



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, APRIL 16, 2019**

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**SUBJECT**      **Zoning Amendment Application for Lot 3, Section 88, Sooke District, Plan 38149  
– 5728 Titan Place**

**ISSUE**

The owners are proposing to rezone the subject property from the Rural Residential 3 (RR-3) zone to the Rural Residential 6A (RR-6A) zone to permit a three-lot subdivision.

**BACKGROUND**

The 4.23 ha property is located at 5728 Titan Place in East Sooke and is zoned Rural Residential 3 (RR-3) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 (Appendix 1). The property is adjacent to RR-3 zoned properties to the east, west and south, and Rural A and Agriculture (AG) zoned properties to the north. An existing house and garage are located on the property, which is serviced by a groundwater well and septic system.

The property is designated as Settlement (S) in the East Sooke Official Community Plan (OCP), Bylaw No. 4000, and is partly within the Steep Slopes and the Farmland Protection development permit areas. The parcel is within the East Sooke Fire Protection Local Service Area, but outside the community water service area.

The owners initially submitted a rezoning application to create four bare land strata lots and have since revised the proposal to create three lots (Appendix 2). The proposed rezoning to RR-6A would create potential for subdivision into four parcels with an average parcel area of 1 ha and a maximum density of one single-family dwelling, with either a secondary or a detached accessory suite (Appendix 3).

At its meeting of February 19, 2019, 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; Ministry of Transportation & Infrastructure; RCMP; Scia'new First Nation; Sooke School District #62; and T'Sou-ke First Nation.

Comments were received from six agencies (Appendix 3). The East Sooke APC considered the application on March 11, 2019 (Appendix 4). Staff have prepared Bylaw No. 4285 for consideration, which would rezone the parcel from RR-3 to RR-6A (Appendix 5).

**ALTERNATIVES**

*Alternative 1*

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

- a) That the referral of proposed Bylaw No. 4285, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019" directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission, appropriate CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests Lands Natural Resource Operations and Rural Development; 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. 4285, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019" 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. 4285.

*Alternative 2*

That the CRD Board not proceed with proposed Bylaw No. 4285.

*Alternative 3*

That more information be provided.

**LEGISLATIVE IMPLICATIONS 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 is not requesting water connections.

**REFERRAL COMMENTS**

Referrals were sent to agencies, the East Sooke APC and appropriate CRD departments. Comments received are noted below and included in Appendices 3 and 4.

CRD Bylaw Enforcement stated that it does not anticipate any significant bylaw enforcement implications as a result of this proposal.

CRD Regional and Strategic Planning stated no need for further review by Regional and Strategic Planning.

BC Hydro requested a blanket right-of-way over the entire parcel initially. The final right-of-way and discharge of the initial blanket right-of-way would be finalized when the subdivision is complete and homes are serviced.

District of Sooke stated no objection to the proposed rezoning as the subject property is located well outside the municipal boundaries.

FLNRORD stated there are no known archaeological sites recorded on the subject property, but that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted for direction.

Island Health stated that further review of the subdivision will be conducted to ensure the VIHA Subdivision Standards are met.

Ministry of Transportation and Infrastructure stated no objection and will review the subdivision details upon receipt of an application.

Sooke School District #62 stated no concerns.

A meeting of the East Sooke APC was held on March 11, 2019. There were eight members of the public in attendance. No submissions were received in response to public notification of the meeting. The APC discussed the Farmland Protection development permit area and provision of potable water and passed the following motion:

**MOVED** by Zac Doeding, **SECONDED** by Rhonda Underwood that the APC supports the proposal. **CARRIED**

### **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. 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 (Appendix 2) includes three proposed bare land strata lots. Proposed Lot B includes an existing single-family dwelling and accessory building.

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

APC members and local residents have stated concern for availability of groundwater to service existing residences and proposed development in this neighbourhood. The subject property is not within a community water service area. Part 6, Section 6.02 of Bylaw No. 2040 requires each lot to have a proven source of potable water of at least 1,400 litres/day. The *Water Sustainability Act* does not require a licence for individual domestic groundwater wells. Island Health requires a permit for a water supply well serving more than one dwelling unit.

As previously noted, this zoning amendment application was referred to agencies, the East Sooke APC and CRD departments. Of those agencies and departments that responded, none expressed objections regarding the proposal. Based on the information provided by the applicant and the policies of the East Sooke OCP, Juan de Fuca Community Planning staff recommend receipt of the referral comments and proceeding with proposed Bylaw No. 4285 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 RR-3 to RR-6A in order to allow a 3-lot subdivision of the property. Referral comments have been received and staff recommend proceeding with proposed Bylaw No. 4285 for first and second reading and proceeding to a public hearing.

## **RECOMMENDATION**

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

- a) That the referral of proposed Bylaw No. 4285, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019” directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission, appropriate CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests Lands Natural Resource Operations and Rural Development; 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. 4285, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019” 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. 4285.

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. Proposed Plan of Subdivision
- Appendix 3. Referral Comments
- Appendix 4. East Sooke APC Minutes
- Appendix 5. Proposed Bylaw No. 4285