



PH-1

**Public Hearing
Information Package**

October 11, 2016 at 7:00 pm

Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

6557 Clairview Road

Proposed Bylaw:	Bylaw No. 652, <i>Zoning Amendment Bylaw (600-34)</i>
Zoning Amendment:	A bylaw to amend Bylaw No. 600, <i>Sooke Zoning Bylaw, 2013</i> for the purpose of amending the zoning on the property legally described as Lot 1, Section 72, Sooke District, Plan VIP67570 from Large Lot Residential (R1) to Low Density Multi-Family 1 (RM-1).

Information Package Contents:

1. Notice of Public Hearing published in Sooke News Mirror September 28, 2016 and October 5, 2016. 1
2. Bylaw No. 652, *Zoning Amendment Bylaw (600-34)* at second reading. 3
3. Council resolution dated September 12, 2016. 5
4. Staff Report to Council dated September 12, 2016: 7
 - Application Summary
 - Referral Agency Comments
 - Subject Property Map
 - Low Density Multi-Family 1 Residential Zone information
 - Species at Risk mitigation plan
 - Draft Bylaw No. 652
 - Draft s. 219 covenant

*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 **Tuesday, October 11, 2016** commencing at 7:00 pm.

Application Information:

Bylaw: Bylaw No. 652, *Zoning Amendment Bylaw (600-34)*
File No: PLN01278
Civic Address: 6557 Clairview Road (outlined in black and hatched on the subject map)
Legal Description: Lot 1, Section 72, Sooke District, Plan VIP67570
Applicant: **Darren Sopher**
491 Foster Street, Victoria BC V9A 6R6

Proposal:

The purpose of Bylaw No. 652, *Zoning Amendment Bylaw (600-34)* is to rezone 6557 Clairview Road from "Large Lot Residential (R1)" to "Low Density Multi-Family 1 (RM1)", which will permit a maximum density of four (4) dwelling units. To achieve the maximum density, the applicant plans to develop a two storey four plex.

Adoption of Bylaw No. 652 will be subject to a Section 219 Covenant being registered on title with regard to the requirement for a more detailed

Geotechnical Study for the subject property at time of development permit.

Further Information:

Copies of the bylaw, 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 Office 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 September 28, 2016 to and including October 11, 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. 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 **Tuesday, October 11, 2016 at 12:00 pm**. Please be advised that submissions to Council will become part of the public record and are subject to disclosure under the *Freedom of Information and Protection of Privacy Act (FOIPPA)*.

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





**DISTRICT OF SOOKE
ZONING AMENDMENT
BYLAW No. 652**

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property located at 6557 Clairview from Large Lot Residential Zone (R1) to Low Density Multi-Family 1 Zone (RM1).

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

1. This Bylaw is cited as *Zoning Amendment Bylaw No. 652 (600-34)*.
2. The parcel of land legally described as Lot 1, Section 72, Sooke District, Plan VIP67570 as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this Bylaw, is hereby rezoned from Large Lot Residential Zone (R1) to Low Density Multi-Family Residential Zone (RM1).
3. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* as amended, and Schedule A attached thereto, are amended accordingly.

READ a FIRST time the 12 day of September, 2016.

READ a SECOND time the 12 day of September, 2016.

PUBLIC HEARING held the ___ day of ____, 2016.

READ a THIRD time the ___ day of ____, 2016.

APPROVED by Ministry of Transportation and Infrastructure the ___ day of ____, 2016.

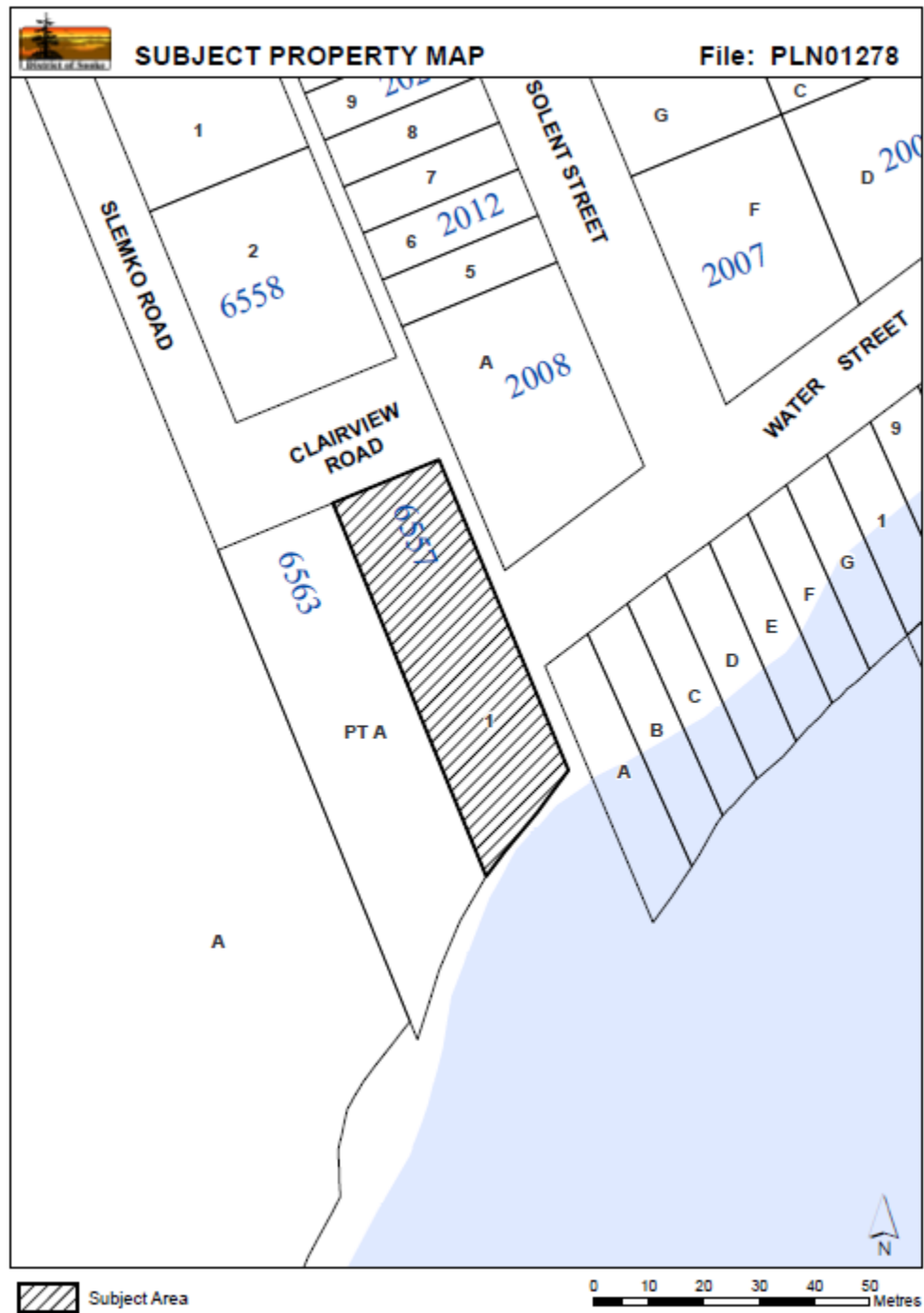
ADOPTED the ___ day of ____, 2016.

Certified by:

Maja Tait
Mayor

Gabryel Joseph
Acting Corporate Officer

SCHEDULE A



B-4 Bylaw No. 652, Zoning Amendment Bylaw (600-34) - 6557 Clairview Road.

Tara Johnson provided a PowerPoint presentation and summary of the rezoning application for 6557 Clairview Road.

MOVED K. Pearson – K. Reay

THAT Council grant First Reading to *Bylaw No. 652, Zoning Amendment Bylaw (600- 34)* to rezone the property located at 6557 Clairview Road from Large Lot Residential Zone (R1) to Low Density Multi-Family 1 Zone (RM1).

CARRIED

In favour:

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

MOVED B. Berger – R. Kasper

THAT Council grant Second Reading to *Bylaw No. 652, Zoning Amendment Bylaw (600- 34)* to rezone the property located at 6557 Clairview Road from Large Lot Residential Zone (R1) to Low Density Multi-Family 1 Zone (RM1)

CARRIED

In favour:

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

MOVED B. Berger – K. Reay

THAT Council direct staff to schedule a Public Hearing for Bylaw No. 652 in accordance with the requirements of section 464 of the Local Government Act.

CARRIED

In favour:

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

MOVED E. Logins - B. Parkinson

THAT prior to final adoption of Bylaw No. 652, the owner enter into a Section 219 Covenant with the District of Sooke to address Geotechnical requirements; AND authorize the Mayor and Chief Administrative Officer to execute the Section 219 Covenant.

CARRIED

In favour:

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



File No. PLN01278

REQUEST FOR DECISION

Regular Council

Meeting Date: September 12, 2016

To: Teresa Sullivan, Chief Administrative Officer

From: Development Services Department

Re: 6557 Clairview Road

RECOMMENDATION:

THAT COUNCIL give first and second reading to Bylaw No. 652, *Zoning Amendment Bylaw (600- 34)* to rezone the property located at 6557 Clairview Road from Large Lot Residential Zone (R1) to Low Density Multi-Family 1 Zone (RM1);

AND THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 652 in accordance with the requirements of section 464 of the *Local Government Act*;

AND FURTHER THAT COUNCIL direct that prior to final adoption of Bylaw No. 652, the owner enter into a section 219 covenant with the District of Sooke to address Geotechnical requirements and that Council authorize the Mayor and Chief Administrative Officer to execute the section 219 Covenant.

1. Executive Summary:

The applicant has applied to rezone the subject property from Large Lot Residential (R1) to Low Density Multi-Family 1 (RM1) with the intent of developing a two storey fourplex.

The area to be rezoned is approximately 1416m² (0.14ha) and is located within the sewer specified area.

2. Background:

The subject property is near the eastern boundary of Sooke's Town Centre. The lands surrounding the subject properties are predominately zoned Large Lot Residential (R1). Less than 100 feet to the west is the Mariners Village Comprehensive Development Zone (CD7) and to the south is the Sooke Harbour.

There are no structures on the subject property and with the exception of some trees along the eastern property line, a large portion of the property has been cleared.



Referrals were sent to internal departments and applicable external agencies for their review and comment. No concerns were received.

3. Analysis:

A. OFFICIAL COMMUNITY PLAN 2010 (OCP)

The property is designated as Community Residential (CR) within the OCP and it falls within the Community Growth Area (CGA). The goals of the CR designation are to ensure sustainable single family and multi-family construction, reduction of sprawl, and provision of municipal services in an efficient manner. The following policy statements from the OCP are applicable to this rezoning application.

3.2.9 PRESERVING SOOKE'S CHARACTER

- (d) Encouraging view corridors to Sooke's natural features, including the harbour and waterfront areas;

4.3 ENERGY AND CLIMATE CHANGE

- 4.3.3 (f) Create contiguous development (avoiding gaps of undeveloped properties);

4.7 HOUSING

4.7.2 Objectives

- 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;

4.10 ENVIRONMENT

4.10.3 Policies

- (k) Preserve the environment and viewsapes of the Sooke Harbour and Basin, as seen from both land and sea, through:
 - i. Appropriate sizing and "stepping" of new buildings;
 - ii. Protection and integration of natural features in development design;

5.1 COMMUNITY RESIDENTIAL

- 5.1.2 (b) Provide affordable and attainable housing opportunities, to meet the needs of various age groups, family types, lifestyles and income groups.
- (d) Provide the most efficient use of land and existing physical infrastructure in terms of infill/densification.
- (f) Primarily concentrate new residential development in existing areas or neighbourhoods prior to expanding into new areas;
- (k) Allow for a variety of housing options within new and existing residential areas

The subject property is located within walking distance to commercial and social amenities of the Sooke Town Centre. The low rise fourplex proposed will be a compatible form of development within a single family neighbourhood providing an attractive transition to higher density while respecting the views to the harbour. There will be a view corridor maintained along the eastern property line, by way of an existing right of way.

An Environmental Assessment and a Mitigation Plan have been submitted. It has been determined that the project site is potential habitat for Brandt's Cormorant, a bird that is a species at risk. Once land prepping and construction begins, the developer will be required to follow the mitigation plan which includes environmental monitoring.

B. ZONING BYLAW 2013

The minimum lot size permitted in the RM1 zone is 1000m². As this property is just over 1000m² in size, subdivision is not possible. The maximum density permitted is four (4) dwelling units (30 dwelling units per hectare). The owner has proposed four units in the form of a fourplex, which falls within the Zoning Bylaw's definition of Townhouse.

The future development will be subject to a development permit to address form and character, including parking requirements, view corridor and a detailed site specific geotechnical study.

Being a waterfront property, there is a 15 meter setback requirement from the High Water Mark (HWM). In addition to the setback, there is a covenanted area located on the southern portion of the property restricting any fill, building, or removal of vegetation.

4. Legal Impacts:

A section 219 covenant is required to be registered on title before the adoption of Bylaw 652.

5. Financial Impacts:

The developer will pay for all costs associated with site improvements and development and is bound by District of Sooke Bylaws and regulations.

Since this is an application for four (4) dwelling units, the Community Amenity Contribution Policy 13.3 is not applicable.

6. Implication of Recommendation:

The rezoning application is consistent with the objectives of the Community Residential designation within the OCP.

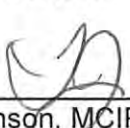
7. Strategic Relevance:

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

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

Attached Documents:

1. Application Summary
2. Referral Agency Comments
3. Subject Property Map
4. Low Density Multi Family 1 Residential Zone information
5. Species at Risk Mitigation Plan
6. Draft Bylaw No. 652
7. Draft S. 219 covenant



Tara Johnson, MCIP, RPP
Planner II

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

Application Summary

Address	6557 Clairview Road
Legal	Lot 1, Section 72, Sooke District, Plan VIP67569
Existing Zoning	Large Lot Residential (R1)
Proposed Zoning	Low Density Multi Family 1 (RM1)
Existing OCP	Community Residential
Proposed OCP	n/a
Parcel Size	+/- 0.14ha = 1416m ²
Services	Water: CRD Water Sewer: Municipal Drainage: On-site
Adjacent Land Uses	North: Clairview Road South: Sooke Harbour East: Residential and Water View Street West: Large Lot Residential and Mariners Village

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

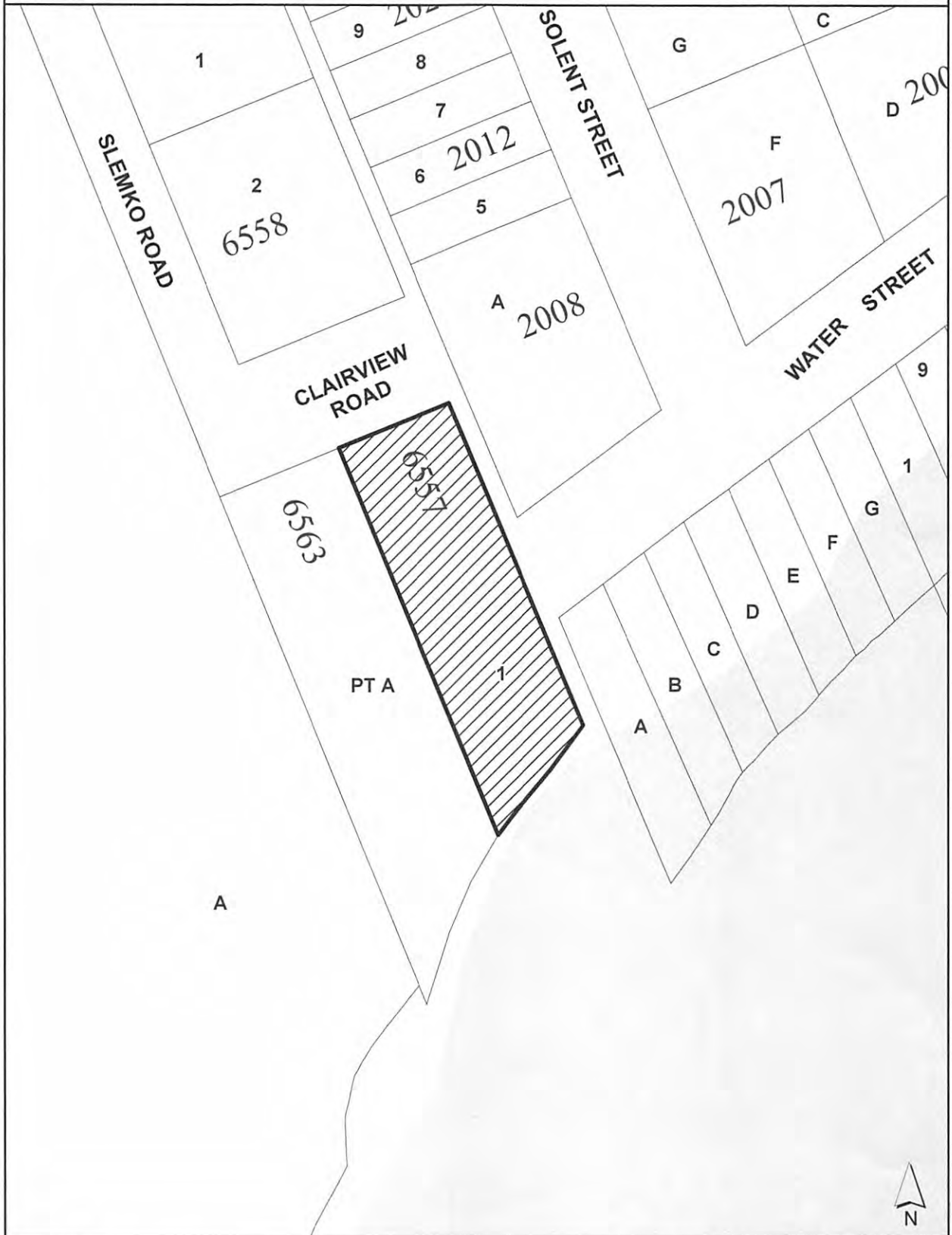
SUMMARY OF COMMENTS RECEIVED IN RESPONSE TO DISTRICT OF SOOKE REFERRAL

EXTERNAL REFERRALS	
Agency	Comments
BC Hydro	Modifications to the BC Hydro system will be necessary in order to extend the electrical system to this development. BC Hydro will need to complete a thorough system study and design to provide a cost estimate for this work. The developer must submit an application for service with the local BC Hydro District Office by email or by mail.
Ministry of Transportation and Infrastructure	No objections to the proposal and has no additional requirements for approval.
Canada Post	No response
BC Transit	No response
Beecher Bay	No response
CRD Water	See attached. Comments will be addressed at time of development.
CRD JdFEA	N/A
SEAPARC	No response
T'souke Nation	No response
VIHA	N/A
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 conflicts.
Shaw Cable	No concerns
Telus	No response
Building	Will address at time of building
Fire	With the requirement for a hydrant to be installed, we would like to see it place on the corner of Slemko and Clairview on the north east side. There shall be clear numbering for ease of access to each unit.
Engineering	A paved hammer head turnaround will be required at the end of Clairview Road. Clairview Road will need to be widened by one (1) meter and paved. A detailed site specific geotechnical report will need to be completed prior to development permit.
Environmental	The environmental mitigation plan addresses breeding times but not winter roosting sites. There needs to be a plan for the aggregation of the hundreds of birds that spend the winter adjacent to the proposed development site.



SUBJECT PROPERTY MAP

File: PLN01278



Subject Area

0 10 20 30 40 50 Metres

Low Density Multi Family 1

RM1

302.1 Purpose: This zone provides for low density multi family development in the Sewer Specified Area.

302.2 Permitted Uses:

Principal Uses:

- a) Apartment building
- b) Assisted living facility
- c) Cluster dwelling units
- d) Duplex
- e) Townhouse

Accessory Uses:

- f) Limited home-based business

302.3 Minimum Lot Size for Subdivision Purposes: 1,000 m²

302.4 Minimum Width for Subdivision Purposes: 30 m

302.5 Maximum Density: 30 dwelling units/ha

302.6 Maximum Height:

- a) Principal Buildings: 3 storeys up to a height of 12 m
- b) Accessory Buildings: 9 m

302.7 Maximum Lot Coverage: 40%

302.8 Amenity Area: A minimum of 5% of the lot area must be developed as an amenity area for the residents.

302.9 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	3 m	3 m	3 m	4.5 m	1 m
Principal Building adjacent to RM1, RM2, RM3, or RM4	3 m	3 m	0 m	4.5 m	1 m
Accessory Building or Structure – 1 storey	7.5 m	4.5 m	1.2 m	4.5 m	0 m

August 25th, 2016

Attention:



Sooke, BC

Subject: **Species at Risk Mitigation Plan**

In accordance with the information received from the District of Sooke (letter from Ms. Tara Johnson, Planner, Tel: 250-642-1624, and Ms. Laura Hooper, Sooke's Parks and Environmental Service Coordinator, Tel: 250-642-1634) the project site is potential habitat for Brant's Cormorant.

Brant's Cormorant Species Conservation Status and Biology

Based on the data from BC Conservation Data Centre (copy attached), the conservation status of Brandt's Cormorant is red listed [1].

Brandt's Cormorant is a big (71-89 total length) black coastal marine bird inhabitant living along the west coast of British Columbia. These birds feed on fish and crabs. Their reproduction time is June-July. Brandt's Cormorants use rocky islands for nesting and roosting [2].

Booth B.P. [3] describes Brandt's Cormorants as birds that winter mainly from the south coast of BC southward. During winter they frequent bays, lagoons, harbors and narrows with strong currents adjacent to nearby rocks or islets that provide suitable roosting habitat.

This species is sensitive to human disturbance (disturbance during nesting, boats activity, habitat degradation, water toxic pollution, commercial fishing) and need to be prospected.

Management Plan

- No blasting or pile driving allowed during construction
- Construction noise near occurring the shore must be minimized during the June-July period
- All shoreline rocks, drifted woods, trees, including dead and dry ones, must be kept in place and not moved
- Protective orange fence, 2-3 m in diameter, must be erected around every single tree or groups of the trees/shrubs
- Environmental Monitor (EM) must be onsite before the start of the construction phase to examine the fence
- Periodical monthly EM visits and a post construction report are recommended
- All human and dogs activity near the shoreline must be reduced
- The warning sign "Birds Sensitive Protection Area" must be installed in a visible place near the shoreline
- Educate the public about the importance of conservation of Brandt's Cormorant species



BC Conservation Data Centre: Conservation Status Report

Phalacrocorax penicillatus Brandt's Cormorant

Scientific Name:	<i>Phalacrocorax penicillatus</i>
English Name:	Brandt's Cormorant
Provincial Status Summary	
Status:	S1B,S4N
Date Status Assigned:	April 23, 2015
Date Last Reviewed:	March 05, 2015
Reasons:	Very small breeding population restricted to very few sites. Large winter population occurs in the Georgia Depression. Prior to 2013 no known breeders had been documented in the province since 2008, the breeding population was considered possibly extirpated. Recent nest discoveries in 2013 and 2014 has updated the rank. Despite the recent discoveries of breeding evidence there are still very few breeding occurrences in the province and are highly threatened due to human disturbance.
Range	
Range Extent:	E = 5,000-20,000 square km
Range Extent Estimate (km2):	~8 000
Range Extent Comments:	Breeding range restricted to offshore islands on the south, west, and north coast of Vancouver Island. Outside the breeding period, Brandt's Cormorants can be found in inshore marine waters throughout the coast, but are most abundant in the Gulf Islands and Juan de Fuca Strait (Campbell <i>et al.</i> 1990). Recent breeding evidence was found on Mandarte Island in 2013 and 2014 (Carter, 2014a; Carter, 2014b).
Area of Occupancy:	A = 1

Area of Occupancy Estimate: 1

**Area of Occupancy
Comments:**

The only current area occupied by breeders is on Mandarte Island which is <1km² (Carter, 2014b).

Occurrences & Population

Number of Occurrences:

A = 1 - 5

Comments:

From 2008-2012 there were no active nests documented and the species was considered possibly extirpated from the province (Carter, 2014a). In 2013 3 nests were identified on Mandarte Island, a location where they had never been documented to breed before (Carter, 2014a). Then again in 2014 5 nests were identified (Carter, 2014b). Breeding colonies active in 1989 were limited to three of seven historically used sites (Rodway 1991). In most years only one or two sites are active (Campbell *et al.* 1990).

**Number of Occurrences with
Good Viability / Ecological
Integrity:**

Rank Factor not assessed

**Number of Occurrences
Appropriately Protected &
Managed:**

BC = 1 - 12

Comments:

A number of current and historic breeding colonies are protected within Race Rocks Ecological Reserve, Sartine Island Ecological Reserve, and Scott Islands Provincial Park. The largest colony at Starlight Reef is not protected.

Population Size:

U = Unknown

Comments:

There are currently (2011) no known breeders in the province (T. Chatwin pers. comm). Breeding population size was estimated at 95 pairs (Rodway 1991). Total winter population in the inner coastal waters is estimated between 10,000 and 15,000 birds (Campbell *et al.* 1990).

Threats (to population, occurrences, or area affected)

Degree of Threat:

Rank Factor not assessed

Comments:

Colonies are very threatened by human disturbance (Rodway 1991; Wallace and Wallace 1998), oil spills (Burger and Fry 1993), and gill-net entanglement (DeGange *et al.* 1993). The extremely small size of the

breeding population and individual colonies exacerbates the impact of these threats. Pelecaniformes in general are sensitive to organochlorine pesticides (DDT and DDE) and the effect these compounds have on eggshell thickness and subsequent reproductive failures (Elliot and Noble 1993). It is not clear what impact environmental contaminants are having on Brandt's Cormorant. Wintering populations are concentrated in an area of high human activity and pollution. Ranked as a species with high sensitivity to oil spills (Wahl *et al.* 1981). Mortality due to bioaccumulation of toxins in Dinoflagellates and diatoms has been recorded (Wallace and Wallace 1998).

Trend (in population, range, area occupied, and/or condition of occurrences)

Short-Term Trend: AB = Decline of >80%

Comments:

From the late 60's to mid 2000's a small number bred on southwest Vancouver island, and one breeding occurrence was recorded at Race Rock in 1987 (Carter, 2014a). By the early 2000's it was evident that declines were occurring and between 2008-2012 no active nests were documented (Carter, 2014a). The breeding population was considered possibly extirpated from the province until 2013 when 3 active nests were found on Mandarte Island, another 5 nests were identified in 2014 on Mandarte (Carter, 2014a; Carter, 2014b). Estimates for breeding population have varied 150 pairs in 1970, 185 pairs in 1975, 95 pairs in 1989 (reviewed in Wallace and Wallace 1998). Breeding populations have declined since 1970: but were first documented in British Columbia in 1965 (Stirling and Buffam 1965). Brandt's Cormorant is a highly variable breeder, subject to changes in local up-welling conditions and large-scale events such as El Nino (Siegel-Causey and Litvinenko 1993).

Long-Term Trend: Rank Factor not assessed

Comments:

Long-term trend not yet determined, first recorded breeding in 1965 (Stirling and Buffam 1965).

Other Factors

Intrinsic Vulnerability: Rank Factor not assessed

Environmental Specificity: Rank Factor not assessed

Other Rank Considerations:

Information Gaps

Research Needs:

Current and historical breeding sites should be monitored regularly using standardized methods (Resources Inventory Committee 1997) to detect trends in population and reproductive success, as well as determine the persistence of individual colonies. Check for chick malformations potentially caused by environmental contaminants. Possible alternative sites such as Mitlenatch, Mandarte, Tent and Great Chain islands should also be monitored regularly for evidence of breeding activity, but nest counts must be interpreted with caution as this species often builds nest without laying eggs (Boekelheide and Ainley 1989; Wade and Wade 1998).

Inventory Needs:

Stewardship

Protection:

Unprotected breeding colonies (e.g., Starlight Reef) should be secured through habitat acquisition, administrative transfer, or long-term stewardship agreement as appropriate. Area management plans for each colony should be developed in cooperation with all affected government agencies and stakeholders. Guidelines to reduce human disturbance near cormorant colonies should be developed and implemented. Public information and education products should be developed as part of a overall plan to increase public awareness of vulnerability of cormorant colonies to human disturbance, reduce disturbance, and encourage conservation of breeding habitats. Marine oil spill response plans (e.g., Wahl *et al.* 1981; Howes and Wainwright 1993) should be evaluated and amended as necessary to address the needs of Brandt's Cormorant populations. Eggshell fragments should be collected regularly for analysis of environmental contaminants. Levels of pollutants should be monitored periodically in conjunction with data on reproductive success. Methods of inventorying and researching this species should be developed to decrease susceptibility to disturbance.

Management:

Version

Author: Ramsay, L.R. and B. Niedzielski

Date: February 03, 2015

References

- Boekelheide, R. J., and D. G. Ainley. 1989. Age, resource availability, and breeding effort in Brandt's cormorant. *Auk* 106:389-401.
- Burger, A.E., and D.M. Fry. 1993. Effects of oil pollution on seabirds in the northeast Pacific. Pages 254-263 in K. Vermeer, K. Briggs, K. Morgan, and D. Seigel-Causey, eds. *The status, ecology, and conservation of marine birds in the North Pacific*. Can. Wildl. Serv. Spec. Publ., Ottawa.
- Campbell, R.W., N.K. Dawe, I.McT. Cowan, J.M. Cooper, G. Kaiser, and M.C.E. McNall. 1990. *The Birds of British Columbia, Vol. 1. Nonpasserines: Introduction, Loons through Waterfowl*. Royal B.C. Mus. in association with Environ. Can., Can. Wildl. Serv. 514pp.
- Cannings, R.J. 1998. *The Birds of British Columbia - a taxonomic catalogue*. B.C. Minist. Environ., Lands and Parks, Wildl. Branch, Victoria, Wildl. Bull. B-86. 266pp.
- Carter, H., Lambert, M. and D. Donneck. 2014. Breeding of Brandt's Cormorants on Mandarte Island in 2013. *Victoria Naturalist*. Vol. 70.4, p. 6-7.
- Carter, H.R. 2014. Surveys of Pelagic and Double-crested Cormorant breeding colonies at Mandarte Island, and the southern Gulf Islands in 2013 and 2014. Unpublished report, Carter Biological Consulting, Victoria, B.C.. 9 p.
- DeGange, A., *et al.* 1993. Losses of seabirds in gill nets in the North Pacific. Pages 204-211 in K. Vermeer, K. Briggs, K. Morgan, and K. Seigel-Causey, eds. *The status, ecology and conservation of marine birds in the North Pacific*. Can. Wildl. Serv. Spec. Publ., Ottawa.
- Elliot, J.E., and D.G. Noble. 1993. Chlorinated hydrocarbon contaminants in marine birds of the temperate North Pacific. Pages 241-253 in K. Vermeer, K. Briggs, K. Morgan, and D. Seigel-Causey, eds. *The status, ecology and conservation of marine birds in the North Pacific*. Can. Wildl. Serv. Spec. Publ., Ottawa, ON.
- Howes, D.E., and P. Wainwright. 1993. Coastal resources and oil spill response atlas for the southern Strait of Georgia. Environ. Emergencies Coordination Off., B.C. Minist. Environ., Lands and Parks, Victoria, BC.
- Resource Inventory Committee. 1997f. DRAFT. Standardized Inventory Methodologies for Components of British Columbia's Biodiversity: Sea Birds, version 1.1 (draft). Prepared for Resour. Inventory Comm., B.C. Minist. Environ., Lands and Parks, Victoria, BC.
- Rodway, M.S. 1991. Status and conservation of breeding seabirds in British Columbia. Pages 43-102 in J.P. Croxall, ed. *Seabird status and conservation: a supplement*. Int. Coun. for Bird Preservation Tech. Publ. No. 11. Cambridge. U.K.
- Siegel-Causey, D., and N.M. Litvinenko. 1993. Status, ecology and conservation of shags and cormorants of the temperate North Pacific. Pages 122-130 in K. Vermeer, K. Briggs, K. Morgan, and D. Seigel-Causey, eds. *The Status, Ecology and Conservation of Marine Birds in the North Pacific*. Can. Wildl. Serv. Spec.

Publ., Ottawa, ON.

Stirling, D., and R. Buffam. 1966. The first breeding record of Brandt's Cormorant in Canada. Can. Field-Nat. 80:117-118.

Wahl, T.R., S.M. Speich, D.A. Manuwal, K.V. Hirsch, and C. Miller. 1981. Marine bird populations of the Strait of Juan de Fuca, Straight of Georgia and adjacent waters in 1978 and 1979. Interagency Emergency-Environ. Res. and Dev. Program Rep., EPA-600/7-81-156, NOAA, Marine Ecosystems Analysis Program, Seattle, WA. 391pp.

Wallace, E.A.H., and G.E. Wallace. 1998. Brandt's Cormorant (*Phalacrocorax penicillatus*). in A. Poole, and F. Gill, eds. The Birds of North America, No. 362. The Birds of North America, Inc., Philadelphia, PA.

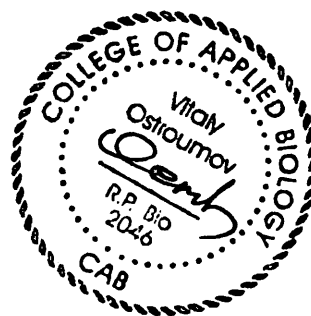
Please visit the website http://www.env.gov.bc.ca/cdc/Reports/status_data_fields_08.htm for information on how the CDC determines conservation status ranks. For global conservation status reports and ranks, please visit the NatureServe website <http://www.natureserve.org/>.

SOURCES CITED

1. BC Conservation Data Centre (2016). Conservation Status Report: *Phalacrocorax penicillatus*. BC Ministry of Environment. Available at: <http://a100.gov.bc.ca/pub/eswp/> (accessed on August 20th, 2016).
2. W. Godfrey. The birds of Canada (1976)
3. Booth, B.P. (2001). Southern Vancouver Island Marine Waters and Seabird Islands Important Bird Areas Conservation Plan. Can.Nature Fed., Bird Studies Can., Fed. of BC Naturalists, Wild Bird Trust BC. 34 pp

Sincerely,

Vitaly Ostroumov, PhD, RPBio
Principal Biologist,
QEP Environmental Ltd.
Tel: 778-432-4838
Cell: 250-681-4838





**DISTRICT OF SOOKE
ZONING AMENDMENT
BYLAW No. 652**

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property located at 6557 Clairview to Low Density Multi-Family 1 Zone (RM1).

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

1. This Bylaw is cited as *Zoning Amendment Bylaw No. 652 (600-34)*.
2. The parcel of land legally described as Lot 1, Section 72, Sooke District, Plan VIP67570 as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this Bylaw, is hereby rezoned from Large Lot Residential Zone (R1) to Low Density Multi-Family 1 Zone (RM1).
3. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* as amended, and Schedule A attached thereto, are amended accordingly.

READ a FIRST and SECOND time the __ day of ____, 20__.

PUBLIC HEARING held the __ day of ____, 20__.

READ a THIRD time the __ day of ____, 20__.

APPROVED by Ministry of Transportation and Infrastructure the __ day of ____, 20__.

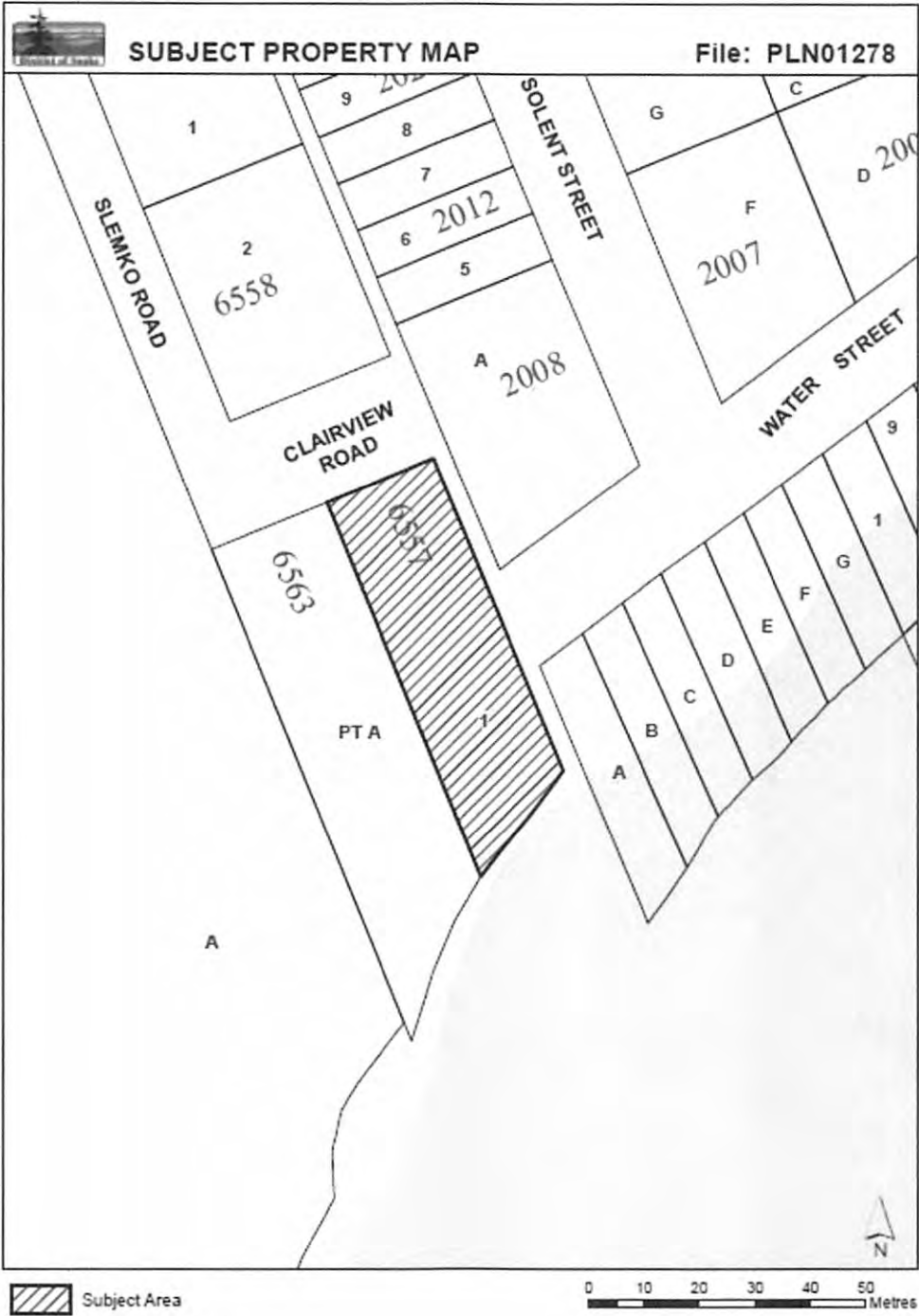
ADOPTED the __ day of ____, 20__.

Certified by:

Maja Tait
Mayor

Gabryel Joseph
Acting Corporate Officer

SCHEDULE A



TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

THIS AGREEMENT, dated for reference _____, 201__ is made

BETWEEN:

Name
Address
Sooke, British Columbia
Postal Code
(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")

GIVEN THAT:

- A. The Owner is the registered Owner in fee simple of the land in Sooke, British Columbia, legally described as:
- Lot 1, Section 72, Sooke District, Plan VIP67570
- (the "Land");
- B. The Owner proposes to develop the Land for residential use;
- C. The Owner has requested the Municipality to adopt Bylaw No. 652, *Zoning Amendment Bylaw (600-34)* (the "Rezoning Bylaw") rezoning the Land to permit the development proposed by the Owner, 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 Owner therefore wishes 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 Owner), the Owner grants 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 subdivided;
- (b) No building permit may be applied for, and the Municipality is not obliged to issue any building permit, in respect of the Land;

unless the subdivision or building 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 Owner 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 opinion, fully satisfied by the Owner.
4. The Owner releases, 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 Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner 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 Owner agrees 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 Owner from complying with any enactment, including in relation to the use of the Land.
9. Every obligation and covenant of the Owner 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 Owner is only liable for breaches of this Agreement that occur while the Owner is the registered Owner of the Land.
 10. The Owner agrees to do everything reasonably necessary, at the Owner's 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 Owner 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. At time of Development Permit application and prior to Building Permit, the owner shall submit a site specific Geotechnical Report to the satisfaction of the Director of Development Services.

END OF DOCUMENT