

**EAST SOOKE ADVISORY PLANNING COMMISSION**

Notice of Meeting on Monday, **March 11, 2019 at 7 p.m.**

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

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**AGENDA**

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of January 9, 2019
4. Planner's Report
5. Rezoning Application
  - a) RZ000262 - Lot 3, Section 88, Sooke District, Plan 38149 (5728 Titan Place)
6. Adjournment



Making a difference...together

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

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**PRESENT:** Victor Wehmann (Chair), Zac Doeding, Tim Marks, Janice St. John,  
Rhonda Underwood  
**Staff:** Iain Lawrence, Manager, Local Area Planning; Wendy Miller, Recorder  
**PUBLIC:** 8

The meeting was called to order at 7:00 p.m.

**1. Elections**

Iain Lawrence called for nominations for the position of Chair of the East Sooke Advisory Planning Commission (APC) for 2019 and Victor Wehmann's name was put forward. Iain Lawrence called two additional times for further nominations and, as there were none, Victor Wehmann was acclaimed Chair.

The Chair called for nominations for the position of Vice Chair of the East Sooke APC for 2019 and Janice St. John's name was put forward. The Chair called two additional times for further nominations and, as there were none, Janice St. John was acclaimed Vice Chair.

**2. Approval of the Agenda**

**MOVED** by Zac Doeding, **SECONDED** by Janice St. John that the agenda be approved. **CARRIED**

**3. Approval of the Supplementary Agenda**

No supplementary items.

**4. Adoption of Minutes from Meeting of August 8, 2018**

**MOVED** by Janice St. John, **SECONDED** by Rhonda Underwood that the minutes of August 8, 2018, be adopted. **CARRIED**

**5. Planner's Report**

a) Public Hearing – Bylaw No. 4246 (6400 Block East Sooke Road); Bylaw No. 4257 (5480, 5488 & 5494 Mt. Matheson Road); and Bylaw No. 4260 (1021 Parkheights)

Date: January 30, 2019

Time: 7 pm

Location: East Sooke Community Hall

b) A brief overview of the role of the Advisory Planning Commission (APC) was provided. It was noted that the APCs were established to make recommendations to the Land Use Committee (LUC) on land use planning matters referred to them relating to Part 14 of the *Local Government Act (LGA)*. The APC's recommendations are to reflect the input received from the community.

## 6. Rezoning Application

### a) RZ000260 - Lot 9, Section 129, Sooke District, Plan VIP67208 (590 Seedtree Road)

Iain Lawrence spoke to the staff report and the request to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land strata subdivision as an alternative to a building strata.

Iain Lawrence confirmed that the:

- Settlement Policy in the East Sooke Official Community Plan (OCP) supports consideration of rezoning applications to permit subdivision as an alternative to building strata development on Rural A zoned lands
- LUC supported referral of the proposal to the APC and the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
- the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission resolved to consider park dedication at the time of subdivision
- applicant has submitted professional reports received to support the rezoning and requirement for future development permit applications during the subdivision application process

Iain Lawrence confirmed that the applicant was present.

The applicant stated that:

- there is currently one house on the property that is serviced by a groundwater well and on-site septic system
- remaining lots will be serviced by individual groundwater wells on proposed common property
- each well will have a separate power supply
- remaining lots will have individual septic fields
- should the new wells not provide sufficient water, the applicant would pursue a community water system (supply well)

Iain Lawrence confirmed that proof of potable water is determined as part of the subdivision process.

Julio Godoy, East Sooke, stated:

- support for an alternative to a building strata development
- concern that East Sooke residents have to truck in water
- concern that properties are being sold when water remains an issue
- support for extending CRD water within East Sooke

The APC stated support for consideration being given to requiring that proof of potable water be provided during the dry season.

Iain Lawrence reported that during the update of Juan de Fuca Land Use Bylaw, Bylaw No. 2040, subdivision serving standards will be reviewed, including requirements for potable water. Community review and input would form part of the update process, at which time options could be considered.

A member of the public stated:

- support for catchment reservoirs
- concern related to trucking water up steep driveways

- lack of water for fire suppression

The applicant noted that the driveway for the proposed development requires approval from the East Sooke Fire Department and the finished slope of the driveway would be lower than what is currently constructed.

The APC noted that the CRD may consider user pay water servicing extensions and that individual property concerns related to fire suppression can be brought to the attention of the East Sooke Fire Department.

At the request of the APC, Iain Lawrence outlined the differences between a building strata development ("4 on 10") in accordance with the *Strata Property Act* (formerly the *Condominium Act*) and a bare land strata development created in accordance with the *Bare Land Strata Regulations*.

The APC noted that a strata development created in accordance with the old *Condominium Act* is considered one parcel. Accordingly, a "4 on 10" property can only have one suite and shares the allowable lot coverage and accessory building floor area.

Julio Godoy, East Sooke, questioned the insurance requirements for stratas.

The applicant stated that the strata owners would be responsible for managing and holding insurance for the lands held as common property including the driveway.

Iain Lawrence clarified that the subdivision layout has not been finalized.

A member of the public stated support for the subdivision layout as it complements the topography of the land, rather than trying to meet the frontage requirement for four fee simple lots.

**MOVED** by Zac Doeding, **SECONDED** by Rhonda Underwood that the APC supports the proposal and that the comments received from the applicant and public attendees be reported to the Juan de Fuca Land Use Committee.

**CARRIED**

## 7. Adjournment

**MOVED** by Rhonda Underwood, **SECONDED** by Zac Doeding that the meeting be adjourned.

The meeting adjourned at 7:45 p.m.

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Chair



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, FEBRUARY 19, 2019**

**SUBJECT**      **Zoning Amendment Application for Lot 3, Section 88, Sooke District, Plan 38149  
– 5728 Titan Place**

**ISSUE**

The owners are proposing to rezone the subject property from the Rural Residential 3 (RR-3) zone to the Rural Residential 6A (RR-6A) zone to permit a 4-lot subdivision.

**BACKGROUND**

The 4.23 ha property is located at 5728 Titan Place in East Sooke and is zoned Rural Residential 3 (RR-3) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 (Attachment 1). The property is adjacent to RR-3 zoned properties to the east, west and south, and Rural A zoned properties to the east, and East Sooke Regional Park to the west. There is a house and garage on the property, which are serviced by a groundwater well and septic system.

The property is designated as Settlement (S) in the East Sooke Official Community Plan (OCP), Bylaw No. 4000, and is partly within the Steep Slopes and the Farmland Protection development permit areas. The parcel is within the East Sooke Fire Protection Local Service Area, but outside the community water service area.

The owners have submitted a rezoning application to create four bare land strata lots (Attachment 2). The proposed rezoning to RR-6A would create potential for subdivision into 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 (Attachment 3). Staff have prepared Bylaw No. 4285, which would rezone the parcel from RR-3 to RR-6A (Appendix 4).

**ALTERNATIVES**

*Alternative 1*

That staff be directed to refer proposed Bylaw No. 4285, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019” to the East Sooke Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, to appropriate CRD departments and the following external agencies for comment:

BC Hydro	Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch	Scia’new First Nation
District of Sooke	Ministry of Transportation and Infrastructure	Sooke School District #62
Island Health	RCMP	T’Sou-ke First Nation

*Alternative 2*

That proposed Bylaw No. 4285 not be referred.

*Alternative 3*

That more information be provided by staff.

## **LEGISLATIVE IMPLICATIONS AND PUBLIC CONSULTATION IMPLICATIONS**

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating 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 subject property will be sent a notice of the proposed bylaw amendment and it 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. This application 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 connections.

## **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. Settlement policies are supportive of an average density of one parcel per hectare within a plan of subdivision, provided that no new parcels are created with an area of less than 0.4 ha.

The proposed RR-6A zone allows a 1 ha average parcel size and 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 *LGA*. Staff recommend referral to JdF EA Community Parks and Recreation to allow for early consideration of park interests.

The proposed plan of subdivision includes four proposed bare land strata lots. Proposed Lot B includes an existing single-family dwelling and accessory building.

The East Sooke OCP partially designates the property as Steep Slopes and Farmland Protection development permit areas (DPAs). A development permit will be required as a condition of subdivision should the request for rezoning be supported.

Based on the information provided by the applicant and the policies of the East Sooke OCP, staff recommend referral of the rezoning application and proposed Bylaw No. 4285 to the East Sooke APC, appropriate CRD departments and external agencies for comment.

**CONCLUSION**

The purpose of this zoning bylaw amendment application is to rezone the subject property from RR-3 to RR-6A in order to allow a 4-lot subdivision of the property with an average parcel size of 1 ha. Staff recommend referring the proposed bylaw to the East Sooke APC, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission and to appropriate CRD departments and external agencies for comment.

**RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4285, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019” to the East Sooke Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, to appropriate CRD departments and the following external agencies for comment:

BC Hydro	Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch	Scia’new First Nation
District of Sooke	Ministry of Transportation and Infrastructure	Sooke School District #62
Island Health	RCMP	T’Sou-ke First Nation

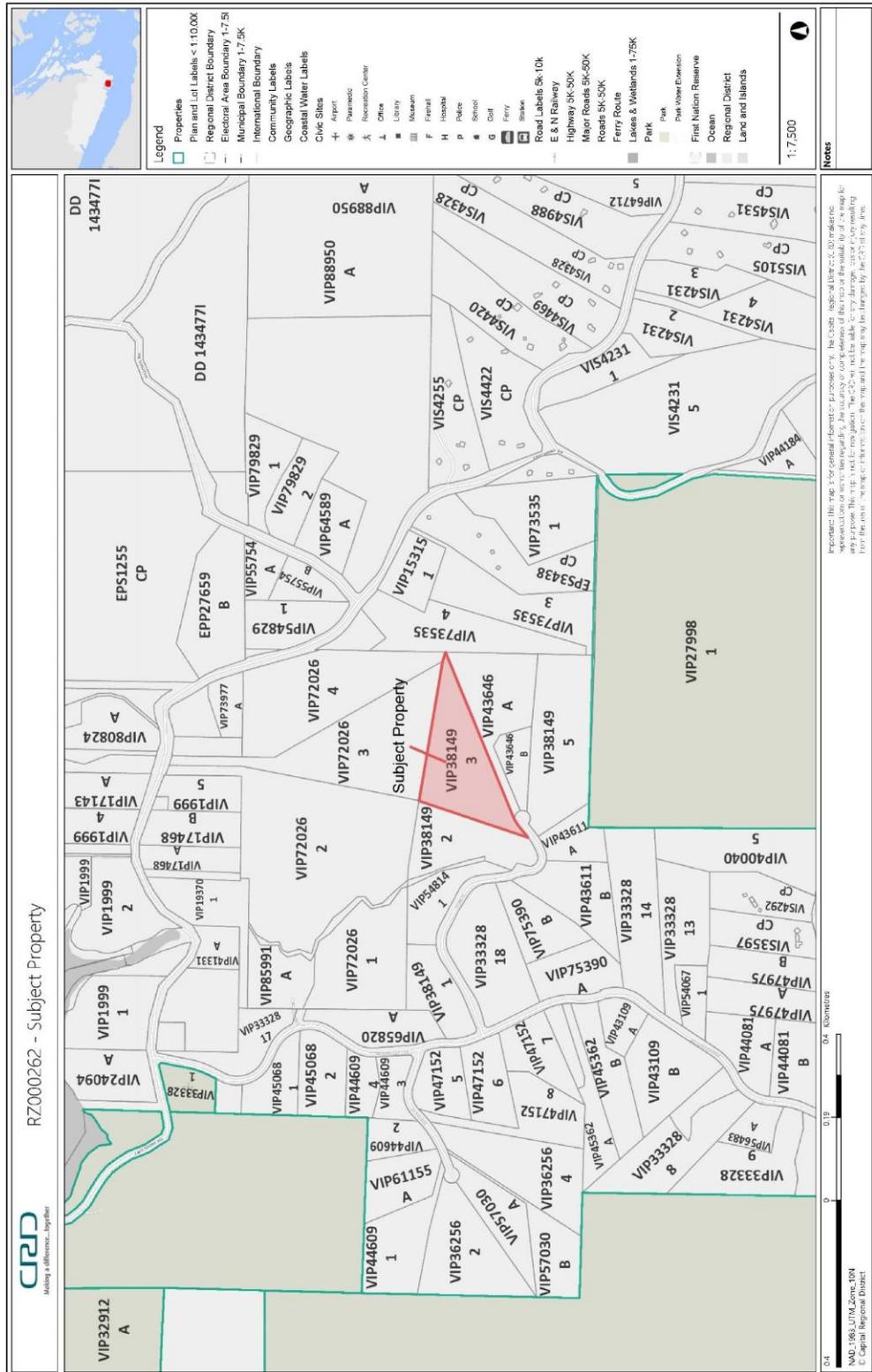
Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ET:wm

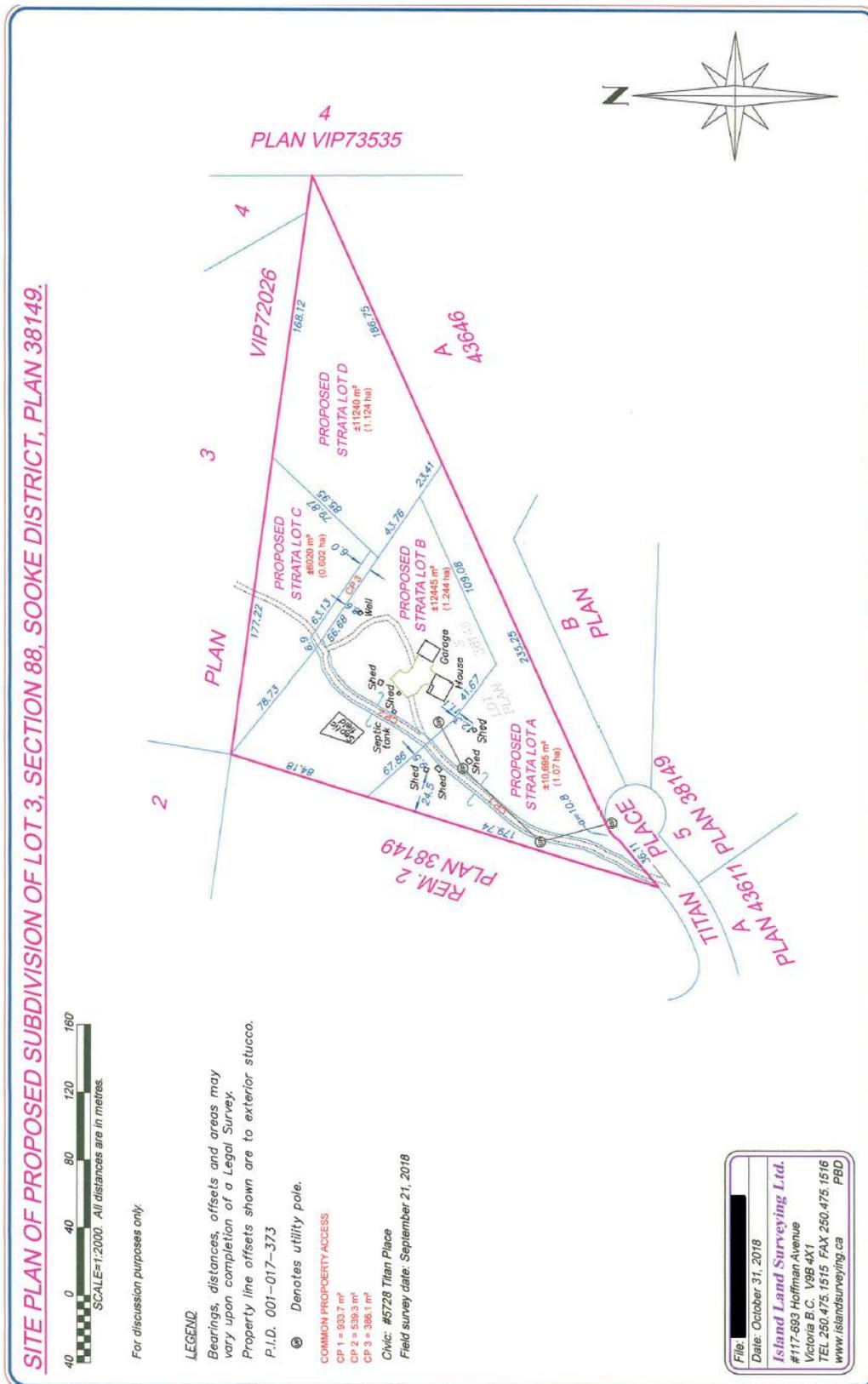
Attachments:

1. Subject Property Map
2. Proposed Plan of Subdivision
3. Rural Residential 6A Zone
4. Proposed Bylaw No. 4285

Attachment 1: Subject Property Map



Attachment 2: Proposed Plan of Subdivision



Attachment 3: Rural Residential 6A

**10A.0 Rural Residential 6A Zone – RR-6A**

**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 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 m<sup>2</sup>;
- (b) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.045.

**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 m<sup>2</sup>, 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.

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4285**

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

**A. SCHEDULE B, MAP NO. 1 – EAST SOOKE ZONING MAP**

- (a) By deleting Lot 3, Section 88, Sooke District, Plan 38149 from the Rural Residential 3 (RR-3) Zone, and adding to the Rural Residential 6A (RR-6A) Zone, as shown on Plan No.1.

**Plan No. 1 of Bylaw 4285, an amendment to Bylaw No. 2040**

