



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

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**SUBJECT**      **Public Hearing Report on Bylaw No. 4260, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 137, 2018”**

**ISSUE**

To receive the Report of the Public Hearing held January 30, 2019, for proposed Bylaw No. 4260, and to consider Bylaw No. 4260 for third reading.

**BACKGROUND**

At its meeting on January 9, 2019, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4260, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 137, 2018”, and passed a resolution to delegate authority to the Regional Director to hold a Public Hearing with respect to Bylaw No. 4260.

Bylaw No. 4260 (Appendix 1) will amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, by deleting Lot 2, Section 95, Sooke District, Plan VIP45068 from the Rural Residential 3 (RR-3) zone, and adding said lot to the Rural Residential 6A (RR-6A) zone to permit a 2-lot subdivision.

On January 30, 2019, a Public Hearing was held for Bylaw No. 4260. There were thirty-four people in attendance. Three written submissions supporting the proposal were received. A fourth submission was received stating that the writer would be directly affected by the proposal, but did not provide details regarding the potential impacts. No members of the public in attendance spoke in opposition 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. 4260, 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. 4260, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 137, 2018”, be received; and
- b) That Bylaw No. 4260 be read a third time.
- c) That adoption of Bylaw No. 4260 be withheld pending registration of covenants on the title of the subject property to acknowledge that the lots were created through parcel averaging and precluding future subdivision; to require a 10 m leave-strip along the western boundary of the subject property to secure a buffer between the subject property and East Sooke Regional Park; and to require the provision of a pump test conducted by a qualified professional confirming that the supply well can provide each connection with a sustained flow rate of at least 1,400 litres/day prior to subdivision.

**Alternative 2**

That the minutes that form the Report of the Public Hearing for Bylaw No. 4260, 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. 4260, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 137, 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 policies are 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, with a density of one dwelling unit plus either a secondary suite or a detached accessory suite.

The proposed plan of subdivision includes proposed Lot A, which is 0.5 ha and includes an existing single-family dwelling and accessory buildings. Proposed Lot B is 1.5 ha and includes existing accessory buildings. As a result of registering the proposed subdivision, the accessory buildings will become non-conforming until such time as a principal dwelling is constructed.

To address concerns raised by members of the public at a Public Information meeting regarding the potential for future subdivision of the proposed 1.5 ha parcel, staff recommend that a covenant be considered at the time of subdivision that acknowledges that the lots were created through parcel averaging and that prevents future subdivision.

A variance will be required as a condition of subdivision as proposed Lot B does not achieve the required frontage of 10% of the lot perimeter, as specified in Part 1, Section 3.10(4)(a), Bylaw No. 2040. Although the rezoning process considers the proposed subdivision layout, subdivision and variance applications will be required and the layout is subject to change.

The East Sooke OCP partially designates the property as Steep Slopes, Riparian and Sensitive Ecosystem development permit areas (DPAs). A development permit will be required as a condition of subdivision should the request for rezoning be supported.

In support of this rezoning application, the owner has provided a geotechnical report and a riparian assessment report prepared by qualified professionals. The riparian assessment report described the existing driveway for proposed Lot B located adjacent to the stream and passing through the riparian area as legal non-conforming and advised that it cannot be expanded beyond its current footprint. The existing buildings and proposed building site on Lot B are outside of the riparian DPA. No slope instability, danger trees or windthrow concerns were noted by the professional and, as no construction activities in the riparian area are proposed as part of the subdivision development, no further environmental monitoring is recommended at this time.

The geotechnical report addressed geotechnical considerations for the proposed 2-lot subdivision. No geotechnical issues were identified on proposed Lot A and a suitable building site on proposed Lot B is considered safe for the intended residential use.

The subject property is adjacent to East Sooke Regional Park. CRD Regional Parks recommends protection of the watercourse, restricting access into the park, implementation of a natural buffer along the park boundary and controlling the migration of invasive species. At the present time, there are no buffer requirements specified by bylaw. As part of this application, staff recommend that a covenant be registered as part of the rezoning process requiring a 10 m leave-strip along the western boundary of the subject property.

Concerns were raised at the Public Information Meeting regarding the availability of an adequate groundwater supply to service the proposed subdivision. Staff acknowledge that there is broad public interest in updating the water supply regulations for the Juan de Fuca due to increasing accounts of groundwater scarcity during the summer. Although groundwater wells fall under the provincial *Water Sustainability Act* and *Regulations*, domestic wells do not require a licence.

Easement (J13098) was registered in 1980 granting an easement for a shared well and necessary equipment to be constructed on Lot 3, Plan 33328 for the benefit of Lots 2, 4 and 17 on Parkheights Drive. The applicant has recently requested approval from Island Health to use the well as a drinking water supply system and has also requested approval to include the proposed lot should the rezoning be successful.

Island Health regulates domestic drinking water supply systems in accordance with the Drinking Water Protection Act and Regulation. As a condition of subdivision approval, Island Health requests a water quality analysis and protection of the well head from flooding. The Juan de Fuca Land Use Bylaw establishes a flow rate requirement of 1,400 litres/day (~0.25 US gallon per minute). Staff recommend that as a condition of rezoning, the applicant enter into a covenant that requires the provision of a pump test conducted by a qualified professional confirming that the supply well can provide each connection with a sustained flow rate of at least 1,400 litres/day prior to subdivision.

**CONCLUSION**

A Public Hearing was held on January 30, 2019, for Bylaw No. 4260, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 137, 2018”. The minutes are attached as the Report of the Public Hearing.

Thirty-four members of the public were in attendance at the Hearing and no one spoke in opposition to the proposal. Three written submissions supporting the proposal were received. A fourth submission was received stating that the writer would be directly affected by the proposal, but did not provide details on the potential impacts.

Staff recommend Alternative 1 to receive the minutes and for the proposed bylaw to be given third reading and that adoption be withheld subject to securing the noted park buffer, potable water and no further subdivision covenants.

**RECOMMENDATIONS**

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4260, 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. 4260, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 137, 2018”, be received; and
- b) That Bylaw No. 4260 be read a third time.
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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. 4260  
Appendix 2 – Report of the Public Hearing January 30, 2019