



**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD  
MEETING OF WEDNESDAY, MAY 8, 2019**

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**SUBJECT**      **Public Hearing Report on Bylaw No. 4265, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018”**

**ISSUE**

To receive the Report of the Public Hearing held April 24, 2019, for proposed Bylaw No. 4265, and to consider Bylaw No. 4265 for third reading and adoption.

**BACKGROUND**

At its meeting on March 13, 2019, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4265, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018”, and passed a resolution to delegate authority to the Regional Director to hold a public hearing with respect to Bylaw No. 4265.

Bylaw No. 4265 (Appendix 1) will amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, by deleting Lot 9, Section 129, Sooke District, Plan VIP67208 from the Rural A (A) zone, and adding said lot to the Rural Residential 6A (RR-6A) zone for the purpose of permitting a four-lot bare land strata subdivision as an alternative to a building strata development.

On April 24, 2019, a public hearing was held for Bylaw No. 4265. There were four people in attendance. One written submission regarding the proposal was received. 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. 4265, which is certified as a fair and accurate summary of the representations that were made at the public hearing held on April 24, 2019, for Bylaw No. 4265, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018”, be received; and
- b) That Bylaw No. 4265 be read a third time and adopted.

**Alternative 2**

That the minutes that form the Report of the Public Hearing for Bylaw No. 4265, which is certified as a fair and accurate summary of the representations that were made at the public hearing held on April 24, 2019, for Bylaw No. 4265, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018”, be received.

**LAND USE IMPLICATIONS AND PLANNING ANALYSIS**

The East Sooke Official Community Plan, 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.

As an alternative to building strata development on Rural A zoned lands, Settlement policy 484 E supports the consideration of rezoning applications to permit subdivision based on a ratio of one

parcel per hectare of land within a plan of subdivision, prior to the subtraction of area for road and park dedication.

The Rural A zone allows a minimum parcel size of 4 ha, with a maximum of 4 dwellings on a 4 ha parcel, plus either a secondary suite or a detached accessory suite. The proposed RR-6A zone allows a 1 ha average parcel size prior to dedication of road, park or common property, with 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.

Policy 424 G of the East Sooke OCP outlines the preferred methods for acquiring park land and trails including: as a condition of a rezoning, as an amenity contribution, or as dedication at time of subdivision. Subdivisions that create three or more lots, where the smallest lot is less than 2 ha in size, are required to provide park dedication pursuant to Section 510 of the *Local Government Act*. Subject to approval of the rezoning, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission will consider park dedication as part of the subdivision application; however, during its consideration of the zoning amendment application, the commission noted that due to the steep terrain, park dedication through the subject property would provide limited community use.

In support of this application, 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. The geotechnical report submitted outlined the steep slope areas on the property and described the topography as bedrock controlled, rising moderately to the north at approximately 40%. Rockfall hazards were identified in three locations on the property and mitigation measures are recommended in the report. Improvements to the existing driveway are proposed as part of the bare land strata subdivision development that would include drilling and blasting, and safe building sites have been identified for proposed lots 2-4.

The environmental assessment report identifies plant and wildlife species at risk with potential for occurrence within the project area, plus potential at risk forested ecological communities. With the exception of a blue-listed Band-tailed Pigeon siting, no rare species were observed on site. The report also confirms the location of a watercourse that drains from a nearby wetland and flows as a roadside ditch within 30 metres of the southwest corner of the subject property. The report concludes that the proposed subdivision development is not anticipated to result in significant environmental impacts and recommendations are provided to ensure negative impacts to sensitive ecosystems, habitat features and wildlife do not occur.

With regards to concerns related to the driveway grades, it is noted that in accordance with the Bareland Strata Regulation, the access must be constructed in accordance with good engineering practice. The access must also be approved by the local fire department and the Provincial Approving Officer prior to registration of subdivision. With regards to the provision of potable water and the location of proposed wells, staff advise that under the existing Rural A zone, an additional three homes could be constructed, with wells being provided as a source of potable water for each unit. As a condition of subdivision under the proposed zone, the applicant will be required to provide proof of potable water for each lot in the amount of 1,400 L/day in accordance with current bylaw requirements.

Staff recommend that the minutes that form the record of the public hearing for Bylaw No. 4265 be received, that Bylaw No. 4265 be read a third time, and that Bylaw No. 4265 be adopted.

**CONCLUSION**

A public hearing was held on April 24, 2019, for Bylaw No. 4265, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018”. The minutes are attached as the Report of the Public Hearing.

There were four people in attendance at the public hearing and one written submission regarding 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. 4265, which is certified as a fair and accurate summary of the representations that were made at the public hearing held on April 24, 2019, for Bylaw No. 4265, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018 ”, be received; and
- b) That Bylaw No. 4265 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. 4265

Appendix 2 – Report of the Public Hearing April 24, 2019