

**NEW Public Hearing
Information Package****July 24, 2018 at 7:00 pm**Sooke Council Chamber
2225 Otter Point Road, Sooke, BC**7044 Maple Park Terr & 7002 Brailsford Pl**

Proposed Bylaw:	<i>Zoning Amendment Bylaw No. 694 (600-53), 2018</i>
Zoning Amendment:	The purpose of <i>Zoning Amendment Bylaw No. 694 (600-53), 2018</i> , amend the zoning on the property known as 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential (R3) and to amend the zoning on the property known as 7002 Brailsford Place from Rural Residential Zone (RY4) to Small Lot Residential (R3).

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*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 NEW Public Hearing

The Council of the District of Sooke will hold a NEW Public Hearing pursuant to the provisions of the *Local Government Act* in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Tuesday, July 24th, 2018** commencing at **7:00 pm**.

Application Information:

Bylaw: *Zoning Amendment Bylaw No. 694 (600-53), 2018*

File No: PLN01331

Civic Addresses: 7044 Maple Park Terrace & 7002 Brailsford Place (shown outlined in grey on the subject map)

Legal Description: Section 21, Sooke Land District Except Plan 26856, Except The Easterly 2 Chains And Except That Part Lying To The West Of A Boundary Parallel To The Westerly Boundary Of Said Section 21 And 198 Feet Perpendicularly Distant Therefrom And Except Those Parts In Plans 27504, 30520, 39897, Vip57007, Vip64014, Vip67685; Andlot 1, Section 21, Sooke District, Plan Epp74636

Applicant: **Michael Volk**

Proposal:

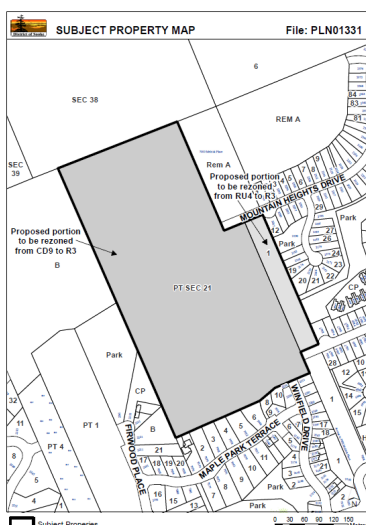
The purpose of *Zoning Amendment Bylaw No. 694 (600-53), 2018* is to rezone 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential Zone (R3) and to rezone 7002 Brailsford Place from Rural Residential (RU4) to Small Lot Residential (R3). The amendment is proposed for the remaining lands currently included in the existing View Pointe Estates project, with the addition of 7002 Brailsford into the development plan for a total of approximately 18.4 hectares. The rezoning reduces the density from a maximum of approximately 448 residential units (mixture of multi-residential and single family residential) to a maximum of approximately 157 residential lots (single family and duplex form).

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 a.m. and 4:30 p.m., Monday to Friday (excluding statutory holidays), **commencing July 11, 2018 to and including July 24, 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 **Tuesday, July 24, 2018 at 12:00 p.m.** 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).

PLEASE NOTE: SUBMISSIONS MADE AT THE MAY 28TH PUBLIC HEARING DO NOT NEED TO BE RESUBMITTED.

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





DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 694

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property known as 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential (R3) and to amend the zoning on the property known as 7002 Brailsford Place from Rural Residential Zone (RU4) to 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. 694 (600-53), 2018*.
2. The parcel of land legally described as:

SECTION 21, SOOKE LAND DISTRICT EXCEPT PLAN 26856, EXCEPT THE EASTERLY 2 CHAINS AND ECEPT THAT PART LYING TO THE WEST OF A BOUNDARY PARALLEL TO THE WESTERLY BOUNDARY OF SAID SECTION 21 AND 198 FEER PERPENDICULARLY DISTANT THEREFROM AND EXCEPT THOSE PARTS IN PLANS 27504, 30520, 39897, VIP57007, VIP64014, VIP67685; and

LOT 1, SECTION 21, SOOKE DISTRICT, Plan EPP74636

as shown boldly outlined and shaded on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned to Small Lot Residential (R3)

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 23rd day of April, 2018.

PUBLIC HEARING held the 28th day of May, 2018.

PUBLIC HEARING held the ____ day of ____, 2018.

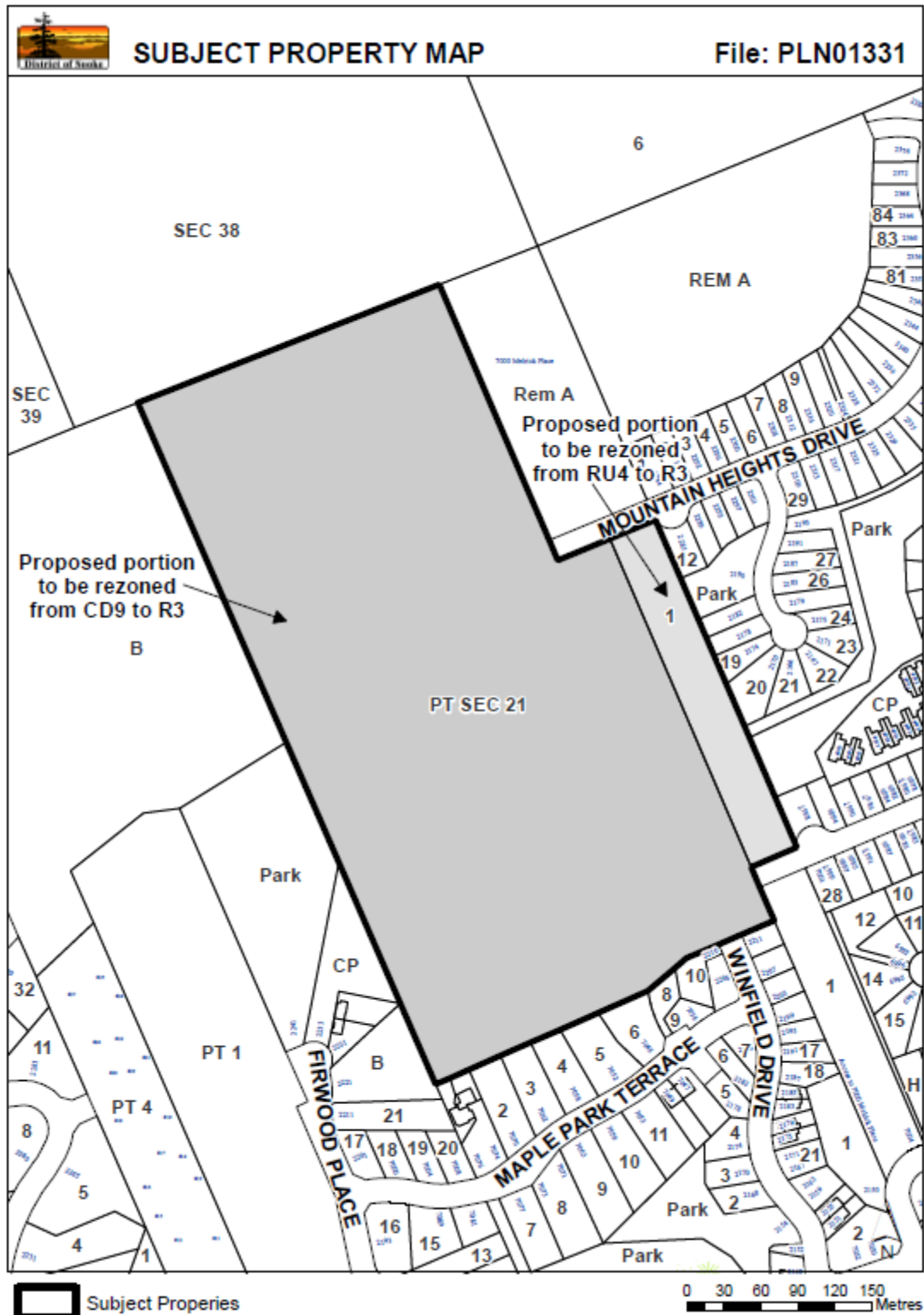
RECONSIDERED and READ a THIRD time the ____ day of ____, 2018.

ADOPTED the __ day of ____, 2018.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

SCHEDULE A





7044 Maple Park/7002 Brailsford Place

RECOMMENDATION:

That Council accept this report for information purposes.

Report Summary:

The purpose of this report is to address concerns raised during the May 28th Public Hearing that were left unresolved. On June 11th, Mayor Tait brought back 3rd reading of the rezoning bylaw for 7044 Maple Park Terrace/7002 Brailsford Place. As a result, staff were directed to prepare a new report addressing concerns raised at the May 28, 2018 Public Hearing. Staff have met with the applicant in preparation of this report and discussed solutions.

Previous Council Action:

May 28, 2018 – Third reading of the bylaw cited as Zoning Amendment Bylaw No. 694 (600-53), 2018 was defeated immediately following the Public Hearing.

June 11, 2018 – Mayor Tait brought back reconsideration of Third reading of the bylaw cited as Zoning Amendment Bylaw No. 694 (600-53), 2018 which Council postponed and directed a new Public Hearing be held. Council further requested staff provide information on the issues identified below and provide a comparison of the existing and proposed zones at the new Public Hearing.

Report:

On May 28th the following concerns were raised by the public and Council:

1. Brailsford Road connection to be open versus an emergency access only
2. Construction of Maple Park Terrace sewer services to the property line of those properties previously committed to in the CD9 zone
3. Toddler equipment for proposed playground
4. Parking
5. Affordable Housing

Brailsford Place Road Connection

The Transportation Impact Assessment prepared by Watt Consulting Group on December 15, 2017 states that there is no negative impact to have Brailsford Place opened fully nor if it remained an emergency access only. The District of Sooke engineering group identified the need for future improvements to Beaton Road and that it may be more appropriate for the removal of the bollards on Brailsford to occur once those improvements are completed for Beaton Road.

Sewer Services to Maple Park Terrace

Prior to final approval of a subdivision plan, a low pressure sanitary sewer service shall be provided to the lot line of each of the following described lots on Maple Park Terrace: 7047 to 7076 Maple Park Terrace inclusive. These connections will be included in a Section 219 covenant prior to final adoption of the rezoning bylaw.

The current CD9 zone required the above sewer connections in the event increased density was being proposed beyond the base density of 10 dwelling units per hectare. The applicant is providing approximately 7 units per hectare.

The site addressed at 7044 Maple Park Terrace is located within the Sewer Specified Area and the site located at 7002 Brailsford Place was recently approved for inclusion into the Sewer Specified Area.

Playground Equipment

The proposed play structure includes climbing structures and a slide designed to provide play experiences for 5-12 year-old children. The Head of Parks and Environmental Services supports this proposal as there are play opportunities (slide and lower climbing structures) that will accommodate younger children who will engage in play on the structures with older children and use self-regulation based on confidence and comfort.

The playground construction and equipment will be included in a Section 219 covenant and registered prior to final adoption of the rezoning bylaw.

Parking

Parking requirements for single family homes are addressed on the parcel per the Zoning Bylaw. The proposed R3 zone requires 2 parking stalls per dwelling unit.

Affordable Housing

The current Comprehensive Development 9 (CD9) zone stipulates that in the event the land owner wished to increase density beyond the base density (10 units/hectare) permitted in the CD9 zone they must first meet all the conditions set out in Appendix "C" of the CD9 zone. Appendix "C" provides a list of amenities that must be committed to prior to approving increased density. Some of those amenities include construction of sewer services, road improvements, playground equipment, number of affordable housing units or cash in lieu (\$15,000 per unit up to \$345,000). The applicant has committed to providing \$1000 per unit for a total value of \$137,000.

The Official Community Plan - Housing Policy 4.7.3

(b) requires a minimum of 10% of all multi-family developments be affordable residential housing as defined by the District of Sooke.

(g) consider allowing developers the flexibility to provide their required affordable housing in different forms thus creating an 'affordable housing mix' in new developments, e.g secondary suites, condominium rental units, cash, or land in lieu to the District of Sooke towards on/off-site affordable housing.

- (h) require that, within large residential developments, at least 25% of the total dwelling units proposed should take the form of equivalent multi-family residential units.
- (o) single family urban density sprawl is not supported.

The definition for Affordable Housing in both the Official Community Plan as well as the existing CD9 Zone means:

- a) In the case of rental housing, that which is available for rent at or below the average rent for "Victoria", as determined annually by the Canada Mortgage and Housing Corporation's "Rental Market Report", and
- b) In the case of owner-occupied housing, that which is available for purchase at or below an amount calculated as 30% of the amount which is the median income level for all two or more person households from the most recent national census by Statistics Canada, updated annually using the British Columbia Consumer Price Index.

The above definition is provided by Canada Mortgage and Housing Corporation and is the current definition applied across Canada.

Comparison Table

Please see Attachment 1 for a comparison table between the existing and proposed zones.

Legal Impacts:

Council could not receive new information once the Public Hearing was closed. Any new information staff received after the close of the Public Hearing is attached. See Attachment 2 .

Attached Documents:

[Attachment 1 - Comparison chart](#)

[Attachment 2 - Cox and Taylor Letter](#)

	Existing CD9	Proposed R3	Difference
Density	448 units (Multi and Single combined) 10 uph	137 units (Single) 7 uph	311 (2/3 or 70% less original density)
Uses	Multi Family & Single Family Residential; Commercial, Assisted Living, Community Care	Single Family Dwellings	Single use
Housing Form	5 types (single, duplex, townhouse, apartment, suites)	3 types (single and limited duplex and suites)	Reduction of form by 2
Minimum lot sizing	500m ² for single (excepting 14 lots at 400m ²)	500m ² + (excepting 20 lots at minimum 350m ² +))	6 lot exceptions 50m ² smaller
Park Dedication	27%	32%	5% additional dedication
Play ground	\$62,000 value	\$100,000 value	\$38,000 added value
Parking	Reduced parking for residential to 1/dwelling	Standard parking requirements + 10 additional visitor stalls	10+ stalls in addition to zoning requirements
Affordable Housing	If additional density above the base is requested - 23 units or \$15,000/unit totaling \$345,000	\$1000/unit total \$137,000	N/A



Reply: **L. John Alexander***
alexander@coxtaylor.ca

File: S-11815-1*LJA

June 6, 2018

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

By Email

Attention: Brent Blackhall, Chief Administrative Officer

Dear Sir:

Re: Zoning Amendment Bylaw 600-53, 2018

I act for the owners of the land subject to the above-mentioned rezoning bylaw. I understand that a public hearing with respect to the zoning bylaw was held on May 28, 2018, first and second reading of the bylaw having previously been given on April 23, 2018.

My client informs me that at the close of the public hearing a motion was introduced to read the bylaw a third time, and was defeated.

I further understand that the Mayor has requested the defeated motion to be reconsidered in accordance with section 131 of the *Community Charter* at the next regular council meeting scheduled for June 11, 2018.

I am writing to you today to pass on the advice that I have provided to my client with respect to the opportunities for advancing the rezoning in a successful manner. The contents of this letter are not intended to be new information and neither my client nor I seek to provide any new information on the merits of the proposed rezoning to council, given that the public hearing was closed on May 28, 2018 prior to consideration of third reading.

It is my understanding that at the public hearing on May 28 the public expressed concerns to council with respect to the provision of sewer services on Maple Park Terrace. A previous comprehensive development proposal would have seen some sanitary sewer service being provided to that area of the municipality, and the current servicing plan accompanying the proposal did not contemplate providing such service. I further understand that as a result, council was persuaded that it may not be in the public interest to proceed with the rezoning application absent this sewer servicing being provided.

Obviously, given that the matter was the subject of some debate at the public hearing, the sewer servicing opportunity, or lack thereof is not "new information" and members of the public had the opportunity to make their views known on the subject.

Victoria

T 250.388.4457
F 250.382.4236

Vancouver

T 604.678.1207
F 604.678.1208

Burnes House, 3rd Floor, 26 Bastion Square
Victoria, British Columbia Canada V8W 1H9
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www.CoxTaylor.ca

I have given my client the opinion that having heard this information at the public hearing, which is exactly the kind of information one would expect council to gather when persons whose interests may be affected exercise their right to be heard, that council is now in a position to decide whether or not to proceed with the rezoning. Council can decide whether the rezoning would or would not be in the public interest without additional servicing resulting from the approval of the new form of development.

This is not a matter where staff needs to go back to the applicant or obtain new or different planning, engineering or servicing information relevant to the zoning decision. Council can simply decide whether or not, as a condition of adoption of the bylaw, the provision of a further sewer servicing on Maple Park Terrace should be required.

If the Mayor seeks a reconsideration of the failed vote under section 131 and council agrees to reconsider third reading, the procedure set out in section 470 of the *Local Government Act* would thereafter continue to apply. The concept behind that section is to allow a council to react or respond to what it hears at a public hearing, otherwise what is the point of a public hearing?

There are several cases that provide guidance on matters such as this. I would refer you to *Hubbard v. West Vancouver (District)*, 2005 BCCA 633, which quoted from the rather well known decision of *Jones v. Delta* where the court said in part:

“In my view, it would be regressive to hold that a municipal council could not direct its planning staff to address matters of detail without the requirement of a still further public hearing. Such a public hearing can only serve to derogate from the legislative and executive responsibilities of municipal councils”.

The case law makes it clear that consideration of issues raised at a public hearing is permissible after the close of the public hearing, receipt of advice from its own staff after a public hearing does not trigger the need for a new public hearing, and the only real danger to be guarded against is what might be described as “new information”.

I understand that the motions to be considered after the close of the May 29, 2018 public hearing were firstly third reading of the bylaw and secondly, a resolution stating that prior to final adoption of the zoning bylaw that the owner be required to enter into appropriate section 219 covenants to secure various items associated with the proposed development. It would be a simple matter to amend the list of items to be addressed in section 219 covenants prior to final adoption by including the following: (See Condition c2 of the previous CD zoning)

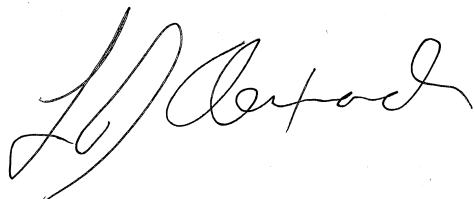
“Prior to or concurrently with the subdivision of the 31st lot on the land, sanitary sewer service shall be provided to the lot line of each of the following described lots on Maple Park Terrace: 7047 Maple Park Terrace to 7076 Maple Park Terrace.”

I have advised my client that there would be nothing contrary to the mandatory statutory conditions in the *Local Government Act* if council were to give third reading and add to the staff recommendation that these additional requirements be satisfied prior to final adoption.

I trust this procedural information may be of some use to the staff in advising council in advance of the June 11 council meeting.

Yours very truly,

COX TAYLOR

A handwritten signature in black ink, appearing to read 'L. John Alexander', written in a cursive style.

Per:

L. John Alexander*

*Law Corporation

LJA/tal

c.c. client

12. NEW BUSINESS

12.1. Reconsideration Request from the Mayor

Under section 131 of the *Community Charter*, Mayor Tait requested the reconsideration of Bylaw No. 694, *Zoning Amendment Bylaw (600-53), 2018* at 7044 Maple Park Terrace and 702 Brailsford Place.

Mayor Tait noted that information has been received from the public which has tainted the overall outlook of the project.

The following options were provided to Council:

1. Reconsider 3rd reading of the Bylaw, as is.
2. Receive a recommendation from staff based on suggestions from the applicant regarding measures that could be taken to accommodate representations.
3. Postpone reconsideration of 3rd reading of the bylaw, hold a new Public Hearing and direct staff to prepare a new staff report including answers to all additional information.

Council Discussion:

- Process.
- Request for information on the following issues to be provided at the new Public Hearing:
 - Brailsford sewer connection.
 - Agreement for original Maple Park Terrace sewer Development Permit.
 - Installation of bollards at Brailsford.
 - Affordable housing, comparative of current zoning outline and previous contribution option, as build out was a greater contribution.
 - Playground equipment should be selected by staff, to ensure diversity.
 - Parking options.

2018-279

MOVED by Councillor Pearson, seconded by Councillor Parkinson:

THAT Council postpone reconsideration of Third reading of the bylaw cited as *Zoning Amendment Bylaw No. 694 (600-53), 2018* and schedule a new Public Hearing.

CARRIED.

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

Absent: Councillor Kasper

Jennifer Royer Collard

From: Corporate Services
Sent: June 13, 2018 8:57 AM
To: Ivy Campbell
Cc: Carolyn Mushata
Subject: FW: Read: Bylaw 694 Zoning Amendment

FYI

From: Chris Bryant <drbryant@telus.net>
Sent: May 29, 2018 8:57 AM
To: Corporate Services <corp@sooke.ca>
Subject: RE: Read: Bylaw 694 Zoning Amendment

Dear Mayor, Council, and District of Sooke staff,

Many thanks for the well organized and supported public hearing at last night's meeting. The quality of discussion encouraged by elected officials, staff and citizens was exemplary.

Please pass along my appreciation, to all parties, involved in the Bylaw #694 discussions, and that opinions/facts shared should be taken in the context of what our community now needs to undertake when this development is revisited.

Again, thank you for the opportunity to attend.

Yours,

Chris Bryant

2404 Mountain Heights

Sooke, BC

From: Corporate Services [<mailto:corp@sooke.ca>]
Sent: May-28-18 12:47 PM
To: Chris Bryant <drbryant@telus.net>
Subject: Read: Bylaw 694 Zoning Amendment

Your message

To: Corporate Services
Subject: Bylaw 694 Zoning Amendment
Sent: Monday, May 28, 2018 10:28:31 AM (UTC-08:00) Pacific Time (US & Canada)

was read on Monday, May 28, 2018 12:45:45 PM (UTC-08:00) Pacific Time (US & Canada).

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Jennifer Royer Collard

From: Maja Tait
Sent: June 26, 2018 1:36 PM
To: Carolyn Mushata
Subject: FW: Sewer Request

Hi Carolyn,
Please provide this email to Council for the upcoming Maple Park Terrace Public Hearing.
Thank you,
Maja

-----Original Message-----

From: Mary Zorko <sew4fun@telusplanet.net>
Sent: Tuesday, June 26, 2018 9:58 AM
To: Maja Tait <mtait@sooke.ca>
Subject: Sewer Request

Hi Maja,
Here is a copy of the letter that I sent to Carolyn Mushata giving my support to Michael Volk's proposal.

>
> When we bought the property at 7052 Maple Park Terrace 14 years ago, the town of Sooke was on septic. Several years later sewers were installed to Grant Road. I have made inquiries over the years about hooking up to the sewers. The response given was that I had to wait until there was housing development behind our property.
> I again made inquiries at the municipal hall when I learned that my neighbor at 7048 and 2 duplexes below me had hooked up. Spoke to Rob Howat and Vickie Lewers, and also contacted Michael Volk and Jarred Steingard about the possibility of hooking up.
> Michael and Jarred viewed my property and have gone out of their way to assist me with the application process. I submitted my SSA application and have been waiting to hear back from Council. Michael has since informed me that the View Pointe Estates Phase has agreed to install a line at their expense. I am writing to request that Council accept their generous offer.
>
> Mary Zorko
> 403-720-8609 Home
> 403-818-3160 Cell
>
> Sent from my iPad

PRIVILEGED AND CONFIDENTIAL The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient it may be unlawful for you to read, copy, disclose or otherwise use the information in this communication. If you received this transmittal in error, please contact the sender and delete the material immediately.

8. PUBLIC HEARINGS AND RELATED BYLAWS

8.1. Bylaw No. 694, Zoning Amendment Bylaw (600-53), 2018 - 7044 Maple Park Terrace & 7002 Brailsford Place

The Director of Development Services provided an overview of the proposed zoning amendment recommending Council give third reading and adoption to Bylaw No. 694, Zoning Amendment Bylaw (600-53), 2018, to rezone 7044 Maple Park Terrace from CD9 (Spiritwood Estates Comprehensive Development Zone) to R3 (Small Lot Residential) and to rezone 7002 Brailsford Place from Rural Residential (RU4) to R3 (Small Lot Residential)

Council Discussion:

- Comparison of previous density to newly proposed density. The proposed section 219 covenant guarantees lots will be 500m² and larger, despite the zone allowing 350m².
- Commercial development in the CD9 zone has been removed.
- Suggestion of varying playground equipment from that in nearby parks or adding a lacrosse box.
- Proposed trails at 12% grade could be difficult for some users. Accessible options would increase use and pedestrian connectivity.
- Encouraging the right supply of housing and affordable housing options.
- Clarification that secondary suites would be permitted in all lots.
- Access from Brailsford is shown as pedestrian only, but design could be revisited to permit traffic. Council encouraged the applicant to revisit the design to promote traffic flow. Connection through Mountain Heights Drive to be considered as well.

Mayor Tait read a written statement advising that any person who believes their interest in the property is affected by the proposed bylaw, would be given a reasonable opportunity to be heard and to have their written submission presented at the Public Hearing.

Mayor Tait called the Public Hearing to order at 7:32 p.m.

Public Submissions:

- Marlene Arden, 7059 Maple Park Terrace, spoke regarding the history of development in the area, including a commitment from a previous developer to build sewer infrastructure along Maple Park Terrace. Ms. Arden stated that the current developer should honour this commitment, which would allow for property owners in the area to subdivide and create new building lots, increasing affordable housing options.
- Shawn Pell, 7063 Maple Park Terrace, spoke regarding commitment of the previous developer to install sewer infrastructure and asked that Council hold the current developer to the same commitment.
- Chris Bryant, 2404 Mountain Heights Drive, spoke regarding the impact of increased density in residential neighbourhoods. Dr. Bryant encouraged in-depth analysis of traffic, both pedestrian and vehicular, on connector roads and neighbouring streets.

- Marcel Wijnands, 7058 Maple Park Terrace, spoke in support of sewer infrastructure for Maple Park Terrace and stated his agreement with Ms. Arden and Mr. Pell. Additionally, Mr. Wijnands believes further consideration should be given to the effects of blasting and waterflow on downslope properties.
- Don Colgrave, 2239 Pyrite Drive, stated he was speaking on behalf of the owners of 7062 Maple Park Terrace, as well as residents of neighbouring areas. Mr. Colgrave expressed disappointment that the extension of sewer infrastructure down Maple Park Terrace has not been proposed as it is an opportunity to increase density on larger existing lots. Mr. Colgrave further stated that upgrades to Beaton Road should be completed before additional traffic is routed there.
- Ellen Lewers, 5526 Sooke Road, stated her concern for changing landscapes and effects on surrounding habitats, allowing for adequate parking and road widths in new developments, consideration of impact of increased traffic on all feeder roads including Sooke Road, cost of maintaining playground equipment, and the affordability of housing including rental suites.
- Michael Volk, applicant, addressed concerns regarding housing affordability and offered examples of financing options for homebuyers. Mr. Volk stated that the developer will have a proposal for affordable housing in the downslope properties, as the upslope properties are costly to service. Mr. Volk outlined the five year maintenance agreement proposed for playground equipment and the associated warranties. In regards to sewer infrastructure on Maple Park Terrace, Mr. Volk stated that the current developer viewed this as an amenity contribution and had offered additional amenities over the previous development in the form of parkland dedication. Several properties along Maple Park Terrace have been serviced by the development's gravity sewer system, but not all properties were suitable. Mr. Volk stated that he was willing to work with the owners of properties on Maple Park Terrace to ensure they were connected to appropriate sewer infrastructure. In response to written input regarding an easement on neighbouring property, Mr. Volk clarified that access was not required through this area.

Council Discussion:

- Clarification that the 5 year maintenance of playground equipment begins when the playground is built, not completion of all phases of development.
- Options for sewer infrastructure on Maple Park Terrace and possible cost sharing arrangements.
- Mr. Volk stated that the developer is willing to cover the cost of installing the required sewer infrastructure for the Maple Park Terrace properties included in the existing CD9 Comprehensive Development Zone covenant. Council would like to see this agreement in writing, as well as commitment to open the Brailsford Road connection to vehicle traffic.

Public Submissions:

- Jeff Bateman, 7083 Briarwood Place, expressed concerns regarding large development on a sloped landscape, as well as ensuring adequate parking.
- Don Colgrave, 2239 Pyrite Drive, stated that the commitment of the previous developer regarding sewer infrastructure should be honoured. Mr. Colgrave spoke regarding the design of the development and ensuring that design

standards are met throughout construction, as well as stating his disagreement some suggested property financing suggestions by Mr. Volk.

- Ellen Lewers, 5526 Sooke Road, inquired as to whether the current proposal is a decrease in density if suites are allowed, as this may not have been the case in the original development.
- Michael Volk, applicant, stated that much consideration had been given to the layout of the development.

The Public Hearing was closed at 8:30 p.m.

Council discussion:

- Housing affordability requires that new lots be brought to the market in order for homes to be built. A wide variety of housing will encourage a wide variety of buyers. Affordable housing policy should examine incentives for developers.
- Density with secondary suites requires careful consideration of parking, road and sidewalk infrastructure.

2018-240

MOVED by Councillor Kasper, seconded by Councillor Pearson:

THAT Council give third reading to Bylaw No. 694, Zoning Amendment Bylaw (600-53), 2018

DEFEATED

In Favour: Councillor Kasper, Councillor Pearson, and Councillor Berger

Opposed: Mayor Tait, Councillor Logins, and Councillor Parkinson

Absent: Councillor Reay



The District of Sooke
New Business/Supplemental Agenda
for the
Regular Council Meeting
Monday, May 28, 2018 @ 7:00 PM
Council Chamber
2225 Otter Point Road
Sooke, BC

Page

NEW BUSINESS/SUPPLEMENTARY INFORMATION

- 8.1. **Bylaw No. 694, Zoning Amendment Bylaw (600-53), 2018 - 7004 Maple Park Terrace & 7002 Brailsford Place** # - #
- Correspondence received May 22, 2018 from Kevin and Susan Edwards
 - Correspondence received May 27, 2018 from Emma Irwin
- [Kevin Susan Edwards PH](#)
[Emma Irwin Public Hearing](#)

From: [Carolyn Mushata](#)
To: [Sarah Temple](#); [Jennifer Royer Collard](#)
Subject: FW: Public Hearing Bylaw No. 694. PLN01331.
Date: May 22, 2018 10:49:01 AM

Public input for the agenda package

-----Original Message-----

From: Rob Howat
Sent: May 22, 2018 10:07 AM
To: Kevin Edwards **REDACTED**
Cc: Carolyn Mushata <cmushata@sooke.ca>; Nikki Lewers <nlewers@sooke.ca>
Subject: RE: Public Hearing Bylaw No. 694. PLN01331.

Kevin /Susan.... thanks for the email . As you were notified about the public hearing for the rezoning pursuant to the local government act I will forward your comments on to our Corporate Officer for the record. I will also keep your email on file and will refer to it during my deliberations on the potential subdivision of the property. If you any questions please do not hesitate to contact me . Rob

-----Original Message-----

From: Kevin Edwards **REDACTED**
Sent: Tuesday, May 22, 2018 9:41 AM
To: Rob Howat <rhowat@sooke.ca>
Subject: Public Hearing Bylaw No. 694. PLN01331.

Rob,

As owners of Lot 21 Stoneridge we have been notified of the above.

I am unsure as to whether or not this is the correct forum to raise a query about the potential layout of the site. I do note that the proposals are in a sketch form only and will be subject to detailed consideration at a later date.

Our concerns just relate to the lack of connectivity from the existing Park (south of Mountain Heights Drive to the proposed Park areas and therefore a lost opportunity for continuing a Park/wildlife corridor.

Is the Public Hearing simply to ascertain the zoning amendment and will there be an opportunity at a later date to comment on the proposed layout ?

Apologies if I have misunderstood the process.

Many thanks.

Regards

Kevin and Susan Edwards.

Sent from my iPad

From: Emma Irwin
To: [Corporate Services](#)
Subject: Re: Public Hearing PLN01331
Date: May 27, 2018 1:01:48 PM

Hi

This email is in response to Public Hearing scheduled Monday regarding zoning change (File no PLN01331). I have some concerns I would like addressed in full before this application is accepted. I want council to be aware, that these concerns are based on our painful experience with past developers, and development planning (Spiritwood).

1.(access) Given there is no road access, or easement that would connect PT Sec 21 to Firwood, and next to Firwood is designated Park how is this development going to accommodate access on our side?

- History: The last developer was granted zoning with assumption that there was an easement on our property (2233, 2231), which is incorrect. That easement was dropped. We endured the frantic realization of this with developers 'of past' on our property saying things like *'I've invested 3 million dollars, and we're going to put a god-damned road through here'*. **Which was traumatizing.**
- We had one (drunken) email from a developer offering us 200, 000 for the land in front of our building. (an email, not an offer)

2. (Cliff face ownership) The tip of the 'triangle' that is our property on the map touches the outline of PT Sec 21, this triangle tip also happens to be a cliff that overlooks our house. Do we have an understanding of who owns the actual cliff-face? I don't want blasting of that cliff without consultation, and agreement of ownership AND accountability (lose boulders would hit our home)

3. (Trespassing) We want to make clear, that any access to our property, including what used to be an easement, must be granted by myself, and owners of the other side of this duplex.

- History: In the past, we had surveyors, developers on various parts of our land, without permission - and showed little to no respect for being told they were trespassing.

These three points, cover our experience during zoning application and approval for Spiritwood - which was done obviously without proper research or attention to the rights, and ownership of property owners surrounding. We felt bullied.

I'll try to be at the hearing, but I would very much like these to be addressed - I don't want to go through that again.

--

-- Emma Irwin



PH-1

**Public Hearing
Information Package**

May 28, 2018 at 7:00 pm

Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

Proposed Bylaw:	Bylaw No. 694, <i>Zoning Amendment Bylaw (600-53), 2018</i>
Zoning Amendment:	The purpose of Bylaw No. 694, <i>Zoning Amendment Bylaw (600-53)</i> is to rezone 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential Zone (R3) and to rezone 7002 Brailsford Place from Rural Residential (RU4) to Small Lot Residential (R3). The amendment is proposed for the remaining lands currently included in the existing View Pointe Estates project, with the addition of 7002 Brailsford into the development plan for a total of approximately 18.4 hectares. The rezoning reduces the density from a maximum of approximately 448 residential units (mixture of multi residential and single family residential) to a maximum of approximately 157 residential lots (single family and duplex form).

Information Package Contents

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| 1. Notice of Public Hearing published in the Sooke News Mirror May 16 & May 23, 2018. | 1 |
| 2. Bylaw No. 694, <i>Zoning Amendment Bylaw (600-53), 2018</i> at second reading. | 3 |
| 3. Staff Report to Council, dated April 23, 2018. | 7 |
| 4. Council minutes and resolution, dated April 23, 2018. | 63 |

*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, May 28th, 2018** commencing at 7:00 pm.

Application Information:

Bylaw: *Zoning Amendment Bylaw No. 694 (600-53), 2018*

File No: PLN01331

Civic Address:

7044 Maple Park Terrace & 7002 Brailsford Place
(shown outlined in grey on the subject map)

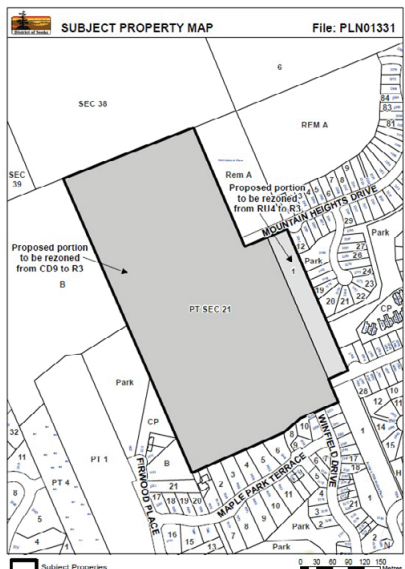
Legal Description:

SECTION 21, SOOKE LAND DISTRICT EXCEPT PLAN 26856, EXCEPT THE EASTERLY 2 CHAINS AND EXCEPT THAT PART LYING TO THE WEST OF A BOUNDARY PARALLEL TO THE WESTERLY BOUNDARY OF SAID SECTION 21 AND 198 FEET PERPENDICULARLY DISTANT THEREFROM AND EXCEPT THOSE PARTS IN PLANS 27504, 30520, 39897, VIP57007, VIP64014, VIP67685; and LOT 1, SECTION 21, SOOKE DISTRICT, Plan EPP74636

Applicant: Michael Volk

Proposal:

The purpose of Bylaw No. 694, *Zoning Amendment Bylaw (600-53)* is to rezone 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential Zone (R3) and to rezone 7002 Brailsford Place from Rural Residential (RU4) to Small Lot Residential (R3). The amendment is proposed for the remaining lands currently included in the existing View Pointe Estates project, with the addition of 7002 Brailsford into the development plan for a total of approximately 18.4 hectares. The rezoning reduces the density from a maximum of approximately 448 residential units (mixture of multi residential and single family residential) to a maximum of approximately 157 residential lots (single family and duplex form).



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 May 16th, 2018 to and including May 28th, 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, May 28th, 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. 694

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property known as 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential (R3) and to amend the zoning on the property known as 7002 Brailsford Place from Rural Residential Zone (RU4) to 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. 694 (600-53), 2018*.

2. The parcel of land legally described as:

SECTION 21, SOOKE LAND DISTRICT EXCEPT PLAN 26856, EXCEPT THE EASTERLY 2 CHAINS AND ECEPT THAT PART LYING TO THE WEST OF A BOUNDARY PARALLEL TO THE WESTERLY BOUNDARY OF SAID SECTION 21 AND 198 FEER PERPENDICULARLY DISTANT THEREFROM AND EXCEPT THOSE PARTS IN PLANS 27504, 30520, 39897, VIP57007, VIP64014, VIP67685; and

LOT 1, SECTION 21, SOOKE DISTRICT, Plan EPP74636

as shown boldly outlined and shaded on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned to Small Lot Residential (R3)

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 23rd day of April, 2018.

PUBLIC HEARING held the ___day of ____, 201 .

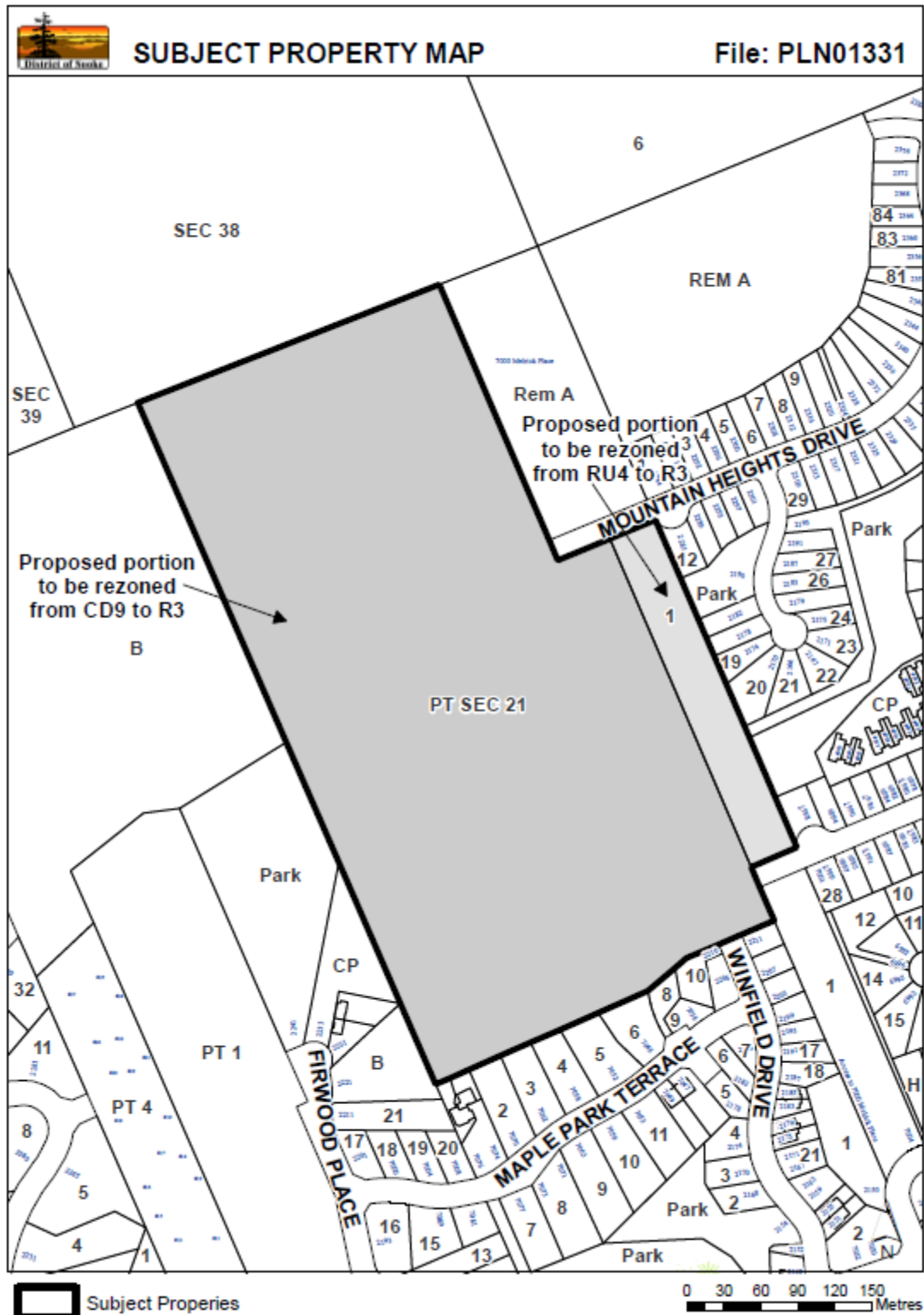
READ a THIRD time the ___day of ____, 201 .

ADOPTED the ___day of ____, 201 .

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

SCHEDULE A





7044 Maple Park Terr and 7002 Brailsford Place - Rezoning Application

RECOMMENDATION:

THAT Council give First and Second reading to *Zoning Amendment Bylaw No. 694 (600-53), 2018*, to amend the zoning of 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential Zone (R3) and 7002 Brailsford Place from Rural Residential (RU4) to R3 Small Lot Residential (R3); and

THAT a Public Hearing be scheduled for *Zoning Amendment Bylaw No. 694 (600-53), 2018*, in accordance with section 466 of the *Local Government Act*; and

THAT prior to final adoption of *Zoning Amendment Bylaw No. 694 (600-53), 2018*, the owner be required to enter into section 219 covenants registered in priority of all other charges on title for 7044 Maple Park Terrace and 7002 Brailsford Place, to address the following:

1. Provision of a \$1,000.00 cash contribution per lot towards Bylaw No. 259, *Housing Reserve Fund Establishment Bylaw, 2006* prior to subdivision approval for each phase;
2. Submission of a comprehensive rainwater management plan prior to subdivision approval in accordance with the requirements of Bylaw No. 404;
3. Notwithstanding the minimum permitted lot size of 350m² in the Small Lot Residential (R3) zone, all lots created at time of subdivision, must have a minimum lot size of 500m² or larger, with the exception of 20 lots.
4. That the areas shown as "park" on the Westbrook Consulting Ltd. "Park Plan" dated 18-02-21 be dedicated as Park to the District prior to or concurrently with each subdivision approval for each phase of development as identified on the "Proposed Subdivision and Phasing of Park Dedication" plan prepared by McIlvaney Riley Land Surveying dated February 7, 2018 and that trail linkages be constructed in the general area as depicted on the "Park Plan";
5. Provision of a detailed trail plan identifying the location, width, material and grade of all proposed trails on site and of the proposed connection from the proposed development through Firwood Park to Firwood Place prior to final approval of Phase 2 as identified on the "Proposed Subdivision and Phasing of Park Dedication Plan";
6. That all "Nature Trails" shown and delineated on the "Park Plan" be constructed with maximum grades of 12 percent and to the satisfaction of the Director of Development Services, prior the final approval of a subdivision plan which creates the 31st lot on the subject properties;
7. That a 5 meter statutory right of way in favour of the District of Sooke be

registered along the southern edge of 7044 Maple Park Terrace as identified on the "Park Plan" for purposes of establishing a trail connection to Winfield Drive prior to or concurrently with the approval of Phase 2 as identified on the "Proposed Subdivision and Phasing of Park Dedication Plan";

8. That two (2) "Trail Heads" be constructed in the locations shown generally on the "Park Plan" and equip each trail head location with welcome signage, three (3) visitor parking spaces, trail/vehicle barriers, waste receptacles and doggy stations as per the *Parks and Trails Master Plan* and to the satisfaction of the Director of Development Services prior to the final approval of a subdivision plan which creates the 31st lot on the subject properties;
9. That a neighborhood playground be constructed to Canadian Standards Association (CSA) standards with a minimum of ten (10) visitor parking spaces and playground equipment as per the attached "Playground Equipment Quote and Design" dated February 20, 2018, to be located within the park area generally identified on the attached "Park Plan" to the satisfaction of the Director of Development Services prior to final approval of a subdivision plan which creates the 51st lot on the subject property; and,
10. That the Owner enter into a maintenance agreement with the District of Sooke for the Owner to maintain the neighborhood playground, the parking lot and the playground equipment for five (5)-years from the date of issuance of a Construction Completion Certificate for those items.

AND THAT upon adoption of *Zoning Amendment Bylaw No. 694 (600-53), 2018*, Council direct staff to release restrictive covenant FB389615.

Report Summary:

The District of Sooke has received an application to amend the zoning of 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential Zone (R3) and 7002 Brailsford Place from Rural Residential (RU4) to Small Lot Residential (R3). The amendment is proposed for the remaining lands currently included in the View Pointe Estates project, with the addition of 7002 Brailsford into the development plan for a total of approximately 18.4 hectares.

The applicant proposes a less dense development than what is currently permitted under the CD9 Zone, with the registration of a covenant restricting lot sizes to a minimum of 500m² except for 20 lots which may be smaller. The applicant proposes to reduce the number of proposed lots from approximately 400 to 137 for compact neighbourhood development, while offering considerable parkland, playground and trail dedications as well as contributions to the *Affordable Housing Reserve Fund*. The property at 7044 Maple Park Terrace is located within the Sewer Specified Area. The property at 7002 Brailsford Place is not located within the SSA and is subject to an inclusion application under a separate agenda item. Both properties are serviceable by CRD Water.

To meet policies in the *Official Community Plan*, staff recommend that prior to final adoption of the proposed zoning bylaw amendment, that the owner enter into a section 219 covenant with the District of Sooke to secure cash contribution to the District's

Affordable Housing Reserve Fund, Parkland dedication and improvements, and minimum lot size restrictions **as proposed by the applicant.**

Previous Council Action:

The zoning on the property at 7044 Maple Park Terrace was amended to CD9 in 2010 when the property was held by different ownership. In 2012 a development permit was issued for clearing, grading and silt control (environmental) under the previous ownership. That DP still stands in effect for the current development. In 2015 a development permit was issued to the new ownership group for form and character for Phase 1.

Report:

The 18.4 hectare combined properties comprise the next proposed phases of the View Pointe Estates development. The subdivision plan for Phase 1 of this development was registered in June 2017. In continuing with the rest of the project, the applicant has proposed to amend the zoning on both 7044 Maple Park Terrace and 7002 Brailsford Place to *Small Lot Residential (R3)*. The current zoning of 7044 Maple Park Terrace, the *Spiritwood Estates Comprehensive Development Zone (CD9)*, was created in 2010, and presently permits a maximum density of 448 residential units including density bonuses as well as commercial space. The proposed zoning would include the following key changes:

1. reducing the overall density: from more than 400 lots to approximately 137 lots.
2. changing the permitted uses: removing commercial and multi-family development (with the exception of duplexes on lots over 600m² which are permitted in the R3 zone)
3. increasing public parkland, playground and trails system: to no less than 32 percent of the overall lot area.
4. register a section 219 covenant on R3 lots to have a minimum size of 500m², with a maximum of 20 lots in the development with a smaller lot size.

Park Dedication

The applicant proposes dedication of no less than 32% of the lands as park (not including the park that was dedicated with Phase 1) which is an increase from the approximately 27% that was proposed under the CD9 Zoning. The park will be dedicated in phases with each phase of subdivision. In addition, the applicant has proposed to construct public nature trails through the development which will link the neighbourhood with Firwood Park. A minimum of two trail heads will be provided with a minimum of three visitor parking spaces, trail/vehicle barriers, waste receptacles and doggy stations as per the *Parks and Trails Master Plan* at each trail head. In addition, the applicant proposes to develop a neighbourhood playground complete with CSA approved playground equipment valued at almost \$100,000 and a minimum of 10 visitor parking spaces.

Amenities/Servicing

The existing CD9 Zone contains a number of conditions relating to the provision of amenities and affordable housing. The previous owner, in advance of completion of the first phase of development of the lands, completed construction of the Winfield Road curb, gutter, sidewalk and streetlights amenity as well as construction of the sanitary

sewer infrastructure to service the development. Amenity contributions under the CD9 Zone would be triggered if densities increased over the base density amounts. The R3 Zone proposed will remove these potential itemized contributions.

It should be noted that the current owner has facilitated connection of a few properties at the eastern end of Maple Park Terrace to the municipal wastewater system (through appropriate Sewer Specified Area bylaw amendments). The proposed development is not expected to include the installation of any further sanitary servicing along Maple Park Terrace.

CRD Water has advised that should this project proceed, the applicant will be required to install a 300mm transmission water main and a 300mm distribution water main throughout the full length of the proposed Mountain Heights Drive extension created by the development. The water mains are identified as DCC projects in the Juan de Fuca Water Distribution Development Cost Charge Program. Installation of these mains through the View Point Estates property will provide an important link toward the ultimate connection to the Henlyn Reservoir and the service benefits that will provide to the community.

Extensive engineering studies have been completed on the project including, but not limited to, wastewater, domestic water and fire flow, road networks and lot grading. Additional reports on traffic and environmental requirements have also been completed over the years that this project has been planned for by both the previous and current ownership.

The property at 7002 Brailsford Place must be included in the Sewer Specified Area in order for the zoning to be amended to R3.

Affordable Housing

The rezoning process provides the District with an opportunity to implement policies aimed to improve affordable housing within the District. The applicant has offered to provide a cash contribution of \$1,000.00 per lot (as each phase is registered) to the District's Affordable Housing Reserve Fund, creating a potential contribution of approximately \$137,000.00. Staff are currently working to reconcile the fund which contains Affordable Housing contributions, for which a value will be provided in future reports.

Traffic Impact

As noted in the Traffic Impact Assessment completed by Watt Consulting Group, the site will be accessed from Grant Road (South) and Otter Point Road (East). The south site access will be the extension of Winfield Drive from Grant Road.

North-south roads are proposed to be constructed through the site and the site can be accessed from Maple Park terrace via Firwood Place and Rudd Road.

The report concluded that no upgrades of existing roads would be required due to the development proposed and recommended that internal roads conform to District road

standards and that the access point at Brailsford Place be made emergency access only. Staff support this recommendation.

Official Community Plan

The properties are located within the Sewer Specified Area and designated as “*Community Residential*” in the District of Sooke Bylaw 400, *Official Community Plan* (OCP). This designation promotes the following goals and objectives:

1. *Ensure the sustainable construction of single family and multiple family residential dwellings;*
2. *Provide a range of high quality housing types, tenures and densities, which can meet the diverse needs of, and attract, individuals and families of varying income levels and demographics;*
3. *Provide affordable and attainable housing opportunities, to meet the needs of various age groups, family types, lifestyles and income groups;*
4. *Require safe and formalized pedestrian access to services from all residential areas, including connections to amenities and commercial service areas;*
5. *Allow for a variety of housing options within new and existing residential areas;*

The proposed reduction in density on the site is consistent with adjacent neighbourhoods, particularly in other CD zones. The applicants are proposing to provide affordable lots with reduced infrastructure costs, and are dedicating challenging building and infrastructure areas as additional parkland and trails. The site will have more than 30 percent parkland which will provide pedestrian trail linkages as well as a new playground.

District of Sooke Zoning Bylaw, Bylaw 600

It is important to note that the actual subdivision layout will be reviewed in detail as subdivision application and development permit applications for each phase are received. The proposed application provides conceptual detail for approximately 137 lots, parkland dedication, playground and parking facilities as well as a conceptual trail plan map.

The proposed R3 zoning permits a minimum lot size of 350 m², duplexes on lots over 600 m² and secondary and small suites. The applicant is proposing to impose a section 219 covenant restricting lots to a 500m², except 20 which will remain as more affordable smaller lots.

Recommendation

Development Services is supportive of this rezoning application to create R3 lots and permit the construction of single family homes (with or without suites or small suites) or duplexes. Based on the sizable parkland, playground development and trail dedications that have been offered by the applicant, the project will provide a balanced lifestyle within this future neighborhood. Staff will look forward to subsequent subdivision and development permit applications to further address proposed lot layouts.

A copy of the proposed plan is attached. Note that proposed lot layouts may change as detailed design is undertaken.

Legal Impacts:

The removal of Covenant FB389615 will be required from the original rezoning in 2010. The covenant limited development to 83 trips as per the Traffic Impact Assessment until specific improvements were completed to the satisfaction of Ministry of Transportation and Infrastructure. The applicant has submitted a new Traffic Impact Assessment which was reviewed by the MOTI. The MOTI had no further requirements of this zoning amendment application.

Budget/Financial Impacts:

The applicants will provide a \$1,000.00 per lot contribution towards the Affordable Housing Reserve Fund with the approval of each subdivision phase.

Strategic Relevance:

Community Planning, Affordability and Economic Development

Attached Documents:

[Location-Map](#)

[Application-Letter](#)

[Westbrook-Letter](#)

[Proposed-Layout](#)

[Park-Plan](#)

[Playground-Equipment](#)

[Traffic-Impact-Assessment](#)

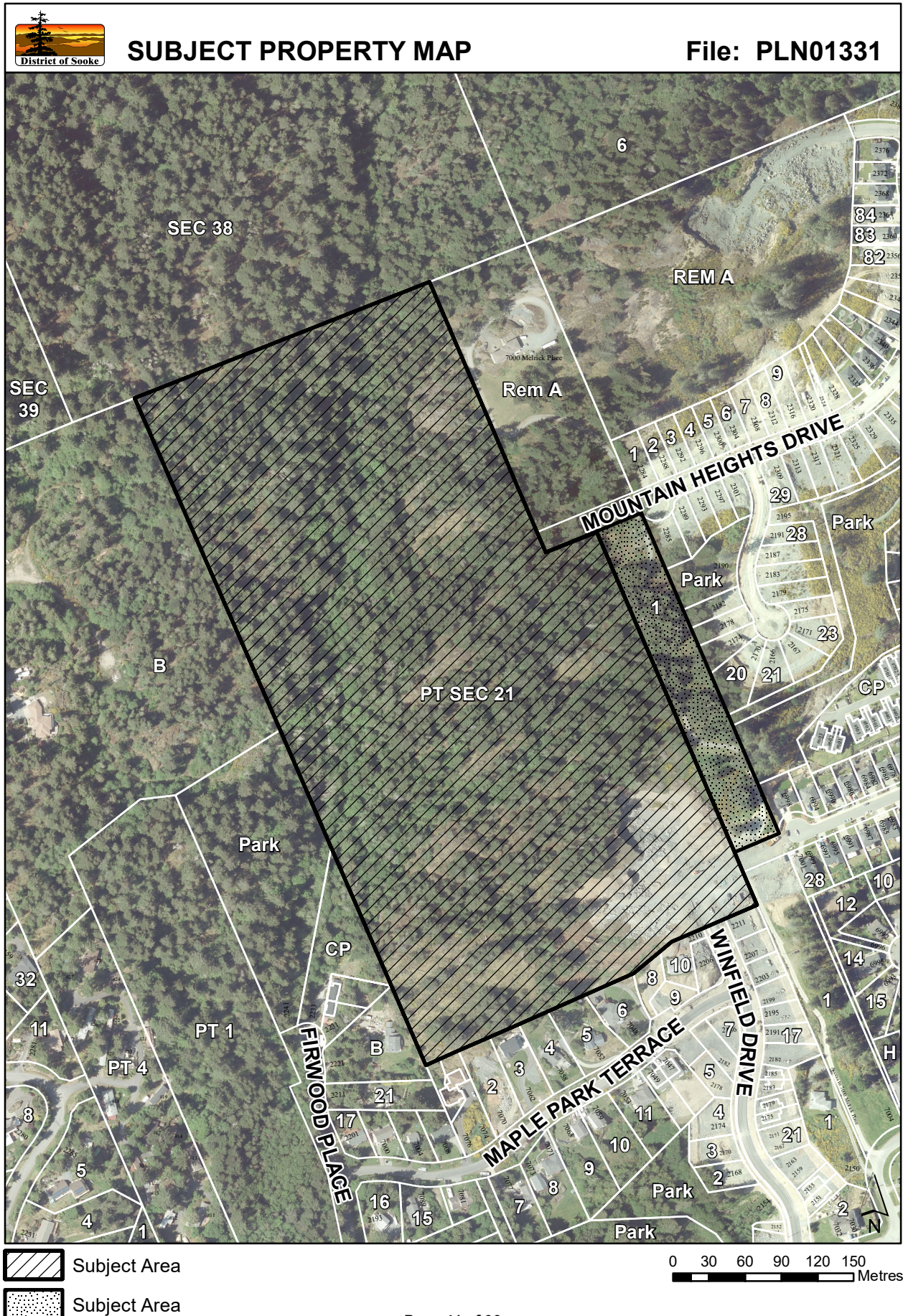
[R3-Zone](#)

[CD9-Zone](#)

[RU4-Zone](#)

[Bylaw 694 \(600-53\)](#)

View Pointe Estates - Location Map



Re-Zoning Application

7044 Maple Park Terrace & 7000 Melrick Place

April 2, 2017



Michael Volk

4923 Townsend Drive

Victoria, BC V8Z 5P2

c. (250) 744 7574

e. mvolk@shaw.ca

Attn: Danica Rice, Tara Johnson, Rob Howat and Nikki Lewers
2205 Otter Point Road Sooke, BC V9Z 1J2

Please accept our request to rezone the properties that were previously addressed as 7044 Maple Park Terrace and 7000 Melrick Place. ViewPointe Estates has now successfully purchased the lands necessary to allow connection of utilities at these properties.

This application is to re-zone the subject property from CD-9 to R-3. This change will greatly simplify the previous zoning bylaw and allow for the creation of the attached approximately 137 lot sub-division over the two properties.

The R-3 zone was suggested by staff is a common zone in the district, which is well understood. R-3 allows minimum lot sizes to 350 m2 however this application requests a covenant be registered to maintain a minimum lot size of 500 m2 for all but 20 lots in the zone.

This application suggests a park dedication of not less than 32% of the total site, representing a significant increase in park dedication from the CD-9 Zone which was approximately 27%. To enhance the park dedication, the developer would like to install trail corridors, viewing areas, a family playground and picnic area, and parking for visitors. The developer will maintain the park areas for the first 5 years, allowing time for houses to be built, the tax base to grow, and for staff to be ready for the maintenance transfer.

Enhanced storm-water management features such as a proposed waterfall and settlement ponds will add to the overall experience when navigating the trails network.

This application reduces the overall density from a potential maximum of 448 units in the CD-9 zone to a density of approximately 137 lots.

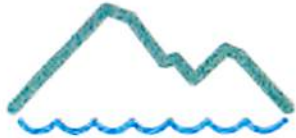
An affordable housing contribution will be provided throughout the life of the project with the developer contributing \$1,000 for each lot created at the time of registration.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Volk", is written over a horizontal line.

Michael Volk - Applicant



WESTBROOK Consulting Ltd.

May 31, 2017

2884-02

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

Attn: Rob Howat

Re: Viewpointe Estates Development – Proposed Rezoning

Dear Sir:

Further to our meeting of May 11, 2017, we write to discuss the proposed re-zoning of the remainder of the Viewpointe project.

INTRODUCTION

Westbrook Consulting has provided engineering services for this property since the project originally started circa 2009. The CD 9 zone was created with a mixed use, mixed density neighbourhood in mind. As such, the zone had provision for density bonuses and a corresponding amenity schedule.

The property was sold in 2015 and we have been working with the new owners to augment the design to facilitate a masterplan of single family and duplex lots. The culmination of our efforts was presented in a conceptual plan in the meeting of May 11th, 2017. As we move into a new rezoning process, we would like to highlight some of the proposed changes.

PROPOSED LAND USE SUMMARY

The CD 9 zone allows for a base density of 10 units per hectare. The first phase of the project was designed in accordance with this base density, and the balance of the land is intended to remain within that threshold. As such, it seems reasonable to depart from the CD 9 zone and select an existing residential zone. The CD 9 zone is fairly complex, and incorporates a higher density residential use than what is desired. It also allows for commercial uses, which are also not desired in the plan moving forward.

We believe the R3 zone would be appropriate for the balance of the site development. We understand this zone allows for secondary suits on lots greater than 550m² and duplexes in lots greater than 600m². While the R3 zone allows for minimum lot sizes at 350m², it is expected that the lot areas will remain around 550m², with some lots greater than 600m² to allow for duplexes. To control the number of duplexes, the owners will register s.219 covenants to restrict duplexes from some lots.

The attached conceptual plan shows a general layout of the balance of the property. As you will see, the density is distributed between single family lots and duplex lots as described above.

ZONING ISSUES

As discussed, there were a number of concerns with the way the CD9 zone was written. The attached letter from the owner's legal advisor identifies such issues. It is believed that rezoning the property to a standard zone would eliminate such issues.

Amenities and Affordable Housing

The current CD 9 zone requires amenity and affordable housing contributions once the density exceeds the base density. Despite not reaching the density threshold to trigger amenity contributions, the project has already completed the Grant Road sewer services and Winfield Road improvements for a total contribution of \$311,000. Further amenity contributions would not be required as long as the base density is not exceeded.

In our meeting, it was discussed that the local area does not have a playground, and the previously required amenity of a playground would be a great asset to the community. Ownership understands the need for playgrounds, as their vision is to create a neighbourhood that is family friendly. There are a few locations being considered at this time and we hope to work with staff to identify a location that is best suited for all stakeholders. Once the site is selected, ownership will construct a playground concurrent with the construction of the adjacent phase of the development.

With respect to affordable housing, the intent is to provide some units as duplexes to allow a lower purchase price. We are also proposing to create as many lots over 550m² so that secondary suites can be created as well. We believe that creating some duplexes and homes with secondary suites will allow for housing that is both attainable and affordable. This strategy will also see an increase to the local rental stock. We anticipate further discussions with staff to identify which lots will permit duplexes and secondary suites.

Park Dedication

The CD 9 zone anticipated providing park land in excess of the 5% required through the Local Government Act. The original intention through the CD 9 zone was to provide additional park land as an amenity. However, it was discussed that the zoning and density bonuses did not allow for private use on such areas should the density threshold not exceed the base density of 10 units per hectare. This creates a problem as outlined in the attached letter.

The proposed solution is to maintain a park dedication in excess of 5%. A conceptual park plan will be provided with this application. As the development moves further into the site, the park area will be dedicated along with each phase. This will ensure that parkland is dedicated and received by the District as the project progresses phase by phase. In the interim, ownership is agreeable to the registration of a Statutory Right of Way over the park areas to secure such an arrangement.

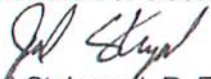


SUMMARY

Westbrook Consulting is proud to present the new concept plan for the Viewpointe development. We believe the changes to the zone will complement the surrounding land uses, and provide quality housing to include a large range in demographics. We have tried to maintain the intent of the original development where possible, and we are pleased that there will be large park dedications. We look forward to working with District staff, and we are available to answer any questions that you may have.

Yours truly,

WESTBROOK CONSULTING LTD.


Jared Steingard, P. Eng., LEED AP
Project Manager

ENCL: Letter from Cox Taylor
Conceptual subdivision plan

H:\PROJECTS\2884 Sea View\02C Correspondence\L170517 Resoning.docx
31/05/2017 11:54 PM



WESTBROOK
Consulting Ltd.

- Sketch Plan of Proposed Subdivision of Parts of :
 - The Remainder of Section 21, Sooke District. (PID 009-394-184); (See Book of Reference)
 - Part 1, Section 21, Sooke District, Plan EPP63813;
 - Lot 1, Section 21, Sooke District, Plan EPP74636.

Book of Reference
PID: 009-394-184
Section 21, Sooke District, Except The Easterly 2 Chains and Except That Part Lying to the West of a Boundary Parallel to the Westerly Boundary of Said Section 21 and 198 Feet Perpendicular Distance Therefrom and Except Those Parts in Plans 26856, 27504, 30520, 30887, VPS7007, VPS4014, VPS7685, VPS70196, VPS74599, and EPP68151.

BCGS 92B.032

12.5 0 12.5 25.0 37.5 50.0 62.5 Metres

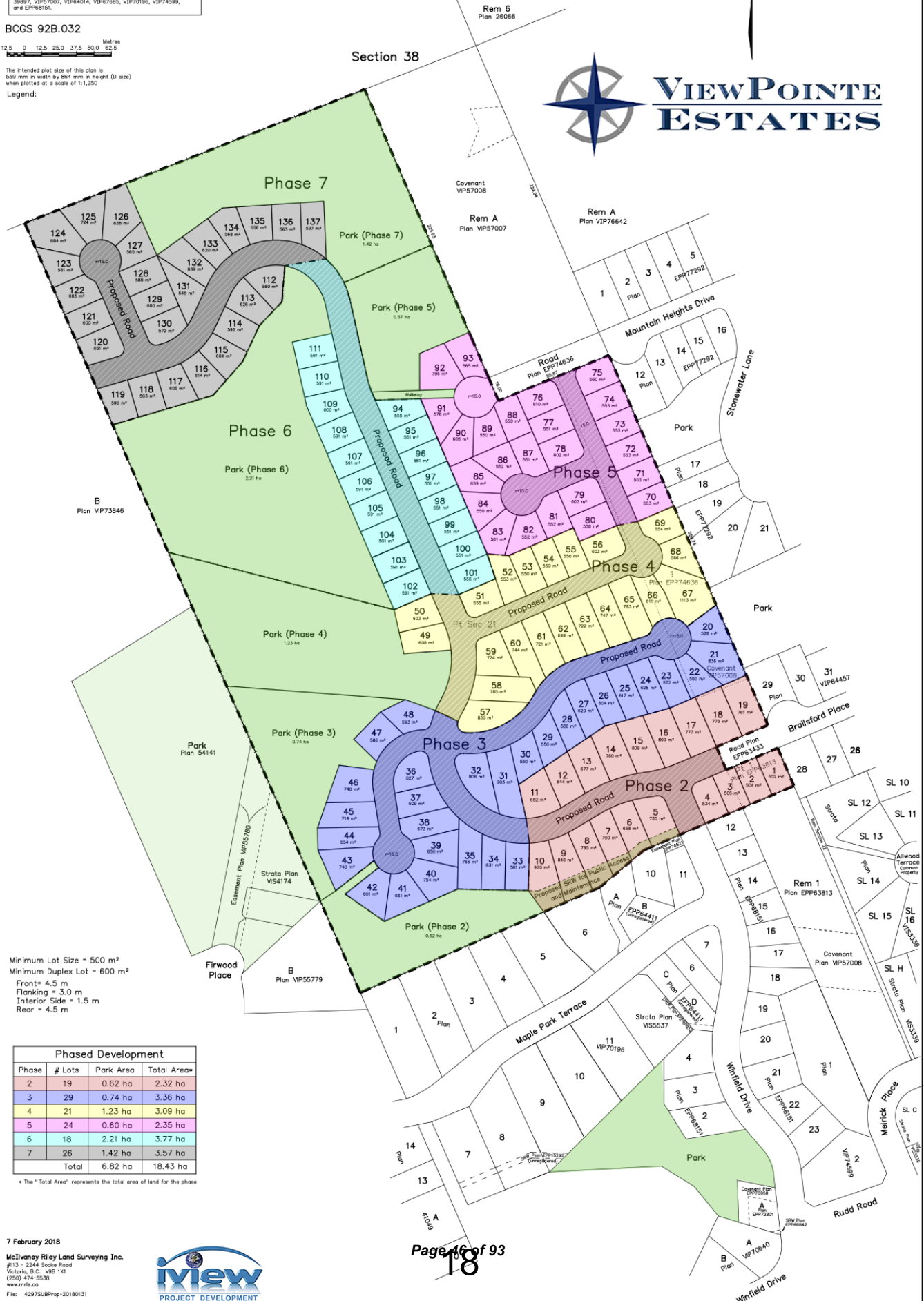
The intended plot size of this plan is 559 mm in width by 864 mm in height (D size) when plotted at a scale of 1:1,250

Legend:

Proposed Subdivision and Phasing of Park Dedication



**VIEWPOINTE
ESTATES**



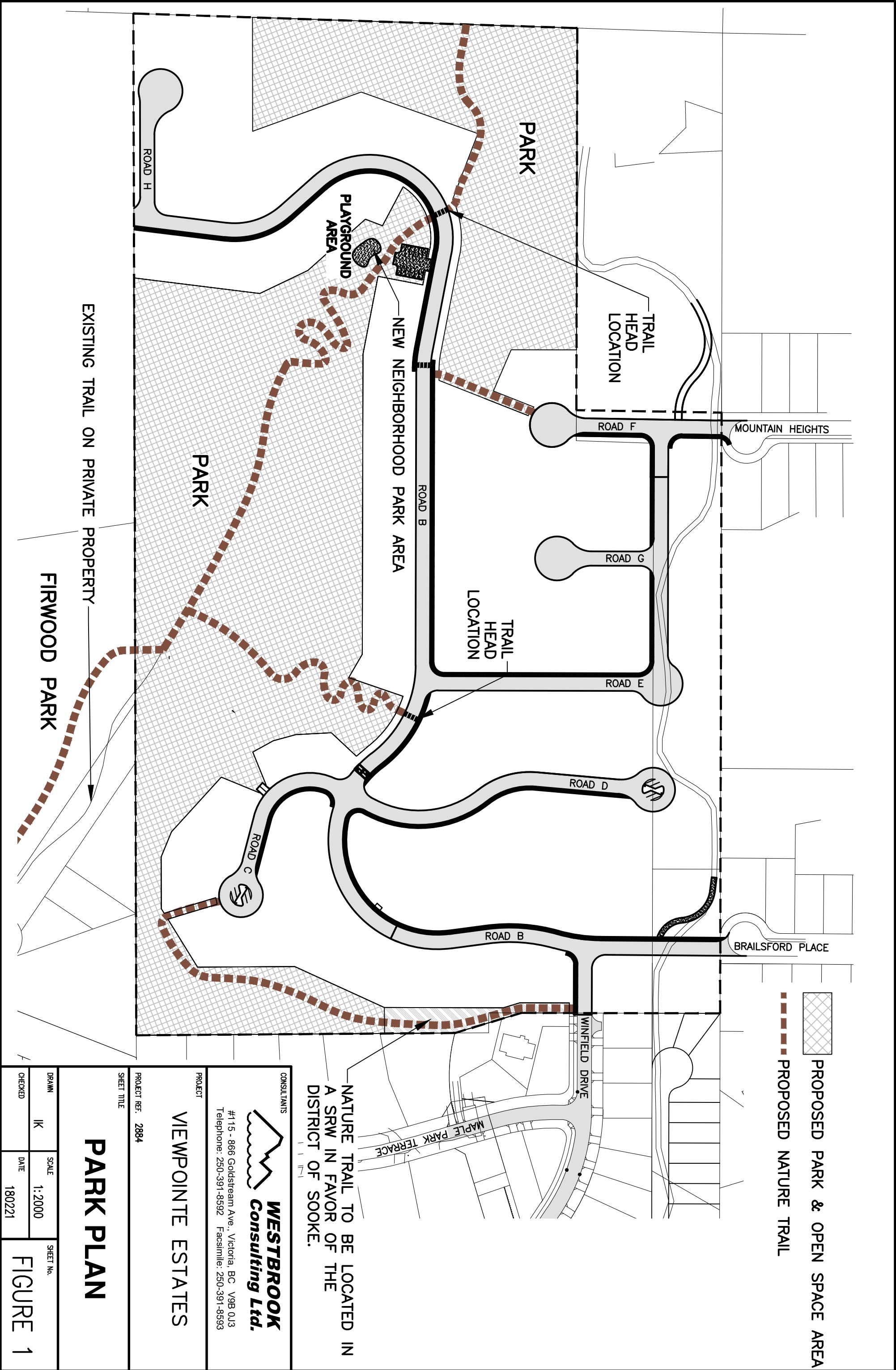
7 February 2018

McIlvaney Riley Land Surveying Inc.
 #13 - 2244 Sooke Road
 Victoria, B.C. V9B 1K1
 (250) 474-9538
 www.mrls.ca

File: 4297SUBProp-20180131



Proposed Park Dedication and Trail Network



PROPOSED PARK & OPEN SPACE AREA
PROPOSED NATURE TRAIL

NATURE TRAIL TO BE LOCATED IN
A SRW IN FAVOR OF THE
DISTRICT OF SOOKE.

WESTBROOK
Consulting Ltd.

#115 - 866 Goldstream Ave., Victoria, BC V9B 0J3
Telephone: 250-391-8592 Facsimile: 250-391-8593

VIEWPOINTE ESTATES

PROJECT REF. 2884

SHEET TITLE

PARK PLAN

DRAWN	IK	SCALE	1:2000	SHEET No.
CHECKED		DATE	180221	FIGURE 1

Proposed Playground Equipment Quote and Design

Green Roots Play Equipment Inc.

793 Dalkeith Avenue
North Saanich, BC V8L5G7
CANADA

1 855-382-7529

info@greenrootsplayequipment.ca

GST/HST number 862608155 RT 0001

PST/QST number 1047-7834



QUOTE

Quote # SQ-802

Reference # N/A

Quote date 02/20/2018

Good thru date 03/22/2018

Quote for

ViewPointe Estates

Michael Volk

mvolk@shaw.ca

Main Address

840 Fort Street
Victoria BC V8W 1H8
Canada

Deliver To

7044 Maple Park Terrace
Sooke BC V8W 1H8
Canada

Item	Qty/Hrs	Price/Rate	Discount (%)	Discount	Sales tax	Amount
B304478R1 PlaySteel Fit Structure	1.00	\$33,479.00	10.00	3,347.90	GST 5%	\$30,131.10
Cosomo 03	1.00	\$44,990.00	0.00	0.00	GST 5%	\$44,990.00
**Installation	1.00	\$15,700.00	0.00	0.00	GST 5%	\$15,700.00
Freight	1.00	\$2,950.00	0.00	0.00	GST 5%	\$2,950.00

Subtotal \$93,771.10

Comments:

Drainage and fall protection materials are not in the above quote. Removal of any existing equipment is also not included in this quote. We can provide you with any of these services upon request.

GST \$4,688.56

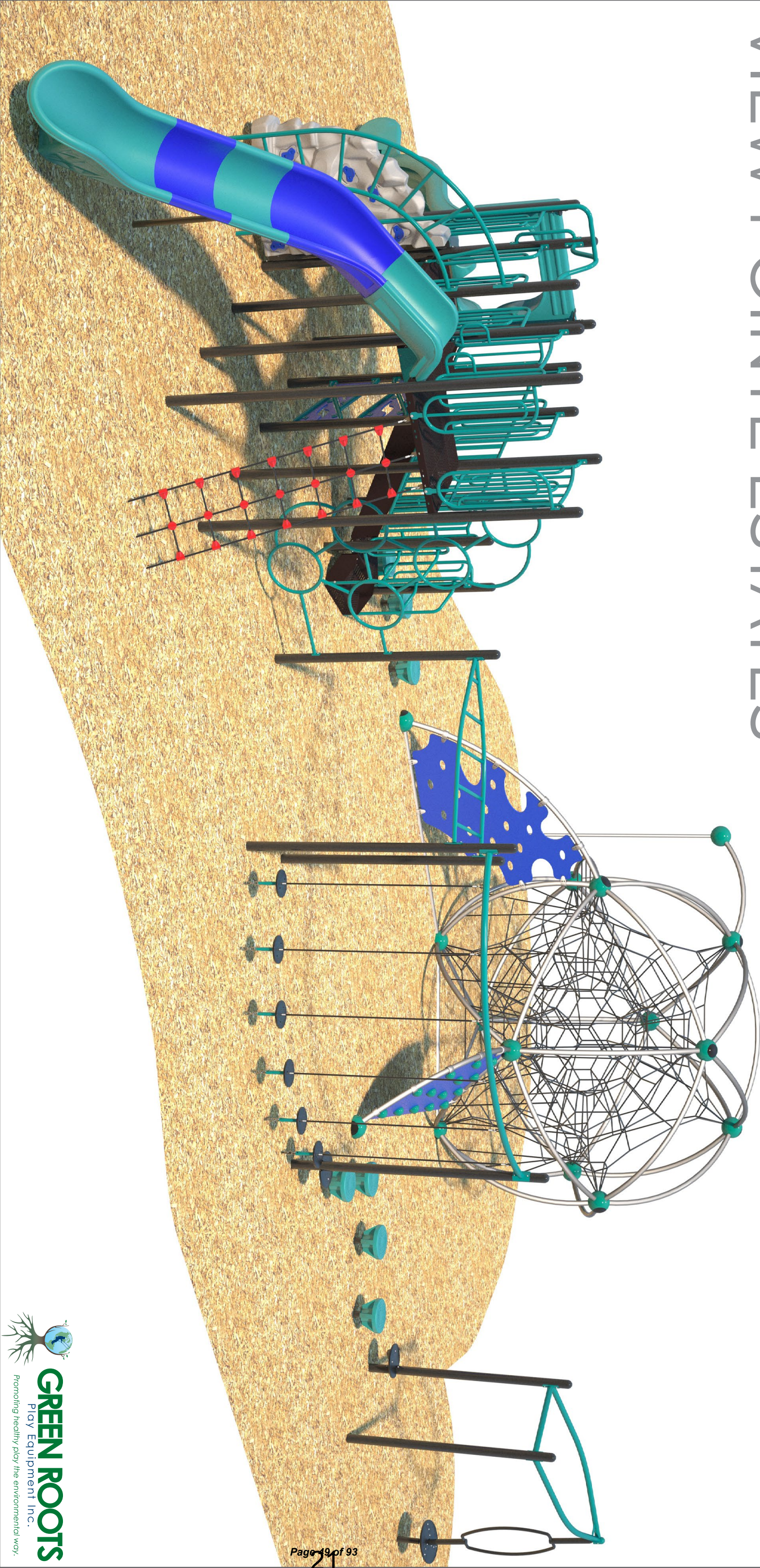
PST \$0.00

Total \$98,459.66

Terms & Conditions

The customer will be responsible to have the site prepared prior to the installation of the play equipment provided by Green Roots Play Equipment.

VIEW POINTE ESTATES



Model No. B304478R1

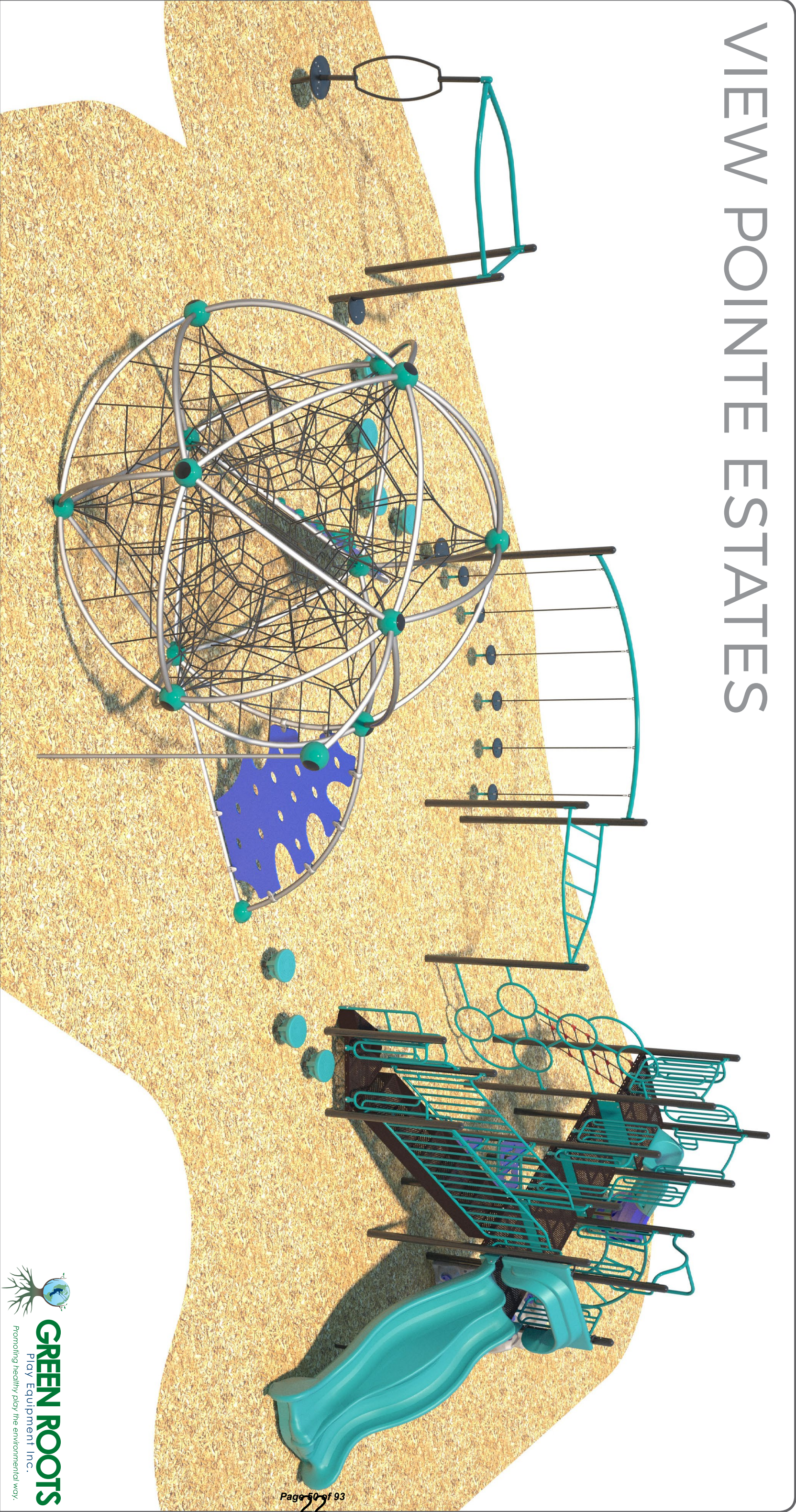
Posts | Iron Climber Stagride Slide | Teal & Blue
Accents | Teal Cosmo Balls & Grips | Water Blue
Roto-Molded Plastic | Teal
HDPE Plastic | Blue-White-Blue

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1-800-265-5462 | Fax 519-426-1131 | www.hendersonplay.com
11 Gilbertson Drive, Simcoe, Ontario, Canada, N3Y4K8
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Components

- | | | | |
|---|-------------------------|---|-------------------------------|
| 1 | Cosmo 03 | 2 | Infill Panel 6" |
| 1 | Vertical Rail | 1 | Infill Panel 12" |
| 7 | Stepping Stone 12" | 1 | Double Slide Plastic Hood |
| 1 | Cable Pad Challenge | 1 | Double Dare Slide 5' |
| 1 | Slide Pole 6' | 3 | Open Rail |
| 1 | Vertical Arc Climber 6' | 1 | Open Stagride Slide Veer Left |
| 1 | Rudder Climber 5' | 7 | |
| 1 | Cluster Climber | 1 | Accessible Step Deck 48" |
| 1 | Ridge Rock | 1 | Accessible Step Up 12" |
| 1 | Triangle Deck | 1 | Jungle Net 7' |
| 2 | Post Step Pad | 4 | Rectangle Deck |

VIEW POINTE ESTATES



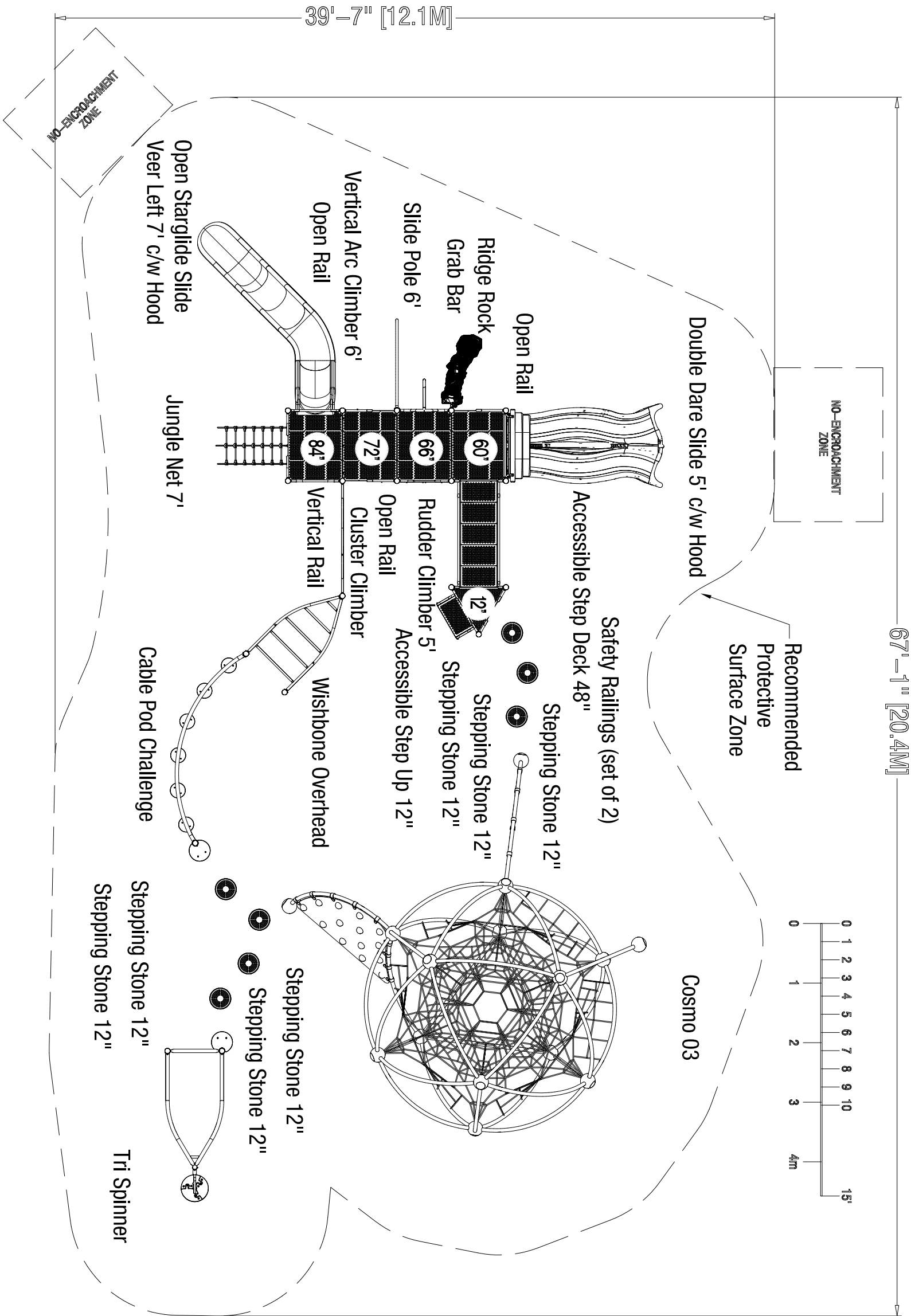
Model No. B304478R1

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Model No. B304478R1

Green Roots Play Equipment
View Pointe Estates

Henderson Recreation Equipment Ltd.
PO Box 68, 11 Gilbertson Drive
Simcoe, ON, Canada, N3Y 4K8
T. 1.800.265.5462
F. 519.426.9380
www.hendersonplay.ca

Salesperson | CL
Drawn By | TD
Date Drawn | 02/20/2018
Revised By |
Revision Date |

Product Line | PLAYSTEEL FT
Standard Compliance | CAN/CSA-Z614
Best User Age | 5 TO 12 YEARS
Protective Surfacing Type | WOOD CHIPS
Accessibility | YES

Border Area | 2096 sq/ft
Border Perimeter | 195'
Installation Type | Inground 4'

WARNING: All play equipment shall have a protective surfacing zone that consists of an outside free soft resilient surfacing, as specified for each type of equipment and at depths to meet the critical fall heights as specified by the CAN/CSA Z614, ASTM F1487 and the U.S. Consumer Product Safety Commission.



VIEWPOINTE ESTATES DEVELOPMENT

Traffic Impact Assessment

Prepared for: SeaView Rise JV

Prepared by: **Watt Consulting Group**

Our File: 2238.B01

Date: December 15, 2017



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1.0 INTRODUCTION

Watt Consulting Group was retained by SeaView Rise JV to conduct a traffic impact assessment for the proposed 7044 Maple Park Terrace (ViewPointe Estates) development in Sooke, BC. The proposal is to downzone the site to 136 single family lots with access off Winfield Drive and Brailsford Place (potentially emergency access only). This study is an update to the previous rezoning traffic study and will provide support for the removal of traffic existing covenants on the property by MOTI. The study reflects recent changes of the roadway network within the area since the last traffic study.



Figure 1: Study Area

The site is located in the north side of Grant Road off Winfield Drive. The study area includes West Coast Road (Highway 14) from Grant Road to Otter Point Road, Grant Road, and Otter Point Road. There are a total of six intersections of interest. See **Figure 1** for the study area.

2.0 BACKGROUND INFORMATION

2.1 EXISTING ROAD NETWORK

The proposed development site is located on the north side of Grant Road approximately 3.5 km northwest of the Town Centre. Winfield Drive off Grant Road and Beaton Road off Otter Point Road are the two accesses to the site. Grant Road and Otter Point Road are collector roads under the jurisdiction of the District of Sooke. Both roads are currently at a rural standard with limited paved shoulders for pedestrians and cyclists. Grant Road runs west and east on the north side of West Coast Road. Otter Point Road runs north and south, and connects the north-west neighbourhoods of Sooke to Sooke Road (downtown Sooke). Beaton Road is a local road connecting Brailsford Place and site access to Otter Point Road.

Sooke Road (Highway 14) becomes West Coast Road west of Otter Point Road. West Coast Road runs east and west providing the main link between Port Renfrew and Sooke. West Coast Road (Highway 14) is an undivided two lane rural arterial road under the jurisdiction of the Ministry of Transportation and Infrastructure (MoTI).

The intersection of Otter Point Road/Sooke Road is a signalized intersection with a left turn lane for each direction. A 30m storage left turn lane is provided for both the westbound and southbound movements. The eastbound left turn lane has 20m storage length and a short left turn bay is provided for the northbound movement. A westbound right turn lane (40m storage) has been newly constructed at the intersection. The signal has a protected / permitted phase for the southbound left turn movement while all other left movements are permitted.

Maple Avenue (South) is a two lane collector road connecting West Coast Road to Grant Road. Maple Avenue runs fairly straight to the north from West Coast Road; it is approximately eight to ten meters wide with no sidewalks. All intersections within the study area are stop-controlled except for Otter Point Road/Sooke Road.

2.2 FUTURE ROAD NETWORK

The previous traffic study was conducted based on the assumption that the Grant Collector Road network (an east-west connection from Phillips Road to Otter Point Road) would be complete within the near future.

Since that study was completed, a new road (Wadams Way) has been implemented between Church Road and Otter Point Road (100 north of Grant Road). With the implementation of Wadams Way, it is considered that the original Grant Collector Road plan (Grant Road extension to Phillips Road) is partially completed. This study is based on the current road network.

2.3 ALTERNATIVE MODES

Within the study area there are paved shoulders for pedestrians to utilize; however due to the lack of separate cycling facilities these shoulders are used by both cyclists and pedestrians.

Transit service is provided along Grant Road by the #61 bus (service from Sooke to Victoria). Transit service on this route ranges from every 20 minutes during peak hours to 90 minutes in off peak. Transit stops for this route are located along Grant Road. These transit stops are minimal with only a sign marking the stop location.

2.4 LAND USE

The existing land use on the proposed development site is mostly undeveloped with one single family house. The land use within the surrounding area of the site is currently single family residential, parks, and undeveloped land. The land use for the proposed development is 136 residential lots on an 18.8 ha of the site area.

2.5 SITE ACCESS

The site will be accessed from Grant Road (South) and Otter Point Road (East). The south site access will be the extension of Winfield Drive from Grant Road. The east site access will be the extension of Brailsford Place via Beaton Road from Otter Point Road. These two accesses are considered the main routes to the site. The Otter Point-Beaton Road access route provides a shorter travel distance (approx. 0.5 km shorter from the intersection of Grant Road/Otter Point Road) to the site than Grant-Winfield, but Otter Point Road has more vertical/horizontal curvature than Grant Road.

North-south roads will be constructed through the site. Another internal road is proposed to be connected Mountain Heights Drive-Foreman Heights Drive to the northeast of the site. The site can be also accessed from Maple Park Terrace via Firwood Place and Rudd Road. The development will create secondary access points for multiple roads within Sooke including Maple Park Terrace, and Mountain Heights Drive / Foreman Heights Drive.

2.6 TRAFFIC COUNT

Turning movement counts was undertaken at the six study intersections in the PM peak hour on July 27, 2017. The PM peak hour was determined to be from 4:00 PM to 5:00 PM. See **Figure 2** for the 2017 existing PM traffic volumes. To obtain future background traffic volumes for the opening day and 10 year horizon after opening, 2% annual growth rate was applied to the 2017 existing traffic volumes.

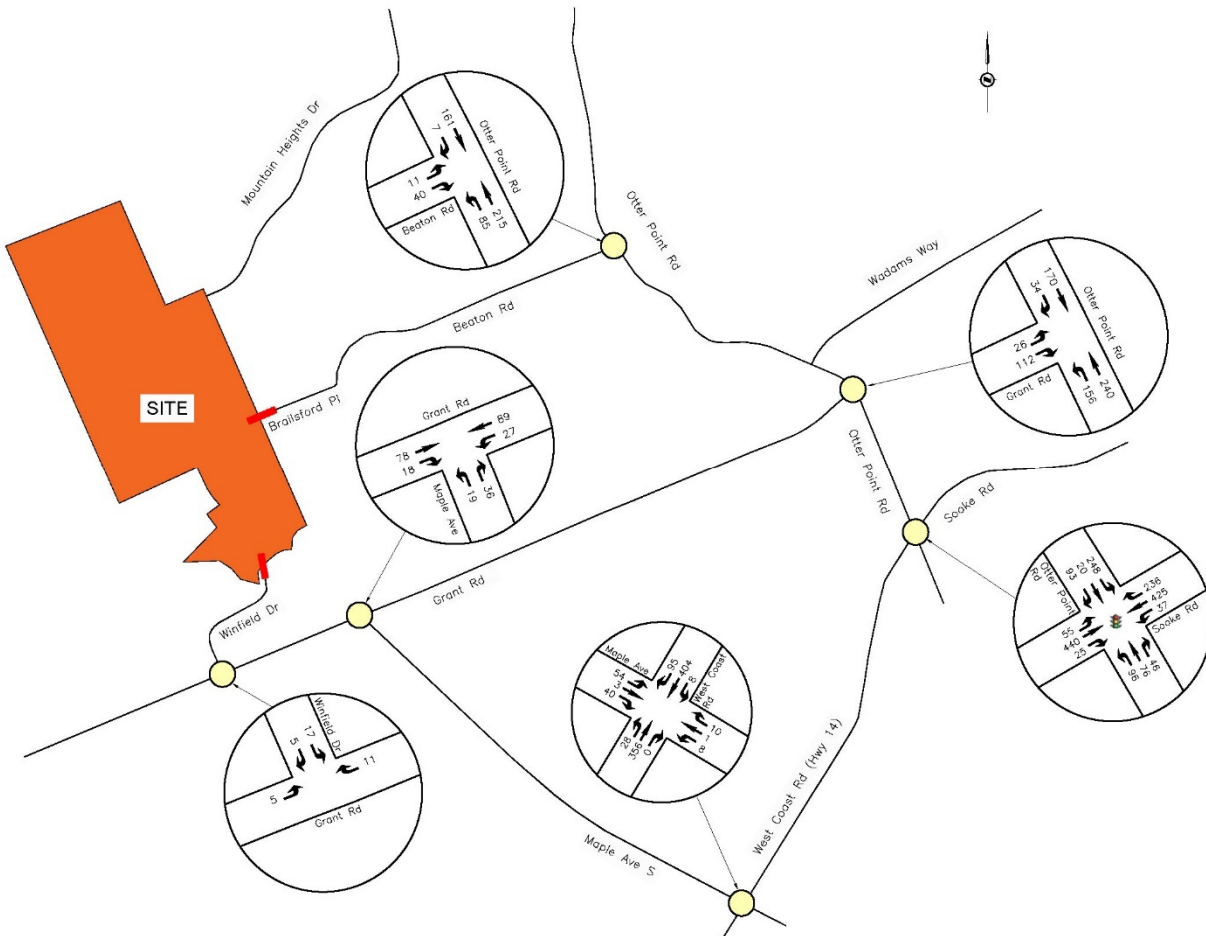


Figure 2: 2017 Existing PM Volumes

2.7 TRAFFIC MODELLING – BACKGROUND INFORMATION

Analysis of the traffic conditions at the intersections within the study area were undertaken using Synchro software (for signalized and stop-controlled intersections).

Synchro / SimTraffic is a two-part traffic modelling software that provides analysis of traffic conditions based on traffic control, geometry, volumes and traffic operations. Synchro software (Synchro 8) is used because of its ability to provide analysis using the Highway Capacity Manual (2010) methodology, while SimTraffic integrates established driver behaviours and characteristics to simulate actual conditions by randomly “seeding” or positioning vehicles travelling throughout the network. These measures of effectiveness include level of service (LOS), delay and 95th percentile queue length.

The type of traffic control are analyzed to determine the level of service and delays. The level of services are broken down into six letter grades with LOS A being excellent operations and LOS F being unstable/failure operations. Level of service C is generally considered to be an acceptable LOS by most municipalities. Level of service D is generally considered to be on the threshold

between acceptable and unacceptable operations. A description of level of service and Synchro is provided in **Appendix A**.

2.8 OPENING YEAR

The development is proposed to be constructed in multi-stages. However, it is assumed that opening day is in 2022 with full build out (when all 136 lots are constructed). Therefore, the 10 year horizon after opening day is in 2032 for the long term analysis.

3.0 TRAFFIC ANALYSIS

3.1 TRIP GENERATION

Trips were generated for the site based on the proposed land use and the Institute of Transportation Engineers (ITE) *Trip Generation Manual (9th Edition)*. **Table 1** outlines the PM peak hour trip generation for opening day (full build out) of the proposed development.

Typically, residential developments do not generate pass-by trips and internal trips. Therefore, the estimated trips were directly used for the analysis without any trip modifications.

TABLE 1: PM PEAK HOUR TRIP GENERATION – FULL BUILD OUT

ITE Code	Land Use	Size	Trip Rate	Total Trips	Trips In	Trips Out
210	Single Family Detached Lot	136 units	1.00 trips / unit	136	86	50

3.2 TRIP ASSIGNMENT

The site trips were assigned based on commuter trips to and from Victoria as Sooke is a 'bedroom' community to Greater Victoria. It is assumed that 76% of all site commuter trips are to/from the east via the intersection of Otter Point Road/Sooke Road. 20% of site trips are from/to the south (local area) in Sooke. It is also assumed that a 50/50 percentage split is applied between the Winfield Drive access and Beaton Road from the intersection of Grant Road/Otter Point Road.

The following trip assignment was used for the site trips:

- 76% of site trips are to/from the east (Sooke Road or Grant Collector Road)
- 2% of site trips are to/from the west (Grant Road-West Coast Road)
- 20% of site trips are to/from the south (Grant Road-Maple Avenue South-West Coast Road)
- 2% of site trips are to/from the north

Even with all of the access options the majority of traffic has to travel through the Otter Point Road / Grant Road intersection to access the development.

Also, an alternative trip assignment is prepared for a scenario where Brailsford Place will be an emergency access only. See **Figure 3** for the development trip assignment at the study intersections with full build out.

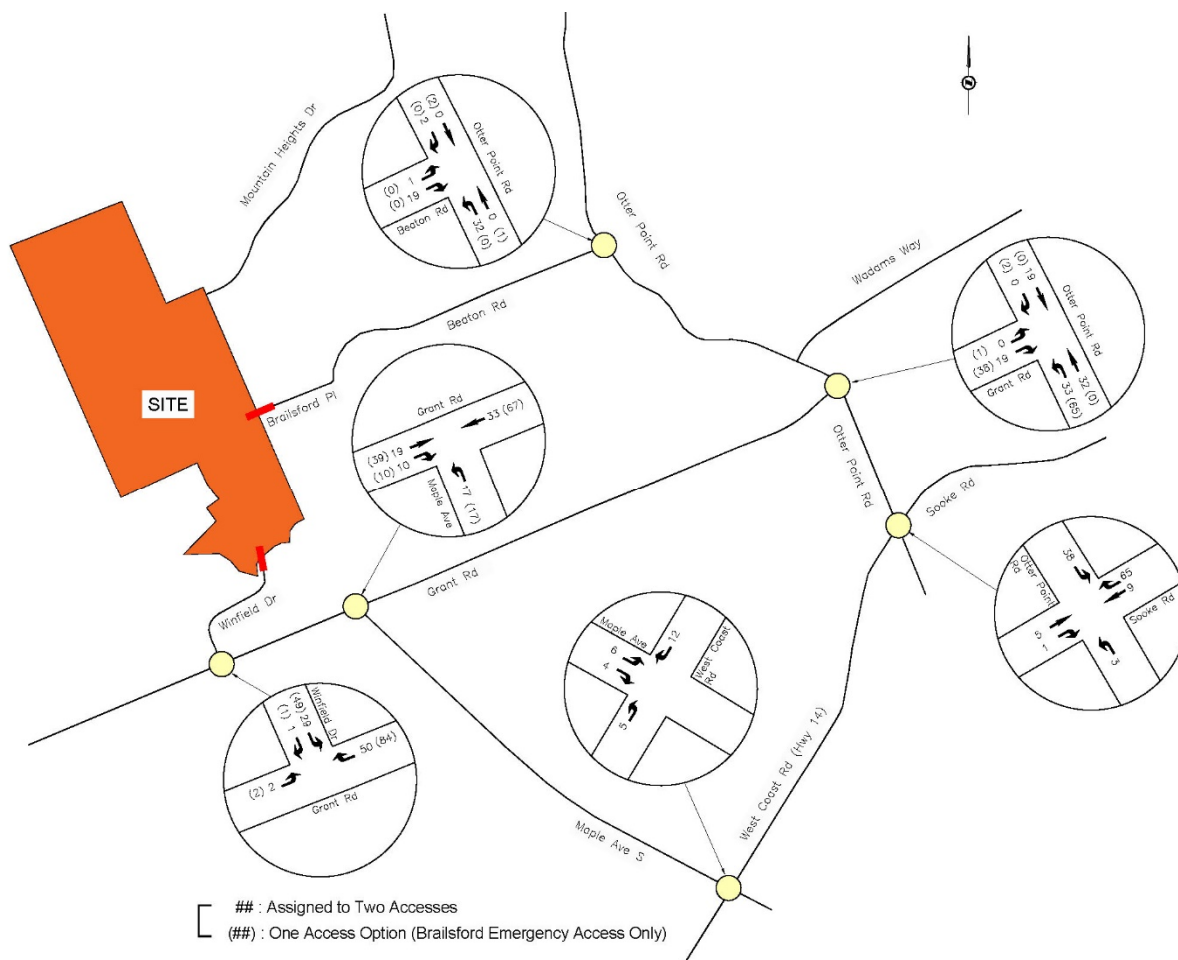


Figure 3: Trip Assignment for PM Peak Hour

3.3 2022 BACKGROUND TRAFFIC ANALYSIS RESULTS

A review of the 2022 background traffic conditions at the six intersections was undertaken using Synchro with the existing road network. The signalized intersection of Otter Point Road/Sooke Road operates at a LOS C or better except for the northbound left movement (LOS D). The southbound and eastbound left turn 95th percentile queues exceed the provided storage by 10m and 5m respectively. There is limited right-of-way in both directions to extend the turn lanes.

At the stop-controlled intersection of West Coast Road/Maple Avenue, the southbound movement operates a LOS E and the northbound movement operates a LOS D. At all the other four intersections (all stop-controlled), all movements will operate at a LOS C or better in the PM peak hour. See **Figure 4** for the 2022 background traffic volumes and LOS in the PM peak hour.

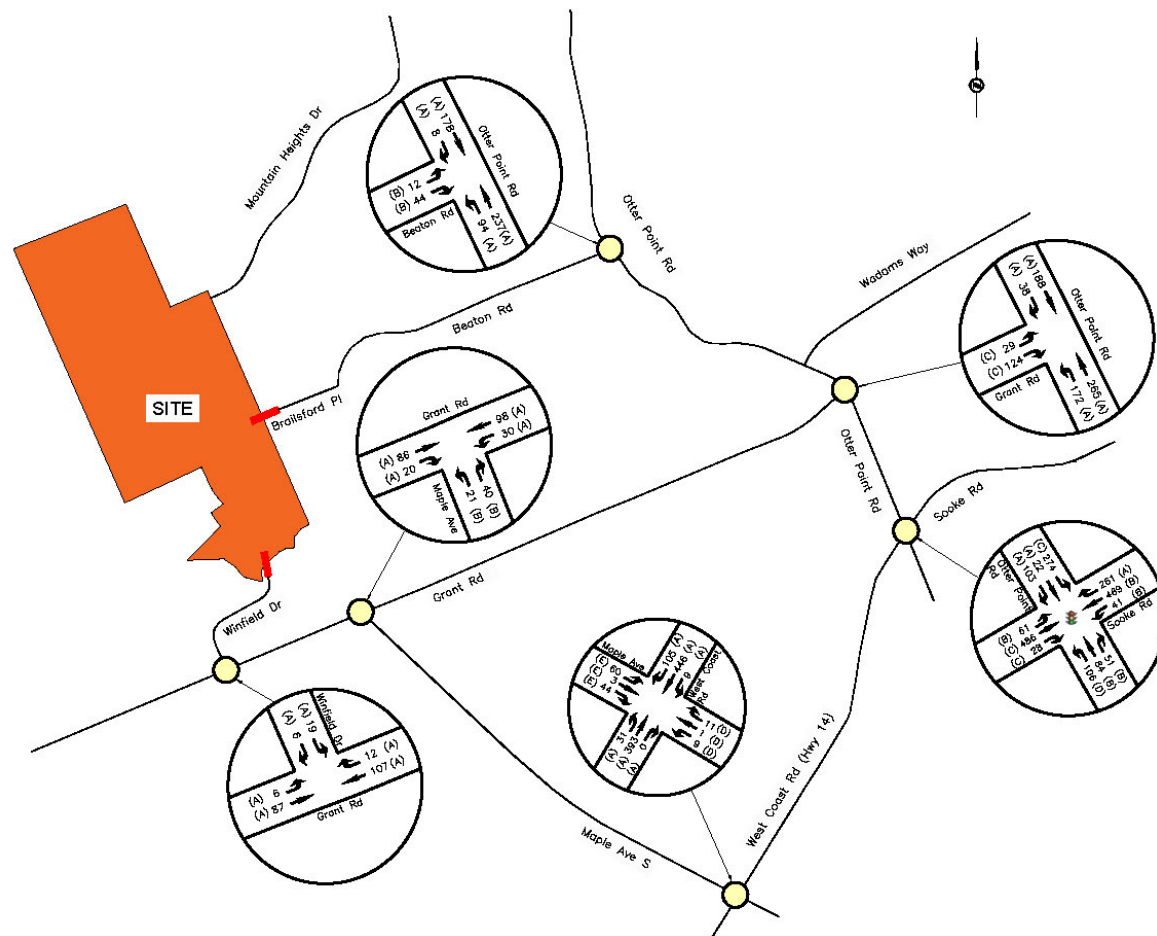


Figure 4: 2022 Background PM Volumes and Levels of Service

3.4 2022 OPENING DAY TRAFFIC ANALYSIS RESULTS - FULL BUILD OUT

At the intersection of Sooke Road/Otter Point Road with the development, all movements will be operating at the same levels of service as the background except the westbound through movements on Sooke Road, which will drop to LOS C (which is considered acceptable in peak hours). On Sooke Road, additional delays due to the development will be marginal: there will be an additional average delay of 3.5 seconds/vehicle for the eastbound through/right movement traffic and 2.4 seconds/vehicle for westbound traffic. The southbound left movement (LOS C) will have an additional delay of 2.5 seconds and no change in LOS.

The eastbound and southbound left 95th percentile queue lengths will increase by 6.0m and 4.0m (one vehicle length or less). As the existing queue lengths already exceed current storage lengths for these two left movements, the queuing issues are mainly due to existing conditions. However, there is currently a lack of right-of-way to allow for additional improvements to the storage lengths. Therefore, MOTI and District of Sooke will need to pursue opportunities to obtain right-of-way for the turn lane improvements in the longer term.

At the five stop-controlled intersections, all movements will continue to operate at the same levels of service without the development.

The **Table 2** summarizes delays and queues for 2022 background and post development conditions at the signalized intersection of Sooke Road/Otter Point Road. **Figure 5** summarizes post-development volumes and levels of service in 2022.

TABLE 2: 2022 PM CONDITIONS FOR SOOKE RD / OTTER POINT RD

Movement	2022 Background			2022 Post Development		
	LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
EBL	B	17.3	25.4 (20)	B	19.7	31.4 (20)
EBT/R	C	24.1	88.1	C	27.6	102.8
WBL	B	15.1	19.6 (30)	B	17.0	19.9 (30)
WBT	B	19.1	82.8	C	21.5	107.7
WBR	A	3.5	44.7 (35)	A	4.3	50.0 (35)
NBL	D	38.8	19.4 (10)	D	39.6	20.0 (10)
NBT/R	B	19.6	36.6	B	19.4	41.2
SBL	C	27.6	39.7 (30)	C	30.1	43.7 (30)
SBT/R	A	5.0	47.0	A	4.7	83.8

*Notes: EB & WB = Sooke Rd, NB = Murray Rd, SB = Otter Point Rd;
95th Queues based on SimTraffic results, (##) = existing storage length

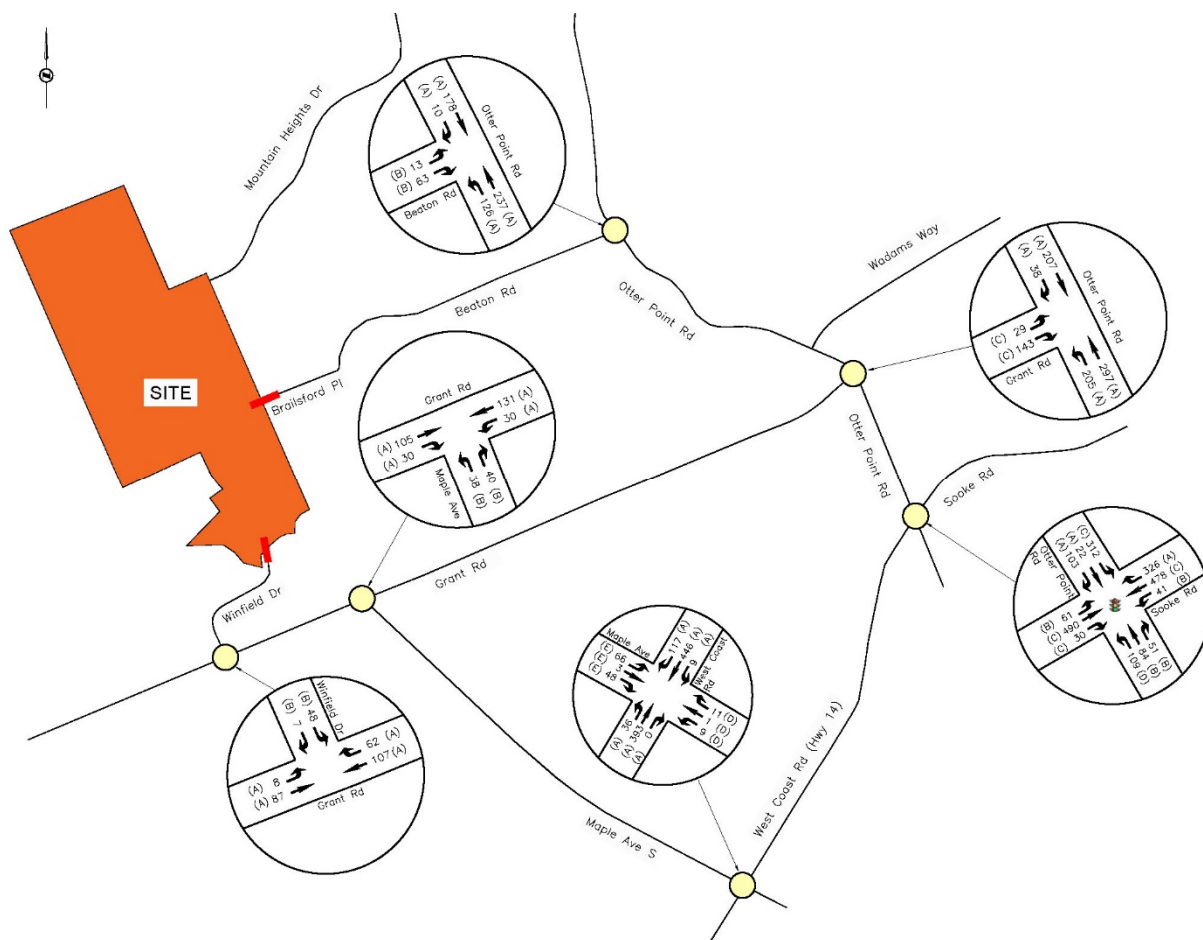


Figure 5: 2022 Post Development PM Volumes and Levels of Service

3.5 BRAILSFORD PLACE EMERGENCY ACCESS ONLY OPTION REVIEW

This alternative access option is based on the assumption that Brailsford Place is used for emergency access only. Therefore, it is assumed that all site trips use the Winfield Drive access. For this access option review, three study intersections were analyzed with a new trip assignment: Otter Point Road / Grant Road, Grant Road / Maple Avenue, and Grant Road / Winfield Drive.

At the two Grant Road intersections (Maple Road and Winfield Dr) with increased volumes, all movements will continue to operate at good levels of service (LOS A/B). With this one access option, there will be increased volume to the intersection of Otter Point Road / Grant Road. However, Otter Point Road / Grant Road will operate at a LOS C or better in the 2022 post development PM peak hour with the development (no LOS change).

Figure 6 summarizes post-development volumes and levels of service at the three intersections on Grant Road in 2022.

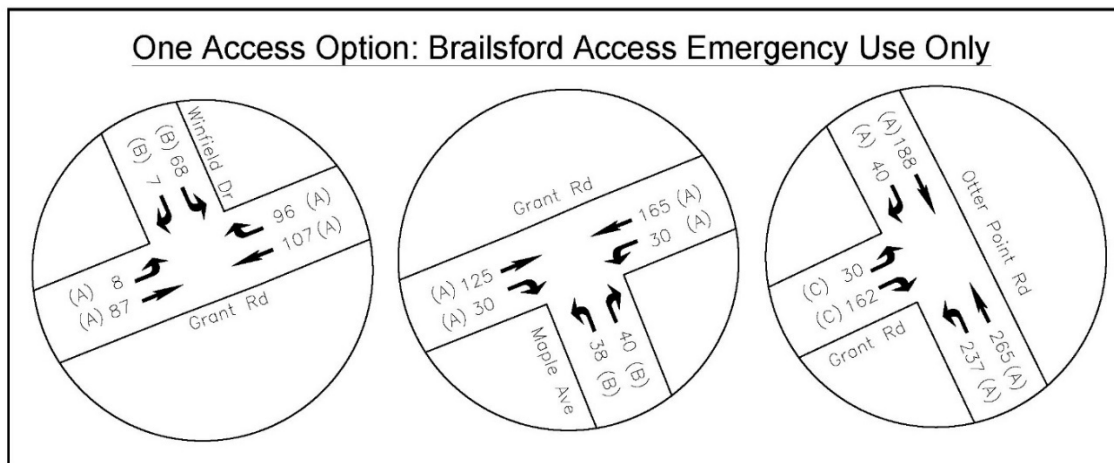


Figure 6: 2022 Post Development Conditions at Grant Road Intersections

4.0 10-YEAR HORIZON CONDITIONS

The long term conditions were analyzed assuming the existing roadway network (and assumed no new east-west connection between Throup Rd and Phillips Rd). This will provide a worst case 10-year horizon review. The existing traffic volumes were projected with a 2.0% annual growth rate to obtain the 2032 background traffic volumes. The long term conditions were analyzed in Synchro software.

4.1 2032 POST DEVELOPMENT CONDITIONS

Table 3 summarizes 2032 (10-year horizon) PM peak hour traffic conditions at the intersection of Sooke Road/Otter Point Road with/without the development. **Figure 7** shows 2032 post development volumes and LOS.

In the long term (2032) at the signalized intersection of Sooke Road/Otter Point Road, all movements will operate at a LOS D or better except the northbound left movement (LOS E) with / without the development. In 2032, all the left turn queue lengths will exceed the existing storage lengths without the development. Minor additional delays / queues are added due to the development. Therefore, the development does not trigger any mitigation measures for the intersection. The above analysis results are based on optimized signal timing.

TABLE 3: 2032 PM CONDITIONS FOR SOOKE RD / OTTER POINT RD

Movement	2032 Background			2032 Post Development		
	LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
EBL	C	24.6	34.6 (20)	C	28.6	32.4 (20)
EBT/R	C	34.1	149.5	D	38.8	153.2
WBL	C	23.4	40.2 (30)	C	27.1	35.9 (30)
WBT	C	26.3	155.9	C	29.0	159.0
WBR	A	6.8	55.2 (35)	A	8.3	52.6 (35)
NBL	E	62.6	21.3 (10)	E	63.8	21.0 (10)
NBT/R	D	35.9	94.0	D	35.8	92.0
SBL	D	45.9	44.6 (30)	D	54.2	42.0 (30)
SBT/R	A	6.0	160.1	A	5.7	213.0

*Notes: EB & WB = Sooke Rd, NB = Murray Rd, SB = Otter Point Rd;
95th Queues based on SimTraffic results, (##) = existing storage length

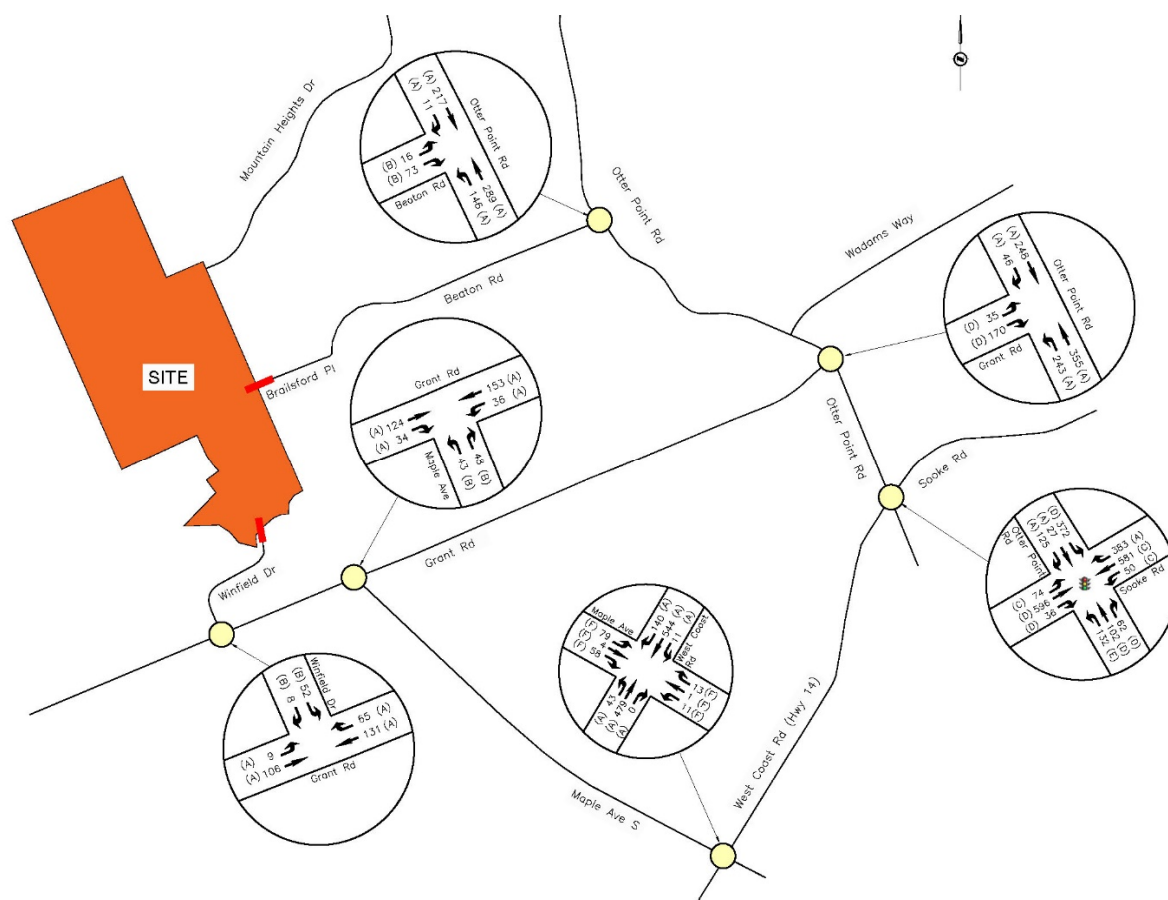


Figure 7: 2032 Post Development PM Volumes and Levels of Service

At West Coast Road / Maple Avenue, the stop-controlled eastbound movement will drop to a failing level of service (LOS F) without the development due to the growth in through volumes. At Otter Point Road/Grant Road, the eastbound movement (stop-control) will operate at a LOS D with the development, but it would be still an acceptable level of service. At all other three intersections stop-controlled, all movements will continue to operate at good levels of service (LOS A/B).

4.2 BRAILSFORD PLACE EMERGENCY ACCESS ONLY FOR LONG TERM

In 2032 with one access, the intersection conditions of Otter Point Road/Grant Road were analyzed. At Otter Point Road/Grant Road, the stop-controlled eastbound movement will continue to a LOS D (delay: 30 seconds per vehicle) which is still an acceptable level of service. The two Grant Road intersections (Winfield Drive and Maple Road) will continue to operate at a LOS A/B for all movements with the one access option. **Figure 8** summarizes post-development volumes and levels of service at the three intersections on Grant Road in 2032.

Based on turning volumes review, a roundabout would be a more desirable traffic control and operate at a better overall LOS than stop control or a signal in the long term. Right of way to implement a roundabout would be required. The current stop control would be still acceptable based on the long term analysis result if right-of-way is not available for a roundabout.

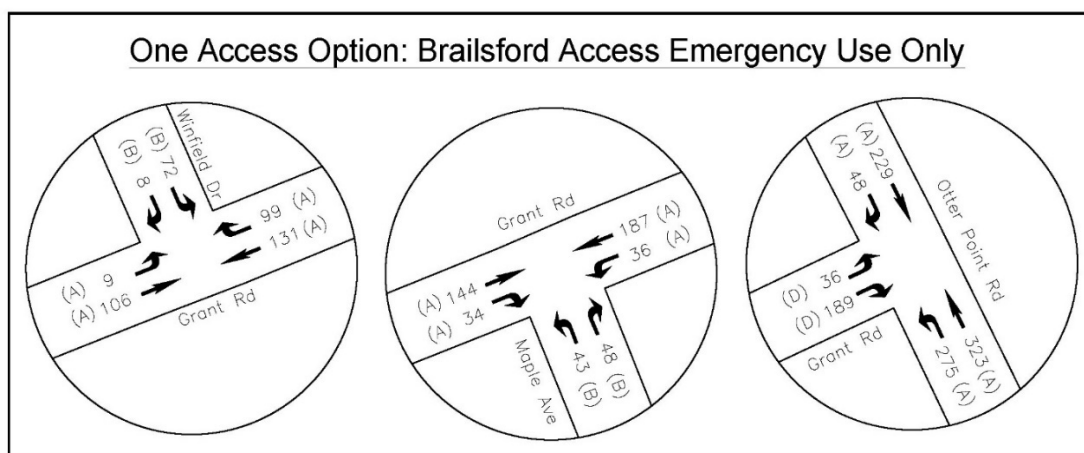


Figure 8: 2032 Post Development Conditions at Grant Road Intersections

5.0 GEOMETRICS AND SAFETY

5.1 TURN LANES

At Otter Point Road/Grant Road, a northbound left turn lane is warranted under existing 2017 conditions based on the high percentage of left turning vehicle; however, the analysis of the operations found that with a shared left/through northbound lane the northbound movement operates at a LOS A with minimal delays to through vehicles. The District may want to consider implementing a separate left turn lane; however, it is not required due to the development.

At West Coast Road/Maple Road, an eastbound left turn lane is warranted based on the 2022 background volumes (10% left turns, 60 km/h design speed) and a westbound right turn lane is also warranted based on the 2022 background volumes and Minnesota DOT's right turn warrant review. Implementation of these turn lanes is based on background traffic and would be the responsibility of MoTI and not due to the development traffic.

5.2 ON-SITE ROAD CROSS SECTION

According to the preliminary site plan, the major internal road has an approximately 18m right-of-way. The internal roads and turnarounds should conform to the District's local road standards.

6.0 CONCLUSIONS

The intersection of Otter Point Road/Sooke Road has been recently improved with a new westbound right turn lane. The addition of the development traffic will have minimal impact the intersection of Otter Point Road/Sooke Road in the short term. The intersection will continue to operate at a LOS D or better for all movements with and without the development. In the long term, the intersection will operate at a LOS D or better except the northbound left movement (LOS E). Queuing issues for the left turn lanes will be from future background (existing) traffic. MoTI and Sooke should continue to work to obtain right-of-way for left turn lane extensions at Sooke Road / Otter Point Road.

This development will create internal connections and secondary access points for numerous roads in the area north of Grant Road and west of Otter Point Road which will provide alternative access opportunities for the existing neighbourhood.

With a single access to the development (Winfield Dr) the eastbound movement at Otter Point Road/Grant Road will operate at a LOS D in the long term. Alternative traffic control to the existing stop control is a roundabout, at this intersection. A roundabout would operate at a better LOS; however, additional right-of-way would be required and one movement at a LOS D, in the long term, does not require a change in traffic operations. Based on this review the Brailsford Place access could be designated as an emergency access only road to the site. The existing northbound left turn volume at Grant Road/Otter Point Road is a high percentage of the northbound volume and warrants a separate left turn under existing conditions based on volume only. However, operationally the movement operates at a LOS A, even with the development traffic, and impacts the through movement minimally. Therefore the District could consider implementing a left turn warrant; however, it is not due to the development.

At the two intersections of Grant Road/Maple Avenue and Grant Road/Winfield Avenue, all movements will operate at good levels of service (LOS A/B) with the development in the long term. At the intersection of West Coast Road/Maple Road, the movements from side streets will drop to a LOS F without the development in the long term if through volumes continue to increase

in the future. The poor LOS is due to the higher volumes on West Coast Road and challenges finding gaps in traffic.

The internal roads should conform to the District's local road standards.

7.0 RECOMMENDATIONS

The developer is to provide the following as part of the development:

- The internal roads should conform to the District's local road standards.

In consultation with the City consider making Brailsford Place an emergency access route to the site.

The City could consider implementation of a northbound left turn lane at Grant Road/Otter Point Road as part of their capital plans.

APPENDIX A: SYNCHRO BACKGROUND

SYNCHRO MODELLING SOFTWARE DESCRIPTION

The traffic analysis was completed using Synchro and SimTraffic traffic modeling software. Results were measured in delay, level of service (LOS) and 95th percentile queue length. Synchro is based on the Highway Capacity Manual (HCM) methodology. SimTraffic integrates established driver behaviours and characteristics to simulate actual conditions by randomly “seeding” or positioning vehicles travelling throughout the network. The simulation is run five times (five different random seedings of vehicle types, behaviours and arrivals) to obtain statistical significance of the results.

Levels of Service

Traffic operations are typically described in terms of levels of service, which rates the amount of delay per vehicle for each movement and the entire intersection. Levels of service range from LOS A (representing best operations) to LOS E/F (LOS E being poor operations and LOS F being unpredictable/disruptive operations). LOS E/F are generally unacceptable levels of service under normal everyday conditions.

The hierarchy of criteria for grading an intersection or movement not only includes delay times, but also takes into account traffic control type (stop signs or traffic signal). For example, if a vehicle is delayed for 19 seconds at an unsignalized intersection, it is considered to have an average operation, and would therefore be graded as an LOS C. However, at a signalized intersection, a 19 second delay would be considered a good operation and therefore it would be given an LOS B. The table below indicates the range of delay for LOS for signalized and unsignalized intersections.

Table A1: LOS Criteria, by Intersection Traffic Control

Level of Service	Unsignalized Intersection Average Vehicle Delay (sec/veh)	Signalized Intersection Average Vehicle Delay (sec/veh)
A	Less than 10	Less than 10
B	10 to 15	11 to 20
C	15 to 25	20 to 35
D	25 to 35	35 to 55
E	35 to 50	55 to 80
F	More than 50	More than 80

Proposed Zone

Schedule 203 – Small Lot Residential (R3)

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

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 143706I), Section 24, Sooke District, Except Plans 5572, 11961, 27456, 40462, VIP52601, VIP59223, VIP79955, VIP79956 and Part in Red on 610RW, an amenity area for assembly use is permitted as an accessory use. *(added by Bylaw No. 584 adopted February 11, 2014)*

Existing Zone - 7044 Maple Park Terrace

Schedule 809 – Spiritwood Estate (CD9)

Spiritwood Estates CD Zone

CD9

809.1 Purpose: This zone provides for a variety of residential uses that will include single and multiple family residential housing units with varying lot sizes, neighbourhood commercial, parkland, greenways and trails all integrated into a comprehensive residential neighbourhood.

809.2 Permitted Uses:

General uses in all areas except Area C and Area E (Parks and Amenity Area) – Gravel extraction and processing for on-site development and on-site and off-site municipal services directly attributable to the on-site development shall be permitted. The sale of excess gravel extracted and processed on-site is permitted for off-site use for a period not to exceed the duration of construction of the property being developed into a comprehensive residential neighbourhood.

Area A: Multi Family Residential

- a) Apartment building
- b) Assisted living facility
- c) Community care facility
- d) Duplex
- e) Home based business
- f) Horticulture
- g) Townhouse
- h) Temporary construction and real estate marketing offices to a maximum of two (2)
- i) Playground

**Area C and Area E:
Park and Amenity Area**

- a) Institutional uses accessory to public parks
- b) Parking lot
- c) Playground

Area D: Neighbourhood Commercial

This area is intended to protect and enhance neighbourhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents. This area provides for a scale and character of development that is consistent with pedestrian-orientation and which tends to attract and promote a walk-in clientele.

Area B:

Single Family Residential

- a) Community care facility
- b) Home based business
- c) Horticulture
- d) One duplex on lots 600 m² or larger
- e) One single family dwelling per lot
- f) One secondary suite on lots 550 m² or larger with a single family dwelling
- g) Playground
- h) Temporary construction and real estate marketing offices to a maximum of two (2)

Area D: Permitted Uses

- a) Bakery
- b) Community care facility
- c) Convenience store
- d) Country market
- e) Dwelling units above the first floor
- f) Health services
- g) Offices accessory to a permitted use
- h) Playground
- i) Restaurant
- j) Retail

Area D: Conditions of Use

- a) Retail and commercial uses, with the exception of restaurants, shall not exceed a total of 250 m² of floor area;
- b) Restaurants shall not exceed a total of 350 m² of floor area;
- c) Drive-in or drive-thru restaurants are not permitted;
- a) Total commercial floor area in Area D shall not exceed 1000 m².

809.3 Minimum Lot size for Subdivision Purposes:

- a) Multiple Family Dwelling in Area A - 900 m²
- b) Single Family Dwelling in Area B - 500 m² with the exception that fourteen (14) lots in Area B can have a minimum lot size of 400m²
- c) Park and Amenity Area in Area C and Area E - 1300 m² exception of Stormwater Pond.
- d) Neighborhood Commercial in Area D - 3000 m²

809.4 Maximum Height:

- a) Principal Buildings:

Area A – 13 m or 3 stories, whichever is less

Area B – 13 m

Area C and Area E – 10 m

Area D – 14 m or 4 stories, whichever is less

- b) Accessory Buildings – 6 m

809.5 Maximum Lot Coverage:

- a) Area A - 40%
- b) Area B - 40%
- c) Area C and Area E - 25%
- d) Area D - 50%

Schedule 809 – Spiritwood Estates (CD9)

809.6 Required Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Within Area A, no building or structure may be located	4.5 m	3 m	1.5 m	4.5 m
Within Area B, no building or structure may be located	4.5 m	2 m	1.2 m	4 m
Within Area C and Area E, no building or structure may be located	4.5 m	1.5 m	0 m	3 m
Within Area D, no building or structure may be located:	1.2 m – if not adjacent to a residential zone 3 m - if lot line adjoins a residential zone	0 m – if lot line is not adjacent to a residential zone 3 m – if lot line adjoins a residential zone	0 m – if lot line is not adjacent to a residential zone 3 m – if lot line adjoins a residential zone	0 m – if lot line is not adjacent to a residential zone 3 m – if lot line adjoins a residential zone

809.7 Minimum Amenity Area for Area A: 10%

809.8 Base Density:

The following base density regulation applies generally to the CD-9 zone:

- i. A maximum of 10 dwelling units per hectare in Area B;
- ii. A maximum of 10 dwelling units per hectare in Area A.

809.9 Maximum Increased Density: Despite section 809.8 above, if the owner at its sole cost first meets all the conditions set out in Appendix “C” of this Bylaw relating to the provision of amenities and affordable housing,

- i. The reference in section 809.8(i) above to “10 dwelling units per hectare” is increased to a higher density of 19 dwelling units per hectare in Area B,
- ii. The reference in section 809.8(ii) to “10 dwelling units per hectare” is increased to a higher density of 40 dwelling units per hectare in Area A,

Schedule 809 – Spiritwood Estates (CD9)

- a. In addition, where 80% or more of the required off-street parking spaces are underground parking spaces or concealed within the building, the maximum number of dwelling units for multiple family in Area “A” may be increased by 11 units per ha.

809.10 Special Parking Regulations for Area D:

Except as otherwise specified in this section, all provisions of the Parking and Loading Specific Regulations of this Bylaw apply.

Minimum Parking Requirements for Area D:	
Area D – Neighborhood Commercial	Parking Spaces Required
Commercial Use	1 per 40 m ² gross floor area
Residential Use	1 per dwelling unit

809.11 Special Restrictions:

a. Affordable Housing means

- i. in the case of rental housing, that which is available for rent at or below the average rent for “Victoria”, as determined annually by the Canada Mortgage and Housing Corporation’s “Rental Market Report”, and
- ii. in the case of owner-occupied housing, that which is available for purchase at or below an amount calculated as 30% of the amount which is the median income level for all two or more person households from the most recent national census by Statistics Canada, updated annually using the British Columbia Consumer Price Index, if the rent or price, as applicable, is controlled by an affordable housing agreement under section 905 of the *Local Government Act*,

b. Country Market use means a market comprising a group of vendors that offers predominately locally produced or grown goods for sale that may include fruits, vegetables, herbs, flowers, baked products, home prepared and original arts and crafts, including on site preparation of foods or the operation of a food stand, dairy products, meat, fish, poultry or poultry products, and excludes the sale of live animals, used or second hand material, antiques or commercial products for resale.

Schedule 809 – Spiritwood Estates (CD9)

d. * **Temporary construction and real estate marketing office** can locate in either Area “A” or Area “B” but not in all areas. Only two (2) temporary construction and real estate marketing offices can be located in total on site to cater to the entire development.

Schedule 809 – Spiritwood Estates (CD9)

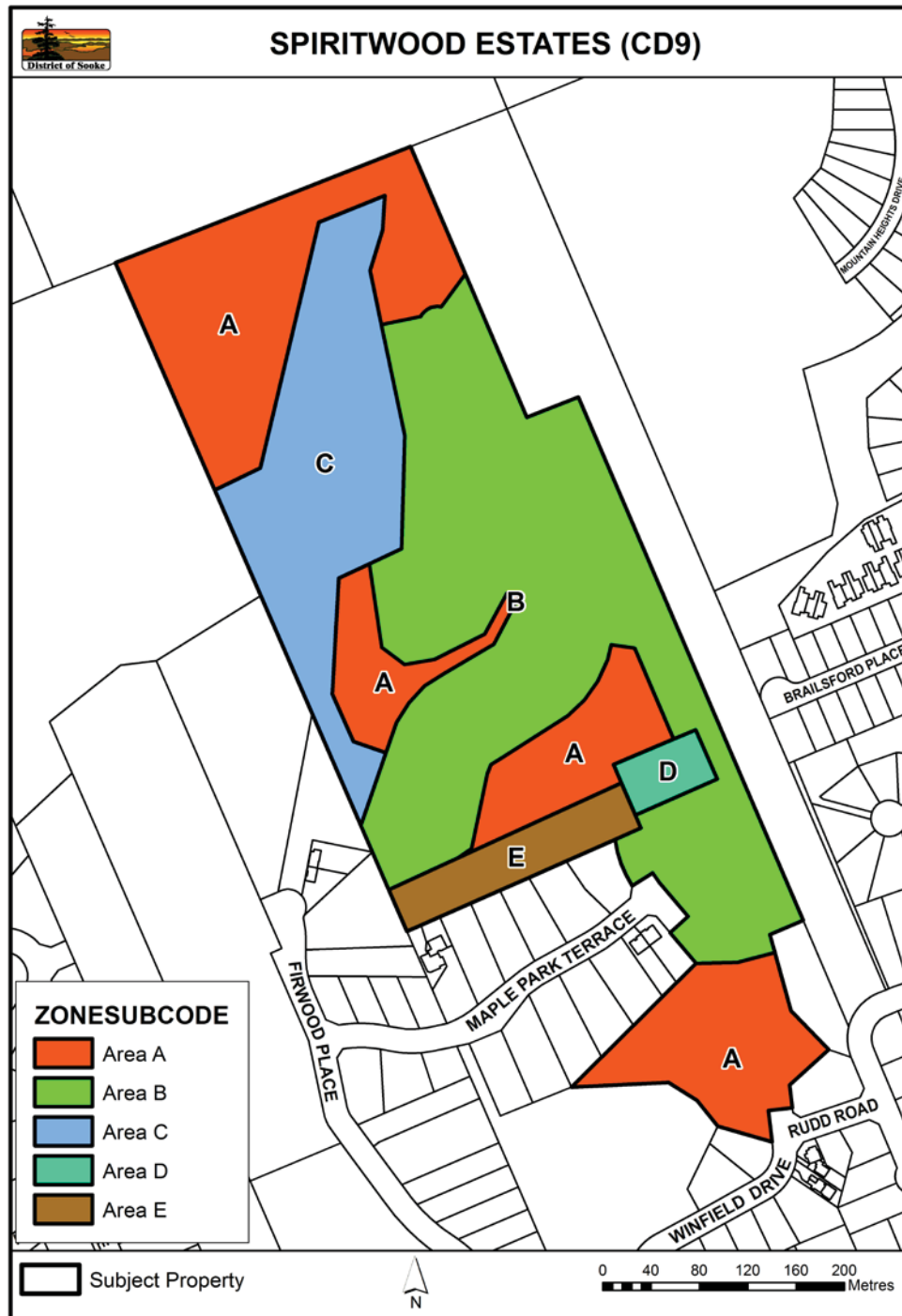
e. **Amenity Area** means outdoor common space, provided on a lot for use and maintained by the residents of that lot and excludes yards, storage areas, off-street parking, driveways, or areas designated for use by an individual owner, such as Limited Common Property or individual patio/backyard/front yard areas. Includes rooftop gardens.

f. Any commercial use contained within a building requires residential on the upper floors.

Appendices “A”, “B1”, “B2” and “D” are attached to and form part of the Spiritwood Estates Comprehensive Development Zone (CD-9).

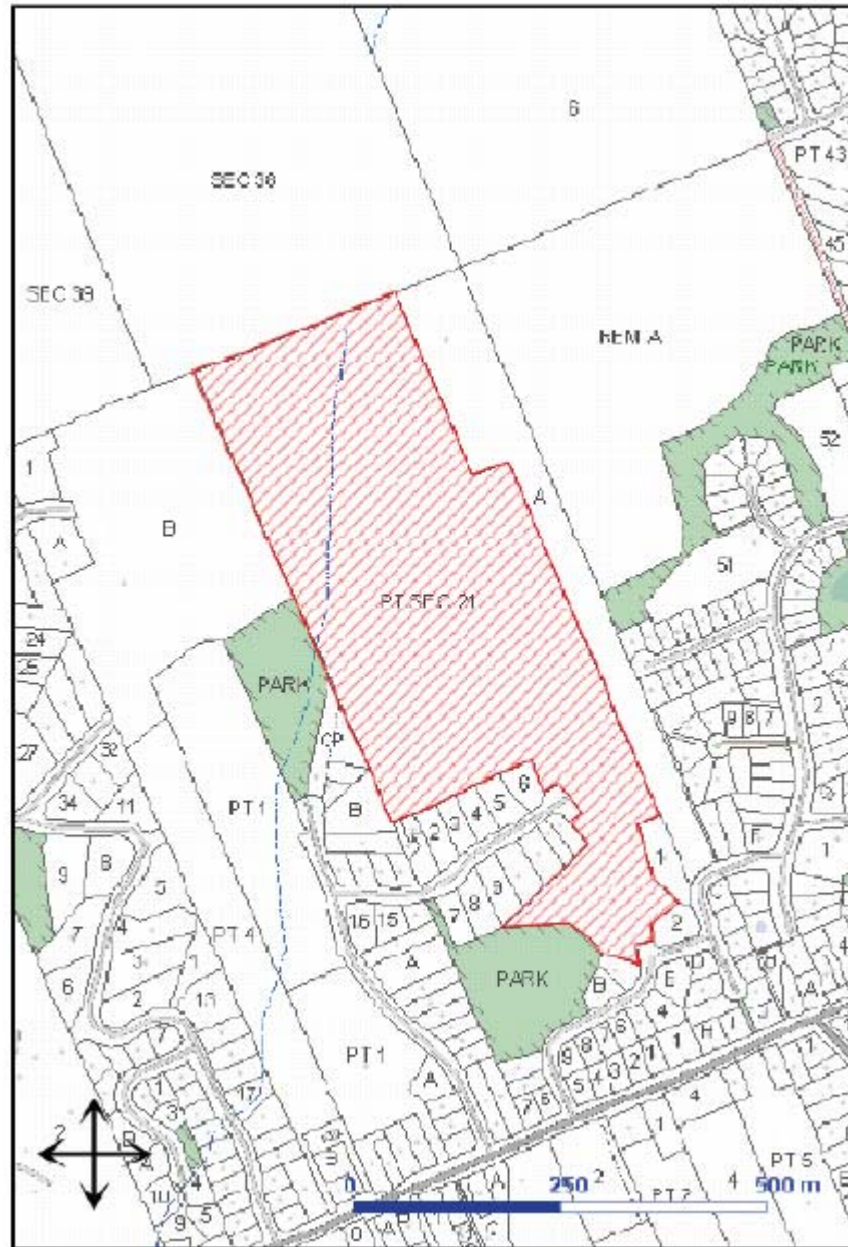
809.12 Subject Property Map: The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.

Schedule 809 – Spiritwood Estates (CD9)

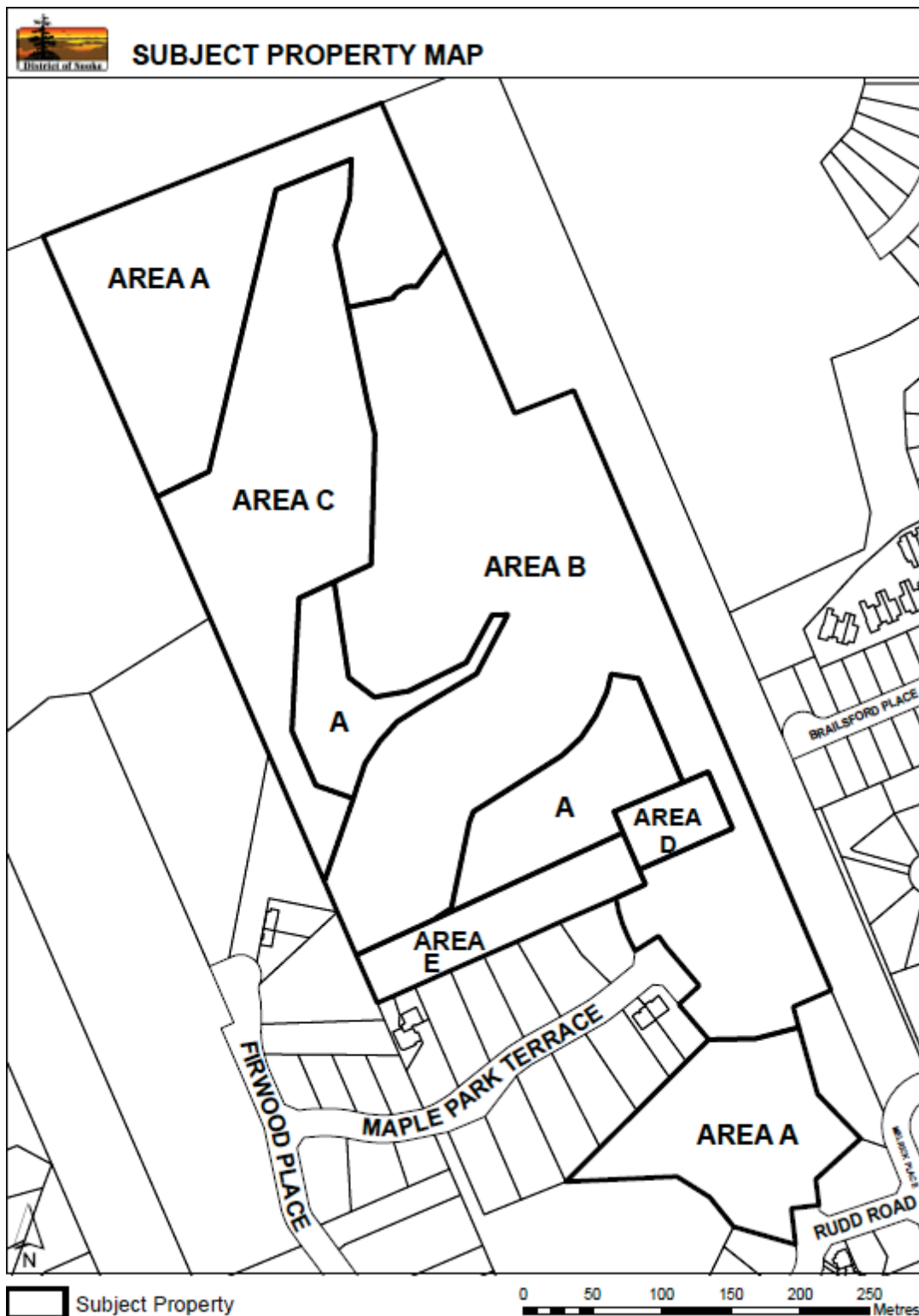


Schedule 809 – Spiritwood Estates (CD9)

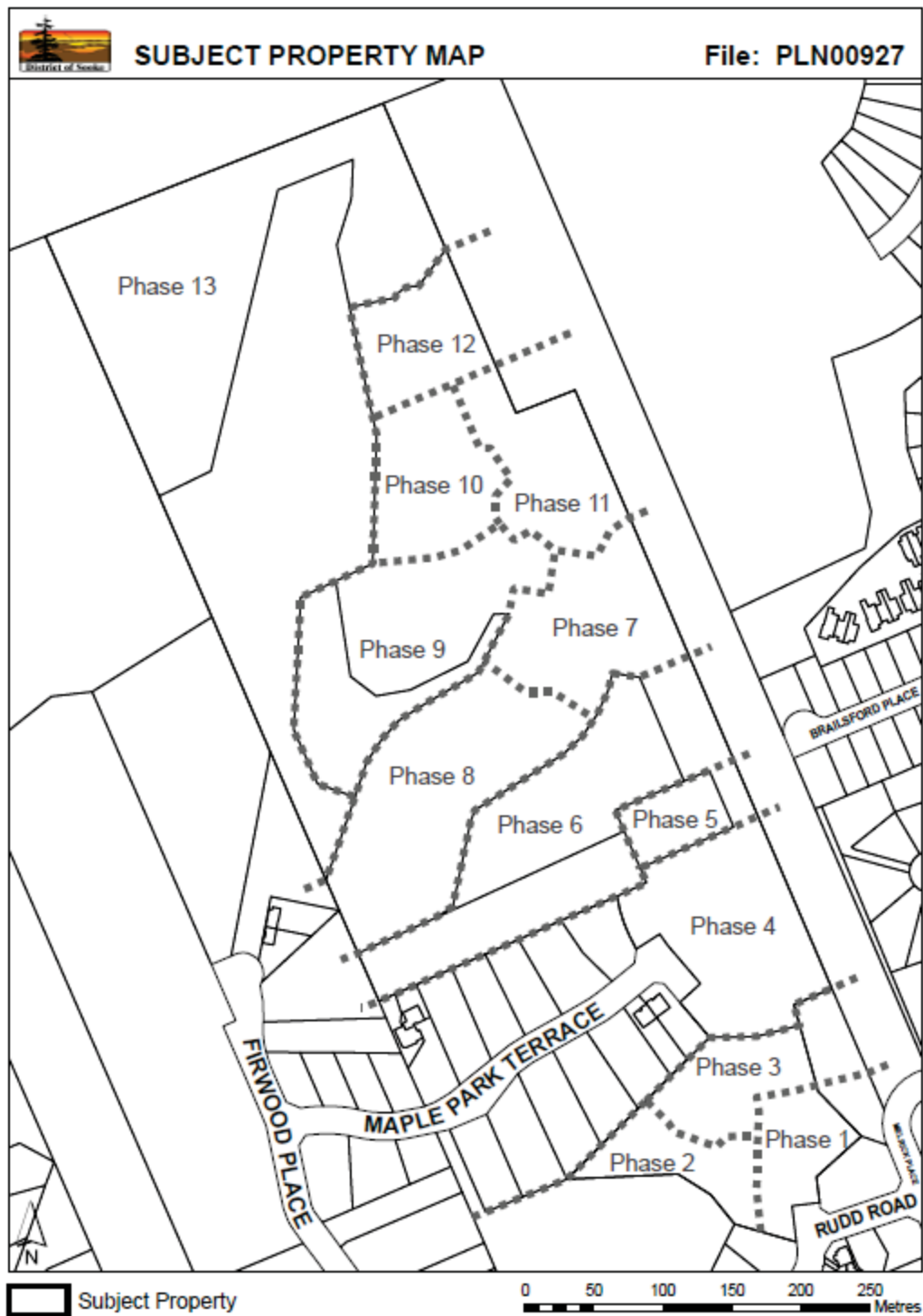
Appendix A:



Appendix B1:



APPENDIX B2:



Appendix C:

AMENITIES AND AFFORDABLE HOUSING

Definitions

C.1 The following definitions apply to this Appendix “C”:

“Affordable Housing” means:

- a) In the case of rental housing, that which is available for rent at or below the average rent for “Victoria”, as determined annually by the Canada Mortgage and Housing Corporation’s “Rental Market Report”, and
- b) In the case of owner-occupied housing, that which is available for purchase at or below an amount calculated as 30% of the amount which is the median income level for all two or more person households from the most recent national census by Statistics Canada, updated annually using the British Columbia Consumer Price Index,

“Amenities” means the dedication of public amenity lands and other amenities required under this Appendix “C”;

“Lands” means all the land within the Spiritwood Estates Comprehensive Development Zone (CD-9) of this Bylaw;

“Public Amenity Areas” means those portions of the Lands comprising of Area C and Area E (Playground, Nature Trail and Park), as shown on Appendix “B1” to this Bylaw.

Conditions Relating to Amenities:

C.2 The amenity contribution totals \$1,330,082. The Owner will provide the following amenities in lieu of Cash Contribution:

- (a) Dedication to the District of Sooke of a 3.7 hectare (9.3 acre) amenity area shown as “Area C ” on plan forming part of this Bylaw as Appendix “B” prior to the completion of Phase 1.(Valued at \$550,000.00);
- (b) Construction of Grant Road sewer services from the main to the property lines to be completed prior to completion of Phase 1 of plan forming part of this Bylaw as Appendix “B”. (Valued at \$130,000).
- (c) Construction of Winfield Road Curb, Gutter, Sidewalk and streetlights to be completed prior to completion of Phase 1 of plan forming part of this Bylaw as Appendix “B”. (Valued at \$181,000).
- (d) Construction of Maple Park Terrace sewer services complete with services to the property line of 7047 Maple Park Terrace to 7076 Maple Park Terrace is to be completed prior to completion of Phase 5 of plan forming part of this Bylaw as Appendix “B2”. (Valued at \$181,000)
- (e) Dedication to the District of Sooke of a 7848 m² amenity area shown as “Area E” at time of the Multi-Family development in Phase 6 on plan forming part of this Bylaw as Appendix “B” prior to the completion of Phase 6;

Schedule 809 – Spiritwood Estates (CD9)

- (f) Construction and installation of playground equipment including, but not limited to a slide, swing set and teeter totter, to be located within the “Area E” park area directly adjacent to the neighborhood commercial area or located within the neighborhood commercial area shown on the concept plan forming part of this Bylaw as Appendix “B” to be completed prior to Phase 6. (Valued at \$62,042.75);

Conditions Relating to Affordable Housing:

C.3 The Owner will provide twenty-three (23) Affordable Housing Units where eleven (11) will be designated for Affordable Ownership Housing (excludes suites) and twelve (12) will be designated as Affordable Rental Housing as part of the development within the Lands in accordance to the following schedule:

- (a) Three (3) Affordable Housing Units will be provided within Phase 1 of plan forming part of this Bylaw as Appendix “B”.
- (b) Three (3) Affordable Housing Units will be provided within Phase 3 of plan forming part of this Bylaw as Appendix “B”.
- (c) Three (3) Affordable Housing Units will be provided within Phase 4 of plan forming part of this Bylaw as Appendix “B”.
- (d) Three (3) Affordable Housing Units will be provided within Phase 5 of plan forming part of this Bylaw as Appendix “B”.
- (e) Three (3) Affordable Housing Units will be provided within Phase 6 of plan forming part of this Bylaw as Appendix “B”.
- (f) Three (3) Affordable Housing Units will be provided within either Phase 7 or Phase 8 or a combination of both of plan forming part of this Bylaw as Appendix “B”.
- (g) Three (3) Affordable Housing Units will be provided within either Phase 9 or Phase 10 or a combination of both of plan forming part of this Bylaw as Appendix “B”.
- (h) Two (2) Affordable Housing Units will be provided within either Phase 12 or Phase 13 or a combination of both of plan forming part of this Bylaw as Appendix “B”.

C.4 The Owner may provide cash in lieu of the Affordable Housing Units at \$15,000 per unit up to a total value of \$345,000.

C.5 One or more of the Affordable Housing Units to be provided in C.3 may be allowed to be combined into different phases, subject to the phase change and specific location of the Affordable Housing Unit(s) being approved by the Municipal Planner.

C.6 Each time Affordable Housing Units are provided as part of a Phase in the development, the Owner will enter into a section 905 Housing Agreement and section 219 covenant prior to Development Permit approval or Subdivision approval, whichever comes first.

C.7 An Option to Purchase/Right of First Refusal (Option/RFR) is required to be registered before an occupancy permit is issued for the affordable unit.

Schedule 809 – Spiritwood Estates (CD9)

General Conditions Relating to Amenities and Affordable Housing:

C.8 Transfer to the District of Sooke the fee simple title to the Public Amenity Areas, free and clear of any financial charges or encumbrances

Schedule 809 – Spiritwood Estates (CD9)

C.9 The Owner shall at its sole cost prepare all plans, transfer forms and other documents necessary to give effect to the transfers required to be made under section C.10. Those transfers shall be effected by the Owner, at the District of Sooke's sole option, by:

- (a) the registration of one or more reference plans pursuant to section 99(1)(h) of the *Land Title Act*, creating each of the Public Amenity Areas as separate legal parcels, together with the filing of the necessary Form A Transfers in favour of the District of Sooke; or
- (b) a subdivision of the land under Part 7 of the *Land Title Act*, creating each of the Public Amenity Areas as separate legal parcels, together with the filing of the necessary Form A Transfers in favour of the District of Sooke.

C.10 The Owner shall satisfy all legal requirements and conditions necessary to affect the transfers required under section C.10 and C.11, and shall obtain all necessary approvals required for any subdivision of the Lands necessary to effect those transfers.

C.11 If a valuation is inserted in a provision of this Appendix "C", the Owner in its sole discretion may meet the condition relating to the amenity, as applicable, by electing, instead of directly providing the amenity or affordable housing, to deliver to the District of Sooke a letter of credit having as a face amount the value stipulated in the applicable condition of this Appendix "C" in respect of which condition the letter of credit was delivered. Every such letter of credit shall satisfy the following conditions:

- a. the owner must provide the District of Sooke with an irrevocable letter of credit in the form set out at the end of this Appendix "C" as a security for meeting the condition under this Appendix "C";
- b. every letter of credit required to be provided under this Appendix "C" must be drawn in favour of the District of Sooke and must be a clean, unconditional and irrevocable letter of credit made by a Canadian Chartered Bank and capable of presentation at a branch of the bank situated within the District of Sooke;
- c. if the owner fails or omits to renew or replace any letter of credit within 14 days prior to its expiry, the District of Sooke may draw on the current letter of credit and hold the moneys in lieu thereof;
- d. subject to paragraph e., the security provided under this Appendix "C" must be returned to the owner within 30 days of the District of Sooke's Director of Planning and Director of Engineering having delivered a report to Council that the condition in respect of which the letter of credit security was provided has been met by the owner;
- e. if the owner has not met the applicable amenity or affordable housing condition, the security is forfeited to the District of Sooke;

Schedule 809 – Spiritwood Estates (CD9)

- f. for certainty, the security is forfeited to the District of Sooke under paragraph e. on the date the District of Sooke delivers to the Owner a written notice that the District of Sooke has elected to draw on the letter of credit security;
- g. the District of Sooke may use the security to meet the applicable condition under this Appendix "C" in respect of which the security was delivered to the District of Sooke.

LETTER OF CREDIT FORMAT
TO BE ON BANK LETTERHEAD

___ DAY OF ___, 20

District of Sooke
Address
Postal code

Dear Sir/Madam:

IRREVOCABLE COMMERCIAL LETTER OF CREDIT NO.

We hereby authorize you to draw on (NAME OF BANK), (ADDRESS OF BANK), Province of British Columbia, for account of (NAME OF OWNER), up to an aggregate amount of _____ .

- 1. Drawings are to be made in writing to (NAME OF BANK).
- 2. Partial drawings may be made.
- 3. The Bank will not inquire as to whether or not the District of Sooke has a right to make a demand on this Letter of Credit.
- 4. This Letter of Credit is irrevocable up to the expiry date.

DRAFTS MUST BE DRAWN AND NEGOTIATED NOT LATER THAN _____.
The drafts under this Credit are to be endorsed hereon and shall state on their face that they are drawn under (NAME OF BANK), (ADDRESS OF BANK), Sooke, B.C. Letter of Credit No.

Yours truly,

Manager
On Behalf of (NAME OF BANK)

Existing Zone - 7002 Brailsford

Schedule 104 – Rural Residential (RU4)

Rural Residential

RU4

104.1 Purpose: This zone applies to those lots that are rural in nature, intended for residential purposes, and are not within the Sewer Specified Area of the District of Sooke.

104.2 Permitted Uses:

Principal Uses:

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

Accessory Uses:

- d) Bed and breakfast
- e) 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

104.3 Minimum Lot Size for Subdivision Purposes:

- a) Outside the Sewer Specified Area: 1 ha
- b) Inside the Sewer Specified Area: 1000 m² providing the parent parcel at the time of joining the Sewer Specified Area is 5000m² or less in area.

104.4 Minimum Width for Subdivision Purposes: 15 m *(amended by Bylaw No. 583 adopted February 11, 2014)*

104.5 Maximum Height:

- a) Principal Buildings: 12 m
- b) Accessory Buildings: 9 m

104.6 Maximum Lot Coverage:

- a) 30%
- b) Where Agricultural production is carried out in greenhouses, the maximum lot coverage is 75%.

Schedule 104 – Rural Residential (RU4)

104.7 Minimum Setbacks for Lots Over 1000 m² in Area:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	7.5 m	4.5 m	3 m	4.5 m	4.5 m
Accessory Building or Structure	7.5 m	4.5 m	3 m	4.5 m	0 m
Farm Building or Structure	10 m	10 m	10 m	10 m	0 m

Minimum Setbacks for Lots 1000 m² or Less in Area:

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	3 m	1.2 m	4 m	4 m
Accessory Building or Structure	7.5 m	4.5 m	1.2 m	1.2 m	0 m
Farm Building or Structure	10 m	10 m	10 m	10 m	0 m

104.8 Conditions of Use:

- Agriculture only permitted beyond 30 m from a watercourse.
- Septic systems for each lot must be determined by and installed in accordance with the requirements of the appropriate approval authority.

Please be aware that the District of Sooke Stage 2 (Sanitary) Liquid Waste Management Plan, October 2005 contains soils mapping showing those areas outside the Sewer Specified Area which are well-suited to lot sizes of less than one hectare as well as other important information regarding subdivision outside of the Sewer Specified Area. Copies of this report can be viewed at the District's offices or on the District's website at: www.sooke.ca. The information in the report is general in nature and a site specific analysis will be required as part of any rezoning application. This italicized paragraph is not part of Bylaw No. 600 and has only been provided for the convenience of the reader.



DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 694

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property known as 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential (R3) and to amend the zoning on the property known as 7002 Brailsford Place from Rural Residential Zone (RU4) to 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. 694 (600-53), 2018*.
2. The parcels of land legally described as:

SECTION 21, SOOKE LAND DISTRICT EXCEPT PLAN 26856, EXCEPT THE EASTERLY 2 CHAINS AND EXCEPT THAT PART LYING TO THE WEST OF A BOUNDARY PARALLEL TO THE WESTERLY BOUNDARY OF SAID SECTION 21 AND 198 FEET PERPENDICULARLY DISTANT THEREFROM AND EXCEPT THOSE PARTS IN PLANS 27504, 30520, 39897, VIP57007, VIP64014, VIP67685, VIP70196, VIP74599 AND EPP68151; and

LOT 1, SECTION 21, SOOKE DISTRICT, Plan EPP74636

as shown boldly outlined and shaded on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned to Small Lot Residential (R3)

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 ____, 201 .

READ a THIRD time the __ day of ____, 201 .

ADOPTED the __ day of ____, 201 .

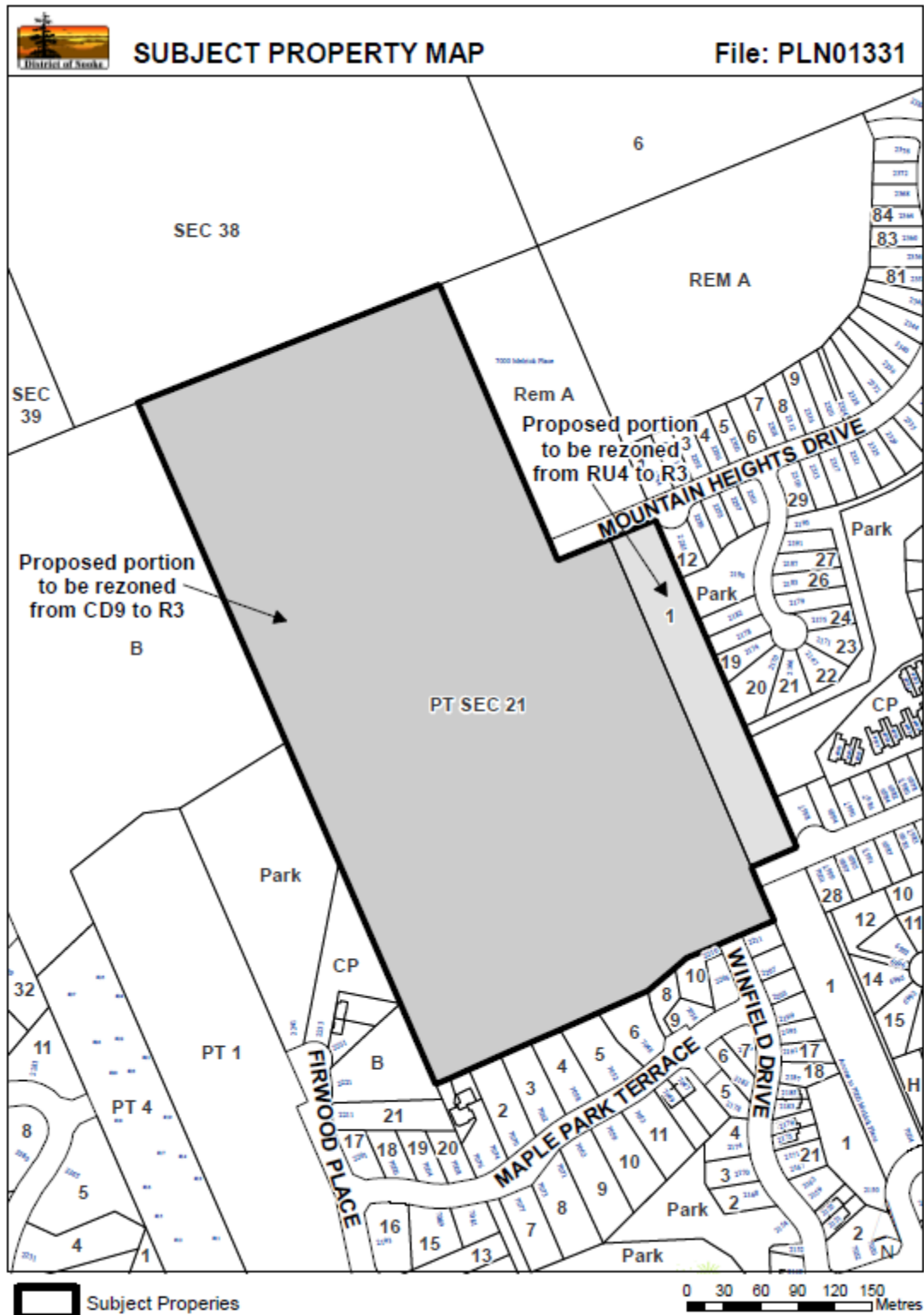
Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

For Information Only:

Covenant _____ and Priority Agreement _____, registered in the Victoria Land Title Office on the ____ day of _____, 2018.

SCHEDULE A





MINUTES
District of Sooke
Regular Council Meeting
April 23, 2018 7:00 PM
Council Chamber
2225 Otter Point Road
Sooke, BC

7.5. **Bylaw No. 694., Zoning Amendment Bylaw (600-53), 2018 - 7044 Maple Park Terr and 7002 Brailsford Place**

Zoning amendment for 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential (R3) and for the property at 7002 Brailsford Place from Rural Residential Zone (RU4) to Small Lot Residential (R3).

The Director of Development Services provided an overview of the written staff report, highlighting density reduction, park dedication and the installation of a playground.

Council Discussion:

- Development permit acceleration, in support of upgrading the water reservoir.
- Sufficiency of traffic access.
- Clarity surrounding the emergency access locations.
- Support for future extension of the road.

2018-197

MOVED by Councillor Berger, seconded by Councillor Reay:

THAT Council give First reading to *Zoning Amendment Bylaw No. 694 (600-53), 2018*, to amend the zoning of 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential Zone (R3) and 7002 Brailsford Place from Rural Residential (RU4) to R3 Small Lot Residential (R3).

CARRIED.

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

Absent: Councillor Logins

2018-198

MOVED by Councillor Reay, seconded by Councillor Kasper:

THAT Council give Second reading to *Zoning Amendment Bylaw No. 694 (600-53), 2018*, to amend the zoning of 7044 Maple Park Terrace from Spiritwood Estates Comprehensive Development Zone (CD9) to Small Lot Residential Zone (R3) and 7002 Brailsford Place from Rural Residential (RU4) to R3 Small Lot Residential (R3).

CARRIED.

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

Absent: Councillor Logins

2018-199

MOVED by Councillor Parkinson, seconded by Councillor Berger:

THAT a Public Hearing be scheduled for *Zoning Amendment Bylaw No. 694 (600-53), 2018*, 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

2018-200

MOVED by Councillor Kasper, seconded by Councillor Parkinson:

THAT prior to final adoption of *Zoning Amendment Bylaw No. 694 (600-53), 2018*, the owner be required to enter into section 219 covenants registered in priority of all other charges on title for 7044 Maple Park Terrace and 7002 Brailsford Place, to address the following:

1. Provision of a \$1,000.00 cash contribution per lot towards Bylaw No. 259, *Housing Reserve Fund Establishment Bylaw, 2006* prior to subdivision approval for each phase;
2. Submission of a comprehensive rainwater management plan prior to subdivision approval in accordance with the requirements of Bylaw No. 404;
3. Notwithstanding the minimum permitted lot size of 350m² in the Small Lot Residential (R3) zone, all lots created at time of subdivision, must have a minimum lot size of 500m² or larger, with the exception of 20 lots.
4. That the areas shown as "park" on the Westbrook Consulting Ltd. "Park Plan" dated 18-02-21 be dedicated as Park to the District prior to or concurrently with each subdivision approval for each phase of development as identified on the "Proposed Subdivision and Phasing of Park Dedication" plan prepared by McIlvaney Riley Land Surveying dated February 7, 2018 and that trail linkages be constructed in the general area as depicted on the "Park Plan";
5. Provision of a detailed trail plan identifying the location, width, material and grade of all proposed trails on site and of the proposed connection from the proposed development through Firwood Park to Firwood Place prior to final approval of Phase 2 as identified on the "Proposed Subdivision and Phasing of Park Dedication Plan";
6. That all "Nature Trails" shown and delineated on the "Park Plan" be constructed with maximum grades of 12 percent and to the satisfaction of the Director of Development Services, prior the final approval of a subdivision plan which creates the 31st lot on the subject properties;
7. That a 5 meter statutory right of way in favour of the District of Sooke be registered along the southern edge of 7044 Maple Park Terrace as identified on the "Park Plan" for purposes of establishing a trail connection to Winfield Drive prior to or concurrently with the approval of Phase 2 as identified on the "Proposed Subdivision and Phasing of Park Dedication Plan";
8. That two (2) "Trail Heads" be constructed in the locations shown generally on the "Park Plan" and equip each trail head location with welcome signage, three (3) visitor parking spaces, trail/vehicle barriers, waste receptacles and doggy stations as per the *Parks and Trails Master Plan* and to the satisfaction of the

Director of Development Services prior to the final approval of a subdivision plan which creates the 31st lot on the subject properties;

9. That a neighborhood playground be constructed to Canadian Standards Association (CSA) standards with a minimum of ten (10) visitor parking spaces and playground equipment as per the attached "Playground Equipment Quote and Design" dated February 20, 2018 , to be located within the park area generally identified on the attached "Park Plan" to the satisfaction of the Director of Development Services prior to final approval of a subdivision plan which creates the 51st lot on the subject property; and,
10. That the Owner enter into a maintenance agreement with the District of Sooke for the Owner to maintain the neighborhood playground, the parking lot and the playground equipment for five (5)-years from the date of issuance of a Construction Completion Certificate for those items.

CARRIED.

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

Absent: Councillor Logins

2018-201

MOVED by Councillor Reay, seconded by Councillor Berger:

THAT upon adoption of *Zoning Amendment Bylaw No. 694 (600-53), 2018*, Council direct staff to release restrictive covenant FB389615.

CARRIED.

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

Absent: Councillor Logins