



PH-1

**Public Hearing
Information Package**

January 9, 2017 at 7:00 pm
Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

2110 & 2120 Church Road

Proposed Bylaw:	Bylaw No. 641, <i>Zoning Amendment Bylaw (600-27)</i>
Zoning Amendment:	A bylaw to amend Bylaw No. 600, <i>Sooke Zoning Bylaw, 2013</i> for the purpose of amending the text of the CD11 Knox Centre CD Zone to allow for apartment buildings as a permitted use in Area A.

Information Package Contents:

1. Notice of Public Hearing published in Sooke News Mirror December 28, 2016 and January 4, 2017. 1
2. Bylaw No. 641, *Zoning Amendment Bylaw (600-27)* at second reading. 3
3. Council resolution dated December 12, 2016. 5
4. Staff Report to Council dated: December 12, 2016, including: 7
 - Application Summary
 - Referral Comments
 - Subject Property Map
 - Current CD11 Zone
 - Letter from Applicant dated Nov 18, 2016
 - Draft Bylaw No. 641
 - S. 219 Covenant & Modification

*Please note that written and verbal submissions will
become part of the public record.*



NOTICE OF PUBLIC HEARING

The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the *Local Government Act* in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday, January 9, 2017** commencing at 7:00 pm.

Application Information:

Bylaw: Bylaw No. 641, *Zoning Amendment Bylaw (600-27)*
File No: PLN01289
Properties Zoned CD11 (Area A):
Civic Address: 2110 & 2120 Church Road (shown outlined in black and hatched on the subject map)
Legal Description: Lot 1, Section 10, Sooke District, Plan VIP86034
Applicant: **Joe Newell, Architect, AIBC**
612 Yates Street, Victoria BC V8W 1K9

Proposal:

The purpose of Bylaw No. 641, *Zoning Amendment Bylaw (600-27)* is to amend the CD11 Knox Centre Zone to add 'apartment building' as a permitted principal use in Area A. The applicant intends to construct a 40-unit residential/mixed use building.

Further Information:

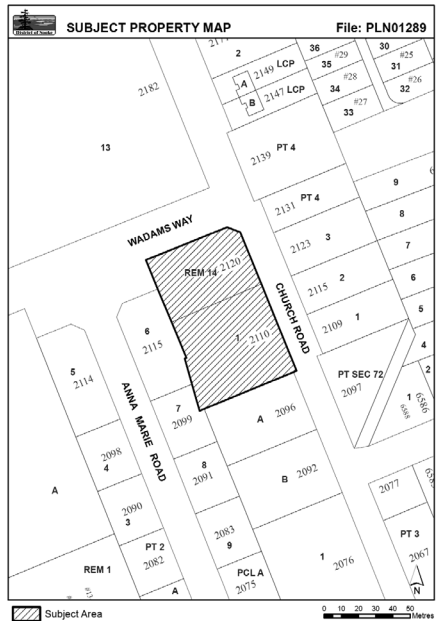
Copies of the bylaw(s), supporting written reports and any relevant background documentation may be viewed in the "Public Notices" section of the District of Sooke website www.sooke.ca or

inspected at the District Municipal Offices at 2205 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays) beginning December 28, 2016 up to and including January 9, 2017.

Public Input:

All persons who believe their interests in property are affected by the proposed bylaw(s) will be afforded an opportunity to be heard at the Public Hearing on the matters contained in the proposed bylaw(s). Should you have any concerns or comments you wish to convey to Council, please submit in writing by fax to 250-642-0541, email publichearing@sooke.ca or in person to the Corporate Officer at the District Municipal Offices no later than **Monday, January 9, 2017 at 12:00 pm**. Please be advised that submissions to Council will become part of the public record.

NOTE: Council cannot receive further information concerning this application after the Public Hearing has concluded.





**DISTRICT OF SOOKE
ZONING AMENDMENT
BYLAW NO. 641**

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the text of the CD11 Knox Centre CD Zone to allow for apartment buildings as a permitted use in Area A.

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

1. This bylaw is cited as *Zoning Amendment Bylaw No. 641(600-27)*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013*, Schedule 811 – Knox Centre CD Zone (CD11), is amended as follows:
 - a. By adding the word “multi-family” after the words “assisted living” and before the word “commercial” to section 8.11.1.
 - b. By adding the words “c) Apartment Building” under the heading “Principal Uses, A:” to Section 811.2 “Permitted Uses: Area A”, and alpha re-numbering accordingly.
 - c. By adding the sentence, “The provisions of the RM4 zone apply to apartment buildings without commercial uses on the first storey.” to Section 811.7 “Conditions of Use”.

READ a FIRST and SECOND time the 12 day of December, 2016.

PUBLIC HEARING held the ___ day of _____, 2017.

READ a THIRD time the ___ day of _____, 2017.

APPROVED under the Transportation Act the ___ day of _____, 2017,
by the British Columbia Ministry of Transportation and Infrastructure.

ADOPTED the __ day of _____, 2017.

Certified by:

Maja Tait
Mayor

Gabryel Joseph
Corporate Officer

BYLAWS

B-1 Bylaw No. 641, *Zoning Amendment Bylaw, 2016 (600-27) - 2110/2120 Church Road*

The Development Services department provided a powerpoint presentation and overview of the written staff report. The purpose of the bylaw is to amend the CD11 Knox Centre Zone to add 'apartment building' as a permitted use in the Area A category. The applicant intends to construct a 40-unit residential/mixed use building.

MOVED K. Reay - B. Parkinson

THAT Bylaw No. 641, *Zoning Amendment Bylaw, 2016 (600-27)*, be read a first time.

CARRIED

In Favour:

Councillor Logins, Councillor Parkinson, Councillor Pearson, Councillor Reay, Mayor Tait

Absent:

Councillor Berger, Councillor Kasper

MOVED B. Parkinson – E. Logins

THAT Bylaw No. 641, *Zoning Amendment Bylaw, 2016 (600-27)*, be read a second time;

AND THAT staff be directed to schedule a Public Hearing for Bylaw No. 641, *Zoning Amendment Bylaw, 2016 (600-27)*.

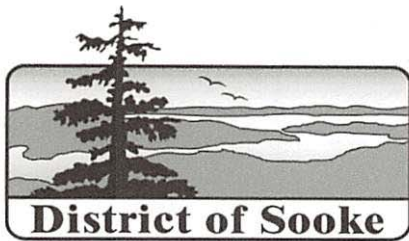
CARRIED

In Favour:

Councillor Logins, Councillor Parkinson, Councillor Pearson, Councillor Reay, Mayor Tait

Absent:

Councillor Berger, Councillor Kasper



File No. PLN01289

REQUEST FOR DECISION
REGULAR COUNCIL
Meeting Date: December 12, 2016

To: Teresa Sullivan, Chief Administrative Officer
From: Development Services
Re: 2110/2120 Church Road – Knox Centre CD Zoning Amendment

RECOMMENDATION:

THAT COUNCIL give first and second reading to Bylaw No. 641, *Zoning Amendment Bylaw (600-27)*;

AND THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 641 in accordance with the requirements of the *Community Charter* and the *Local Government Act*.

Executive Summary:

The applicant, Knox Vision Society, would like to include 'apartment building' to Area A of the CD11 Knox Centre Zone to facilitate a 40-unit residential development with commercial space on the main floor. The Society is focussing on providing affordable housing options for individuals and families.

The Society was recently awarded provincial funding for a mixed-use proposal, therefore it will be necessary to include the use 'apartment building' in Area A of the CD11 Knox Centre Zone for the proposal to move forward.

Frequently Asked Questions

What is currently allowed in Area A of the CD11 Zone?

- Assisted Living Facility



- Community Care Facility
- Several accessory uses including restaurant, office, institutional use, health services and assembly, including place of worship. (CD11 Zone Attached)

Background:

This text amendment affects Area A of the CD11 Knox Centre Zone, which includes 2110 and 2120 Church Road. The total site area impacted by this proposal is 1.3ac (0.53ha) of land. There is an existing church and parking lot on 2110 Church Road, while 2120 Church Road contains no structures and is treed on the north end of the site.

Initially, the Society was focussed on providing an Assisted Living or a Community Care Facility on the property, but have refocussed its' attention on providing affordable housing in the form of apartments.

Legal Impacts:

Rezoning applications must be consistent with the *Official Community Plan, 2010*.

Bylaw No. 400, Sooke Official Community Plan 2010 (OCP)

The OCP designates the property as *Town Centre* and it falls within the *Community Growth Area*. The Town Centre designation is the area within which medium to high density residential growth is encouraged to occur. Residential development is targeted towards the Community Growth Areas, where municipal services can be provided or accessed in an efficient manner. These subject properties are the north anchor of the Town Centre, and will bring more people into the town centre to live and work within walking distance to shopping, community services, and schools.

The following are relevant sections of the OCP that support this application:

3.2.1 SOOKE'S "THRIVABILITY"

- a) Supporting the provisions of health care, social services, education and daily living requirements;
- d) Allowing people to age in place;
- e) Providing opportunities for social support networks;
- i) Promoting, creating and supporting affordable housing for a variety of ages and financial capacities;

3.2.5 SOOKE SMART GROWTH

- c) Ensuring growth is fiscally, environmentally and socially responsible, and recognize the connections between development and quality of life;
- d) Prioritizing infill, redevelopment and densification strategies and mixed use;

4.6 HEALTH AND QUALITY OF LIFE

4.6.2.c) Promote a healthy corresponding built environment (housing, roads, pathways) in order to increase the opportunities for local residents and visitors to make healthy lifestyle choices;

d) Create safe, walkable neighbourhoods;

h) Reduce Sooke's travel dependence on the automobile;

4.7 HOUSING

4.7.1 b) Ensure provision of a range of housing types, tenures and densities, which meet the diverse needs of individuals and families of varying income levels and demographics;

c) Provide affordable and attainable housing opportunities;

e) Secure and promote options for seniors' housing, including independent living and special needs;

4.7.3 m) Encourage multi-family residential developments in the Town Centre

5.4 TOWN CENTRE

5.4.1 Concentrate retail uses, services, personal services, facilities and entertainment within the Town Centre;

Ensure a mix of uses including high density residential;

5.4.3 i) Reduce the dominance of the automobile in the Town Centre;

Analysis:

This proposal will accommodate 40 apartment units. It is intended that the units will be rented at an affordable level for both individuals and families in Sooke. The project will be funded in partnership by the Knox Vision Society and BC Housing.

The proposal includes commercial space and amenity space on the ground floor, which will serve the larger neighbourhood and residents.

This amendment to the existing zoning brings more people into the Town Centre and increases opportunities for residents to live and work within walking distance to shopping, community services, and schools.

This site has excellent pedestrian connectivity in all directions. Since the original rezoning of this site, several road improvements have happened in this neighbourhood:

1. Wadams Way, including the multi use pathway on the south side of the street, has been completed, providing better pedestrian linkages to Town Centre services and transit options; and
2. Church Road provides excellent pedestrian access combining sidewalk and multi use pathway, and recent improvements at the corner of Throup and Church Roads.

The covenant registered to title requires that a transit stop locate in front of the site, so access to transit will be provided and improved in this area. Transit stops along Sooke Road are also within a reasonable walking distance from the site.

Covenants:

A Development Agreement (S.219 Covenant) was entered into as part of the rezoning application. These two lots will be consolidated as part of the Development Permit. The covenant has been attached for reference.

Development Permit:

Section 18.2 of the OCP requires that this proposal be reviewed in detail through the Development Permit to ensure that the Form & Character of the overall site and the building is addressed. Once a Development Permit is issued, a building permit approval will be necessary.

Strategic Relevance:

COMMUNITY PLANNING - The District will work towards streamlining planning processes to encourage investment and job growth in the community. Ensure our bylaws reflect community needs and values.


Financial Impacts:

The developer will pay all costs associated with site improvements and development, and are bound by District of Sooke Bylaws and the S.219 Covenant registered to title.

Attached Documents:

- 1. Application Summary
- 2. Referral Comments
- 3. Subject Property Map
- 4. Current CD11 Zone
- 5. Letter from Applicant dated Nov 18, 2016
- 6. Draft Bylaw No. 641
- 7. S.219 Covenant & Modification

Approved for Council Agenda

 _____ Development Services	 _____ Corporate Services
 _____ Financial Services	_____ Fire Services
 _____ CAO	

Respectfully submitted,



Katherine Lesyshen, MCIP, RPP
Planner II

APPLICATION SUMMARY

Address	2110 & 2120 Church Road
Legal	Lot 1, Section 10, Sooke District, Plan VIP86034 and Lot 14, Section 10, Sooke District, Plan 1057, Except that part in Plan VIP86034
Existing Zoning	CD11 Knox Centre Zone
Parcel Size	0.53ha (1.3 ac)
Services	Water: CRD Water Sewer: Municipal Sewer Drainage: On-site
Adjacent Land Uses	North: Residential East: Residential South: Residential West: Residential

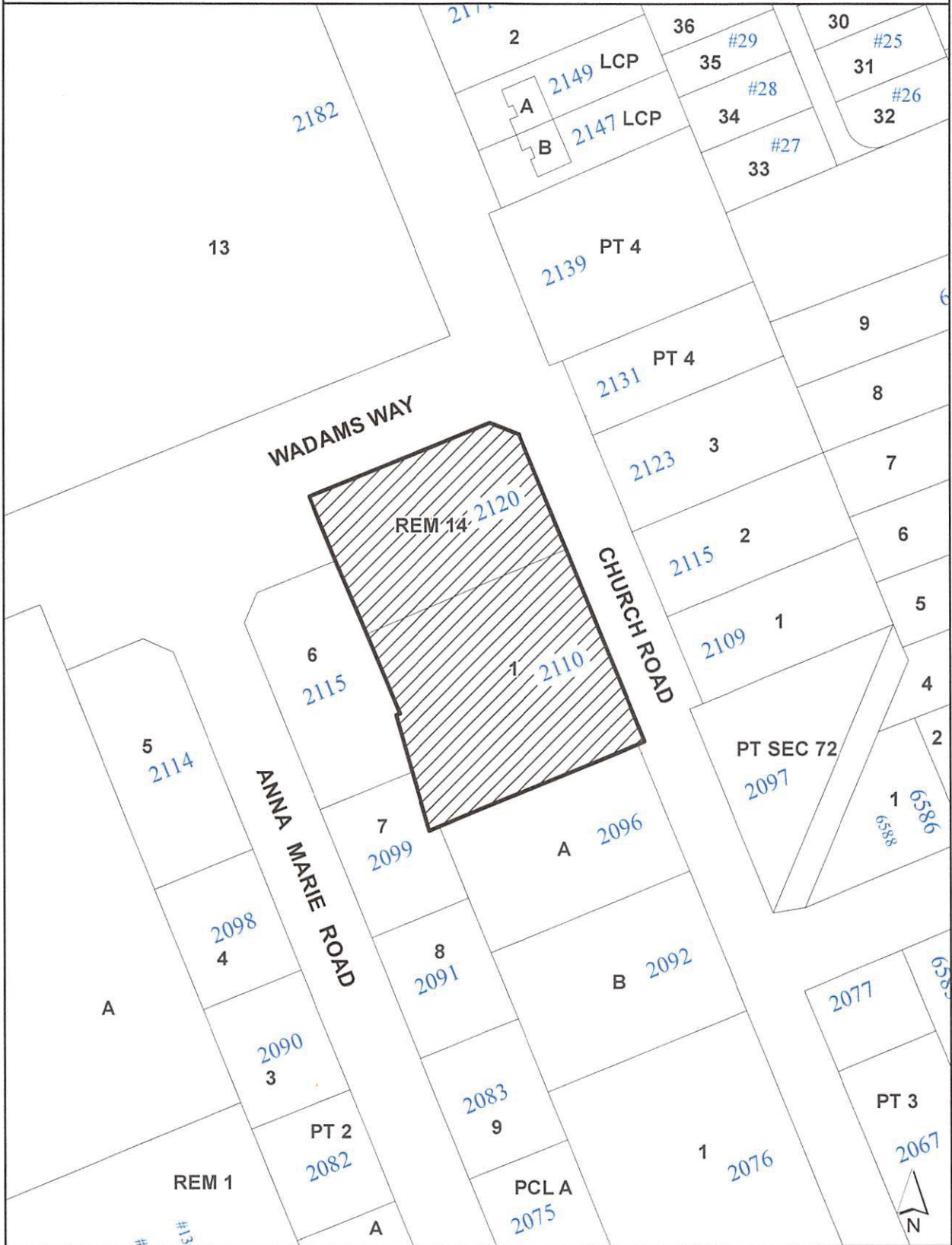
**SUMMARY OF COMMENTS RECEIVED FOR 2120/2110 Church Road
IN RESPONSE TO DISTRICT OF SOOKE REFERRAL SENT Nov 22, 2016**

EXTERNAL REFERRALS	
Agency	Comments
Sooke Building	No response
Sooke Fire	No response
Sooke Development Services	No concerns
Ministry of Transportation	No concerns

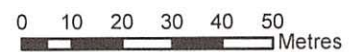


SUBJECT PROPERTY MAP

File: PLN01289



 Subject Area



Knox Centre CD Zone

CD11

811.1 Purpose: This zone provides for assisted living, commercial and institutional uses within the District of Sooke.

811.2 Permitted Uses:
(amended by Bylaw No. 577 adopted October 14, 2013)

Principal Uses: Area A

- a) Assisted Living Facility
- b) Community Care Facility

Principal Uses: Area B

- a) Assisted Living Facility
- b) Community Care Facility
- c) Cooperative housing
- d) Health services
- e) Institutional use
- f) Office
- g) Personal services
- h) Restaurant
- i) Retail

Accessory Uses: Area A and Area B

- a) Assembly Use
- b) Cemetary
- c) Employee Housing
- d) Health Services
- e) Horticulture
- f) Institutional use
- g) Office
- h) Parking lot, parkade
- i) Personal services
- j) Place of worship
- k) Restaurant

811.3 Minimum Lot Size for Subdivision Purposes: 7000 m²

811.4 Maximum Height:

- a) Principal Buildings: 15 m
- b) Accessory Buildings: 9 m

811.5 Maximum Lot Coverage: 50% *(added by Bylaw No. 577 adopted October 14, 2013)*

811.6 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Principal Building or Structure	3 m	2 m	3 m	4.5 m
Accessory Buildings or Structures	4.5 m	4.5 m	1.2 m	4.5 m

811.7 Conditions of Use:

Recession plan rules may apply for buildings and structures more than 6 m in height. See General Regulations.

811.8

Subject Property Map: The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The Subject Property Map is provided for information purposes only. *(added by Bylaw No. 577 adopted October 14, 2013)*



November 18, 2016

District of Sooke
2205 Otter Point Road
Sooke, B.C., V9Z 1J2

Attention: Mayor and Council

RE: 2110 / 2120 Church Road – Proposed Knox Vision Society Affordable Rental Housing

We are writing to request that the existing CD 11 Zone (Knox Centre CD Zone) be re-worded to permit Affordable Rental Multi-Family Residential, or simply Multi-Family Residential as a principal use.

The Knox Vision Society was established partially as a means of realizing a vision to provide affordable rental housing for the residents of Sooke and the surrounding area. The Society believes that their primary asset, in the form of the land upon which the existing Knox Presbyterian Church and cemetery is located, should also be used to develop an amenity that will benefit the community at large. To this end they wish to develop a multi-family residential project of affordable rental units for individuals and families. The Society has recently been notified that their application for funding to BC Housing under BC Housing's Partners In Affordable Housing program was successful, and they now wish to move ahead with the required municipal approvals to secure this funding.

Previously, the properties belonging to the Church and Society, were rezoned to permit assisted living housing. The zone specifically identifies Assisted Living Facilities and Community Care Facilities as principal uses with cemeteries and places of worship as accessory uses. In deciding on a way forward in their goal of providing a housing facility on a portion of the Knox Presbyterian Church property, the Society has determined that assisted living and community care facilities do not fit their mandate as well as providing affordable rental housing with BC Housing funding.

The Society is therefore submitting this application to have the CD 11 Zone re-worded to allow Affordable Multi-Family Rental Residential, or simply, Multi-Family Residential, as a permitted principal use, at least within Area A of the Zone.

The proposed project, preliminary drawings of which accompany this application, will contain 40 apartment style residential suites served by central corridors on 5 floors. The height of the building will conform to the maximum height requirement of the CD 11 zone by virtue of the sloped portion of the property on which it will be situated. The lowest floor will back into the slope and will have ground level, accessible, one-bedroom suites opening on to the new sidewalk along Waddam's Way. The remainder of the lowest floor will contain service rooms, storage cubicles, an enclosed waste and recycling collection station, and a small café with indoor and outdoor seating.

The 2nd floor will contain 1, 2 and 3 bedroom suites as well as an amenity space for use by the community. In addition there will be a small annex to replace the extension on the rear of the existing church building. This structure will be removed (leaving the church intact) to make space for the parking area.

The upper three floors will contain residential suites of 1, 2 and 3 bedrooms. The uppermost floor will step back from Wadam's Way by approximately 30 feet so that the building will present 4 storeys on the North side. Due to the rising land along Church Road, the building will present 4 storeys on the East side as well with the exception of the North East corner where the building steps down to appear as 3 storeys.

Parking will be provided to accommodate at least one car per suite plus visitor's spaces. In addition, the parking area to the South of the Church will be paved and marked to accommodate at least 15 cars for the Knox Presbyterian Church congregation.

The provision of affordable rental housing in Sooke is seen as a critical and worthy endeavor by the Society. Rising costs of accommodation both to purchase and to rent, make it increasingly difficult for low income individuals and families to find safe, affordable and comfortable accommodation close to employment. The partnership of the Knox Vision Society with BC Housing has provided the Society with the financial means to realize this goal of safe and affordable multi family housing. Revising the wording of the zone to allow additional uses to Assisted Living and Community Care facilities, will allow this important and much needed housing project to move forward.

Yours Sincerely,

JOE NEWELL ARCHITECT INC



Joe Newell, Architect.aibc



**DISTRICT OF SOOKE
ZONING AMENDMENT
BYLAW NO. 641**

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the text of the CD11 Knox Centre CD Zone to allow for apartment buildings as a permitted use in Area A.

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

1. This bylaw is cited as *Zoning Amendment Bylaw No. 641(600-27)*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013*, Schedule 811 – Knox Centre CD Zone (CD11), is amended as follows:
 - a. By adding the word “multi-family” after the words “assisted living” and before the word “commercial” to section 8.11.1.
 - b. By adding the words “c) Apartment Building” under the heading “Principal Uses:” to Section 811.2 “Permitted Uses: Area A”, and alpha re-numbering accordingly.
 - c. By adding the sentence, “The provisions of the RM4 zone apply to apartment buildings without commercial uses on the first storey.” to Section 811.7 “Conditions of Use”.

READ a FIRST and SECOND time the ___ day of December, 2016.

PUBLIC HEARING held the ___ day of _____, 2017.

READ a THIRD time the ___ day of _____, 2017.

APPROVED under the Transportation Act the ___ day of _____, 2017,
by the British Columbia Ministry of Transportation and Infrastructure.

ADOPTED the __ day of _____, 2017.

Certified by:

Maja Tait
Mayor

Gabryel Joseph
Corporate Officer

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Marvin William Hallgren
4DNSBA
Digitally signed by Marvin William Hallgren 4DNSBA
DN: cn=CA, cn=Marvin William Hallgren 4DNSBA, o=Lawyer, ou=Vanity ID at www.juricorL.comLKLP.com?
x=4DNSBA
Date: 2013.10.16 14:57:25 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Hallgren & Faulkner
Barristers & Solicitors

#104-6739 West Coast Road, P.O. Box 939
Sooke BC V9Z 1H9

File: 19381/Knox/nw
Phone (250)642-5271

Document Fees: \$147.00

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES

3. NATURE OF INTEREST

CHARGE NO. ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Peter G.V. Faulkner
Barrister & Solicitor

Box 939, 104-6739 West Coast Road
Sooke, BC
V9Z 1H9

Execution Date

Y	M	D
13	09	19

Transferor(s) Signature(s)

Knox Vision Society, by its
authorized signatory(ies)

Eleanor Shambrook

Lorna Hutchins

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Peter Nikolich
Barrister & Solicitor
202-1006 Fort Street
Victoria, BC
V8V 3K4

Y	M	D
13	10	01

Gregory Shane Burke

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Tina Hansen, Deputy Corporate Officer
Commissioner for Taking Affidavits in BC
2205 Otter Point Road,
Sooke, BC
V9Z 1J2

Y	M	D
13	09	30

District of Sooke by its authorized
signatory(ies)

Wendal Milne, Mayor

Gord Howie, CAO

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

027-757-439 LOT 1, SECTION 10, SOOKE DISTRICT, PLAN VIP86034

STC? YES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

011-756-594 LOT A, SECTION 10, SOOKE DISTRICT, PLAN 47114

STC? YES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

**008-078-441 LOT 14, SECTION 10, SOOKE DISTRICT, PLAN 1057, EXCEPT THAT PART IN
PLAN VIP86034**

STC? YES

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 5 OF 9 PAGES

NATURE OF INTEREST
Modification

CHARGE NO.
CA2524734

ADDITIONAL INFORMATION
Modification of Covenant CA2524734

NATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION
granting Modification of Covenant priority over
Mortgage CA2590213 and Assignment of Rents
CA2590214

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. Transferor(s):

Knox Vision Society, Inc. No. S-58118
2110 Church Road
Sooke, BC
V9Z 0W7

(the "Owner")

Gregory Shane Burke
c/o 283 Kerwood Street
Victoria, BC
V9B 1A2

6. Transferee(s)

DISTRICT OF SOOKE
2205 Otter Point Road,
Sooke, BC
V9Z 1J2

(the "Municipality")

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT MODIFICATION

THIS AGREEMENT, dated for reference 12th day of September, 2013, is made

BETWEEN:

Knox Vision Society, Inc. No. S-58118
2110 Church Road
Sooke, B.C. V9Z 0W7

(the "Owner")

AND:

DISTRICT OF SOOKE, a municipality incorporated under the Local Government Act, R.S.B.C. 1996, c.323 and having its office at 2205 Otter Point Road, Sooke, BC V9Z 1J2

(the "Municipality")

WHEREAS:

- A. The Owner and the Municipality entered into a Development Agreement forming part of an instrument in which the Owner granted to the Municipality a Covenant pursuant to S. 219 of the *Land Title Act* registered in the Victoria Land Title Office under No. CA2524734 (the "Covenant"):

Parcel Identifier: 008-078-441

Lot 14, Section 10, Sooke District, Plan 1057 Except that part in Plan VIP86034

Parcel Identifier: 027-757-439

Lot 1, Section 10, Sooke District, Plan VIP86034

Parcel Identifier: 011-756-594

Lot A, Section 10, Sooke District, Plan 47114

(the "Lands");

- B. The Owner wishes to modify the Covenant and the Municipality agrees to modify the Covenant.

NOW THEREFORE, pursuant to S. 219 of the Land Title Act and in consideration of the sum of one dollar (\$1.00) now paid to the Municipality by the Owner (the receipt and sufficiency whereof is hereby acknowledged) the Municipality and Owner agree to amend and modify the Covenant as follows:

1. Schedule A – Schedule of Restrictions is hereby amended by DELETING the following items as these items are no longer applicable:

Item 9

The Owner is to provide and dedicate a 5 metre right-of-way to the District of Sooke prior to Development Permit for the purposes of providing a pedestrian connection along the north property line connecting Anna Marie Road and Church Road.

2. Schedule A – Schedule of Restrictions is hereby amended by REPLACING Item 2 with the following wording:

Item 2

2110 and 2120 Church Road properties must be consolidated into one property prior to Development Permit issuance on these specific lots.

3. All other terms and conditions of the Covenant remain unchanged and shall continue to burden the Lands and be binding on all successors in title, pursuant to S. 219 of the *Land Title Act*.

CONSENT AND PRIORITY AGREEMENT

GIVEN THAT Gregory Shane Burke (the "Chargeholder") is the holder of Mortgage and Assignment of Rents registered against the land legally described (the "Land") in the Modification of Covenant to which this Agreement is attached (the "Covenant"), which Mortgage and Assignment of Rents are registered in the Victoria land title office under instrument number CA2590213 and CA2590214(the "Charge"),

This Consent and Priority Agreement is evidence that in consideration of payment to it of \$1.00 by the transferee described in item 6 of Part 1 of the Form C to which this Agreement is attached (the "Transferee"), the Chargeholder agrees with the Transferee as follows:

1. The Chargeholder consents to the granting and registration of the Modification of Covenant and the Chargeholder agrees that the Modification of Covenant binds its interest in and to the Land.
2. The Chargeholder grants to the Transferee priority for the Modification of Covenant over the Chargeholder's right, title and interest in and to the Land and the Chargeholder postpones the Charge, and all of its right, title and interest thereunder, to the Covenant as if the Modification of Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Charge.

As evidence of its agreement with the Transferee to be bound by this Consent and Priority Agreement, as a contract and as a deed executed and delivered under seal, the Chargeholder has executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

**LAND TITLE ACT
FORM DECLARATION**

Related Document Number:

PAGE 1 OF 2 PAGES

Your electronic signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original or where designated by the Director, a true copy of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached. Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.

Marvin William Hallgren 4DNSBA	Digitally signed by Marvin William Hallgren 4DNSBA DN: c=CA, cn=Marvin William Hallgren 4DNSBA, o=Lawyer, ou=Verity ID at www.juricart.com/ LKUP:cn=4DNSBA Date: 2013.10.16 15:02:01 -0700
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See attached Consent

NOTE:

A Declaration cannot be used to submit a request to the Registrar for the withdrawal of a document.



**CONSUMER
PROTECTION BC**

10 October 2013

Victoria Land Title Office
Suite 200 -- 1321 Blanshard Street
Victoria BC V8W9J3

Attention: Registrar

Re: **PID: 027-757-439**
LOT 1 SECTION 10 SOOKE DISTRICT PLAN VIP86034

Consent is hereby given, pursuant to Section 27 of the *Cremation, Interment and Funeral Services Act*, to temporarily lift the restriction on title in order to allow the modification of title.

Once the modification of title has been filed, please reimpose the restriction on the above-noted property.

Yours truly,

A handwritten signature in black ink, appearing to read 'H McCurdy', written over a horizontal line.

Heather McCurdy
Manager, Business Services

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Peter George Vardy Faulkner
4QFZ7I
Digitally signed by Peter George Vardy Faulkner 4QFZ7I
DN: cn=CA, o=Peter George Vardy Faulkner 4QFZ7I, ou=Lawyer,
ou=Vardy ID at www.landtitle.com/
UKUP:cnfn=4QFZ7I
Date: 2012.05.03 15:50:23 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Hallgren & Faulkner
Barristers & Solicitors
#104-6739 West Coast Road, P.O. Box 939
Sooke BC V9Z 1H9
Document Fees: \$145.00

File: 18832/KnoxChurch/nw
Phone (250)642-5271

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Peter G.V. Faulkner

Barrister & Solicitor

104-6739 West Coast Road, Box 939
Sooke, BC
V9Z 1H9

Y	M	D
12	04	19

The Trustees of the Congregation of
Knox Presbyterian Church, Sooke,
BC by its authorized signatory(ies)

Bob Greydanus

Lorna Hutchins

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Kerri Christensen
Commissioner for Taking Affidavits in BC
15117-101 Avenue
Surrey, BC
V3R 8P7

Y	M	D
12	04	26

Coast Capital Savings Credit Union by
its authorized signatory(ies)

Alix Ross

Jack Boyce

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Bonnie Sprinkling
Commissioner for Taking Affidavits in BC
2205 Otter Point Road,
Sooke, BC
V9Z 1J2

Y	M	D
12	05	03

District of Sooke by its authorized
signatory(ies)

Mayor, Wendal Milne

Evan Parliament, CAO

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

011-756-594 LOT A, SECTION 10, SOOKE DISTRICT, PLAN 47114

STC? YES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

**008-078-441 LOT 14, SECTION 10, SOOKE DISTRICT, PLAN 1057, EXCEPT THAT PART IN
PLAN VIP86034**

STC? YES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

027-757-439 LOT 1, SECTION 10, SOOKE DISTRICT, PLAN VIP86034

STC? YES

NATURE OF INTEREST
Covenant

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION

Granting Covenant priority over Mortgage
CA527993 and Assignment of Rents CA527994

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. Transferor:

The Trustees of the Congregation of Knox Presbyterian Church, Sooke, B.C. of the Presbyterian Church in Canada, In Pursuance of the Trustee (Church Property) Act
2110 Church Road
Sooke, BC
V9Z 0W7

(the Owner)

Coast Capital Savings Credit Union
Central Lending Administration
1900 13450 - 102 Avenue
Surrey, BC
V3T 5Y1

(the Chargeholder)

6. Transferee:

District of Sooke
2205 Otter Point Road,
Sooke, BC
V9Z 1J2

(the Municipality)

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

THIS AGREEMENT, dated for reference April, 2012 is made

BETWEEN:

The Trustees of the Congregation of Knox Presbyterian
Church, Sooke, B.C. of the Presbyterian Church in Canada,
In Pursuance of the Trust
2110 Church Road
P.O Box 54
Sooke, BC V9Z 0W7

(the "Owners")

AND:

DISTRICT OF SOOKE, a municipality incorporated under
the Local Government Act, R.S.B.C. 1996, c.323 and having
its office at 2205 Otter Point Road, Sooke, BC V9Z 1J2

(the "Municipality")

GIVEN THAT:

- A. The Owners are the registered owners in fee simple of the land in Sooke, British Columbia, known as 2120, 2110 and 2096 Church Road, legally described as:

Parcel Identifier: 008-078-441

Lot 14, Section 10, Sooke District, Plan 1057 Except that part in Plan VIP86034

Parcel Identifier: 027-757-439

Lot 1, Section 10, Sooke District, Plan VIP86034

Parcel Identifier: 011-756-594

Lot A, Section 10, Sooke District, Plan 47114

(the "Land");

- B. The Owners propose to develop the Land for residential, commercial and institutional development;

- C. The Owners have requested the Municipality to adopt Bylaw No. 518, Zoning Amendment Bylaw (500-02) (the "Rezoning Bylaw") rezoning the Land to permit the development proposed by the Owners, and
- D. The Council of the Municipality has determined that the adoption of the Rezoning Bylaw would, but for the covenants contained in this Agreement, not be in the public interest; and the Owners therefore wish to grant pursuant to s.219 of the Land Title Act, and the Municipality wishes to accept, the covenants over the Land that are set out in this Agreement.

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by each of the Municipality to the Owner (the receipt of which is acknowledged by the Owners), the Owners grant to the Municipality in accordance with s.219 of the Land Title Act the following covenants:

- 1. The Owner covenants and agrees with the Municipality that:
 - (a) the Land must not be redeveloped beyond its current use;
 - (b) the Land must not be subdivided;
 - (c) development of the Land, including by construction or placement of any building or structure on the Land is prohibited;
 - (d) no building permit may be applied for, and the Municipality is not obliged to issue any building permit, in respect of the Land; and
 - (e) no occupancy permit may be applied for, and the Municipality is not obliged to issue any occupancy permit, in respect of the Land,unless the use, subdivision, development, building or occupancy is in accordance with the Schedule of Restrictions attached as Schedule A.
- 2. Any opinion, decision, act or expression of satisfaction of the Municipality provided for in this Agreement is to be taken or made by the Municipality's Municipal Engineer or his or her delegate authorized as such in writing, in each case acting reasonably.
- 3. The Municipality shall execute and deliver to the Owners a registerable discharge of the covenants granted in this Agreement in the event that the Rezoning Bylaw is not adopted by December 31, 2012. The Owners may, after the Rezoning Bylaw is adopted, request a discharge of any particular covenant granted in this Agreement in respect of any parcel into which the Land may be subdivided, and the Municipality shall execute and deliver a discharge in respect of any such covenant that has been, in the Municipality's opinions, fully satisfied by the Owners.

4. The Owners release, and must indemnify and save harmless, the Municipality, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owners, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owners of this Agreement, or any default of the Owners under or in respect of this Agreement.
5. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
6. The rights given to the Municipality by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Municipality to anyone, or obliges the Municipality to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
7. Where the Municipality is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owners agree that the Municipality is under no public law duty of fairness or natural justice in that regard and agrees that the Municipality may do any of those things in the same manner as if it were a private party and not a public body.
8. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Municipality under any enactment (as defined in the Interpretation Act, on the reference date of this Agreement) or at common law, including in relation to the use of the Land,
 - (b) affect or limit any enactment related to the use of the Land, or
 - (c) relieve the Owners from complying with any enactment, including in relation to the use of the Land.
9. Every obligation and covenant of the Owners in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the Land Title Act in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owners are only liable for breaches of this Agreement that occur while the Owners are the registered owners of the Land.

10. The Owners agree to do everything reasonably necessary, at the Owners' expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
11. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
12. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
13. This Agreement is the entire agreement between the parties regarding its subject.
14. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
15. The Owners must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instrument.
16. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C that is attached hereto and forms part of this Agreement.

SCHEDULE "A"

SCHEDULE OF RESTRICTIONS

1. Frontage dedication required from 2110 and 2120 Church Road to line up with existing front property line of 2096 Church Road and perpendicular to the front property line of the properties on the east side of Church Road prior to Development Permit issuance.
2. 2110, 2120 and 2096 Church Road properties must be consolidated into one property prior to Development Permit issuance.
3. Complete a detailed erosion and sediment control plan for implementation prior to commencement of any construction. The erosion and sediment control plan must take into account the best management practices outlined within the letter from Swell Environmental Consulting Ltd dated February 20, 2012 for the Streamside Protection and Enhancement Area (SPEA) and Riparian Assessment Area (RAA) located in the North West portion of the property.
4. Construct frontage improvements along Church Road as per Bylaw 65, Road cross section SDD-R01 complete with concrete sidewalk (where none currently exists), 2.5m parallel parking area and street lighting (Cyclone – model specification #NEL3001) prior to Building Permit issuance.
5. Sanitary sewer is to be designed and constructed as per the Sewer Serviceability Study that is to be completed prior to adoption of rezoning. All costs related to upgrading/installing sewer systems will be borne by the developer.
6. As per the Traffic Impact Assessment prepared by Boulevard Transportation group, the developer is to provide a bus stop with a waiting area (sign/seating/shelter) at the frontage of Church Road prior to occupancy permit. The bus stop location must be approved by BC Transit.
7. All driveways within public property are to be hard surfaced to the property line.
8. Install screening fence along the south property line of 2096 Church Road, west property line of 2096, 2110 and 2120 Church Road and the north property line of 2120 Church Road.
9. The Owner is to provide and dedicate a 5 metre right-of-way to the District of Sooke prior to Development Permit for the purposes of providing a pedestrian connection along the north property line connecting Anna Marie Road and Church Road.

CONSENT AND PRIORITY AGREEMENT

GIVEN THAT Coast Capital Savings Credit Union (the "Chargeholder") is the holder of a Mortgage and Assignment of Rents registered against the land legally described (the "Land") in the Covenant to which this Agreement is attached (the "Covenant"), which Mortgage and Assignment of Rents are registered in the Victoria land title office under instrument numbers CA527993 and CA527994 (the "Charge"),

This Consent and Priority Agreement is evidence that in consideration of payment to it of \$1.00 by the transferee described in item 6 of Part 1 of the Form C to which this Agreement is attached (the "Transferee"), the Chargeholder agrees with the Transferee as follows:

1. The Chargeholder consents to the granting and registration of the Covenant and the Chargeholder agrees that the Covenant binds its interest in and to the Land.
2. The Chargeholder grants to the Transferee priority for the Covenant over the Chargeholder's right, title and interest in and to the Land and the Chargeholder postpones the Charge, and all of its right, title and interest thereunder, to the Covenant as if the Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Charge.

As evidence of its agreement with the Transferee to be bound by this Consent and Priority Agreement, as a contract and as a deed executed and delivered under seal, the Chargeholder has executed and delivered this Agreement by executing Part 1 of *the Land Title Act* Form C & D to which this Agreement is attached and which forms part of this Agreement.

**LAND TITLE ACT
FORM DECLARATION**

Related Document Number: CA2524734

PAGE 1 OF 2 PAGES

Your electronic signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original or where designated by the Director, a true copy of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached. Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.

**Peter George
Vardy Faulkner
4QFZ7I**

Digitally signed by Peter George
Vardy Faulkner 4QFZ7I
DN: c=CA, cn=Peter George Vardy
Faulkner 4QFZ7I, o=Lawyer,
ou=Verify ID at www.juricert.com/
LKJP:cm?id=4QFZ7I
Date: 2012.05.22 10:17:33 -0700

Consent from Consumer Protection BC attached hereto

NOTE:

A Declaration cannot be used to submit a request to the Registrar for the withdrawal of a document.



**CONSUMER
PROTECTION BC**

18 May 2012

VICTORIA Land Title Office
200 - 1321 BLANSHARD ST
VICTORIA BC V8W 9J3

Attention: Registrar

Re: **PID: 027-757-439**
Lot 1, Section 10, Sooke District, Plan VIP86034

Consent is hereby given, pursuant to Section 27 of the *Cremation, Interment and Funeral Services Act*, to temporarily lift the restriction on title in order to file a development covenant.

Once the development covenant has been filed, please reimpose the restriction on the above-noted property.

Yours truly,

A handwritten signature in black ink, appearing to read 'Timothy Monaghan', written over a horizontal line.

Timothy Monaghan
Manager, Operations Licensing