



PH-1

**Public Hearing
Package**

Tuesday, May 24, 2022, at 7:00 pm
Sooke Council Chambers
2225 Otter Point Road, Sooke, BC

Bylaw 782 – 6588 Throup Road

| | |
|--------------------------|---|
| Proposed Bylaw: | <i>Official Community Plan Amendment Bylaw No. 782 (400-16), 2022.</i> |
| Zoning Amendment: | The purpose of <i>Official Community Plan Amendment Bylaw No. 782 (400-16), 2022</i> , is to amend the land use designation for the property located at 6588 Throup Road. |

Information Package Contents:

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- | | |
|---|----------|
| 1. Notice of Public Hearing published in the Sooke News Mirror • May 12, 2022 & May 19, 2022 | 1 |
| 2. <i>Official Community Plan Amendment Bylaw No. 782 (400-16), 2022</i> at third reading. | 2 |
| 3. Council minutes and resolution dated January 10, 2022. | 4 |
| 4. Staff report to Council dated January 10, 2022. | 5 |

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

Printed April 28, 2022



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, May 24, 2022 commencing at 7:00 pm with regard to the following proposed Bylaw and ALR Exclusion.

Application Information:

| | |
|---------------------------|---|
| Bylaw: | Official Community Plan Amendment Bylaw No. 782(400-16), 2022 |
| ALR Exclusion: | To exclude 6588 Throup Road from the Agricultural Land Reserve (ALR) |
| File No: | PLN01617 (Official Community Plan Amendment) and PLN01633 (ALR Exclusion) |
| Civic Address: | 6588 Throup Road (shown outlined in black and hatched on the attached subject Property map) |
| Legal Description: | Lot 1, Section 26, Sooke District, Plan VIP76413 |

Proposal:

The purpose of Official Community Plan Amendment Bylaw No. 782 (400-16), 2022 is to change the land use designation on 6588 Throup Road, a 1.32-acre property from Agriculture (AGR) to Community Residential (CR) to better align the land use designation with the existing Large Lot Residential (R1) zoning. Additionally, pursuant to Section 29(1) of the Agricultural Land Commission Act, the District of Sooke intends on making an application to exclude 6588 Throup Road from the Agricultural Land Reserve because the subject property is exempt from the Agricultural Land Commission (ALC) Act and its regulations as per Section 23(1) of the ALC Act.

Further Information:

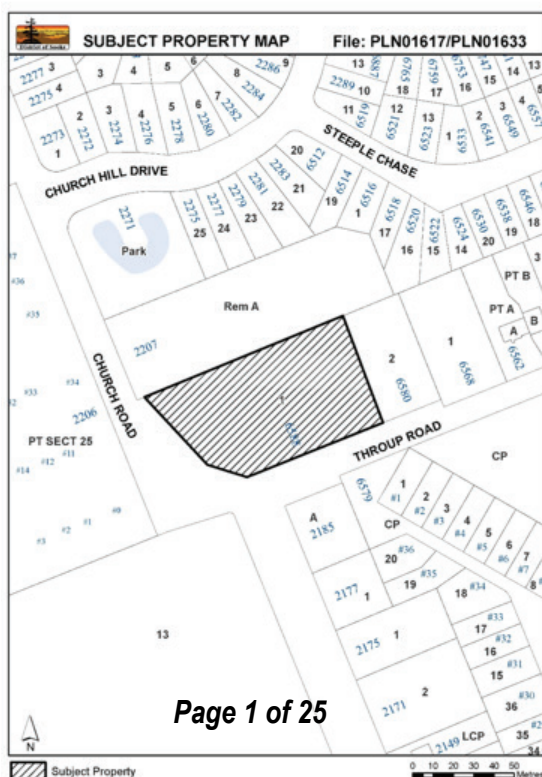
Copies of the bylaws, supporting written reports and any relevant background documentation may be viewed in the "Public Notices" section of the District of Sooke website www.sooke.ca or a copy can be picked up at the District Municipal Offices at 2205 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays), commencing May 11, 2022 to and including May 24, 2022.

Public Input:

All persons who believe their interests in property are affected by the proposed bylaw(s) will be afforded an opportunity to be heard at the Public Hearing on the matters contained in the proposed bylaw(s). 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, May 24, 2022 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). Please note that Virtual public participation is not available.

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

Carolyn Mushata
Corporate Officer





DISTRICT OF SOOKE OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 782

A bylaw to amend Bylaw No. 400, *Official Community Plan Bylaw, 2010*, for the purpose of amending the land use designation for the property located at 6588 Throup Road.

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. 782 (400-16), 2022*.

Amendment

- a. Bylaw No. 400, *Official Community Plan Bylaw, 2010* is hereby amended by deleting from the Agriculture (AGR) designation and adding to the “Community Residential” (CR) designation on **Map 1 – Schedule A Official Community Plan Land Use Map and Map 1A – Land Use Map – West Sooke/Town Centre/Silver Spray**, the property legally described as Lot 1, Section 26, Sooke District, Plan VIP76413 shown outlined in black and hatched on Schedule A.

READ a FIRST and SECOND time the 10 day of January, 2022.

PUBLIC HEARING held the day of , 2022.

READ a THIRD time the day of , 2022.

ADOPTED the day of , 2022.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

9.2. **Bylaw No. 782 - OCP Amendment & ALR Exclusion for 6588 Throup Road**

The Director of Planning & Development provided an overview of the written staff report, to change the land use designation at 6588 Throup Road, to allow for the development of this property on the corner of Church Road and Throup Road.

Council Discussion:

- Concerns with recuperating the application costs and the benefit to the property owner.
 - The Director of Planning advised that as this is the first application of this nature the District will monitor and assess the process, seeing where costs can be recuperated.

2022-10

MOVED by Councillor Dana Lajeunesse, seconded by Councillor St-Pierre

THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 782 (400-16), 2022 to change the land use designation on 6588 Throup Road from Agriculture (AGR) to Community Residential (CR);

AND THAT Council direct staff to schedule a Public Hearing for Official Community Plan Amendment Bylaw No. 782 (400-16), 2022 and Agricultural Land Reserve exclusion application for 6588 Throup Road in accordance with Section 466 of the *Local Government Act*.

CARRIED UNANIMOUSLY

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



OCF Amendment & ALR Exclusion - 6588 Throup Road

RECOMMENDATION:

THAT Council:

1. Give First and Second reading to Official Community Plan Amendment Bylaw No. 782 (400-16), 2022 to change the land use designation on 6588 Throup Road from Agriculture (AGR) to Community Residential (CR); and
2. Direct staff to schedule a Public Hearing for Official Community Plan Amendment Bylaw No. 782 (400-16), 2022 and Agricultural Land Reserve exclusion application for 6588 Throup Road in accordance with Section 466 of the *Local Government Act*; and

(After the Public Hearing is closed, should Council proceed...)

THAT Council:

1. Forward the Agricultural Land Reserve Exclusion for 6588 Throup Road to the Agricultural Land Commission with a recommendation of support; and
2. Give Third reading to Official Community Plan Amendment Bylaw No. 782 (400-16), 2022.

Report Summary:

Keycorp Developments, on behalf of the owner has applied for an Official Community Plan (OCP) amendment to change the land use designation on 6588 Throup Road from Agriculture (AGR) to Community Residential (CR). On behalf of the owner, Keycorp Developments have also requested to exclude 6588 Throup Road, a 1.32 acre property from the Agricultural Land Reserve (ALR). As of September 30, 2020, private landowners are no longer able to make an application for ALR exclusion as a result of amendments made to the *Agricultural Land Commission Act*. Henceforward, only a local government (or First Nation or prescribed bodies) may submit an exclusion application to the Agricultural Land Commission (ALC).

The District has agreed to apply for the exclusion on the owners behalf for the following reasons:

- the ALC has confirmed in writing, that 6588 Throup Road is exempt from the ALC Act and its regulations as per Section 23(1) of the *Agricultural Land Commission Act*; and
- On April 12, 2021, Council passed the resolution to support exclusion application requests that meet section 23(1) of the *Agricultural Land Commission Act*, and exclusions required as part of a municipal project.

Previous Council Action:

April 12, 2021 - Council passed a resolution to:

- support exclusion application requests that meet section 23(1) of the *Agricultural Land Commission Act*, and exclusions required as part of a municipal project; and
- that all other landowner exclusion application requests will not be considered by the District of Sooke until after the adoption of the new Official Community Plan.

September 29, 2003 - Council adopted *Zoning Amendment Bylaw No. 139 (2040-45)* to rezone 6580 (now 6588 and 6580) Throup Road from Agriculture zone to Village Residential zone.

Report:

The subject property (Attachment 2) is zoned R1 (Large Lot Residential), is 1.32 acres (0.536 ha), is within the ALR and is in the sewer specified area. All lands within the ALR are designated Agriculture (AGR) in the Official Community Plan, 2010. The R1 zoning permits one (1) single family dwelling or one duplex per lot. The subject property is vacant and vegetated.

Surrounding properties are designated Community Residential (CR), with exception of the neighbouring 1.28 acre property to the east, 6580 Throup Road which is also designated AGR (Attachment 3). 6580 Throup has the same R1 zoning as 6588 Throup, is within the ALR and is also exempt under section 23(1) of the *Agricultural Land Commission Act*. 6580 Throup is owned by a different owner and the District has not received a request to remove 6580 Throup Road from the ALR on the owners behalf.

In 2003, under previous Zoning Bylaw 2040, the subject property was rezoned from Agricultural (AG) to Village Residential (R1). At that time, the rezoning complied with previous Official Community Plan Bylaw No. 86, 2001, as the OCP land use designation of the subject property was Community Residential. When Official Community Plan Bylaw No. 400, 2010 was adopted in May, 2010, the OCP designation was changed from Community Residential to Agriculture, based on the land being in the ALR. It is not known whether ground truthing was done to determine if exempted ALR properties in Sooke would meet the intent of the Agricultural designation in the OCP.

Should the OCP amendment and ALR exclusion be approved, the owner of 6588 Throup Road has stated that they intend to submit an application for rezoning for low to medium density residential. At that time, further site details with development plans and applicable reports will be submitted. A Riparian Areas Assessment Report will be one of the reports required to be submitted in order to evaluate the status of Throup Stream on the property. Until then, a Streamside Protection and Enhancement Area (SPEA) cannot be assigned to any watercourse/waterbodies on or adjacent to the property.

As part of a larger Church Road corridor plan, municipal roadworks at the Church and Throup Road intersection is underway to develop the roundabout. Reviews of the Throup road project, including the Church/Throup Road roundabout, roadside ditches, culvert crossings and potential stream works is a separate process from this ALR exclusion and OCP amendment.

The recommended staff motion to support the OCP amendment from AGR to CR and to support the ALR exclusion application (Attachment 4) is based on the following considerations:

- The ALC has confirmed in writing that 6588 Throup Road is not subject to the ALC regulations as it meets section 23(1) of the *Agricultural Land Commission Act* which reads:

Exceptions

23(1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972 was, be separate certificate of title issues under the Land Registry Act, R.S.B.C 1960, c.208, less than 2 acres in area

- The only adjacent ALR land is a neighbouring property which is also exempt from the ALC Act and its regulations as per s. 23(1). For this reason, the ALC, as part of their referral response (Attachment 5) has stated no concerns with the proposed OCP amendment from AGR to CR;
- As per the District's Agricultural Plan, 2012, Map Four shows that 6588 Throup Road is not assessed as farmland. The Agricultural designation supports primary and secondary agricultural activities. The subject property is less than 2 acres, is an isolated lot far from other active agricultural lands, and is zoned R1;
- OCP, 2010, and the draft OCP, show the subject property to be surrounded by a neighbourhood growth area of Community Residential within which low to medium density residential growth is supported;
- There is an opportunity to consider necessary infill in this neighbourhood as the property is surrounded by residential (with exception of the place of worship to the north); is within a 10 minute walk distance from schools, the library on Lot A and the Town Centre. An exclusion will bring uniformity to a primarily residential neighbourhood;
- A Community Residential designation aligns with the Regional Context Statement, and the specific Regional Growth Strategy Objectives in OCP, 2010 to *keep urban settlement compact, Create Safe and Complete Communities, Improve Housing Affordability, and Improve Multi-Modal Connectivity and Mobility*;
- No concerns were received from referral agencies (Attachment 5).

Legal Impacts:

Notification of the Public Hearing will be advertised in the local newspaper for two consecutive weeks prior to the date of the Public Hearing. Adjacent landowners within a 100 m radius will be notified of the Public Hearing at least 10 days prior to the meeting.

Budget/Financial Impacts:

Under the new ALC legislation, a local government is required to make an application to the ALC for an ALR exclusion, and all costs associated with the ALR exclusion application are to be paid for by the local government as assuming the role of the applicant. The local government fee for an ALR exclusion to the ALC is \$750. In addition, the local government is responsible for the costs associated with ALR exclusion sign postings on the property, public hearing notification and any supporting and technical information required to support the ALR exclusion application.

For this application, the cost of the ALR exclusion signage was \$165.76. There will be a cost savings with the Public Hearing notifications because the ALR exclusion and OCP amendment applications are being processed concurrently and will be combined into one Public Hearing. The Public Hearing costs have been covered by the applicant as part of the OCP amendment application fees.

Frequently Asked Questions:

When will a draft Agricultural Land Reserve Exclusion Policy be presented to Council?

A policy will be drafted and presented for consideration by Council after adoption of the draft Official Community Plan. In the interim, Council has passed a resolution on April 12, 2021 to *support exclusion application requests that meet section 23(1) of the Agricultural Land Commission Act, and exclusions required as part of a municipal project; and that all other landowner exclusion application requests will not be considered by the District of Sooke until after the adoption of the new Official Community Plan.* As part of the draft policy review for ALR exclusions, District staff can also investigate prescribing fees for ALR exclusions based on cost recovery.

Strategic Relevance:

- 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 1: 782 \(400-16\) Official Community Plan Amendment Bylaw 2022](#)

[Attachment 2: 6588 Throup Subject Property Map Ortho](#)

[Attachment 3: OCP 2010 land use designation map](#)

[Attachment 4: Exclusion Application to the ALC](#)

[Attachment 5: Referral Summary 6588 Throup Road](#)

Approved by

Matthew Pawlow, Director of Planning & Development

Carolyn Mushata, Corporate Officer

Norm McInnis, Chief Administrative Officer

Approved - 16 Dec 2021

Approved - 17 Dec 2021

Approved - 17 Dec 2021



DISTRICT OF SOOKE OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 782

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READ a FIRST and SECOND time the day of , 2022.

PUBLIC HEARING held the day of , 2022.

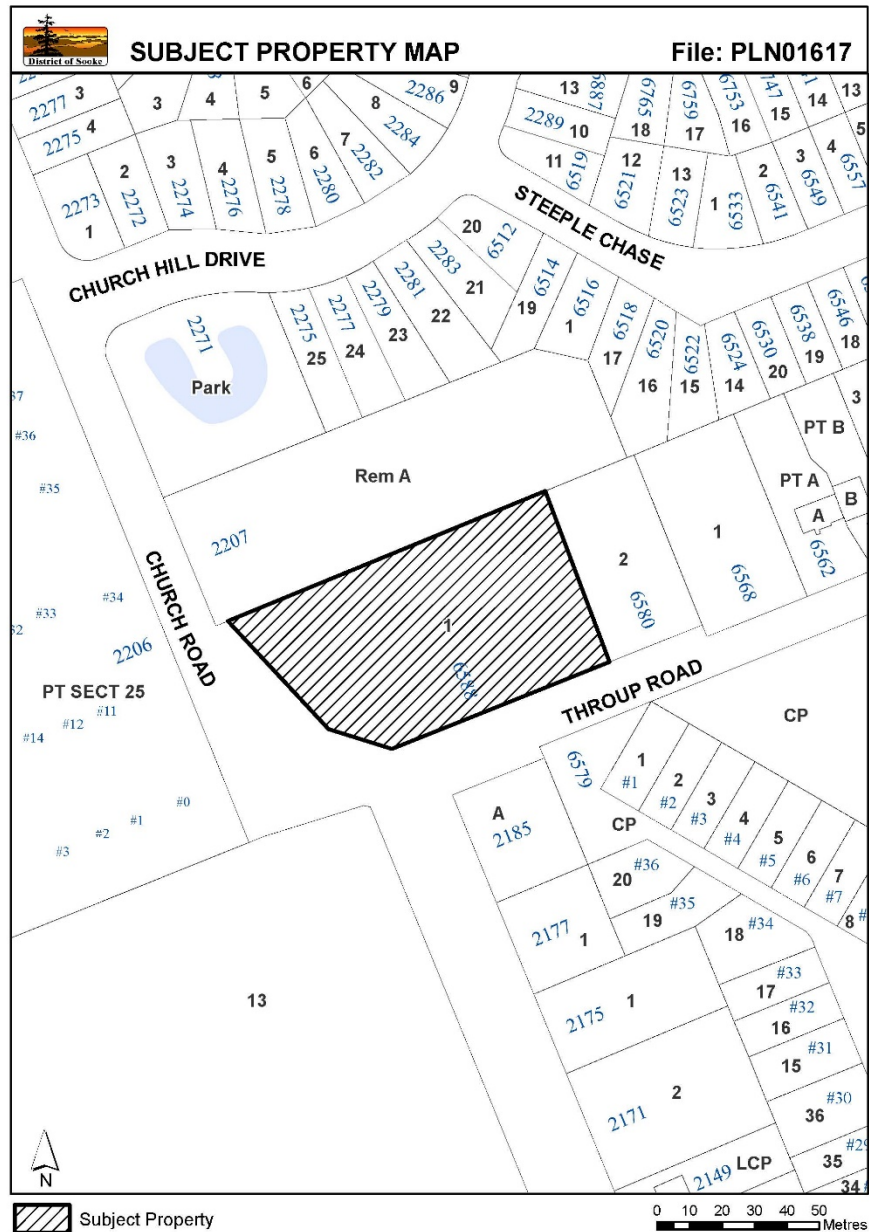
READ a THIRD time the day of , 2022.

ADOPTED the day of , 2022.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

Schedule A



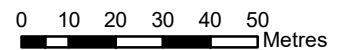


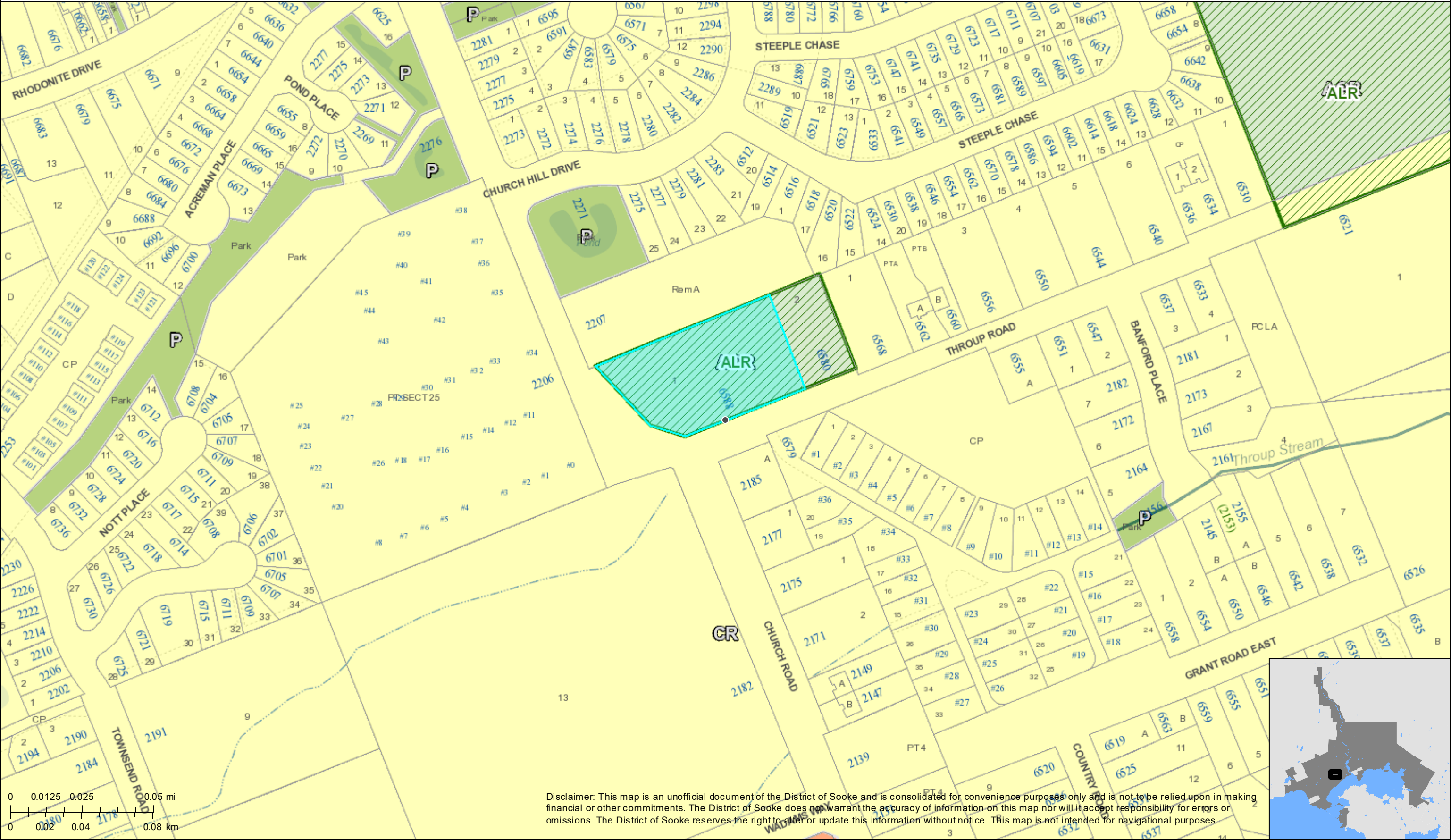
SUBJECT PROPERTY MAP

File: PLN01617/PLN01633



Subject Property







Provincial Agricultural Land Commission - Applicant Submission

Application ID: 63919

Application Status: N/A

Applicant: 1157393 B.C. LTD., INC.NO. BC1157393

Local Government: District of Sooke

Local Government Date of Receipt: This application has not been submitted to local government yet.

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Exclusion

Proposal: The property is zoned Large Lot Residential (R1) and the owner has applied to amend the Official Community designation from Agriculture (AGR) to Community Residential (CR). As part of a larger Church Road corridor plan, municipal roadworks at the Church and Throup Road intersection is underway to develop the roundabout.

Mailing Address:

2205 Otter Point Road

Sooke, BC

V9Z 1J2

Canada

Primary Phone: (250) 642-1634

Email: tjohnson@sooke.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 025-841-661

Legal Description: LOT 1 SECTION 26 SOOKE DISTRICT PLAN VIP76413

Parcel Area: 0.5 ha

Civic Address: 6588 Throup Road

Date of Purchase:

Farm Classification:

Owners

1. **Name:** 1157393 B.C. LTD., INC.NO. BC1157393

Address:

779 Danby Place

Victoria, BC

V9B 0E3

Canada

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

There are no agricultural uses taking place on the property.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

There are no agricultural improvements proposed to the parcel.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

The land is currently vacant and vegetated. Throup stream is situated along the portion of the property abutting Church Road.

Adjacent Land Uses

North

Land Use Type: Civic/Institutional

Specify Activity: Church

East

Land Use Type: Residential

Specify Activity: Private House

South

Land Use Type: Transportation/Utilities

Specify Activity: Throup Road

West

Land Use Type: Transportation/Utilities

Specify Activity: Church Road

Proposal

1. How many hectares are you proposing to exclude?

0.536 ha

2. Does any land under application share a common property line with land in another Local or First Nation Government?

No

3. What is the purpose of the proposal?

The property is zoned Large Lot Residential (R1) and the owner has applied to amend the Official Community designation from Agriculture (AGR) to Community Residential (CR). As part of a larger Church Road corridor plan, municipal roadworks at the Church and Throup Road intersection is underway to develop the roundabout.

4. Explain why you believe that the parcel(s) should be excluded from the ALR.

The ALC has confirmed in writing that 6588 Throup Road is not subject to the ALC regulations as it meets section 23(1) of the Agricultural Land Commission Act. The only other adjacent ALR land is a neighboring property which is also exempt from the ALC Act and its regulations as per s. 23(1). The subject property is less than 2 acres, is an isolated lot far from other active agricultural lands, and is zoned Large Lot Residential (R1). There is an opportunity to consider necessary infill in this neighborhood as the property is surrounded by residential (with exception of the place of worship to the north); is within a 10 minute walk distance from schools, the library on Lot A and the Town Centre. An exclusion will bring uniformity to a primarily residential neighborhood.

Applicant Attachments

- Proposal Sketch-63919
- Certificate of Title-025-841-661

ALC Attachments

None.

Decisions

None.

6588 Throup Road



Application #: OCP Amendment (PLN01617) & ALR Exclusion (PLN01633)

Referrals Sent On: July 21 2021

Deadline for Comments: August 23, 2021

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 response |
| CRD Parks and Community Services | N/A |
| Juan de Fuca EAP Office | N/A |
| B.C. Hydro and Power Authority | No concerns |
| ALR Commission (ALC) | See attached letter dated September 27, 2021 |
| Ministry of Transportation and Infrastructure (MOTI) | <p>Please consider this the official response from the Ministry of Transportation and Infrastructure regarding the OCP amendment and ALR exclusion proposals.</p> <p>The Ministry has no objections to the proposals as presented.</p> <p>Thank you for the opportunity to comment. Should further discussion be warranted, please feel free to contact me.</p> <p>Best, Owen Page Development Officer Ministry of Transportation and Infrastructure Vancouver Island District Ph: 236-478-1552</p> |
| Canada Post, Sooke | N/A |
| BC Transit | BC Transit has no comments on this application at this time. Thank you, |

SUMMARY OF COMMENTS RECEIVED IN RESPONSE TO DISTRICT OF SOOKE REFERRAL

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|--|--|
| Sc'ianew (Cheanuh) First Nations' | No response |
| CRD Integrated Water Services | See attached letter dated August 4, 2021 |
| Department of Fisheries and Oceans Canada (DFO) | N/A |
| Ministry of Environment (MOE) | <ul style="list-style-type: none"> ○ No concerns X No concerns with comments ○ Concerns with comments <p>We have few concerns with the requested OCP amendment and ALR exclusion for 6588 Throup Road providing the following conditions are adhered to during subsequent development:</p> <ul style="list-style-type: none"> • We recommend that vegetation clearing be minimized and occur outside the nesting period from March 1 to August 31 to reduce impacts on all bird species. If the condition cannot be met, the project proponent should hire a biologist (R.P.Bio.) to do a nest survey two days before vegetation clearing is to begin. If an active nest is found then an appropriate buffer is be left around the nest until the young have fledged. Once the nest is vacated the remaining vegetation may be cleared. • A search for the nests of birds (eagles, peregrine falcons, gyrfalcon, ospreys and herons) protected under Section 34(b) of the Wildlife Act should be conducted before the start of vegetation clearing. Should the nest of a bird requiring protection under Section 34(b) of the Wildlife Act be located, please refer to the recommended buffer distances in Table 4.1 (Section 4) of Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (MOE 2014) available at https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices/develop-with-care . If a tree containing a nest protected under Section 34(b) of the Wildlife Act is deemed a risk to public safety or private/crown property by a certified arborist, a General Wildlife Permit must be applied for through FrontCounter BC before cutting the tree. • Follow other relevant best management practices in <i>Develop with Care</i>. • Develop an erosion and sediment control plan before the start of construction. |

SUMMARY OF COMMENTS RECEIVED IN RESPONSE TO DISTRICT OF SOOKE REFERRAL

| | |
|--|--|
| | <ul style="list-style-type: none"> Be compliant with all relevant legislation, including the Riparian Areas Protection Regulation and Water Sustainability Act. <p>Should you have any questions regarding our response, please do not hesitate to contact the undersigned.</p> <p>Sincerely,</p> <p><i>Grant Bracher, Ph.D., P.Ag., R.P.Bio. Ecosystem Biologist/Habitat Officer Ministry of Forests, Lands and Natural Resource Operations and Rural Development 2080 Labieux Road Nanaimo BC V9T 6J9 Tel. 250 739-8265 Fax. 250 751-3103 Grant.Bracher@gov.bc.ca</i></p> |
| SEAPARC | No response |
| Sooke School District #62 | The school District does not have any concerns with the application to change the land use designation from ALR to CR. |
| Fortis BC | We have reviewed the attached and do not make note of any conflicts. |
| T'Sou-ke First Nation | No response |
| Archeological Branch: Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) | <p>Thank you for your referral regarding 6588 Throup Road, Sooke, PID 025841661, LOT 1 SECTION 26 SOOKE DISTRICT PLAN VIP76413. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your information request.</p> <p>Results of Provincial Archaeological Inventory Search</p> <p>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 in the north east corner (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</p> |

SUMMARY OF COMMENTS RECEIVED IN RESPONSE TO DISTRICT OF SOOKE REFERRAL

| | |
|---|--|
| | <p>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. <p>Questions? For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca. For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology. Kind regards,</p> <div style="display: flex; align-items: center;">  <div> <p>Diana Cooper Archaeologist/Archaeological Information Administrator</p> <p>Archaeology Branch <u>Ministry of Forests, Lands, Natural Resource Operations and Rural Development</u></p> <p>Phone: (250) 953-3343 Email: diana.cooper@gov.bc.ca Website www.gov.bc.ca/archaeology</p> </div> </div> |
| RCMP, Sooke Detachment | No response |
| Telus Communications | No response |
| INTERNAL REFERRALS | |
| DOS Parks and Environmental Services | See attached Memorandum to owner dated December 14, 2021 |
| DOS Operations and Engineering | No concerns |

SUMMARY OF COMMENTS RECEIVED IN RESPONSE TO DISTRICT OF SOOKE REFERRAL

| | |
|------------------------|--|
| DOS Subdivision | No concerns |
| DOS Building | No Concerns at this time, Code Analysis Forms may be required at time of Building Permit Application for the multi-family residential on the property. |
| DOS Fire | <p>No concerns with comments.</p> <p>If approved, fire department comments will be provided during the zoning and development permit stages.</p> |
| DOS Planning | <p>No concerns with comments:</p> <ul style="list-style-type: none">• There are environmental features on the site that may require protection under the RAPR. These will be evaluated and discussed further as part of any future rezoning and development permit applications. |



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033

September 27, 2021

Reply to the attention of Shannon Lambie

Local Government File: PLN01617

Tara Johnson
Planner II, District of Sooke
tjohnson@sooke.ca

**Re: Official Community Plan (OCP) Amendment & Agricultural Land Reserve
Exclusion: 6588 Throup Road**

Thank you for forwarding a draft copy of the Official Community Plan (OCP) Amendment and Agricultural Land Reserve Exclusion for 6588 Throup Road (the “Proposal”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Proposal is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The Proposal seeks to amend the OCP designation from *Agricultural* (AGR) to *Community Residential* (CR) on the property identified as 6588 Throup Road; PID: 025-841-661 (the “Property”). The Property is currently zoned *Large Lot Residential* (R1). The Proposal indicates that the Property is exempt from the ALC Act as per s. 23(1) and that the District of Sooke (the “District”) plans to make an application for exclusion for the Property. The exclusion application is sought in order to accommodate a municipal project where a portion of the Property is needed to develop road infrastructure at the Church and Throup Road intersection. Should the District choose to forward the application to the ALC, the ALC can review the merits of the proposal at that time. For details on making an exclusion application, please see the ALC’s [Exclusion Application Guide](#).

With respect to the OCP amendment aspect of the Proposal, ALC staff understand that the District of Sooke is pursuing a designation change from *Agriculture* to *Community Residential*, a designation within which low to medium density residential growth will occur. In general, ALC staff encourage local governments to exercise their authority to refuse incompatible uses on exempted parcels in the ALR to minimize impact to adjacent farmland. However, in this case, the only adjacent ALR land is a neighbouring property which is also exempt from the ALC Act and its regulations as per s. 23(1). Because of this, ALC staff have no concerns associated with the proposed redesignation.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-2026 or by e-mail (shannon.lambie@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "S. Lambie". The signature is written in a cursive, flowing style.

Shannon Lambie, Regional Planner

CC: Ministry of Agriculture – Attention: Reed Bailey (reed.bailey@gov.bc.ca)

August 4, 2021

File: 3360-20-JDFSK-21-017
Your File: PLN01617

via e-mail

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

Dear Ms. Johnson:

**RE: PROPOSED OCP AMENDMENT AND ALR EXCLUSION OF LOT 1, SECTION 26,
Sooke District, PLAN VIP76413 (6588 THROUP ROAD)**

Thank you for your OCP amendment and ALR exclusion referral received July 21, 2021, 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 property 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 not presently serviced with water from the CRD.

If this proposal proceeds to the development stage, a detailed review of water servicing design drawings will be required, and a detailed statement of conditions will be provided.

The hydraulic computer model maintained by the CRD shows that a fire flow of 10,000 L/min (2,200 lpm) with at least 138 kPa (20 psi) residual pressure is presently available to this property in the water main adjacent to the fire hydrant (SFD031) located at the property frontage of 6579 Throup 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 proposed 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 at the Owner(s) expense. Results of the field hydrant flow test may have to be adjusted to reflect a maximum day demand scenario and should be provided to the CRD. The CRD will require at least 24 hours' notice of the date and location of the flow test.

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 development created by this proposed OCP Amendment and ALR exclusion.

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 OCP Amendment and ALR exclusion 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 and Engineering
Christine Condon, Real Estate Services, Corporate Services
Kenn Mount, Fire Chief, District of Sooke



MEMORANDUM

To: 1157393 BC LTD
779 DANBY PL
VICTORIA BC V9B 0E3

From: Laura Hooper, Manager of Parks and Environmental Services

Date: December 14, 2021

Re: 6855 Throup Road

Based on our review the District of Sooke is assuming a 5 m Streamside Protection & Enhancement Area (SPEA) on the roadside ditch adjacent to your property at the intersection of Throup Road and Church Road.

The QEP must prepare a RAPR Assessment Report to the BC Ministry of Forest, Lands and Natural Resource Operation for review for any application submitted to the District of Sooke. This is necessary so that the status of Throup Stream on or adjacent to the property may be evaluated. Until that time a SPEA setback cannot be assigned to any watercourse/waterbodies on or adjacent to the property.