

### Public Hearing Information Package

July 10, 2023, at 7:00 p.m.

Sooke Council Chambers 2225 Otter Point Road, Sooke, BC

#### Zoning Amendment Bylaw No. 887 2027 Maple Avenue South

Proposed Bylaw:	Zoning Amendment Bylaw No. 887 (600-96), 2023
Zoning Amendment:	The purpose of Zoning Amendment Bylaw No. 887 (600-96), 2023, is to amend the zoning of the property located at 2027 Maple Avenue South from the Large Lot Residential (R1) Zone to the Medium Density Multi-Family Residential (RM2) Zone

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



#### Notice of Public Hearing

The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the Local Government Act in the Council Chambers at 2225 Otter Point Road, Sooke, BC on Monday, July 10th, 2023 commencing at 7:00 pm with regard to the following proposed bylaw:

Zoning Amendment Bylaw No. 887 (600-96), 2023 Bulaw:

PLN01620 File No: Civic Address:

2027 Maple Avenue South, (shown outlined

in black and hatched on the attached subject

property map)

Legal Descriptions: Parcel A (DD3078011) of Lot A, Section 3,

Sooke District, Plan 11499

Applicant: Kris Bucci of Stone Hearth Properties Inc.

#### Proposal:

The purpose of Zoning Amendment Bylaw No. 887 (600-96) 2023 is to amend the zoning on the property located at 2027 Maple Avenue South from the Large Lot Residential (R1) to the Medium Density Multi Family 2 (RM2) Zonie.

#### Further Information:

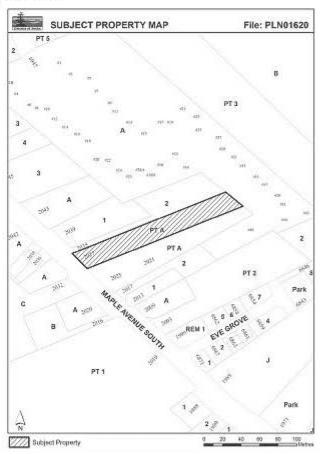
Copies of the bylaws, supporting written reports and any relevant background documentation may be viewed in the "Public Notices" section of the District of Sooke website www.sooke.ca or a copy can be viewed at the District Municipal Offices at 2205 Office Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays), commencing June 29th, 2023 to and including July 10th, 2023.

All persons who believe their interests in property are affected by the proposed by law(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 <u>publichearing@sooke.ca</u> or in-person to the Corporate Officer at the District Municipal Offices no later than Monday, July 10h, 2023 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). District of Sooke Council Meetings. are open to the public to attend in-person and electronic participation is not available.

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

Carolyn Mushata Corporate Officer





### DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 887

A bylaw to amend Bylaw No. 600, Sooke Zoning Bylaw, 2013 for the purpose of amending the zoning on the property located at 2027 Maple Avenue South from Large Lot Residential (R1) to Medium Density Multi Family Residential 2 (RM2).

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

- 1. This bylaw is cited as "Zoning Amendment Bylaw No. 887 (600-96), 2023".
- 2. The section of land legally described as Lot A, Section 3, Sooke District, Plan VIP11499, Parcel A (DD307801) as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned from Large Lot Residential (R1) to Medium Density Multi Family Residential 2 (RM2).
- 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 26 <sup>th</sup>	<sup>n</sup> day of June, 2023.
PUBLIC HEARING held the day of	, 2023.
READ a THIRD time the day of	, 2023.
APPROVED by the Ministry of Transportat, 2023.	ion and Infrastructure the day of
ADOPTED the day of, 202	23.
Maja Tait Mayor	Carolyn Mushata Corporate Officer



#### 9.3. Zoning Amendment of 2027 Maple Avenue from R1 to RM2

The Director of Planning and Development summarized a written staff report about a proposed zoning amendment. The purpose of the application is to rezone the property at 2027 Maple Avenue South from the Large Lot Residential 1, (R1), Zone to the Medium Density Multi-Family Residential, (RM2), Zone.

#### Council discussion:

- The plot plan accurately depicts the proposed development.
- The amenity area proposed meets requirements. Design detail information will be provided at a later date.
- No variance on setback of riparian area has been requested.
- The minimum parking requirements are exceeded.
- The applicant, Chris Bussey, has demonstrated a willingness to work with the T'Sou-ke First Nation on the referral comments.
- The applicant was asked to comment on the existing covenant on the property.
  - A covenant previously registered on the property will challenge the developer, but they are willing to work with the District to contribute to a solution to the housing crisis in Sooke.

#### 2023-199

#### MOVED by Councillor Kevin Pearson, seconded by Councillor Al Beddows:

THAT Council give first and second reading to Zoning Amendment Bylaw No.887 (600-96), 2023 to amend the zoning of the property located at 2027 Maple Avenue South from the Large Lot Residential (R1) Zone to the Medium Density Multi-Family Residential (RM2) Zone;

THAT Council schedule a Public Hearing for Zoning Amendment Bylaw No. 887(600-96), 2023 in accordance with Section 466 of the Local Government Act;

AND THAT prior to final adoption of Zoning Amendment Bylaw No.887 (600-96), 2023. the owner enter into a Section 219 Covenant to provide the relevant items of covenant FB190524, as required and compliant with existing District of Sooke bylaws

#### **CARRIED UNANIMOUSLY**

In Favour: Mayor Maja Tait, Councillor Jeff Bateman, Councillor Al Beddows,

Councillor Dana Lajeunesse, and Councillor Kevin Pearson **Absent:** Councillor Megan McMath and Councillor Tony St-Pierre



#### **Zoning Amendment of 2027 Maple Avenue from R1 to RM2**

#### **RECOMMENDATION:**

THAT Council give first and second reading to Zoning Amendment Bylaw No.887 (600-96), 2023 to amend the zoning of the property located at 2027 Maple Avenue South from the Large Lot Residential (R1) Zone to the Medium Density Multi-Family Residential (RM2) Zone;

THAT Council schedule a Public Hearing for Zoning Amendment Bylaw No. 887(600-96), 2023 in accordance with Section 466 of the Local Government Act;

AND THAT prior to final adoption of Zoning Amendment Bylaw No.887 (600-96), 2023. the owner enter into a Section 219 Covenant to provide the relevant items of covenant FB190524, as required and compliant with existing District of Sooke bylaws.

#### **Report Summary:**

The purpose of this application is to rezone the property at 2027 Maple Avenue South from the Large Lot Residential 1, (R1), Zone to the Medium Density Multi-Family Residential, (RM2), Zone.

#### **Previous Council Action:**

Council Adopted Bylaw No.342, Zoning Amendment Bylaw (270-32) on April 14th, 2008. This Bylaw was to amend the zoning of 2035, 2039 and 2043 Maple Avenue from the Village Residential 1 Zone (R1) to the Medium Density Multi-Family Residential Zone (RM-3). The RM-3 Zone was changed with Zoning Bylaw No.500 (since repealed) wherein it became the Medium Density Multi-Family Residential Zone, RM2 Zone.

#### Report:

#### Background:

At their Regular Council meeting on April 14th, 2008 Council adopted Bylaw No.342 an amendment to the zoning of 2035, 2039 and 2043 Maple Avenue South. The purpose of the zoning amendment was to allow for a multi-family residential development of 43 dwelling units, including 4 affordable and 4 fully accessible dwelling units.

In June of 2021, the District received an application to amend the zoning of 2027 Maple Avenue, to align it with the zones of these neighbouring properties. The rationale submitted with the application cited the purchase of 2027 Maple Avenue and the intentions of developing it with 2035 and 2039 Maple Avenue already zoned RM2 through the adoption of Bylaw No. 342.

#### **Site Context:**

The subject property is approximately 3,781 m2 (0.37 ha) rectangular-shaped property located mid-block, on the eastern side of Maple Avenue South between Grant Road West and West Coast Road. A site map is provided with this Staff Report as Attachment 1. There are no homes on the property, despite being surrounded on all sides by properties with single-family dwellings and accessory buildings. The heavily treed property is flat. Provincial mapping shows that Nott Brook runs through the property at the east and west ends of the property.

The surrounding properties are predominantly rural in context with large lots containing residential uses with large accessory buildings and vehicles parked on site. The adjacent property, at 2035 Maple Park South is a panhandle lot with a long unpaved drive access leading to a single-family home and a large accessory building. The properties to the south, at 2023 and 2021 Maple Park South each hold a single-family dwelling despite both being on a lot that is a single entity. West of the property is a Mobile Home Park, boarding the rear property line. The surrounding properties are within the Community Residential designation of the OCP, which allows for redevelopment into low to mid-density residential developments. Beyond the immediate adjacent lots are properties within the Agricultural Land Reserve (ALR). Zoning for the surrounding properties is a mix of Large Lot Residential (R1), Medium Density Multi-Family Residential (RM2), and the Mobile Home Park (MHP) Zone. A site map that shows the current zoning of the adjacent properties is attached to the Staff Report as Attachment 2.

Location	Current Zoning	OCP Designation	Current Property Use
South (2023 and 2021 Maple Avenue South)	Large Lot Residential (R1)	Community Residential	Single Family Dwellings
East (6947 Guardian Road)	Mobile Home Park (MHP)	Community Residential	Mobile Home Park
West (2034A and B Maple Avenue South)	Large Lot Residential (R1)	Community Residential	Duplex Dwelling
North (2035 Maple Avenue South)	Medium Density Multi-Family Residential (RM2)	Community Residential	Single Family Dwelling

Maple Avenue South commences at West Coast Road, Highway 14 at its southern extent providing easy access to areas beyond Sooke for motor vehicles. Given the rural context of the immediate area, there is limited access to established services and amenities that can be reached on foot. John Muir School is 1.3 km from the property, Millennium Memorial Park is about 300 m from the site, and the services and shops of the Town Centre are approximately 1.5 km away. There are no existing sidewalks or bicycle lanes within the property frontage.

The nearest bus stop is located on Grant Road at Maple Avenue South. The site is serviced by Local Transit Network (LTN) routes 61 Langford/Downtown/Sooke and route 65 Sooke/Langford/Downtown. The LTN routes provide connections to local neighbourhoods and destinations as well as to Rapid and Frequent Transit Networks. BC Transit's review notes that route 61 will no longer serve the area, and will be replaced by a new route along Grant Road connecting central Sooke and Whiffen Spit.

#### Proposal:

The applicant has submitted a Development Permit to construct 45 townhouse units on 2039, 2035, and once rezoned, 2027 Maple Avenue that staff are currently reviewing against the zoning regulations and relevant OCP design guidelines. Plans submitted with this application are provided as Attachment 3, please note that these should be considered conceptual. If the bylaw to amend the zoning of 2027 Maple Avenue South is adopted, the Development Permit application may be issued by the Director of Planning in accordance with Bylaw No.305, Development Permit Delegation Bylaw, 2009.

Official Community Plan, 2013 Bylaw No.400 (Policy Review Attachment 4):

#### 4.7 Housing

#### 4.7.3 Policies

- a. Implement the recommendations in the Sooke Affordable Housing & Social Housing Policy, 2007;
- b. Require that a minimum of 10% of all new multi-family and condominium units are affordable residential housing as defined by the District of Sooke, and implemented through housing agreements, phased development agreements or through the use of density bonusing. The option shall be given to developers to locate their required affordable housing in close proximity to the Town Centre;
- d. Require housing agreements to be registered at the time of development permit or occupancy permit as determined by the District of Sooke;
- f. Require that a minimum of 10% of the total of any proposed bare land or strata single-family residential subdivisions are affordable housing lots as defined by the District of Sooke. Affordable single-family lots shall be sold at an affordable rate through tools such as covenants and housing agreements;
- g. Consider allowing developers the flexibility to provide their required affordable housing in different forms thus creating an 'affordable housing mix' in new developments, e.g. secondary suites, condominium rental units, cash, or land in lieu to the District of Sooke towards on/off-site affordable housing;

In alignment with a covenant registered with the rezoning for the adjacent properties at 2035, 2039, and 2043 Maple Avenue South, (FB190524) 10% of the proposed

dwellings constructed are to be provided as Affordable Housing Units. Staff is recommending that this condition be carried over into a Section 219 covenant registered on the subject property as well, as it will be developed with 2035 and 2039 Maple Avenue South.

In the submitted rationale, the applicant intends to designate 4 of the 45 proposed dwellings as affordable housing units to address the conditions of the covenant registered on the adjacent properties. The applicant will also be required to enter into a housing agreement, prior to building permit occupancy, that restricts the sale price of the units for the 5 years after the initial sale as well as restricts the sale of the units to eligible Sooke residents. The rationale submitted with the application cites M'akola Housing as a potential management agency to manage aspects of the Housing Agreement.

r. Support Sooke Smart Growth principles throughout the District of Sooke;

Adopting the Bylaw to amend the zoning of the subject property will allow for the residential densification of the property, a site close to the Town Centre where goods and services can be easily accessed. As well, redeveloping a site where services exist negates the requirement to further extend services and reduces the need for development to encroach into natural and greenfield sites, thus upholding the policies and principles tied to Smart Growth.

#### 7.5.4 Guidelines

#### 7.5.4.2 Environmental Protection

- a. Developments in this area shall follow the Provincial Riparian Area Regulations as determined by a qualified environmental professional and should include:
- i) Information regarding potential impacts of the proposed development, mitigation options, and design alternatives (e.g. Environmental Impact Assessment);
- ii) Evidence that the development will not result in Harmful Alteration, Disruption, or Destruction (HADD) of riparian areas;
- iii) Identifies measures that will be required to maintain the integrity of the riparian area

Provincial mapping shows that Nott Brook enters the property at the east and west ends. A Riparian Areas Protection Report (RAPR) approved by the Ministry of Environment will be required prior to the issuance of a Development Permit. Environmental Management Best Practices will also apply and violations of the *Wildlife Act* are enforceable by the Ministry of Environment.

#### Zoning Bylaw 2013, No.600:

If adopted, the Bylaw will amend the zoning of the property from the Large Lot Residential (R1 Zone) to the Medium Density Multi-Family Residential Zone (RM2).

Under the RM2 zone the property can accommodate a density of 50 units per ha, when combined with 2039 and 2035 Maple Avenue South 47 dwelling units can be constructed on the three properties. Permissible uses within the zone include apartment buildings, townhouses, single-family dwellings, and duplex dwellings.

Regulation	Current Zoning (R1)	Proposed Zoning (RM2)
Minimum lot size for subdivision:	1,000 m2	1,000 m2
Minimum width for subdivision:	15 m	30 m
Maximum Density:	one dwelling or a duplex per lot	50 units/ha
Maximum Height (principal buildings)	3 storeys to a maximum height of 12 m	20 m

#### **Referral Comments from District Staff:**

#### Parks:

#### General:

- The 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 and the Parks and Trails Master Plan.
- 2. Ensure development practices are aligned with the best practices outlined in:
  - Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) (BC Ministry of Environment [MOE] 2014a),
  - Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Government of BC 2014), and
  - Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water, Land and Air Protection 2004).
- 3. Complete a detailed Erosion and Sediment Control Plan for implementation prior to the commencement of any construction.
- 4. Any vegetation clearing should occur outside the nesting period for birds to prevent contravening the *Migratory Birds Convention Act* and *Wildlife Act* (i.e., clearing should occur between August 31 and March 1). If clearing must occur during the nesting period, it should be preceded by a nest search by a Registered Professional Biologist (RPBio).
- 5. Due to the described wetland habitat features, clearing, grubbing, and excavating should not take place during the amphibian breeding season (April 1 to August 31). If this cannot be avoided, a pre-disturbance assessment should be conducted by a qualified RPBio and, if amphibians are detected, a permit under the Wildlife Act would be required.
- 6. Environmental Monitoring conducted by an RPBio in good standing with the College of Applied Biology is required. Monitoring reports must be submitted to

the District of Sooke monthly and following environmentally significant storm events or periods of extended rain.

#### Riparian Areas

- 1. The Riparian Areas Protection Regulation (RAPR) Assessment Report must be accepted by the Provincial RAPR Team prior to Development Permit Issuance, as per the RAPR.
- 2. A Water Sustainability Act Notification or Approval will be required for any changes in and about a wetland that is not already covered by the RAPR Assessment Report.
- 3. The Corvidae Environmental Assessment (March 2023) indicates a 5m SPEA along the ditch and ditch floodplain along the Maple Avenue frontage- this SPEA is not indicated on the Plot Plan (March 18, 2023). Applicant to update Plot Plan -and all site plans- to clearly indicate all SPEAs.
- 4. The measures and recommendations presented in the Corvidae Environmental Constraints Memo dated November 9, 2021, must be followed.

#### Landscape Plan

- A Street Tree Planting Plan that includes setback dimensions to the driveway and utilities will be required at the Design Drawing Assessment stage.
- 2. The proposed rain garden should follow the best practices outlined in Green Stormwater Infrastructure Design Guidelines.
- 3. The amenity space on the landscape plans differs from that shown on the site plans. Please amend the landscape plans to match the development site plan

#### **Engineering:**

#### General

- 1. Offsite improvements will be reviewed for acceptance with the Design Drawing Assessment, submitted with the building permit.
- 2. 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 the Subdivision Servicing and Development Standards Bylaw, 2014, Bylaw No. 404.
- 3. Provide road dedication on Maple Avenue required for 2027 Maple Ave South, to the 20 m cross-section.
- 4. Prior to the commencement of any on-site works, provide a construction parking management plan for the approval of the Municipal Engineer.
- 5. Should any land alteration require walls over 1.2m in height or result in cut or fill slopes or grades in excess of 30% a grading plan showing the intent and scope of all geotechnical works on and off site will be required. The grading plan must be certified by a Professional Engineer and be submitted with the design drawings for acceptance.
- 6. A complete detailed erosion and sediment control plan for implementation, is to be submitted with the Design Drawing Assessment package.

#### Frontage Improvements

1. The Traffic Impact Assessment has been received and reviewed.

PLN01620

- 2. Design and construct full frontage improvements along Maple Avenue South as per the Transportation Master Plan Urban/Suburban Collector cross-section including, but not limited to:
  - 3.3 m travel lanes.
  - 1.8 m bike lanes with 0.6 m buffers,
  - non-mountable curb and gutter,
  - drainage,
  - separated boulevards,
  - · street lighting,
  - street trees; and
  - 2.0 m sidewalks, continuous across driveway access. Cash in lieu may be provided for sidewalks along 2035 and 2039 Maple Avenue South as per covenant FB19054
- 3. All driveways within the public property are to be hard surfaced (asphalt, concrete, or brick paver) to the property line.

#### Rainwater Management Plan

- 1. A preliminary rainwater management plan has been received and reviewed.
- 2. A detailed rainwater management plan in accordance with Bylaw No.404 requirements, complete with an overland flow route provided on each lot, prepared by a Professional Engineer is to be received in conjunction with the Design Drawing Assessment package prior to the issuance of a building permit.
- 3. If on-site rainwater management is required, a covenant is to be registered on each lot for the onsite rainwater management system. A covenant should outline:
  - a. If not installed, the requirement for installation and the installation is to be certified by a Professional Engineer prior to occupancy.
  - b. Operation and maintenance manual required for the onsite system to be registered on title for ongoing maintenance.

#### Sanitary Sewer

- 1. The sewer serviceability review (SSR) has been completed. Connection to be to Maple Avenue South.
- 2. Currently there are three sanitary services, the two not being used to be capped at main. The remainder is to also be capped at the main unless being used or upsized at the same location.
- 3. Sanitary sewer is to be designed and constructed as per Bylaw No. 404 and the Sewer Serviceability study.

#### 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.

#### Building Safety and Fire:

1. Units may need to be sprinklered, and a BC Code Analysis will need to be submitted with each Building Permit Application for each building

PLN01620

2. FUS Calculations must be submitted prior to Development Permit issuance

The application was submitted to T'Sou-ke First Nations for comment. The District received feedback from the First Nations and has provided those comments as Attachment 5 within the Staff Report. Staff recommends that the applicant works with T'Sou-ke First Nations to address their comments and concerns prior to the issuance of a Development Permit on the property as the primary concerns are a result of site alterations.

#### **Section 219 Covenant:**

Staff are recommending that the relevant conditions from the covenant registered on 2035 and 2039 Maple Avenue (FB190524), provided as Attachment 6, be included within a Section 219 covenant registered on the subject property. For the subject rezoning application Staff are recommending conditions be placed within a Section 219 covenant registered on the subject property prior to the adoption of the Bylaw to amend the zoning of the property as follows:

- 1. The owners shall, prior to the issuance of a Building Permit to construct on the property, complete a detailed Erosion and Sediment Control with a Design Drawing Assessment Package prepared by a Professional Engineer, for implementation prior to the commencement of any on-site works.
- An Environmental Monitoring Schedule will be required prior to the issuance of a Development Permit. Environmental monitoring must be conducted by a Qualified Environmental Professional, on a monthly basis and additionally during extreme weather events. Reports are to be submitted to the Municipal Engineer.
- 3. The owners shall, in advance of the issuance of any building permit on the subject property, submit a Design Drawing Package Assessment to the Municipal Engineer that includes the road design and full frontage improvements along the subject property frontage with Maple Avenue to the current Subdivision and Development Standards Bylaw No.404 Standards, and to the standards acceptable to the Municipal Engineer.
- 4. The owners shall, in advance of the issuance of any building permit on the subject property dedicate road (20 m cross-section), and construct full frontage improvements along the subject property frontage with Maple Avenue to current Subdivision and Development Standards Bylaw, Bylaw No.404 Standards, and to the standards acceptable to the Municipal Engineer.
- 5. The owners shall, prior to the issuance of any building permit on the subject property service the new development with underground utilities, to the standards acceptable to the Municipality
- 6. The owners shall, prior to the issuance of a building permit and as part of the Design Drawing Assessment Package, provide a detailed rainwater management plan prepared by a Professional Engineer, in accordance with Bylaw No.404 requirements. The rainwater management plan shall include an overland flow route provided on each lot. If on-site rainwater management is required, a covenant must be registered on each lot for an on-site

- rainwater management system that includes an operation and maintenance manual.
- 7. Fire Underwriters Survey (FUS) calculations must be submitted prior to the issuance of a development permit to construct on the subject property. FUS must show that there is adequate fire flow and/or adequate sprinkler systems to service the site in the event of a fire.
- 8. The owners may request a discharge of any particular covenant granted in this Agreement, for which either sufficient security was posted by the Owners and accepted by the Municipality or the work has been completed and accepted by the Municipality, therefore deemed to be fully satisfied by the Owners, and the Municipality shall execute and deliver a discharge in respect to any such covenant.
- 9. The owner shall designate a minimum of 10% of the dwelling units on the property as wheelchair accessible, where dwelling units shall be constructed as Adaptable Dwelling Units.
- 10. The owner shall designate a minimum of 10 % of the dwelling units on the subject property as Affordable Housing Units. Units provided as Affordable Housing shall be similar in size and in quality to those units being provided for market value. Affordable Housing Units shall be of a design determined by the owner, subject to the rezoning regulations and development permit guidelines of the Municipality.
- 11. The owner shall, in respect of each Affordable Housing Unit so designated, enter a housing agreement with the Municipality that:
  - a. Restricts the initial sale price of the Affordable Housing unit to a maximum of \$220,000 (the base price);
  - b. Restricts for five years the subsequent sale price of the Affordable Housing Unit to a maximum of the base price, plus an amount corresponding to the average increase in the sale prices of like dwellings within the Municipality during the period between the initial sale of the unit and the date of the resale, as determined by the Municipality; and
  - c. Restricts for five years, the occupancy of the Affordable Housing Unit to eligible occupants, being persons selected by the Municipality on the basis of relatively low income;
- 12. The Housing Agreement shall be executed by the owner and delivered to the Municipality in respect of each Affordable Housing Unit prior to the occupancy of the Affordable Housing Unit, and the owner covenants under section 219 of the Land Title Act not to occupy or permit the occupancy of any Affordable Housing Unit on the subject property for any residential use until the requisite Housing Agreements have been executed and delivered.
- 13. The owner and the Municipality agree that no Affordable Housing Units need to be designated in respect of the first nine dwellings units to be constructed on the subject property
- 14. No occupancy permit for any building within the development shall be issued until that building has connected to the Community Sewer System, the owner shall be responsible for any upgrades to the existing services required to connect to the property.

Implications of Adopting Zoning Amendment Bylaw No. 887 (600-96), 2023:

The proposed zoning amendment will allow for the densification of a property that is within 2 km of properties within the District's Town Centre OCP designation, where growth, commercial development, and densification are supported. The proposal will also provide additional housing options beyond single-family dwellings in an area where this is the predominant housing type. If adopted by Council the zoning amendment may allow the following to be realized:

- upgrades to Maple Avenue, including road dedication and frontage improvements
- connection to the sewer at the site, and upgrading services if required
- the installation of required services underground
- A Riparian Areas Assessment Report (RAPR) is required prior to the development of the site, and approval from the Ministry's RAPR prior to the issuance of a Development Permit
- 10% of the proposed dwellings provided as Affordable Housing Units
- 10% of the proposed dwellings constructed to Adaptable Housing Unit standard.

#### **Strategic Relevance:**

 Manage long-term growth while enhancing community identity, vitality and safety -Continue to address housing affordability and accessibility for all income levels

#### **Attached Documents:**

Attachment 1: PLN01620 Site Map

Attachment 2: Zoning SIte Area PLN01620

<u>Attachment 3: Maplewood Estates Development Permit Submission</u>

Attachment 4: OCP Policies PLN01620

Attachment 5: T'Sou-ke First Nation Response

Attachment 6: Covenant FB190524

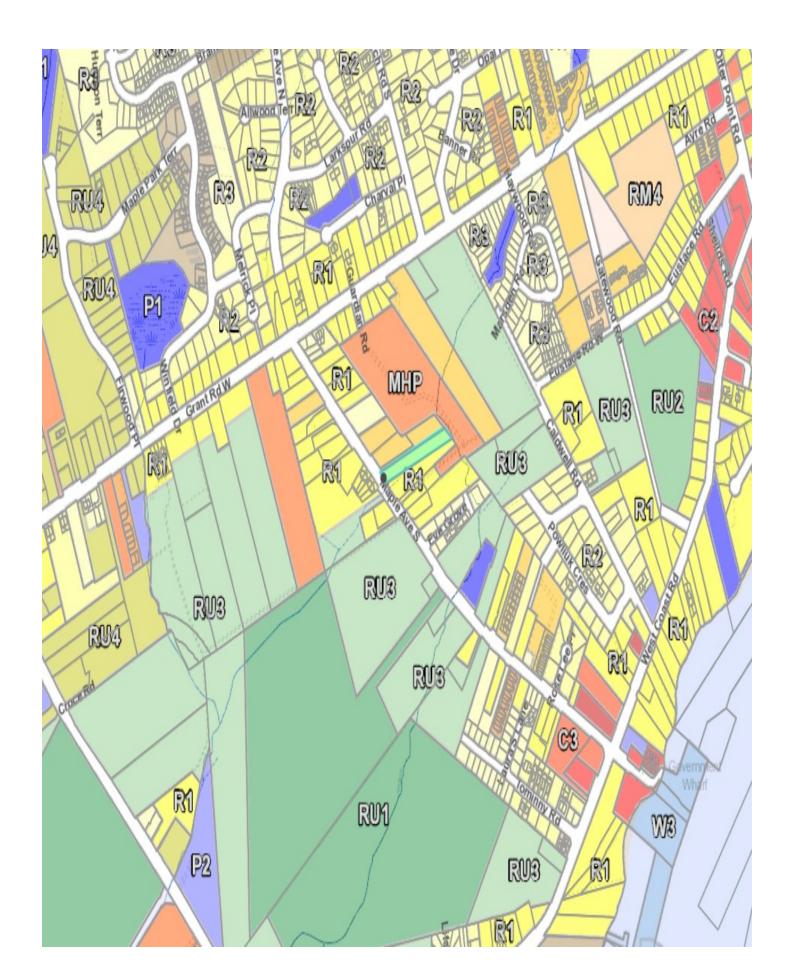
Attachment 7: Bylaw 887 (600-96) Zoning Amendment - 2027 Maple Avenue South

Approved by Carolyn Mushata, Corporate Officer

Approved - 22 Jun 2023



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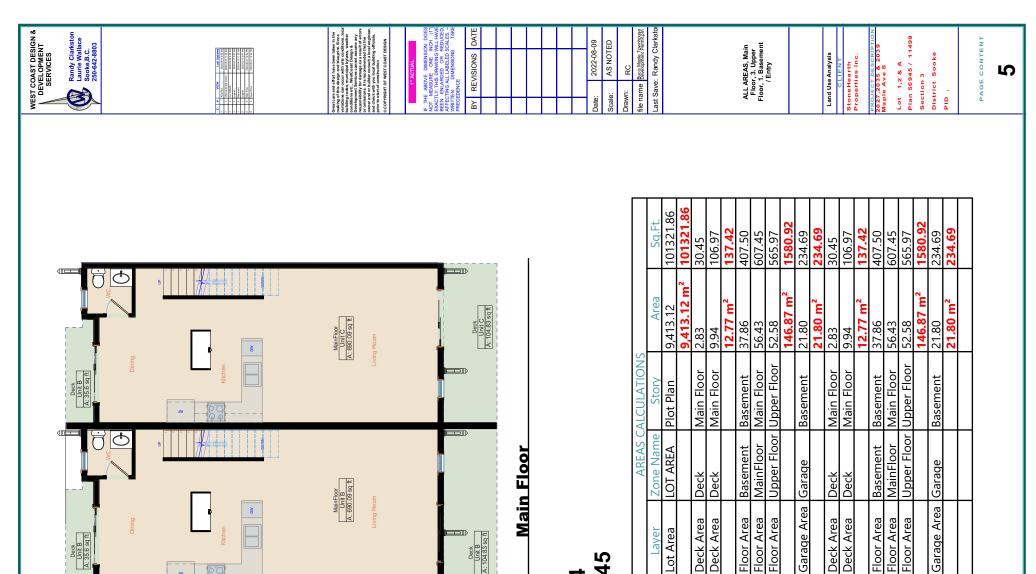
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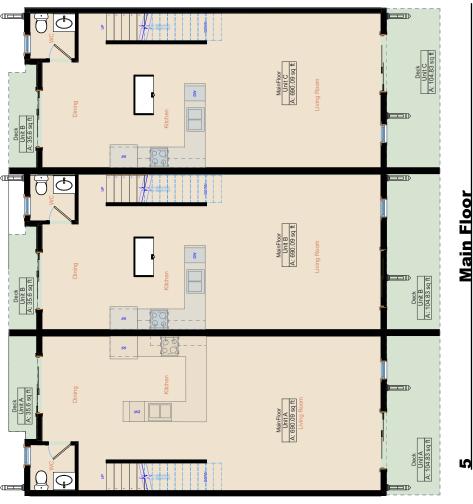




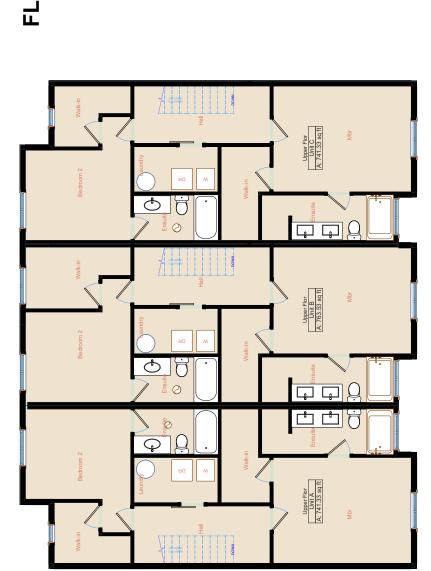








## 29 thru 45 1 thru 24 FLOOR PLANS FOR UNITS ∞



Floor Area Floor Area

Unit A

Floor Area

Unit A

Deck Area Deck Area

Unit A

Lot Area

Floor Area Floor Area Floor Area

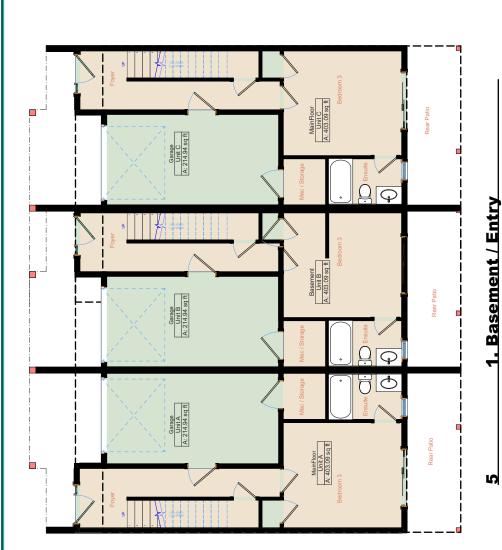
Unit B

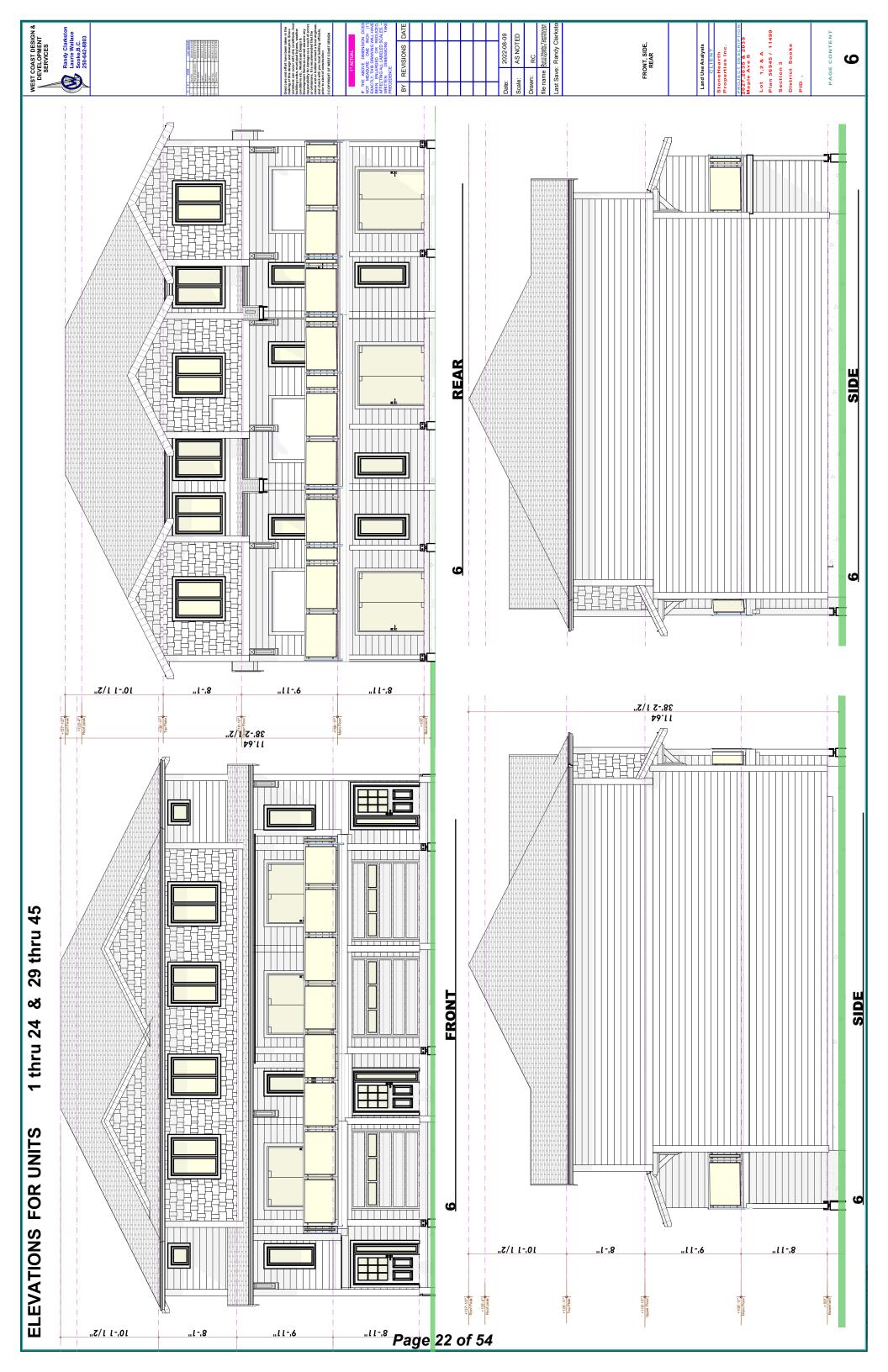
3. Upper Floor

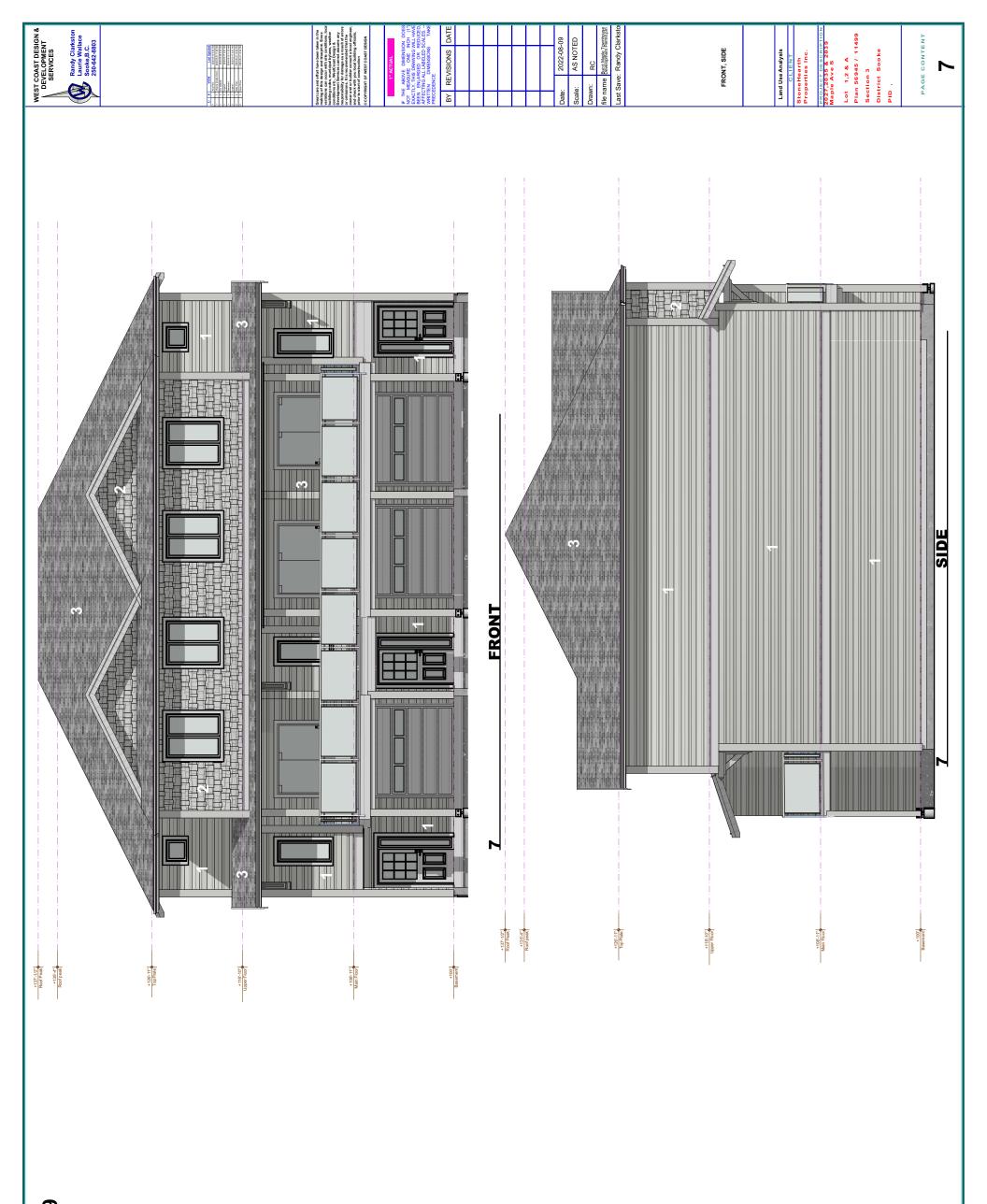
Unit B

Deck Area Deck Area

Unit B







## **COLORS UNITS 1 THRU 9** SIDING









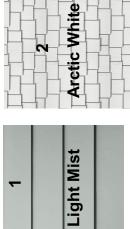






## **COLORS UNITS 1 THRU 9** SIDING





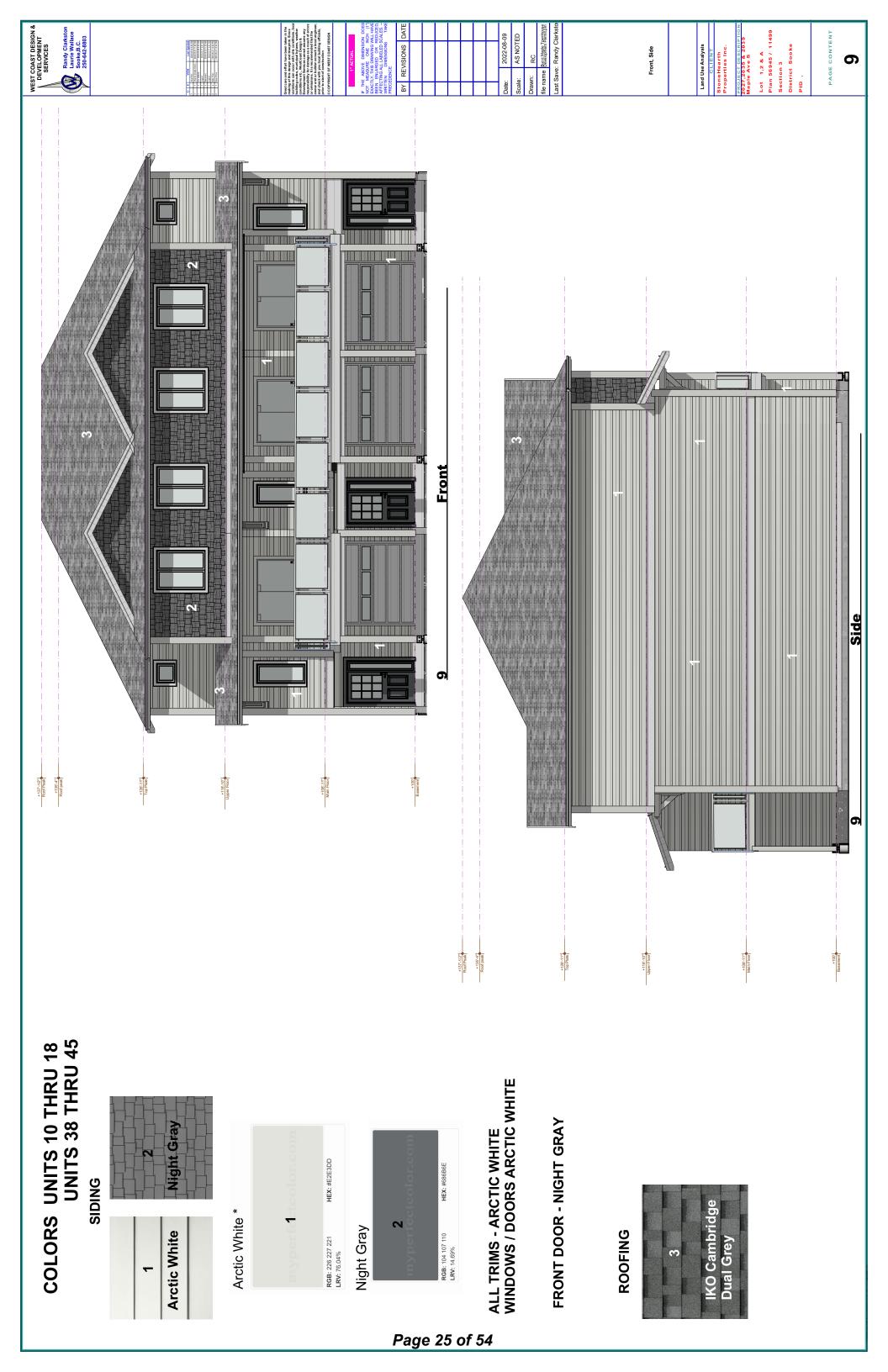


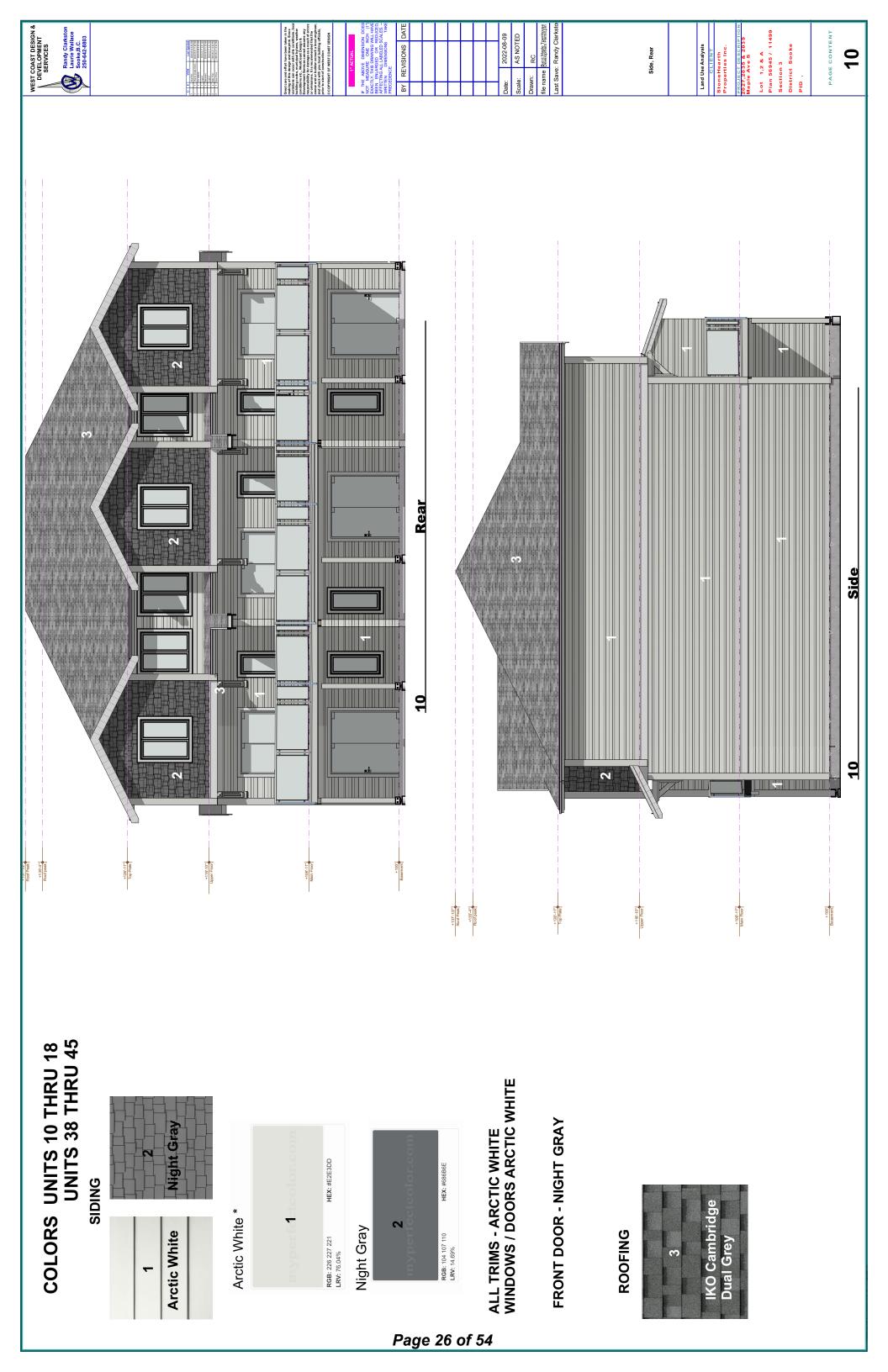


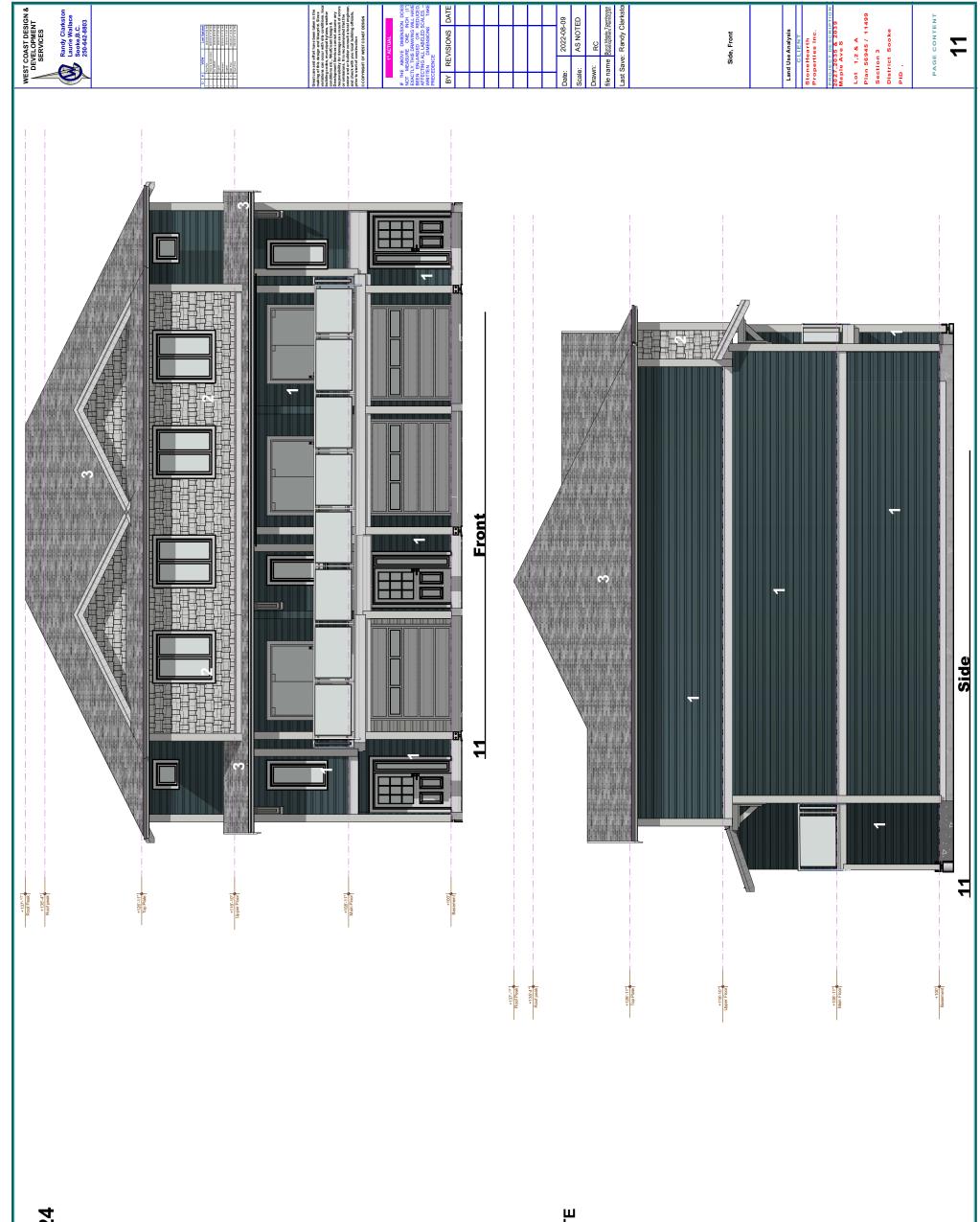


ROOFING







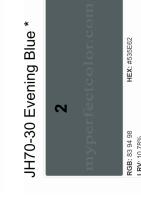


# **COLORS UNITS 19 THRU 24**









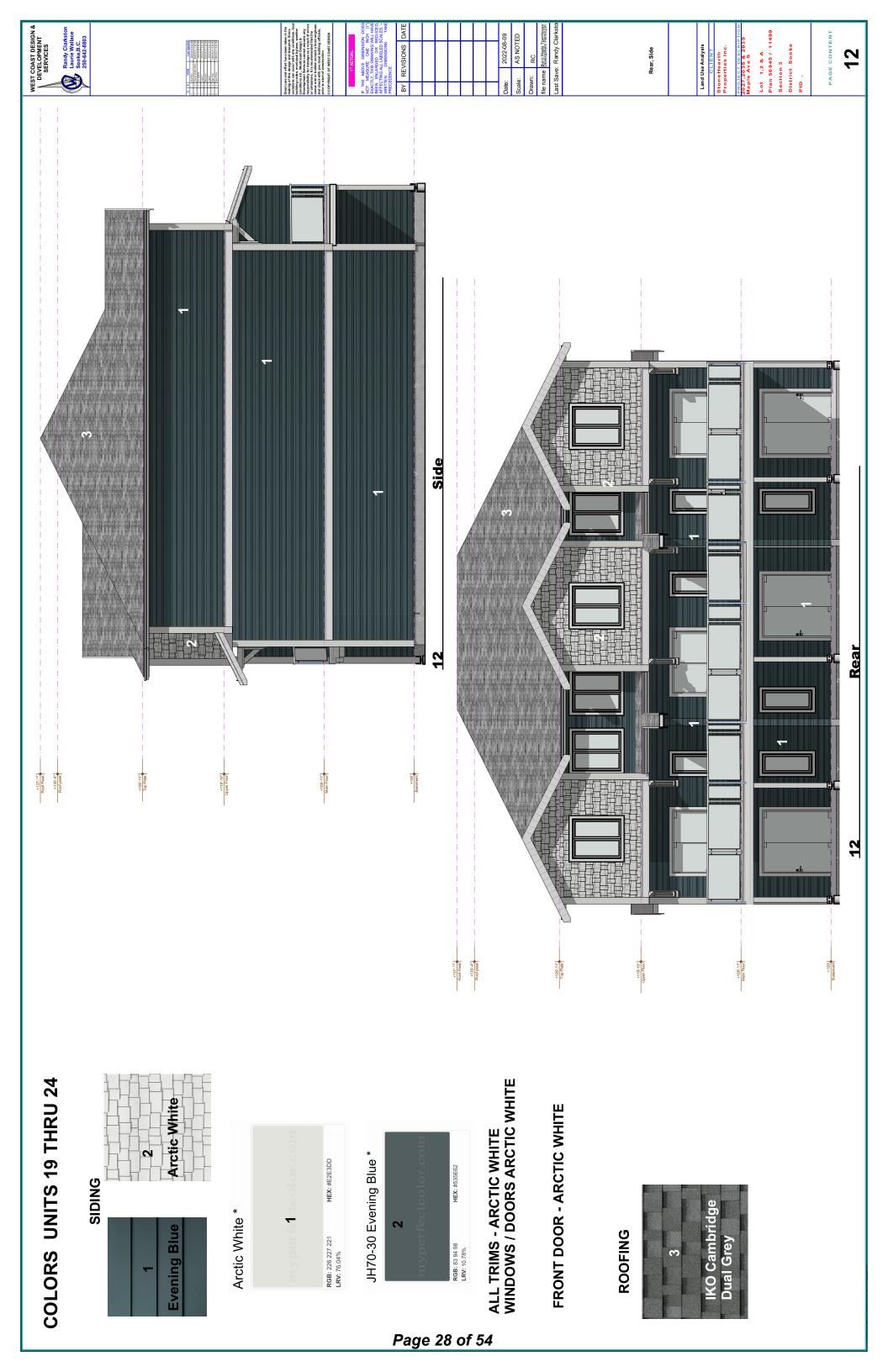


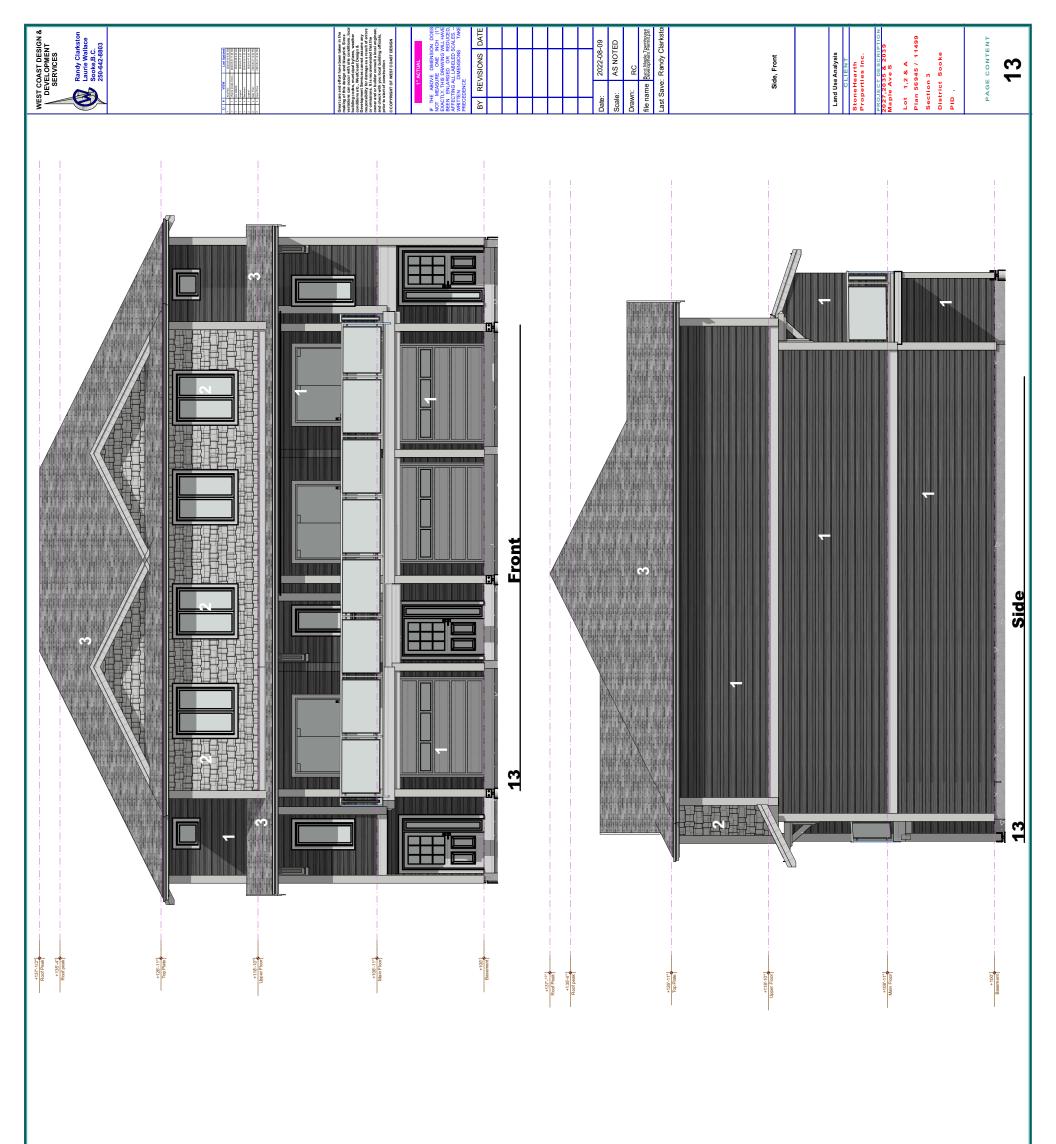
ALL TRIMS - ARCTIC WHITE WINDOWS / DOORS ARCTIC WHITE

FRONT DOOR - ARCTIC WHITE

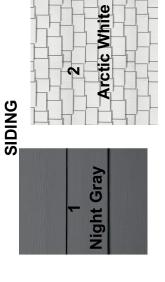
ROOFING



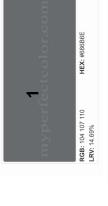




# **COLORS UNITS 29 THRU 37**









ALL TRIMS - ARCTIC WHITE WINDOWS / DOORS ARCTIC WHITE

FRONT DOOR - ARCTIC WHITE





#### SUMMARY TABLE OF THE DEVELOPMENT PERMIT AREA(S) DEVELOPMENT DESIGN GUIDELINES DP #1 and #3:



Civic Address: 2027 Maple Avenue South

**Application #: PLN01620** 

Type of Permit: Zoning Amendment from R1 to RM2

Below is a summary of the proposed development against the applicable design guidelines:

#### 4.2 Sustainable Land Use Policy

#### 4.2.3 Policies

a. Encourage all new multi-family, commercial, industrial and institutional buildings and structures to meet or exceed a minimum LEED Certified Standard or municipal equivalency;

Buildings constructed as a result of a zoning amendment will have to adhere to the latest step code and energy efficiency requirements required by the BC Building Code.

#### 4.4 Economic Development

#### 4.4.3 Policies

- x. Encourage and support Sooke Smart Growth principles in all development;
- z. Support limited small scale supportive retail/commercial nodes within residential development;

The zoning amendment will allow for the densification of residential development on the property. The proposal will support business retention and attraction in Sooke by providing a housing option to those working in the District. Limited home based businesses are allowed within the RM2 Zone.

The redevelopment of brown field sites in locations close to the Town Centre reduces the need to construct housing in areas were these services are not available, and where development may impact natural and rural areas where development is not encouraged or anticipated.

#### 4.7 Housing

#### 4.7.3 Policies

- a. Implement the recommendations in the Sooke Affordable Housing & Social Housing Policy, 2007;
- b. Require that a minimum of 10% of all new multi-family and condominium units are affordable residential housing as defined by the District of Sooke, and implemented through housing agreements, phased development agreements or through the use of density bonusing. The option shall be given to developers to locate their required affordable housing in close proximity to the Town Centre;
- d. Require housing agreements to be registered at the time of development permit or occupancy permit as determined by the District of Sooke;
- f. Require that a minimum of 10% of the total of any proposed bare land or strata single family residential subdivisions are affordable housing lots as defined by the District of Sooke. Affordable single family lots shall be sold at an affordable rate through tools such as covenants and housing agreements;
- g. Consider allowing developers the flexibility to provide their required affordable housing in different forms thus creating an 'affordable housing mix' in new developments, e.g. secondary suites, condominium rental units, cash, or land in lieu to the District of Sooke towards on/off-site affordable housing;
- j. Support incentives for affordable housing throughout the community;
- k. Support the creation of rental housing in a variety of forms in the community;
- r. Support Sooke Smart Growth principles throughout the District of Sooke;
- s. Support the recommendations of the provincial Fire Smart program which includes guidelines in regard to building materials, fire separation, vegetation management, and fire safety;

Through the previous zoning amendment, Bylaw No.342, a covenant was registered on that required that 10% of the proposed dwellings constructed were to be provided as affordable housing, in accordance with the definition of Affordable Housing within section 2 of the Zoning Bylaw, 2013, No.600.

Plans submitted with a development permit will provide 4 of the proposed dwellings as affordable units, to be managed by a third party management company. Rationale submitted with the application cited Ma'Kola as the management agency. The conditions placed within the section 219 registered on the adjacent properties, 2039 and 2035 Maple Avenue South will be mirrored into covenant registered with the subject proposal, required prior to the Adoption of the Bylaw to amend the zoning.

Rationale provided with the development permit highlights the applicant's intent to construct the affordable houses as 3 bedroom units thus meeting the need for this housing type, 3 bedroom affordable rentals were identified as a critical need within the Sooke Housing Needs Report.

	T
v. Support proposed multi-family and	
affordable housing units containing a	
diversified mix of floor sizes;	
5.0 Land Use Designations	
5.1 Community Residential	
5.1.3 Policies	
h. Support contiguous residential infill	Staff will review Development Permit
development to medium densities via rezoning	drawings to ensure the form and character
and subdivisions;	align with the DPA guidelines within Sections
,	5.1, 7.5, and 7.6.

#### 7.5 Development Permit Area (DPA) #2 – Community Growth Areas and Comprehensive Development (CD) Designated Area

#### 7.5.4 Guidelines

#### 7.5.4.2 Environmental Protection

- a. Developments in this area shall follow the Provincial Riparian Area Regulations as determined by a qualified environmental professional and should include:
- i) Information regarding potential impacts of the proposed development, mitigation options and design alternatives (e.g. Environmental Impact Assessment);
- ii) Evidence that the development will not result in Harmful Alteration, Disruption, or Destruction (HADD) of riparian areas;
- iii) Identifies measures that will be required to maintain the integrity of the riparian area

Provincial mapping shows two riparian areas where Nott Brooke and a tributary of Nott Brook cross the property boundary at the east and west ends. A Riparian Areas Protection Report (RAPR) approved by the Ministry of Environment will be required prior to the issuance of a DP.

Environmental Management Best Practises will also apply. Tree falling should not occur during the bird nesting window between April and August. Violations to the Wildlife Act are enforceable by the Ministry of Environment.

#### 7.6 Development Permit Area (DPA) #3 – Multi Family Residential

#### 7.6.4 Guidelines

#### 7.6.4.4 Adaptability

In order to help satisfy the diverse and changing housing needs of people, the designs of intensive residential buildings and units are encouraged to be both adaptive and accessible for persons of different stages of life and degrees of mobility.

In alignment with the Section 219 registered on the adjacent properties, 10% of the units will be constructed as wheel chair accessible.

## RE: DOS Referral Response request for 2027, 2035 and 2039 Maple Ave: Zoning amendment & DP

File: PLN01620

Dear Lauren,

Thank you for providing the opportunity to review the application. Please note that to cover costs associated with the initial review we are providing an invoice for \$250. T'Sou-ke First Nation's guardians, environment, lands, and forestry staff have reviewed the proposed changes and completed a site visit to examine the area.

We have several comments:

#### Site visit:

- On 5 January 2023, T'Sou-ke Nation guardians conducted a preliminary survey of the site.
- T'Sou-ke Nation's guardians found several potential archaeological sites near the construction site
- The area holds very high potential for archeological value.

#### Archaeological:

- As the area holds high archaeological value T'Sou-ke Nation requires that if no recent archaeological survey has been completed within the last 2 years for the property at this address that one should be completed. This survey should be undertaken by a professional archaeologist registered with the British Columbia Association of Professional Archaeologists.
- If an archaeological survey has been completed please provide report(s) that were completed for this development permit.
- Buffers (minimum distances) should be set for any archaeological resources determined during
  T'Sou-ke Nation's preliminary survey. T'Sou-ke Nation should be consulted when deciding on the
  width of these buffers.
- T'Sou-ke Nation's guardians should be present for the archaeological survey.
- Any reports produced should be provided to T'Sou-ke Nation for review.
- T'Sou-ke Nation needs a copy(ies) of the contractor(s) archaeological chance find procedure.

#### **Environmental:**

- T'Sou-ke Nation is concerned about the impacts to water quality and downstream fish and fish habitat resulting from construction. The watercourses (Nott Brook and the tributary ditch line) both terminate in the ocean to the west of IR#2.
- Mitigations to control the transportation of sediment from the construction site to watercourses should be implemented prior to construction commencing.
- Throughout the course of construction, rain gauges should be used to determine the amount of precipitation and rainfall shutdowns implemented to prevent overland waterflow from carrying sediment into the creek.

#### Construction:

 When construction starts T'Sou-ke Nation's Lands Department should be informed. The guardians should be provided with site access as construction initiates, during, and after construction.

Should you have any comments or questions following this review please correspond with the Lands Manager at <a href="mailto:landsmanager@tsoukenation.com">landsmanager@tsoukenation.com</a> or at 250-642-3957 ext. 227.

Sincerely,

Sam Coggins/PhD RPF

A/Lands Manager, T'Sou-ke First Nation

250-642-3957; landsmanager@tsoukenation.com

Cc:

Michelle Thut, Administrator, T'Sou-ke First Nation Larry Underwood, Environment and Forestry, T'Sou-ke First Nation Sandra Sprinkling, Finance Manager, T'Sou-ke First Nation

Invoice Number: TFN00057  Date: 3 February 2023						
To: District of Sooke		Ship to (if different address):				
QTY.	DESCRIPTION	U	INIT PRICE	TOTAL		
1	Referral response		\$250	\$250.00		
		<u> </u>				
				¢250.00		
			SUBTOTAL	\$250.00		
			CST (50/)			
			GST (5%)			
			TOTAL DUE	\$250.00		

If you have any questions regarding this invoice, please contact either our Lands Manger via return email or our Finance Manager

Sandra Sprinkling 250-642-3957 or <a href="mailto:admin1@tsoukenation.com">admin1@tsoukenation.com</a>

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LAND TITLE ACT							
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(Section 233)		-9	JUL	2008 13	Ju	10114	<b>.</b>
Province of British Columbia			o.m	1		PAGE 1 of 16 pa	iges
	his area for La					11102	<del></del>
1. APPLICATION: (Name, address, phone number	and signature of	f applic	ant, appl	licant's solic	itor or agent)		
HALLGREN & FAULKNER, Barristers	& Solicitors						
6595 Sooke Road, P.O. Box 939, Sooke,	BC V0S IN	0			$\sim$	Λ Λ	
Phone: (250)642-5271 LTO Client No. 1	10188				$\sim$	of Orman	
File Ref. No:16393/Church et/nw- Section	n 219 Develo	opmen	t Cove	nant	Shari Ada	mson, Authorized A	gent
File Ref. No:10393/Church evitw- Section	DESCRIPT	TONG	S) OF	LAND:*			
2. PARCEL IDENTIFIER(S) AND LEGAL	DESCRIPT	1011(1	,, 01				
(PID) (LEGAL DESCRIPTION)							
SEE SCHEDULE		- Dr.	ואיז מינו	ICE I	DEDSON EN	TITLED TO INTER	EST
3. NATURE OF INTEREST: *	OCUMEN			ICE I	EKSON LI	TITED TO LONG	
DESCRIPTION	(page	and para	agraph)				
SEE SCHEDULE		,					
4. TERMS: Part 2 of this Instrument consists of (se	elect one only)				_		
(a) Filed Standard Charge Terms				D.F. 1			
(b) Express Charge Terms		$\boxtimes$		•	xed as Part 2		
(a) Release	_			There	is no Part 2 of	this instrument to this instrument. If (c)	is
(c) Release A selection of (a) includes any additional or mod	ified terms refe	erred to	in Item	/ or in a sci	escribed in Item	2.	
A selection of (a) includes any additional or mod selected, the charge described in Item 3 is release	ed or discharge	a as a ci	large or	I HIC MING W	GM 08/	07/09 13:51:46 01 VI	STOARS
5. TRANSFEROR(S):*					CHARGE		\$132.30
SEE SCHEDULE							
6. TRANSFEREE(S): (Including occupation(s)	nostal addres	s(es) an	d postal	code(s))*			
	, , ,		-				
SEE SCHEDULE					CM (40)	09/10 11:18:31 02 VI	817465
7. ADDITIONAL OR MODIFIED TERMS	S:*	÷			GM 08/ DEFECT / V		\$30.00
N/A							
8. EXECUTION(S):** This instrument create	s, assigns, mod	difies, e	nlarges,	discharges	or governs the	priority of the interest(s)	of a
8. EXECUTION(S):** This instrument create described in Item 3 and the Transferor(s) and every if any	other signatory	agree t	o be boi	und by this	instrument, and	acknowledge(s) receipt	Ji a
true copy of the filed standard charge terms, if any.							
				(	) G!	·(a)	
Officer Signature(s)	Exec	ution	Date	Party(16	es) Signature	<del>(</del> (S)	
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PETER G.V. FAULKNER	}						

Barrister & Solicitor BOX 939 - 6595 SOOKE ROAD SOOKE BC V9Z 1H9

- \* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- \*\* If space insufficient, continue executions on additional page(s) in Form D.

Page 2

Officer Signature(s)	Exe	cution I	Date	Transferor/Borrower/Party Signature(s)			
$\mathcal{L}$	Y	М	D	12 Churas			
- / An	2008	20	06	JØHN RAYMOND CHURCH			
PETER G.V. FAULKNER  Barrister & Solicitor  BOX 939 - 6595 SOOKE ROAD  SOOKE BC V9Z 1H9	a december of			BEVERLEY SHARON SANDERSON			
As to both Signatures							

# OFFICER CERTIFICATION:

Page X3

Officer Signature(s)	Exec	cution I	Date	Transferor/Borrower/Party Signature(s)
	Y	M	D	Coast Capital Savings Credit Union
JANE THOMAS A Commissioner for Taking Affidavits for British Columbia 1900 - 13450 102 Avenue Surrey, B.C. V3T 5Y1 As to both Signatures	2008	05	09	formerly known as Pacific Coast Savings Credit Union by its authorized signatory(ies):  Print Name: Print Name: Print Name:

# OFFICER CERTIFICATION:

Page 34

Officer Signature(s)	Exec	cution E	)ate	Transferor/Borrower/Party Signature(s)
PETER G.V. FAULKNER Barrister & Solicitor BOX 939 - 6595 SOOKE ROAD SOOKE BC V9Z 1H9  As to both Signatures	Y 2008	M M	D 06	D'ARCY CLARENCE WIDRICK  Zernaino Widnick  LORRAINE VALERIE WIDRICK

# OFFICER CERTIFICATION:

• • • •

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Page & 5

Officer Signature(s)	Exe	cution I	Date	Transferor/Borrower/Party Signature(s)
1	Y	М	D	DISTRICT OF SOOKE by its authorized signatory(ies):
Ponnie Sprinkling 2205 Otter Point Rd Sooke, BC V92 152	2008	07	02	Print Name: MAGOR PANET EVANS
Deputy Clerk District of Sooke As to Boomnissiamer for taking Affidavits for British Columbia			6	Print Name: EVAN PARLIAMENT, (AO

## **OFFICER CERTIFICATION:**

Page 6

Officer Signature(s)	Exe	cution I	Date	Transferor/Borrower/Party Signature(s)
	Y	М	D	MINISTER OF TRANSPORTATION by its authorized signatory(jes):
ANNE R. BURNS A Commissioner for taking Affidavits within the Province of British Columbia (Expires March 31, 2011)	2008	09	04	Print Name: Bob Wylie, Provincial Approving Officer  Print Name:
As to Both Signatures 240-4460 Chatlenton Way Victoria, BC VBX 5J2			<u> </u>	

## **OFFICER CERTIFICATION:**

LAND TITLE ACT

FORM E SCHEDULE

Page 7

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID) (LEGAL DESCRIPTION)

018-333-095 Lot 1, Section 3, Sooke District, Plan VIP56945 018-333-109 Lot 2, Section 3, Sooke District, Plan VIP56945

005-697-395 Lot A, Section 3, Sooke District, Plan VIP44435

3. NATURE OF INTEREST: \* DOCUMENT REFERENCE PERSON ENTITLED TO INTEREST

(page & paragraph)
Entire Instrument

**COVENANT** 

PRIORITY AGREEMENT Page 14

granting Covenant priority over

Mortgage EN106343

TRANSFEREE(S)/COVENANTEE(S)

5. TRANSFEROR(S):

COVENANTOR(S): As to Lot 1

HOLLY LEE LINELL-VOWLES

2039 Maple Avenue Sooke, BC V0S 1N0

COVENANTOR(S):

As to Lot 2

JOHN RAYMOND CHURCH

BEVERLEY SHARON SANDERSON

2035 Maple Avenue Sooke, BC V0S 1N0

MORTGAGEE:

Coast Capital Savings Credit Union

formerly Pacific Coast Savings Credit Union

Central Lending Administration

1900-13450 102 Avenue Surrey, BC V3T 5Y1

COVENANTOR(S)

As to Lot A

D'ARCY CLARENCE WIDRICK LORRAINE VALERIE WIDRICK

2043 Maple Avenue Sooke, BC V0S 1N0

Page 8 of 15

6. TRANSFEREE(S):

COVENANTEE(S): **DISTRICT OF SOOKE** 

a municipality incorporated under the Local Government Act,

R.S.B.C. 1996, c.323 and having its office at

Doc #: FB190524

2205 Otter Point Road,

Sooke, BC V9Z 1J2

and: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF

BRITISH COLUMBIA AS REPRESENTED BY THE MINISTER OF

TRANSPORTATION, having a local area office at

240-4460 Chatterton Way,

Victoria, BC V8X 5J2

Page 9 of 15

# **TERMS OF INSTRUMENT – PART 2**

# **SECTION 219 COVENANT**

THIS AGREEMENT, dated for reference March 19th, 2008, is made

## BETWEEN:

John Church and Beverly Sanderson 2035 Maple Avenue Sooke BC V0S 1N0

Holly Lee Linell-Vowles 2039 Maple Avenue Sooke BC V0S 1N0

D'Arcy & Lorraine Widrick 2043 Maple Avenue Sooke BC V0S 1N0

(the "Owners")

## AND:

**DISTRICT OF SOOKE**, a municipality incorporated under the Local Government Act, R.S.B.C. 1996, c.323 and having its office at 2205 Otter Point Road, Sooke, BC V9Z 1J2

(the "Municipality")

## AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA AS REPRESENTED BY THE MINISTER OF TRANSPORTATION, having a local area office at 240-4460 Chatterton Way, Victoria, BC, V8X 5J2

(the "Ministry")

# **GIVEN THAT:**

A. The Owners are the registered owners in fee simple of the land in Sooke, British Columbia, known as 2035, 2039 & 2043 Maple Avenue South, legally described as:

Parcel Identifier: 018-333-109

Lot 2, Section 3, Sooke District, Plan VIP56945

Parcel Identifier: 018-333-095

Page 10 of 15

Lot 1, Section 3, Sooke District, Plan VIP56945

Doc #: FB190524

Parcel Identifier: 005-697-395

Lot A, Section 3, Sooke District, Plan 44435

(the "Land");

- The Owners propose to develop the Land for residential development; B.
- The Owners have requested the Municipality to adopt Bylaw No. 342 (270-32), (the "Rezoning C. Bylaw") rezoning the Land to permit the development proposed by the Owners, and
- The Council of the Municipality has determined that the adoption of the Rezoning Bylaw would, but D. for the covenants contained in this Agreement, not be in the public interest; and the Owners therefore wish 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.
- The Ministry has determined that the adoption of the Rezoning Bylaw would, but for the covenant E. contained under Section (9) of Schedule A, not be in the public interest; and the Owners therefore wish to grant pursuant to s.219 of the Land Title Act, and the Ministry wishes to accept, the covenant over the land contained in that section.

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

.The Owner covenants and agrees with the Municipality and the Ministry that:

- the Land must not be redeveloped beyond its current use; (a)
- the Land must not be subdivided; (b)
- development of the Land, including by construction or placement of any building or structure on the Land is prohibited;
- no building permit may be applied for, and the Municipality is not obliged to issue any building permit, in respect of the Land; and
- 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.

Page 11 of 15

- 2. Any opinion, decision, act or expression of satisfaction of the Municipality provided for in this Agreement is to be taken or made by the Municipality's Director of Engineering or his or her delegate authorized as such in writing, in each case acting reasonably.
- 3. The Municipality and the Ministry shall execute and deliver to the Owners a registerable discharge of the covenants granted in this Agreement in the event that the Rezoning Bylaw is not adopted by December 30, 2007. The Owners 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 and the Ministry shall execute and deliver a discharge in respect of any such covenant that has been, in the Municipality's and the Ministry's opinions, fully satisfied by the Owners.
- 4. The Owners release, 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 Owners, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owners of this Agreement, or any default of the Owners 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 Owners agree 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 Owners from complying with any enactment, including in relation to the use of the Land.
- 9. Every obligation and covenant of the Owners 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

Page 12 of 15

the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owners are only liable for breaches of this Agreement that occur while the Owners are the registered owners of the Land.

Doc #: FB190524

- 10. The Owners agree to do everything reasonably necessary, at the Owners' 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 Owners 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.

Page 13 of 15

## **SCHEDULE "A"**

## SCHEDULE OF RESTRICTIONS

#### LAND USES

1. The Land shall be developed for multi-family residential use.

#### ROADS AND IMPROVEMENTS

- 2. The Owners shall, in advance of the issuance of any building permit on the Land, complete a traffic study, acceptable to the Ministry and Municipality, or, if agreed to in writing by the Owners, the Municipality and the Ministry, make an equivalent cash contribution to a District wide traffic study conducted by the Ministry and Municipality.
- 3. The Owners shall, in advance of the issuance of any building permit on the Land, where the Land fronts along Maple Avenue South, design and construct the road to suburban collector standards, and to standards acceptable to the Municipality.
- 4. The Owners shall, in advance issuance of any building permit on the land, make a monetary contribution in lieu of sidewalk construction beyond the lot frontage along Maple Avenue South, in the amount of \$180 per dwelling unit proposed to be constructed on the site.
- 5. The Owners shall, in advance of the issuance of any building permit on the Land, service the new development with underground utilities, to the standards acceptable to the Municipality.
- 6. The Owners shall, in advance of the issuance of any building permit on the Land, complete a storm water management plan and build a storm water management system and any off-site storm water infrastructure, to the standards acceptable to the Municipality. The storm water management plan must demonstrate the ability of the storm water system to accommodate additional site drainage during a 100-year storm event.
- 7. The Owners shall, in advance of the issuance of any building permits for buildings on the Land, complete works to satisfy the District of Sooke's Fire Department requirement for adequate fire flows and / or adequate sprinkling systems.
- 8. In all obligations and covenants where the Owners are required to construct certain works and improvements, including but not limited to paragraphs 3 and 4 herein, the Owners may post sufficient security with the Municipality, in a form and amount acceptable to the Municipality, to have the works and/or improvements completed within a specified time period.
- 9. The Owners may, therefore, request a discharge of any particular covenant granted in this Agreement, for which, either sufficient security was posted by the Owners and accepted by the Municipality, or the work has been completed and accepted by the Municipality, therefore deemed to be fully satisfied by the Owners, and the Municipality shall execute and deliver a discharge in respect of any such covenant.

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#### ACCESSIBILITY

10. The Owner shall designate a minimum of 10% of the dwelling units on the Land as wheel chair accessible, where dwelling units shall contain 'universal design'.

## AFFORDABLE HOUSING

- 11. The Owner shall designate a minimum of 10% of the dwelling units on the Land as Affordable Housing Units, where units shall be similar in size and quality as other dwelling units on the Land and shall be of a design determined by the Owner subject to the zoning regulations and development permit guidelines of the Municipality.
- 12. The Owner shall, in respect of each Affordable Housing Unit so designated, enter a housing agreement with the Municipality that
  - a. Restricts the initial sale price of the Affordable Housing Unit to a maximum of \$220,000 (the 'base price');
  - b. Restricts for five years the subsequent sale price of the Affordable Housing Unit to a maximum of the base price, plus an amount corresponding to the average increase in sale prices of like dwellings within the Municipality during the period between the initial sale of the unit and the date of the resale, as determined by the Municipality;
  - c. Restricts for five (5) years the occupancy of the Affordable Housing Unit to eligible occupants, being persons selected by the Municipality on the basis of relatively low income; and
  - d. Contains such ancillary and incidental terms and conditions as the Municipality may reasonably require to comply with s.905 of the Local Government Act and give effect to the three foregoing conditions.
- 13. The Housing Agreement shall be executed by the Owner and delivered to the Municipality in respect of each Affordable Housing Unit prior to the occupancy of the Affordable Housing Unit in the building in which the unit is located, and the Owner covenants under s.219 of the Land Title Act not to occupy or permit the occupancy of any Affordable Housing Unit on the Land for any residential use until the requisite Housing Agreements have been executed and delivered.
- 14. The Owner and the Municipality agree that no Affordable Housing Units need be designated in respect of the first nine dwelling units to be constructed on the Land.

## **CONNECTION TO COMMUNITY SEWER**

- 15. The Owner shall, in advance of issuance of building permit on the Land, provide engineered site servicing and offsite works plans are required to be submitted and approved, to the standards acceptable to the Municipality.
- 16. No occupancy permit for any building within the development shall be issued until that building has connected to the Community Sewer system.

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#### CONSENT AND PRIORITY AGREEMENT

Doc #: FB190524

GIVEN THAT Coast Capital Savings Credit Union formerly known as Pacific Coast Savings Credit Union (the "Chargeholder") is the holder of a Mortgage registered against the land legally described (the "Grantor's Lands") in the Covenant document to which this Agreement is attached (the "Covenant"), which Mortgage is registered in the Victoria Land Title Office under instrument number EN106343 (the "Charge"),

This Consent and Priority Agreement is evidence that in consideration of payment to it of \$1.00 by the transferee described in item 6 of Part 1 of the Form C to which this Agreement is attached (the "Transferee"), the Chargeholder agrees with the Transferee as follows:

- 1. The Chargeholder consents to the granting and registration of the Covenant and the Chargeholder agrees that the Covenant binds its interest in and to the Land.
- 2. The Chargeholder grants to the Transferee priority for the Covenant over the Chargeholder's right, title and interest in and to the Land and the Chargeholder postpones the Charge, and all of its right, title and interest thereunder, to the Easement as if the Easement had been executed, delivered and registered prior to the execution, delivery and registration of the Charge.

As evidence of its agreement with the Transferee to be bound by this Consent and Priority Agreement, as a contract and as a deed executed and delivered under seal, the Chargeholder has executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the Form C and Form D above which forms are party hereof.



# DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 887

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property located at 2027 Maple Avenue South from Large Lot Residential (R1) to Medium Density Multi Family Residential 2 (RM2).

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

- 1. This bylaw is cited as "Zoning Amendment Bylaw No. 887 (600-96), 2023".
- 2. The section of land legally described as Lot A, Section 3, Sooke District, Plan VIP11499, Parcel A (DD307801) as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned from Large Lot Residential (R1) to Medium Density Multi Family Residential 2 (RM2).
- 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, 2023.
PUBLIC HEARING held the day of	, 2023.
READ a THIRD time the day of	, 2023.
APPROVED by the Ministry of Transportation, 2023.	tion and Infrastructure the day of
ADOPTED the day of, 202	23.
Maja Tait Mayor	Carolyn Mushata Corporate Officer

