



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

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**SUBJECT**      **Public Hearing Report on Bylaw No. 4257, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018"**

**ISSUE**

To receive the Report of the Public Hearing held January 30, 2019, for proposed Bylaw No. 4257, and to consider Bylaw No. 4257 for third reading and adoption.

**BACKGROUND**

At its meeting on December 12, 2018, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4257, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018", and passed a resolution to delegate authority to the Regional Director to hold a Public Hearing with respect to Bylaw No. 4257.

Bylaw No. 4257 (Appendix 1) will amend Bylaw No. 2040, "Juan de Fuca Land Use Bylaw, 1992", by deleting Lot 1, Section 128, Sooke District, Plan VIP58851 from the Rural A zone, and adding said lot to the Rural Residential 6A (RR-6A) zone to permit a 3-lot subdivision for the purpose of granting individual title to each dwelling unit currently located on the property.

On January 30, 2019, a Public Hearing was held for Bylaw No. 4257. There were thirty-four people in attendance. One written submission supporting the proposal was received. No members of the public in attendance spoke to the proposal. 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. 4257, 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. 4257, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018" be received; and
- b) That Bylaw No. 4257 be read a third time and adopted.

**Alternative 2**

That the minutes that form the Report of the Public Hearing for Bylaw No. 4257, 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. 4257, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 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 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.

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.

In support of this rezoning application, the owner submitted a geotechnical report and environmental assessment report prepared by qualified professionals. The geotechnical report confirmed that the proposed subdivision is feasible from a geotechnical perspective and the existing infrastructure is not located within any hazard areas. The environmental assessment report addressed Doerr Creek, which flows through the property and is designated as a Riparian and Sensitive Ecosystem DP area. 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. Up-to-date 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.

### **CONCLUSION**

A Public Hearing was held on January 30, 2019, for Bylaw No. 4257, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018”. The minutes are attached as the Report of the Public Hearing.

Thirty-four members of the public were in attendance at the Hearing; however, no one spoke to the proposal. One written submission supporting the proposal was received. Staff recommend Alternative 1 to receive the minutes and for the proposed bylaw to be given third reading and adopted.

**RECOMMENDATIONS**

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4257, 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. 4257, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018 ”, be received; and
- b) That Bylaw No. 4257 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. 4257

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