



**PH-1**

**Public Hearing  
Information Package**

**September 11, 2017 at 7:00 pm**  
Sooke Council Chamber  
2225 Otter Point Road, Sooke, BC

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**District Lots 241 and 242 (Water Lot)**

<b>Proposed Bylaw:</b>	<b>Bylaw No. 676, <i>Zoning Amendment Bylaw (600-40)</i></b>
<b>Zoning Amendment:</b>	The purpose of Bylaw No. 676, <i>Zoning Amendment Bylaw (600-40)</i> is to rezone District Lots 241 & 242, Sooke District from "Marina (W3)" to "Private Wharf (W2)".

<b>Information Package Contents</b>	<b>Page #</b>
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2. Bylaw No. 676, <i>Zoning Amendment Bylaw (600-40)</i> , at second reading.	<b>3</b>
3. Council resolution, dated July 10, 2017	<b>5</b>
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*Please note that written and verbal submissions will become part of the public record.*





# NOTICE OF PUBLIC HEARING

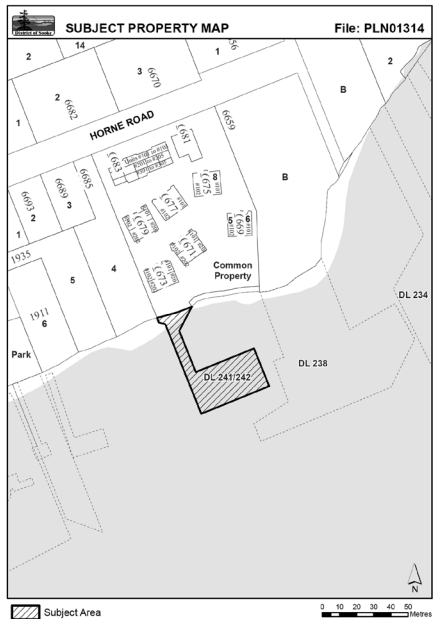
The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the *Local Government Act* in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday, September 11, 2017** commencing at 7:00 pm.

## Application Information:

- Bylaw:** Bylaw No. 676, *Zoning Amendment Bylaw (600-40)*
- File No:** PLN01314
- Civic Address:** Water Lot (shown outlined in black and hatched on the subject map)
- Legal Description:** District Lots 241 and 242, Sooke District
- Applicant:** **0951269 BC Ltd. / EPS 2797 Harbourside Cohousing**

## Proposal:

The purpose of Bylaw No. 676, *Zoning Amendment Bylaw (600-40)* is to rezone District Lots 241 & 242, Sooke District from "Marina (W3)" to "Private Wharf (W2)". The purpose of the rezoning application is to provide consistency with a new Provincial Foreshore Lease application that changes the use of the water lot from commercial uses to a private wharf.



## 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](http://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 August 30, 2017 to and including September 11, 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](mailto:publichearing@sooke.ca) or in person to the Corporate Officer at the District Municipal Offices no later than **Monday, September 11, 2017 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. 676**

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A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on a portion of the water in the Sooke Harbour legally described as Survey Plan of District Lot 241 and District Lot 242, Sooke District from Marina (W3) to Private Wharf (W2).

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

1. This bylaw is cited as *Zoning Amendment Bylaw No. 676 (600-40)*.
2. The parcels of land legally described Survey Plan of District Lot 241 and District Lot 242, Sooke District as shown boldly outlined and hatched on **Schedule A**, which is affixed to and forms part of this bylaw, is hereby rezoned from Marina (W3) to Private Wharf (W2).
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 10<sup>th</sup> day of July, 2017.

PUBLIC HEARING held the \_\_\_ day of \_\_\_\_, 2017.

READ a THIRD time the \_\_\_ day of \_\_\_\_, 2017.

APPROVED by Ministry of Transportation and Infrastructure the \_\_\_ day of \_\_\_\_, 2017.

ADOPTED the \_\_\_ day of \_\_\_\_, 2017.

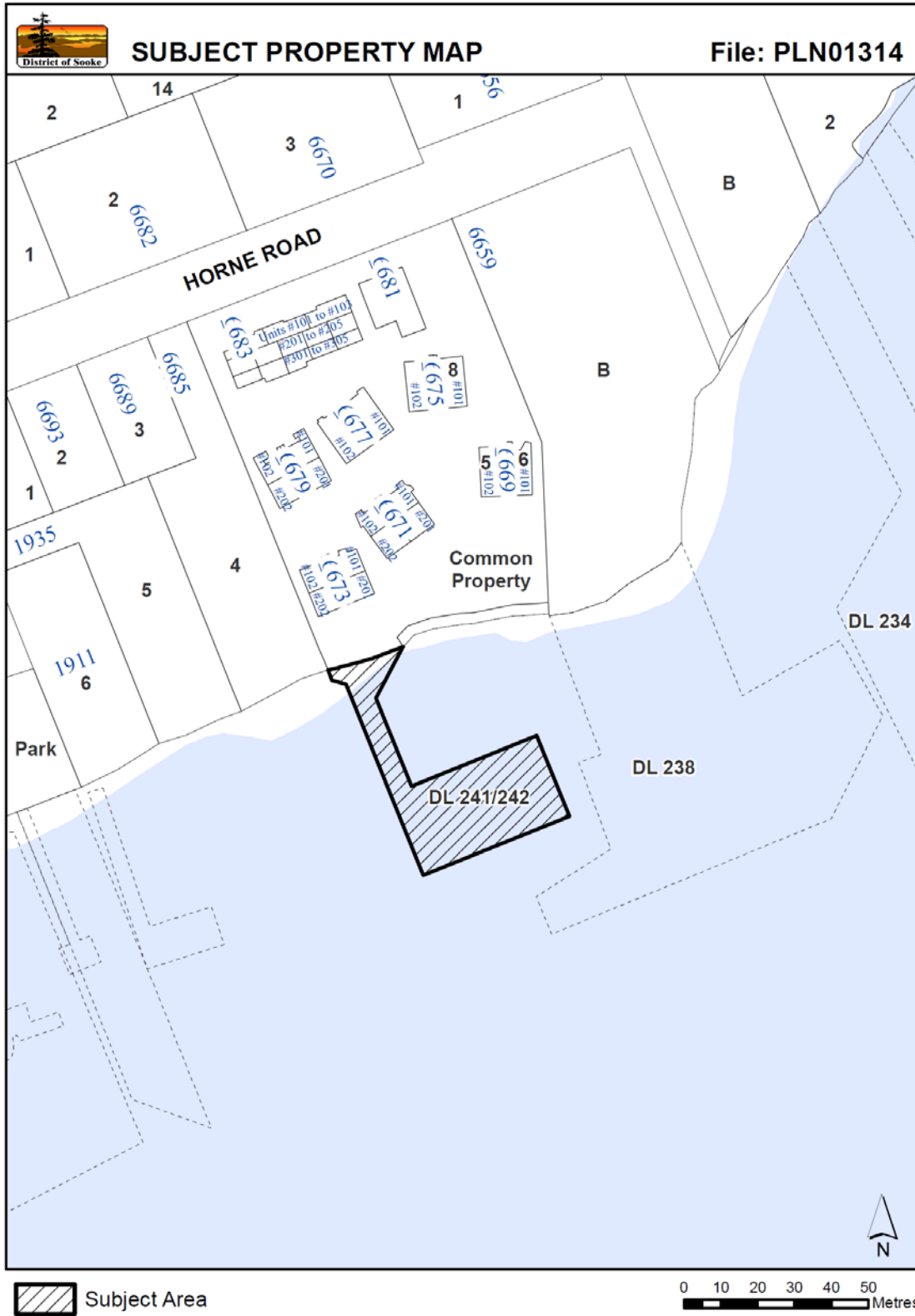
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Maja Tait  
Mayor

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Carolyn Mushata  
Corporate Officer

SCHEDULE A



8.2. **Bylaw No. 676 (600-40) Zoning Amendment Bylaw - Water Lots 241 & 242, Sooke District**

The Development Services department provided a PowerPoint presentation and overview of the written staff report.

**2017-296**

**MOVED by Councillor Parkinson, seconded by Councillor Berger:**

THAT COUNCIL give First and Second readings to *Zoning Amendment Bylaw No. 676 (600-40)* to rezone water legally described as District Lots 241 and 242, Sooke District located to adjacent upland parcel 6681 Horne Road from Marina (W3) to Private Wharf (W2).

**CARRIED.**

**In Favour:** Mayor Tait, Councillor Berger, Councillor Kasper, Councillor Parkinson, Councillor Pearson, and Councillor Reay

**Absent:** Councillor Logins

**2017-297**

**MOVED by Councillor Parkinson, seconded by Councillor Berger:**

THAT Council direct staff to schedule a Public Hearing for *Zoning Amendment Bylaw No. 676 (600-40)* in accordance with Section 466 of the *Local Government Act*.

**CARRIED.**

**In Favour:** Mayor Tait, Councillor Berger, Councillor Kasper, Councillor Parkinson, Councillor Pearson, and Councillor Reay

**Absent:** Councillor Logins







## Rezoning Water - District Lots 241 & 242, Sooke District

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### **RECOMMENDATION:**

THAT COUNCIL give First and Second readings to *Zoning Amendment Bylaw No. 676 (600-40)* to rezone water legally described as District Lots 241 and 242, Sooke District located to adjacent upland parcel 6681 Horne Road from Marina (W3) to Private Wharf (W2); AND

THAT a Public Hearing be scheduled for *Zoning Amendment Bylaw No. 676 (600-40)* in accordance with Section 466 of the *Local Government Act*.

### **Report Summary:**

The purpose of this application is to rezone District Lots 241 and 242, Sooke District. The owners of the upland parcel (6681 Horne Road; Harbourside Cohousing) have applied to the province for a change of use to an existing water lease area, which has triggered the rezoning application. It is proposed that the water be rezoned from Marina (W3) to Private Wharf (W2) to accommodate a change from commercial use to a non-commercial, private wharf. The applicant's rezoning rationale has been attached.

The area of water to be rezoned consists of 0.125ha in accordance with the survey plan submitted. The intention is that the existing wharf/dock configuration will remain as is, and the water lease area will be unchanged. The only change anticipated is a change in use.

### **Previous Council Action:**

The upland property, 6681 Horne Road, was rezoned in 2013 to CD13 Harbourside Cohousing Zone, which accommodates 31 multi family residential units. Construction of this development was completed in 2016.

### **Report:**

The Official Community Plan, 2010 (OCP) provides the policy context for evaluating rezoning applications. This application falls within the 'Water' designation on the OCP Land Use Map. A policy context is attached as it relates to rezoning for use of a private dock.

Overall, there is support for private wharfs in the Sooke Harbour, but provision for a future, public waterfront walkway needs to be considered. Through the rezoning process in 2013, the District secured public access for a future waterfront walkway in this location.

The upland property has a residential zone, and the current owners have no need for a commercial marina. The residential zone is consistent with private use of the wharf, and there are no additional parking requirements for the upland parcel due to the nature of the application. Only residents of the property will access this wharf/dock, which is consistent with the lease application with the province.

**Strategic Relevance:**

The application is consistent with the Strategic Plan.

**Attached Documents:**

[Application Summary](#)

[Referral Summary 6681 Horne Rd](#)

[POLICY CONTEXT attachment](#)

[Rezoning Rationale](#)

[Bylaw 676 \(600-40\)](#)

[PLN01314 Subject Property Map](#)

[PLN01314 Subject Property Map Ortho  
reception20170508120418](#)

### Application Summary

<b>Address</b>	Water lot adjacent to upland parcel 6681 Horne Road
<b>Legal</b>	District Lots 241 and 242, Sooke District
<b>Existing Zoning</b>	Marina (W3)
<b>Proposed Zoning</b>	Private Wharf (W2)
<b>OCP Designation</b>	Water
<b>Parcel Size (Combined)</b>	0.125ha (0.31 acres)
<b>Services</b>	<b>Water:</b> n/a <b>Sewer:</b> n/a <b>Drainage:</b> n/a
<b>Adjacent Land Uses</b>	<b>North:</b> Residential <b>South:</b> Sooke Harbour <b>East:</b> Sooke Harbour <b>West:</b> Sooke Harbour

**SUMMARY OF COMMENTS RECEIVED  
IN RESPONSE TO DISTRICT OF SOOKE REFERRAL SENT May 16, 2017**

<b>EXTERNAL REFERRALS</b>	
<b>Agency</b>	<b>Comments</b>
Archeological Branch	Provincial records indicate previously recorded archaeological site DCRw-59 located at the junction of the property and the existing dock. This site is protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Archaeology Branch. Prior to any land altering activities, an Eligible Consulting Archaeologist should be engaged to determine steps in managing the arch site.  Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.
BC Hydro	With no changes to the footprint regarding the above address, no concerns.
BC Transit	No concerns with this development application.
Beecher Bay	No response
CRD Water	No comments on proposed rezoning referral.
Canada Post	No response.
Dept Fisheries and Oceans	If the work is likely to result in serious harm to fish, then an authorization under section 35 or the Fisheries Act should be sought from DFO's Fisheries Protection Program. DFO's projects near water (PNW) website includes information for proponents on how to comply with the Fisheries Act, Species at Risk Act, request a DFO review of a project and request of Fisheries Act Authorization, as well as a description of measures to avoid causing harm to fish and fish habitat. The PNW contains specific self-assessment criteria related to docks and marinas. I encourage you to review changes as they may be relevant to your project.
Fortis BC	No objections or concerns.
Ministry of Env (FLNRO)	Interests are unaffected.
Ministry of Transportation and Infrastructure	The Ministry has no objections to the proposal and no additional requirements for approval. (2017-03144)
RCMP	No concerns
SEAPARC	No response.
Shaw Cable	No response
School District #62	At this time the School District does not have any concerns with this referral. The catchment schools are Sooke Elementary, Journey Middle and EMCS.
T'Souke Nation	No response.
Telus	No concerns
<b>INTERNAL</b>	
Building	No response.
Fire	No concerns.
Development Services	No issues.

## **POLICY CONTEXT – WATER LOT ADJACENT TO UPLAND PARCEL 6681 HORNE ROAD**

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. There are several policy statements related to private wharfs 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.

### **Section 4.10.3 - Environment**

I. Applications made to FLNRO (formerly ILMB\*) for private docks and floats are supported by the District of Sooke if the following criteria are met:

- i. Adherence to the ILMB\* policies regarding local public consultation e.g. T'Souke Nation, and is in keeping with best management, planning and design standards.
- ii. Between the Town Centre, Government Wharf and Wright Road:
  - A. Once the District completes the public process and approves its Subdivision and Development Standards bylaw, which will provide the necessary guidelines for dock development, prior to construction of a dock, loandowners obtain a development permit which considers environmental, form and character and viewscape issues along the waterfront. Docks must be designed in consideration of the proposed public waterfront walk envisioned in this area; and
  - B. The District must work with landowners and the ILMB\* at the time of dock application, rezoning or development permit to obtain access for a future waterfront walkway in the area;
- 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;

## **C. REZONING RATIONALE**

### **Background re water lot zoning.**

The waters adjacent to upland properties in Sooke first began to be zoned in 2006 with Bylaw 270 which assigned zoning to approximately sixteen water lease areas. The zoning bylaw was revised, becoming Bylaw 500 in 2012. According to a Nov 26, 2012 report on "Marine Zones for the New Zoning Bylaw" (File No. 3360-20): "It was decided to ensure that the zoning in Bylaw 500 would be consistent with the lease terms. Copies of known leases were obtained from the Province and the lease areas were assigned a zone based on the types of uses permitted by the leases." This desire for consistency has continued under Zoning Bylaw 600, which was adopted January 28, 2013.

### **Background re water lease and the property in question.**

6669 Horne Road is the former street address of the upland property associated with the water lots for which we seek rezoning. When Harbourside Cohousing purchased the property from Ralph Hull in 2013, the water lot was zoned W3 Marina, a zoning that was consistent with its use at that time which included a small, commercial marina.

Harbourside Cohousing applied for rezoning of the upland property to a Comprehensive Development zone allowing construction of 7 new buildings to create a 31 unit multifamily residential cohousing community in addition to the existing common amenity building at 6681 Horne Rd. In October 2013, Harbourside received approval as CD13. On completion of construction in January 2016, the development's legal structure became a multi-family residential strata EPS 2797. The water lease, which was due to expire in the spring of 2016, remained with the development company, 0951269 BC Ltd. The renewal of the lease is pending rezoning to match the current use as a private wharf.

### **Rationale for requesting down-zoning to (W2) Private Wharf**

The designation W3 is no longer consistent with our use of the water lot. We seek down-zoning to W2 Private Wharf for the following reasons:

- The use of the water lot is no longer commercial. The marina ceased to exist on completion of Harbourside Cohousing. Moorage is no longer for the general public.
- Moorage is now only for Harbourside residents and guests.
- No changes other than the designation (W2) are requested. There are no changes to water lease area, or to the use, or to the wharf/dock configuration.
- Our Foreshore lease #913187 File #0261041 came up for renewal in 2016. In the renewal process, we have been advised that it is necessary to rezone the water lot to fit the existing use, which is Private Wharf. Therefore, our water lease renewal process is proceeding concurrently with this application. Once the Province is notified that this rezoning application has been approved, we expect to receive our water lease renewal for use as a Private Wharf.



**DISTRICT OF SOOKE  
ZONING AMENDMENT  
BYLAW NO. 676**

---

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1. This bylaw is cited as *Zoning Amendment Bylaw No. 676 (600-40)*.
2. The parcels of land legally described as District Lots 241 and 242, Sooke District as shown boldly outlined and hatched on **Schedule A**, which is affixed to and forms part of this bylaw, is hereby rezoned from Marina (W3) to Private Wharf (W2).
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 \_\_\_\_, 2017.

PUBLIC HEARING held the \_\_day of \_\_\_\_, 2017.

READ a THIRD time the \_\_day of \_\_\_\_, 2017.

APPROVED by Ministry of Transportation and Infrastructure the \_\_day of \_\_\_\_, 2017.

ADOPTED the \_\_day of \_\_\_\_, 2017.

Certified by:

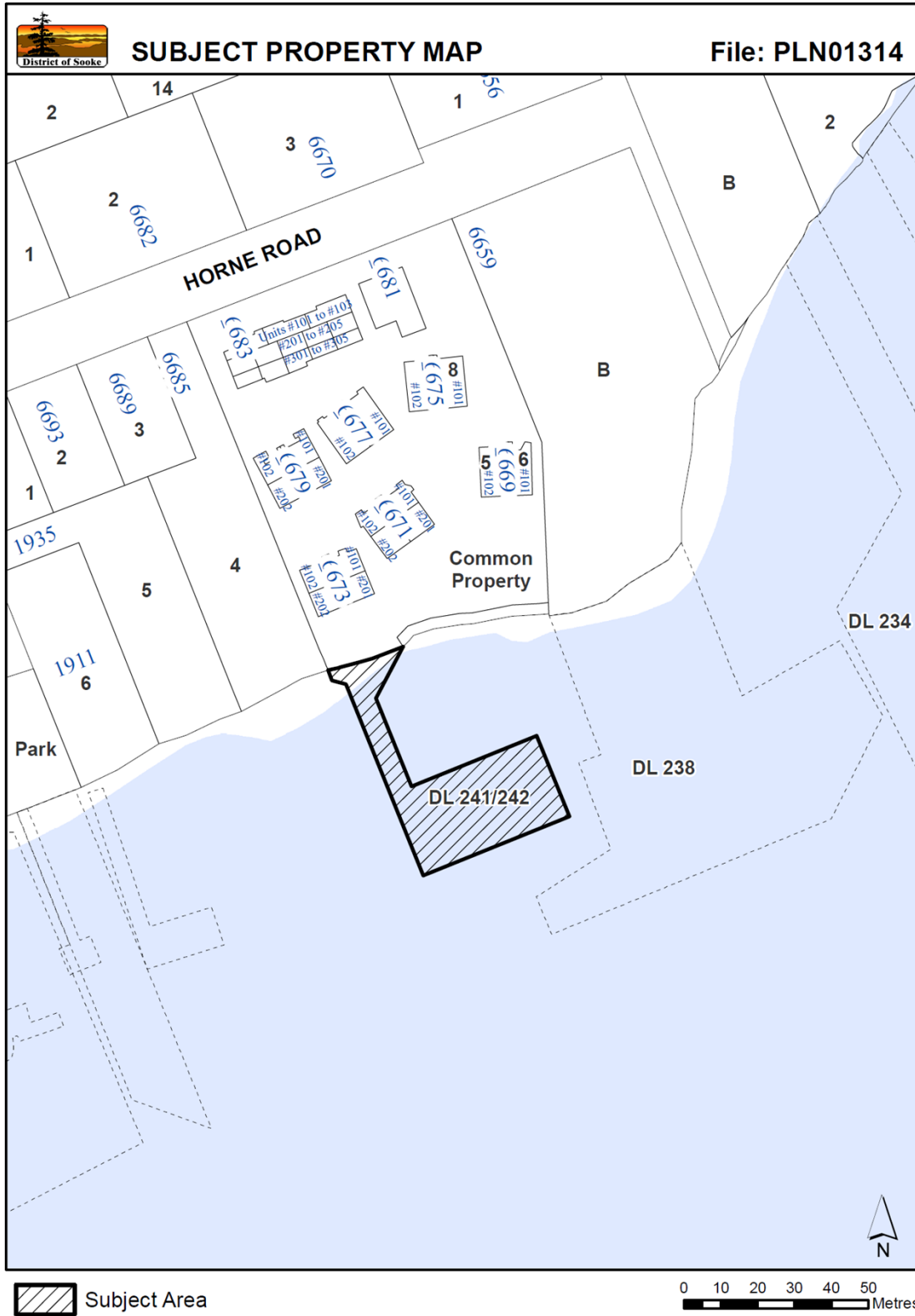
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Maja Tait  
Mayor

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Patti Rear  
Deputy Corporate Officer

**SCHEDULE A**

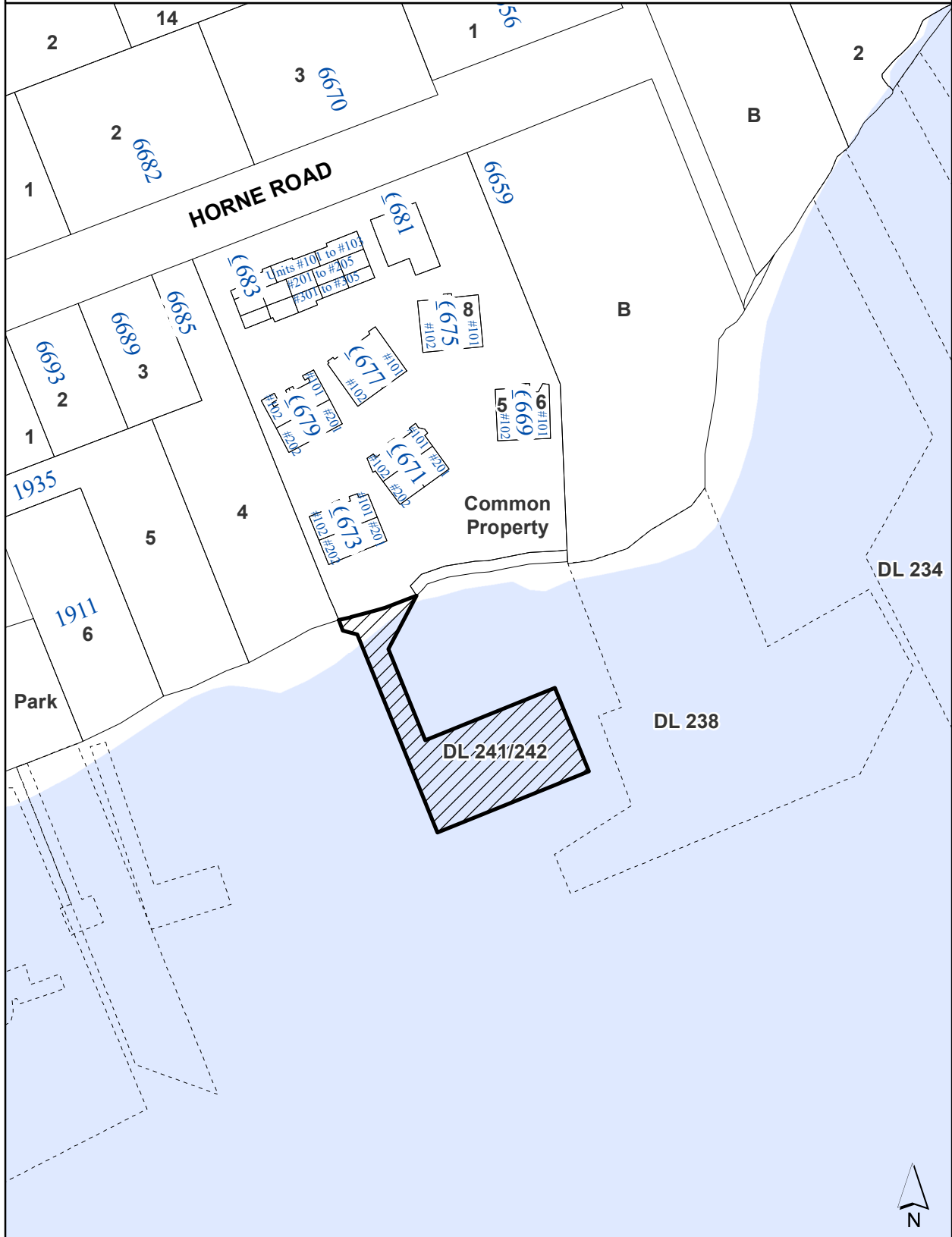





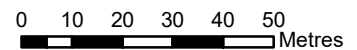


# SUBJECT PROPERTY MAP

File: PLN01314



 Subject Area





**SURVEY PLAN OF DISTRICT LOT 241 AND DISTRICT LOT 242, SOOKE DISTRICT.**

**PLAN EPC1227**

-10 0 10 20 30



**BCGS 92B.032**

All horizontal ground-level distances are in metres

**LEGEND**

Grid bearings are derived from GNSS observations and are referred to the central meridian of UTM Zone 10. To obtain local astronomic bearings referred to the meridian passing through Iron Post 1, subtract 0°32'21".

The UTM coordinates and estimated horizontal positional accuracy achieved are derived from single point positioning techniques using the Precise Point Positioning (PPP) service of Natural Resources Canada.

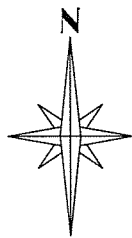
This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.999635. The average combined factor has been determined based on an ellipsoidal elevation of 0 metres.

**Found Placed**

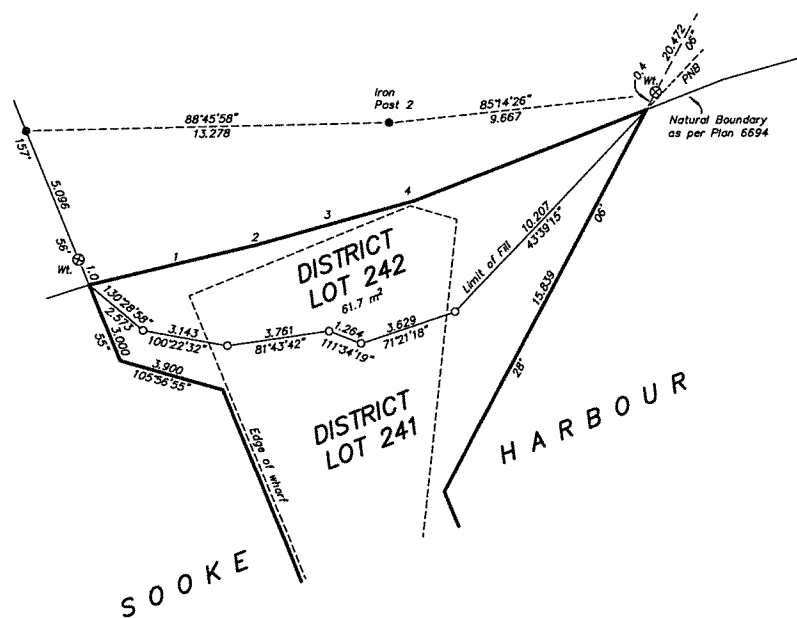
- Denotes Standard Iron Post.
- ⊙ Denotes Non-Standard Post (Iron pipe).
- ⊕ Denotes Standard Capped Post.
- PNB Denotes Present Natural Boundary.

Note: This plan shows one or more witness posts which are not set on the true corner(s).

The intended plot size of this plan is 864mm in width by 560mm in height (D Size) when plotted at a scale of 1:400.



**DETAIL**  
(Not to scale)



Datum: NAD83 (CSRS) 1997.0 UTM Zone 10  
 UTM Northing: 5358218.94  
 UTM Easting: 446599.40  
 Point Combined Factor: 0.9996335  
 Estimated Horizontal Positional Accuracy is 0.10m

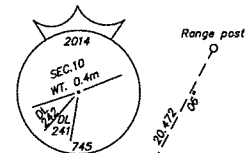
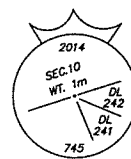
3  
PLAN  
10859

4  
PLAN  
10859

4  
PLAN  
6694

B  
PLAN  
11754

Datum: NAD83 (CSRS) 1997.0 UTM Zone 10  
 UTM Northing: 5358130.19  
 UTM Easting: 446635.35  
 Point Combined Factor: 0.9996369  
 Estimated Horizontal Positional Accuracy is 0.10m



SOOKE

HARBOUR

DISTRICT  
LOT 241  
0.125 ha

DISTRICT  
LOT 238

File: 0780PB-W155  
 Archive: W155-HULL-SG2  
**Inland Land Surveying Ltd.**  
 1-15 Cadillac Avenue  
 Victoria, B.C. V8Z 1T3  
 TEL 250.475.1515 FAX 250.475.1516  
 www.inlandsurveying.ca

NATURAL BOUNDARY PER PLAN 6694			
From TH	To Point	Bearing	Distance
Iron Post 2	1	236°50'	9.5
	2	227°57'	6.7
	3	208°56'	4.2
	4	162°09'	3.0

This plan lies within the Capital Regional District.  
 The field survey represented by this plan was completed on the 19th day of August, 2014  
 Peter I. M. Broeren, BCLS 745