



**PH - 1**

**Public Hearing  
Information Package**

**January 14, 2019 at 7:00 pm**  
Sooke Council Chamber  
2225 Otter Point Road, Sooke, BC

**Zoning Text Amendment**

<b>Proposed Bylaw:</b>	<b><i>Zoning Amendment Bylaw No. 726 (600-67), 2018</i></b>
<b>Zoning Amendment:</b>	The purpose of <i>Zoning Amendment Bylaw No. 726 (600-67), 2018</i> is to bring the <i>Sooke Zoning Bylaw</i> into compliance with the recently amended <i>Official Community Plan</i> . The amendments permit applications for Temporary Use Permits for the continuation of historic non-conforming non-residential uses in the Gateway Residential land use area.

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

Printed December 31, 2018





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## 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 2205 Otter Point Road, Sooke, BC on **Monday, January 14th, 2019 commencing at 7:00 p.m.**

### Application Information:

**Bylaw** *Zoning Amendment Bylaw No. 726 (600-67), 2018*

**Applicant:** District of Sooke

**Proposed Amendment:** Deleting Section 3.33 and replace with Section 3.33, as follows:

- a) All Commercial and Industrial Zones, Area D of Sun River Estates CD Zone, Area A of Tominny Road Mixed Use CD Zone, Area 1 and 3 of Mariner's Village CD Zone, Prestige Hotel and Resort CD Zone, Area D: Neighbourhood Commercial of Spiritwood Estates CD Zone and Knox Centre CD Zone established by this bylaw are designated under s. 920.2 of the *Local Government Act* as areas where temporary commercial use or industrial use permits may be issued to authorize commercial or industrial uses, subject to the general conditions set out in the zone.
- b) Temporary Use Permits for historic non-conforming non-residential uses may also be considered in the area designated Gateway Residential in the *Official Community Plan*".

### Proposal:

*The purpose of Zoning Amendment Bylaw No. 726 (600-67), 2018 is to amend Bylaw No. 600, Sooke Zoning Bylaw, 2013. The amendment is intended to bring the Sooke Zoning Bylaw into compliance with the recently amended Official Community Plan (re: Bylaw No. 724). The amendments permit applications for Temporary Use Permits for the continuation of historic non-conforming non-residential uses in the Gateway Residential land use area. Council approved the Official Community Plan Amendment on October 1st, 2018 and will consider final reading of a text amendment to the Sooke Zoning Bylaw, General Regulations, section 3.33 as described.*

### 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](http://www.sooke.ca) or inspected at the District Municipal Offices at 2205 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays), commencing January 2, 2019 to and including January 14, 2019.

### 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](mailto:publichearing@sooke.ca) or in person to the Corporate Officer at the District Municipal Offices no later than **Monday, January 14, 2019 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.**

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## DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 726

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A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending Part 3 General Regulations to allow Temporary Use Permits in the Gatewood Residential designation area.

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

1. This bylaw is cited as *Zoning Amendment Bylaw No. 726 (600-67), 2018*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013*, is hereby amended by deleting Section 3.33 and replaced with Section 3.33, as amended below:
  - a) All Commercial and Industrial Zones, Area D of Sun River Estates CD Zone, Area A of Tominny Road Mixed Use CD Zone, Area 1 and 3 of Mariner's Village CD Zone, Prestige Hotel and Resort CD Zone, Area D: Neighbourhood Commercial of Spiritwood Estates CD Zone and Knox Centre CD Zone established by this bylaw are designated under s. 920.2 of the *Local Government Act* as areas where temporary commercial use or industrial use permits may be issued to authorize commercial or industrial uses, subject to the general conditions set out in the zone.
  - b) Temporary Use Permits for historic non-conforming non-residential uses may also be considered in the area designated Gateway Residential in the *Official Community Plan*".

READ a FIRST and SECOND time the 10<sup>th</sup> day of December, 2018.

PUBLIC HEARING held the     day of     , 2018.

READ a THIRD time the     day of     , 2018.

ADOPTED the     day of     , 2018.

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Maja Tait  
Mayor

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Carolyn Mushata  
Corporate Officer



10.4. **Zoning Amendment Bylaw No. 726 (600-67), 2018**

The Head of Planning presented an overview of the written staff report, identifying that the previous *Official Community Plan* amendment to the Gateway Residential Land Use Designation area has initiated the requirement to align the *Sooke Zoning* with those changes. The following was highlighted:

- Temporary Use Permit requirements will be for a 3-year term with the option of a 1-year renewal, where Council sets the business operation standards.
- These permits will only be for the existing facilities and in their current operating capacities.
- The application process would include a public consultation, much like a Public Hearing.
- Should this amendment to the *Sooke Zoning Bylaw* fail the *Official Community Plan* amendment would have to be repealed by Council.

**Council Discussion:**

- Desire to work towards a solution, regardless of the difficult decisions that need to be made.
- The assurance that the permits can not be applied for by any business that does not fit the historic non-conforming operations.
- The community is able to engage in the process.
- The applicant can work with staff and Council to create parameters specific for each individual property.
- Councillor St-Pierre was opposed due to the broad impacts of this proposed changes to accommodate one individual business in the area, along side of creating increased work on already busy staff.
- Councillor Parkinson was opposed due to the large-scale business being allowed to operate, and this area only allowing for small scale industry.
- There is a need to increase industry in Sooke and a path to assist development needs to be establish, this is a short-term solution while plans are developed.
- Importance of moving forward towards a solution.
- The slow process of revamping the *Official Community Plan* in the coming year.
- Desire to have the public hearing in January 2019.

**2018-583**

**MOVED by Councillor Megan McMath, seconded by Councillor Ebony Logins:**

THAT Council give first and second reading to *Zoning Amendment Bylaw No. 726 (600-67), 2018* for the purposes of amending Part 3 General Regulations.

**CARRIED.**

**In Favour:** Mayor Maja Tait, Councillor Ebony Logins, Councillor Al Beddows, Councillor Jeff Bateman, and Councillor Megan McMath

**Opposed:** Councillor Brenda Parkinson and Councillor Tony St-Pierre

DRAFT minutes - scheduled for adoption at January 14, 2018 Regular Council Meeting

**2018-584**

**MOVED by Councillor Brenda Parkinson, seconded by Councillor Ebony Logins:**  
THAT a Public Hearing be scheduled for *Zoning Amendment Bylaw No. 726 (600-67), 2018* in accordance with Section 466 of the *Local Government Act*.

**CARRIED.**

**In Favour:** Mayor Maja Tait, Councillor Ebony Logins, Councillor Brenda Parkinson, Councillor Al Beddows, Councillor Jeff Bateman, Councillor Megan McMath, and Councillor Tony St-Pierre

DRAFT minutes - scheduled for adoption at January 14, 2018 Regular Council Meeting





## Zoning Bylaw Text Amendment

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### **RECOMMENDATION:**

That Council give first and second reading to *Sooke Zoning Bylaw Amendment, Bylaw No. 726 (600-67)*, 2018 for the purposes of amending Part 3 General Regulations;

AND THAT a Public Hearing be scheduled for *Sooke Zoning Bylaw Amendment, Bylaw No. 726 (600-67)*, 2018 in accordance with Section 466 of the *Local Government Act*.

### **Report Summary:**

The purpose of this report is to bring forward a minor text amendment to the *Sooke Zoning Bylaw*.

On October 1st, 2018 Council adopted an amendment to the *Official Community Plan* (OCP) allowing Temporary Use Permits for historic non-residential uses on rural residential properties in the Gateway Residential land use area. Per the *Local Government Act*, all Bylaws enacted must align with the *Official Community Plan*. As a result, Part 3, Section 3.33 of the *Sooke Zoning Bylaw* General Regulations requires a minor text amendment to align with the recently adopted OCP amendment.

### **Previous Council Action:**

September 18, 2017 - Council issued a business license to Driver Enterprises for the purposes of fabrication and welding repairs, automotive repairs and sales. See Attachment 2 for Council minutes.

October 23, 2017 - A report for information was received by Council addressing delegated authority for business licenses. As a result the license issued by Council on September 18th, 2017 was deemed invalid and Mr. Drivers was notified that a rezoning application would be required and must be approved by Council before a business license could be issued. The business has continued operating throughout this time. See Attachment 2 for Council report.

October 1, 2018 - Council adopted Bylaw No. 724 (400-12), 2018. A bylaw to amend the Official Community Plan Bylaw, 2010, to allow for Temporary Commercial Use permits within the Gateway Residential land use designation for historic non-residential non-conforming uses. By resolution, Council defined 'Historic Non-Conforming' as a use that has continuously operated on the same property since January 1, 2010, or earlier. See Attachment 2 and 3 for public hearing package and Council minutes.

November 13, 2018 - *Sooke Zoning Bylaw Amendment, Bylaw No. 726 (600-67)*, 2018 was brought to Council for 1st and 2nd reading. The purpose of the bylaw was to amend text in Part 3 General Regulations. Council postponed 1st and 2nd reading and directed staff to return to Council on December 10th with a more detailed report to include more historical information including past reports and timelines along with options and implications.

### **Report:**

#### **Recent History**

On October 1st, 2018 Council adopted a text amendment to the Official Community Plan. The purpose of that amendment was to allow for temporary use permits for historic non-conforming non-residential uses on residential properties and to provide direction for staff in future to review the possibility of the need for highway commercial-type land use designation in the area adjacent to Highway 14 to accommodate historic non-residential land uses and appropriate non-residential uses.

The OCP amendment was initiated as a result of a pre-existing non-conforming use (Driver's Enterprises) at 5536 Sooke Road. The application process began as a rezoning application and later evolved into a proposed OCP amendment. Council was presented with multiple options and implications at the October 1st meeting and through in depth discussion with the public and staff elected to amend the OCP text to allow for Temporary Use Permits on residential properties for historic non-conforming non-residential uses. Details of the discussion can be found in the October 1st minutes in Attachment 2.

The following definition of "Historic non-conforming" was added to Appendix III, Definition of Terms in the *Official Community Plan*;

"Historical non-conforming means a non-conforming use that has continuously operated on the same property since January 1, 2010 or earlier".

The intent was to recognize that there may be numerous non-conforming uses that were not addressed when the current OCP was adopted.

#### **Proposed Zoning Bylaw amendment**

Now that the *Official Community Plan* has been amended it is incumbent upon the District to ensure that our Bylaws align. In this instance the General Regulations in the *Sooke Zoning Bylaw* address Temporary Use Permits by listing the areas in which they may occur.

Part 3 General Regulations Section 3.33 of the *Sooke Zoning Bylaw* currently reads:  
Temporary Use Permits

*All Commercial and Industrial Zones, Area D of Sun River Estates CD Zone, Area A of Tomlinny Road Mixed Use CD Zone, Areas 1 and 3 of Mariner's Village CD Zone, Prestige Hotel and Resort CD Zone, Area D: Neighbourhood Commercial of Spiritwood Estates CD Zone and Knox Centre CD Zone established by this bylaw are designated under s. 920.2 of the Local Government Act as areas where temporary commercial use*

*or industrial use permits may be issued to authorize commercial or industrial uses, subject to the general conditions set out in the zone.*

The above text does not address Temporary Use Permits on residential lands per the adopted OCP amendment bylaw (*Bylaw 724 (400-12), 2018*) which allows TUPs on residential lands for historic non-residential uses within the Gateway Residential area designated by the OCP.

If the proposed text amendment is adopted the following section would be added as part b:

b. Temporary Use Permits for historic non-conforming non-residential uses may also be considered in the area designated Gateway Residential in the Official Community Plan.

This is a minor text amendment to the General Regulations of the Sooke Zoning Bylaw. It does not impact permanent land use nor tenure. It simply reiterates what has already been noted in the Official Community Plan in terms of specific Temporary Use Permits being permitted on residential lands in the Gateway Residential area per the OCP amendment bylaw adopted on October 1st. Since the amendment is to the General Regulations of the Zoning Bylaw, it impacts all Sooke residents that are impacted by potential Temporary Use Permits in their vicinity therefore individual notification is not required. Notification for the public hearing will occur through a newspaper advertisement per the legislation.

### Options and Implications

1. Council grant 1st and 2nd reading to proposed Bylaw 726 (600-67), 2018. Next step would be 3rd reading and a public hearing. Further discussion could occur in the format of a Public Hearing and allow Council additional time to become more familiar with process and history. Alternatively, Council has the authority under section 464 of the Local Government Act to waive a Public Hearing when a proposed zoning bylaw is consistent with the Official Community Plan.

If 3rd reading is granted and the bylaw is adopted, regulatory alignment would exist between the OCP and the Zoning Bylaw. This would enable historic non-conforming businesses on residential lands in the Gateway area to apply for a Temporary Use Permit and gain temporary compliance. Through the Temporary Use Permit process Council and staff may stipulate conditions regarding site aesthetic, hours of operation or otherwise as part of the approval process.

2. Council not grant 1st and 2nd reading to proposed Bylaw 726 (600-67), 2018. If Council chose this option the implication is that the proposed Bylaw could not move forward to 3rd reading and a Public Hearing.

As a result the amendment is refused and Part 3 Section 3.33 of Sooke Zoning Bylaw would be in conflict with the Official Community Plan. The Zoning Bylaw is the

implementation tool used to action many of the visions and policies in the OCP and must not act in opposition of one another. If Council chose this option, staff would bring forward a bylaw to repeal Official Community Plan Bylaw Amendment 724(400-12) for Council consideration. This would imply that Council does not support allowing historic non-conforming business to apply for Temporary Use Permits in order to gain compliance for a temporary period of time. Actions would have to be taken against existing businesses where complaints are received.

Staff are recommending Option 1.

### **Legal Impacts:**

Local Government Act Part 14 Division 4 Section 464

(2) A local government may waive the holding of a public hearing on a proposed zoning bylaw if

(a) an official community plan is in effect for the area that is subject to the zoning bylaw, and

(b) the bylaw is consistent with the official community plan.

### **Section 478**

(2) All bylaws enacted or works undertaken by a council, board or greater board, or by the trustees of an improvement district, after the adoption of an official community plan.....(b)...must be consistent with the relevant plan.

### **Frequently Asked Questions:**

#### **What does 'legal non-conforming use' mean?**

A use that was lawfully in existence before a new zoning bylaw came into effect. The Local Government Act speaks to how to address those uses in the following excerpt (*Local Government Act* Division 14 Section 528):

(1) Subject to this section, if, at the time a land use regulation bylaw is adopted,

(a) land, or a building or other structure, to which that bylaw applies is lawfully used, and

(b) the use does not conform to the bylaw, the use may be continued as a non-conforming use.

(2) If a non-conforming use authorized under subsection (1) is discontinued for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the land use regulation bylaw.

Specific to Sooke, this is interpreted to mean that if a 'use' and or 'building' existing legally under a previous Bylaw (such as a previous Sooke Zoning Bylaw or prior to incorporation, under a CRD Bylaw) through official approval from the authority at that time, and the non-conforming use has not discontinued for a period of 6 months or more, then it is recognized as a legal non-conforming use. Also known as simply 'non-conforming'.

**Attached Documents:**

[Attachment 1 Zoning Amendment Bylaw No. 726 \(600-67\), 2018](#)

[Attachment 2 Minutes-October 1, 2018 Regular Council Meeting\\_OCP Text Amend.](#)

[Attachment 3 PH-2-Pkg-OCP Text Amend](#)



## DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 726

---

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending Part 3 General Regulations to allow Temporary Use Permits in the Gatewood Residential designation area.

---

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

1. This bylaw is cited as *Zoning Amendment Bylaw No. 726 (600-67), 2018*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013*, is hereby amended by deleting Section 3.33 and replaced with Section 3.33, as amended below:
  - a) All Commercial and Industrial Zones, Area D of Sun River Estates CD Zone, Area A of Tominny Road Mixed Use CD Zone, Area 1 and 3 of Mariner's Village CD Zone, Prestige Hotel and Resort CD Zone, Area D: Neighbourhood Commercial of Spiritwood Estates CD Zone and Knox Centre CD Zone established by this bylaw are designated under s. 920.2 of the *Local Government Act* as areas where temporary commercial use or industrial use permits may be issued to authorize commercial or industrial uses, subject to the general conditions set out in the zone.
  - b) Temporary Use Permits for historic non-conforming non-residential uses may also be considered in the area designated Gateway Residential in the *Official Community Plan*".

READ a FIRST and SECOND time the      day of      , 2018.

PUBLIC HEARING held the      day of      , 2018.

READ a THIRD time the      day of      , 2018.

ADOPTED the      day of      , 2018.

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Maja Tait  
Mayor

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Carolyn Mushata  
Corporate Officer

10.2. **Official Community Plan Amendment Bylaw No. 724 (400-12), 2018**

The Head of Planning presented an overview of the proposed amendments to the Official Community Plan to allow for temporary commercial use permits within the gateway-residential land use designation. A brief history, along with a map of the Gateway Residential area and the assurance that this amendment would benefit a number of properties in the area were provided. It was reiterated that all temporary use permit applications would come before Council for approval.

**Council discussion:**

- This option has received legal review.
- There are several non-conforming businesses operating in this specific area, it is not limited to only one property.
- The differences between legal and unlawful non-conforming businesses.
- Temporary use permits can be granted in other areas in Sooke and are regulated by the *Local Government Act*.
- Confirmation that temporary use permit applications would include notification similar to public hearings.
- It was requested that a definition with parameters around “historic non-conforming” be established.
- There will be safeguards in place to ensure District regulations are followed. Once conditions are approved monitoring will ensure requirements are met.
- Concerns with the optics of assisting a specific business or showing favoritism.

**Mayor Tait invited the applicant to present:**

- Shawn Driver, applicant, provided a brief overview and history of his interactions with the District in relation to his business, indicating his desire to find an amicable solution. Mr. Driver introduced his legal counsel who would speak on his behalf.
- Aurora Faulkner-Killam, Legal counsel for Shawn Driver, addressed Council explaining that the applicant provides a beneficial service to the community and this business is historical in operation. The rights of the property owner should be balanced with Council's past and present regulations. Ms. Faulkner-Killam stated that the definition of non-conforming is interpreted in a variety of ways. She provided an overview of the information provided from the start of this business indicates it to be an allowable use.

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 8:27 p.m.



### Public submissions:

- Derek Lewers, 5526 Sooke Road, expressed his dissatisfaction with the process and is opposed to the amendment. Mr. Lewers provided a PowerPoint presentation with an overview of the applicant's property and the inconvenience of living next to the business. Mr. Lewers suggested the business move from its current location into an industrial area.
- Tony St-Pierre, 2385 Phillips Road, suggested a solution be developed for a wider-spread area as this is a limited solution. Activities should continue but not on that site.
- Mick Rhodes, 7885 West Coast Road, is opposed to the amendment and expressed his dissatisfaction with an *Official Community Plan* amendment prior to a fulsome review of current plan. Mr. Rhodes suggested that the business in question consider another location where zoning allows for industrial and commercial operations.
- Troy Lovbakke, 5697 Sooke Road, provided support to the amendment noting that numerous businesses in the area would benefit from the proposed change.
- Kevin McArthur, 6495 Riverstone Drive, expressed concern with the terminology of legal, illegal and historical non-conforming, as well questioning the zoning requirements that are not being met.
- Dave McClimon, 6110 Kirby Road, supports the amendment because the applicant's business is a local resource for quality equipment-repair services in an area where options are limited.
- Jared Sklepowich, 7110 Francis Road, supports the amendment; however, he noted that the *Official Community Plan* is dated and incongruent with current growth in Sooke.
- Ellen Lewers, 5526 Sooke Road (adjacent to the applicant's property), spoke in opposition of the amendment; When she purchased, the area was agricultural and residential, not industrial or business designated. Ms. Lewers provided an overview of the historical background associated with the applicant's property and highlighted that her home-based business operates within the regulations, as the applicants does not.
- Donna Gray, 5544 Sooke Road, provided a background of the business licensing which was authorized and then revoked, also that the applicant desires to work with the District towards a solution.
- Melissa Curtis, 6157 Calvert Road, requested that the terms "legal nonconforming" and "illegal nonconforming" be defined, and raised concern that the applicant had been aware that his business has been operating on property that is not conforming with the zoning bylaw.

- In response to the question, staff defined legal nonconforming as using land in a way that is in contradiction with current bylaws (but previously complied) – i.e. “grandfathered, and illegal nonconforming as using land in a way which does not currently and has not previously complied with the zoning bylaw.
- Gail Hall, 2517 Sooke River Road, was dissatisfied with the lack of notification to affected properties and was opposed to the amendment. Ms. Hall expressed concern that a change to an entire area to accommodate one resident may not occur without ample public consultation. Ms. Hall questioned why there was a single applicant on the notice, when there are other properties also affected by this amendment.
- Luc Poppe, 7021 Grant Road, supported the amendment and noted that many residents and businesses frequent the applicant’s business. Many would have to use the services of businesses outside of the community if this business was closed.
- Norbert Bruell, 2428 Valleyview Place, spoke in opposition and suggested that the applicant move their business to an area zoned for industrial use.
- Phil Rossner, 2836 Sooke River Rd, was concerned that the applicant brought legal counsel.
- Matthew MacKinnon, 2406 Snowden Place, supports the amendment and suggested that Sooke support local businesses that employ local residents to create a sustainable community.
- Shelly Sorensen, 2665 Otter Point Road, spoke about the historical uses of the applicant’s property and her personal experience of developing of a business within the district.
- Allen Hamilton, 6763 Eakin Drive, spoke in support of the amendment; the applicant provides an opportunity for skilled trades to work in their community and runs a professional business.
- Gail Nash, 5496 Croydon Place, was opposed to the application and requested that Council maintain the residential quality of living in Gatewood by not allowing industrial businesses in the area.
- Rick Curtis, 6157 Calvert Road, questioned the process of issuing temporary use permits and expressed concern that Council may defer this matter again. Mr. Curtis was opposed to the amendment as industrial properties should not be operating in areas with residential zoning.
- Rita Fraboni, Grant Road, supports the amendment as the business offers work experience opportunities through a school, provides work for skilled trades and supports other local businesses.

- Aurora Faulkner-Killam, legal counsel for applicant, responded to several comments directed to the applicant during the comment portion of the public hearing.
- Mike Wignall, non-resident, suggested that the business had outgrown its current location and that Council should consider supporting the move of the business.

The public hearing was closed at 10:18 p.m.

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The meeting was recessed at 10:19 p.m.

The meeting was reconvened at 10:23 p.m.

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**Council discussion:**

- Temporary use permits are effective and flexible tools for helping local businesses come into compliance with established bylaws.
- The Official Community Plan must be reviewed soon.
- Councillor Reay is opposed to the amendment because the applicant has knowingly operated his business for years in noncompliance.
- Councillor Parkinson is opposed because the proposed scope of the amendment is largely incongruent with the Official Community Plan.
- Councillor Logins is opposed to the amendment and in agreeance with Councillor Reay.
- The history of affected properties in the surrounding area was considered.
- Temporary use permits will still allow Council to review each application, with options to deny or change requirements.
- Growth of the community and the need to adapt the resulting changes was considered.
- Request to expediate the required amendments to the Zoning Bylaw.

**2018-504**

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

THAT Council give third reading to the bylaw cited as *Official Community Plan Amendment Bylaw No. 724 (400-12), 2018*;

AND THAT the following amendment be added as a definition to Appendix III, Definition of Terms, in the *Official Community Plan*:

"Historical non-conforming means a non-conforming use that has continuously operated on the same property since January 1, 2010, or earlier".

**CARRIED.**

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

**Opposed:** Councillor Logins, Councillor Parkinson, and Councillor Reay

**2018-506**

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

THAT Council adopt the bylaw cited as *Official Community Plan Amendment Bylaw No. 724 (400-12), 2018*.

**CARRIED.**

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

**Opposed:** Councillor Logins, Councillor Parkinson, and Councillor Reay

**2018-507**

**MOVED by Councillor Kasper, seconded by Councillor Pearson:**

THAT Council extend the October 1, 2018 regular council meeting past 11:00 p.m.

**CARRIED.**

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



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**Public Hearing  
Information Package**

**October 1, 2018 at 7:00 pm**

Sooke Council Chamber  
2225 Otter Point Road, Sooke, BC

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**OCP Text Amendment**

<b>Proposed Bylaw:</b>	<i>Official Community Plan Amendment Bylaw No. 724 (400-12), 2018</i>
<b>Zoning Amendment:</b>	The purpose of the <i>Official Community Plan Amendment Bylaw No. 724 (400-12), 2018</i> is to amend Bylaw No. 400, <i>Official Community Plan Bylaw, 2010</i> , to allow for Temporary Commercial Use permits within the Gateway Residential land use designation.

**Information Package Contents:**

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| 1. | Notice of Public Hearing published in the Sooke News Mirror: <ul style="list-style-type: none"><li>o September 19 and 26, 2018.</li></ul>  | 1 |
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| 3. | Draft Council minutes and resolution dated September 17, 2018.   | 5 |
| 4. | Staff Report to Council dated September 17, 2018. <ul style="list-style-type: none"><li>o Report Cover</li><li>o Bylaw 724 (400-12)</li><li>o Minutes from September 18, 2017</li><li>o Council Report</li><li>o Temporary Industrial Commercial Use Permit Form</li></ul> | 7 |

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

Printed September 19, 2018

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website: [www.sooke.ca](http://www.sooke.ca)

## Notice of Public Hearing

The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the *Local Government Act* in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday, October 1, 2018** commencing at **7:00 p.m.**

### Application Information:

**Bylaw:** *Official Community Plan Amendment Bylaw No. 724 (400-12), 2018*

**File No:** PLN01394

**Applicant:** **Shawn Driver**

### Proposal:

The purpose of the Official Community Plan Amendment Bylaw No. 724 (400-12), 2018 is to amend two parts of the Official Community Plan. Part 5.0 Gateway Residential Land Use Designation and Part 6.0 Temporary Commercial and Industrial Use Permits. The amendment would add text to the above parts of the OCP to allow an application for a temporary use permit for a non-residential use to be applied for in the Gateway Residential areas. This would provide an avenue for existing historic non-conforming non-residential uses that are outside the scope of a home-based business to legally operate on a temporary basis (up to 2 years) if a Temporary Use Permit was approved by Council. The amendment also adds a new Action Item to Part 5 of the OCP stipulating a review is needed for a highway commercial-type land use designation in the area adjacent to Highway 14. This action item acts as direction to staff to consider a new designation along the highway when the OCP is under a full review.

### 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](http://www.sooke.ca) or inspected at the District Municipal Offices at 2205 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays), **commencing September 19 to and including October 1, 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](mailto:publichearing@sooke.ca) or in person to the Corporate Officer at the District Municipal Offices no later than **Monday, October 1, 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 OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 724

---

A bylaw to amend the *Official Community Plan Bylaw, 2010*, to allow for Temporary Commercial Use permits within the Gateway Residential land use designation.

---

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

### Citation

1. This bylaw is cited as *Official Community Plan Amendment Bylaw No.724 (400-12), 2018*.

### Amendment

2. Bylaw No. 400, *Official Community Plan Bylaw, 2010* is hereby amended as follows:
  - a. Section 5.2.3. *Policies* is amended by inserting a new section (g) as follows and renumbering the subsequent sections.

“g. Permit, by temporary use permit, the continuation of historic non-conforming non-residential uses that are outside the scope of home-based business regulations”.
  - b. Section 5.2.4. *Action Items* is amended by inserting a new section (d) as follows and renumbering the subsequent sections.

“d. Review the need for a highway commercial-type land use designation in the area adjacent to Highway 14 to accommodate historic non-residential land uses and appropriate new non-residential uses”.
  - c. Section 6.0. *Temporary Commercial and Industrial Use Permits* is amended as follows and renumbering the subsequent sections.

“b. Allow a non-residential use in the gateway residential designation in accordance with Policy 5.2.3. (g)”.

READ a FIRST and SECOND time the 17<sup>th</sup> day of September 2018.

PUBLIC HEARING held the      day of      , 2018.

READ a THIRD time the      day of      , 2018.

ADOPTED the      day of      , 2018.

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Maja Tait  
Mayor

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Carolyn Mushata  
Corporate Officer

**Excerpt from the draft Minutes from the Special Council meeting on  
September 17, 2018**

**12.5. Official Community Plan Amendment Bylaw No. 724 (400-12), 2018 - 5536 Sooke Rd**

The Head of Planning provided a PowerPoint presentation and overview of the written staff report, recommending amendments to Part 5.2 Gateway Residential and Part 6 Temporary Commercial and Industrial Use Permits of the *Official Community Plan* (OCP).

The following timeline of events leading to this amendment was provided:

- September 18, 2017 Council issued a Business License to Driver Enterprises.
- October 23, 2017 Business License deemed invalid and revoked.
- Applicant was advised to submit rezoning application to conform with the Zoning bylaw. Upon review of application it was found that the property would not comply with the OCP Gateway Residential designation.

**Mayor Tait invited the applicant to present:**

- Shawn Driver, applicant, spoke regarding the misdirection he has received from staff and Council over the years and his understanding that the property is lawfully non-conforming. Mr. Driver informed Council that he has taken every avenue directed by Council and staff of the District of Sooke, has approval from the Department of Highways for commercial access and pays industrial/commercial taxes for his business.

**Council Discussion:**

- Identified that there are many Sooke businesses operating without a Business License and last year a resolution was passed directing the District not work with businesses that do not hold a valid Business License.
- Contradictions with the OCP, which is dated but is still the guiding vision of the community vision.
- Concerns with temporary-use and the longevity it would allow for operations already working outside the parameters set in the OCP and Zoning bylaws.
- This issue affects a number of businesses, it is not an isolated problem and requires an in-depth review, not just singling out one property.

In response to a question from Council, the applicant stated he had not received a cease and desist letter from the District.

The Corporate Officer informed Council a letter from the then Municipal Planner was sent to Mr. Driver advising his welding business was not permitted in the zone and was told to cease and desist.

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

THAT Council provide a site-specific exemption, with a text amendment to the *Official Community Plan*, for the property located at 5536 Sooke Road. With a clause inserted in Part 5.2.3. Policies that legally describe the site and state all existing uses as named are permitted either by Temporary Use Permit or site-specific zoning amendment, in the Gateway Residential area.

**DEFEATED.**

**Opposed:** Mayor Tait, Councillor Berger, Councillor Kasper, Councillor Logins, Councillor Parkinson, and Councillor Pearson **Absent:** Councillor Reay

**Further Council discussion:**

- Delaying the issue is not solving the problem and a solution needs to be identified.
- Public notification is not required in this instance as the amendment affects more than 10 properties with more than 10 owners.
- Noting that Sooke bylaw enforcement is complaint driven There is a 2-year limit associated with the issuance of a temporary use permit and an option to renew for an additional two years.
- The Public Hearing will be at the October 1, 2018 Regular Council meeting.

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

THAT Council give First reading to *Official Community Plan Amendment Bylaw No. 724 (400-12), 2018*, to amend Park 5.2 Gateway Residential and Part 6 Temporary Commercial and Industrial Use Permits of the *Official Community Plan*.

**CARRIED.**

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

**Opposed:** Mayor Tait and Councillor Logins **Absent:** Councillor Reay

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

THAT Council give Second reading to *Official Community Plan Amendment Bylaw No. 724 (400-12), 2018*, to amend Park 5.2 Gateway Residential and Part 6 Temporary Commercial and Industrial Use Permits of the *Official Community Plan*.

**CARRIED.**

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

**Opposed:** Mayor Tait and Councillor Logins **Absent:** Councillor Reay

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

THAT a Public Hearing be scheduled for *Official Community Plan Amendment Bylaw No. 724 (400-12), 2018* in accordance with section 466 of the *Local Government Act*.

**CARRIED.**

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

**Opposed:** Mayor Tait and Councillor Logins **Absent:** Councillor Reay



## OCP Amendment Bylaw - 5536 Sooke Rd

### RECOMMENDATION:

That Council give first and second reading to *Official Community Plan Amendment Bylaw No. 724 (400-12)*, 2018 to amend Part 5.2 Gateway Residential and Part 6 Temporary Commercial and Industrial Use Permits of the Official Community Plan and;

AND THAT a Public Hearing be scheduled for *Official Community Plan Amendment Bylaw No. 724 (400-12)*, 2018 in accordance with Section 466 of the *Local Government Act*.

### Report Summary:

The applicant, Shawn Driver was provided the opportunity, by Council, to enter into the rezoning application process to attempt to legalize his existing business operation at 5536 Sooke Road. A rezoning and Official Community Plan (OCP) amendment application was submitted and early in the review process it was determined the rezoning would not comply with the current OCP. The OCP amendment portion of the application was specific to a map amendment. The map amendment is being addressed through a separate report as a housekeeping item. Additional text amendments are required for the OCP and are being addressed through this report. Staff considered multiple options while reviewing the application and has determined that the best course of action is to recommend an amendment to two separate sections of the OCP.

The Gateway Residential Land Use Designation (Part 5) and the Temporary Use Permit (Part 6) sections of the OCP are being proposed for textual amendments. The OCP amendments alone will not normalize/legalize the existing operations at 5536 Sooke Road but rather provide a legal avenue for the property owner and potentially other property owners in the area to apply to Council for a Temporary Use Permit to legally operate until such time as a new OCP is adopted that accounts for existing non-conforming uses. Currently, the OCP does not allow Temporary Use Permits in residentially zoned areas, thus the need for the amendment. The proposed amendments, if adopted, will allow the applicant to apply to Council for temporary use of the site for up to two years for the existing business. Council will have the ability to apply conditions to the Temporary Use Permit specific to how the business operates which could alleviate concerns around impacts to neighbouring properties.

It is staff's opinion that through a full review of the OCP, the District (Council and the community) would have the opportunity to review the Gateway Residential area and properly consider all existing businesses that may not conform to the District's current bylaw's and policies. The OCP review process is anticipated to take approximately 1

year. The Temporary Use Permit, if granted by Council, allows a business to operate until more strategic decisions can be made about the area as a whole. Should the OCP review not be completed within 2 years, Council has the authority to issue a Temporary Use Permit for an additional 2 years. No further extensions can be provided beyond the additional 2 years.

**Previous Council Action:**

September 18, 2017 - Council issued a business license to Driver Enterprises for the purposes of fabrication and welding repairs, automotive repairs and sales. See Attachment 2 for Council minutes.

October 23, 2017 - A report for information was received by Council addressing delegated authority for business licenses. As a result the license issued by Council on September 18th, 2017 was deemed invalid and Mr. Drivers was notified that a rezoning application would be required and must be approved by Council before a business license could be issued. The business has continued operating throughout this time. See Attachment 3 for Council report.

**Report:**

**Alternative options considered:**

**Option 1** - Recommend refusal of the application on the following grounds:

The proposed zone Service Commercial C3 does not comply with the Gateway Residential land use designation in the OCP. Gateway Residential limits commercial development to neighbourhood commercial uses such as gas stations, convenience stores, pub's, restaurants, veterinary clinics to name a few. These are considered uses that support the local neighbourhood and passer by traffic. An example of a more appropriate zone would be the Neighbourhood Commercial (C1) district. The problem with the C1 zone is it does not include the uses the applicant wished to make legal; Welding and fabricating, vehicle sales, machine shop, unenclosed storage and vehicle repair. Those uses are found only in the Service Commercial C3 and some in the General Industrial M2 zones.

A refusal would not address the applicants need to continue to operate legally and obtain the appropriate insurance and also does not encourage Council to have an in depth discussion about the greater vision for the Gateway Residential area. Staff met with the applicant and advised them of the fact that C3 can not be supported. We spoke about the different options and they were in agreement that the recommended option seemed the most logical and supported staff moving forward. Therefore a refund of the rezoning portion of the application has been processed and rezoning is no longer included as part of this application.

**Option 2** - Official Community Plan amendment to the Gateway Residential designation with the focus of creating a new Highway Commercial designation:

This option would involve lengthy public engagement with all of the businesses and residents of the Gateway Residential area and would begin prior to Council approval for a review of the entire OCP. It was staff's opinion that this would be premature given the

expectation that early in 2019 staff would be engaging a consultant to undertake the full review of the OCP. The engagement would likely overlap with consultant work.

This option provides no certainty to the applicant that they would have the ability to obtain a business license and the associated insurance in a reasonable period of time.

**Option 3 - Site specific exemption in the Official Community Plan**

In this iteration, Council would consider a text amendment to the OCP that addresses 5536 Sooke Road specifically. A clause would be inserted in Part 5.2.3 Policies that legally describes the site and states that all existing uses as named are permitted either by Temporary Use Permit or by site specific zoning amendment, in the Gateway Residential area. Then a rezoning application or Temporary Use Permit would later be submitted and considered by Council.

This is a legal option, but, is not considered good governance nor good planning. This option does not address other historic land uses in the same area that may not conform to the Sooke Zoning Bylaw and the OCP. It also has the appearance of Council being partial to a single business owner versus taking into account the interests of the larger community.

**Option 4 - Text amendment to Part 5.2 Gateway Residential and Part 6 Temporary Use Permit (Recommended Option)**

Amend Part 5.2.3 Policies to: permit, by temporary use permit, the continuation of historic non-conforming non-residential uses;

Amend Part 5.2.4 Action Items, to include the following additional action: review the need for a highway commercial-type land use designation in the area adjacent to Highway 14 to accommodate historic non-residential land uses and appropriate new non-residential uses; and

Amend Part 6 Temporary Commercial and Industrial Use Permits to include: allowing a non-residential use in the gateway residential designation in accordance with Policy 5.2.3.g (that which refers to temporary use permits).

If this option were adopted, the applicant would then apply for a Temporary Use Permit (see Attachment 4) for the existing uses and any other uses they wish to gain approval for on a temporary basis. A Temporary Use Permit would not allow the construction of new permanent structures but could allow construction of new temporary structures. The permit would be reviewed by Council and issued by resolution. Council has the authority to include conditions on the approval of a Temporary Use Permit restricting how the business operates and/or the aesthetic of the site. This provides an opportunity to address neighbourhood concerns or complaints while still allowing the business to obtain a business license and the appropriate insurance. A Temporary Use Permit may only be granted for a term of 2 years and may be renewed only once for another 2 years. Council could also decide to grant a permit for less than 2 years if they see fit.

This option is not specific to 5536 Sooke Road as it takes into account a general recognition of other non-conforming uses in the area and therefore provides an avenue for those businesses to also become legal for a temporary period of time.

This option buys time for a full review of the OCP in 2019. The OCP review will include a vetting of all of the Action Items in our current OCP as a guide for the scope of work to be undertaken. The recommended bylaw includes an added Action Item to Part 5.2.4 directing staff to review the need for highway commercial-type land use designation in the area adjacent to Highway 14 to accommodate existing and appropriate new non-residential uses. When the full review begins it will involve extensive engagement with everyone potentially impacted in the Gateway Residential area.

**Legal Impacts:**

Legal advice regarding the proposed OCP amendment was provided in support of the recommended option.

**Attached Documents:**

[Attachment 1 - Bylaw 724 \(400-12\)-2018-OCP Amendment - Gateway Residential and Temporary Use Permits](#)

[Attachement 2 - 18 Sep 2017 - Minutes - Driver BL](#)

[Attachment 3 - Council Report Re - Business Licence for Driver Enterprises - 5536 Sooke Road](#)

[Attachment 4 - Temporary Industrial Commercial Use Permit Form](#)





## DISTRICT OF SOOKE OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 724

---

A bylaw to amend the *Official Community Plan Bylaw, 2010*, to allow for Temporary Commercial Use permits within the Gateway Residential land use designation.

---

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

### Citation

1. This bylaw is cited as *Official Community Plan Amendment Bylaw No.724 (400-12), 2018*.

### Amendment

3. Bylaw No. 400, *Official Community Plan Bylaw, 2010* is hereby amended as follows:
  - a) Section 5.2.3. *Policies* is amended by inserting a new section (g) as follows and renumbering the subsequent sections.

“g. Permit, by temporary use permit, the continuation of historic non-conforming non-residential uses that are outside the scope of home-based business regulations”.
  - b) Section 5.2.4. *Action Items* is amended by inserting a new section (d) as follows and renumbering the subsequent sections.

“d. Review the need for a highway commercial-type land use designation in the area adjacent to Highway 14 to accommodate historic non-residential land uses and appropriate new non-residential uses”.
  - c) Section 6.0. *Temporary Commercial and Industrial Use Permits* is amended as follows and renumbering the subsequent sections.

“b. Allow a non-residential use in the gateway residential designation in accordance with Policy 5.2.3. (g)”.

READ a FIRST and SECOND time the      day of      , 2018.

PUBLIC HEARING held the      day of      , 2018.

READ a THIRD time the      day of      , 2018.

ADOPTED the      day of      , 2018.

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Maja Tait  
Mayor

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Carolyn Mushata  
Corporate Officer

4.2. **Business Licence Request**

Mr. Driver requested a valid business licence be issued to Driver Enterprises, which is a legal non-conforming business that operates on his residential property, in the District of Sooke. Mr. Driver provided an overview of the differences in taxes he has paid; the change by BC Assessment Authority from light-industrial to commercial business and the requirement of a valid business license by his insurance agency and various suppliers.

**2017-378**

**MOVED by Councillor Pearson, seconded by Councillor Logins:**

THAT Council direct staff issue a business licence to Driver Enterprises Limited.

**CARRIED.**

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

**Opposed:** None

**Absent:** Councillor Berger

**2017-379**

**MOVED by Councillor Kasper, seconded by Councillor Pearson:**

THAT Council direct staff to issue business licences to all legal non-conforming businesses, when such applications for licenses are made.

**2017-380**

**MOVED by Councillor Logins, seconded by Councillor Kasper:**

THAT the motion (2017-379) be postponed until the next council meeting to receive a staff report.

**CARRIED.**

**In Favour:** Mayor Tait, Councillor Logins, Councillor Parkinson, and Councillor Reay

**Opposed:** Councillor Kasper, Councillor Pearson

**Absent:** Councillor Berger



## **Business Licence for Driver Enterprises - 5536 Sooke Road**

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### **RECOMMENDATION:**

THAT Council receive the report for information.

### **Report Summary:**

Council issued a business licence to Driver Enterprises on September 18, 2017. As Council has delegated the authority for issuing licences to the Licence Inspector, Council did not have the authority to issue the licence and it is deemed invalid.

### **Previous Council Action:**

Council issued a business license to Driver Enterprises at the September 18, 2017 for the purpose of fabrication and welding repairs, automotive repairs and sales.

### **Report:**

Council has delegated the power to issue a business license to the License Inspector under section 3(a) of Business Licence Bylaw No. 301. As such, Council does not have the authority to issue a business licence. Council's involvement in business licensing is limited to hearing an appeal of a refusal or cancellation decision by the Licence Inspector. This authority is delegated to the Licence Inspector under section 12 of the Business Licence Bylaw. Additionally, section 4(a) of the Bylaw provides that a business owner must comply with all District bylaws, including the zoning bylaw, and provincial enactments.

A history of the permitted land uses has been conducted on the subject property located at 5536 Sooke Road. When the District of Sooke incorporated in 1999, it adopted CRD Sooke Land Use Bylaw 2040 which indicates the subject property was zoned AG - Agricultural Zone and the permitted uses were agricultural in nature but included Home Occupation Categories, One, Two and Three. The definition of Home Occupation in the CRD Sooke Land Use Bylaw 2040 specifically excludes Vehicle and/or Equipment Repair on lots of less than 1 ha, body shops or metal fabricating. An excerpt of the bylaw detailing permitted uses in Bylaw 2040 and the definition of Home Occupation are included as Appendix A .

In 2004, the District adopted Zoning Bylaw 270 with the subject property being zoned RU3 - Agricultural Zone with similar uses. The bylaw did change the definition of Home Based Business to mean an occupation, business, craft or profession conducted for revenue generation, which is carried on as an accessory use in a dwelling unit or accessory building to the dwelling unit and which generates little or no traffic, noise or impact upon the nature of a residential building. Additionally, home based business regulations were included in the bylaw, many of which this land use was or would have

been in direct violation of. An excerpt of the bylaw detailing permitted uses in Bylaw 270 and the Home Based Business regulations specific to Bylaw 270 are included as Appendix B.

In 2013, the current Zoning Bylaw 600 was adopted with the subject property zoned RU3 - Small Scale Agriculture with similar uses as above. The home based business regulations in Bylaw 600 are also similar to those contained in Bylaw 270. Excerpts of these details of Bylaw 600 are included as Appendix C.

The type of business for which the applicant sought a business licence (fabrication and welding repairs, automotive repairs and sales) has never been a permitted use under the zoning bylaw and therefor is not deemed to be lawfully non-conforming. The use has also never been permitted through a Temporary Use Permit. The result is that the business is in violation of section 4(a) of the Business Licence Bylaw and cannot be issued a business licence.

As Council did not have the authority to issue a business licence, the business licence issued to Driver Enterprises on September 18, 2017 is invalid. The business owner has been advised of such and of the appeal process.

**Strategic Relevance:**

Excellence in Governance and Management - focus on good governance.

**Attached Documents:**

[5536 Sooke Road - APPENDIX A](#)

[5536 Sooke Road - APPENDIX B](#)

[5536 Sooke Road - APPENDIX C](#)

[Business Licence Bylaw No. 301 - Consolidated](#)

APPENDIX A  
EXCERPTS FROM CRD BYLAW 2040

**4.0 AGRICULTURAL ZONE - AG**

**4.01 Permitted Uses**

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Agriculture AG Zone:

- (a) Agriculture
- (b) Intensive Agriculture
- (c) One-family dwellings
- (d) Home Occupation Categories One, Two and Three
- (e) Farm Buildings
- (f) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (g) Accessory uses such as on-site logging, and pole- or post- or shake-cutting, from trees grown on the lot
- (h) Two boarders or Lodgers
- (i) One additional one-family dwelling for farm employees subject to section 4.07 below (BYLAW 143)

HOME OCCUPATION means an occupation, craft, or profession conducted for gain, either (a) in or from a dwelling unit by the resident, which is incidental to the residential use of the dwelling unit, or (b) from an accessory building as permitted elsewhere in this Bylaw, or both; specifically excludes Restaurants, (except seasonal tea gardens in Category 3), Retail Stores, Vehicle and/or Equipment Repair on lots of less than 1 ha, Kennels, body shops or metal fabricating, any occupation or use requiring a waste management permit. (BYLAW2603)

APPENDIX B  
EXCERPTS FROM BYLAW 270

**7.3        *Agricultural Zone – RU-3***

This zone is intended to apply to large tracts of agricultural land within the District of Sooke.

Subject to compliance with the general requirements in Parts 4 and 5, the following regulations shall apply in the RU-3 zone.

**7.3.1      *Permitted Uses\****

- a. Agriculture;
- b. Agriculture – intensive;
- c. Aquaculture;
- d. Boarding and lodging;
- e. Bed and breakfast;
- f. Home-based business;
- g. One single family dwelling or one duplex per lot;
- h. One small suite or one secondary suite per dwelling unit;
- i. One additional single family dwelling for farm employees as per the provisions of the Agricultural Land Commission Act;
- j. Silviculture;
- k. Vacation accommodation unit.

*\* May be subject to approval by the Provincial Agricultural Land Commission.*

**HOME BASED BUSINESS** means an occupation, business, craft, or profession conducted for revenue generation, which is carried on as an *accessory use* in a *dwelling unit* or *accessory building* to the *dwelling unit* and which generates little or no traffic, noise or impact upon the nature of a residential *dwelling*;

**5.15      *Home Based Business Regulations***

- a. The *home-based business use* shall only be conducted by a resident on the *lot* and shall not employ more than two additional non-resident persons on a *lot*;
- b. The *home-based business use* shall not involve exterior storage or display of any material or equipment associated with the *home-based business*;
- c. The maximum *floor area* that may be used for *home-based business use*, including *office space*, storage, processing or sale, shall not exceed 50 m<sup>2</sup> or 40% of the *floor area* of the *dwelling* on the *lot*, whichever is less;
- d. [The *home-based business use* shall not produce any hazard, offensive odour, noise, dust, smoke, glare, toxic or noxious matter, heat, electrical interference, fire hazard, litter, additional waste, floodlighting, vibration, excessive customer or service traffic, or create a nuisance of any kind other than that normally associated with a *dwelling* or *residential use*, and in particular:
  - i. No *home-based business* shall generate sound from machinery that is audible at the *lot line* of the *lot* on which the *home-based business* is located;
  - ii. No *home-based business* shall generate more than ten (10) motor vehicle trips per day;
  - iii. All *parking* associated with the *home-based business use* shall be contained on the *lot*;

- e. The *home-based business use* shall be clearly subservient and incidental to the use of the *dwelling unit* for *residential* purposes and to the *residential* use of the *lot* on which the *dwelling* is located;
- f. The *home-based business use* shall be conducted entirely within a *dwelling unit* or within a permitted *accessory building*;
- g. There shall be no variation of the external *residential* appearance of the land and premises in which the *home-based business* is carried on except that:
  - i. One non-illuminated sign per *lot* shall be permitted and shall not exceed 0.4 m<sup>2</sup> in sign area;
- h. All articles sold through a *home-based business* shall be produced on the *lot* and no retail activity of any other materials or goods shall occur except that articles manufactured off site may be sold through a *home-based business* in an office setting provided that all distribution of articles is carried out off site by persons employed in the *home-based business*;
- i. The home based business shall not be operated in a manner that generates more than two client visits at any one time or more than 10 client visits per day;
- j. No more than one identifiable commercial utility trailer nor one commercial vehicle shall be stored or parked on a lot or the adjacent roadway at one time in connection with the operation of the business;
- k. Any home based business use must comply with all municipal, regional, provincial and federal, and all environmental protection regulations;
- l. No off-site *parking* shall be permitted;
- m. The following uses are prohibited as a home based business:
  - i. Auto repair on lots 2,000 m<sup>2</sup> in area or smaller;
  - ii. Auto repair outside of an enclosed *building*;
  - iii. Heavy equipment repair;
  - iii. Autobody work;
  - iii. Welding or steel manufacturing;
- n. Off-site parking is not permitted in relation to the operation of a *home-based business*.



# APPENDIX C

## EXCERPTS FROM BYLAW 600

### Schedule 103 – Small Scale Agriculture (RU3)

## Small Scale Agriculture

## RU3

**103.1 Purpose:** This zone is intended to provide for small scale agricultural uses of land within the District of Sooke.

**103.2 Permitted Uses:** (may be subject to approval by the Provincial ALC)

### Principal Uses:

- a) Agriculture
- b) Agriculture – intensive \*
- c) Aquaculture
- d) One single family dwelling or duplex per lot

*\*See conditions of use.*

### Accessory Uses:

- e) Bed and breakfast
- f) Boarding and lodging
- g) Home-based business
- h) One additional dwelling unit for farm employees may be permitted per the provisions of the *Agricultural Land Commission Act* or one small suite on a lot with a single family dwelling providing the land is not in the Agricultural Land Reserve
- i) One secondary suite on a lot with a single family dwelling
- j) Vacation accommodation unit

#### **4.3 Home Based Business Regulations**

- a) The home-based business use shall only be conducted by a resident on the lot and shall not employ more than two additional non-resident persons on the lot.
- b) The home-based business use shall not involve exterior storage or display of any material or equipment associated with the home-based business.
- c) The maximum floor area that may be used for home-based business use, including office space, storage, processing or sale, shall not exceed 50 m<sup>2</sup> or 40% of the floor area of the dwelling on the lot, whichever is less.
- d) The home-based business use shall not produce any hazard, offensive odour, noise, dust, smoke, glare, toxic or noxious matter, heat, electrical interference, fire hazard, litter, additional waste, floodlighting, vibration, excessive customer or service traffic, or create a nuisance of any kind other than that normally associated with a dwelling or residential use.
- e) All parking associated with the home-based business use shall be contained on the lot.
- f) The home-based business use shall be clearly subservient to the use of the dwelling unit for residential purposes and to the residential use of the lot on which the dwelling is located.
- g) The home-based business shall be conducted entirely within a dwelling unit or a permitted accessory building, with the exception of a children's daycare which may use an outdoor play area.
- h) There shall be no variation of the external residential appearance of the land and premises in which the home-based business is carried on except that one (1) non-illuminated sign per lot shall be permitted.
- i) All articles sold through a home-based business shall be produced on the lot and no retail activity of any other materials or goods shall occur except that articles manufactured off site may be sold through a home-based business in an office setting provided that all storage and distribution of articles is carried out off site by persons employed in the home-based business. These articles may be available for viewing on the lot.
- j) The home based business shall not be operated in a manner that generates more than two client visits at any one time or more than 10 client visits per day, with the exception of community care facilities.
- k) No more than one commercial utility trailer or commercial vehicle shall be stored or parked on a lot or the adjacent roadway at one time in connection with the operation of the business.
- l) Any home based business use must comply with all municipal, regional, provincial and federal, and all environmental protection regulations.
- m) The following uses are prohibited as a home based business:
  - i. Auto repair on lots 2,000 m<sup>2</sup> in area or smaller;
  - ii. Auto repair outside of an enclosed building;
  - iii. Heavy equipment storage and repair;
  - iv. Autobody work;
  - v. Welding or steel manufacturing.



## DISTRICT OF SOOKE

### BYLAW No. 301

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#### CONSOLIDATED FOR REFERENCE

APRIL 3, 2009

BYLAW No. 301, *BUSINESS LICENCE BYLAW, 2007*

BYLAW No. 394, *BUSINESS LICENCE AMENDMENT BYLAW, (301-1)*

THIS BYLAW IS PROVIDED FOR REFERENCE PURPOSES ONLY AND IS NOT TO BE RELIED UPON IN MAKING FINANCIAL OR OTHER COMMITMENTS. COPIES OF THE ORIGINAL BYLAW AND AMENDMENTS MAY BE VIEWED AT THE DISTRICT OF SOOKE MUNICIPAL HALL.

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A bylaw respecting licences for carrying on business within the District of Sooke and for fixing the fees for such licences.

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

1. This Bylaw is cited as Bylaw No. 301, *Business Licence Bylaw, 2007*.
2. For the purpose of this bylaw, unless the context otherwise requires:

**Act** means the *Community Charter* as amended from time to time;

**Agent** means a person or persons who act(s) on behalf of another person or persons by authority from them to do business within the District of Sooke and who charges or receives a commission or other payment for so doing;

**Business** means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other service for the purpose of gain or profit, but does not include any activity carried on by the government, its agencies or government owned corporations, or by a charitable, non-profit, philanthropic or religious

organization where the whole of the proceeds of the activity are used solely for charitable, philanthropic or religious purposes;

**Commercial** means any Business other than a Business for which a Home Based, Inter-municipal, Daily, Non-resident, Direct Seller or Peddler Licence is required;

**Contractor** includes any person who undertakes to do or perform any work or service at a certain price or rate or for a fixed sum, except where such work or service is specifically defined in this bylaw and any person who takes out more than one building permit in any one calendar year for the construction of new residences and/or alterations to existing buildings;

**Council** means the Council of the District of Sooke;

**Daily Licence** means a one-day Business Licence required for craft fairs, exhibitions or other itinerant shows, entertainment or special events;

**Direct Seller** except where otherwise defined means a person personally selling, soliciting or canvassing for the sale of books, magazines, or periodicals, whether of an educational nature or not, or the sale of any goods, wares or merchandise, or contracts for repairs, renovations or other work or like nature, either on his own behalf or as an agent for another, from door to door within the District of Sooke;

**Home Based Business** means a Business carried on as a home occupation, accommodation rental, business, craft or profession conducted for revenue generation, which is clearly incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling unit;

**Intermunicipal Business Licence Agreement** means the agreement attached to and forming part of Bylaw No. 46, *Intermunicipal Business Licence Agreement Bylaw* and amendments;

**Intermunicipal Licence** means a business licence issued by the Licence Inspector of the District of Sooke or another participating Municipality, to carry on business within the boundaries of any participating municipality, and issued pursuant to the Greater Victoria Intermunicipal Business Licence Agreement;

**Licence** means a licence to carry on business in the District of Sooke issued pursuant to this bylaw;

**Licence Inspector** means a person appointed by Council to serve as the Licence Inspector for the District of Sooke and also any duly authorized representative lawfully acting in that capacity;

**Participating Municipality** means a municipality which is a party to the Intermunicipal Business Licence Agreement and standardization of Business Licence fees;

**Peddler** means a person who offers for sale along the street or on any predetermined route of regular customers, any fresh produce, dairy food, confections, fish and kitchenwares;

**Person** shall include a corporation, partnership, proprietorship, firm and the personal or other legal representative of a person to whom the context may apply under this bylaw;

**Resident Business** means a business carried on, in or from premises within District of Sooke;

**Non-Resident Business** means a business, other than a resident business, carried on within the District of Sooke or with respect to which any work or service is performed within the District of Sooke.

**Street Market** means a seasonal market held on property zoned for that purpose as regulated by the Sooke Zoning Bylaw, at which a Business may display and sell wares and services with a valid Business License issued by the District of Sooke.

**Trade Qualification** means written evidence that a person has completed an apprenticeship or is certified for a specific trade with the Ministry of Advanced Education, Training and Technology

3. (a) Subject to the applicable section of the *Community Charter*, no person shall carry on within the District of Sooke, any business unless he or she is the holder of a valid and subsisting Licence issued to him or her under this bylaw by the Licence Inspector, or a valid and subsisting Intermunicipal Licence, and shall pay in advance therefore to the District of Sooke the Licence fee specified in Schedule A attached hereto and made part of this bylaw and it shall be incumbent upon each person to renew such licence prior to the beginning of each licencing period as long as such business is being carried on. Those categories of Businesses set out in Schedule A to this bylaw are established as categories of Businesses for the purposes of this bylaw.

(b) Notwithstanding Section 3(a), no Licence is required for:

- (i) any performance, concert, exhibition or entertainment; or
- (ii) community events that utilize municipal property or facilities or the Elementary and Secondary Schools.

the entire proceeds of which, above actual expenses, are devoted to any charitable purpose;

c) With written approval from the District of Sooke, a person or business may operate on municipal property, including but not limited to wharf facilities, parks, boulevards, streets and roads. Any person or business seeking a licence to conduct business on municipal property must obtain liability insurance in the amount of Two Million Dollars (\$2,000,000.00) for personal injury, death and property damage; as well as (if applicable) vehicle insurance. The liability insurance must contain a clause indemnifying the District of Sooke from liability in the event of injury or damage being done to any person or property as a result of any activity of the business, and contain a clause that the insurance cannot be terminated without a thirty day notification of such to the District of Sooke. Proof of such insurance must be submitted to the satisfaction of the Director of Finance or Licence Inspector prior to the granting of a License.

4. The Licence Inspector shall have power to grant issue or transfer licences as hereinafter provided and subject to the provisions of the appropriate sections of the *Community Charter* and amendments thereto.
4. (a) The issuance of a Licence shall not be deemed to be a representation or warranty by the District of Sooke that the Business or proposed Business complies with any or all applicable bylaws or enactments. The Business owner remains responsible to ensure compliance with all bylaws and enactments. (amended by Bylaw No. 394 March 16, 2009)
5. The application for a Licence for the first time shall be in the form or forms prescribed from time to time by the Licence Inspector. The application shall be completed by the owner of the business or his duly authorized agent, provided that in the case of partnerships or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the only authorized agent of all the owners or partners.
- (a) The duly completed application form shall be provided to the Licence Inspector and shall be accompanied by the fee specified in Schedule A to this bylaw.

- (b) The application form may be accompanied by appropriate plans and layouts of the resident business indicating Building Code and bylaw compliance and square footage.
  - (c) The Licence Inspector is hereby authorized to modify the forms prescribed, or any of the administrative procedures prescribed as deemed necessary by him when dealing with any owner applying for licences for more than one business.
- 6. Any person applying for a Business Licence in an occupation that is within the jurisdiction of the *Ministry of Advanced Education, Training and Technology* must present proof of Trade Qualification at the time of application.
- 7. An application for a Licence to carry on a type of business listed in Schedule B shall be treated as an application for an Intermunicipal Business Licence and the Licence Inspector shall only issue an Intermunicipal Business Licence in respect of such business if its principal office is located in the District of Sooke.
- 8. All Intermunicipal Business Licences issued by the participating municipalities are subject to all bylaws within the jurisdiction in which they are working.
- 9.
  - (a) Except as hereinafter provided, licences issued hereunder shall be annual Licences for the period January 1st to December 31st in each and every year, and no proportionate reduction shall be made on account of any person commencing or ceasing to do business at any particular time, PROVIDED HOWEVER that the Licence fee prescribed shall be reduced by one-half in respect of a person who becomes liable to be licenced after the thirty-first day of July in any year.
  - (b) A Business Licence must be prominently displayed in the sales or reception area of a premise to which the public has access. A business that holds an Intermunicipal Business Licence must at all times keep its Business Licence or legible copy thereof.
  - (c) The period for a Licence with respect to a craft fair, exhibition or other itinerant show or entertainment shall be one day when held elsewhere than in a licenced theatre or other licenced place.
  - (d) A Licence for a street market is valid for the year in which the licence is issued and is not subject to a half-year fee if purchased after the thirty-

first day of July in any one year and application shall be for a regular Commercial Licence.

10. (a) No person shall carry on a Resident Business in or from any premises in the District of Sooke other than those specified on a valid and subsisting Business Licence.
- (b) A separate Business Licence shall be obtained in respect of each premise in or from which a Business is carried on.
- (c) No person shall change his place of Business without first obtaining a transfer of his Licence in respect thereto and the particulars of such transfer shall be endorsed on the Licence by the Licence Inspector.
- (d) No person, being the holder of a Non-Resident Business Licence, shall carry on such business in or from premises located within the District of Sooke.
- (e) No person or occupier of a property shall conduct more than three garage sales within one calendar year without first obtaining a Business License. Each such sale shall be not longer than 3 consecutive days.
11. Every Licence shall be considered as a personal licence to the licensee and shall not be transferable to any other person, without approval from the Licence Inspector.
12. The Licence Inspector shall have the power to refuse, suspend or cancel a Licence subject to the provisions of the Act.
13. The Licence Inspector, Building Inspector or Official, Fire Chief, Bylaw Enforcement Officer or any appointed officer of the District of Sooke are hereby authorized to enter at all reasonable times, any house, premise, vehicle or other place in respect of which a licence has been applied for or granted pursuant to this Bylaw, to ascertain whether the regulations and provisions of this, or any other Bylaw or amendments thereto relating to business in the District of Sooke are being observed.
14. The Licence Inspector, Building Inspector or Official, Fire Chief, Bylaw Enforcement Officer or any appointed officer of the District of Sooke are designated to enforce this bylaw pursuant to section 264(1)(b) of the *Community Charter*.
15. Every person who contravenes any provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$10,000.00.



16. If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.
17. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
18. The words or expressions set forth in Column 1 of Schedule C of this bylaw are authorized pursuant to section 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
19. The amounts appearing in Column 3 of Schedule C of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.
20. If a portion of this Bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, the invalid portion shall be severed and the validity of the remainder shall not be affected.
21. This bylaw shall come into effect on January 1, 2008.
22. Bylaw No. 45, *Intermunicipal Business Licence Bylaw* is hereby repealed on January 1, 2008 except insofar as it repeals any other bylaw.

Introduced and read a first time the 13<sup>th</sup> day of August, 2007.

Read a second time the 13<sup>th</sup> day of August, 2007.

Notice pursuant to section 59 of the *Community Charter* given the 5<sup>th</sup> day of September, 2007.

Public Information Meeting the 10<sup>th</sup> day of September, 2007

Read a third time the 9<sup>th</sup> day of October, 2007.

Adopted on the 15<sup>th</sup> day of October, 2007.

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Janet Evans  
Mayor

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Evan Parliament  
Chief Administrative Officer

## **SCHEDULE A**

### **Business Categories and Fees**

<b>Category</b>	<b>Licence Fee</b>
1. Home Based	\$ 50.00
2. Intermunicipal	\$100.00
3. Commercial - <i>Small</i> (464.5 sq.m./5,000 sq.ft.) or less of gross floor area of buildings used for business	\$125.00
4. Commercial - <i>Large</i> (more than 464.5 sq.m./5,000 sq.ft.) of gross floor area of buildings used for business	\$250.00
5. Non-Resident	\$100.00
6. Daily - per day	\$ 50.00
7. Direct Seller	\$ 50.00
8. Peddler	\$ 50.00

## **SCHEDULE B**

### **Intermunicipal Business Categories** *(Includes but not limited to)*

Catering	Handyman Service	Pet Grooming - Mobile
Cleaning Service	Hauling Service	Photographer
Contractor -All Types	Inspection Service	Pickup/Delivery Service
Courier Service	Janitorial Service	Repair Service
Development Company	Limousine Service	Restoration Service
Diver	Locksmith	Security Service
Entertainment Company	Manufacturers Agent	Taxi Service
Fuel Dealer	Mechanic - Mobile	Towing Service
Guide Service	Personal Service	Trucking Service
Hairdresser/Barber - Mobile	Pest Control	
	Pet Sitter	

**SCHEDULE C**

**Municipal Ticket Information Designations**

<b>Offence</b>	<b>Bylaw Section No.</b>	<b>Fine</b>
No business licence	3.	Fine equal to double the applicable licence fee
Operating in contravention of Business Licence	10(a)	\$200.00
Failure to notify change of business address	10(c)	\$50.00
Operating under a non-resident Business Licence	10(d)	\$100.00



## TEMPORARY COMMERCIAL/INDUSTRIAL USE PERMIT

**\*\* Applicants are advised to consult with Planning Staff before submitting an application.**

This application is submitted for the following:

☐ Temporary Commercial Use Permit

☐ Temporary Industrial Use Permit

### DESCRIPTION OF PROPERTY

Street Address: \_\_\_\_\_

Legal Description: Lot \_\_\_\_ Block \_\_\_\_ Section \_\_\_\_ Plan \_\_\_\_ Except \_\_\_\_\_

Property Size: \_\_\_\_\_

### APPLICANT'S CONTACT INFORMATION - Please print clearly

<input type="checkbox"/> Check if APPLICANT is the sole OWNER, if not complete <i>Owner's Authorization Form</i> - attached			
Name _____			
Address _____	City _____	Province _____	Postal Code _____
Email _____	Tel _____	Cell _____	Fax _____

### DESCRIPTION OF PROPOSED USE: (Attach a separate page if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## PROPERTY DETAILS

Current Zoning: \_\_\_\_\_ Current OCP Designation: \_\_\_\_\_

Adjacent Land Uses: N \_\_\_\_\_ S \_\_\_\_\_ E \_\_\_\_\_ W \_\_\_\_\_

Proposed Timing of Use? \_\_\_\_\_

Within 800m of an intersection on Sooke Road or West Coast Road? \_\_\_\_\_

Adjacent to the ALR? \_\_\_\_\_

Other enactments of the District of Sooke, the Province of British Columbia and the Government of Canada may apply to development affected by this bylaw. Applicants should satisfy themselves that all regulatory requirements affecting their proposal are met.

**FREEDOM OF INFORMATION NOTICE:** Personal information contained on this form is collected under the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of processing this application and for municipal statistics. Enquiries about the collection or use of information on this form may be directed to the Deputy Clerk.

## FEES

	Application Fee	Fee per Public Hearing
Temporary Use Permit	\$500	+\$1,200
Preparation of covenant or other legal document required under bylaw	+actual cost plus \$100 per document	
Covenant or legal document amendment	\$200 per document	

## INFORMATION REQUIREMENTS

Required	May be Required by District Staff
<p><b>A. STATE OF TITLE CERTIFICATE</b> – Dated within 30 days of the application and include copies of all non-financial charges on title (ie. covenants, easements, right-of-ways, etc.).</p> <p><b>B. SITE PLAN</b> – Three copies drawn to scale (metric), and one reduced 8.5" x 11" Site Plan, showing:</p> <ul style="list-style-type: none"> <li>• Civic address and legal description</li> <li>• Lot area</li> <li>• Existing roads and access locations &amp; dimensions</li> <li>• Existing and proposed buildings &amp; dimensions</li> <li>• Proposed building elevations (if applicable)</li> <li>• Location of temporary use</li> <li>• Existing and proposed parking, landscaping, signage and lighting</li> <li>• Location of watercourses, steep slopes and statutory right-of-ways</li> <li>• Scale bar and north arrow</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Archaeology Study</li> <li><input type="checkbox"/> Traffic Study</li> <li><input type="checkbox"/> Ecological Study</li> <li><input type="checkbox"/> Contour Plan</li> <li><input type="checkbox"/> Stormwater management plan</li> <li><input type="checkbox"/> QEP report</li> <li><input type="checkbox"/> Geotechnical Assessment</li> <li><input type="checkbox"/> Other (description below)</li> </ul>

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## OWNER'S AUTHORIZATION FORM

All property owners registered on the Certificate of Title must provide written approval to allow the APPLICANT to act on their behalf.

\_\_\_\_\_, is hereby authorized to act as my agent for the purpose of \_\_\_\_\_, located at:

Street Address: \_\_\_\_\_  
Legal Description: Lot \_\_\_\_ Block \_\_\_\_ Section \_\_\_\_ Plan \_\_\_\_\_ Except \_\_\_\_\_

### REGISTERED OWNER 1

Name of Registered Owner: \_\_\_\_\_  
Signature of Registered Owner: \_\_\_\_\_  
Date: \_\_\_\_\_

### REGISTERED OWNER 2

Name of Registered Owner: \_\_\_\_\_  
Signature of Registered Owner: \_\_\_\_\_  
Date: \_\_\_\_\_

### REGISTERED OWNER 3

Name of Registered Owner: \_\_\_\_\_  
Signature of Registered Owner: \_\_\_\_\_  
Date: \_\_\_\_\_

### REGISTERED OWNER 4

Name of Registered Owner: \_\_\_\_\_  
Signature of Registered Owner: \_\_\_\_\_  
Date: \_\_\_\_\_

Other enactments of the District of Sooke, the Province of British Columbia and the Government of Canada may apply to development affected by this bylaw. Applicants should satisfy themselves that all regulatory requirements affecting their proposal are met.