

Appendix 4: Referral Comments

CRD Bylaw Enforcement

CRD Bylaw Enforcement Services has reviewed the staff report for Rezoning Application RZ000268 (5495 Mt. Matheson Road), a proposal to rezone the subject property from the Rural (A) zone to the Rural Residential 6A (RR-6A) zone to permit a four lot subdivision.

This proposal to an RR-6A zone allows a 1 ha average parcel size and a minimum parcel size of 0.5 ha. in line with the East Sooke Official Community Plan, Bylaw No. 4000, which designates the subject property as Settlement. Despite the positive impacts noted in the report for things such as rental accommodations, affordable housing and economic benefits; CRD Bylaw Services could see an increased reporting regarding nuisance type issues such as noise, unsightly property, barking dogs, etc. given the greater density and thus closer proximity to neighbors.

CRD Bylaw Enforcement does not have any specific objections to this application other than noting that with increased density there may be increased demands for Bylaw Services intervention.

Wilf MARQUIS
Senior Bylaw Officer

CRD Regional and Strategic Planning

Referral Item: Proposed rezoning application RZ000268 according to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040

Jurisdiction: Juan de Fuca Electoral Area – East Sooke

Date: August 15, 2019

Comment By: Jeff Weightman, Planner, Regional and Strategic Planning

Sent: By email,

Background

A rezoning application for a parcel from Rural A to Rural Residential 6A according to the Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 134, 2018 is proposed to facilitate a 4-lot subdivision.

The 2018 Regional Growth Strategy designates the subject parcel as Rural/Rural Residential Policy Area. The parcel is adjacent (with a street in between) to a properties designated Rural/Rural Residential Policy Area on all sides.

RGS Policy 1.1 generally limits new development within the rural/rural residential policy area to not exceed 5% of the region's new dwelling units, in order keep urban settlement compact and manage and balance growth. Policy 1.1 further requires that municipalities and the Juan de Fuca Electoral Area provide for land uses consistent with the Growth Management Concept Plan and have policies that prevent designated Rural/Rural Residential Lands from becoming urban areas. The approximately 1 ha size of the 4 proposed parcels is in keeping with maintaining rural character and is consistent with land uses in the Growth Management Concept Plan.

RGS Principle 1.2(iv) calls for a slow to moderate rate of growth to strengthen character and quality of rural communities. If each parcel opts to maximize the number of units, and choose to have either a secondary suite or detached accessory suite, the 7 additional units represent a 0.3% increase. The proposed rezoning changes the development potential from 2 (1 dwelling with either a suite or detached accessory suite) units to 8 units (4 dwellings with either a suite or detached accessory suite). Each of the 4 lots would be approximately 1 ha in size. This is in keeping with slow to moderate growth, and increases the development potential by 2 units.

RGS Policy 2.1.1 protects the Capital Green Lands, over the long term and recognizes the value of the Capital Green Lands from an ecological and recreational perspective. The policy suggests buffering, restoring, naturalizing and enhancing policies to address transitions between land uses. The proposal includes an environmental overview assessment of the subject property from Lehna Malmkvist, MSc, R.P. Bio, of Swell Environmental Consulting. The Biologist proposes siting the development in the more common of the two sensitive ecosystems identified across the entire property, and siting the development closer to the road, adjacent to existing disturbed areas. The report further recommends protective measures including an arborist, where development activities are closer to trees, minimizing rock breaking or blasting and installation of free protection fencing. Spill prevention and control measures are also recommended. A large portion of the property will remain undeveloped. Juan de Fuca Planning staff recommend referral to the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission for consideration regarding the requirement to provide park dedication.

RGS Policy 2.2(b) permits water servicing to East Sooke shown on Map 5 with a total development of existing and new units not exceeding 3384 units. The East Sooke OCP must

identify the population to be serviced and how growth in water demand will be addressed. The current total number of existing and new units to be serviced in the East Sooke OCP is 1407 units. The proposed rezoning adds the potential construction of 6 new units (2 per parcel) and either one secondary suite or one detached accessory suite. The parcel is located outside of a community water service and is not requesting water service connections.

BC Hydro

From: McFarlane, Penny <Penny.Mcfarlane@bchydro.com>
Sent: Wednesday, August 07, 2019 4:38 PM
To: Wendy Miller
Cc: Design, SVI
Subject: FW: Rezoning Application RZ000268 (5495 Mt. Matheson Road) - CRD Referral
Attachments: STAFFRPT-LUC-REFERRAL-RZ000268.pdf; REFFERAL-FORM-AGENCIES-RZ000268.pdf

Hello Wendy,

BC Hydro has no objection to the rezoning, however; the proponent should reach out to Victoria Design to see if servicing is available for the proposed. Many thanks

Penny

District of Sooke

From: Nicholas Deibler <ndeibler@sooke.ca>
Sent: Thursday, July 18, 2019 11:10 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000268 (5495 Mt. Matheson Road) - CRD Referral

Hi Wendy,

Thank you for sharing Bylaw No. 4314, the proposed amendment to Bylaw No. 2040 for application RZ000268 (received July 17, 2019).

The District of Sooke has no objections to the proposed bylaw amendment.

Regards,

Nicholas Deibler

Planner 1

District of Sooke
2205 Otter Point Rd
Sooke BC, V9Z 1J2
250-642-1634 ext. 645



FLNR – Archaeology Branch

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: Tuesday, August 06, 2019 9:37 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000268 (5495 Mt. Matheson Road) - CRD Referral

Hello Wendy,

Thank you for your referral RZ000268 regarding 5495 Mt. Matheson Road, Sooke, PID 018741801, LOT 12, SECTION 128, SOOKE DISTRICT, PLAN VIP58851. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

Archaeological potential modelling indicates some small areas with high potential to contain a previously unidentified archaeological site along the western edge of the property (shown as the brown areas on the screenshot below). However, the Archaeology Branch has reviewed this instance of modelled archaeological potential and concludes that it is likely an anomaly and/or not representative of actual archaeological potential.

Archaeology Branch Advice

The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this information request.

Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site.
- There is always a possibility for previously unidentified archaeological sites to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.

Questions?

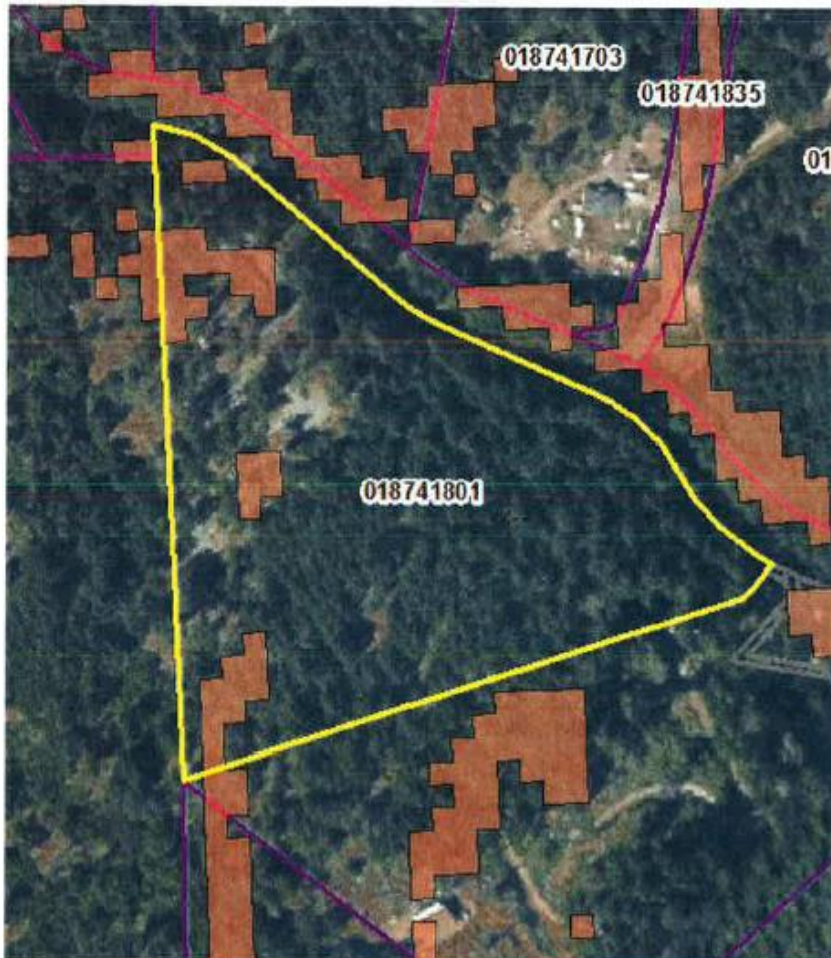
For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Please let me know if you have any questions regarding this information.

Kind regards,

Diana



Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change.

Diana Cooper | Archaeologist/Archaeological Site Inventory Information and Data Administrator

Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3
Phone: 250-953-3343 | Fax: 250-953-3340 |
Website: www.gov.bc.ca/archaeology

Island Health

RESPONSE SUMMARY – REZONING APPLICATION RZ000268

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Comments:

1. For the creation of any new lots, we are referred to entity from Ministry of Transportation and Infrastructure, and aim to ensure the developer meets with the minimum requirements outlined in our Subdivision Standards.

2. Ensure compliance with the Drinking Water Protection Act/Regulation and Sewerage System Regulation.

Kazuhiro Takeuchi
Signed

Environmental Health Officer
Title

July 19, 2019
Date

Island Health
Agency

Ministry of Transportation and Infrastructure

From: Page, Owen TRAN:EX <Owen.Page@gov.bc.ca>
Sent: Tuesday, July 30, 2019 9:33 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000268 (5495 Mt. Matheson Road) - CRD Referral

Hi Wendy,

Please consider this an official response from the Ministry of Transportation and Infrastructure regarding the proposed Bylaw No. 4314 to rezone 5495 Mt. Matheson Road from Rural (A) to Rural Residential 6A (RR-6A) to permit a four lot subdivision.

The Ministry has no concerns with the proposed rezoning proceeding as planned.

Thank you,

Owen Page
Development Officer
Ministry of Transportation and Infrastructure
Vancouver Island District
Ph: 236-478-1552



Ministry of
Transportation
and Infrastructure

WEBSITE FOR DEVELOPMENT APPROVALS:

www.th.gov.bc.ca/Development/Approvals/home.htm | MINISTRY WEBSITE: <http://tranbc.ca/>

RCMP

From: Clayton WIEBE <clayton.wiebe@rcmp-grc.gc.ca>
Sent: Tuesday, August 13, 2019 3:53 PM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000268 (5495 Mt. Matheson Road) - CRD Referral

The Sooke RCMP have no comments or issues with this rezoning

Sooke School District #62

From: Pete Godau <pgodau@sd62.bc.ca>
Sent: Tuesday, July 23, 2019 1:44 PM
To: Wendy Miller
Cc: Scott Stinson; Harold Cull; Farzaan Nusserwanji
Subject: FW: Rezoning Application RZ000268 (5495 Mt. Matheson Road) - CRD Referral
Attachments: STAFFRPT-LUC-REFERRAL-RZ000268.pdf; REFFERAL-FORM-AGENCIES-RZ000268.pdf

Good Afternoon Wendy,

At this time the school district does not have any concerns with this referral.

Thank you,

Pete

East Sooke APC



Making a difference...together

**Minutes of a Meeting of the
East Sooke Advisory Planning Commission held Monday, September 9, 2019 at
East Sooke Community Hall, 1397 Coppermine Road, East Sooke, BC**

PRESENT: Victor Wehmann (Chair), Tim Marks, Rhonda Underwood
ABSENT: Zac Doeding, Janice St. John
Staff: Iain Lawrence, Manager, Juan de Fuca Community Planning;
Wendy Miller, Recorder
PUBLIC: 5

The meeting was called to order at 7 pm.

1. Approval of the Agenda

MOVED by Tim Marks, **SECONDED** by Rhonda Underwood that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of Minutes from Meeting of March 11, 2019

MOVED by Rhonda Underwood, **SECONDED** by Tim Marks that the minutes of March 11, 2019, be adopted. **CARRIED**

4. Planner's Report

- a) At its meeting of July 10, 2019, the CRD Board adopted Bylaw No. 4285, rezoning 5728 Titan Place from Rural Residential 3 (RR-3) to Rural Residential 6A (RR-6A).
- b) CRD Corporate Services is hosting a committee/commission orientation on Monday, September 16, 2019 at 3 pm at the Juan de Fuca Local Area Services Building.

5. Rezoning Application

a) RZ000268 - Lot 12, Section 128, Sooke District, Plan VIP58851 (5495 Mt. Matheson Road)

The Chair directed attention to the staff report outlining the request to rezone the subject property from the Rural (A) zone to the Rural Residential 6A (RR-6A) zone to permit a four lot subdivision.

Iain Lawrence advised that:

- a development permit was issued to authorize construction of two dwellings and driveways within the steep slopes, riparian and sensitive ecosystem development permit areas in 2012 (DP-18-12)
- since that time, one house has been constructed
- the subject property is within the East Sooke Fire Protection Local Service Area, but outside a community water service area
- there is a shared well on the adjacent property which is accessed by easement

The Chair confirmed that the applicants were present.

East Sooke Advisory Planning Commission Meeting Minutes
September 9, 2019

2

The applicants stated that:

- at this time, one additional lot is proposed
- a new well was recently drilled on the proposed new lot
- the new well produces approximately 30 gallons per a minute (GPM)
- it is anticipated the new well will act as a water supply system for the entire property
- an additional water storage tank for fire protection is planned

Iain Lawrence responded to questions from the APC advising that:

- lots are required to have a proven source of potable water of at least 1,400 litres per day
- lots are typically serviced by individual wells, although some lots have been created where they have been connected to a water supply system approved by Island Health

The APC stated:

- concern regarding availability of potable water and water for firefighting services
- support for a gravity fed water tank with dry hydrant for firefighting services
- support for the tank exceeding 5,000 gallons
- support for gravity fed tanks as opposed to cisterns as cisterns require suction
- that it can be anticipated that the property will be developed to maximum density at some time
- meeting Island Health's requirement to prove two septic fields on the proposed lot may be challenging due to lot size and location of the new well

The applicants responded to questions from the APC regarding the property's riparian development permit area designation, advising that:

- Doerr Creek flows on the other side of the road
- a tributary of Doerr Creek is located as a roadside ditch adjacent to the subject property
- the tributary has no fish in it, but the water flows into Doerr Creek, which may contain fish or support fish habitat

Iain Lawrence responded to a question from the APC confirming that the East Sooke Official Community Plan (OCP) does not restrict 4 on 10 building strata developments on existing Rural A zoned properties; the policies of the OCP are intended to provide an alternative to building strata developments by supporting subdivision of Rural A zoned properties.

MOVED by Tim Marks, **SECONDED** by Rhonda Underwood that the APC supports the application with a water supply with dry hydrant above the houses for firefighting services.

APC discussion ensued regarding optimum placement of the water supply.

Iain Lawrence confirmed that the APC's recommendation will be considered by the Land Use Committee and, if supported, enacted through the subdivision process.

The Chair called the question.

CARRIED

East Sooke Advisory Planning Commission Meeting Minutes
September 9, 2019

3

6. Adjournment

The meeting adjourned at 7:28 pm.

Chair

JdF EA Parks and Recreation Advisory Commission

**Juan de Fuca Electoral Area Parks and Recreation
Advisory Commission Meeting Minutes
July 30, 2019**

3

b) Rezoning Application RZ000268 - Lot 12, Section 128, Sooke District, Plan VIP58851 (5495 Mt. Matheson Road)

Emma Taylor spoke to the staff report to the Juan de Fuca Land Use Committee and the request to rezone the subject property from the Rural (A) zone to the Rural Residential 6A (RR-6A) zone to permit a four lot subdivision.

Emma Taylor directed attention to the policies in the East Sooke OCP for parks and trails for the Commission's consideration and confirmed that the East Sooke OCP does not provide specific park and trail policies for the subject property.

Emma Taylor responded to questions from the Commission confirming that:

- the applicant has submitted an environmental professional report which identifies Doerr Creek on the property
- a development permit will be required as a condition of subdivision, should the request for rezoning be supported
- the environmental professional report, which provides considerations for future site development, will be registered on the title of subject property as part of the development permit process

Staff presented photos from the July 29 site visit.

Don Closson confirmed that the closest community trail, located at the top of Mt. Matheson Road, provides a connection to Roche Cove and Matheson Lake Regional Parks.

Commission discussion ensued regarding opportunity to identify sensitive areas or unique features for protection/preservation at rezoning.

Commission comments included:

- the subject property provides glimpse views of Sooke Basin
- the subject property is not suitable for recreation parks or trails
- conservation areas and natural park land could be considered
- cash in lieu of park land would provide the best value

MOVED by Commissioner Sielopp, **SECONDED** by Commissioner Braunschweig that the Commission supports the rezoning application and has identified no specific park interests for the subject property.

CARRIED

Emma Taylor responded to a question from the Commission advising that applications that are anticipated to require park dedication at the time of subdivision are referred to the Commission at rezoning to provide the applicant early notice of park and amenity interests.