



PH-4

**Public Hearing
Information Package**

June 27, 2016 at 7:00 pm
Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

Silver Spray (Sooke Point) Water Lot Rezoning

Proposed Bylaw:	Bylaw No. 644, <i>Zoning Amendment Bylaw (600-30)</i>
Zoning Amendment:	A bylaw to amend Bylaw No. 600, <i>Sooke Zoning Bylaw, 2013</i> for the purpose of amending the zoning on a portion of the water near Possession Point legally described as "Unsurveyed Crown foreshore or land covered by water being part of the bed of the Juan de Fuca Strait, Sooke District" from Passive Recreation (W1) to Marina (W3).

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• FLNRO Crown Land Tenure Application	
• Draft Bylaw No. 644	
• Powerpoint Presentation	

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



2205 Otter Point Road, Sooke
Phone: 250-642-1634 Fax: 250-642-0541
email: info@sooke.ca
website: www.sooke.ca

NOTICE OF PUBLIC HEARING

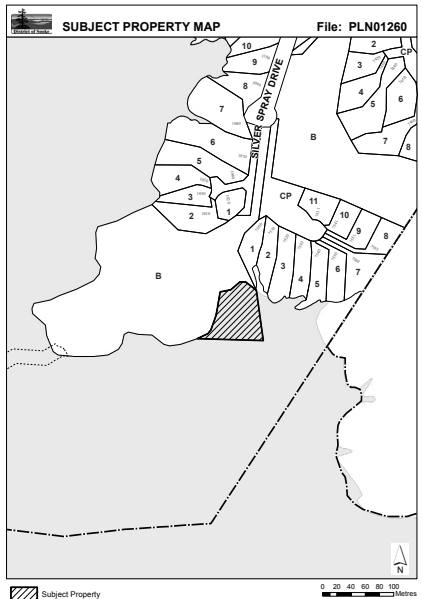
The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the Local Government Act in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday, June 27, 2016** commencing at 7:00 pm.

Application Information:

- Bylaw:** Bylaw No. 644, *Zoning Amendment Bylaw (600-30)*
- File No:** PLN01260
- Civic Address:** Silver Spray Water Lot (shown outlined in black and hatched on the subject map)
- Legal Description:** Unsurveyed Crown foreshore or land covered by water being part of the bed of Juan de Fuca Strait, Sooke District (as shown outlined in black and hatched on the subject property map)
- Applicant:** Landus Development Group Inc. C/O - Michael Thornton 6267 Taylor Drive, West Vancouver BC V7W 1Y8

Proposal:

The purpose of Bylaw No. 644, *Zoning Amendment Bylaw (600-30)* is to rezone the portion of the water from "Passive Recreation (W1)" to "Marina (W3)", which will allow a variety of commercial uses or public marina use. The applicant has applied to the province for a foreshore lease to accommodate a floating dock, which will be accessed from the upland via an articulating ramp.



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), commencing June 15, 2016 to and including June 27, 2016.

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 gjoseph@sooke.ca or in person to the Corporate Officer at the District Municipal Offices no later than Monday, June 27, 2016 at 4:00 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.

Gabryel Joseph
Director of Corporate Services



DISTRICT OF SOOKE

BYLAW No. 644

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on a portion of the water near Possession Point legally described as “Unsurveyed Crown foreshore or land covered by water being part of the bed of the Juan de Fuca Strait, Sooke District” from Passive Recreation (W1) to Marina (W3).

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

1. This bylaw is cited as *Zoning Amendment Bylaw (600-30)*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is amended in **Schedule A** by changing the zoning on the property legally described as Unsurveyed Crown foreshore or land covered by water being part of the bed of the Juan de Fuca Strait, Sooke District as shown outlined in black and hatched on Schedule A from Passive Recreation (W1) to Marina (W3).

Introduced and read a first time the 13th day of June, 2016.

Read a second time the 13th day of June, 2016.

Public hearing held the ____ day of _____, 2016.

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

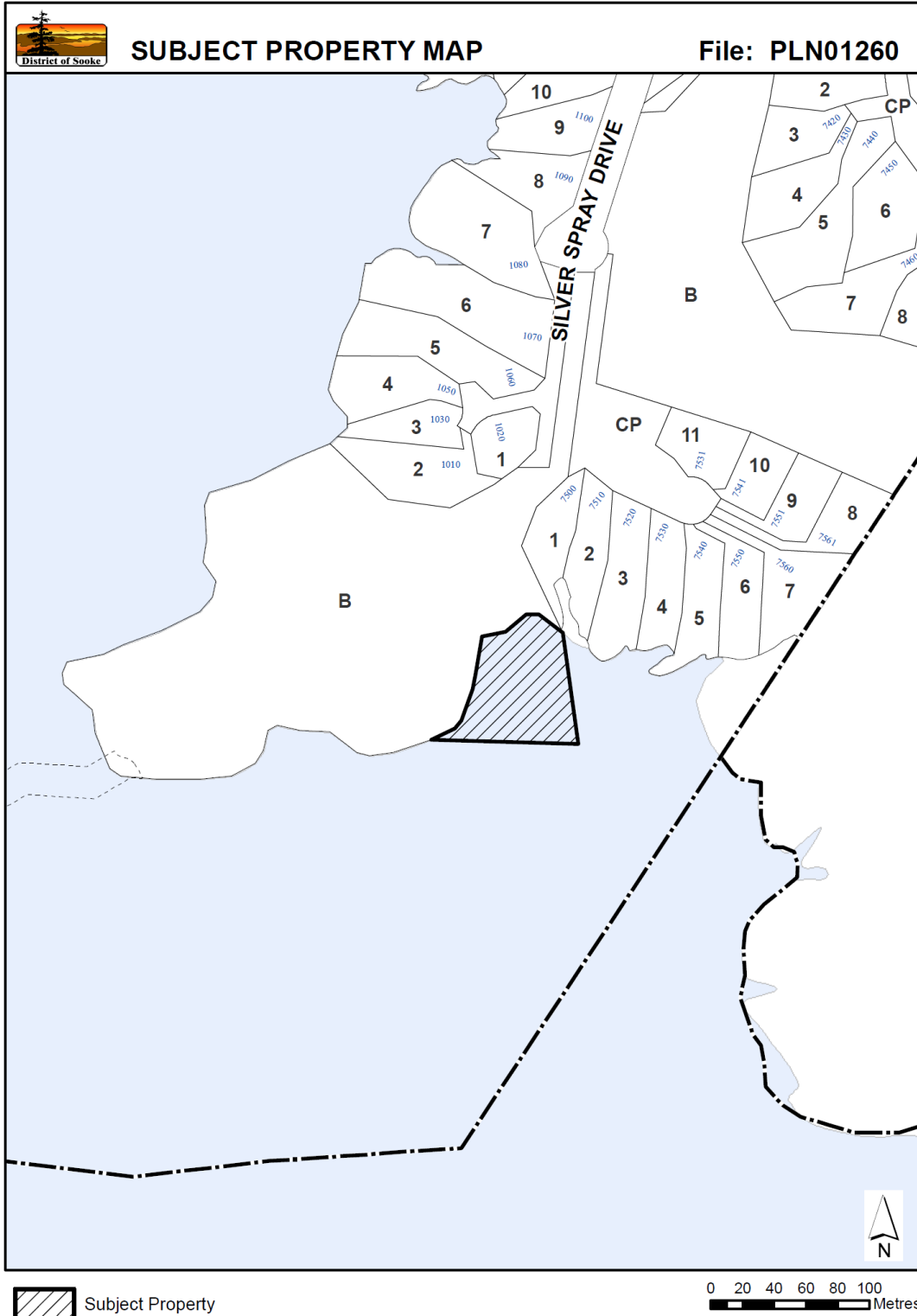
Approved by the Ministry of Forests, Land, and Natural Resource Operations on the ____ day of _____, 2016.

Adopted on the ____ day of _____, 2016.

Mayor

Corporate Officer

SCHEDULE A



B-4 Bylaw No. 644, Zoning Amendment Bylaw (600-30) – Silver Spray Water Lot Rezoning

MOVED K. Pearson – B. Parkinson

That Bylaw No. 644, *Zoning Amendment Bylaw (600-30)* be read a first time.

CARRIED

In favour:

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

MOVED K. Pearson – B. Parkinson

That Bylaw No. 644, *Zoning Amendment Bylaw (600-30)* be read a second time.

CARRIED

In favour:

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

MOVED B. Parkinson – K. Pearson

That staff be directed to schedule a Public Hearing for Bylaw No. 644, *Zoning Amendment Bylaw (600-30)* in accordance with the requirements of the *Community Charter* and the *Local Government Act*.

CARRIED

In favour:

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



DIRECTION REQUEST

Regular Council

Meeting Date: June 13, 2016

To: Teresa Sullivan, Chief Administrative Officer

From: Development Services Department

Re: **Silver Spray (Sooke Point) Water Lot Rezoning**

RECOMMENDATION:

THAT COUNCIL give first and second reading to Bylaw No. 644, *Zoning Amendment Bylaw (600-30)*;

AND THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 644 in accordance with the requirements of the *Community Charter* and the *Local Government Act*

1. Executive Summary:

The purpose of this application is to rezone the water depicted in the image on the subject property map from Passive Recreation (W1) zone to Marina (W3). The owner has applied to the province for a foreshore lease over this area, which has triggered this rezoning application.

The area to be rezoned is approximately 2600m² (0.26ha).

The intention is to construct a floating dock that would be accessed from the upland via an articulating ramp. The rezoning will facilitate access to water for the general public as stated in the application, as well as for residents of the Sooke Point Ocean Cottage Resort.

2. Background:

The property is along the southern boundary of the entrance to the Sooke Harbour. The area under application is located between Pike Point to the east and Possession Point to the west. Upland of the water is Area A of the SilverSpray CD Zone. The upland zoning

allows for complimentary uses such as Boat Moorage, rentals and docks. The site has water services available to it.



3. Analysis:

The Official Community Plan, 2010 provides the policy context for evaluating rezoning applications. This application falls within the 'Water' designation on the OCP Land Use Map, but there are no specific policy statements related to the water designation. There are several broad policy statements related to economic development and environmental protection that are applicable to this proposal. Overall, the Official Community Plan, 2010 is consistent with this proposal.

The following policy statements from the OCP, 2010 lend support toward the rezoning application.

4.4.3 Economic Development - Policies

A. Economic Development

n) Support marine related retail including marine pub and hotel on identified waterfront sites;

B. Tourism

b) Support low impact and ancillary tourist commercial activities on existing and proposed commercial and agricultural lands throughout Sooke;

d) Promote tourist commercial development along the waterfront with an emphasis on public access;

e) Support via promotion and marketing the low impact motorized and non-motorized, land and water-based tourist activities available in Sooke, e.g. sea kayaking, mountain biking, and ATV riding in designated areas;

Section 4.10.3 - Environment

m. Improve existing and provide new additional public access to waterfront through development triggers such as subdivisions, rezonings, development permits, and utility easements;

s. New development and redevelopment of property shall adhere to the Environmental Best Management Practices for Urban and Rural Land Development (Ministry of Water, Land and Air Protection) and Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia where applicable;

Section 4.12.3 - Parks and Trails

i. Protect and increase beach and other waterway accesses, such as the Government Wharf;

t. Provide access points and lookouts to the waterfront, and encourage commercial retail opportunities for pedestrian destinations;

u. Increase public access to fresh water and salt water for swimming and fishing opportunities;

4. Legal Impacts:

Prior to 4th Reading of this proposed Zoning Amendment, the applicant will be required to complete the lease application approval process underway with the Province.

5. Financial Impacts:

The applicant pays all associated fees and charges.

6. Implication of Recommendation:

Approval of the application is recommended for the following reasons:

- This site is located in the Water designation of the OCP; adjacent to an area designated for comprehensive development.
- The rezoning application is consistent with the policy context of the OCP.

7. Strategic Relevance:

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


Economic Prosperity

The District will work towards developing appropriate mechanisms to facilitate and promote long-term community economic prosperity.

- Proactively pursue economic opportunities
- Focus on being consistent in our decision making
- Ensure our criteria are reflective of our community's needs

Attached Documents:

1. Application Summary
2. Referral Agency Comments
3. W1 and W3 Zones
4. FLNRO Crown Land Tenure Application
5. Draft Bylaw No. 644



Katherine Lesyshen, MCIP, RPP
Planner II

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

Application Summary

Address	Silver Spray (near Possession Point) – see attached subject property map
Legal	Unsurveyed Crown foreshore or land covered by water being part of the bed of Juan de Fuca Strait, Sooke District
Existing Zoning	Passive Recreation (W1)
Proposed Zoning	Marina (W3)
Existing OCP	Water – Rivers, lakes and oceans
Proposed OCP	n/a
Parcel Size	+/- 0.26ha = 2600m ²
Services	Water: CRD Water Sewer: On-site Drainage: On-site
Adjacent Land Uses	North: Silver Spray (Sooke Point) South: Strait of Juan de Fuca East: CRD – East Sooke West: Silver Spray (Sooke Point)

Summary of Referral Agency Comments [originals are in the file]

**SUMMARY OF COMMENTS RECEIVED FOR Silver Spray Water Zone
IN RESPONSE TO DISTRICT OF SOOKE REFERRAL SENT May 3, 2016**

EXTERNAL REFERRALS	
Agency	Comments
BC Hydro	<p>BCH has no issues with the property sub-division, but require electrical details prior to any servicing commitments.</p> <p>Ensure this electrical load information is included in the next phase servicing that Jacob and John are currently working on.</p>
DFO	<p>The role of the DFO's Fisheries Protection Program (FPP) is to protect and conserve fish and fish habitat in support of Canada's coastal and inland fisheries resources, and to make regulatory decisions under the fisheries protection provisions of the Fisheries Act. The FPP is specifically responsible for reviewing projects for which a s.35(2) Fisheries Act Authorization is required.</p> <p>DFO does not have a regulatory role related to the 'Proposed Water Lease Area Re-zoning' because it does not directly propose works, undertakings or activities that may result in serious harm to fish.</p> <p>DFO's Projects Near Water website (http://www.dfo-mpo.gc.ca/pnw-ppp/index-eng.html) includes information for proponents on how to comply with the <i>Fisheries Act</i>, request a DFO review of a project, and request a <i>Fisheries Act</i> authorization.</p>
Canada Post	No response
BC Transit	No concerns.
Beecher Bay	No concerns
CRD Water	No response
CRD JdFEA	<p>Thank you for the opportunity to comment on the proposed Marina rezoning. The East Sooke community is the area within the Juan de Fuca Electoral Area that is directly adjacent to the proposal.</p> <p>The East Sooke Official Community Plan, Bylaw No. 3718, designates the water as Marine and includes policies in Section 4.2.2.2. Policy 10] states "log booms and commercial marinas will not be permitted on the Sooke Harbour portion of the East Sooke planning area." The proposed Marina is outside of the Sooke Harbour and, therefore, aligns with this policy.</p> <p>The adjacent property to the east is part of East Sooke Regional Park. This area is designated within the Foreshore and Sensitive Ecosystem Development Permit Areas in the East Sooke OCP. Development of the site should be conducted in a manner that avoids negative impacts to the shoreline and sensitive ecosystems on adjacent properties.</p> <p>The East Sooke OCP is under review and a new bylaw, Bylaw No. 4000, is currently being considered. Section 330 of the new OCP supports</p>

	<p>development of a recreational boat launch on the Sooke Harbour side of the community; however, the identification and advancement of a site has not been finalized. Public use of the proposed Marina is supported.</p> <p>The new East Sooke OCP also indicates in Section 330 that East Sooke residents are concerned about access and egress to the community during an emergency. Use of the proposed Marina for emergency uses is supported.</p>
SEAPARC	No response
T'souke Nation	No response
VIHA	This office has no objections provided any structures are connected to the municipal water supply and onsite sewerage system permitted by the Ministry of Environment.
Archeological Branch	<p>According to Provincial records there are no known archaeological sites recorded on or near the subject area. However, archaeological potential modelling indicates there are areas of high potential close by.</p> <p>Archaeological sites (both recorded and unrecorded) are protected under the <i>Heritage Conservation Act</i> and must not be altered or damaged without a permit from the Archaeology Branch. If a suspected archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.</p>
RCMP	No concerns
School District #62	No concerns
Fortis BC	No concerns.
Shaw Cable	No concerns
Telus	No response
Building	No response
Fire	<p>Section 3.4 of this applicants Province of BC Application form indicates there is no need for a water supply for this proposed wharf. While a water supply for domestic use may not be required, a water supply for firefighting purposes is required in order to comply with BC Fire Code regulations.</p> <p>Section 2.15 of the BC Fire Code requires all marinas and boat yards intended for commercial use comply with NFPA 303 Fire Protection Standards for Marinas and Boatyards. This standard outlines requirements for water supply for firefighting, location of fire hydrant(s), design and installation of firefighting standpipes, electrical installations, fire extinguisher locations and spill response measures. If a fueling station is to be included, additional fire protection features will also be necessary. The marina in its current proposed configuration does not require fire sprinkler protection.</p> <p>I have attached a brochure listing the main components of the BC Fire Code to be considered in the design and construction of a wharf and marina, however the applicant should review the entire NFPA 303 standard to ensure compliance to all applicable requirements.</p>

Engineering	It is recommended that a dockside vacuum pump facility be installed as part of this project to treat the sewage produced in these boats. The DoS LWMP (Rainwater) (P 43) recommends these installations for marinas and commercial wharfs.
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Passive Recreation

W1

701.1 Purpose: This zone applies to the seabed, water column and surface of marine water in the District of Sooke.

701.2 Permitted Uses:

Principal Uses:

- a) Boat ramp
- b) Breakwater
- c) Environmental protection activities
- d) Fishing
- e) Government wharf
- f) Habitat enhancement activities
- g) Passive recreation
- h) Pier

701.3 Prohibited Uses: Residential use of structures, floats, or piles

Marina

W3

703.1 Purpose: This zone applies to the seabed, water column and surface of marine water in the District of Sooke to establish provisions for commercial uses or public marina use.

703.2 Permitted Uses:

Principal Uses:

- a) Boat ramp
- b) Boat shed or shelter
- c) Breakwater
- d) Marina
- e) Marina fueling station
- f) Marine pub
- g) Passive recreation
- h) Restaurant
- i) Sales and rental of boats and water sports equipment

Accessory Uses:

- j) Office
- k) Retail
- l) Slips, docks, breakwaters, ramps, dolphins and pilings necessary for the establishment and/or maintenance of the marina

703.3 Prohibited Uses: Residential use of structures, floats, or piles

703.4 Maximum Height above High Water for All Buildings and Structures: 9 m



**Application for Crown Land Tenure
(Ineligible to be submitted through Virtual
FrontCounter)**

**All applications must include completed application form, general location map,
local detail map, and attachments as indicated below.**

PART 1. NAME(S) AND MAILING ADDRESS

Applicant Name:
FULL LEGAL NAME of Individual(s), Company or Society,
Ministry or Government Agency Your File: 02570-00
Landus Development Group Inc.

Contact Name for Company or Ministry Applicants:
Michael Thornton

Applicant Mailing Address:
[Redacted]
Postal Code V7W 1W8

Applicant Contact Numbers:
Daytime Phone: [Redacted] Fax: n/a

Applicant Email Address:
Michael@sookepoint.com

**Are you an Agent submitting this application
on behalf of your client?**
 Yes No
Letter of Agency attached Yes No

Agent Name & Mailing Address:
McElhanney Consulting Service Ltd.
100-780 Beatty Street
Vancouver Postal Code V7V 1N2

Agent Contact Numbers:
Phone: 778-746-7431 Fax: 855-407-3895

Agent Email Address:
rriecken@mcelhanney.com

Period of Projected Use:
 Two years Five to Ten years
 Ten to Thirty years More than Thirty years

Crown Land File # 1414309 **Tenure Document #** TBA

Tenure Type: (e.g. commercial general, quarry, etc.) Commercial general

FOR OFFICE USE ONLY		
(date/time received)	File Number: 1414309	Project Number: 143452
	Disposition ID: 917392	Client Number: 271486

11000-00-applic

PART 2. DETAILED DESCRIPTION OF REQUEST

Please complete or provide attachment.

The proposed use of the Crown Tenure is for a floating dock that would be accessed from the upland via an articulating ramp.

The purpose of the dock is to provide safe access to and from the sea for SookePoint Ocean Cottage Resort residents and the traveling public, and for rapid response in the event of emergency.

The dock will also be used by the Centre for Whale Research and possibly by the Marine Mammal Branch of the Department of Fisheries and Oceans to maintain hydrophones and underwater monitoring equipment attached to the SookePoint outfall pipe.

PART 3. APPLICATION REQUIREMENTS

All applications must be complete. Incomplete applications will be returned to applicant.

Upon submission, FCBC will contact advising of the applicable application fee.

All of the following must be attached to or enclosed with this application form.

- General Location Map(s)** at a scale of 1:50,000 to 1:250,000 indicating general location of the area under application and the location of access roads, watercourses and other major landmarks. Please refer to the program type sample map you are applying for <http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/site-map-samples>

- Detailed Site Map(s)** outlining in detail the area under application, showing the exact perimeter boundaries of the application area including the dimensions (in metre) and area (ha), including watercourses, district lots, etc. Please refer to the program type sample map you are applying for <http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/site-map-samples>

- Updated/Current Management Plan**
Attached PDFs

PLEASE NOTE:

Additional items may be required (e.g. Advertising, Security Deposit, Proof of Insurance,

Applicant or Agent Signature(s):

Robert Riecta

Date: Feb 25, 2016

PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS

- APPLICATIONS ARE NOT TRANSFERABLE -

NOTE: The information you provide will be subject to the Freedom of Information and Protection of Privacy Act. If you have any questions regarding the treatment of your personal information, please contact the Manager, Privacy, Information Access and Records Management.

The submission of this form does not in any manner convey any rights to use or occupy Crown Land.

Management Plan

Please describe the details of your project to the extent known. Consult the guidance document for further information on regulatory requirements, rational for why the information is required, and how to find required information.

The scope and the timing for response will be provided. If information is requested and not received, it may result in the disallowance of the application.

Information on these topics may be required as part of the application processing and if further detail is necessary that is not part of the application and management plan received, you will be contacted and requested to provide additional information.

1.0 Background

1.1 Project Overview

Describe project for which authorization is requested, including construction and/or phased development details:

Proposed Use of the Crown Tenure is for a floating dock that would be accessed from the upland via an articulating ramp.

The purpose of the dock is to provide safe access to and from the sea for SookePoint Ocean Cottage Resort residents and the traveling public, and for rapid response in the event of emergency.

The dock will also be used by the Centre for Whale Research and possibly by the Marine Mammal Branch of the Department of Fisheries and Oceans to maintain hydrophones and underwater monitoring equipment attached to the SookePoint outfall pipe.

1.2 Investigative Work

If any preliminary investigative work has been carried out, with or without an investigative permit, provide details on work completed, incomplete or on-going from previous term.



Activity	Brief Description of Activity	Status (e.g. Complete, incomplete, ongoing)	Comments / Milestones
Diving & Survey	Both underwater & on land	Complete	Results satisfactory

Add Row

1.3 Confirmation of Safety Plan

Your Project must meet the Occupational Health and Safety (OHS) criteria set out by WorkSafe BC. Does your Project meet these criteria?

Yes No

In addition, SookePoint has 2 OHS Level 3 First Aid attendants and its own Emergency Transport Vehicle.

2.0 Location

2.1 Description

Provide a general description of the location of the project:



Silver Spray is along the southern boundary of the entrance to Sooke Harbour and is a part of the Municipality of Sooke. Possession Point (aka SookePoint) is both the southern tip of Silver Spray and the southwest tip of Canada.

Silver Spray is a seaside community with zoning that permits both private ownership and a private residence club in a destination resort environment.

The proposed tenure is over a small part of the bed of the Strait of Juan de Fuca within 'Moonlight Bay' between Possession Point to the west and Pike Point to the east.

It is proposed that the tenure occupy a total of 0.260 hectares, more or less, within BCGS 92B.032, as shown on the sketch plan and the general location map.

2.2 Location Justification

Provide your reasons/justification of the need for this type of project at this location:



The SookePoint Ocean Cottage Resort will grow to accommodate over 500 overnight residents and guests, and employ approximately 200 full and part time staff in a healthy eco-adventure tourism environment.

SookePoint is within a master-planned comprehensive development zone that specifically permits *'boat moorage, rentals and docks accessory to the destination resort'*. This zoning was approved by the Capital Regional District Board in 2002. In addition to also appearing in Sooke Zoning Bylaws, this provision was fully explained to all residential purchasers in their Disclosure Statement, so everyone who purchased was fully informed.

Moonlight Bay is the only adjoining location that is protected enough to provide safe access to the sea for SookePoint tourists, residents and the traveling public.

2.3 Seasonal Expectations of Use

When will the Project require use of the land? Include information on key works during construction phases as well as operations phase. Please reference reduced risk fish windows as required by DFO:



Project Phase (Construction / Operations)	Brief Description of Activity / Works	Season
Install pilings, ramp & dock	pour concrete, barge in ramp & dock	As DFO approves
Add Row		

3.0 Infrastructure and Improvements

3.1 New Facilities and Infrastructure

Detail any new facilities, infrastructure or processes proposed and any ancillary uses. Provide details of planned construction methods and materials, and construction scheduling.

Facility/Infrastructure/Process	Construction Methods/Materials	Construction Schedule
Install pilings, ramp & dock	pour concrete, barge in ramp & dock	As DFO approves
<input type="button" value="Add Field"/>		

3.2 Access

Identify existing and proposed roads used for access and their use by season. Include any proposed connections to public or Forest Service Roads; traffic information including volume of traffic during construction/operation and phase or season that the traffic is expected:



Roadway/Proposed Connection	Existing/Proposed	Existing Road Classification	Road Permittee Information and Road Use Agreements	Traffic Volume		Mitigation of Traffic Effects
				Construction Phase	Operations Phase	
Silver Spray Drive		Rural	Not required	N/A	N/A	N/A
<input type="button" value="Add Field"/>						

Without the dock all SookePoint residents and guests seeking safe boat access will need to travel by vehicle 20 to 30 minutes each way to Becher Bay or Sunny Shores marina.

3.3 Utility Requirements and Sources

Describe utility requirements and sources, include agreements in place or underway allowing access to utilities.



SookePoint has all required utilities on site.

3.4 Water Supply

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including sources, location, volume and a general description of infrastructure planned to meet water supply requirements, include any agreements outside of Water Act Authorizations identified above (Section 1, Authorizations, Permits or Approvals), such as Municipal water supply.

Project Phase (Construction/ Operation)	Water Requirement (e.g. Surface water or ground water, etc)	Source/location	Volume	Infrastructure Description	Agreements
Construction	no water req'd				
<input type="button" value="Add Field"/>					

Note that Silver Spray invested \$5 million to bring a water line across under Sooke Harbour installed hydrants along 7 km of road, and built a 180,000 Imperial gallon reservoir with pump station and re-chlorination facility, all of which was donated to CRD Water for public use.

3.5 Waste Collection Treatment and Disposal

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including:



Project Phase (Construction/ Operation)	Water Requirement (e.g. Surface water or ground water, etc)	Source/location	Volume	Infrastructure Description	Agreements
Operation	nothing req'd				
<input type="button" value="Add Field"/>					

4.0 Environmental

Describe any significant impacts and proposed mitigation for the following environmental classes:

4.1 Land Impacts

4.1.1 Vegetation Removal

Is any timber removal required?

Yes No

Are any areas of vegetation to be cleared, outside of timber removal?

Yes No

4.1.2 Soil Disturbance

Will there be any areas of soil disturbance, including clearing, grubbing, excavation and levelling?

Yes No

Is the area to be excavated a Brownfield site or has the potential to be contaminated?

Yes No

Is there potential for disturbance of archaeological, paleontological fossils or historical artifacts?

Yes No

Archaeological studies were completed in 1997 to the satisfaction of the Archaeological Branch.

4.1.3 Riparian Encroachment

Will any works be completed within or adjacent to the riparian zone of any water body?

Yes No



4.1.4 Pesticides and Herbicides

Will there be any use of pesticides or herbicides during construction, operations and/or maintenance?

Yes No

4.1.5 Visual Impacts

Will there be any adverse effects of the projects, and any potential adverse effects on sight lines to the project area from surrounding areas likely to be used for scenic viewing by residents or other users?

Yes No

All property owners were advised of this zoned and planned use well in advance of any purchase.

In addition, a Section 219 restrictive covenant was placed on all of the neighbouring residential strata lots to prevent any docks other than for the the destination resort, thus permanently protecting numerous other sight lines.

4.1.6 Archaeological Sites

Are there any known or high potential (Arch Procedure) archaeological sites within the project area?

Yes No

Have you conducted an AIA or engaged an archaeologist to assist with your investigations?

Yes No

4.1.7 Construction Methods and Materials

Identify the types of construction materials, the methods used, their impacts, and any mitigations:

Construction Material/Method	Impacts	Mitigations
Concrete, Chain, Wood, Plastic	Minimal	
Add Field		

4.2 Atmospheric Impacts

4.2.1 Sound, Odor, Gas or Fuel Emissions

Will the project construction or operation cause any of the following to disturb wildlife or nearby residents:

(Best management practices for sound)

Sound? Yes No (some boat motors)

Odor? Yes No

Gas? Yes No (except gas used by some boat motors)

Fuel Emissions? Yes No (except possibly from some boat motors)

4.3 Water or Land Covered by Water Impacts

4.3.1 Drainage Effects

Will the project result in changes to land drainage?

Yes No

4.3.2 Public Access

Will the project result in changes to public access?

Yes No

Public access will not be impeded because the gangway and ramp are elevated above the foreshore such that a person can walk underneath.

4.3.3 Flood Potential

Will the project result in a potential for flooding?

Yes No

4.4 Fish and Wildlife Habitat Impacts

4.4.1 Disturbance to Wildlife and Wildlife Habitat

Will the project result in adverse effects to wildlife or wildlife habitat?

(BC Wildlife Act)

Yes No

The pilings are to be on rock that dries at low tide. The ramp is elevated and the dock floats. The inert concrete blocks will create more structure and underwater surface area than their footprint.

Will the project (construction or operations phase) occur in and around streams, lakes, estuarine or marine environments?

Yes No

Is the project (construction or operations phase) likely to increase erosion or sedimentation?

Yes No

Will the project (construction or operations phase) require water diversion?

Yes No

Will the project threaten or endanger species at risk in the area?

Species At Risk Act

Yes No

5.0 Socio-Community

5.1 Land Use

Describe the current community setting on or near the project area, including the location of non-aboriginal and aboriginal communities or known use areas.

Silver Spray is along the southern boundary of the entrance to Sooke Harbour and is a part of the Municipality of Sooke, named for the T'Sou-ke Coast Salish First Nation.

There are no known uses within Moonlight Bay. Pike Point is the eastern boundary of Moonlight Bay, and it is within East Sooke Regional Park. Possession Point aka SookePoint is the western boundary of Moonlight Bay, and it is Area A within the Silver Spray Comprehensive Development Zone, designed specifically to permit *'boat moorage, rentals and docks accessory to the destination resort'*.

5.1.1 Land Management Plans and Regional Growth Strategies

Are there any land and resource management plans, coastal plans, provincial, regional growth strategies or local government plans with zoning, or management policies or use restrictions in place that could limit or preclude your proposed use of the land? *(Please refer to the Union of BC Municipalities (UBCM), and check the websites of the municipality, regional district or other organization with jurisdiction including your project area.)*

Yes



5.2 Socio-Community Conditions


5.2.1 Adjacent Users or Communities

Is the project likely to restrict public access, or the ability, or the ability of adjacent land owners or tenure holder to access their property or tenures?

Yes




5.2.2 Existing Services

Provide a description any increased demand on fire protection and other health facilities and emergency services arising from your Project, including proposed management or mitigation measures. 

Silver Spray and SookePoint pay a special levy for fire protection and first responder medical services provided by the East Sooke Volunteer Fire Department.

In addition, SookePoint has two Level 3 OHA medical staff and its own Emergency Medical Transport Vehicle.

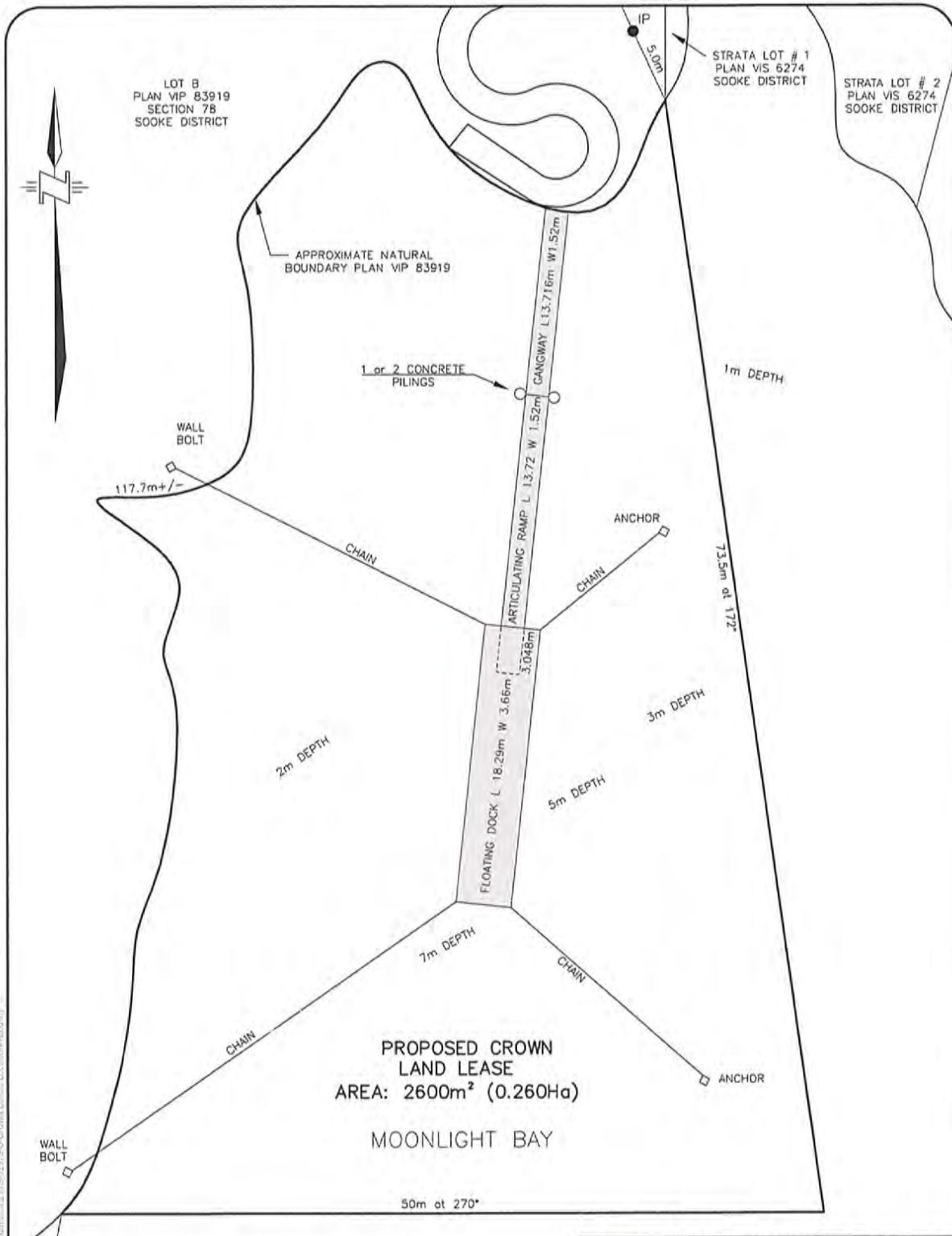
5.2.3 First Nations Consultation

Describe any contact you may have had, including the name of the First Nation(s) and representatives contacted. 

Working with Chief Gordon Planes, Council Members Rose Dumont and Allan Planes, and T'Sou-ke consultant Colin Doyle, Landus Development Group Inc. signed a 'Mutual Benefit Agreement Letter of Intent' to work with the T'Sou-ke First Nation to provide economic benefits, work training, employment, and social and environmental benefits at SookePoint. Although the term of the original letter has expired, SookePoint agreed to double the length of its outfall to accommodate a request from the T'Sou-ke First Nation, and to increase its capacity to assist future neighbouring development. In addition, SookePoint has invited the T'Sou-ke First Nation to participate in marine based business, a T'Sou-ke Cultural Centre at SookePoint, and guided First Nation boat tours in the renowned T'Sou-ke War Canoe.

END OF FORM





PROPOSED CROWN
LAND LEASE
AREA: 2600m² (0.260Ha)

MOONLIGHT BAY

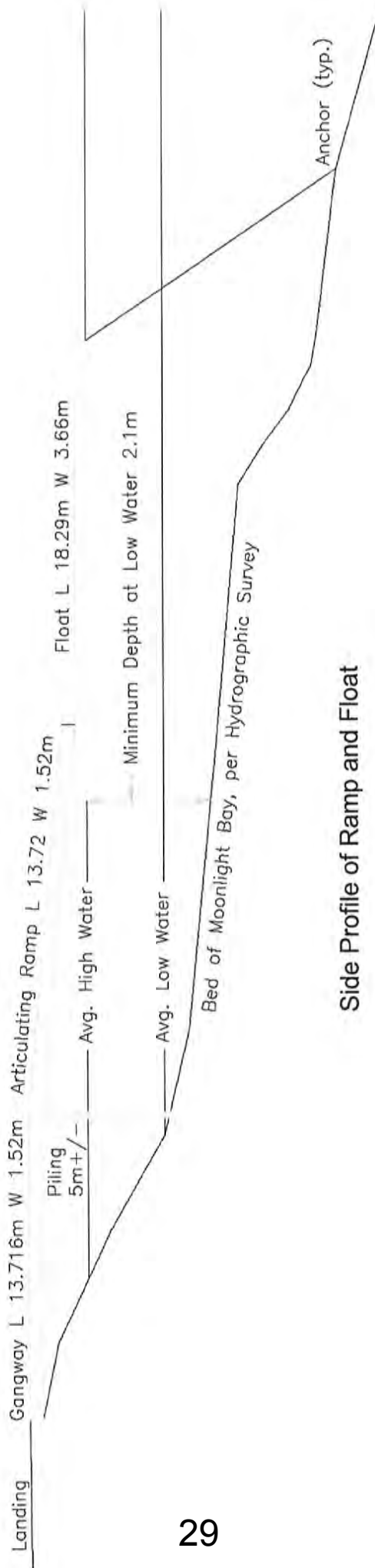
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SCALE 1 : 250



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF

 McElhanney McElhanney Consulting Services Ltd. 500 - 3960 QUADRA STREET VICTORIA, BC V8X 4A3 PH (250) 370-8221	
LANDUS DEVELOPMENT GROUP INC. Client	
CROWN LAND LEASE SOOKEPOINT, SOOKE, BC Title	
Date: JULY 18, 2014	MCSL Project No. 2113-02579-00
Scale: 1:250	2113-02579-00
Drawn: SA	Drawing No.
Checked: RR	2113-02579-01



Side Profile of Ramp and Float



DISTRICT OF SOOKE

BYLAW No. 644

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on a portion of the water near Possession Point legally described as "Unsurveyed Crown foreshore or land being covered by water being part of the bed of the Juan de Fuca Strait, Sooke District" from Passive Recreation (W1) to Marina (W3).

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

1. This bylaw is cited as *Zoning Amendment Bylaw (600-30)*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is amended in **Schedule A** by changing the zoning on the property legally described as Unsurveyed Crown foreshore or land being covered by water being part of the bed of the Juan de Fuca Strait, Sooke District as shown outlined in black and hatched on Schedule A from Passive Recreation (W1) to Marina (W3).

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

Read a second time the day of , 2016.

Public hearing held the day of , 2016.

Read a third time the day of , 2016.

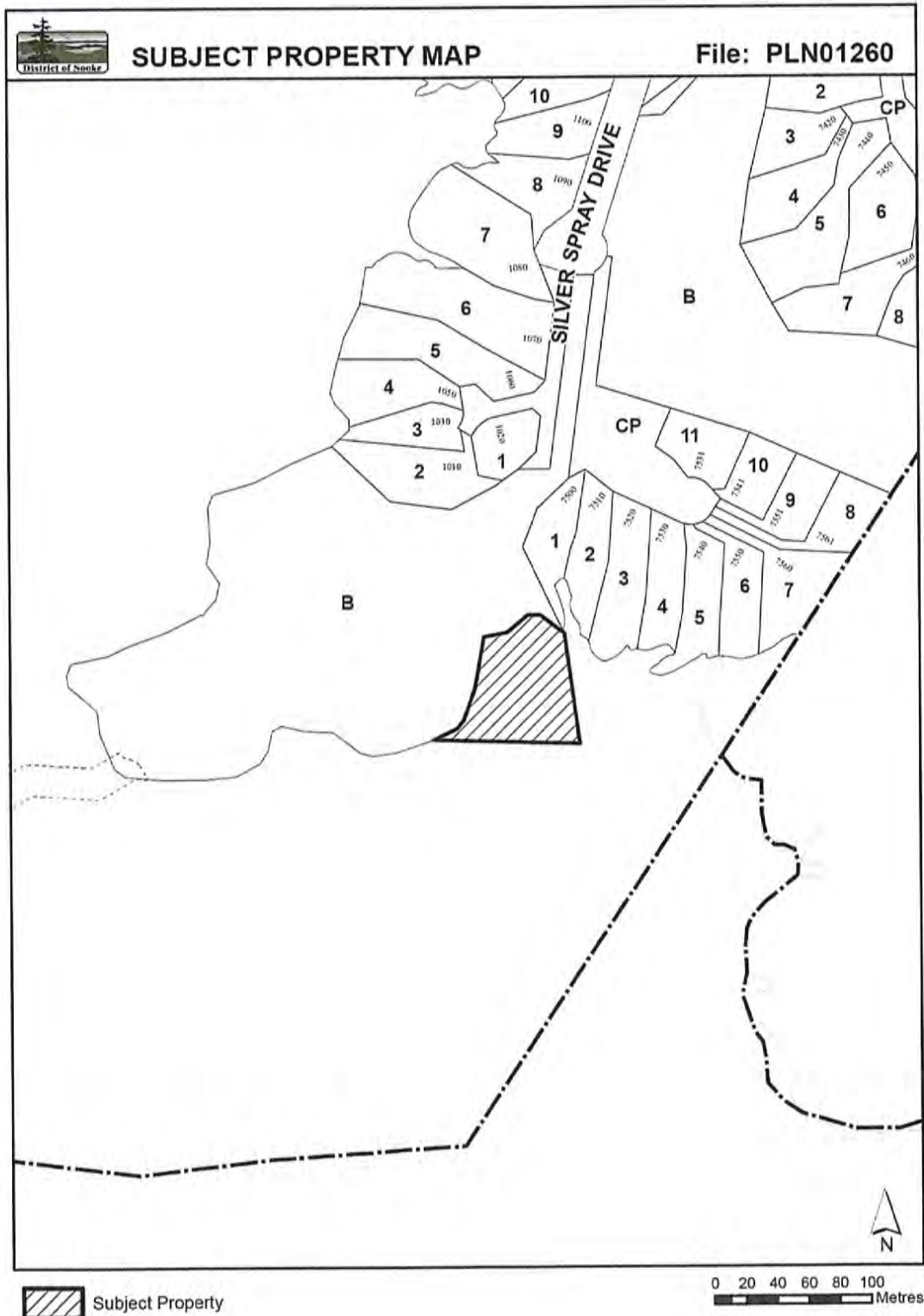
Adopted on the day of , 2016.

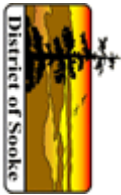
Certified by:

Mayor

Corporate Officer

SCHEDULE A



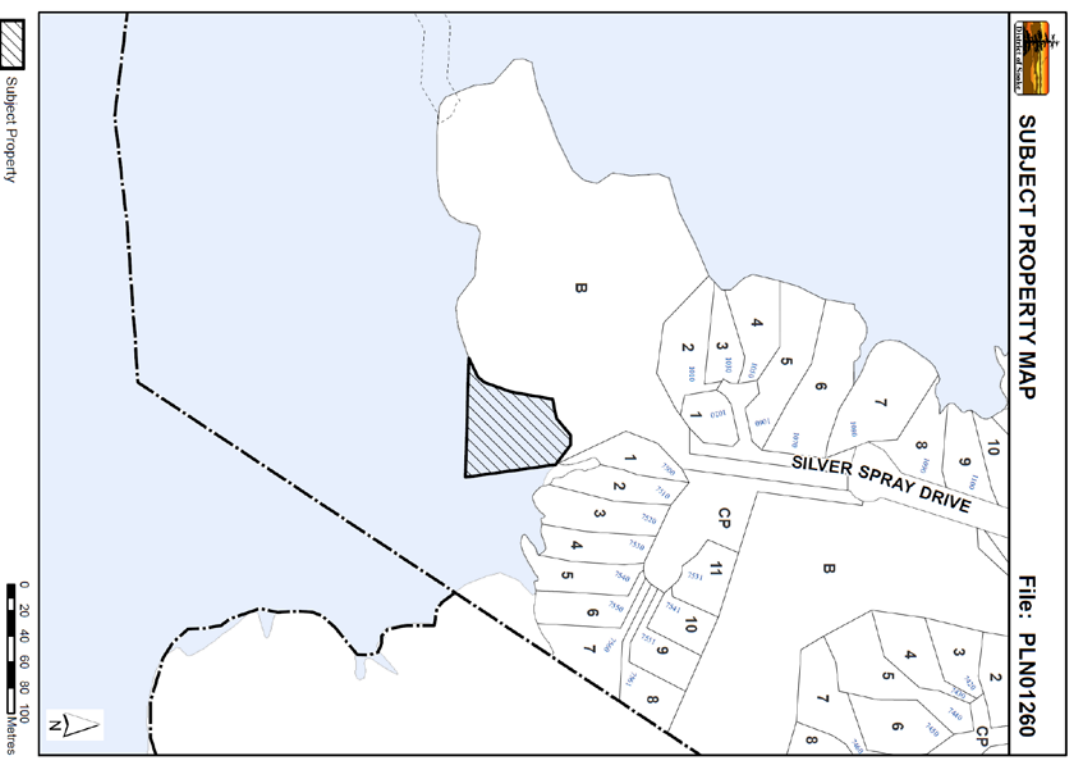


Silverspray Water Lot (Sooke Point) Rezoning Application

REGULAR COUNCIL
June 13, 2016

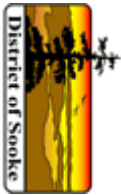
Site Summary

- The water lot is approximately 2600m² (0.26ha) in size
- Site is located between Possession Point and Pike Point
- **Current Zone:** W1 Passive Recreation
- **Proposed Zone:** W3 Marina
- The area is designated 'Water' in the OCP.
- Applicant has also applied to province for foreshore 'license to occupy'.



- The applicant is proposing construction of a floating dock, accessed from the upland via an articulating ramp.
- Rezoning will facilitate public access to the water.
- The upland Zoning is Area A of the Silverspray Zone allows for complimentary commercial uses.
- The OCP provides policy statements related to Economic Development, Tourism, Environment & Parks and Trails that support this type of application.





Staff recommendation

Approval of the Application is recommended for the following reasons:

- The site is within the Water designation of the OCP
- Application is consistent with the policy context outlined in the OCP
- The site is adjacent to an area designated for Comprehensive Development
- The proposal is consistent with Council's Strategic Priorities