

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **April 16, 2024, at 7 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Territorial Acknowledgment
2. Approval of Agenda
3. Chair's Report
4. Planner's Report
5. Administrative Bylaw
 - a) Bylaw No. 4606, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 163, 2024" (Subdivision Servicing Requirements – Potable Water)
6. Adjournment

PLEASE NOTE: The public may attend the meeting in-person or electronically through video or teleconference. To attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details.



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 16, 2024**

SUBJECT **Proposed Amendment to the Subdivision Servicing Requirements of the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040**

ISSUE

To consider an amendment to the subdivision servicing requirements specified by Bylaw No. 2040 in relation to the provision of potable water.

BACKGROUND

Part 6, Section 6.02 of the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, specifies the requirements for the provision of potable water at the time of subdivision in East Sooke, Otter Point, Shirley and Jordan River. The Bylaw requires that where there is no community water system to which a parcel can connect, a source of potable water producing a flow rate of 1,400L/day must be demonstrated for each lot.

Drilled groundwater wells in the communities regulated by Bylaw No. 2040 predominantly access water from a fractured bedrock aquifer identified by the Province of BC as Aquifer 606. This aquifer extends from Metchosin and Langford to Jordan River, and may continue farther west to Loss Creek.

In the past several years, an increasing number of community members living in East Sooke, Otter Point and Shirley have contacted the JdF Electoral Area Director and Community Planning staff to advise that their wells have run dry and that they are now relying on trucked water service as a source of potable water. Staff have also noted an increase in the number of concerns raised by community members during the review of rezoning applications who suggest that the aquifer cannot support additional development.

At the request of the Director, staff have prepared Bylaw No. 4606, which would amend Bylaw No. 2040 to increase the flow requirement of a water source from 1,400 L/day to 3,500 L/day without exceeding 70% of the available drawdown and require that flow testing be conducted during the drier months of the year. The proposed amendment would also include exemptions to the servicing requirement, clarify the types of water sources that may be considered at the time of subdivision, and require that the water supply conform with the Canadian Drinking Water Guidelines with respect to mineral and chemical content. Proposed Bylaw No. 4606 is included as Appendix A.

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4606, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 163, 2024", to a public information meeting, appropriate CRD departments, First Nations and to the following external agencies for comment:

Pacheedaht First Nation
Sc'ianew First Nation
T'Sou-ke First Nation
District of Metchosin
District of Sooke

Ministry of Forests, Water Protection, West Coast Region
Ministry of Transportation and Infrastructure
Provincial Approving Officer

Alternative 2

That proposed Bylaw No. 4606 not be referred.

LEGISLATIVE 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*. As the proposed amendments to Bylaw No. 2040 affect multiple APC areas and will introduce technical changes to subdivision servicing requirements rather than to general land use and zoning regulations that impact the rural character of communities, staff recommend referring proposed Bylaw No. 4606 to a single public information meeting to be held at the Juan de Fuca Local Area Service Building in Otter Point, rather than to individual APC meetings in each of the communities.

PLANNING ANALYSIS

Bylaw No. 2040 currently requires that where a community water system is not available to connect to, that new parcels created by subdivision demonstrate a potable water source with a minimum flow rate of 1,400 L/day. This flow requirement is below that which would be required by the Province (2,500 L/day) if no servicing requirement was specified by bylaw. It is also below the flow rate of 3,500 L/day required by Bylaw No. 3602, which regulates land use and subdivision servicing requirements for the Rural Resource Lands in the Juan de Fuca EA.

Areas in East Sooke, Otter Point, Shirley and Jordan River that are outside existing community water system service areas rely on surface and groundwater sources of potable water. The East Sooke Official Community Plan (OCP), Bylaw No. 4000, supports the provision of safe and reliable water supply. The Otter Point OCP, Bylaw No. 3819, includes objectives related to drinking water and specifies that future development should not deplete or contaminate existing wells. The Shirley-Jordan River OCP, Bylaw No. 4001, acknowledges that residents are very concerned about the impact that future development might have on existing domestic water supplies and wish to see more controls in place for residential development.

The associated OCP policies would typically apply at the time of rezoning; however, a significant portion of the OCP areas could be subdivided and developed under current zoning regulations. In order to address these objectives and growing community concern at the time of subdivision, staff recommend that the subdivision servicing requirements in Bylaw No. 2040 be amended to increase the required flow rate of a water supply well from 1,400 L/day to 3,500 L/day without exceeding 70% of available drawdown, and further require that testing be conducted between August 1 and October 31. The combined increased flow requirement and testing after a period of sustained dry weather is intended to demonstrate that the groundwater supply is more reliable.

Staff recommend that exemptions be considered for boundary adjustment subdivisions, remainder lots outside the proposed plan of subdivision and parcels that will have an area of 8 ha or greater. Boundary adjustment subdivisions and remainder lots outside a plan of subdivision do not increase the existing density of development and in many cases may have an existing well or be subject to subdivision in the future, at which time the servicing requirement would apply. Lots with an area of 8 ha or greater are of a size that it may be difficult to predict a suitable well location relative to the future dwelling and further subdivision is likely possible.

Staff are of the opinion that the proposed bylaw amendment is consistent with the East Sooke, Otter Point and Shirley-Jordan River OCPs, and recommend referral of Bylaw No. 4606 to a public information meeting and to CRD departments, First Nations and external agencies.

CONCLUSION

Bylaw No. 2040 currently requires that where a community water system is not available to connect to, that new parcels created by subdivision demonstrate a potable source of water with a minimum flow rate of 1,400 L/day. Staff have prepared Bylaw No. 4606 to increase this requirement to 3,500 L/day. Additional regulations to specify the time of year for testing and confirm the quality of water supply wells, as well as instances where exemptions from the subdivision servicing requirement may be considered appropriate are proposed. Staff recommend referral of the proposed bylaw and that comments be returned to the Land Use Committee for consideration. At that time, consideration may also be given to granting first and second readings of the bylaw.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4606, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 163, 2024”, to a public information meeting, appropriate First Nations and CRD departments, and to the following agencies for comment:

- Pacheedaht First Nation
- Sc'ianew First Nation
- T'Sou-ke First Nation
- District of Metchosin
- District of Sooke
- Ministry of Forests, Water Protection, West Coast Region
- Ministry of Transportation and Infrastructure
- Provincial Approving Officer

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

Attachments:
Appendix A: Proposed Bylaw No. 4606

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4606**

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 A, PART 6, SECTION 6.0 WATER

- (a) By deleting paragraph 6.01(b) and replacing with the following:
 - (b) There is not an available source of potable water in the amount of 3,500 litres per day proven in accordance with paragraph 6.02
- (c) By deleting subsection 6.02 and inserting a new subsection 6.02 as follows:

6.02 Except where a parcel to be created:

 - a) is to be served by a community water system,
 - b) is created through a boundary adjustment subdivision,
 - c) will be a remainder parcel outside the plan of subdivision, or
 - d) will be 8 ha in area or greater and the owner is willing to enter into a covenant to the satisfaction of the CRD and the Approving Officer to construct a well in accordance with the requirements of subsections 6.02A and 6.02B at the time of building construction,

the parcel shall be required to have a proven source of potable water supplied either by a surface source licenced by the Province of British Columbia or by a water supply well.
- (d) By inserting a new subsection 6.02A and subsection 6.02B after subsection 6.02 as follows:

6.02A Where parcels within a proposed plan of subdivision are serviced by individual water supply wells, a qualified professional duly registered and licensed under the provisions of the *Professional Governance Act* with competency in hydrogeology must provide certification that each of the water supply wells constructed for the parcels meet the following requirements:

 - (a) The total sustainable yield of each well in a proposed plan of subdivision must meet or exceed 3,500 litres per day without exceeding 70% of the available drawdown of the well. Testing must occur between August 1 and October 31 and involve continuous pumping at a constant discharge rate and monitoring for a minimum period of 12 hours.

- (b) Each well in a proposed plan of subdivision must comply with the water quality standard of the *Drinking Water Protection Regulation*; and
- (c) Each well in a proposed plan of subdivision must be in conformance with the chemical, physical and radiological parameters of the Canadian Drinking Water Guidelines.

6.02B If it cannot be certified that a water supply well complies with subsection 6.02A(c), that requirement will be deemed to have been met under the following conditions:

- (a) The owner of the land provides the Capital Regional District and the Approving Officer with a report certified by a qualified professional that describes the manner by which the water supply well may be used to achieve compliance with subsection 6.02A(c);
- (b) The owner of the land enters into a covenant to the satisfaction of the Capital Regional District and the Approving Officer to use the water supply well only in the manner certified by the qualified professional as being compliant with subsection 6.02A(c); and
- (c) The covenant is registered under Section 219 of the *Land Title Act*.

2. This bylaw may be cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 163, 2024”.

READ A FIRST TIME THIS	day of	, 2024.
READ A SECOND TIME THIS	day of	, 2024.
READ A THIRD TIME THIS	day of	, 2024.
ADOPTED THIS	day of	, 2024.

CHAIR

CORPORATE OFFICER