



**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, JANUARY 8, 2020**

SUBJECT **Zoning Amendment Application for Lot 12, Section 128, Sooke District, Plan VIP58851
– 5495 Mt. Matheson Road**

ISSUE SUMMARY

The owner is proposing to rezone the subject property from the Rural (A) zone to the Rural Residential 6A (RR-6A) zone to permit a four-lot subdivision.

BACKGROUND

The 4.07 hectare (ha) subject property is located in East Sooke at 5495 Mt. Matheson Road and is zoned Rural (A) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). The parcel is adjacent to Rural A zoned land to the west, south and east and Mt. Matheson Road to the north.

The property is designated as Settlement in the East Sooke Official Community Plan (OCP), Bylaw No. 4000, and is within the steep slopes, sensitive ecosystem and riparian development permit areas. The parcel is serviced by on-site septic and groundwater wells, and is within the East Sooke Fire Protection Service Area.

A development permit was issued to authorize construction of two dwellings and driveways within the steep slopes, riparian and sensitive ecosystem DPAs (DP-18-12). There is one house on the property that was constructed in 2014. Covenant CA3979900 is registered on title requiring a professional engineer to confirm that the land is safe for the use intended. There is also a building scheme registered on title, as well as an easement to provide access to a shared well on an adjacent property.

The owner has submitted an application to rezone the property from Rural A to RR-6A in order to create the potential for subdivision of up to four parcels with an average parcel area of 1.0 ha and a maximum density of one single-family dwelling, with either a secondary or a detached accessory suite (Appendix B). At the present time, however, the owner has submitted an application for a two-lot subdivision (SU000712). Staff have prepared Bylaw No. 4314, which would rezone the parcel from Rural (A) to RR-6A (Appendix C).

At their meeting of November 19, 2019, the Juan de Fuca Land Use Committee (LUC) received referral comments from agencies, and recommended that the bylaw be given first reading, but that the owner confirm with CRD staff how the proposed development can be accessed by emergency vehicles and meet the National Fire Protection Association (NFPA) Standard 1142 Water Supplies for Suburban and Rural Fire Fighting, or an equivalent level of protection, prior to second reading and public hearing. The CRD Board moved the LUC recommendation at their December 11, 2019 meeting.

ALTERNATIVES

Alternative 1

- a) That proposed Bylaw No. 4314, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 146, 2019" be read a second time;
- b) 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. 4314; and
- c) That prior to adoption of Bylaw No. 4314, that the owner register a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring the provision of adequate access and egress for fire and emergency vehicles, and requiring the provision of adequate water supply for firefighting purposes by means of an automatic sprinkler system in accordance with the standards of the National Fire Protection Association.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4314.

Alternative 3

That more information be provided.

IMPLICATIONS

Legislative 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 the public hearing 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. Staff are of the opinion that this zoning bylaw amendment proposal 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 service connections.

PLANNING ANALYSIS

This zoning amendment application was referred to external agencies, the East Sooke Advisory Planning Commission, the JdF EA Parks and Recreation Advisory Commission and CRD departments in July, 2019. Referral comments were returned and the Regional Board gave first reading to Bylaw No. 4314 at its meeting on December 11, 2019. Due to concerns raised through the referral process regarding fire protection, the CRD Board required that the applicant confirm with CRD Protective Services and CRD Building Inspection how the proposed development could be accessed by emergency vehicles and meet the National Fire Protection Association standard 1142 Water Supplies for Suburban and Rural Fire Fighting, or an equivalent level of protection, prior to second reading and a public hearing.

For the purposes of this rezoning proposal, staff recommend registration of a covenant on the title of the land prior to adoption of proposed Bylaw No. 4314 that requires the owner to construct a driveway of sufficient strength, grade and width for adequate access and egress by fire and emergency vehicles, as well as to provide sufficient water supply for firefighting purposes as set out in the codes and standards of the NFPA. These standards include the provision of an automatic sprinkler system.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone the subject property from Rural (A) to Rural Residential 6A (RR-6A) to allow subdivision to create up to four residential lots. Proposed Bylaw No. 4314 has been introduced and read a first time. Staff recommend consideration of second reading and proceeding to a public hearing and that prior to adoption of Bylaw No. 4314, a covenant be registered on title requiring installation of a driveway suitable for access and egress by emergency vehicles and installation of automatic sprinkler systems in residential buildings.

RECOMMENDATION

- a) That proposed Bylaw No. 4314, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 146, 2019" be read a second time;
- b) 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. 4314; and
- c) That prior to adoption of Bylaw No. 4314, that the owner register a covenant on title pursuant to Section

219 of the *Land Title Act* in favour of the CRD requiring the provision of adequate access and egress for fire and emergency vehicles, and requiring the provision of adequate water supply for firefighting purposes by means of an automatic sprinkler system in accordance with the standards of the National Fire Protection Association.

Submitted by:	Emma Taylor, RPP, MCIP, Planner
Concurrence:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, Acting Chief Administrative Officer

ET:wm

Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Rural Residential 6A Zone
- Appendix 3: Proposed Bylaw No. 4314