



PH-1

**Public Hearing
Information Package**

September 20, 2021, at 7:00 pm

2225 Otter Point Road, Sooke, BC

5627 Woodlands Road

Proposed Bylaw:	<i>Zoning Amendment Bylaw No. 809 (600-85), 2021</i>
Zoning Amendment:	The purpose of <i>Zoning Amendment Bylaw No. 809 (600-85), 2021</i> is to amend the zoning on the property located at 5627 Woodlands Road from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5).

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| 4. Staff report to Council dated July 12, 2021. | 5 |

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

Printed September 7, 2021



Notice of Public Hearing

The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the *Local Government Act* in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday, September 20th, 2021**, at 7:00 pm with regard to the following proposed Bylaw.

Application Information:

Bylaw: Zoning Amendment Bylaw No. 809 (600-85), 2021
File No: PLN01546
City Address: 5627 Woodlands Road
(as shown outlined in black and hatched on the attached subject property map).
Legal Descriptions: LOT 7, BLOCK 12, SECTION 65, SOOKE DISTRICT, PLAN 2434, EXCEPT PART IN PLANS 8511 AND 9312
Applicant: Vincent Collard and Debra Hamilton

Proposal:

The purpose of Zoning Amendment Bylaw No. 809 (600-85) is to amend the zoning on the property located at 5627 Woodlands Road from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5) to accommodate three (3) new parcels (four (4) parcels total).

Further Information:

Copies of the bylaw, supporting written reports and any relevant background documentation may be viewed in the "Public Notices" section of the District of Sooke website www.sooke.ca or 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 **Wednesday, September 8th, 2021** to and including **Monday, September 20th, 2021**.

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 the bylaw amendments and the proposed variance permit.

The electronic Public Hearing will follow the same format as an in-person Public Hearing. Meetings may be viewed on the District's live stream webcast at <https://sooke.ca/livestream>. 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 **Monday, September 20th, 2021 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 **Monday, September 20th, 2021 at 12:00 pm**.

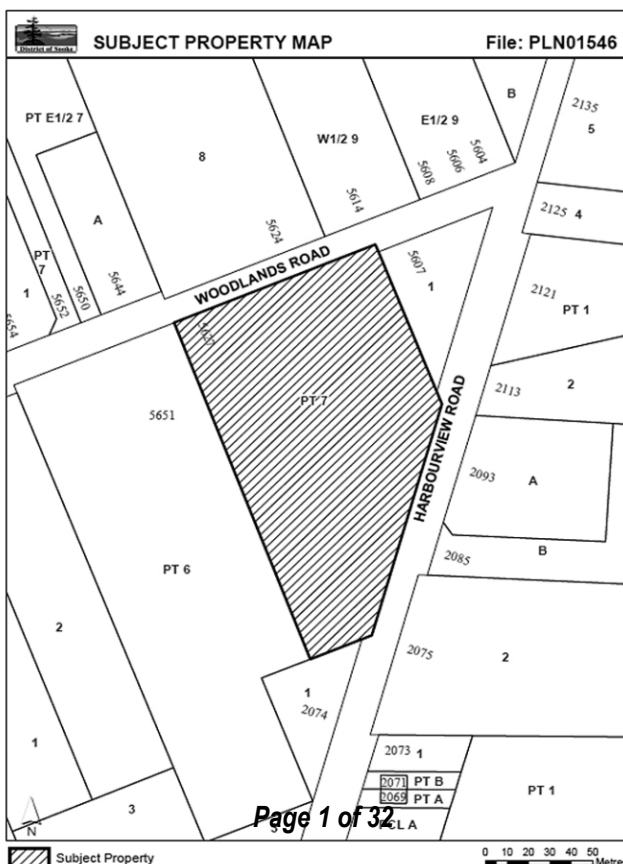
3. Register to Participate Electronically

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 **Monday, September 20th, 2021 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. 809

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property located at 5627 Woodlands Road from Rural Residential (RU4) to Neighborhood Rural Residential (RU5) .

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

1. This bylaw is cited as *Zoning Amendment Bylaw No. 809 (600-85), 2021*.
2. The section of land legally described as *Lot 7, Block 12, Section 65, Sooke District, Plan 2434, Except Part in Plans 8511 and 9312* as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned from Rural Residential (RU4) to Neighborhood 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 12 day of July, 2021.

PUBLIC HEARING held the day of , 2021.

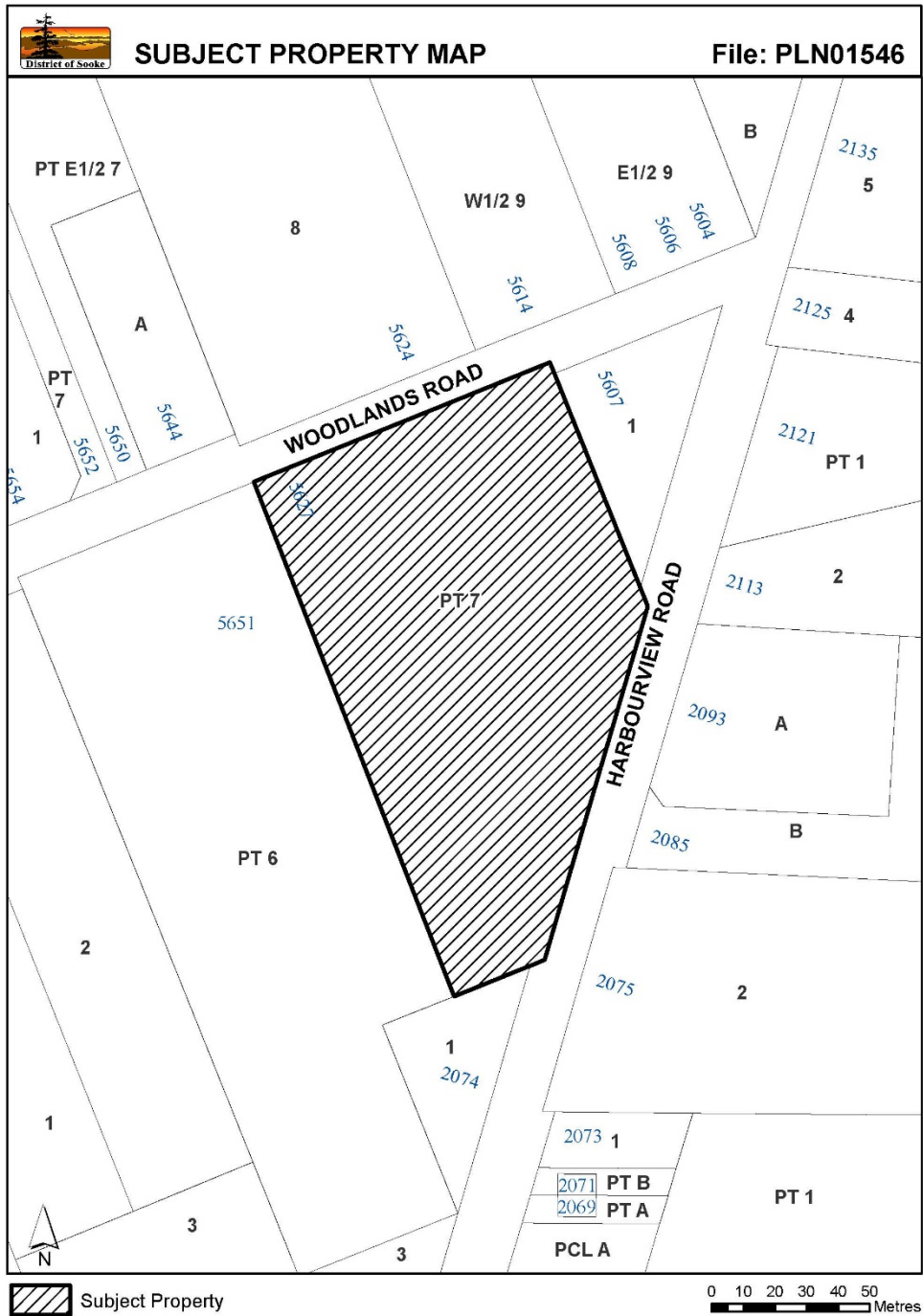
READ a THIRD time the day of , 2021.

APPROVED by Ministry of Transportation and Infrastructure the day of , 2021.

ADOPTED the day of , 2021.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer



12.4. **Zoning Bylaw Amendment Bylaw No. 809 (600-85), 2021 - 5627 Woodlands Road**

The Director of Planning & Development provided an overview of the written staff report to rezone the property located at 5627 Woodlands Road to create four (4) individual lots.

Council discussion:

- The application has been vetted against the current bylaws and the public hearing will be an opportunity for local neighbourhood residents to provide their input on the proposed amendment.

2021-286

MOVED by Councillor Jeff Bateman, seconded by Councillor Al Beddows:

THAT Council give first and second reading to *Zoning Amendment Bylaw No. 809 (600-85), 2021* to amend the zoning on the property located at 5627 Woodlands Road from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5), and;

THAT Council schedule the Public Hearing for *Zoning Amendment Bylaw No. 809 (600-85), 2021* in accordance with Section 466 of the *Local Government Act*;

THAT Council accept cash-in-lieu for the required 5% parkland dedication per section 510 of the *Local Government Act*; and

THAT prior to final adoption of *Zoning Amendment Bylaw No. 809 (600-85), 2021* the owner enter into section 219 Covenants to address housing tenure restrictions, offsite works and servicing requirements, cash-in-lieu in the amount of \$9,000.00 for 10% affordable housing for residential developments and other necessary works and services.

CARRIED UNANIMOUSLY

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

Absent: Councillor Ebony Logins and Councillor Megan McMath



Zoning Bylaw Amendment PLN01546 - 5627 Woodlands Road

RECOMMENDATION:

THAT Council give first and second reading to *Zoning Amendment Bylaw No. 809 (600-85), 2021* to amend the zoning on the property located at 5627 Woodlands Road from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5), and;

THAT Council schedule the Public Hearing for *Zoning Amendment Bylaw No. 809 (600-85), 2021* in accordance with Section 466 of the *Local Government Act*;

AND THAT Council accept cash-in-lieu for the required 5% parkland dedication per section 510 of the *Local Government Act*;

AND THAT prior to final adoption of *Zoning Amendment Bylaw No. 809 (600-85), 2021* the owner enter into section 219 Covenants to address housing tenure restrictions, offsite works and servicing requirements, cash-in-lieu in the amount of \$9,000.00 for 10% affordable housing for residential developments and other necessary works and services.

Report Summary:

The applicant has applied for rezoning of their property located at 5627 Woodlands Road from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5) for the purposes of creating four lots. The current parent parcel is approximately 1.45 ha (14,472 m²) in size. A single family dwelling was previously constructed on the parent lot but was recently demolished.

The proposed three new lots will be 2,500 m² in size, with the remainder lot being 6,000.00 m² in size. Under the RU5 Zone, the remainder lot can be further subdivided in the future. The subject property is within the Gateway Residential land use designation in the Official Community Plan Bylaw No. 400, 2010 (OCP) and is within the identified Community Growth Area. Rezoning of the subject property aligns with the OCP.

Staff recommend Council give first and second reading to *Zoning Amendment Bylaw No. 809 (600-85), 2021*.

Report:

Background

The subject property is a 1.45 ha (14,472 m²) lot located in the North Saseenos neighbourhood of Sooke near one of the main entrances to the Sea to Sea Regional Park on Harbourview Road (see Attachment A). The surrounding neighbourhood is a mix of

rural, residential and agriculture. Generally, the surrounding neighbourhood is treed with clearings for house sites and small agricultural operations.

This rezoning application requests that the subject property be rezoned from RU4 (Rural Residential) to RU5 (Neighbourhood Rural Residential). Rezoning of the subject lot will allow for the permitted lot sizes to be a minimum of 2,500 m² and enable the creation of up to five lots, with four lots being proposed at this time (see Attachment B).

Official Community Plan Bylaw No. 400, 2010

The subject property is designated Gateway Residential in the OCP. This is the area to which low density residential growth will occur. Although this area is categorized as a "growth area" and is located within the identified Community Growth Area, the type of development that is targeted for this area is low density infill. The Gateway Residential land use designation is meant to preserve the rural character of the area and its neighbourhoods while still allowing for some increased density but limiting access along the highway corridor.

Some of the objectives of the Gateway Residential land use designation include:

- Concentrate all new development into existing areas prior to expanding into new ones;
- Providing the most efficient use of the land and existing infrastructure in terms of density infill; and
- Preserve the rural large lot sizes of the existing neighbourhoods and protect the character of the gateway area.

The goals of the Gateway Residential land use designation include encouraging a sustainable mix of small-scale neighbourhood commercial, rural agricultural, single family residential and limited multi-family uses ensuring that future and existing residential development minimizes the impact on municipal infrastructure, and create a target for future growth infill and re-development that complements the area.

The proposed zoning amendment meets the objectives of the Gateway Residential designation (see Attachment C). The new lots proposed will provide low density infill whilst preserving the rural character of the surrounding neighbourhood.

Affordable Housing Contribution

Section 4.7.3 (g) of the OCP considers 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.

Cash-in-lieu amount is not formally defined in our current policies; however, properties rezoning to Neighbourhood Rural Residential (RU5), have applicants volunteering to pay \$3,000.00 per new lot created. Cash contribution for affordable housing is to be secured by a Section 219 Covenant. The applicant has acknowledged the importance of affordable housing and has volunteered to contribute up to \$9,000.00 for the proposed additional three (3) new lots created to the District of Sooke's affordable housing reserve fund. Staff support cash-in-lieu as proposed by the applicant.

Rezoning Amendment Requirements Section 219 Covenant

The applicant is required to register on the Title of the subject property a Section 219 Covenant which addresses the following:

- Road Dedication;
- Rainwater Management;
- No Duplex Units Restriction;
- Protection of the Natural Environment; and
- Landscaping

These requirements have been outlined in the DRAFT Rezoning Amendment Requirements Section 219 Covenant under Schedule "A" Schedule of Restrictions (see Attachment G).

Provision of Park Land Dedication

As per section 510 of the Local Government Act, a 5% land dedication or cash-in-lieu is required for subdivisions creating three or more lots, payable to the District of Sooke. Because the Parks and Trail Master Plan does not make specific recommendations for park acquisition in the vicinity of this property, Staff recommend that Council consider accepting cash-in-lieu of park land dedication. The payment in lieu of park land dedication will be added to the appropriate reserve fund for future park acquisition. Cash in lieu will be determined at the time of Subdivision.

Development Permit for DPA #2

This proposal will require a Development Permit under DPA #2 as it is possible to create a total of five lots. The Development Permit will be considered prior to Subdivision.

Zoning Bylaw No. 600, 2013

The applicant is requesting to amend the current zoning at 5627 Woodlands Road from RU4 to RU5. The key differences between the two zones are outlined in Table 1 below.

Table 1 - RU4 and RU5 Comparison Table

	Rural Residential (RU4)	Neighbourhood Rural Residential (RU5)
Minimum Lot Size for Subdivision Purposes	1 hectare (10,000 m ²)	2,500 m ²
Minimum Lot Size for Subdivision Purposes	15 metres	15 metres
Maximum Lot Coverage	30%	25%
Minimum Average Width of the Principal Building	N/A	7 metres, excluding accessory porches, sheds, garages and carports.

Under the RU5 Zone, the permitted and principal uses include b) One single family dwelling or one manufactured home or one duplex per lot (as shown in the Image below and highlighted in yellow).

105.2 Permitted Uses:

Principal Uses:

- a) Horticulture
- b) One single family dwelling or one manufactured home or one duplex per lot
[Bylaw No. 696 (600-55)]

Accessory Uses:

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

In keeping with the existing form and character of the immediate neighbourhood, consisting of single family dwellings, the applicant has agreed to have a "No Duplex Units" restriction covenant registered on the Certificate of Title for any new lot created through subdivision. The "No Duplex Unit" restriction has been added to the required Zoning Amendment Requirements section 219 Covenant (see Attachment G).

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 onsite sewage system. Island Health has stated that they have no objections to the rezoning amendment application provided that they are referred to during the subdivision stage of development to ensure that the newly created lots are in compliance with the Island Health Subdivision Standards.

Organizational and Intergovernmental Implications

No objections or concerns were received from internal Departments and external Government Agency referrals. For a summary of the referral comments received regarding this application, please see Attachment D.

Applicant Rationale

The proposed subdivision development is keeping with the character of the neighbourhood. The proposed lot sizes of 2,500 m² provide a housing option with a large yard and is located near an Elementary School. Keeping with the vision for the area, the subdivision as currently proposed will take advantage of the natural views and scenery, while creating a welcoming rural aesthetic along Woodlands Road and Harbourview Road in the North Saseenos neighbourhood in Sooke.

Staff Recommendation

The rezoning amendment will allow for low density infill development and the creation of three (3) new lots in the Saseenos neighbourhood. By placing a "No Duplex Unit" restriction of the new lots created by subdivision under the RU5 zone, the existing residential form and character will not be effected by the proposed infill development. The gateway residential land use is the area to which low density infill development will occur, and the proposed zoning bylaw amendment aligns with the policies in the OCP for this land use designation.

The zoning amendment application meets the requirements of the District of Sooke's bylaws and policies. Staff recommends first and second reading to amend the zoning from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5) as per the attached Bylaw and to proceed with scheduling a public hearing allowing for public input on the proposal.

Legal Impacts:

Notifications to adjacent properties for the scheduled Public Hearing will be provided in accordance with Section 499 of the *Local Government Act* and the District of Sooke's Development Application Procedure Policy, 2011 and Development Procedures Bylaw No. 490, 2011.

The applicant is responsible for ensuring all work undertaken complies with the *Heritage Conservation Act*.

Strategic Relevance:

- Build a reputable organization - Continue to manage District assets responsibly with sound financial principles and practices
- Demonstrate leadership in climate action - View municipal decision-making through a 'green' lens
- Manage long-term growth while enhancing community identity, vitality and safety - Develop a regulatory framework to promote more sustainable land use patterns and development practices

Attached Documents:

[Attachment A - Map of Subject Property](#)

[Attachment B - Proposed Subdivision Layout](#)

[Attachment C - Gateway Residential OCP Policy](#)

[Attachment D - Summary of Referral Comments](#)

[Attachment E - DRAFT 809 \(600-85\) Zoning Amendment Bylaw](#)

[Attachment F - DRAFT Affordable Housing Section 219 Covenant](#)

[Attachment G - DRAFT zoning Amendment Requirements Section 219 Covenant](#)

Approved by

Matthew Pawlow, Director of Planning & Development

Carolyn Mushata, Corporate Officer

Norm McInnis, Chief Administrative Officer

Approved - 07 Jul 2021

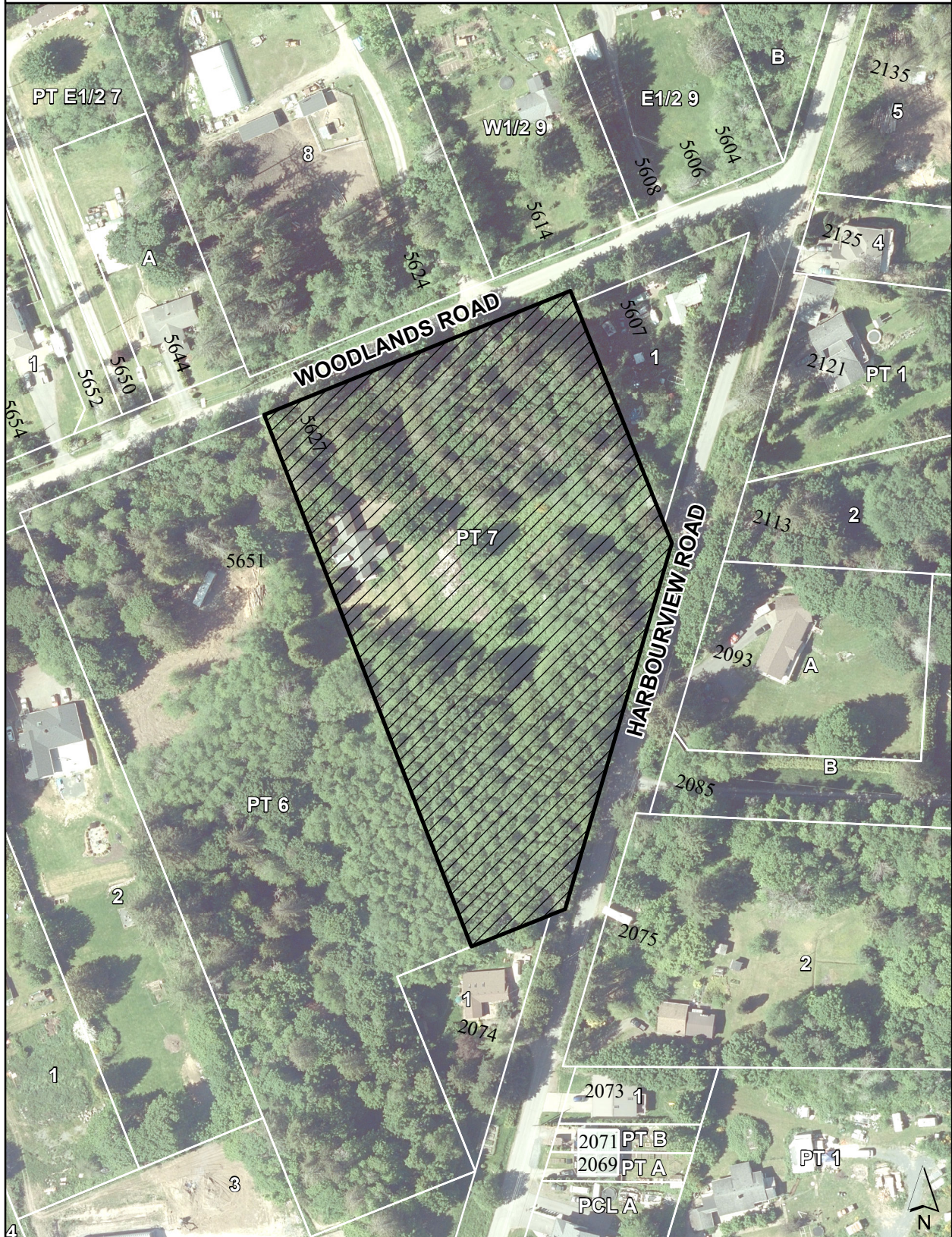
Approved - 07 Jul 2021


Approved - 07 Jul 2021

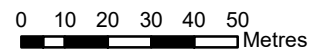


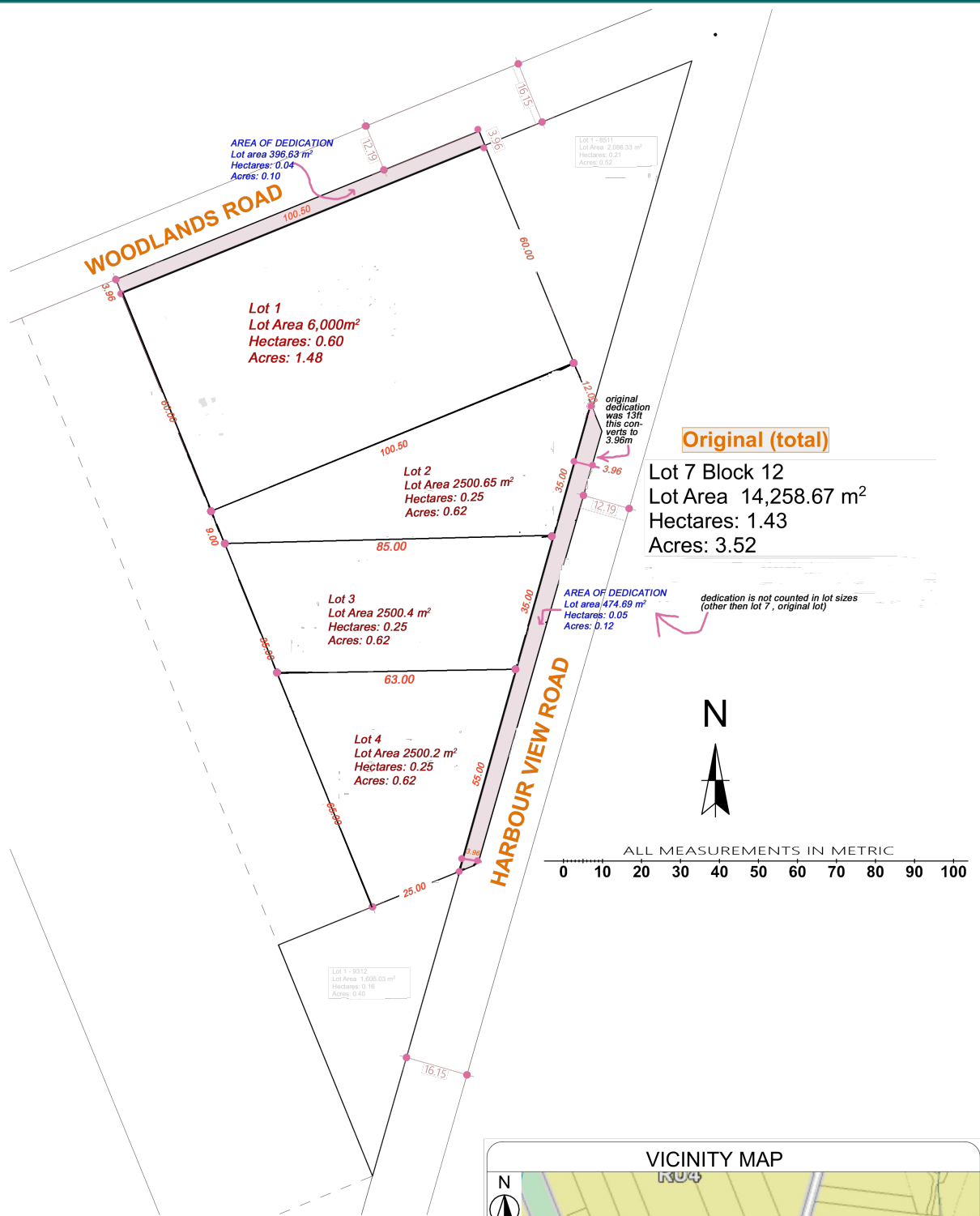
SUBJECT PROPERTY MAP

File: PLN01546



 Subject Property

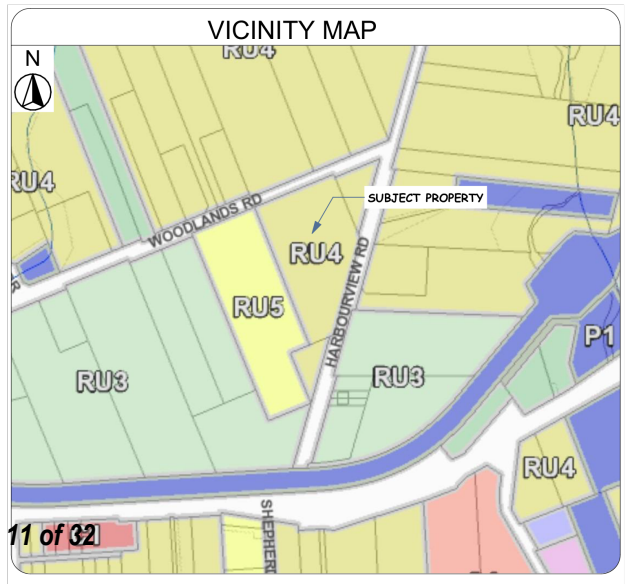




2 Proposed Subdivision 1:1000

PROJECT DATA :

Address: 5627 Woodlands Road
Owner: Vincent Collard
City: Sooke
Zoning : RU-4 Rezone to RU-5
Lot: 7
Plan: VIP2434 excpt VIP8511 & VIP9312
Section: 65
District: Sooke



5.2 GATEWAY RESIDENTIAL

The Gateway Residential designation is the area within which low density residential growth will occur along with some associated neighbourhood appropriate small-scale commercial development. Although this area is categorized as a growth area, the type of development that is targeted for this area is low density infill. This designation is meant to preserve the mixed residential/rural character of the area while still allowing for some increased density but limiting access along the highway corridor. This particular area also requires attention be given to infrastructure upgrades, including Highway 14 but especially to the expansion of the municipal sewer to help eliminate the negative environmental impacts that on-site sewage systems are having on the Sooke Harbour and Basin.

5.2.1 GOALS

- Encourage a sustainable mix of small scale neighbourhood commercial, rural agriculture, single family residential and limited multifamily uses;
- Reduce the environmental impact of non-municipal on-site sewage disposal;
- Ensure future and existing residential development minimizes the impact on municipal infrastructure and Highway 14; and
- Create a target for future growth through infill and re-development that complements the area and involves an arterial gateway to the community.

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;
- c. Promote safety and functionality to land uses adjacent to the main arterial route into town;
- d. Provide the most efficient use of land and existing physical infrastructure in terms of infill;
- e. Not support the creation of lots of less than 2500m²;
- f. Deter single family residential sprawl development outside the Community Growth Boundary (CGB);
- g. Primarily concentrate new residential development in existing areas or neighbourhoods prior to expanding into new areas;
- h. Require safe and formalized pedestrian access to services from all residential areas including connections to amenities and commercial service areas;
- i. Create a more organized, environmentally attractive and aesthetically pleasing entrance to town;
- j. Reduce the impact on the natural environment and avoid hazardous land conditions and environmentally sensitive areas; and

- k. Enhance the character of existing neighbourhoods and protect the character of the gateway area.

5.2.3 POLICIES

- a. Extend and provide municipal sewage infrastructure to the area and consequently connect all required structures, and decommission any and all private septic fields and/or sewage holding tanks whenever possible;
- b. Require safe and efficient access and egress points off Highway 14 (Sooke Road). Combined access points, shared access or shared easements shall be utilized to reduce access points onto Highway 14 (Sooke Road) for new developments or subdivisions;
- c. Require the use of Innovative Development Standards (IDS) within residential subdivisions, where feasible. Parking configurations that require “backing out” onto Highway 14 (Sooke Road) shall not be permitted;
- d. Require development along the waterfront to take advantage of topographic variations;
- e. Hold the preservation and protection of the Sooke Harbour and Basin and foreshore as a priority to any future development;
- f. Permit home-based businesses to operate from residential homes;
- 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;
- h. Require new residential development to take advantage of natural amenities including tree stands, view potential, natural features and view corridors; and
- i. To not support rezoning or subdivision applications for proposed lot sizes of less than 2500m².

5.2.4 ACTION ITEMS

- a. Work with the District of Sooke waste water provider to determine the feasibility and cost to provide municipal sewer service to the area;
- b. Work with the Ministry of Environment and VIHA towards agreement on appropriate on-site sewage disposal options for proposed rezoning and subdivision applications in the area. The agreement will be based upon the recommendations in the District of Sooke Liquid Waste Management Plan and regulated through the Sooke Zoning Bylaw regulations;
- c. Work with MOTI on an ‘Access Management Strategy’ addressing existing accesses on the highway, proposed road improvements, and increasing pedestrian safety and infrastructure within the corridor;
- 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; and
- e. Work with the CRD in regards to the Galloping Goose Sooke Connector conceptual alignment and design for the area. Once the design is complete partner with the CRD and appropriate government agencies and grant organizations towards construction of the trail as a top priority.

5627 Woodlands Road



Application #: PLN01546

Referrals Sent On: November 20th, 2020

Deadline for Comments: December 21st, 2020

The application has been referred to the following groups and agencies for comment.

EXTERNAL REFERRALS	
Name of External Agency	Comments Received from Agency
Shaw Cable and Internet	No comments have been received to date.
Vancouver Island Health Authority (VIHA)	No comments have been received to date.
BC Hydro and Power Authority	BC Hydro have no concerns.
Ministry of Transportation and Infrastructure (MOTI)	No comments have been received to date.
Canada Post, Sooke	No comments have been received to date.
BC Transit	BC Transit have no concerns.
Sc'ianew (Cheanuh) First Nations'	Our comments and /or concerns, would be that should any Archaeological issues arise, that appropriate steps be made and that both T'Sou-ke Nation along with our selves appropriately be consulted.
CRD Integrated Water Services	*Please see attached Letter.
Sooke School District #62	Sooke School District #62 have no concerns.
Fortis BC	Fortis BC have no concerns.
T'Sou-ke First Nation	No comments have been received to date.
Archeological Branch: Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)	According to Provincial records, there is an archaeological site that overlaps the property in the north west corner. DcRv-39 was recorded as a location where several artifacts were collected by a member of the public. The

SUMMARY OF COMMENTS RECEIVED IN RESPONSE TO DISTRICT OF SOOKE REFERRAL

	<p>site has legacy status, meaning that 100% of the site was collected or the site was destroyed, and no more archaeological material remains. The legacy status was assigned because the collecting of artifacts recorded were based on anecdotal evidence and no archaeological materials were actually observed at the site location.</p> <p>There remains a possibility that unknown/unrecorded archaeological deposits could remain in the area described by the site boundary for DcRv-39. Archaeological potential modelling for the area also indicates that there are portions of the property that have high potential to contain unknown/unrecorded archaeological deposits, as indicated by the brown areas shown in the screenshot below.</p> <p>However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the <i>Heritage Conservation Act</i> and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.</p>
<p>RCMP, Sooke Detachment</p>	<p>No comments have been received to date.</p>
<p>Telus Communications</p>	<p>Telus Communications have no concerns.</p> <p>The developer should contact our Development department at 310-4338 or 4DEV@TELUS.com as the development progresses to start the TELUS servicing requirements.</p>
<p>INTERNAL REFERRALS</p>	
<p>DOS Parks and Environmental Services</p>	<p>A rainwater management plan is required to be submitted at the time of Subdivision.</p>

SUMMARY OF COMMENTS RECEIVED IN RESPONSE TO DISTRICT OF SOOKE REFERRAL

	<p>A Sediment and Erosion Control Plan is required to be submitted at the time of Subdivision.</p> <p>A Tree Protection Plan provided by an ISA Certified Arborist is required to be submitted at the time of Subdivision.</p> <p>The Tree Protection Plan included:</p> <ul style="list-style-type: none"> - the location of all existing significant trees (minimum 50cm caliper) -six (6) metre buffer on all property lines (existing and proposed); -location of all existing buildings and or structures on the site; -location of significant topographic and hydrographic features and another pertinent site information which may impact tree health if modified -identified tree protection measurements to be implemented during site development and building construction <p>Provision of Park Land: Parks and Environmental Services recommends that council accept cash in lieu of parkland dedication. Five percent parkland applies to subdivisions creating 3 or more lots.</p>
DOS Operations and Engineering	*Please see attached Letter.
DOS Subdivision	No comments have been received to date.
DOS Building	DOS Building Department have no concerns.
DOS Fire	<p>DOS Fire Department have no concerns.</p> <ul style="list-style-type: none"> - Access from Harbourview Road is expected and should not have issues for emergency access; and

SUMMARY OF COMMENTS RECEIVED IN RESPONSE TO DISTRICT OF SOOKE REFERRAL

	<ul style="list-style-type: none">- Water supply is good with hydrant access.
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December 14, 2020

File: 3360-20-JDFSK-20-016
Your File: PLN01546

via e-mail

Ms. Kasha Janota-Bzowska
District of Sooke
2205 Otter Point Road
Sooke, BC V9Z 1J2

Dear Ms. Janota-Bzowska:

**RE: PROPOSED REZONING OF LOT 7, BLOCK 12, SECTION 65, SOOKE DISTRICT,
PLAN 2434, EXCEPT PART IN PLANS 8511 AND 9312 (5627 WOODLANDS ROAD)**

Thank you for your rezoning referral received November 20, 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 on Woodlands Road. The Owner(s) shall pay all costs to abandon this service if it will not be required for this development. New service connections shall be installed at the frontage of proposed Lots 2-4 on Harbour View Road.

The hydraulic computer model maintained by the CRD shows that a fire flow of 10,000 L/min (2,200 lpm) with 138 kPa (20 psi) residual pressure is presently available to this property in the water main adjacent to the fire hydrant (SFD262) located Harbour View 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 each of the new lots created by this development.

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.
Manager, Water Distribution Engineering and Planning
Infrastructure Engineering
Integrated Water Services

Jm:eu

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



INTERNAL MEMORANDUM

Date: May 4, 2021

File No. PLN01546

To: Kasha Janota-Bzowska, B.A.
Planner I

From: Raphiel Mattson
Lead Engineering
Technologist - Operations

**Re: 5627 Woodlands Road
Rezoning
Engineering Comments**

Listed below is the Engineering Department referral response for the application to rezone the for the property noted above.

General

1. The new development is located within the Suburban area as defined in the District of Sooke Subdivision and Development Standards Bylaw, 2014 (Bylaw 404) and is to be serviced in accordance with Bylaw 404.
2. Provide $\pm 4\text{m}$ road dedication along the full frontage of Woodlands Road and Harbourview Road to match the property lines of neighboring lots.

Surface Improvements

1. Applicant to submit a Traffic Impact Assessment report prior to final approval. Costs related to the design and construction of the offsite road improvements as required and noted in the TIA report are to be borne by the applicant.
2. Construct frontage improvements along Woodlands Road and Harbourview Road as per Bylaw 404, Dwg. No. SDD-R03 complete with 1.0m gravel shoulder, street trees and swale.
3. Boulevards to be landscaped with soil and sod complete with street trees as per Bylaw No. 404.
4. All driveways within public property are to be hard surfaced to the property line.
5. There is no provision in the DCC bylaw for improvements to Harbourview Road.

Rain Water Management

1. A detailed rain water management plan prepared by a Professional Engineer is to be received and accepted by the District prior to building permit issuance.
2. Applicant is to ensure that the swale along the lot frontages remains un-impeded.
3. Stormwater storage complete with overland flow route to be provided on each lot as per bylaw 404 requirements. Design to be submitted at time of building permit application.

INTERNAL MEMORANDUM

Re: 5627 Woodlands Road
Rezoning
Engineering Comments

4. Operation and maintenance manual required for onsite system to be registered on title for ongoing maintenance.

Sanitary Sewer

1. The subject property is outside of the Sewer Specified Area and will not require connection to the municipal system.
2. An onsite septic system(s) is to be designed and constructed to meet all applicable Island Health and provincial requirements/guidelines.

Water Servicing

1. Per the Subdivision and Development Standards Bylaw 404, all lots created by subdivision or being developed and located in areas serviced by a Water Utility must be connected to the Water Utility distribution system.

If you have any questions with regard to the above please do not hesitate to contact the undersigned prior to forwarding these comments to the applicant.

Respectfully submitted,



Raphiel Mattson
Lead Engineering Technologist – Operations

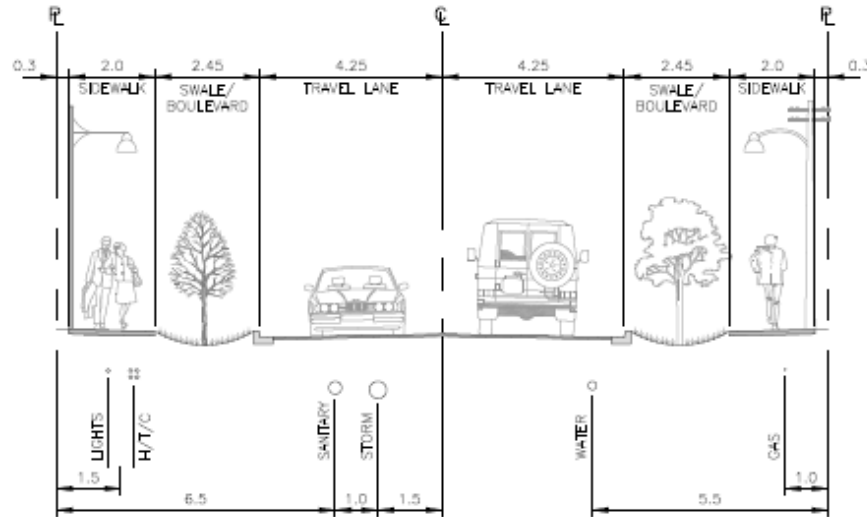
- c. Nikki Zerr, Land Development Technician
Jeff Carter, Director of Operations

INTERNAL MEMORANDUM

Re: 5627 Woodlands Road
Rezoning
Engineering Comments

Bylaw No. 404 - Subdivision and Development Standards

Page 30



NOTES:

1. THIS SECTION IS A TYPICAL MID-BLOCK DESIGN. INTERSECTIONS ARE TO BE DESIGNED INDEPENDENTLY.
2. ALL CONSTRUCTION TO CONFORM TO MMCD SPECIFICATIONS AND DISTRICT OF SOOKE SUPPLEMENTS, AND BYLAWS.
3. TREES AND STREET LIGHTS TO BE STAGGERED ALONG BOTH SIDES OF THE ROAD IN ACCORDANCE WITH ILLUMINATION ENGINEERING STANDARDS.
4. 2.0m SIDEWALK & 1.5m BIKE LANES WHERE REQUIRED PER THE PARKS AND TRAILS MASTER PLAN AND/OR TO MATCH EXISTING.
5. WHERE CURB AND GUTTER IS NOT REQUIRED AS PER THE SERVICING REQUIREMENTS, A 1.0m SHOULDER WILL BE INSTALLED.
6. ORNAMENTAL OR COBRA HEAD STREET LIGHTS AS PER THE SERVICING REQUIREMENTS.
7. ELEMENTS OF THIS SECTION MAY BE RECONFIGURED ON NEW INSTALLATIONS AS ACCEPTED BY THE MUNICIPAL ENGINEER.
8. UTILITIES, OVERHEAD OR UNDERGROUND, AS PER AMBIENT STANDARD.

<p>TITLE</p> <p>SUBURBAN LOCAL</p>	DATE	DRAWN:	<p>District of Sooke</p> <p>DMG No. SDD-R03</p>
	AUGUST 2014		
	SCALE	APPROVED:	
	N.T.S.		



**DISTRICT OF SOOKE
ZONING AMENDMENT
BYLAW NO. 809**

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property located at 5627 Woodlands Road from Rural Residential (RU4) to Neighborhood Rural Residential (RU5) .

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

1. This bylaw is cited as *Zoning Amendment Bylaw No. 809 (600-85), 2021*.
2. The section of land legally described as *Lot 7, Block 12, Section 65, Sooke District, Plan 2434, Except Part in Plans 8511 and 9312* as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned from Rural Residential (RU4) to Neighborhood 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 day of , 2021.

PUBLIC HEARING held the day of , 2021.

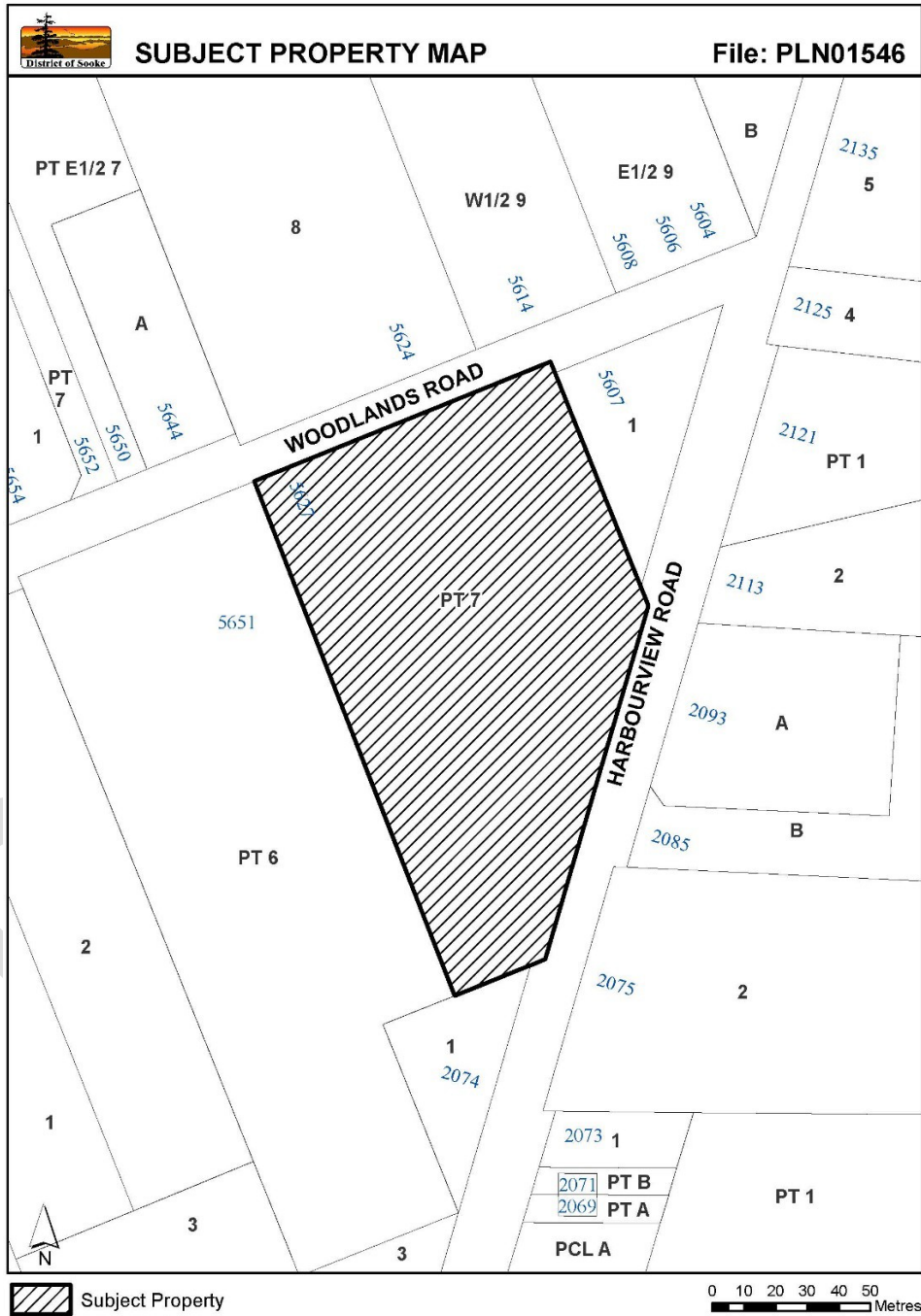
APPROVED by Ministry of Transportation and Infrastructure the day of , 2021.

READ a THIRD time the day of , 2021.

ADOPTED the day of , 2021.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer



TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

THIS AGREEMENT dated for reference is Wednesday, June 30, 2021

BETWEEN:

VINCENT EVEREST COLLARD
DEBRA MICHELLE HAMILTON
#300-1317 Hillside Avenue
Victoria, BC, V8T 2B3

(Hereinafter called the “Covenantor”)

AND:

DISTRICT OF SOOKE
2205 Otter Point Road
Sooke, BC, V9Z 1J2

(Hereinafter called the “Municipality”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of the land in Sooke, British Columbia, legally described as:

Parcel Identifier: 006-449-816

Legal Description: LOT 7, BLOCK 12, SECTION 65, SOOKE DISTRICT, PLAN 2434, EXCEPT PART IN PLANS 8511 AND 9312

(the “Land”);

- B. Section 219 of the *Land Title Act* provides, inter alia, that a covenant, whether of a negative or positive nature, may be registered as a charge against the title, in favour of the Municipality or the Crown, and that the covenant is enforceable against the Covenantor and the successors in title of the Covenantor.
- C. A covenant under Section 219 of the *Land Title Act* may include provisions in respect of the use of land, the use of a building on or to be erected on lands; that land is to be built on in accordance with the covenant, is not to be built on except in accordance with that covenant or is not to be built on; that land is not to be subdivided unless in accordance with the covenant or is not to be subdivided.
- D. The Covenantor agrees that the Land is to not to be built on except in accordance with the provisions in respect of use of land and the terms and conditions herein provided for in this covenant.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT pursuant to Section 219 of the *Land Title Act* and in consideration of the premises, the mutual covenants and agreements contained herein and other good and valuable consideration and the sum of One Dollar (\$1.00) now paid by the Municipality to the Covenantor (the receipt and sufficiency whereof is hereby acknowledged), the parties hereto covenant and agree that the Lands shall not be used or built on except in accordance with this Covenant as follows:

1. THE COVENANTOR COVENANTS AND AGREES with the Municipality that
 - a) No building or structure is to be built on the Land containing a residential use, and the Municipality is not obliged to issue any building permit, in respect of a building on the Land containing a residential use until the owner provides **\$3,000.00** per new lot created to the Housing Reserve Fund, Bylaw No. 259.
2. IT IS MUTUALLY UNDERSTOOD, agreed, and declared by and between the parties hereto that:
 - a) nothing contained or implied herein shall in any way restrict or abrogate and shall not be deemed to restrict or abrogate, the rights and powers of the Municipality in the exercise of its functions under any public and private statutes, by-laws, orders and regulations, in its absolute discretion, and in accordance with its lawful powers and duties;
 - b) the burden of the covenants herein provided for shall run with the Lands and will be personal and binding upon the Covenantor during the Covenantor's seize of or ownership of any interest in the Lands;
 - c) notwithstanding anything to the contrary, the Covenantor shall not be liable under any breach of any covenants and agreements contained herein occurring after the Covenantor ceases to have any further interest in the Lands;
 - d) the Covenantor will deliver, after execution hereof, this Agreement to the Municipality in a form acceptable as a Section 219 Covenant and concurrently such instruments of priority as may be necessary to give this Agreement priority over all financial charges and encumbrances which may have been registered against the title to the Lands at the time of submitting this Agreement for registration in the applicable Land Title Office, save and except those specifically approved in writing by the Municipality or in favour of the Municipality;
 - e) the fee simple estate in and to the Lands will not pass or vest in the Municipality under or by virtue of these presents and the Covenantor may fully use and enjoy the Lands except only for the requirements provided for in this Agreement;
 - f) the Covenantor and its successors and assigns shall at all times indemnify and save harmless the Municipality from and against all claims, demands, actions, suits, loss, costs, fines, penalties, charges, damages and expenses including legal fees and litigation expenses whatsoever which the Municipality may incur, suffer or be put to arising out of or in connection with any breach of any covenant or agreement on the part of the Covenantor contained in this Agreement;

-
- g) the covenants and agreements on the part of the Covenantor and herein provided for have been made by the Covenantor as contractual obligations as well as having been made pursuant to Section 219 and as such will be binding on the Covenantor;
 - h) nothing herein provided for shall be deemed to constitute waivers of any lawful requirements within which the Covenantor would otherwise be obligated to comply with;
 - i) no amendment of, addition to, or discharge of this Agreement shall be binding upon the parties hereto unless it is in writing and executed by the parties hereto;
 - j) if any provision provided for in this Agreement is for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provisions of this Agreement which shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained therein and such other provisions shall be enforceable to the fullest extent permitted by law;
 - k) the Municipality, in addition to its rights under this Agreement or at law, will be entitled to all equitable remedies, including specific performance, injunction and/or declaratory relief, to enforce its rights under this Agreement;
 - l) the Covenantor shall pay for the preparation and registration, if applicable, of this Agreement together with any concurrent instruments of priority as herein provided for and any amendment, addition or discharge thereof;
 - m) wherever the singular, masculine, or neuter is used herein, the same shall be construed as meaning the plural, feminine or the body corporate or politic according to the context in which it is used;
 - n) the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement; and
 - o) this Agreement shall ensure to the benefit of and be binding upon the Covenantor, the Municipality and their respective successors and assigns.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C that is attached hereto and forms part of this Agreement.

END OF DOCUMENT

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

THIS AGREEMENT dated for reference is Wednesday, June 30, 2021

BETWEEN:

VINCENT EVEREST COLLARD
DEBRA MICHELLE HAMILTON
#300-1317 Hillside Avenue
Victoria, BC, V8T 2B3

(Hereinafter called the “Owner”)

AND:

DISTRICT OF SOOKE
2205 Otter Point Road
Sooke, BC, V9Z 1J2

(Hereinafter called the “Municipality”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of the land in Sooke, British Columbia, legally described as:

Parcel Identifier: 006-449-816

Legal Description: LOT 7, BLOCK 12, SECTION 65, SOOKE DISTRICT, PLAN 2434, EXCEPT PART IN PLANS 8511 AND 9312

(the “Land”);

- B. The Owner proposes to develop the Land for residential purposes;
- C. The Owner has requested the Municipality to adopt *Bylaw No. 797 (600-81), 2020* rezoning the Land to permit the development proposed by the Owner, and
- D. The Council of the Municipality has determined that the adoption of the Rezoning Bylaw would, but for the covenants contained in this Agreement, not be in the public interest; and the Owner therefore wishes to grant pursuant to s.219 of the Land Title Act, and the Municipality wishes to accept, the covenants over the Land that are set out in this Agreement.

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by the Municipality to the Owner (the receipt of which is acknowledged by the Owner), the Owner grants to the Municipality in accordance with s.219 of the *Land Title Act* the following covenants:

1. The Land must not be redeveloped beyond its current use;

- (a) The Land must not be subdivided with exception of where a lot is split into separate parts by a highway, the Approving Officer may approve the subdivision of the parts.
- (b) No building permit may be applied for, and the Municipality is not obliged to issue any building permit, in respect of the Land with exception of improvements to existing structures; and
- (c) No occupancy permit may be applied for, and the Municipality is not obliged to issue any occupancy permit, in respect of the Land,

unless the use, subdivision, development, building or occupancy is in accordance with the Schedule of Restrictions attached as Schedule A.

- 2. Any opinion, decision, act or expression of satisfaction provided for in this Agreement is to be taken or made by the Municipality's Municipal Engineer or his or her delegate authorized as such in writing, in each case acting reasonably.
- 3. The Owner may, after the Rezoning Bylaw is adopted, request a discharge of any particular covenant granted in this Agreement in respect of any parcel into which the Land may be subdivided, and the Municipality shall execute and deliver a discharge in respect of any such covenant that has been, in the Municipality's opinion, fully satisfied by the Owner.
- 4. The Owner releases, and must indemnify and save harmless, the Municipality, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.
- 5. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
- 6. The rights given to the Municipality by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Municipality to anyone, or obliges the Municipality to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
- 7. Where the Municipality is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Municipality is under no public law duty of fairness or natural justice in that regard and agrees that the Municipality may do any of those things in the same manner as if it were a private party and not a public body.
- 8. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Municipality under any enactment (as defined in the *Interpretation Act*, on the reference date of this Agreement) or at common law, including in relation to the use of the Land,

- (b) affect or limit any enactment related to the use of the Land, or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use of the Land.
9. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.
 10. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
 11. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
 12. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
 13. This Agreement is the entire agreement between the parties regarding its subject.
 14. This Agreement binds the parties to it and their respective successors, heirs, executors, and administrators.
 15. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instrument.
 16. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C that is attached hereto and forms part of this Agreement.

SCHEDULE "A"

SCHEDULE OF RESTRICTIONS

1. No Duplex Units

The Owner covenants and agrees that no "Duplex Units" will be constructed, permitted, or allowed on lands created through an application to subdivide.

2. Road Dedication

Subdivision of the lands include road dedication along the full frontage of Woodlands Road and Harbourview Road to match the property lines of neighbouring lots, as shown on Schedule "B".

3. Rainwater Management

- a. A detailed rainwater management plan prepared by a Professional Engineer is to be provided with an application for development permit and/or subdivision approval in conjunction with the Design Drawing Assessment package.
- b. An operation and maintenance manual required for any onsite systems is to be registered on Title for ongoing maintenance prior to Subdivision approval.

4. Protection of the Natural Environment

- a. A sediment and erosion control plan endorsed by a Registered Professional Biologist to ensure environmental protection shall be submitted with an application for development permit and/or subdivision approval;
- b. A tree protection plan, prepared by an ISA Certified Arborist, to be registered on Title prior to building permit issuance, for the following:
 - a) any tree having a DBH that is 100 centimeters or more;
 - b) any tree located within 15 meters of the natural boundary of the sea;
 - c) any tree located within a riparian assessment area;
 - d) any tree with evidence of a nest used by:
 - i. raptors as defined in the Wildlife Act;
 - ii. osprey;
 - iii. cormorants; or
 - iv. a heron colony;
- e) a tree protected by a restrictive covenant registered on title in favor of the District of Sooke pursuant to section 219 of the Land Title Act; and
- f) any tree that is:
 - (i) 2.0 meters or greater in height or 4 centimeters or greater DBH of the following species:
 - i. Arbutus (*Arbutus menziesii*);
 - ii. Garry Oak (*Quercus garryana*);
 - iii. Pacific Dogwood (*Cornus nuttallii*); and
 - iv. Pacific Yew (*Taxus brevifolia*); and

- (ii) 60 centimeters or greater DBH of the following species:
 - i. Douglas-fir (*Pseudotsuga menziesii*);
 - ii. Grand Fir (*Abies grandis*);
 - iii. Big Leaf Maple (*Acer macrophyllum*); and
 - iv. Western Red Cedar (*Thuja plicata*).

5. Landscaping

- a. A Street Tree Planting plan must be provided. Street trees shall be planted prior to Subdivision Approval. Provision of a Street Tree Planting Plan must be approved by the Manager of Parks and Environmental Services prior to planting. The street tree planting plan must include:
 - i. Tree species list with botanical and common names;
 - ii. Size, quantity of trees and spacing of trees for both Woodlands Road and Harbourview Road.
 - iii. Location of trees, utilities, and sight-lines;
 - iv. Protection buggers for existing trees; and
 - v. Staking and guying techniques as per Bylaw No. 404.
- b. Provide an irrigation plan. Street trees must have drip irrigation and be controlled on separate zones from other landscape features. All irrigation must be underground and integrated into adjacent lot irrigation systems.

END OF DOCUMENT