



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MAY 15, 2012**

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**SUBJECT**     **ZONING AMENDMENT APPLICATION FOR LOT 7, SECTION 129, SOOKE DISTRICT, PLAN VIP67208**

**ISSUE**

The applicants are proposing to rezone the property to permit the subdivision of three fee simple parcels in order that each dwelling unit currently located on the property may be individually titled.

**BACKGROUND**

The 4 ha subject property is located in East Sooke at 470 Seedtree Road (Appendix 1). The property is designated as Settlement Containment Area (SCA) in the East Sooke Official Community Plan (OCP), Bylaw No. 3353, and is partially designated as a Steep Slope; Watercourses, Wetlands and Riparian Areas; and a Sensitive Ecosystem development permit (DP) area. The property is zoned Rural A in the Juan de Fuca Land Use Bylaw No. 2040, and has a “primary” single-family dwelling (SFD), a “cottage”, and one mobile home on the property (Appendix 2). For the purposes of Bylaw No. 2040, each of these buildings is considered a dwelling unit. The Rural A Zone permits four dwelling units on the property since it is greater than 4 ha and less than 16 ha. The Rural A Zone also permits either one secondary suite or one detached accessory suite.

A geotechnical report, certified by Richard Brimmell, P.Eng., and dated March 8, 2008, identified two future building sites located to the north and northwest of the primary SFD. The report described the site to the northwest as free of geotechnical hazards and safe for the intended residential use. That site is now the location of the “cottage”. The report described the site to the north as capable of being “developed for foundations, however, a rockfall hazard exists” in that area due to its proximity to a southwest facing rock bluff. This second site is the proposed location of a new home, to be built upon successful completion of the rezoning and subdivision applications, and removal of the mobile home.

A DP with variance application (DP-05-12) has been submitted by the applicant in order to address the DP Guidelines of the East Sooke OCP with respect to the geotechnical, riparian and sensitive ecosystem concerns associated with the property. A variance has been requested as part of the DP application in order to reduce the minimum frontage requirement of 10% lot perimeter for two of the proposed lots. Approval of the DP with variance would be required in fulfillment of the subdivision application requirements (S-02-12).

Staff have prepared Bylaw No. 3829, which would rezone the 4 ha parcel from Rural A to Rural Residential 2 (RR-2) (Appendix 3).

**ALTERNATIVES**

1. Proceed with referral of the proposed Bylaw 3829, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 110, 2012” to agencies for comment.
2. Deny the application and do not proceed with referral.
3. Refer the application back to staff for more information.

### **LEGISLATIVE IMPLICATIONS**

Pursuant to Section 879 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw. The decision on which bodies are consulted in accordance with the *LGA* has been delegated to the Juan de Fuca Electoral Area Land Use Committee in Bylaw No. 3166.

Pursuant to Section 881 of the *LGA*, a proposed amendment to a zoning bylaw must be referred to the school district. Where an amendment or new land use and subdivision bylaw will apply to land within 800 m of a controlled access highway, the bylaw must be referred to the Ministry of Transportation and Infrastructure.

### **PUBLIC CONSULTATION IMPLICATIONS**

The Advisory Planning Commissions were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 26 of the *LGA*, therefore, the proposal should be referred to the East Sooke Advisory Planning Commission.

Should the proposal proceed, a public hearing pursuant to Section 890 of the *LGA* will be required subsequent to the amendments 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 amendments and it will be advertised in the local paper and on the website.

### **REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS**

In the evaluation of a zoning amendment, consideration must be given to the CRD's Regional Growth Strategy (RGS), Bylaw No. 2952 and East Sooke OCP, Bylaw No. 3353. The proposal to rezone for the purpose of subdividing to create 1 ha parcels is supported by the SCA policies of the OCP; however, proposals must still be reviewed to ensure consistency with the RGS.

### **PLANNING ANALYSIS**

The East Sooke OCP designates the subject property as SCA. This designation states that "the desired parcel size for residential development within settlement containment areas should be in the 1 ha (2.5 acres) range." The proposed subdivision of a 4 ha parcel into 3 parcels will reflect the current residential density on the property and is consistent with the SCA policy regarding desire lot size.

Planning staff note that this application may be perceived as a precedent in this area, and that the potential exists for similar applications. However, each rezoning application is considered on its own merits. Other applications to create individual titles on Rural A parcels have proceeded by way of building conversion strata developments as this type of development does not require rezoning if there is sufficient parcel area to permit the number of dwellings. Further, mobile homes do not qualify for building strata conversions as they are mobile structures.

While the fee simple subdivision of the land would allow for the three existing dwellings, one for each lot, additional accessory uses including detached accessory suites would be permitted. In addition, proof of potable water will be required for the newly proposed lots with an individual well required for each lot. Planning staff recommend referring the proposed bylaw for comment.

**CONCLUSION**

At the present time, the owners have built a “primary” single-family dwelling, a “cottage”, and one mobile home on the property, in accordance with the Rural A Zone. The purpose of this zoning amendment application is to allow subdivision of the property into three fee simple parcels, reflecting the current dwelling unit density on the property. The proposed subdivision to create lots in the 1 ha range is supported by the East Sooke OCP. Staff recommends referring the proposed bylaw to relevant CRD departments, the East Sooke Advisory Planning Commission, and other agencies for comment.

**RECOMMENDATION**

That staff be directed to refer the May 15, 2012 staff report and proposed Bylaw No. 3829 for Lot 7, Section 129, Sooke District, Plan VIP67208, to the appropriate CRD departments and the following agencies for comment:

BC Hydro  
District of Metchosin  
District of Sooke  
East Sooke Advisory Planning Commission  
East Sooke Fire Department  
Ministry of Environment  
Ministry of Transportation and Infrastructure

Scaï'new First Nation  
Sooke School District #62  
T'Sou-ke First Nation  
Vancouver Island Health Authority

Original signed

Original signed

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Iain Lawrence  
Planner

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June Klassen, MCIP  
Manager, Local Area Planning  
Concurrence

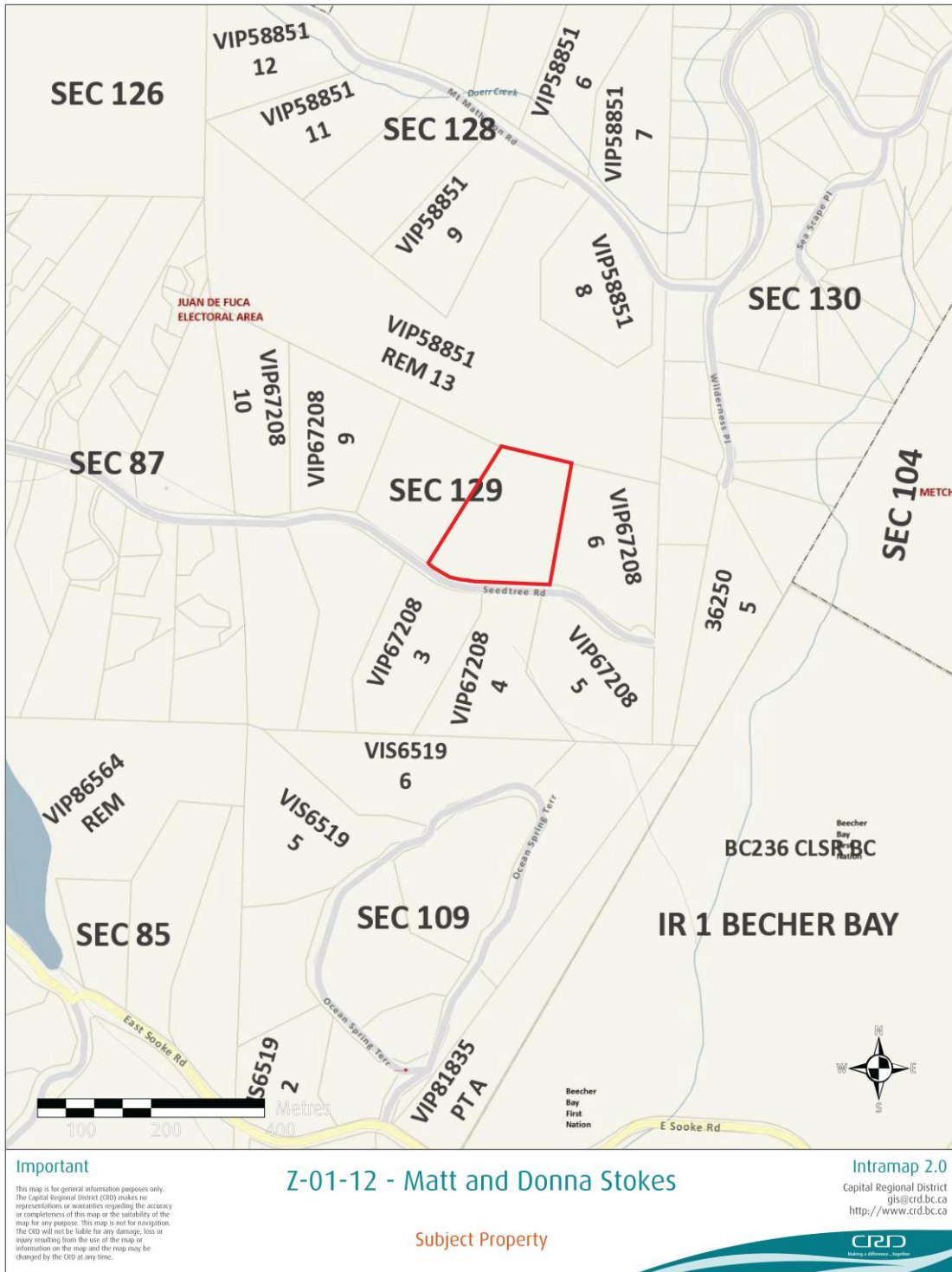
Original signed

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Robert Lapham, MCIP  
General Manager  
Planning & Protective Services  
Concurrence

Appendices:

1. Location
2. Site Plan
3. Proposed Bylaw No. 3829

Appendix 1: Location



**Important**

This map is for general information purposes only. The Capital Regional District (CRD) makes no representation or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

Z-01-12 - Matt and Donna Stokes

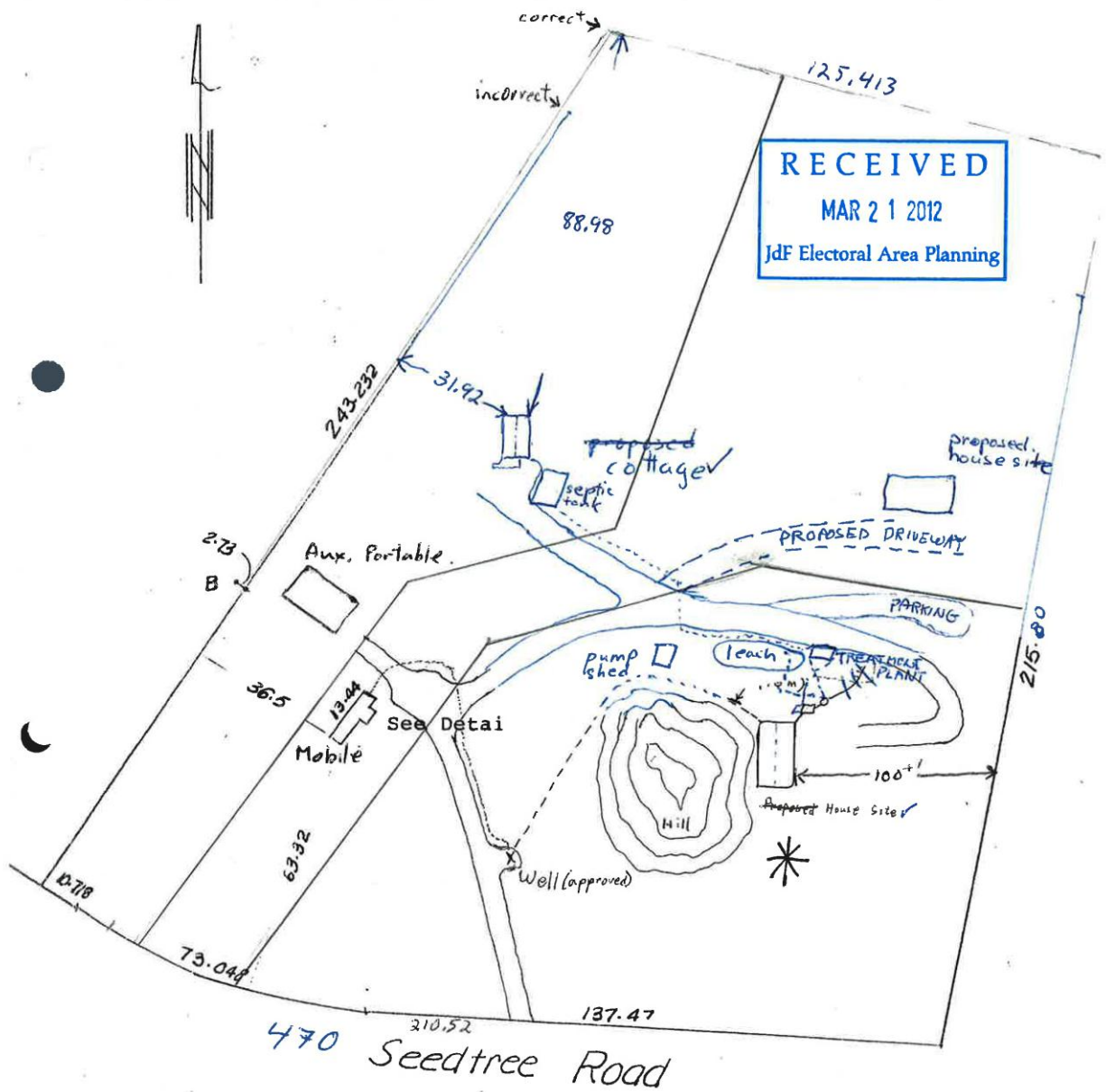
Subject Property

Intramap 2.0

Capital Regional District  
gis@crd.bc.ca  
<http://www.crd.bc.ca>



Appendix 2: Site Plan



TITLE:  
LOT 7, SECTION 129, SOOKE  
DISTRICT, PLAN VIP 67208

Appendix 3: Proposed Bylaw No. 3829

**Capital Regional District  
Bylaw No. 3829**

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**A BYLAW TO AMEND BYLAW NO. 2040, THE “JUAN DE FUCA ELECTORAL AREA  
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 Electoral Area Land Use Bylaw, 1992" is hereby amended:
  - (a) By deleting from the Rural A Zone, and adding to the Rural Residential 2 (RR-2) Zone, for the purpose of permitting a 3-lot subdivision of Lot 7, Section 129, Sooke District, Plan VIP67208, as shown on Plan No.1, attached to and forming part of this bylaw.
2. This bylaw may be cited as Bylaw No. 3829, "Juan de Fuca Electoral Area Land Use Bylaw, 1992, Amendment Bylaw No. 110, 2012".

READ A FIRST TIME THIS                                              day of                                              , 2012.  
READ A SECOND TIME THIS                                              day of                                              , 2012.  
READ A THIRD TIME THIS                                              day of                                              , 2012.  
APPROVED by the Minister of Transportation and Infrastructure  
THIS                                              day of                                              , 2012.  
ADOPTED THIS                                              day of                                              , 2012.

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CHAIR

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CORPORATE OFFICER

**Plan No. 1 of Bylaw 3829**

Lot 7, Section 129, Sooke District, Plan VIP67208 shown on this plan attached to and forming part of this bylaw.

