

**REPORT OF PUBLIC HEARING**  
held in the East Sooke Fire Hall, 1397 Coppermine Road  
November 4, 2010 at 7:00 p.m.

---

**SUBJECT:** **BYLAW NO. 3729**, cited as the "Sooke Land Use Bylaw, 1992 Amendment Bylaw No. 106, 2010."

**PRESENT:** **Alternate Director W. Vowles**, Chair by Resolution of the Capital Regional District Board on Wednesday, October 13, 2010  
**CRD Staff:** June Klassen

**PURPOSE OF THE HEARING:**

To amend Bylaw No. 2040 being the "Sooke Land Use Bylaw, 1992":

(a) Part 2, Section 10.0 Rural Residential 6 Zone – RR-6

By amending section 10.2 Minimum Lot size for Subdivision Purpose by adding a new item (d) as follows:

(d) Notwithstanding Sections 10.2 (a), (b) and (c) of Part 2 of this Bylaw, lot sizes for subdivision purposed shall be 1ha average and a 0.5ha minimum and a total of four lots for Lot 1, Section 89, Sooke District, Plan 26576, except part in Plan 35281.

(b) By deleting from the Rural Residential 3 (RR-3) zone, and adding to the Rural Residential 6 (RR-6) zone, for the purpose of permitting a four-lot subdivision, that part of Lot 1, Section 89, Sooke District, Plan 26576, except part in Plan 35281, shown attached on Plan No.1, attached to and forming part of this bylaw.

**NOTICE:** Property owners and occupiers were given notice as set out under Section 892 of the *Local Government Act*. Notices were inserted in two (2) consecutive issues of the Sooke Mirror appearing on October 20 and October 27, 2010.

**ATTENDANCE:** There were approximately 15 people in attendance.

The Chair declared the Public Hearing open at 7:37 p.m. The guidelines and procedures of the Public Hearing and Notice of Public Hearing were read to those present and the Chair called for comments from those in attendance.

June Klassen advised that written submissions opposing the application were received from property owners Gladys M. England, 6968 East Sooke Road (Attachment 1), and Jane Hutchings, 6555 Tideview Road (Attachment 2).

Hartmut Weidmann, 6934 East Sooke Road

- Not opposed to 4-lot subdivision
- Would prefer that the two narrow lots be 2.5acres each

Dale Read, 5041 East Sooke Road

- Questioned the criteria for subdivision
- Concern for potential forest fires considering vicinity of East Sooke Regional Park and community tree clusters

Ramsay Milne, 7000 East Sooke Road

- Supports bylaw noting the property is within the Settlement Containment Area in the East Sooke Official Community Plan

Richard Braunschweig, 1434 Coppermine Road

- If designated for this use, it would have been zoned properly

Kara Middleton-White, 1610 Covey Run Road

- Questioned need for zoning change

Charlotte Senay, 6602 Tideview Road

- Concerned as immediate neighbours are generally opposed
- Concerns regarding run off and wells
- Concern regarding 0.5ha minimum and lack of assurance that future development will not occur
- Concern regarding building under the *Condominium Act*

Zach Doeding, 1381 Pike Road (Owner/Applicant)

- Has attempted to address concerns raised
- Property is in a Settlement Containment Area
- Has the support of 14 out of 22 neighbours
- Development will meet all OCP requirements

The Chair called three times for further discussion on the bylaw and hearing none closed the Public Hearing on Bylaw No. 3689 at 8:00 p.m.



CHAIR, Alternate Director W. Vowles



RECORDING SECRETARY, J. Klassen

6968 East Sooko Rd  
Sooko. B-C  
V9Z1A8.

25. 10. 2010.

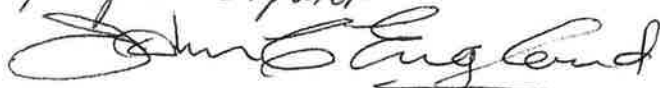
Dear June Klason.

I'm writing regarding  
the Rezoning application of Bylaw  
No. 3729. on East Sooko Rd. (1381 Pike Rd.)  
My Husband and I we opposed  
to the four lot subdivision on this property  
we feel that the run off of Septic Tanks etc.  
could spoil the wells of property  
around. Also after living opposite for  
over 40 yrs we have known that the  
Creek running through the property is a  
Fish bearing creek. and should be  
protected by tree cutting.

Thank you for your attention in this  
matter.

Yours sincerely

Gladys M. England.



Jane Hutchins  
6555 Tideview Rd.  
E. Sooke, B.C. V9Z 1A6

5 July 2010

Chair, East Sooke APC  
East Sooke APC

Re: Zoning Amedment Application for District Lot 1, Section 89, Sooke District,  
Plan 26576, Except Part in Plan 35281 (Z-01-10 Doeding & St. John)

To the East Sooke APC;

Please reject the application to rezone the lot at the corner of Pike Road and East Sooke Road, described above.

This application asks you to designate the property RR5 instead of RR3. On the face of it, a change to RR5 would double the current density permitted, from two lots to four lots. The actual effect might result in a significantly larger increase in density. Two of the lots (0.5 ha) would allow single or dual family houses, or up to four residences. One lot (1.0 ha) would become subject to additional subdivision, for a (currently permitted) maximum of another 4 residences. The largest lot currently allows a single or dual family residence, bringing the possible total to ten (10) family dwellings. This takes no account of the recent decision to allow a "detached suite" on properties in East Sooke. Adding four detached suites would bring the total residences to fourteen (14). The property under consideration is 4.29 ha in a Settlement Containment Area where the recommended parcel size is about 1 ha. The potential density is inconsistent with the density recommended in the Official Community Plan. I am not suggesting that this is what the applicant plans. It is what would be permitted if you do not reject this application.

This application asks you to agree that it is appropriate to review and possibly modify the property's inclusion in Development Permit Area (DPA) No. 1: Steep Slopes. As recently as last month you affirmed that, in the words of the bylaw, "Careful control of development or other alteration of these slopes is needed to reduce the risk to life and property, to prevent erosion and potential risks to down-slope properties, to prevent destabilization of slopes and to protect the visual quality of the slopes. Land clearing, road construction, changes in slope profiles, construction of buildings or roads or other site disturbance in these areas could increase risk to life and property and harm the environmental values of the slopes." I believe that the proposed rezoning would increase rather than diminish the risks for which the DPA was established.

This application asks you to agree that it is appropriate to review and possibly to modify the property's inclusion in Development Permit Area No. 4:

**Sensitive Ecosystems Areas.** Again, last month you affirmed the importance of the preservation of second growth for the preservation of biodiversity, and I ask you to uphold that decision.

Also at last month's meeting, you were assured by those who wished to remove the two DPAs that covenants were sufficient protection against subdivision, threats to biodiversity, or land use changes. In this application, you are asked to support the lifting of not one but two covenants. If you do not reject this application, you will demonstrate that covenants do not afford protection in East Sooke, and you will undermine their future use.

Finally, this property is located at the entry to East Sooke Park. As you make your decision, please consider what increasing density and removing the protective covenants on this lot would show Park visitors from around the world about East Sooke's commitment to environmental integrity.

Please reject this application.

I apologize for writing such a long letter. I thank you each for your attention, and for your work on behalf of the community.

Cordially,

Jane Hutchins

Cc: Kevin House, Ministry of Transportation and Highways  
Juan de Fuca Regional Director Mike Hicks

Jane Hutchins  
Lot A Plan 35281, Section 89  
E. Sooke, B.C.

2 November 2010

JdFEA Planning Services  
2-6868 West Coast Road  
Sooke, B.C.  
By fax to 250.642.5274

Dear Sir;

I am unable to attend the 4 November Public Hearing concerning Bylaw No 3729, for which I apologize. The bylaw submitted is significantly different from that reviewed by the East Sooke APC and the one reviewed by the Juan de Fuca LUC, and for that reason, I ask that the bylaw be tabled.

We first heard publicly of the plans to develop Lot 1 Section 89, Sooke Distrie Plan 26576 in July. At that time, the proposal requested RR5 zoning and delineated four lots. My reservations about the proposal are outlined in the attached copy of the letter I wrote to the East Sooke APC.

The ES APC agreed with the rezoning, lifting two covenants and asked that after subdivision a covenant against further subdivision be applied.

The same map went to the JdF LUC in September, where they considered RR6 (not RR5) zoning, and where there was no mention of any new covenant against additional subdivision.

Now, in the Notice of Public Hearing, we have yet another proposal. No RR5, no new covenant, and no lot lines. Just a proposal to rezone the whole, with a provision for lot averaging. While the LUC report states that two lots of 0.5 ha were proposed, the report says only that the staff "could support smaller parcel sizes through lot averaging.." It is entirely possible that the result of this bylaw will be four 0.5 ha lots – each with a detached secondary suite – and the prospect of more meetings to subdivide what remains.

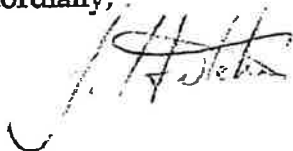
This, in my view, is inadequate. The Notice of Public Hearing leaves the community with no knowledge of what will actually occur on a critical piece of land. *I urge that this proposal be tabled until the subdivision planned is delineated as part of Bylaw 3729 and then reviewed by the community.*

I would also like to comment briefly on the use of petitions to alter the OCP.

The community will always face choices and decisions about growth, and we elect representatives to hear our views and apply their knowledge. Recent decisions concerning land use in East Sooke have included the use of petitions. This is fine, but it's one element of the decision. The idea that a petition should drive acceptance or refusal has, I believe, damaging consequences. It makes it difficult for our elected representatives to act when the interest of an individual is different from that of the

long-term benefit of the entire community or region. Equally difficult, it hinders discussion and efforts to find a middle ground, obliging community members to be for, against, or, worst of all, absent. Depending upon raised hands to make incremental changes to the OCP is short-sighted, and I ask that our elected and staff representatives give thought to the long-term consequences of their actions.

Cordially,



Cc: Regional Director Mike Hicks  
CRD Chair Geoff Young