



2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2

Phone: (250) 642-1634
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NOTICE AND AGENDA SPECIAL COUNCIL MEETING

Date: August 29, 2016 at 7:00 p.m.

Council Chamber

2225 Otter Point Road, Sooke, B.C.

Please note: The Open Portion of this meeting may be webcast live at www.sooke.ca. Written and verbal submissions will become part of the public record and are subject to the Freedom of Information and Protection of Privacy Act.

(Please turn off your cellphones in the Council Chambers during the meeting)

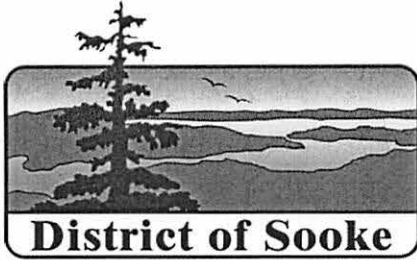
CALL TO ORDER		
APPROVAL OF THE AGENDA		
DELEGATIONS – REQUESTS TO ADDRESS COUNCIL (or Presentations – 5 minute time limit each)		
D-1	Sponsorship Request <ul style="list-style-type: none">Sooke Family Resource Society, Nicky Logins	1
D-2	Regulation of Medical Marijuana Dispensaries <ul style="list-style-type: none">Ekaterina Karassev	5 See separate D-2 pkg
PUBLIC QUESTION AND COMMENT PERIOD (10 minutes – 2 minute time limit per person)		
PUBLIC AND STATUTORY HEARINGS and third reading or adoption of bylaws where applicable after each hearing:		

Council meeting and Committee of the Whole meeting agenda packages are now available online at www.sooke.ca

PH-1	Bylaw No. 647, Zoning Amendment Bylaw (600-32) – 6038 Sooke Road <ul style="list-style-type: none"> • Planning Department Report/ Presentation • Mayor's Public Hearing Statement • Public Hearing • Council to consider third reading of Bylaw No. 647 	See separate PH-1 pkg
PH-2	Bylaw No. 638, Zoning Amendment Bylaw (600-33) – 6816 West Coast Road <ul style="list-style-type: none"> • Planning Department Report/ Presentation • Mayor's Public Hearing Statement • Public Hearing • Council to consider third reading of Bylaw No. 638 	See separate PH-2 pkg
BYLAWS		
B-1	Bylaw No. 468, Development Permit Delegation Bylaw, 2016 <ul style="list-style-type: none"> • Report to Council • Council to consider introduction, first, second and third reading of Bylaw No. 468. 	7
REPORTS Requiring Action:		
RA-1	MIABC Associate Member Coverage <ul style="list-style-type: none"> • Morweena Holdings 	15
RA-2	BC Communities in Bloom Awards & Conference Attendance <ul style="list-style-type: none"> • Councillor Parkinson 	--
REPORTS For Information – Council, Committees, COW and Commissions and Staff (CAO, Development Services)		
RI-1	Delinquent Property Taxes on Mobile Homes <ul style="list-style-type: none"> • Report to Council 	19
RI-2	CRD Update (verbal) <ul style="list-style-type: none"> • Councillor Kasper 	--
RI-3	Mayor and Council Update (Verbal)	--
ADJOURNMENT		



Corporate Officer



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REQUEST TO APPEAR AS A DELEGATION

In order to appear before Council as a delegation at a Council Meeting, you need to submit a written request to the Corporate Officer by 4:30 pm on the Tuesday before the scheduled Council Meeting. The request can either be by way of this form or a separate letter that you have written which contains the information requested on this form. You can submit your request in person, by mail or by fax at 250-642-0541. The Corporate Officer will let you know when you are scheduled to appear before Council. Council meetings take place at 7:00 p.m. in the Municipal Hall Council Chambers located at 2225 Otter Point Road. Delegations are usually scheduled near the beginning of the meeting. You are limited to a maximum of five (5) minutes to present your material. You may speak on more than one (1) topic or have more than one (1) speaker but you must keep your presentation within the five (5) minute time limit. Please attach to this form any material that you wish Council to review in advance of the meeting.

DATE: August 22/16 REQUESTED MEETING DATE: August 29/16

NAME: Nicky Logins

ORGANIZATION NAME (if applicable): Sooke Family Resource Society

ADDRESS: [REDACTED]

CONTACT NUMBER: [REDACTED]

EMAIL ADDRESS: [REDACTED]

TOPIC: Fun Run & Ride
John Phillips Memorial Park Loop Trail opening
SPONSORSHIP REQUEST.

AUDIO/VISUAL NEEDS (if any): _____

Regarding: Request to Appear, August 29, 2016
Nicky Logins, Executive Director, Sooke Family Resource Society

On Saturday September 24th, Sooke community members are invited to come walk, run, or ride their bikes at the second annual Wadams Way Fun Run & Ride. Presented by Sooke Family Resource Society, the event this year will be a collaboration with the District of Sooke to officially open the newly upgraded John Phillips Memorial Park Loop Trail.

The Fun Run & Ride is a free or by-donation activity that takes place on the same day as the third annual Wadams Way Public Market; start location is at the Market, 6672 Wadams Way. Individuals can register in advance, or on event day at 9am. While waiting for the ride to start at 9:30am, young riders are encouraged to decorate their bikes with streamers, stickers and bows at our bike decorating station. The walk/run will start at 10am following the Mayor's Welcome and Official Opening of the event and the John Phillips Memorial Park Loop Trail. We will encourage our Mayor to join other moms in the walk with her baby stroller. All participants will be rewarded with complementary fruit, granola bars, and water. As well, those who finish the course will receive a merit badge acknowledging their participation.

The event will be promoted to citizens of all ages as an "active living" event, encouraging parents to participate with their children, moms to bring babies in strollers, and seniors to enjoy an active walk on Sooke's newly upgraded Loop Trail.

Following refreshments, participants are encouraged to enjoy the Wadams Way Public Market taking place from 10am to 2pm. New to the Market this year is our main stage that will showcase local talents and physical fitness demonstrations.

The Wadams Way Fun Run & Ride encourages Sooke community members of all ages and abilities to take part in physical activity in a non-competitive, welcoming setting. This is not a race. The course will not be formally measured (we'll have an approximate distance) and we will not record times. We want to emphasize that the Fun Run & Ride is about celebrating healthy living through movement and participation.

The collaboration with the District of Sooke will help promote the new trails, and draw attention to the expanding network of multi-purpose trails in Sooke. We anticipate that following the Fun Run & Ride, participants will feel encouraged to stay physically active, and share the new trails with other community members. This is the second year of the Fun Run & Ride, and we expect to be presenting it annually.

The primary function of this event is to promote active living and to encourage families to participate in physical activity together. Other benefits would be the money raised through registrations, community exposure for Sooke Family Resource Society, and an opportunity to showcase the important health and social services provided by the Society.

Sooke Family Resource Society is a CARF accredited organization, serving the greater Sooke community since 1984. We are recognized for our commitment to quality health and social programs and services, our strong community collaborative engagements, and our accountable fiscal practices. All funds raised through registration will go directly to supporting our programs and services, including our affordable counselling program, support services for adults with disabilities, family support programs, youth outreach and counselling services, and prenatal education and outreach.

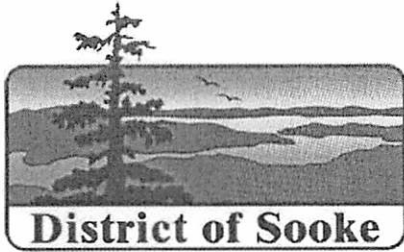
The benefits of the Fun Run & Ride are, at very least:

- Community members of all ages will engage in inclusive physical activity;
- Registrations collected will promote local programs and services that support and improve the quality of life for Sooke residents;
- Sooke Family Resource Society receives greater recognition and support in the community (friendraising);
- The community's newest improved running and biking trail will be showcased, encouraging locals to make good use of this new community asset.

Thank you for considering this request.

**SOOKE FAMILY RESOURCE SOCIETY
Fun Run and Ride 2016
Event Budget**

<u>Revenue</u>	<u>In Kind</u>	<u>Requested</u>	
District of Sooke		\$ 300.00	
Sooke Rotary		\$ 500.00	
Sooke Family Resource Society	\$ 2,000.00		
Sooke Track and Road Runners	\$ 800.00		
Sooke RCMP	\$ 400.00		
	<u>\$ 3,200.00</u>	<u>\$ 800.00</u>	
Revenue Total			<u><u>\$ 4,000.00</u></u>
<u>Expenses</u>			
Professional services		\$ 400.00	
Coordination		\$ 1,000.00	
General labour		\$ 1,500.00	
Insurance		\$ 250.00	
Promotion		\$ 200.00	
Fruit/snacks		\$ 175.00	
Volunteer appreciation		\$ 150.00	
Event supplies (route signs, decorations, etc)		\$ 300.00	
Water		\$ 25.00	
Expenses Total			<u><u>\$ 4,000.00</u></u>



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DATE: August 16, 2016 REQUESTED MEETING DATE: August 22, 2016

NAME: Ekaterina Karassev

ORGANIZATION NAME (if applicable): _____

ADDRESS: _____ Sooke BC _____

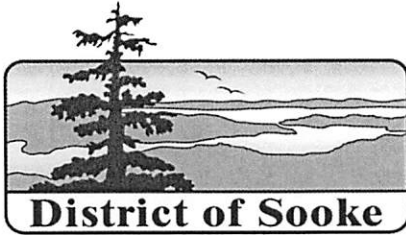
CONTACT NUMBER: Ekaterina Karassev

EMAIL ADDRESS: _____

TOPIC: Regulation Marijuana Dispensaries
in sooke

Please find listed resources in the forwarded
e-mail.

AUDIOVISUAL NEEDS (if any): _____



File No. 3060-01

REQUEST FOR DECISION
Special Council Meeting
August 29, 2016

To: Teresa Sullivan, Chief Administrative Officer
From: Development Services
Re: **Development Permit Delegation Bylaw**

SUGGESTED ACTION:

THAT COUNCIL give first, second and third reading to Bylaw No. 468, *Development Permit Delegation Bylaw, 2016*.

1. Executive Summary:

Currently, all Development Permits (DP's) for commercial, residential, industrial, institutional, environmental and subdivision, as well as all DP amendments must be approved by Council. The purpose of proposed Bylaw 468 is to delegate approval of some development permits to the Director of Development Services, in order to streamline the development permit approval process.

Development Permits approving twenty-five (25) or fewer units may be approved by the Director of Development Services. If more than twenty-five units are proposed, then the development permit will require Council approval. Certain types of development permits would continue to come to Council for consideration and approval. This bylaw is presented in response to the motion passed by Council at the June 27, 2016 Regular Council Meeting.

2. FAQ

Why is this bylaw being brought forward?

Bylaw No. 468 is brought forward in response to the following motion passed at the June 27, 2016 Regular Council Meeting:

MOVED K. Pearson – R. Kasper

THAT staff provide a report on options to streamline the Development Permit process.

CARRIED

What is the intent of this bylaw?

The intent of the Development Permit Delegation Bylaw is to delegate the approval of some Development Permits (DP's) to the Director of Development Services.

What is the advantage of delegating some Development Permits?

Delegation improves turn around times for DP's. Depending on volume, a typical DP takes 6-10 weeks to process. By removing a scheduled Council meeting from this process, a typical application can be completed in half the time.

Delegation will also allow Council to focus more on the 'big picture' items related to policy and governance, rather than site specific development issues.

Council would still have approval authority for some development permits. Ie. Applications that are more than 25 residential units, proposed buildings larger than 2500m², or where phasing needs to be outlined as a condition of permit.

What about Development Variance permits?

Variance permits will continue to be considered either by Council or the Board of Variance as per legislation. Any application that requires a variance will continue to be forwarded to either Council or the Board of Variance for decision.

Is it common for municipalities to delegate the approval of DP's?

Such delegation is very common throughout municipalities in BC, with many jurisdictions giving all approval power for DP's, or with some limitation for the size of the building, number of units, etc.

How can Council be kept informed of approved permits?

A system of regular reporting can be established to provide information on permits approved by the Director of Development Services.

Is the same approval process followed?

The same basic DP process is followed. The applicant must submit all required information, the application is then referred out to relevant agencies, a staff report is prepared for the Director of Development Services to review (including analysis of Development Permit Guidelines in the OCP, Zoning regulation, and other applicable policies), and then the Director has the ability to issue the permit.

3. Development Permit Approval

Table 1: Summary of approval authorities

Council Approval	Director Approval
>25 dwelling units	25 or less dwelling units
Commercial, Industrial, Institutional buildings > 2500m ²	Commercial, Industrial, Institutional buildings <2500m ²
Development Permits occurring in phases	All DP's required for the subdivision or alteration of land (environmental); and construction of additions to or alteration of a building or structure
Development Variance permits	Amendments to existing DP's (where Council approval would not be triggered)

Table 1 outlines when Council would make a decision, and when the Director has been delegated authority to make a decision. The intent is to delegate approval authority for some developments, while leaving the approval authority with Council for larger scale DP's.

- Commercial, industrial, or institutional developments less than 2500m² of gross floor area may be approved by the Director of Development Services.
- Legislation requires that conditional phasing outlined in a development permit requires Council approval. These developments are typically larger-scaled, and may involve a mix of uses.
- All development permits required for the subdivision or alteration of land may be approved by the Director of Development Services. Such DPs are typically technical in nature and require supporting documentation/studies from qualified professionals prior to DP issuance.
- DP's that are required for construction of additions or alterations of buildings.
- DP amendments to existing development permits may be approved by the Director of Development Services.

4. Legal Impacts:

In accordance with Section 154 of the Community Charter, Council may delegate to “an officer or employee of the municipality” its powers to approve development permits. An applicant does, however, have the right to have Council reconsider the decision of the delegate if they wish. The process for reconsideration of the application is described in the proposed bylaw (attached).

5. Financial Impacts:

There are no financial impacts to the District.

6. Implication of Recommendation

Faster turn around times for development permit approvals.

7. Strategic Relevance

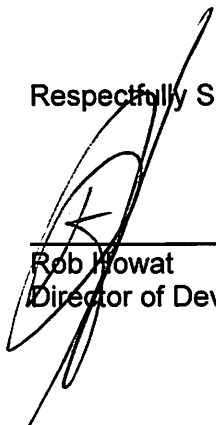
This proposal meets the following strategic priorities in Council's 2016 Corporate Strategic Plan:

COMMUNITY PLANNING – The District will work towards streamlining planning processes to encourage investment and job growth in the community.



Attached Documents:

1. Draft Bylaw No. 468

Respectfully Submitted,



Rob Howat
Director of Development Services

Approved for Council Agenda	
 Development Services	 Corporate Services
 Financial Services	 Fire Services
 CAO	



DISTRICT OF SOOKE

BYLAW No. 468

A bylaw to delegate the Council's powers in respect of development permits.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as *Development Permit Delegation Bylaw No. 468, 2016*.
2. In this Bylaw:

Act means the *Local Government Act* as amended from time to time

Community Charter means the *Community Charter* as amended from time to time

Corporate Officer means the official appointed by Council to this role

Director of Development Services means the official appointed by Council as the head of the Development Services Department of the District of Sooke

District means the District of Sooke;

Council means the elected council of the District of Sooke.

Development Permit Approval Delegation

3. Council hereby authorizes the Director of Development Services or designee to exercise all of the powers, duties and functions of the Council pursuant to section 154(1) of the *Community Charter* and s.490(5) of the *Act*, in respect of development permits issued within development permit areas.

Review By The Director of Development Services

4. The Director of Development Services may issue, amend, refuse, impose requirements, set conditions and standards including the sequence and timing of construction and security for development permits in accordance with the *Local Government Act*, except for development permits that vary a bylaw or which form part of a Phased Development Agreement. The Director of Development Services or designee may therefore approve the following types of development permits:
 - a) Any residential developments of 25 units or less;
 - b) Commercial, industrial or institutional development with 2500 square metres or less of gross floor area;
 - c) Development permits required for the subdivision or alteration of land, or construction of, addition to or alteration of a building or structure; and
 - d) Amendments to existing development permits that do not exceed the authority granted in parts a, b, or c.

Reconsideration By Council (as per s. 156 of the Community Charter and s. 232 of the *Act*)

5. All of the following apply to any decision by the Director of Development Services or designee under section 4:
 - a) Any owner of property subject to a decision under section 4 who is dissatisfied with the decision is entitled to have the decision reconsidered by Council in accordance with this section;
 - b) An owner who wishes to have a decision reconsidered by Council must apply for the reconsideration by delivering written notice of the request for reconsideration to the Corporate Officer, within 30 days after the decision is communicated in writing to the owner, and provide:
 - (i) The name of the delegate who made the decision, the date of the decision and the nature of the decision;
 - (ii) Reasons why the owner wishes the decision to be reconsidered by Council;
 - (iii) The decision the owner requests be made by Council, with brief reasons in support of the requested decision; and
 - (iv) A copy of any materials considered by the owner to be relevant to the reconsideration by Council;

- c) A reconsideration of the application must be considered by Council at a regular meeting of Council held at least two weeks after the date on which the reconsideration application is delivered to the Corporate Officer;
- d) The Corporate Officer of the District of Sooke must:
 - (i) Place each reconsideration application on the agenda for a regular meeting of Council in accordance with section 4(c);
 - (ii) Give notice of each reconsideration by Council in accordance with any notice requirements in respect of the original application that are set out in the *Act* or the District of Sooke *Development Procedures Bylaw*; and
 - (iii) Before each reconsideration by Council, deliver to each Council member a copy of the materials that were considered by the Director of Development Services or designee in making the decision that is to be reconsidered;
- e) In reconsidering a decision the Council must consider the material that was considered by the CAO or Director of Planning in making the decision and any further materials delivered by the owner;
- f) Council is entitled to adjourn a reconsideration of a decision; and
- g) After having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council.

Scope of Bylaw

- 6. For clarity, subject to the *Community Charter* and the *Act*, unless a power, duty or function of Council has been expressly delegated by this Bylaw or another Bylaw as such, all of the powers, duties and functions of Council remain with Council.

Delegation To Persons Holding Position

- 7. Where this Bylaw delegates a power, duty or function to a named position, the delegation of the power, duty or function is to the person who from time to time holds the position and to any person who from time to time is appointed by Council as the deputy of that person.

No Delegation By A Delegate

8. For clarity, a person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

Introduced and read a first time the ____ day of _____, 2016.

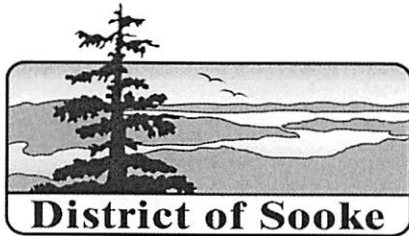
Read a second time the ____ day of _____, 2016.

Read a third time the ____ day of _____, 2016.

Adopted on the ____ day of _____, 2016.

Maja Tait
Mayor

Gabryel Joseph
Corporate Officer



File No. 2240-20

REQUEST FOR DECISION
SPECIAL COUNCIL
Meeting Date: August 29, 2016

To: Teresa Sullivan, Chief Administrative Officer
From: Financial Services
Re: MIABC Associate Member coverage – Morwenna Holdings

RECOMMENDATION:

THAT Council approves the Service Provider Agreement between the District of Sooke and Morwenna Holdings Ltd.

Executive Summary:

Last month Council approved the appointment of Russ Cameron as interim Fire Chief for the District of Sooke. Morwenna Holdings Ltd (Russ Cameron) has requested to be added as an Associate Member to the District's commercial general insurance coverage with the Municipal Insurance Association of BC (MIABC).

MIABC has provided a template Service Provider Agreement (attached) to facilitate the application for Associate Member coverage. Council resolution approving the Service Provider Agreement is required as part of the MIABC application process.

Attached Documents:

1. Service Provider Agreement – Morwenna Holdings

Respectfully,

Brent Blackhall, CPA, CA
Director of Financial Services

Approved for Council Agenda

Development
Services

Corporate Services

Financial Services

CAO



MUNICIPAL INSURANCE ASSOCIATION
OF BRITISH COLUMBIA

SERVICE PROVIDER AGREEMENT

This Service Provider Agreement (the "Agreement") is made and entered into this 8th day of August, 2016 by and in between District of Saake (the "Local Government") and Morwenna Holdings Ltd (the "Service Provider").

The Service Provider agrees to provide the following services for or on behalf of the Local Government:

Emergency Fire services consulting
Provision of Leadership for Fire Department (Fire Chief)
as per general services agreement # 00000062DK (Interim Fire Chief Services)

The term of the Agreement is from the 8th day of August, 2016 and the 28th day of October, 2016.

The term of the Agreement is perpetual commencing the _____ day of _____.

While providing the agreed service, the Service Provider agrees to comply with: all applicable laws, rules and regulations; the practices, procedures and policies of the Local Government; and any special instructions given to the Service Provider by representative(s) of the Local Government.

The Local Government agrees to obtain commercial general liability insurance coverage from the Municipal Insurance Association of British Columbia (MIABC) naming the Service Provider as an Additional Named Insured entitled to full coverage in the amount of \$5,000,000 with respect to third party liability claims arising from the provision of the agreed service. The Service Provider agrees to carry its own statutory worker's compensation insurance and automobile liability insurance, if appropriate.

The Service Provider agrees to indemnify, defend and hold harmless the Local Government, its agents, servants, employees, trustees, officers and representatives from any liability, loss or damage which the Local Government may suffer as a result of any claims, demands, costs, actions, causes of actions, or judgments, including legal fees, asserted against or incurred by the Local Government arising out of, during, or as a result of the provision of services outlined in the Agreement except such liability, loss, or damage which is the result of, or arising out of, the sole negligence of the Local Government or that is covered by the MIABC liability insurance policy.

- The Local Government agrees to be responsible for any and all deductible amounts including any claim expenses incurred and policy premium payments.
- The Service Provider agrees to be responsible for any and all deductible amounts including any claim expenses incurred and policy premium payments.

The Local Government reserves the right to terminate this Agreement and the associated commercial general liability insurance coverage provided to the Service Provider by the MIABC at any time upon written notification to the Service Provider of the termination.

ON BEHALF OF <LOCAL GOVERNMENT>

Name: TERESA SULLIVAN

Title: CEO

Signature: [Signature]

Date: August 8, 2016

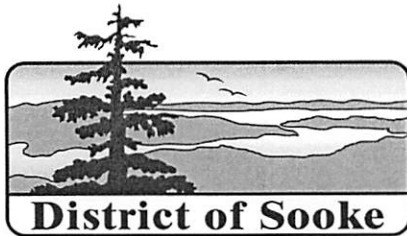
ON BEHALF OF <SERVICE PROVIDER>

Name: RUSSELL H. CAMERON

Title: PRESIDENT, MORWEENA HOSPITAL

Signature: [Signature]

Date: Aug 8/2016



File No. 1970-20

REPORT FOR INFORMATION
Regular Council
Meeting Date: August 29, 2016

To: Teresa Sullivan, Chief Administrative Officer
From: Financial Services
Re: **Delinquent Property Taxes on Mobile Homes**

RECOMMENDATION:

THAT COUNCIL receive this report for information.

1. Executive Summary

There are currently 36 mobile homes within mobile home parks that have delinquent property taxes. This has been the case for a number of years with these particular properties. The total property taxes owing on these delinquent properties is approximately \$52,000 (delinquent amount of approximately \$29,000).

The District can not take mobile homes in a mobile home park to tax sale since the property taxes are not owing in respect of land. The Tax sale provisions in the Local Government Act only apply to real property (the land and improvements on that land).

Since tax sale is not an option for these delinquent accounts, the District has attempted in the past to seek other remedies. The available other remedies in legislation include:

- The District could seize and sell the mobile home owner's goods and chattels in order to recover the taxes due.
- The District could register a financing statement in the Personal Property Registry. This creates a lien (under section 28 of the Manufactured Home Act) which would take priority over other security interests, other than a claim of government.
- The District could file a certificate in Supreme Court under section 31 the Manufactured Home Act. The certificate can be enforced as if it were a Supreme Court judgement order under the Court Order Enforcement Act. This would allow for enforcement options including garnishment and execution against real and personal property.

The District could also list these properties publicly as part of the listing of all delinquent property taxes owing (Annual Tax Sale advertisement).

these properties to tax sale like other delinquent accounts due to the land not being owned by the mobile home owner


Attached Documents:

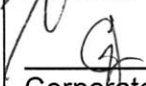
Listing of Delinquent Property Taxes –
Mobile Homes. (To be provided separately)


Respectfully,




Brent Blackhall, CPA, CA
Director of Financial Services

Approved for Council Agenda


Development
Services


Corporate Services


Financial Services


CAO