



PH-1

**Public Hearing
Information Package**

February 26, 2018 at 7:00 pm
Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

6882 West Coast Road and 1841 & 1843 Tominny Road

Proposed Bylaw:	Bylaw No. 691, <i>Zoning Amendment Bylaw (600-51), 2018</i>
Zoning Amendment:	The purpose of Bylaw No. 691, <i>Zoning Amendment Bylaw (600-52), 2018</i> , is to amend the zoning from Tominny Road Mixed Use Comprehensive Development (CD6) to Medium Lot Residential (R2) and Small Lot Residential (R3).

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1. Notice of Public Hearing published in the Sooke News Mirror February 14 & 21, 2018.	1
2. Bylaw No. 691, <i>Zoning Amendment Bylaw (600-51), 2018</i> at second reading.	2
3. Staff Report to Council, dated January 29, 2018. <ul style="list-style-type: none">o Report covero Subject property mapo Subject property map – orthoo Bylaw No. 691 (600-51)o Surrounding Land Useo Site Plan (dated Nov 3, 2017)o Design Concepto A1 (incl. landscaping & parking)o R2 Zoningo R3 Zoning	5
4. Council details and resolution, dated January 29, 2018.	20

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, February 26th, 2018** commencing at 7:00 pm.

Application Information:

Bylaw: Bylaw No. 691, Zoning Amendment Bylaw (600-51), 2018
File No: PLN01340
Civic Addresses: 6882 West Coast Road, 1841 & 1843 Tomlinny Road (shown outlined in black and hatched on the subject map)

Legal Description: Strata Lot 1, Section 3, Sooke District, Strata Plan 359, together with an interest in the Common Property in proportion to the unit entitlement of the Strata Plan as shown on Form 1, and

Strata Lot 2, Section 3, Sooke District, Strata Plan 359, together with an interest in the Common Property in proportion to the unit entitlement of the Strata Plan as shown on Form 1, and

Lot 1, Section 3, Sooke District Plan EPP9309

Applicant: **Vijay Bhangu**

Proposal:

The purpose of Bylaw No. 691, Zoning Amendment Bylaw (600-51) is to split rezone 6882 West Coast Road, 1841 & 1843 Tomlinny Road from Tomlinny Road Mixed Use Comprehensive Development Zone (CD6) to Medium Lot Residential (R2) and Small Lot Residential (R3). The owner plans to provide affordable, low density infill housing opportunities within walking distance to Sooke's Town Centre. The property is located within the Sewer Specified Area and is connected to CRD water.



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 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 February 14th, 2018 to and including February 26th, 2018.**

Public Input:

All persons who believe their interests in property are affected by the proposed bylaw 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 Monday, February 26th, 2018 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. 691

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the properties located at 6882 West Coast Road, 1841 & 1843 Tomlinny Road from Tomlinny Road Mixed Use Comprehensive Development (CD6) to Medium Lot Residential (R2) and Small Lot Residential (R3).

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

1. This Bylaw is cited as *Zoning Amendment Bylaw No. 691 (600-51), 2018*.

2. The parcels of land legally described as:

Strata Lot 1, Section 3, Sooke District, Strata Plan 359, together with an interest in the Common Property in proportion to the unit entitlement of the Strate Plan as shown on Form 1;

Strata Lot 2, Section 3, Sooke District, Strata Plan 359, together with an interest in the Common Property in proportion to the unit entitlement of the Strate Plan as shown on Form 1; and

Lot 1, Section 3, Sooke District Plan EPP9309

as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned from Tomlinny Road Mixed Use Comprehensive Development (CD6) to (R2) Medium Lot Residential and (R3) Small Lot Residential.

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 29th day of January, 2018.

PUBLIC HEARING held the ___day of ____, 2018.

READ a THIRD time the ___day of ____, 2018.

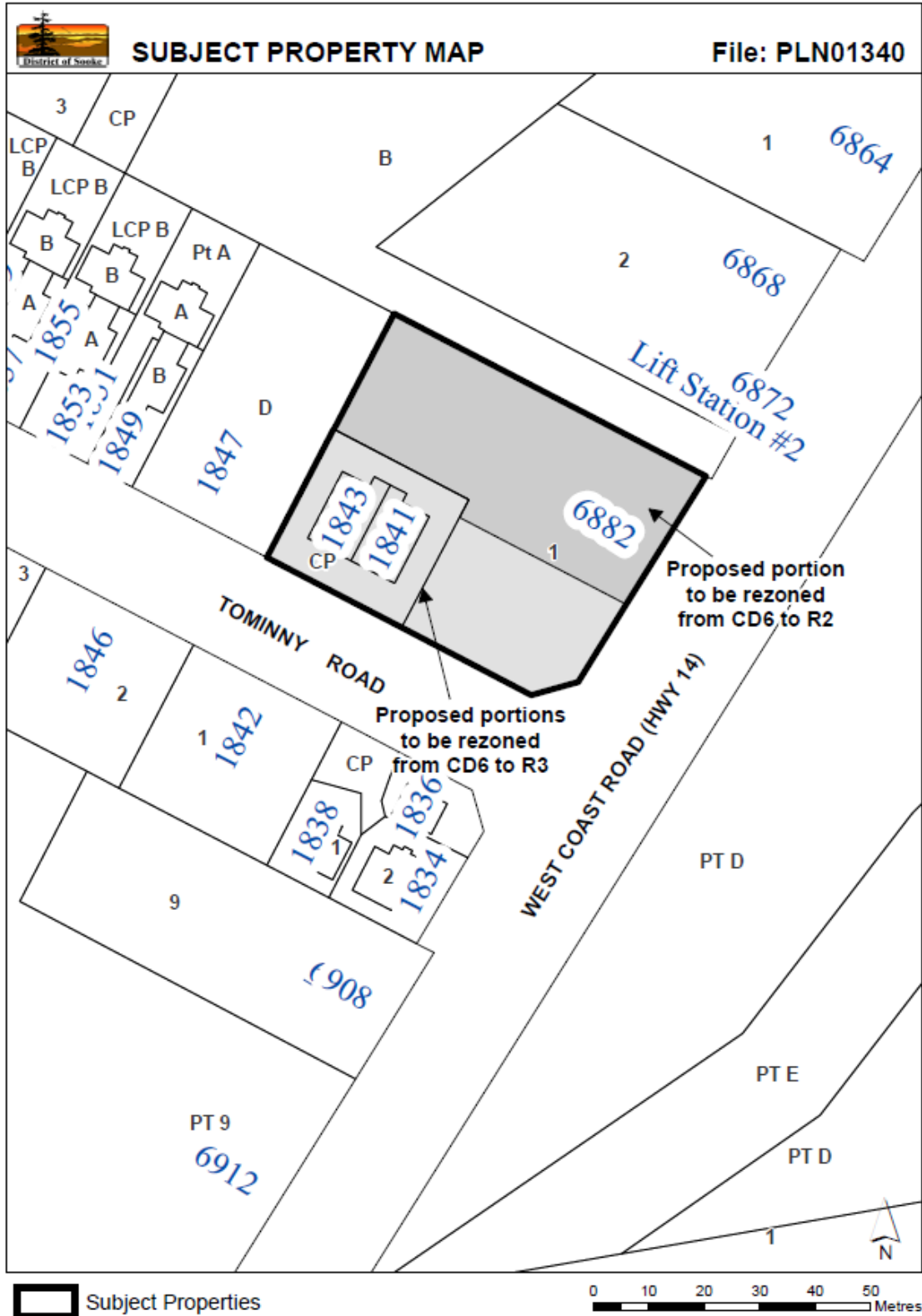
APPROVED by Ministry of Transportation and Infrastructure the ____ day of _____, 2018.

ADOPTED the __ day of _____, 2018.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

SCHEDULE A





Rezoning Application - 6882 West Coast Rd, 1841/1843 Tominny Rd

RECOMMENDATION:

THAT COUNCIL give First and Second reading to *Zoning Amendment Bylaw No. 691 (600-51)* to rezone the properties known as 6882 West Coast Road, 1842/1843 Tominny Road from Tominny Road Comprehensive Development (CD6) to (R2) Medium Lot Residential and (R3) Small Lot Residential;

THAT a Public Hearing be scheduled for the *Zoning Amendment Bylaw No. 691 (600-51)* in accordance with Section 466 of the *Local Government Act*;

AND THAT the outdated covenant be removed from title and that any particulars remaining for future subdivision and development permit requirements be addressed in a new Section 219 covenant at the time of subdivision should the rezoning be approved.

Report Summary:

The applicant has applied to split rezone the subject .79-acre (.31 ha) Tominny Road (CD6) Comprehensive Development zone properties to *Medium Lot Residential (R2)* and *Small Lot Residential (R3)*. The owner plans to provide affordable, low density infill housing opportunities within walking distance to Sooke's Town Centre. The property is located within the Sewer Specified Area and is connected to CRD water. Should this rezoning be approved, the CD6 zone would be removed from the District of Sooke *Zoning Bylaw 600*.

Report:

The applicant has provided a concept plan that includes a preliminary building scheme, lot layout, parking configurations, and a landscaping concept. If both the rezoning application and future subdivision are approved, the proposed plan could create up to two additional (R3) Small Lot Residential Lots and two additional (R2) Medium Lot Residential lots. The R2 lots could also provide suites or small suites as affordable housing accommodations.

The applicant is proposing to meet the goals of the District of Sooke, *Official Community Plan (OCP)*, *Bylaw 400* and the *Zoning Bylaw 600* through the design features shown in the concept plans attached. Key elements of this proposal include:

- *Diversity of housing form will include duplex, single family dwellings with potential suites*
- *Walking distance to the town center*
- *Infill development meeting District goals for efficient infrastructure use*
- *Increase in density within close proximity to the Town Centre*

District of Sooke, Zoning Bylaw (Bylaw 400) Context

Both the proposed *Medium Lot Residential (R2)* and *Small Lot Residential (R3)* designations permit a range of housing forms which are outlined in the attachments provided. The minimum lot size for subdivision purposes is 600 square meters for R2, and 350 square meters for R3 within the Sewer Specified Area. Uses permitted in the R2 and R3 zones include;

- *Bed and breakfast*
- *Boarding and Lodging*
- *Home-based business*
- *One secondary suite or one small suite on a lot with a single family dwelling*
- *Vacation accommodation unit*

District of Sooke, Official Community Plan (OCP) (Bylaw 400) Context

The OCP designation for this parcel is *Community Residential (CR)* which is the area within which low to medium density residential growth will occur along with some associated and appropriately scaled commercial development. All new residential development shall be challenged by the creation of a ‘Build Green’ checklist created by the District of Sooke. The following objectives help to define the intentions of the CR designation:

- *Ensure the sustainable construction of single family and multiple family residential dwellings;*
- *Reduce residential sprawl;*
- *Ensure future and existing residential development minimizes the impact on municipal infrastructure; and*
- *Support mixed-use development (e.g. commercial/residential) and infill where appropriate.*

As this proposal has four or fewer lots, the application will be exempt from the Development Permit process under Bylaw 400, s.7.2.2. b. Staff would like to ensure that requirements of Zoning Bylaw 600 are followed with regard to parking, suites, vehicle circulation, landscaping, rainwater management and privacy screening. A *Works and Services Agreement* and *parkland dedication* will also be required at the time of subdivision.

Affordable Housing Policy

The rezoning process provides the District with an opportunity to *open* discussions with developers in considering their required options for addressing affordable housing. The District allows some flexibility for creating an ‘affordable housing mix’ in new development. Options may include, secondary suites, condominium rental units, cash, or land in lieu to the District of Sooke towards on/off-site affordable housing. The applicant is offering to make a donation of \$2000.00 towards the District of Sooke *Affordable Housing Reserve Fund (Bylaw No. 259)*, to help build seed funding for addressing the long term needs of affordable housing in the District.

Referrals

The referral process for this application did not identify any major issues with the rezoning of these properties, however, the Ministry of Forests, Lands and Natural Resource Operations recommended;

that vegetation clearing be minimized and occur outside the nesting period from March 1 to August 31 to reduce impacts on all bird species. A search for the nests of birds (eagles, peregrine falcons, gyrfalcon, ospreys and herons) protected under Section 34(b) of the Wildlife Act should be conducted before the start of vegetation clearing.

Also of note, the Ministry of Transportation and Infrastructure has provided a Highway Access Permit for this application, as access to the site will come off West Coast Road (Highway 14).

Recommendation

Development Services is supportive of the rezoning application to permit the construction of single family homes or duplexes on the future new lots.

Legal Impacts:

Two Section 219 Covenants are registered on the title of the Tominy Road properties dating from 2013 when the CD-6 Zone was created. At that time, the applicant was required to provide a road dedication, connection to community sewer, and sidewalk construction which has been paid by cash in lieu. The covenant also notes that all other terms and conditions would continue to burden the Lands binding on all successors in title, pursuant to s. 291 of the Land Title Act. Staff recommends that the unapplicable covenant be removed and that any particulars remaining for future subdivision and development permit requirements be readdressed in a new Section 219 Covenant if the new zones are approved.

Strategic Relevance:

This application meets Council's Strategic Direction to enhance economic prosperity and fiscal sustainability within the District of Sooke as well as to make Sooke a vibrant and accessible community.

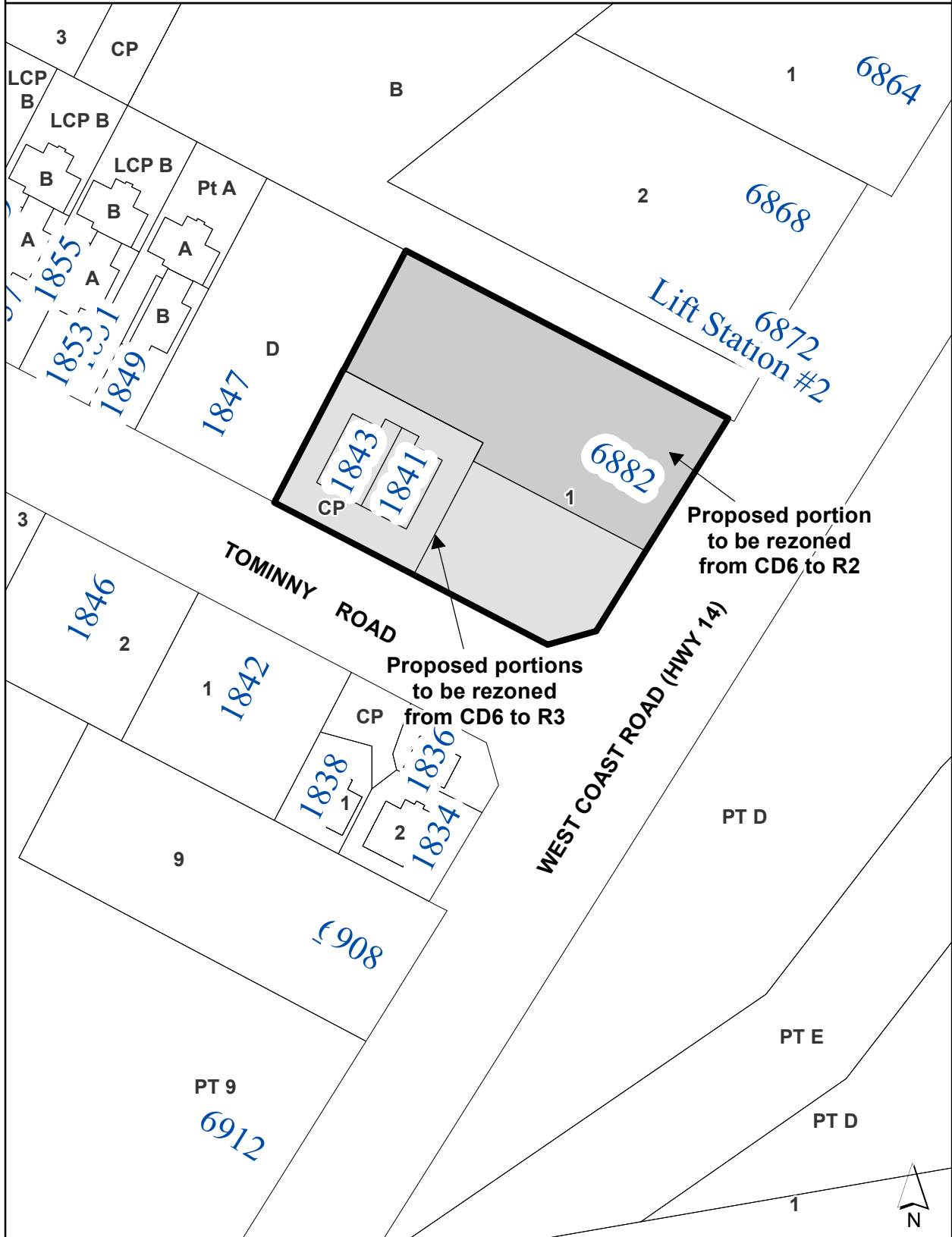
Attached Documents:

[PLN01340 Subject Property Map](#)
[PLN01340 Subject Property Map Ortho](#)
[Bylaw 691](#)
[surrounding land uses](#)
[Site Plan Nov 3 2017](#)
[design concept for SFD](#)
[A1-including landscaping and parking](#)
[R2 Zoning](#)
[R3 Zoning](#)

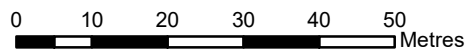


SUBJECT PROPERTY MAP

File: PLN01340



Subject Properties





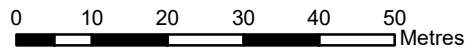


SUBJECT PROPERTY MAP

File: PLN01340



-  Subject Area to R2
-  Subject Areas to R3





DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 691

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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. 691 (600-51), 2018*.

2. The parcels of land legally described as:

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Strata Lot 2, Section 3, Sooke District, Strata Plan 359, together with an interest in the Common Property in proportion to the unit entitlement of the Strate Plan as shown on Form 1; and

Lot 1, Section 3, Sooke District Plan EPP9309

as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned from Tominy Road Comprehensive Development Zone (CD6) to (R2) Medium Lot Residential and (R3) Small Lot Residential.

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 ____, 2018.

PUBLIC HEARING held the __ day of ____, 2018.

READ a THIRD time the __ day of ____, 2018.

APPROVED by Ministry of Transportation and Infrastructure the __ day of _____,
2018.

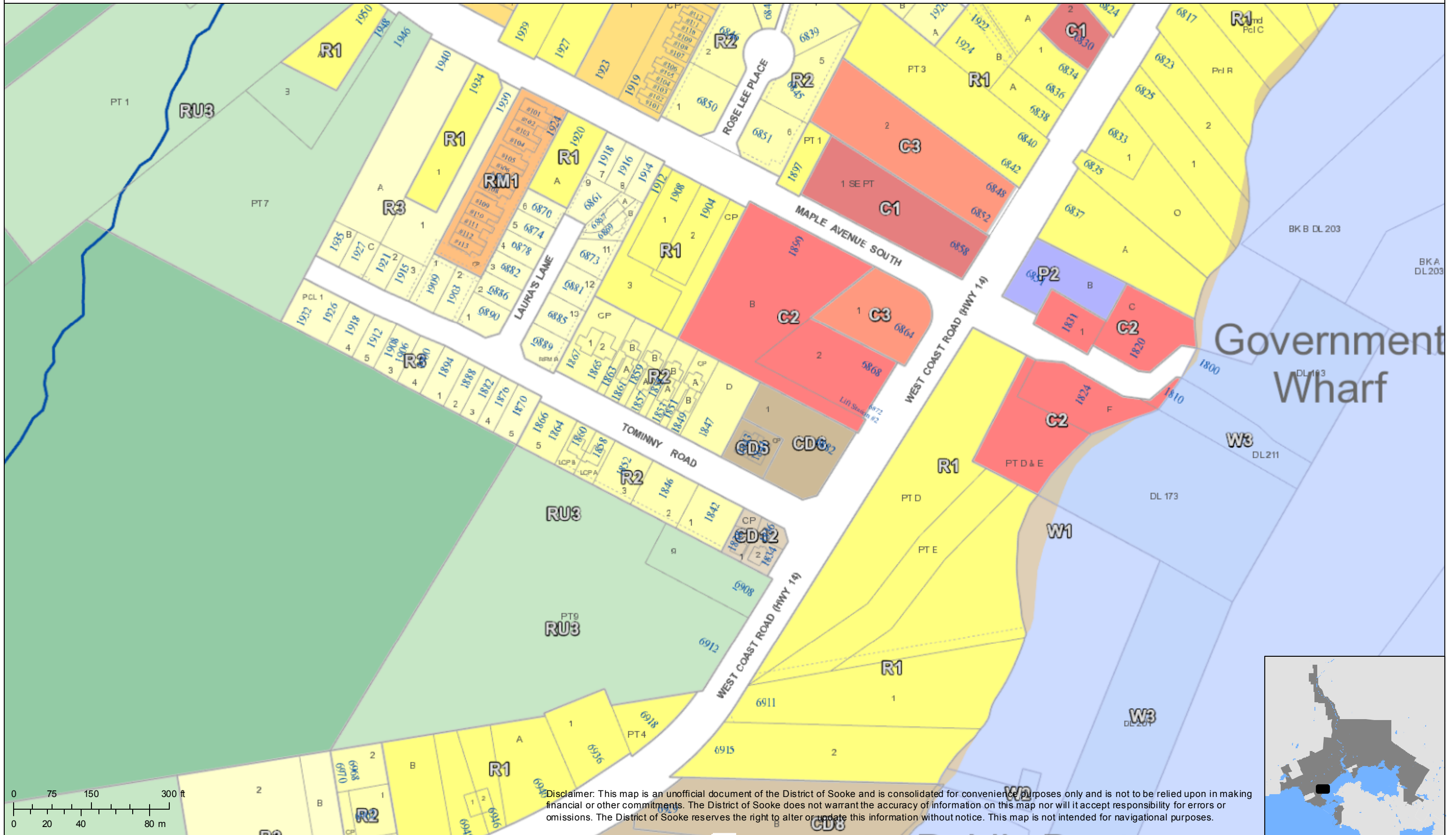
ADOPTED the __ day of _____, 2018.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

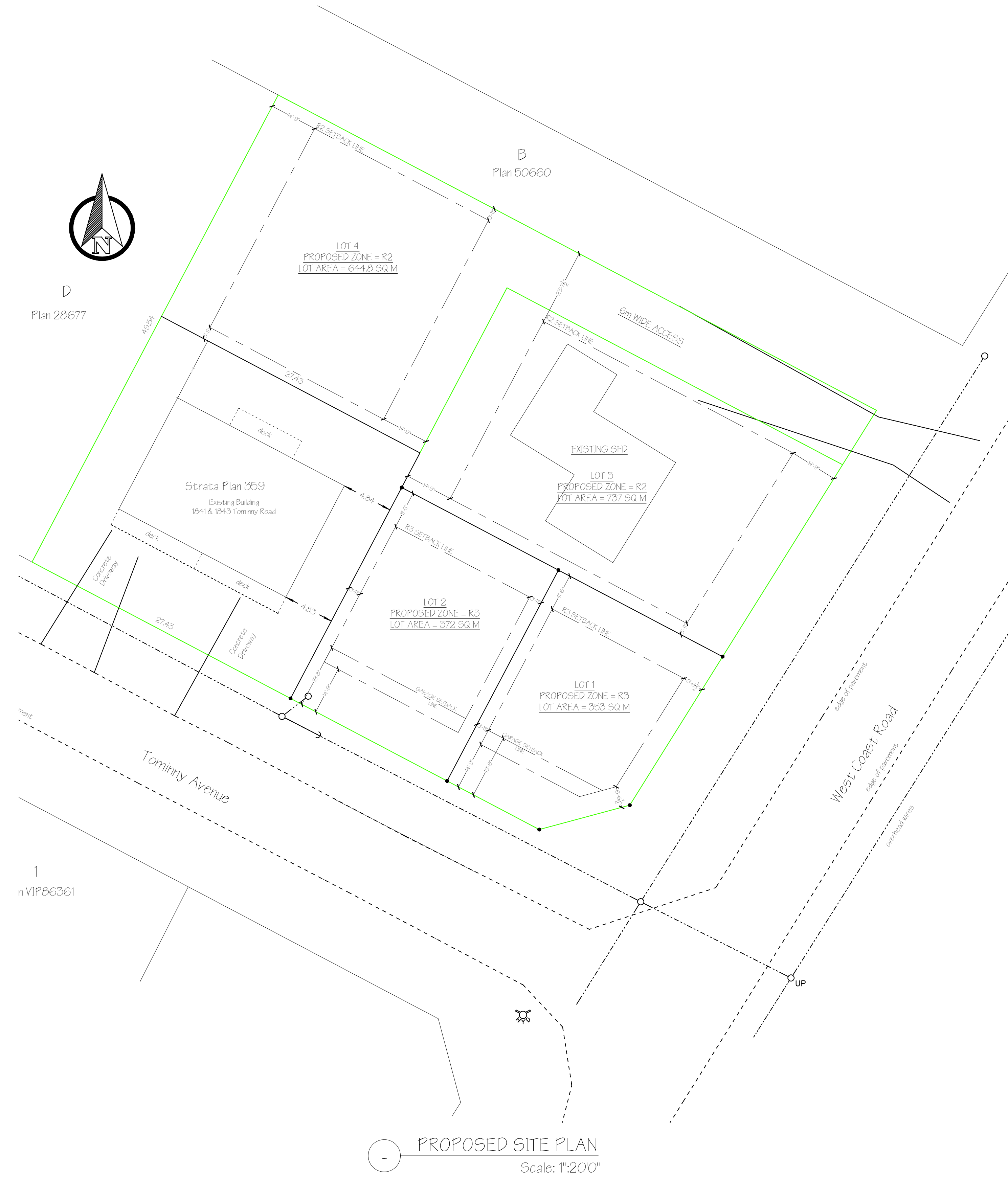
SCHEDULE A





PROJECT SUMMARY:

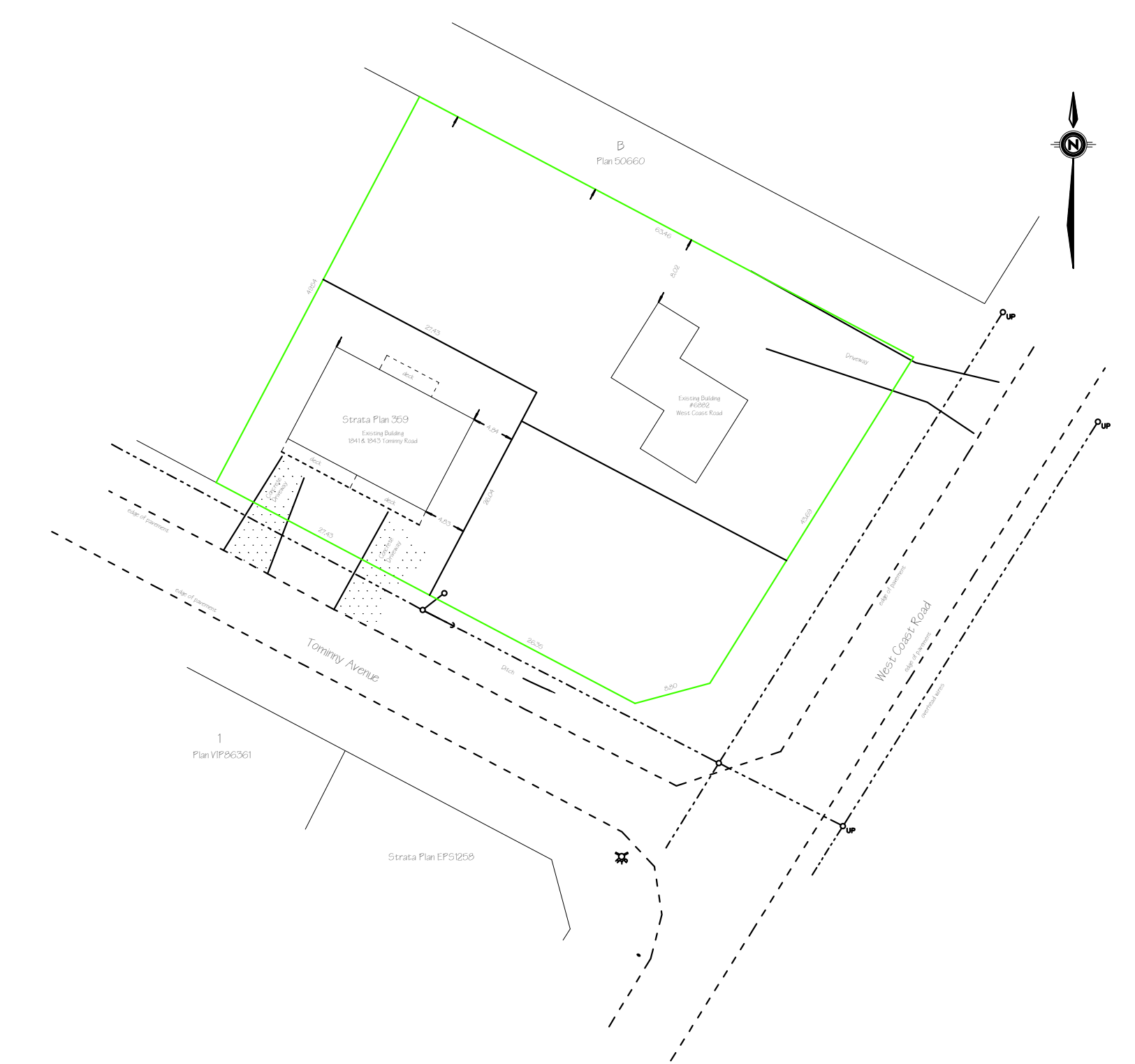
OWNER	TBD	
LEGAL DESCRIPTION	LOT 1 PLAN EPP9309 SECTION 3 LAND DISTRICT 55 028-583-612	
PROJECT DESCRIPTION	SUBDIVISION & REZONE A SINGLE PARCEL TO CREATE THREE LOTS	
EXISTING ZONE	CD-6	
PROPOSED ZONE LOTS 1/2	R3 - SMALL LOT RESIDENTIAL	
PROPOSED ZONE LOT 3/4	R2 - LOW DENSITY MULTI-FAMILY	
CIVIC ADDRESS	6882 WEST COAST ROAD	
EXISTING SITE AREA	2322.3 m ²	
PROPOSED SITE AREA	LOT 1	353 m ²
	LOT 2	372 m ²
	LOT 3	737 m ²
	LOT 4	645 m ²
SETBACKS LOT 1/2	FRONT YARD	4.5m
	REAR YARD	3.5m
	GARAGE	6.0m
	SIDE YARD	1.2m
	FLANKING ST.	2.0m
SETBACKS LOT 3/4	FRONT YARD	4.5m
	REAR YARD	4.5m
	GARAGE	6.0m
	SIDE YARD	1.2m



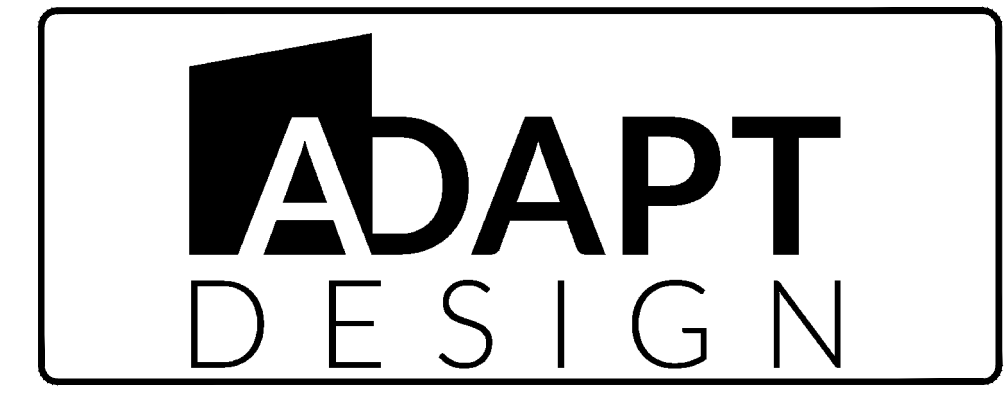
PROPOSED SITE PLAN
Scale: 1"=20'0"



PROJECT LOCATION
Scale: NTS



EXISTING SITE PLAN
Scale: 1"=50'0"



SITE: 6882 WEST COAST RD			
TITLE: SITE PLAN SUBDIVISION			
SCALE AT AS: AS NOTED	DATE: 03/11/2017	DRAWN: JDC	CHECKED: JDC
PROJECT NO: 2017101	DRAWING NO: A1	REVISION:	

CONCEPT DRAWINGS FOR SINGLE FAMILY DWELLING



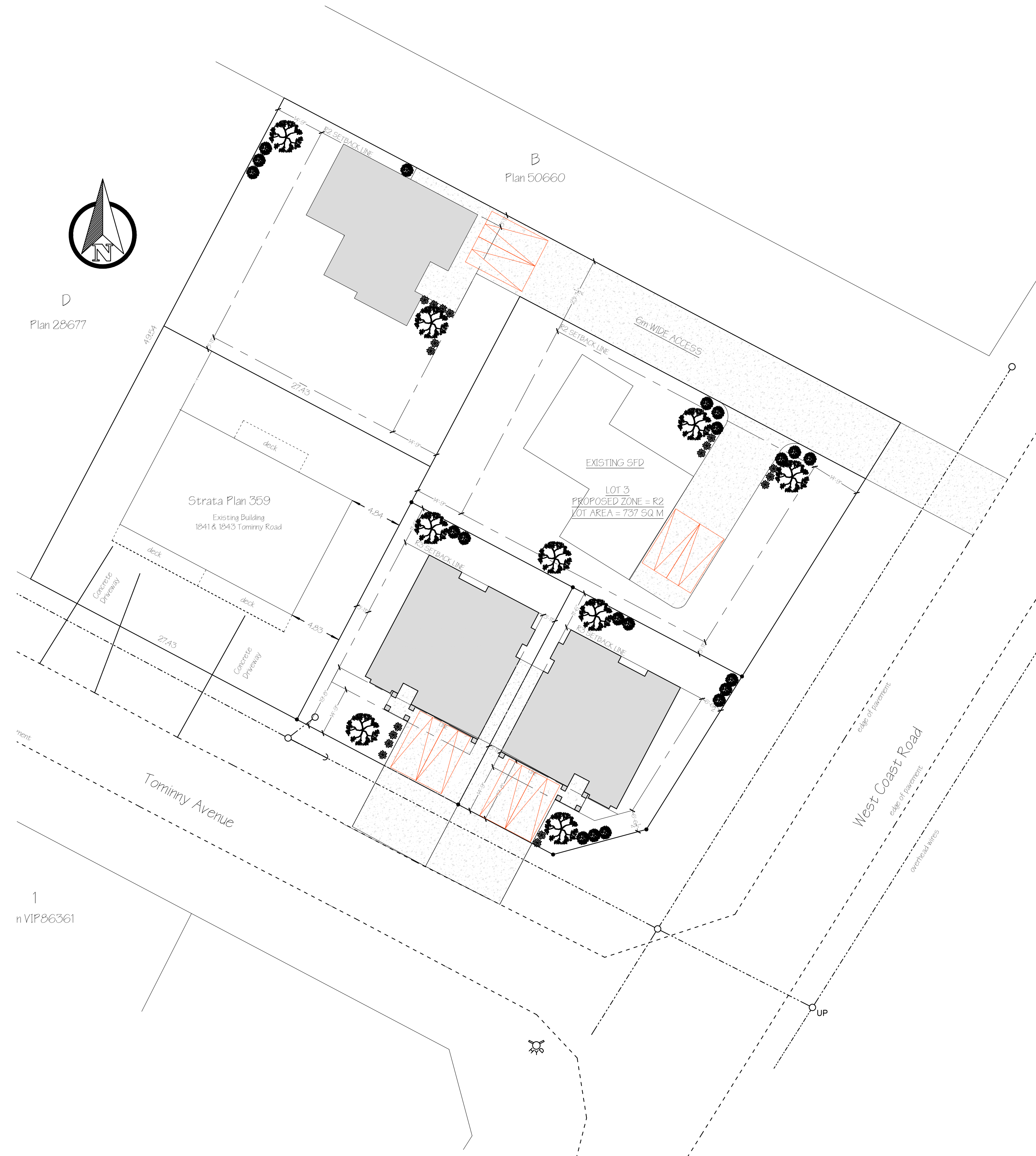


PROJECT SUMMARY:

OWNER	TBD	
LEGAL DESCRIPTION	LOT 1 PLAN EPP9309 SECTION 3 LAND DISTRICT 55 028-583-612	
PROJECT DESCRIPTION	SUBDIVISION & REZONE A SINGLE PARCEL TO CREATE FOUR LOTS	
EXISTING ZONE	CD-6	
PROPOSED ZONE LOTS 1/2	R3 - SMALL LOT RESIDENTIAL	
PROPOSED ZONE LOT 3/4	R2 - LOW DENSITY MULTI-FAMILY	
CIVIC ADDRESS	6882 WEST COAST ROAD	
EXISTING SITE AREA	2322.3 m ²	
PROPOSED SITE AREA	LOT 1	353 m ²
	LOT 2	372 m ²
	LOT 3	737 m ²
	LOT 4	645 m ²
SETBACKS LOT 1/2	FRONT YARD	4.5m
	REAR YARD	3.5m
	GARAGE	6.0m
	SIDE YARD	1.2m
	FLANKING ST.	2.0m
SETBACKS LOT 3/4	FRONT YARD	4.5m
	REAR YARD	4.5m
	GARAGE	6.0m
	SIDE YARD	1.2m

DRAWING KEY

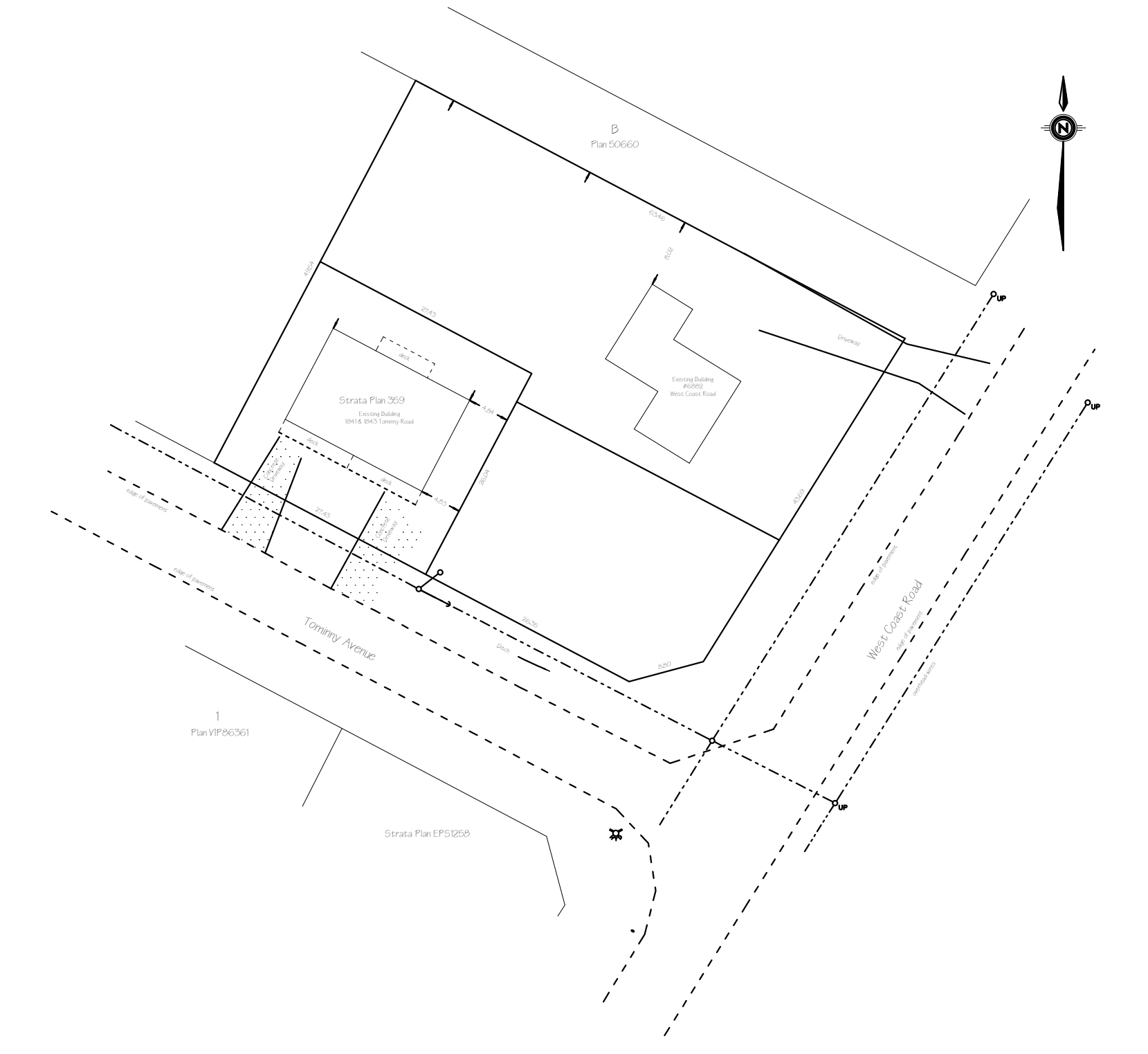
A1	SITE PLAN
A2	LOT 1 FLOOR PLANS
A2.1	LOT 2 FLOOR PLANS
A2.2	LOT 4 FLOOR PLANS
A3	LOT 1 ELEVATIONS
A3.1	LOT 2 ELEVATIONS
A3.2	LOT 4 ELEVATIONS



PROPOSED SITE PLAN
Scale: 1"=20'0"



PROJECT LOCATION
Scale: NT9



EXISTING SITE PLAN
Scale: 1"=50'0"

ADAPT
DESIGN

SITE: 6882 WEST COAST RD

TITLE: SITE PLAN
SUBDIVISION

SCALE AT AS:	DATE:	DRAWN:	CHECKED:
AS NOTED	03/11/2017	JDC	JDC
PROJECT NO:	DRAWING NO:	REVISION:	
2017101	A1		

Medium Lot Residential

R2

202.1 Purpose: This zone is intended to apply to those residential parcels of land designated as Community Residential that are within the Sewer Specified Area.

202.2 Permitted Uses:

Principal Uses:

- a) Horticulture
- b) Single family dwelling or one duplex per lot

Accessory Uses:

- c) Bed and breakfast
- d) Boarding and lodging
- e) Home-based business
- f) One secondary suite or one small suite on a lot with a single family dwelling
- g) Vacation accommodation unit

202.3 Minimum Lot Size for Subdivision Purposes: 600 m²

202.4 Minimum Width for Subdivision Purposes: 15 m

202.5 Maximum Height:

- a) Principal Buildings: 3 storeys up to a maximum height of 12 metres *(added by Bylaw No. 584 adopted February 11, 2014)*
- b) Accessory Buildings: 9 m

202.6 Maximum Lot Coverage: 40%

202.7 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m – house portion 6 m – garage/ carport portion	4.5 m	1.2 m	4.5 m	4.5 m
Accessory Building or Structure – 1 storey	7.5 m	4.5 m	1.2 m	1.5 m	0 m
Accessory Building or Structure – 2 storey	7.5 m	4.5 m	2 m	2 m	0 m

Schedule 203 – Small Lot Residential (R3)

203.8 Conditions of Use:

- a) Bed and breakfast permitted on lots 600 m² or larger;
- b) Duplex permitted on lots 600 m² or larger;
- c) No panhandle lots permitted;
- d) Notwithstanding the permitted uses on R3 zoned properties, on the property identified as PID 000-133-817 (as Parcel A (DD 143706)), Section 24, Sooke District, Except Plans 5572, 11981, 27456, 40462, VIP52801, VIP59223, VIP79955, VIP79956 and Part in Red on 810RW, an amenity area for assembly use is permitted as an accessory use. *(added by Bylaw No. 584 adopted February 11, 2014)*

Small Lot Residential

R3

203.1 Purpose: This zone is intended to provide a range of lot sizes to residential parcels of land that designated as Community Residential within the Sewer Specified Area.

203.2 Permitted Uses:

Principal Uses:

- a) Horticulture
- b) Single family dwelling or one duplex per lot*

*See conditions of use.

Accessory Uses:

- c) Bed and breakfast*
- d) Boarding and lodging
- e) Home-based business
- f) One secondary suite or one small suite on a lot with a single family dwelling
- g) Vacation accommodation unit

203.3 Minimum Lot Size for Subdivision Purposes*: 350 m²

203.4 Minimum Width for Subdivision Purposes: 11 m

203.5 Maximum Height:

- a) Principal Buildings: 10.5 m
- b) Accessory Buildings: 4 m

203.6 Maximum Lot Coverage: 45%

203.7 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m – house portion 6 m – garage/ carport portion	2 m	1.2 m	3.5 m	1 m
Accessory Building or Structure – 1 storey	7.5 m	2 m	1.2 m	1.2 m	0 m

- a) Bed and breakfast permitted on lots 600 m² or larger;
- b) Duplex permitted on lots 600 m² or larger;
- c) No panhandle lots permitted;
- d) Notwithstanding the permitted uses on R3 zoned properties, on the property identified as PID 000-133-817 (as Parcel A (DD 143706I), Section 24, Sooke District, Except Plans 5572, 11981, 27456, 40462, VIP52601, VIP59223, VIP79955, VIP79956 and Part in Red on 810RW, an amenity area for assembly use is permitted as an accessory use. (added by Bylaw No. 584 adopted February 11, 2014)

10. BYLAWS

10.1. Bylaw No. 691, Zoning Amendment Bylaw (600-51) - 6882 West Coast Rd, 1841/1843 Tomlinny Rd

The Planner II gave a PowerPoint presentation and overview of the proposed application to rezone the subject property from Tomlinny Road Mixed Use Comprehensive Development (CD6) to (R2) Medium Lot Residential and (R3) Small Lot Residential.

2018-40

MOVED by Councillor Pearson, seconded by Councillor Kasper:

THAT Council give First and Second reading to *Zoning Amendment Bylaw No. 691 (600-51), 2018* to rezone the properties known as 6882 West Coast Road, 1841 & 1843 Tomlinny Road from Tomlinny Road Mixed Use Comprehensive Development (CD6) to Medium Lot Residential (R2) and Small Lot Residential (R3).

CARRIED.

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

2018-41

MOVED by Councillor Pearson, seconded by Councillor Berger:

THAT a Public Hearing be scheduled for the *Zoning Amendment Bylaw No. 691 (600-51)* in accordance with Section 466 of the *Local Government Act*.

CARRIED.

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

2018-42

MOVED by Councillor Pearson, seconded by Councillor Berger:

THAT the outdated covenant be removed from title and that any particulars remaining for future subdivision and development permit requirements be addressed in a new Section 219 covenant at the time of subdivision should the rezoning be approved.

CARRIED.

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