA)* specifies requirements for provision of park land or cash in-lieu for parks purposes. Since the proposed subdivision includes nine lots with an average lot size of 1 ha, park land dedication of 5% of the land value or a cash equivalent will be required prior to the registration of subdivision.

The subject property is not explicitly identified in the OCP for park acquisition. However, policies in Section 424 do support acquisition of environmentally sensitive areas or wildlife corridors, as well as land to buffer sensitive ecosystems, special preservation areas or lands that afford a range of appropriate activities and recreational experiences. The JdF EA Parks & Recreation Advisory Commission identified no park interests at this time, but supported protection of the wildlife corridor through a restrictive covenant. It is anticipated that cash-in-lieu of park land would be accepted as part of the subdivision process.

The written submission expressing non-support for the 9-lot subdivision proposal raised concerns regarding runoff associated with the clearing of land for building sites. Staff note that proposed zone does not add significantly more dwellings than would be permitted under the current Rural A zone and that the primary intent is to allow an alternative form of land tenure. With regards to runoff during subdivision construction, the professional biologist recommended that if construction occurred during heavy rain events, that an environmental monitor be present. This recommendation would form a condition of the development permit that is required prior to subdivision.

Staff recommend that the minutes that form the record of the Public Hearing for Bylaw No. 4246 be received, that Bylaw No. 4246 be read a third time, and that Bylaw No. 4246 be adopted.

CONCLUSION

A Public Hearing was held on January 30, 2019, for Bylaw No. 4246, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 134, 2018”. The minutes are attached as the Report of the Public Hearing.

Thirty-four members of the public were in attendance at the Hearing. One written submission was received opposing the subdivision proposed by the rezoning application. Staff recommend Alternative 1 to receive the minutes and for the proposed bylaw to be given third reading and adopted.

RECOMMENDATION

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4246, which is certified as a fair and accurate summary of the representations that were made at the Public Hearing held on January 30, 2019, for Bylaw No. 4246, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 134, 2018”, be received; and
- b) That Bylaw No. 4246 be read a third time and adopted.

Submitted by:	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

IL:wm

Appendix 1 – Proposed Bylaw No. 4246

Appendix 2 – Report of the Public Hearing January 30, 2019