

EAST SOOKE ADVISORY PLANNING COMMISSION

Notice of Meeting on Monday, **November 7, 2022, at 7 pm**

East Sooke Community Hall, 1397 Coppermine Road, East Sooke, BC

AGENDA

1. Elections
2. Approval of Agenda
3. Approval of the Supplementary Agenda
4. Adoption of Minutes of September 9, 2019
5. Planner's Report
6. Zoning Amendment Application
 - a) RZ000279 - Strata Lots 1, 2, 3, & 4, Section 85, Sooke District, Strata Plan EPS1027
Together with an interest in the Common Property in proportion to the Unit
Entitlement of the Strata Lot as shown on Form V (476, 478, 480 & 482 Becher Bay Road)
7. Adjournment



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**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.

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

6. Adjournment

The meeting adjourned at 7:28 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, SEPTEMBER 20, 2022**

SUBJECT **Zoning Bylaw Amendment Application for Strata Lots 1, 2, 3, & 4, Section 85, Sooke District, Strata Plan EPS1027 Together with an interest in the Common Property in proportion to the Unit Entitlement of the Strata Lot as shown on Form V – 476, 478, 480 & 482 Becher Bay Road**

ISSUE SUMMARY

Landowners of a four lot building strata property on Becher Bay Road have submitted a joint application to amend Bylaw No. 2040 by changing the zone from Rural Zone – A (Rural A) to the Rural Residential 6A Zone (RR-6A) for the purposes of dissolving the strata and facilitating subdivision to create the equivalent number of parcels.

BACKGROUND

The 4.5 ha building strata property is located in East Sooke on Becher Bay Road and is subject to the Rural A zone in Bylaw No. 2040 (Appendix A). The property is designated as Settlement under the East Sooke Official Community Plan (OCP), Bylaw No. 4000.

The four single-family detached strata units are dispersed throughout the subject property and cover 2.4% (1,102 m²) of the subject land area. The property is located within the East Sooke Fire Protection Service Area and each detached dwelling is serviced by a separate well and septic system.

The landowners have made an application to change the current Rural A zone (Appendix B) to the Rural Residential 6A (RR-6A) zone (Appendix C). The RR-6A zone would allow for a subdivision application that would dissolve the building strata and divide the property into four fee-simple properties that complement the existing arrangement of buildings and have an average parcel size of 1 ha (Appendix D). Staff have prepared Bylaw No. 4505 for consideration (Appendix E).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4505, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 157, 2022", to the East Sooke Advisory Planning Commission, First Nations, appropriate CRD departments and the following external agencies for comment:

BC Hydro
District of Sooke
Island Health
Ministry of Forests – Archaeology Branch
Ministry of Forests – Water Protection Section
Ministry of Land, Water and Resource Stewardship
Ministry of Transportation & Infrastructure
RCMP
Sc'ianew (Beecher Bay) First Nation
Sooke School District #62
T'Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4505 not be referred

IMPLICATIONS

Legislative Implications

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them related to Part 14 of the *Local Government Act (LGA)*. Therefore, staff recommend referring the proposed amendment bylaw to the East Sooke APC.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the land will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD 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 OCP area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. The proposed zoning amendment is consistent with the policies of the OCP.

Land Use Implications

All of the parcels that abut the subject property are subject to the Rural A zone, and two properties located to the east across Becher Bay Road are subject to the Agricultural Zone (AG). The East Sooke OCP, Bylaw No. 4000, designates the subject property as Settlement Area. The intent of the Settlement Area land use designation is to support residential uses; agricultural uses; suites to increase housing affordability; home based businesses; small-scale commercial and tourism activities; cottage industry; civic and institutional uses; and community parks subject to consideration in any individual circumstances of the anticipated impact of the use. Furthermore, OCP policies support the rezoning of Rural A zoned lands and existing building strata developments for the purposes of subdivision as an alternative to a building strata to create an equivalent number of lots. Proposed Bylaw No. 4505 changes the current Rural A zone to the RR-6A zone, which is aligned with the OCP and its intention to maintain the neighbourhood's rural character.

The RR-6A zone does not permit intensive agriculture; animal hospitals; veterinary clinics; accessory on-site logging; pole, post, or shake cutting from on-site trees; and finfish culture, which are all permitted uses within the current Rural A zone. The RR-6A zone has a minimum average parcel size of 1 ha and permits one one-family dwelling per parcel with either a secondary suite or a detached accessory suite. In comparison, the current Rural A zone has a minimum parcel size of 4 ha and permits up to four one-family dwellings on parcels that are greater than 4 ha but less than 16 ha. Proposed Bylaw No. 4505, does not increase the existing density of one-family dwellings on the 4.5 ha property. Each potential parcel could include a suite in accordance with the OCP's goals to increase housing affordability.

Should Bylaw No. 4505 be approved, an application could be made to dissolve the building strata and subdivide the property into four parcels through the Ministry of Transportation and Infrastructure. Pursuant to the East Sooke OCP, the CRD will require a development permit prior to subdivision as the lands are subject to the Steep Slopes, Sensitive Ecosystem, and Riparian development permit areas.

Based on the information provided by the applicants and the policies of the East Sooke OCP, staff recommend referral of the rezoning application to the East Sooke APC, First Nations, appropriate CRD departments, and external agencies for comment.

CONCLUSION

The purpose of Bylaw No. 4505 is to amend the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 by rezoning the subject property from Rural A to RR-6A. Staff have prepared proposed Bylaw No. 4505 and recommend referral to the East Sooke APC, First Nations, CRD departments and external agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4505, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 157, 2022", to the East Sooke Advisory Planning Commission, First Nations, appropriate CRD departments and the following external agencies for comment:

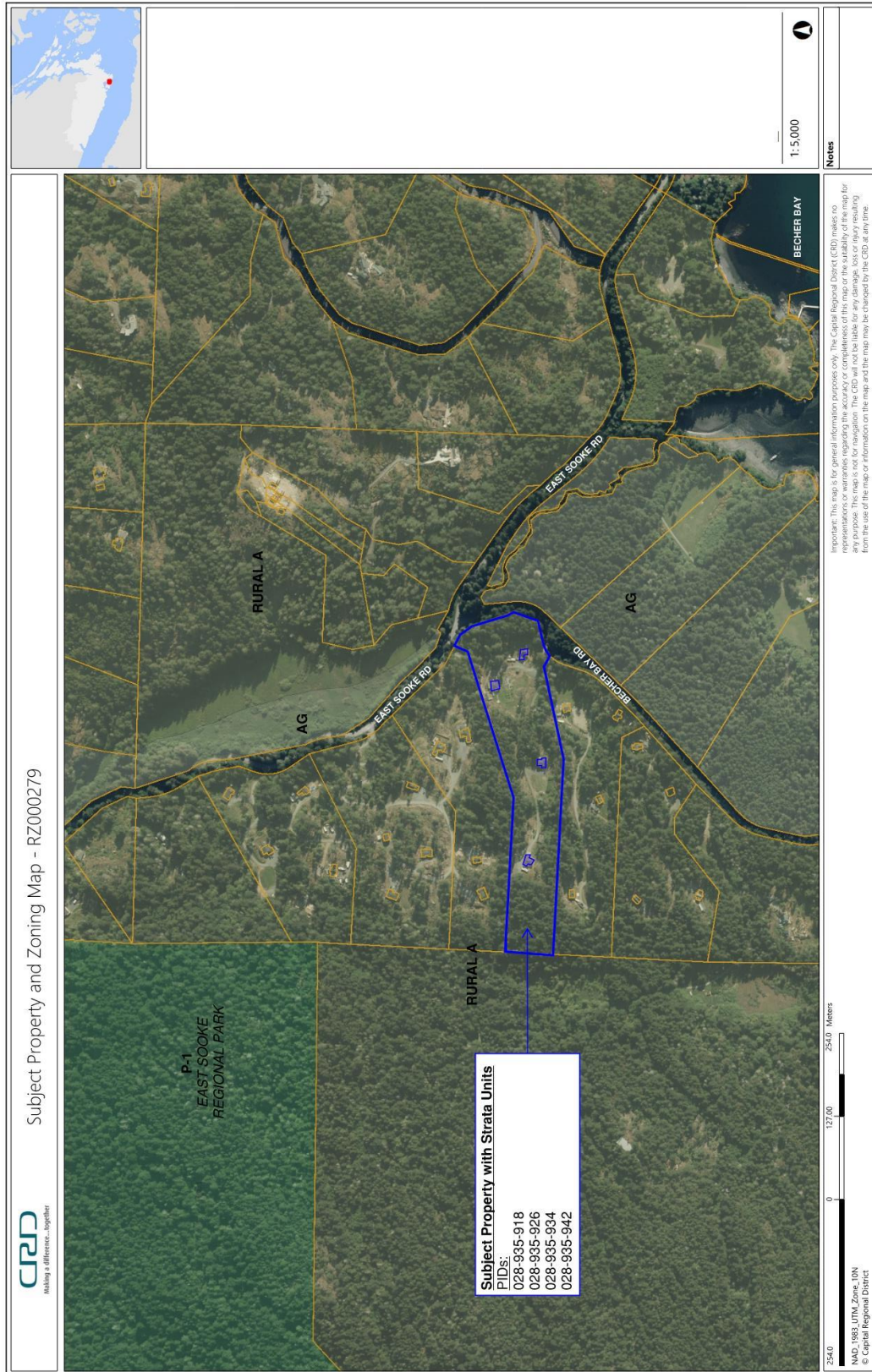
BC Hydro
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Sooke School District #62
T'Sou-ke First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective

ATTACHMENTS

Appendix A: Subject Property and Zoning Map
Appendix B: Current Rural Zone – A
Appendix C: Proposed Rural Residential 6A Zone - RR-6A
Appendix D: Lot Plan
Appendix E: Proposed Bylaw No. 4505

Appendix A: Subject Property and Zoning Map



Appendix B: Current Rural Zone – A

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

2.0 RURAL ZONE - A

2.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural A Zone:

- (a) Agriculture;
- (b) Intensive Agriculture, except that sites for piggeries, fur farming and other similar agricultural, horticultural and animal raising activities in which the intensity and nature of the use would be materially more offensive by reason of noise, odour or appearance shall be located at least 150m from the nearest Residential or Multiple Family Residential Zone;
- (c) Silviculture;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) One-family dwelling;
- (f) Two-family dwelling;
- (g) Animal Hospitals;
- (h) Veterinary Clinics;
- (i) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (j) Two Boarders or Lodgers;
- (k) Accessory uses such as on-site logging, and pole- or post- or shake-cutting from trees grown on-site;
- (l) Finfish culture, land-based;
- (m) One secondary suite per lot pursuant to Part 1, Subsection 4.19; *Bylaw 2674*
- (n) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

2.02 Minimum Parcel Size for Subdivision Purposes

The minimum lot size shall be 4.0ha.

2.03 Number of Dwelling Units

The maximum density for residential buildings (comprised of one- and/or two-family dwellings) shall not exceed the following:

- (a) On lots of 0.4ha or less, one one-family dwelling;
- (b) On lots of more than 0.4ha and less than 0.8ha, not more than two one-family or one two-family dwelling;
- (c) On lots of more than 0.8ha and less than 4ha, not more than three one-family dwellings or three dwelling units;
- (d) On lots of more than 4ha and less than 16ha, not more than four one-family dwellings or four dwelling units;
- (e) On lots of more than 16ha and less than 32ha, not more than five one-family dwellings or five dwelling units;
- (f) On lots of more than 32ha, not more than eight one-family dwellings or eight dwelling units.

2.04 Height

The maximum height permitted shall be 11m.

2.05 Lot Coverage

The maximum lot coverage permitted shall be 15 percent.

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

- 2.06 Maximum Size of Residential Buildings** Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral:
- Bylaw 3705*
- (a) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
 - (b) On lots of 1ha or more in size, residential buildings and structure shall not exceed a Floor Area Ratio of 0.45.
- Bylaw 3705*
- 2.07 Yard Requirements for Residential Buildings**
- (a) Front yards shall be a minimum of 7.5m;
 - (b) Side yards shall be a minimum of 6m except for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 15 m each side;
 - (c) Flanking yards shall be a minimum of 6m CTS;
 - (d) Rear yards shall be a minimum of 11m.
- 2.08 Yard Requirements for Farm Buildings**
- (a) Front yards shall be a minimum of 30m;
 - (b) Side, flanking and rear yards shall be a minimum of 15m.
- 2.09 Yard Requirements for Finfish Culture, Land-Based Uses and Structures**
- Front, side, flanking and rear yards shall be a minimum of 30m.
- 2.10 Yard Requirements for Intensive Agriculture Uses and Buildings**
- (a) Front yards shall be a minimum of 30 m;
 - (b) Side, rear and flanking yards shall be a minimum of 30m.
- Bylaw 2103*

Appendix C: Proposed Rural Residential 6A Zone - RR-6A

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

10A.0 RURAL RESIDENTIAL 6A ZONE – RR-6A

Bylaw 4246

10A.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential 6A (RR-6A) zone:

- (a) One-family dwelling;
- (b) Agriculture;
- (c) Silviculture;
- (d) Two Boarders or Lodgers;
- (e) Farm/Agriculture Buildings;
- (f) Home Based Business Categories One, Two and Three;
- (g) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, to be used, but not rented, for the temporary accommodation of guests or visitors.
- (h) Secondary suite pursuant to Part 1, Section 4.19;
- (i) Detached accessory suite pursuant to Part 1, Section 4.20.

10A.02 Minimum Lot Size for Subdivision Purposes

- (a) The minimum average lot size for subdivision purposes is 1 ha and no lot shall be created with a lot size smaller than 0.5 ha.
- (b) For the purposes of this zone, the total area of land in a plan of subdivision, prior to the removal of land for road and park dedication or for common property, divided by the number of lots intended to be created shall not be less than the minimum average lot size specified in Section 10A.02(a).

10A.03 Number of Dwellings

One one-family dwelling and one of either a secondary suite or a detached accessory suite, but not both.

10A.04 Height

Maximum height shall be 9 m.

10A.05 Lot Coverage

Lot coverage shall not exceed 25 percent.

10A.06 Maximum Size of Residential Buildings

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral:

- (a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Total Floor Area of 418 m²;
- (b) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.045.

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

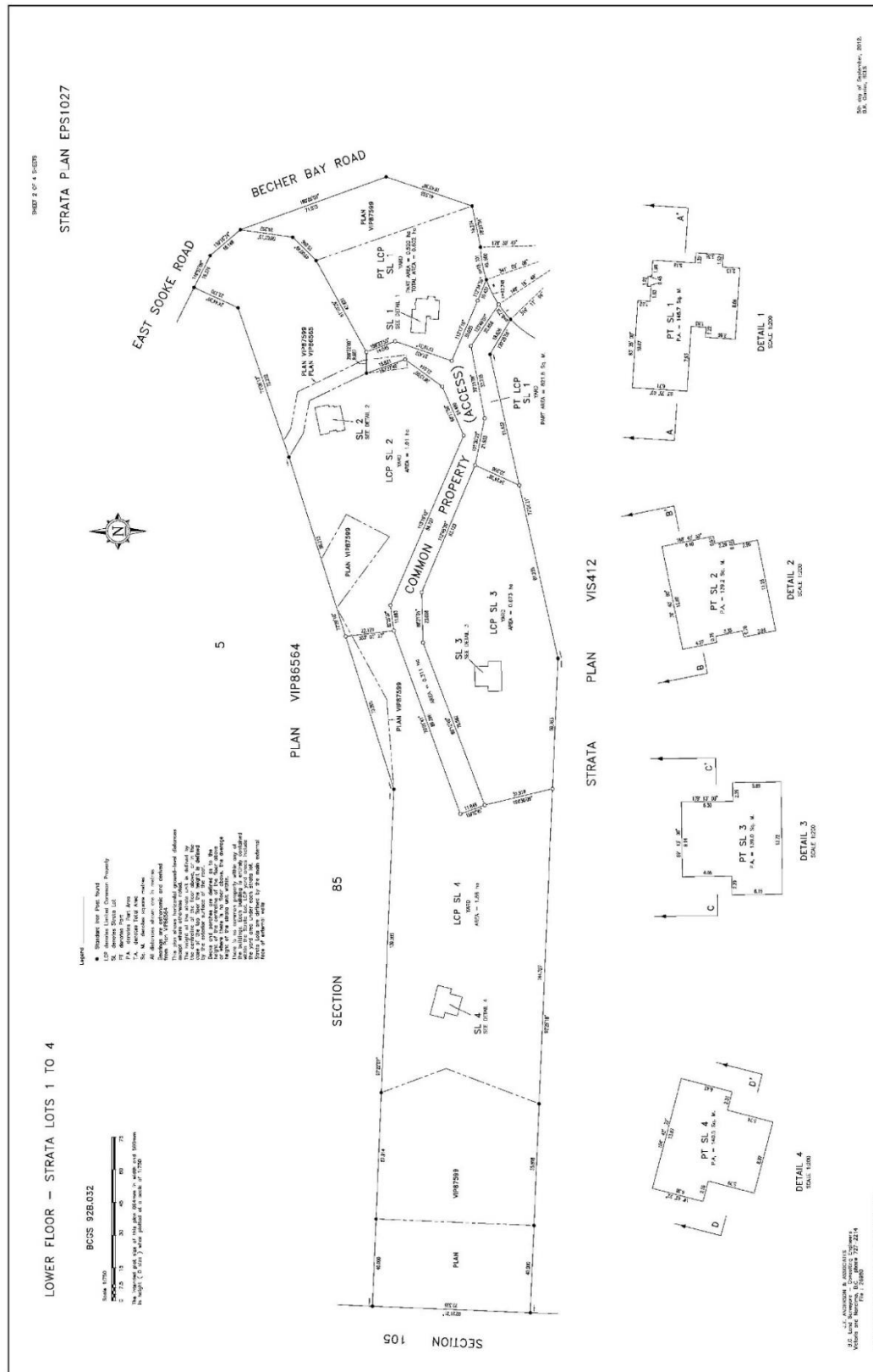
10A.07 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

**10A.08 Yard Requirements for
Agricultural Buildings
and Structures**

Farm buildings and structures for agricultural uses shall be not less than 30 m from the front lot line and not less than 15 m from any other boundary of the lot.

Appendix D: Lot Plan



Appendix E: Proposed Bylaw No. 4505

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4505

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

A. SCHEDULE B, Map No. 1 – EAST SOOKE ZONING MAP

- (a) By deleting

Strata Lot 1 Section 85 Sooke District Strata Plan EPS1027;

Strata Lot 2 Section 85 Sooke District Strata Plan EPS1027;

Strata Lot 3 Section 85 Sooke District Strata Plan EPS1027;

Strata Lot 4 Section 85 Sooke District Strata Plan EPS1027; and

Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as Shown on Form V from the Rural Zone – A (Rural A) and adding to the Rural Residential 6A (RR-6A) zone, as shown on Plan No. 1.

Plan No. 1 of Bylaw No. 4505, an amendment to Bylaw No. 2040



CRD Bylaw No. 4505

2

2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 157, 2022".

READ A FIRST TIME THIS day of , 2022.

READ A SECOND TIME THIS day of , 2022.

READ A THIRD TIME THIS day of , 2022.

ADOPTED THIS day of , 2022.

CHAIR

CORPORATE OFFICER