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**Public Hearing
Information Package**

October 13, 2020 at 7:00 pm
Sooke Council Chambers
2225 Otter Point Road, Sooke, BC

2084 Ludlow Road

Proposed Bylaw:	Bylaw No. 790, <i>Zoning Amendment Bylaw (600-79)</i>
Zoning Amendment:	The purpose of Bylaw No. 790, <i>Zoning Amendment Bylaw (600-79)</i> is to rezone 2084 Ludlow Road, a 1.25-acre property from Rural Residential (RU4) to Neighborhood Rural Residential (RU5) for the purposes of creating one new lot approximately 2500 m ² in size.

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

Printed September 30, 2020



Notice of Public Hearing

The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the *Local Government Act* in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Tuesday, October 13, 2020** commencing at 7:00 pm with regard to the following proposed Bylaw.

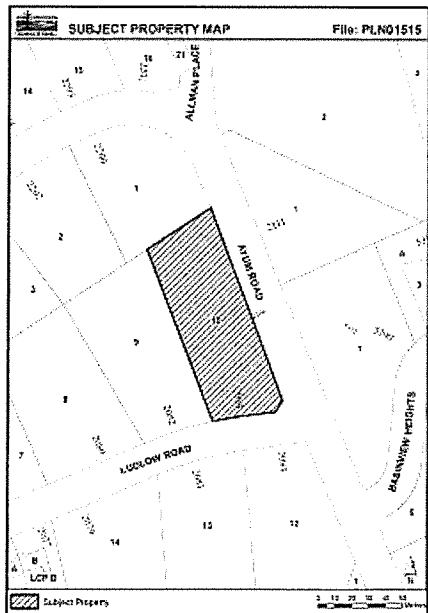
Application Information:

Bylaw: Bylaw No. 790, *Zoning Amendment Bylaw (600-79)*
File No: PLN01515
Civic Address: 2084 Ludlow Road (shown outlined in black and hatched on the attached subject Property map)
Legal Description: Lot 10, Sections 53 and 63, Sooke District, Plan 46153
Applicant: Theo Hateley

Proposal: The purpose of Bylaw No. 790, *Zoning Amendment Bylaw (600-79)* is to rezone 2084 Ludlow Road, a 1.25-acre property from Rural Residential (RU4) to Neighborhood Rural Residential (RU5) for the purposes of creating one new lot approximately 2500 m² in size.

Further Information:

Copies of the bylaws, 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 a copy can be picked up 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 30, 2020 to and including October 13, 2020.



Public Input:

Due to the current COVID-19 environment, the Province has provided local governments directive in the form of Ministerial Order M192 enabling Councils to hold an electronic Public Hearing. The District is moving forward as per the Provincial directive and will be holding an electronic Public Hearing for these bylaw amendments.

The electronic Public Hearing will follow the same format as an in-person Public Hearing. Public access to Council Chambers is not permitted as physical distancing cannot be achieved for unknown number of attendees. Meetings may be viewed on the District's live stream webcast at <https://sooke.ca/?p=391>. All persons who believe their interest in property is affected by the proposed bylaw will be given a reasonable opportunity to be heard at the Public Hearing on the matters contained in the proposed bylaw. You may indicate your support or opposition to a Public Hearing item in one of the following ways:

1. Submit written comments to Council

Should you have any concerns or comments you wish to convey to Council, please submit in writing by fax to 250-642-0541, email publichearing@sooke.ca or in person to the Corporate Officer at the District Municipal Offices no later than **Tuesday, October 13, 2020 at 12:00 pm**.

2. Register to Speak Live

You can register to speak live via phone. Once registered, you will be provided with a phone number and instructions to call to join the live meeting. To register to speak live and to receive further instructions, email publichearing@sooke.ca or phone 250-642-1634. The deadline to register to speak live is **Tuesday, October 13, 2020 at 12:00 pm**.

3. Register to Participate Electronically

If you have a webcam and microphone, you can register to participate via a Microsoft Teams Meeting with a valid email address. Once registered, an invitation to participate will be sent to your email. To register to participate electronically, email publichearing@sooke.ca or phone 250-642-1634. The deadline to register to speak live is **Tuesday, October 13 at 12:00 pm**.

Only registered participants will be admitted to the meeting. Please be advised that the opinions you express orally and any 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.

Carolyn Mushata
Corporate Officer



DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 790

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property located at 2084 Ludlow Road from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5).

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

Citation

1. This bylaw is cited as *Zoning Amendment Bylaw No. 790 (600-79), 2020*.
2. The parcel of land legally described as Lot 10, Sections 53 and 63, Sooke District, Plan 46153, is hereby rezoned from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5).
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 14th day of September, 2020.

PUBLIC HEARING held the day of , 20 .

READ a THIRD time the day of , 20.

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

ADOPTED the day of , 20.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

SCHEDULE A





MINUTES
District of Sooke
Regular Council Meeting
September 14, 2020 7:00 PM
Council Chamber
2225 Otter Point Road
Sooke, BC

COUNCIL PRESENT:

Mayor Maja Tait
Councillor Jeff Bateman
Councillor Al Beddows
Councillor Dana Lajeunesse
Councillor Ebony Logins
Councillor Megan McMath
Councillor Tony St-Pierre

STAFF PRESENT:

Norm McInnis, Chief Administrative Officer
Carolyn Mushata, Director of Corporate Services
Raechel Gray, Director of Finance
Matthew Pawlow, Director of Planning (electronic participation)
Jeff Carter, Director of Operations (electronic participation)
Kenn Mount, Director of Community Safety
Laura Hooper, Manager of Parks & Environmental Services (electronic participation)
Patti Rear, Deputy Corporate Officer
Sarah Temple, Corporate Services Assistant

13. BYLAWS

13.1. Bylaw No. 790 (600-79), Zoning Amendment Bylaw, 2020 - 2084 Ludlow Road

The Director of Planning presented a PowerPoint presentation and overview of the proposed zoning amendment. The applicant has applied for rezoning of their 1.25-acre property to create an additional lot that will be used to build a home for a member of the applicant's family. A Development Permit is not required as the proposed subdivision is for less than 4 lots.

Council discussion:

- Desire to see the District's Affordable Housing Policy reviewed.
- Staff responded that as a part of the Official Community Plan review, policy direction on issues such as Affordable Housing will come forth. Complete policy review is likely to happen after completion of the OCP.

2020-238

MOVED by Councillor Jeff Bateman, seconded by Councillor Ebony Logins:

THAT Council give first and second reading to *Zoning Amendment Bylaw No. 790 (600-79), 2020* to amend the zoning on the property located at 2084 Ludlow Road from Rural Residential (RU4) to Neighborhood Rural Residential (RU5), and;

THAT Council schedule the Public Hearing for *Zoning Amendment Bylaw No. 790 (600- 79), 2020* in accordance with Section 466 of the *Local Government Act*.

CARRIED UNANIMOUSLY

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



Zoning Bylaw Amendment - 2084 Ludlow Road

RECOMMENDATION:

That Council give first and second reading to *Zoning Amendment Bylaw No.790 (600-79), 2020* to amend the zoning on the property located at 2084 Ludlow Road from Rural Residential (RU4) to Neighborhood Rural Residential (RU5), and;

That Council schedule the Public Hearing for *Zoning Amendment Bylaw No. 790 (600- 79), 2020* in accordance with Section 466 of the *Local Government Act*.

Report Summary:

The applicant has applied for rezoning of their 1.25 acre (5088 m²) property from Rural Residential (RU4) to Neighborhood Rural Residential (RU5) for the purposes of creating one new lot approximately 2500 m² in size.

Report:

Site Context:

The subject property is approximately 1.25 acre (5088 m²) and is a corner lot adjacent to Ludlow Road (south) and Ayum Road (east). To the north and west of the subject property are rural residential lots with single family dwellings. The applicant would like to subdivide the lot in half to create one new 2500 m² lot with access proposed from Ayum Road. The maximum number of new lots permitted under the RU5 zone for this property is one. There is an existing residence located on the northern portion of the property, also accessed from Ayum Road. Rural Residential is the predominant land use within the surrounding area. There are no environmentally sensitive areas on-site.

Official Community Plan, 2010 (OCP)

The subject property is designated Gateway Residential in the Official Community Plan. Although the Gateway Residential area is within the growth area, the type of development targeted is low density infill while preserving the rural character of the area.

5.2 Gateway Residential

5.2.2 Objectives

- (a) Provide a range of high quality housing types, tenures and low densities, which can meet the diverse needs of, and attract, individuals and families of varying income levels and demographics;
- (b) Provide affordable and attainable housing opportunities, to meet the needs of various age groups, family types, lifestyles and income groups;
- (d) Provide the most efficient use of land and existing physical infrastructure in terms of infill;
- (e) Not support the creation of lots less than 2500 m²;

- (f) Deter single family residential sprawl outside the Community Growth Boundary;
- (g) Primarily concentrate new residential development in existing areas or neighbourhoods prior to expanding into new areas;
- (j) Reduce the impact on the natural environment and avoid hazardous land conditions and environmentally sensitive area

The proposed zoning amendment meets the above objectives of the Gateway Residential designation. The applicant has applied to rezone to RU5 where the minimum lot size for subdivision purposes is 2500 m². The new lot proposed will provide low density infill while preserving the rural character of the surrounding neighborhood, and an affordable housing opportunity will be provided for the owner's family. The application falls within the Community Growth Boundary.

Section 7.2.2(b) subdivisions creating four or fewer lots is exempt from the Development Permit process. In this case the applicant is anticipating the creation of one new lot and a development permit would not be required.

Affordable Housing

Section 4.7.3 Policies (f) requires that a minimum of 10% of the total of any proposed bare land or strata single family residential subdivisions are affordable housing lots as defined by the District of Sooke. Affordable single family lots shall be sold at an affordable rate through tools such as covenants and housing agreements; (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.

Under action items in Section 4.7.4 (h) and (j) state that we must require affordable housing for residential developments and require 10% (rounded up) of the total number of any single-family proposed subdivision (lots) and spec-built subdivisions as affordable residential lots and/or affordable single family homes respectively as defined by the District of Sooke.

As quoted in previous staff reports, in the neighbouring community of the City of Langford, cash contributions required per Affordable Housing and Amenity Contribution Policy is \$1000 single family equivalent for developments creating 15 lots or less. Cash in lieu amount is not formally defined by our policies but over the past year, for properties rezoning to neighborhood rural residential (RU5), applicants have volunteered contributions of \$3,000 per new lot created. It's important to note that these past contributions were for properties with subdivision proposals for 5 or more lots.

In the applicant's affordable housing rationale, the importance of affordable housing is acknowledged. An affordable housing contribution was not proposed by the applicant for the following reason: the subdivision of the lot is not a commercial venture as the new lot will provide a home for a member of the owner's family so that the family "can continue living within the community that our family has lived for five generations." See Attachment 2 for the applicant's affordable housing rationale.

Sooke Zoning Bylaw, 2013:

The applicant is proposing to amend the zoning at 2084 Ludlow Road from RU4 to RU5. The key differences between the two zones are outlined in the table below. A detailed review of Zoning Bylaw requirements will occur at time of Building permit.

	Rural Residential (RU4)	Neighbourhood Rural Residential (RU5)
Minimum Lot Size for Subdivision Purposes	1 hectare (10,000m ²)	2500m ²
Minimum Width for Subdivision Purposes	15 m	15 m
Maximum Lot Coverage	30%	25%
Minimum Average Width of the Principal Building	N/A	7m, excluding accessory porches, sheds, garages and carports

Site Servicing

The RU5 zone requires a site specific analysis of the soils for properties outside the Sewer Specified Area (SSA). The analysis determines suitable soil conditions for an on-site sewage system. A site plan showing the location of test holes and a soil log summary are contained within the report. See attachment 3 for the soil conditions report. Island Health has stated no objections to the rezoning provided that they are referred to during the subdivision process to ensure the applicant meets the minimum requirements for subdivision standards.

No objections or concerns were received from referral agencies. See attachment 4 for the referral comment summary.

The application meets the requirements of the District of Sooke policies and bylaws and staff recommends first and second reading as per the attached bylaw.

Attached Documents:

[Attachment 1 PLN01515 Subject Property Map Ortho](#)

[Attachment 2 Applicant's rezoning and affordable housing rationale](#)

[Attachment 3 conceptual site plan with soil conditions](#)

[Attachment 4 Referral Comment Summary](#)

[Attachment 5 Zoning Amendment Bylaw No. 790 \(600-79\)- Ludlow Road](#)

Approved by

Matthew Pawlow, Director of Planning & Development

Carolyn Mushata, Corporate Officer

Norm McInnis, Chief Administrative Officer

Approved - 08 Sep 2020

Approved - 08 Sep 2020

Approved - 09 Sep 2020



SUBJECT PROPERTY MAP

File: PLN01515



Subject Property

0 10 20 30 40 50
Metres

- 1.) I want to re-zone the property @2084 Ludlow rd to RU5, so I can subdivide the property for the purpose of ultimately building a rancher for my daughter and her young family.
- 2.) The proposed rezoning (to RU5) and concluding subdivided lot would result in two lots exceeding the minimum lot size of 2500M2 as stated in the 'Gateway Residential' objectives (5.2.2 OCP) This proposed lot conforms with the Gateway Residential 'goals', 'objectives' & 'policies' of the current the OCP.
- 3.) The surrounding neighborhood has 4lots that appear to have become strata in recent time - Examples;. 2075 Ludlow A=2422 M2, B=2636 M2 & 2209 Ayum 1=2076M2 & 1968M2.
- 4.) 565 Shepard way has been rezoned RU5 and is within Gateway Residential.
- 5.) The rural residential character of the area will be maintained with minimal environmental impact. Currently the two prevailing species on the property are non-native blackberry & scotch broom. The property currently has no trees. Removing the current overgrowth of non-native vegetation will mitigate the current brush fire hazard.
- 6.) The said property has good road access including multiple driveway option locations.

To whom this may concern,

I recognize the importance of affordable housing and varied economic demographics within communities. The said property does not merit contributing 10% of the net land as this would result in the proposed lots being less than required for subdividing. My plan is to build an affordable house for my family so we can continue living within the community that our family has lived for five generations.

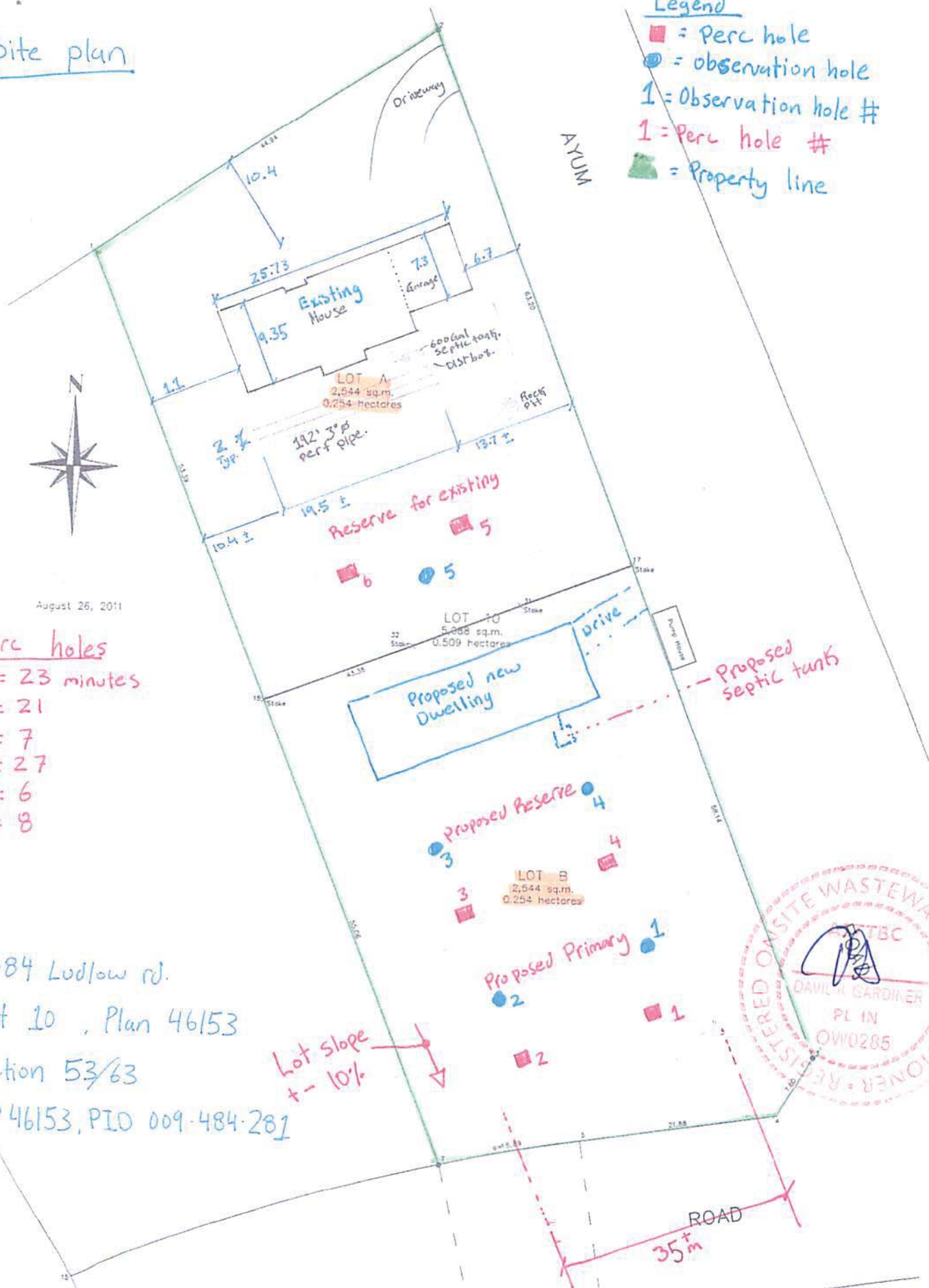
With respect to OCP policies 4.7.3 (f)&(g) I understand these 'policies' are geared towards developers and not a single lot that is not being built and sold as a business enterprise. Moreover, considering the OCP is a guidance document only and the Amenity Contribution Policy was repealed in 2017, I understand the "cash in lieu payment" towards the 'housing reserve fund' for re-zoning purposes to be a suggestion only and not a required contribution.

With respect,
Theo Hateley
July,15/2020

Site plan

Legend

- = Perc hole
- = observation hole
- 1 = Observation hole #
- 1 = Perc hole #
- ▲ = Property line



August 26, 2011

Perc holes

- 1 = 23 minutes
- 2 = 21
- 3 = 7
- 4 = 27
- 5 = 6
- 6 = 8

2084 Ludlow rd.

Lot 10, Plan 46153

Section 53/63

VIP 46153, PID 009-484-281

Lot slope
± 10%



SUMMARY OF COMMENTS RECEIVED
IN RESPONSE TO DISTRICT OF SOOKE REFERRAL



File: PLN01515 2084 Ludlow
Date Sent: July 23, 2020
Deadline: August 14, 2020

EXTERNAL REFERRALS	
Agency	Comments
BC Hydro	<p>Response received July 27, 2020.</p> <p>Hello Tara, BC Hydro has no objection in principle to the proposed rezoning and subdivision. For new electrical service please contact the Electric Service Coordination Centre at 1-877-520-1355.</p>
Island Health	<p>Response received August 7, 2020.</p> <p>I have no objections to this rezoning proposal provided Island Health is referred to during the subdivision process to ensure the applicant meets the minimum requirements in our Subdivision Standards.</p>
Beecher Bay	No response
Capital Regional District Water, Parks & Environmental Services	<p>Response received August 6, 2020</p> <p>See attached</p>
RCMP	<p>Response received August 23, 2020</p> <p>No issues</p>
School District #62	<p>Response received July 27, 2020.</p> <p>No concerns</p>
Fortis BC	<p>Response received July 24, 2020</p> <p>We have reviewed the documents and do not make note of any conflicts as there is no existing gas plant in that area.</p>
Ministry of Transportation & Infrastructure	<p>Response received August 7, 2020</p> <p>Please consider this the official response from the Ministry of Transportation and Infrastructure regarding the proposed rezoning of 2084 Ludlow Road from Rural Residential (RU4) to Neighbourhood Residential (RU5) to allow for the eventual subdivision and development of the property.</p> <p>The Ministry has no objection to the proposal proceeding as presented.</p>

Archaeology Branch	<p>Response received August 6, 2020</p> <p>Results of Provincial Archaeological Inventory Search According to Provincial records, there are no known archaeological sites recorded on the subject property.</p> <p>Archaeological potential modelling indicates a small area with high potential to contain a previously unidentified archaeological site at the south end of the property (shown as the brown area on the screenshot below). However, the Archaeology Branch has reviewed this instance of modelled archaeological potential and concludes that it is likely an anomaly and/or not representative of actual archaeological potential.</p> <p>Archaeology Branch Advice The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this information request.</p> <p>Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) that if archaeological material is encountered during development, they must stop all activities immediately and contact the Archaeology Branch for direction at 250-953-3334.</p> <p>Rationale and Supplemental Information</p> <ul style="list-style-type: none"> • Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site. • There is always a possibility for previously unidentified archaeological sites to exist on the property. • Archaeological sites are protected under the <i>Heritage Conservation Act</i> and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
INTERNAL	
Development Services	<p>Operations No site-specific concerns Must conform to Subdivision and Development Standards Bylaw No. 404</p> <p>Subdivision No concerns</p> <p>Planning No concerns</p>

Building	No concerns
Fire	The Fire Dept has reviewed and has no comments or concerns at this stage

August 4, 2020

File: 3360-20-JDFSK-20-011
Your File: PLN01515

via e-mail

Ms. Tara Johnson
District of Sooke
2205 Otter Point Road
Sooke, BC V9Z 1J2

Dear Ms. Johnson:

RE: PROPOSED REZONING OF LOT 10, SECTIONS 53 AND 63, SOOKE DISTRICT, PLAN 46153 (2084 LUDLOW ROAD)

Thank you for your rezoning referral received July 23, 2020, which requests that we examine the above mentioned proposal with regard to the water supply regulations and policies of the Capital Regional District (CRD) Integrated Water Services as established for the Juan de Fuca Water Distribution Commission.

Community piped water can be supplied to this proposed development provided that the Owner(s) is prepared to pay the necessary costs and fees as authorized under CRD Bylaw No. 4190, for the supply and installation of a water distribution system capable of meeting all domestic and fire flow requirements, designed in accordance with CRD Specifications and Standard Drawings.

The existing property is presently serviced with water by a 19mm (3/4") water service located at the property frontage of proposed Lot A on Ayum Road. The Owner(s) pays all applicable connection fees for a new water service connection for proposed Lot B.

The Owner(s) shall be responsible for all additional or extraordinary costs for any procedure deemed necessary by the CRD for the installation of the water service connections noted above. Procedures requiring additional costs may include, but are not limited to the following:

- Auguring or boring under the pavement where the authority having jurisdiction will not grant permission to open cut the pavement.
- Cutting and restoration of pavement in excess of a width of 11m; or where the authority having jurisdiction requires asphalt restoration of a thickness in excess of 100mm; or for a width in excess of the trench width.
- Drilling and blasting of rock.
- Archeological monitoring of the excavation site.

IWSS-1714139953-4348



The Owner(s) pays for the supply and installation of a fire hydrant(s), if required, in a location approved by the District of Sooke Fire Department and CRD Integrated Water Services.

The hydraulic computer model maintained by the CRD shows that a fire flow of approximately 4,500 L/min (990 lgpm) with 138 kPa (20 psi) residual pressure is presently available to this subdivision in the water main adjacent to the fire hydrant (SFD087) located at the property frontage of proposed Lot B on Ludlow Road. A fire flow of approximately 3,780 L/min (832 lgpm) with 138 kPa (20 psi) residual pressure is also presently available to this subdivision in the water main adjacent to the fire hydrant (SFD102) located at the northerly property boundary of proposed Lot A on Ayum Road.

Please note that the fire flow stated above does not account for the maximum allowable velocity in the water mains under fire flow conditions permitted by the CRD. Depending on the fire flow requirements of the development, upgrading of the existing water distribution system may be required.

In stating the fire flow available, the CRD expresses no opinion as to the adequacy of the stated fire flow to provide fire protection and if applicable, recommends that the Owner(s) take the appropriate steps to confirm the available fire flow by means of a field hydrant flow test (if required the hydrant flow test will be carried out by CRD staff at the Owner(s) expense). Results of the field hydrant flow test may have to be adjusted to reflect a maximum day demand.

The Owner's Engineer will be required to calculate the fire flow requirements to Fire Underwriters Survey (FUS) standards for the development and confirm in writing to both the CRD and the District of Sooke that the available flow from the CRD system is sufficient. It is recommended the Owner's Engineer contact the District of Sooke to discuss hydrant location and orientation.

If an increase in the level of fire protection is required to meet CRD Engineering Specifications and Standard Drawings, FUS or to meet the requirements of the District of Sooke, the Owner(s) would be responsible for all costs associated with designing and upgrading the distribution system to the extent necessary to provide the required flows.

Depending on the intended use of the property, a Development Cost Charge may apply to the new lot created by this subdivision.

This letter is for the purpose of providing you with information regarding the services available from the CRD, and should not be construed as either approval or rejection of the proposed rezoning by the CRD.

These conditions are valid for 180 days from date of writing. However, if at any time there is a change in legislation, regulations and CRD Bylaw No. 4190, which would cause any of the above conditions to be non-conforming, then the CRD reserves the right to revise any or all of the conditions accordingly, at any time during the 180 day period.

Yours truly,



Joseph Marr, P.Eng.
Acting Senior Manager
Water Infrastructure Operations

Jm:eu

cc: Ian Jesney, Senior Manager, Infrastructure Engineering
Christine Condon, Real Estate Services, Corporate Services
Kenn Mount, Fire Chief, District of Sooke

IWSS-1714139953-4348



DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 790

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property located at 2084 Ludlow Road from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5).

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

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Maja Tait
Mayor

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SCHEDULE A

