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**Public Hearing
Information Package
October 10, 2023, at 7:00 p.m.**

Sooke Council Chambers
2225 Otter Point Road, Sooke, BC

**Zoning Amendment Bylaw No. 886
5529 Croydon Place**

Proposed Bylaw:	<i>Zoning Amendment Bylaw No. 886 (600-95), 2023</i>
Zoning Amendment:	The purpose of <i>Zoning Amendment Bylaw No. 886 (600-95), 2023</i> , is to amend the zoning on the property from Rural Residential (RU4) to RU5 Neighbourhood Residential (RU5).

Information Package Contents:

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

Printed September 27, 2023



Notice of Public Hearing

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

Bylaw: *Zoning Amendment Bylaw No. 886(600-95), 2023*
File No: PLN01667
Civic Address: 5529 Croydon Place, as shown outlined in black and cross hatched in the site map below
Legal Descriptions: Lot A, Section 64, Sooke Land District, Plan BP112140
Applicant: Rachael Sansom

Proposal:

The purpose of Zoning Amendment Bylaw No. 886 (600-95), 2023 is to amend the zoning on the property located at 5529 Croydon Place from the Rural Residential (R14) Zone to the Neighbourhood Residential (R15) Zone.

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 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays), commencing September 28th, 2023 to, and including, October 10th, 2023.

Public Input:

All persons who believe their interests in property are affected by the proposed bylaw will be afforded an opportunity to be heard at the Public Hearing on the matters contained in the proposed bylaw. Should you have any concerns or comments you wish to convey to Council, please submit in writing by fax to 250-642-0541, email public.hearing@sooke.ca or in-person to the Corporate Officer at the District Municipal Offices no later than Tuesday, October 10th, 2023, at 12:00 noon.

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* (FOIP/A). District of Sooke Council Meetings are open to the public to attend in-person, and public participation is not available virtually as the authority to do so has expired and is not authorized by the District's Council Procedure Bylaw.

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

Corporate Officer





**DISTRICT OF SOOKE
ZONING AMENDMENT
BYLAW No. 886**

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property located at 5529 Croydon Place from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5).

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

1. This bylaw is cited as “Zoning Amendment Bylaw No. 886 (600-95), 2023”.
2. The section of land legally described as Lot A, Section 64, Sooke District, Plan EPP112140, as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned from Rural Residential 4 (RU4) to Neighbourhood Rural Residential (RU5).
3. Bylaw No. 600, Sooke Zoning Bylaw, 2013, as amended, and **Schedule A** attached thereto, are amended accordingly.

READ a FIRST and SECOND time the 11 day of September, 2023.

PUBLIC HEARING held the ___ day of _____, 2023.

READ a THIRD time the ___ day of _____, 2023.

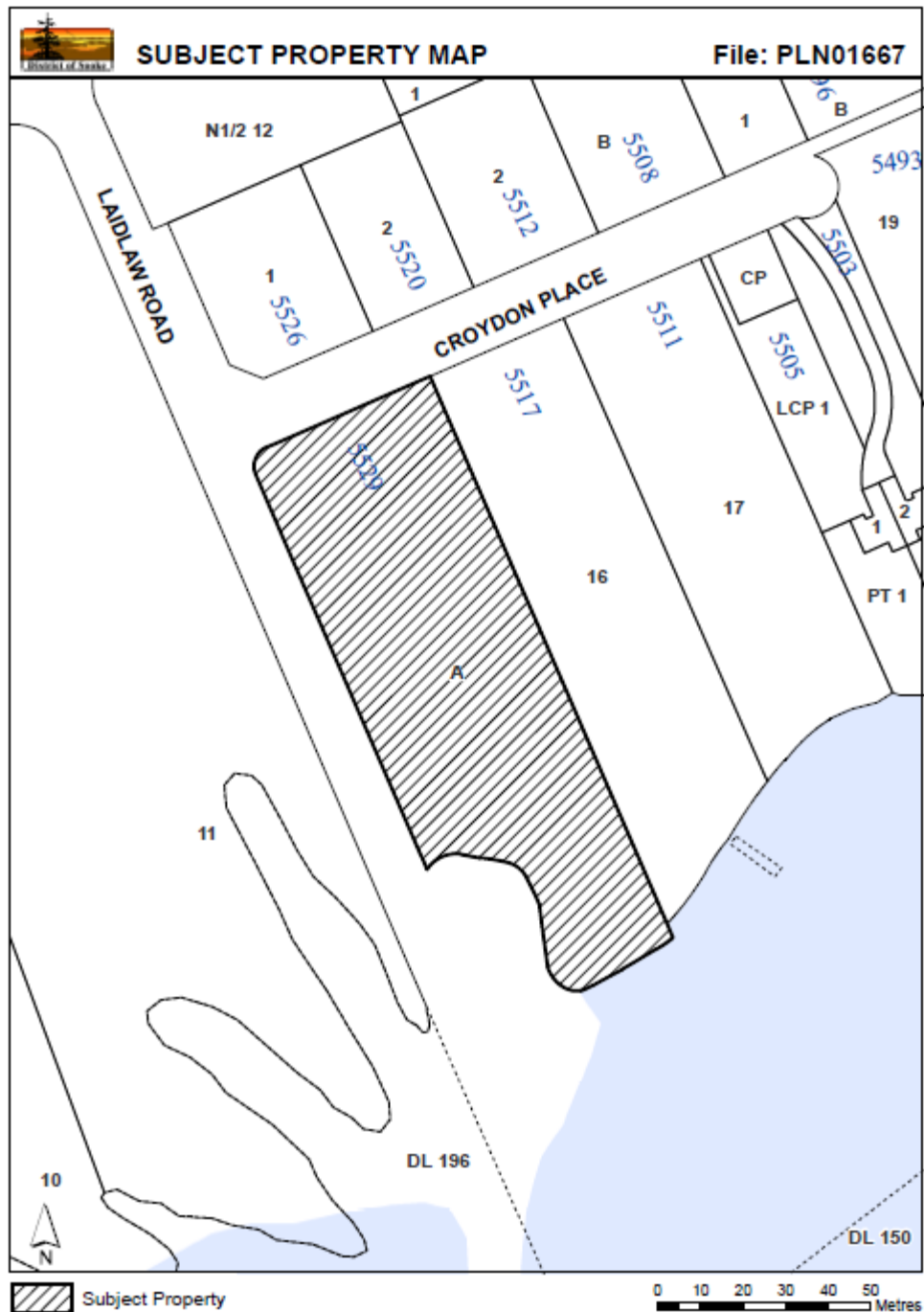
APPROVED by the Ministry of Transportation and Infrastructure the ___ day of _____, 2023.

ADOPTED the ___ day of _____, 2023.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

SCHEDULE A



12.2. **Zoning Bylaw Amendment - 5529 Croydon Place**

The Director of Planning and Development summarized the written staff report that included information about a received rezoning application for 5529 Croydon Place to amend the zoning on the property from Rural Residential (RU4) to RU5 Neighbourhood Residential (RU5). The rezoning will allow the applicant to make an application to subdivide the property to create one new parcel. The report Included:

- site context;
- subdivision proposal;
- affordable housing development agreement; and
- staff recommendation.

Council Discussion:

- Clarification that the property currently contains one principle dwelling and one detached suite and Subdivision would allow for current principle dwelling to remain on one lot and the detached suite would become a principle dwelling on a second lot.
- Development agreement outlines that further density is only possible if a principle dwelling is removed first and the maximum unit density is a total four units (two per lot).

2023-270

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

THAT Council give first and second reading to Zoning Amendment Bylaw No. 886 (600-95), 2023 to amend the zoning on the property located at 5529 Croydon Place from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5);

THAT Council direct staff to schedule a Public Hearing for Zoning Amendment Bylaw No. 886 (600-95), 2023 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 Kevin Pearson, and Councillor Tony St-Pierre

Absent: Councillor Megan McMath

2023-271

MOVED by Councillor Tony St-Pierre, seconded by Councillor Al Beddows:

AND THAT prior to final adoption of Zoning Amendment Bylaw No. 886 (600-95), 2023 the owner enter into a section 219 covenant to address protection of the natural environment, on-site improvements, and access easement, affordable housing in the amount of \$5000 per additional new lot, roads and improvements, and water and sanitary servicing

CARRIED UNANIMOUSLY

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

Absent: Councillor Megan McMath



Zoning Bylaw Amendment - 5529 Croydon Place

RECOMMENDATION:

THAT Council give first and second reading to Zoning Amendment Bylaw No. 886 (600-95), 2023 to amend the zoning on the property located at 5529 Croydon Place from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5);

THAT Council direct staff to schedule a Public Hearing for Zoning Amendment Bylaw No. 886 (600-95), 2023 in accordance with Section 466 of the Local Government Act;

AND THAT prior to final adoption of Zoning Amendment Bylaw No. 886 (600-95), 2023 the owner enter into a section 219 covenant to address protection of the natural environment, on-site improvements, and access easement, affordable housing in the amount of \$5000 per additional new lot, roads and improvements, and water and sanitary servicing.

Report Summary:

The District of Sooke has received a rezoning application for 5529 Croydon Place, legally described as Lot A, Section 64, Sooke District, Plan EPP112140 (PID 031-490-841). The purpose of this application is to amend the zoning on the property from Rural Residential (RU4) to RU5 Neighbourhood Residential (RU5). The rezoning will allow the applicant to make an application to subdivide the property to create one new parcel. The application meets the objectives and policies of the Sooke Official Community Plan, 2010 (Bylaw 400) under the land use designation of Gateway Residential.

Variances associated with the proposal are being presented separately with DVP application PLN01682 at a future council meeting.

Report:

Site Context

The subject property is approximately 6100 m² (1.48 acres) and is a corner lot with road frontage on Croydon Place (north) and Laidlaw Road (west). Ayum Creek Regional Park Reserve is located to the west of the subject property, commercial and rural residential properties are located to the north, and rural residential properties are located to the east. The Sooke Basin (Cooper's Cove) adjoins the property to the south. The property contains a single-family dwelling, a detached small suite, and an accessory building. A Site Map can be found as Attachment 1.

The applicant would like to create one new parcel and subdivide it in a way that splits the primary dwelling from the small suite, with the suite being converted to a principal dwelling. The Building Safety Department has reviewed the "Energy Compliance

Report" submitted by the applicant and confirm that the structure can function as a primary dwelling by way of a 'change of use' permit through the District's building permit process. The parcels would share an existing access from Croydon Place via an easement. The maximum number of new lots permitted under the RU5 Zone for this property is one. The proposed subdivision plan is provided as Attachment 2.

The shoreline is considered an Environmentally Sensitive Area in the District of Sooke Official Community Plan. The entire property has been developed and landscaped, and no further development is proposed as a result of the subdivision. A memo prepared by Corvidea Environmental Consulting is attached as Attachment 9 and speaks to the variance the applicant has also applied for; however, it also contains information relevant to the zoning amendment proposal.

Proposal:

Sooke Zoning Bylaw, 2013:

The applicant is proposing to amend the zoning at 5529 Croydon Place from the Rural Residential (RU4) to Neighbourhood Rural Residential (RU5). The RU5 Zone is included as Attachment 3 for reference. The key difference between the two zones are outlined in the Table below. No concerns are anticipated as existing structures conform to the new proposed zoning, no new structures are proposed at this time. Bylaw requirements related to subdivision have been met, or have the possibility of being varied.

	Rural Residential (RU4)	Neighbourhood Rural Residential (RU5)
Minimum lot size for subdivison	1 ha	2500 m2
Minimum lot width for subdivision	15 m	15 m
Maximum lot coverage	30 %	25 %
Minimum average width of principal building	NA	7 m, excluding accessory residential porches, sheds, garages and carports

Official Community Plan, 2010 (OCP):

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

Gateway Residential Objectives (5.2.2)

(a) Provide a range of high-quality housing types, tenures and low densities, which can meet the diverse needs of, and attract, individuals and families of varying income levels and demographics.

- (b) Provide affordable and attainable housing opportunities, to meet the needs of various age groups, family types, lifestyles and income groups.
- (d) Provide the most efficient use of land and existing physical infrastructure in terms of infill.
- (e) Not support the creation of lots less than 2500m².
- (f) Deter single family residential sprawl outside the Community Growth Boundary.
- (g) Primarily concentrate new residential development in existing areas or neighbourhoods prior to expanding into new areas.
- (j) Reduce the impact on the natural environment and avoid hazardous land conditions and environmentally sensitive areas.

The proposed zoning amendment aligns with the above objectives of the Gateway Residential designation. The applicant has applied to rezone to RU5 where the minimum lot size is 2500 m². The new lot proposed will provide low density infill while preserving the rural character of the surrounding neighbourhood, with no substantial changes to the property proposed. The application falls within the Community Growth Boundary.

Gateway Residential Policies (5.2.3)

- (a) Extend and provide municipal sewage infrastructure to the area and consequently connect all required structures, and decommission all private septic fields and/or sewage holding tanks whenever possible.

The property is not within the sewer specified area. The applicant will need to ensure that on site septic systems are current and suitable for each lot.

- (e) Hold the preservation and protection of the Sooke Harbour and Basin and Foreshore as a priority to any future development;

No changes to the site are proposed and the applicant is requesting relief from constructing Laidlaw and Croyden Road to Bylaw No.404 standards. The variances, if granted, would support this policy by retaining Laidlaw Road in a natural state, protecting the basin and foreshore.

- (i). To not support rezoning or subdivision applications for proposed lot sizes of less than 2500m².

The intention of the proposed zoning amendment is to allow for the subdivision of the property into two lots each larger than 2500 m², thus satisfying this policy.

Parks and Trail Masterplan (8.3 Actions, Planning and Design)

8.2 For any new developments and redevelopment along the riparian areas or in environmentally sensitive areas, require the protection of the sufficient land needed to maintain the environmental resources and an adjacent public trail.

As a condition of rezoning staff is requesting that improvements to the existing nature trail at the end of Croyden Place be undertaken. Croydon Place is identified in Map 9 of the Parks and Trail Masterplan as a potential waterfront access point in need of improvement.

Affordable Housing Contribution:

Section 4.7.3 (g) of the OCP allows some flexibility in how contributions to the Affordable Housing Fund are received. Developers may provide required affordable housing in new developments such as secondary suites, condominium rental units, cash or land in lieu to the District of Sooke towards on/off site affordable housing;

A cash in lieu affordable housing is not formally defined in the Districts current policies, however, property owners rezoning to allow for low density development have typically made volunteer cash contributions based on a per new lot created basis. This applicant has offered \$5000 to be paid at the time of subdivision approval. The contribution for affordable housing is to be secured within a Section 219 covenant registered with the property prior to the Adoption of the Bylaw to amend the zone.

Section 219 Covenant - Development Agreement

A draft development agreement has been prepared. This agreement will secure the requirements and objectives of the District and/or referral agencies ensuring that they will be implemented throughout the development process. The development agreement includes the following to be secured within a Development Agreement registered on title as a Section 219 covenant. A draft copy of which is attached as Attachment 7.

Organizational and Inter-governmental Implications:

No objections or concerns were received from internal departments or external government agencies when the proposal was sent for review in September 2022. For a summary of the referral comments received regarding this application please reference Attachment 8.

Staff Recommendation:

The application meets the District Zoning Regulations for the proposed zone and the objectives of the relevant policies within the OCP. Staff recommends first and second reading as per the Bylaw, provided as Attachment 5, and to proceed with scheduling a public hearing. Based on the conceptual subdivision plan layout and requirements, variance requests must be considered separately but applications are to be received concurrently with this rezoning application.

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 - Site Map of 5552 Croyden Place](#)

[Attachment 2 - Proposed Subdivision](#)

[Attachment 3 - RU5 Zone](#)

[Attachment 5 - 886 \(600-95\) Zoning Amendment Bylaw-5529 Croyden Place](#)

[Attachment 6 - Applicant Rationale](#)

[Attachment 8: PLN01667 - Summary of Referral Comments for Report](#)

[Attachment 9 - Corvidae QEP 5529 Croydon Place -Subviviion Letter REV](#)

[Attachment 7: Draft Development Agreement PLN01667F](#)

Approved by

Matthew Pawlow, Director of Planning & Development

Carolyn Mushata, Corporate Officer

Raechel Gray, Director of Financial Services

Approved - 06 Sep 2023

Approved - 06 Sep 2023

Approved - 07 Sep 2023



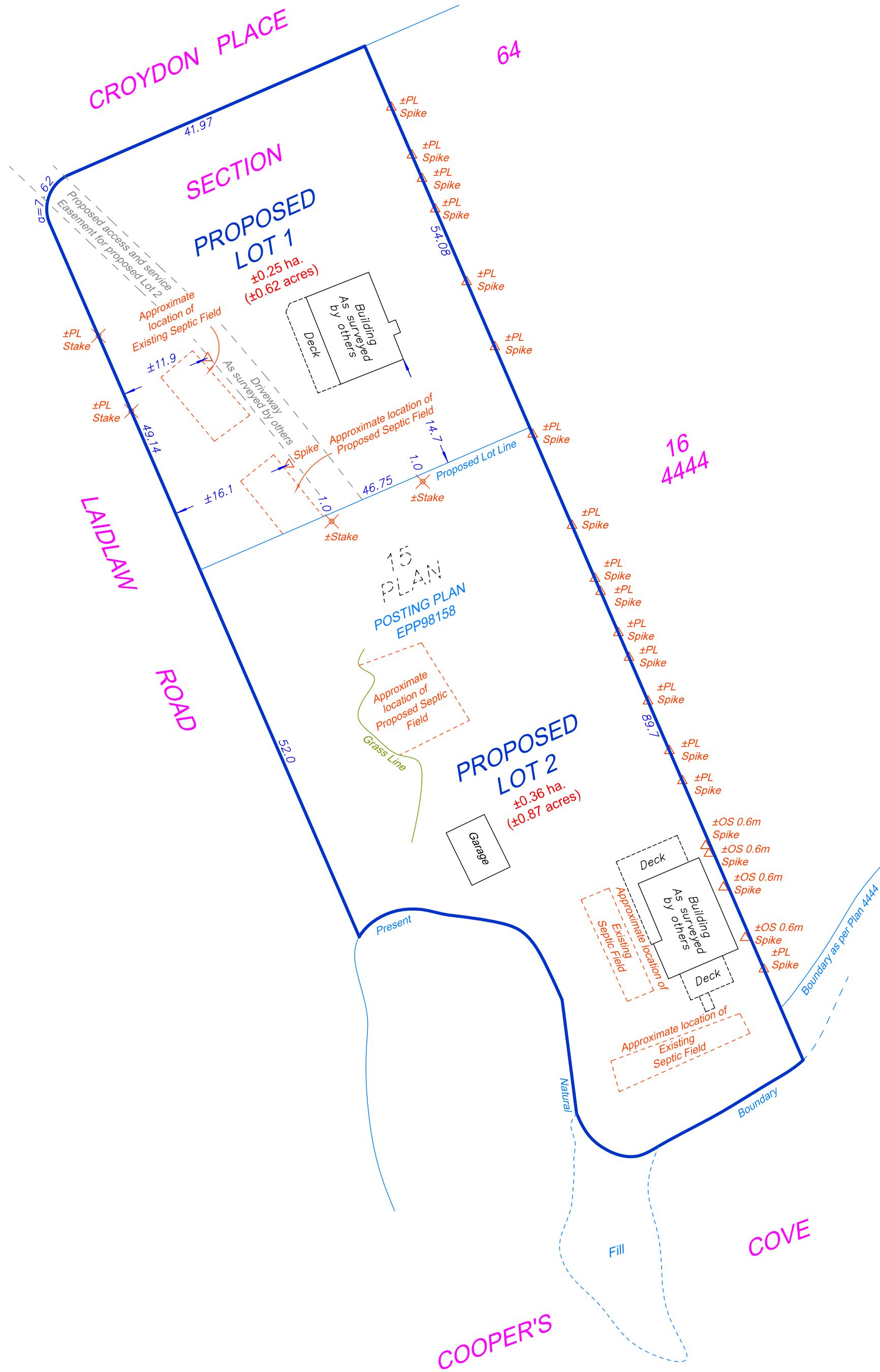
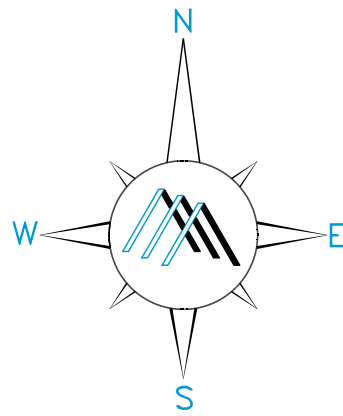
PROPOSED SUBDIVISION PLAN OF LOT 15,
SECTION 64, SOOKE DISTRICT, PLAN 4444,



NOTE:
Lot dimensions shown are based upon field survey and may vary from those registered.
Lot dimensions, offsets, and areas shown may vary upon completion of a comprehensive legal survey.
This plan is for discussion purposes only and is for the exclusive use of our client. This plan shall not be used to define property lines or property corners. Unregistered interests have not been included or considered.

PID: 006-087-728
The parcel is subject to charges:
- Statutory Right of Way CA7265204 & CA7265205

- LEGEND
- ✕ ±Stake Denotes ±wood stake set May 26, 2021
 - △ ±PL Spike Denotes ±spike set on property line May 26 & June 14, 2021
 - △ ±OS Spike Denotes ±spike set offset from the property line June 14, 2021





Summit Land Surveying
Operated by Apex Land Surveying Ltd.
#101-630 Goldstream Avenue
Victoria B.C. V9B 2W8
Telephone 250.391.6708
www.summitsurveying.ca

File: W143-Blakely-SD2

Date: October 13, 2021

Rural Residential

RU4

104.1 Purpose: This zone applies to those lots that are rural in nature, intended for residential purposes, and are not within the Sewer Specified Area of the District of Sooke.

104.2 Permitted Uses:

Principal Uses:

- a) Agriculture
- b) Single family dwelling or one duplex per lot

Accessory Uses:

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

104.3 Minimum Lot Size for Subdivision Purposes:

- a) Outside the Sewer Specified Area: 1 ha
- b) Inside the Sewer Specified Area: 1000 m² providing the parent parcel at the time of joining the Sewer Specified Area is 5000m² or less in area.

104.4 Minimum Width for Subdivision Purposes: 15 m *(amended by Bylaw No. 583 adopted February 11, 2014)*

104.5 Maximum Height:

- a) Principal Buildings: 12 m
- b) Accessory Buildings: 9 m

104.6 Maximum Lot Coverage:

- a) 30%
- b) Where Agricultural production is carried out in greenhouses, the maximum lot coverage is 75%.

Schedule 104 – Rural Residential (RU4)

104.7 Minimum Setbacks for Lots Over 1000 m² in Area:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	7.5 m	4.5 m	3 m	4.5 m	4.5 m
Accessory Building or Structure	7.5 m	4.5 m	3 m	4.5 m	0 m
Farm Building or Structure	10 m	10 m	10 m	10 m	0 m

Minimum Setbacks for Lots 1000 m² or Less in Area:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m - house portion; 6 m garage/carport portion	3 m	1.2 m	4 m	4 m
Accessory Building or Structure	7.5 m	4.5 m	1.2 m	1.2 m	0 m
Farm Building or Structure	10 m	10 m	10 m	10 m	0 m

104.8 Conditions of Use:

- Agriculture only permitted beyond 30 m from a watercourse.
- Septic systems for each lot must be determined by and installed in accordance with the requirements of the appropriate approval authority.

Please be aware that the District of Sooke Stage 2 (Sanitary) Liquid Waste Management Plan, October 2005 contains soils mapping showing those areas outside the Sewer Specified Area which are well-suited to lot sizes of less than one hectare as well as other important information regarding subdivision outside of the Sewer Specified Area. Copies of this report can be viewed at the District's offices or on the District's website at: www.sooke.ca The information in the report is general in nature and a site specific analysis will be required as part of any rezoning application. This italicized paragraph is not part of Bylaw No. 600 and has only been provided for the convenience of the reader.



**DISTRICT OF SOOKE
ZONING AMENDMENT
BYLAW No. 886**

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property located at 5529 Croyden Place from Rural Residential 4 (RU4) to Neighbourhood Rural Residential (RU5).

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

1. This bylaw is cited as “Zoning Amendment Bylaw No. 886 (600-95), 2023”.
2. The section of land legally described as Lot A, Section 64, Sooke District, Plan EPP112140, as shown boldly outlined and hatched on Schedule A, which is affixed to and forms part of this bylaw, is hereby rezoned from Rural Residential 4 (RU4) to Neighbourhood Rural Residential (RU5).
3. Bylaw No. 600, Sooke Zoning Bylaw, 2013, as amended, and **Schedule A** attached thereto, are amended accordingly.

READ a FIRST and SECOND time the ____ day of _____, 2023.

PUBLIC HEARING held the ____ day of _____, 2023.

READ a THIRD time the ____ day of _____, 2023.

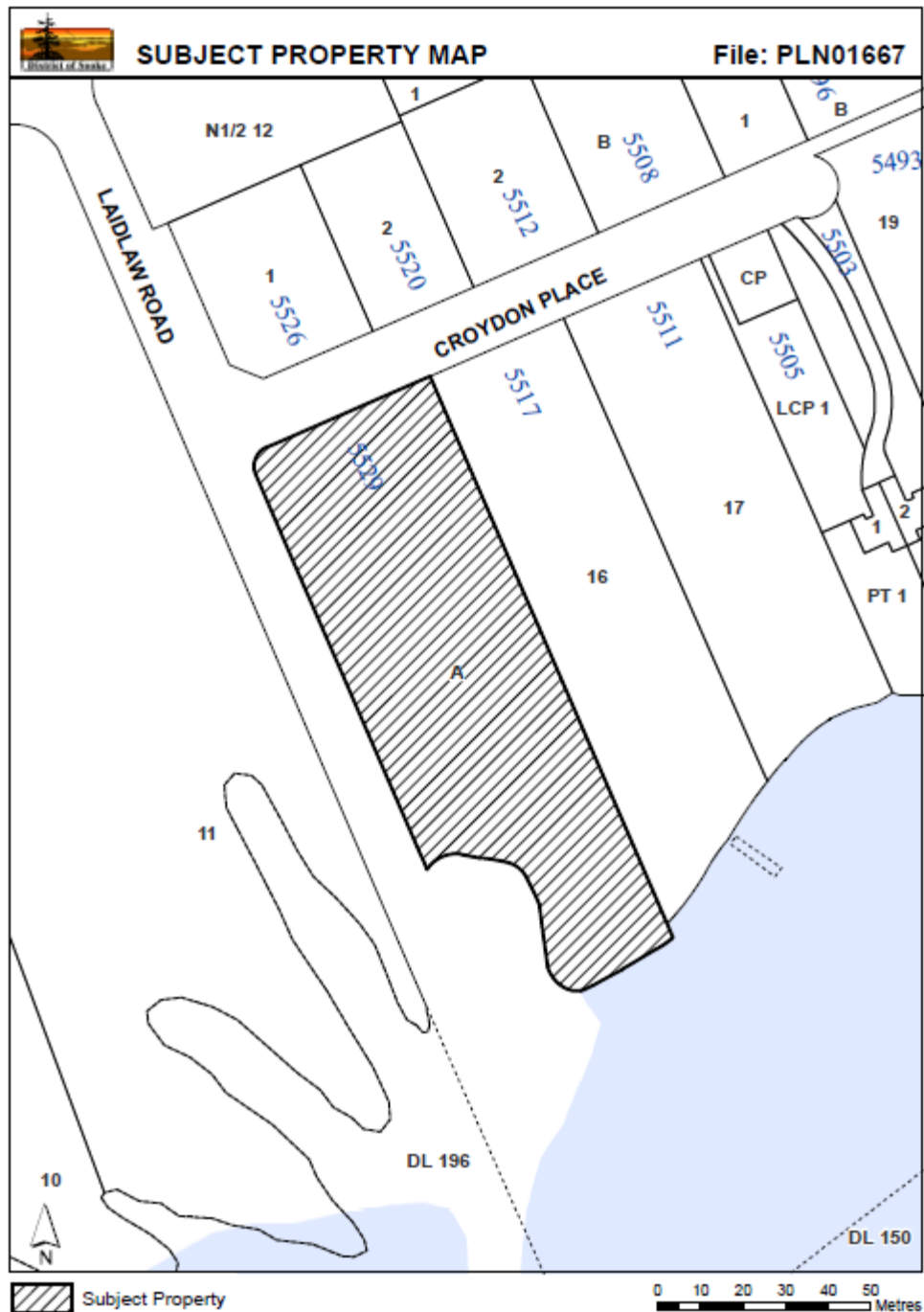
APPROVED by the Ministry of Transportation and Infrastructure the ____ day of _____, 2023.

ADOPTED the ____ day of _____, 2023.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

SCHEDULE A



June 16th, 2022

Mr. Matthew Powlow, Director of Planning and Development
2205 Otter Point Road
Sooke, BC V9Z 1J2

5529 Croydon Place Rezoning Rationale

Dear Sir,

The owners of the above noted lands wish to apply to rezone their property from the existing RU4 Zone to the RU5 Zone to allow a large lot residential subdivision.

This 6100 square metre parcel has existing residential uses with a main house and small suite. The existing access is from Croydon Place. There is an undeveloped right of way to the west (Laidlaw Road), abutting Ayum Park (operated by the CRD).



PROPOSED SUBDIVISION PLAN OF LOT 15, SECTION 64, SOOKE DISTRICT, PLAN 4444.



NOTES

Lot dimensions shown are based upon field survey and may vary from those registered.

Lot dimensions, offsets, and areas shown may vary upon completion of a comprehensive legal survey.

This plan is for discussion purposes only and is for the exclusive use of our client. This plan shall not be used to define property lines or property corners. Unregistered interests have not been included or considered.

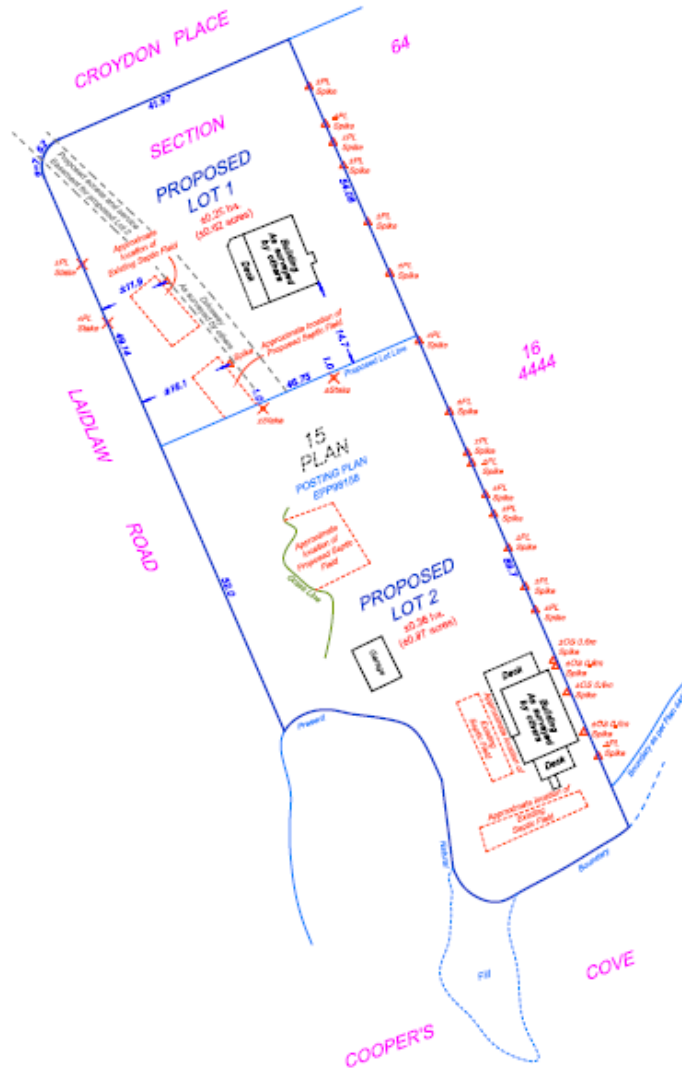
PID: 008-087-728

The parcel is subject to charges:

- Statutory Right of Way CA7265264 & CA7265265

LEGEND

- X Stake Denotes ground stake set May 26, 2021
- ▲ Stake Denotes stake set on property May 26 & June 14, 2021
- ▲ Stake Denotes stake set off from the property June 14, 2021



Summit Land Surveying
Operated by Apex Land Surveying Ltd.
 #101-630 Goldstream Avenue
 Victoria B.C. V9B 2W6
 Telephone 250.391.8708
 www.summitsurveying.ca

File: W143-Stakeley-502
Date: October 13, 2021

© 2021 Apex Land Surveying Ltd.

The proposed development is 2 residential lots with individual septic fields and CRD water supply. Other than a water service for the new lot, no additional works on site are required.

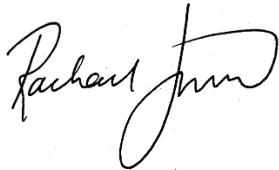
Pre-Application correspondence with staff indicated that the not only would the adjacent Laidlaw right of way have to be constructed, but that an additional 3m be added to the right of way to conform to the subdivision bylaw. This right of way ends at a mud flat and contains a riparian area (per the attached Biologist Report). The right of way abuts Ayum Park; CRD staff have visited the site and do not support road construction in this location. An easement for driveway access over Lot 1 in favour of Lot 2 would be appropriate to reduce any potential environmental impact.

The existing small suite on lot 1 will remain as either the principal dwelling or accessory to a new home. If required, it will be brought up to code - the owners are currently pursuing an occupancy permit for this structure. Conversations with staff indicated that, if the building is only an accessory building, the structure should be demolished. The suite is currently rented and provides an affordable housing option for its renter.

The neighbourhood will be consulted prior to consideration of this application by Committee and Council. Every effort will be made to address concerns if any, prior.

Thank you for the opportunity to submit this application. We look forward to working with staff as we move through the process.

Best Regards,

A handwritten signature in black ink, appearing to read 'Rachael Sansom', with a stylized, flowing script.

Rachael Sansom, A.Sc.T, Grayland Consulting

Agent for the owner of 5529 Croydon Road.



5529 Croyden Place, Rezoning and Development Variance Permit Application

Application #: PLN01667

Referral #1 Sent On: September 28, 2022

Referral #2 Sent On: March 1, 2023

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

EXTERNAL REFERRALS	
Name of External Agency	Comments Received from Agency
Shaw Cable and Internet	No comments received
Vancouver Island Health Authority (VIHA)	No comments received
CRD Parks and Community Services	See Attached
Juan de Fuca EAP Office	No comments received
B.C. Hydro and Power Authority	No Comments received
ALR Commission (ALC)	
Ministry of Transportation and Infrastructure (MOTI)	The Transportation Act applies and will require formal Ministry approval and signature. The Ministry has no objections to the proposed rezoning.
Canada Post, Sooke	No Comments received
BC Transit	No Comments received
CRD Integrated Water Services	No Comments received
CRD Real Estate Services	Comments provided – CRD Parks (see attached)
Department of Fisheries and Oceans Canada (DFO)	No Comments received
SEAPARC	No Comments received
Sooke School District #62	Reviewed, no concerns
Fortis BC	Reviewed, no concerns
T'Sou-ke First Nation	No comments received
Archeological Branch: Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)	No comments received
RCMP, Sooke Detachment	No comments received

Telus Communications	No comments received
INTERNAL REFERRALS	
DOS Parks and Environmental Services	See Attached
DOS Operations and Engineering	See Attached
DOS Subdivision	See Attached
DOS Building	A Building permit is required to convert the accessory building (suite) on Lot 1 to a single-family dwelling. The dwelling will have to be brought up to the current building code including current step code.
DOS Planning	See Attached
DOS Fire	CRD will be installing a new hydrant just past this lot (5529), most likely in the next few weeks. Plans could indicate the length and width of the proposed driveway easement access to give fire an indication of feasibility for emergency access. Best practice would be to follow BCBC 3.2.5.6.

MEMORANDUM

To: Lauren Mattiussi, Senior Planner
From: Nikki Zerr, Land Development Technician
Date: March 22, 2023

Referral Response –
Subdivision Land
Development

**Re: Address: 5529 Croydon Place
Application(s): PLN01667 & PLN01682
Application Referral Type: Zoning Amendment and Development Variance Permit
Referral Request Submission Date: March 9, 2023**

Further to our referral response of November 2, 2022, listed below is the Subdivision Land Development Division response for the above-referenced Zoning Amendment and Development Variance Permit applications:

The applications must comply with all District bylaws and policies as well as relevant provincial regulations and charges registered on title, including, but not limited to:

- a. [Subdivision and Development Standards Bylaw 404](#)
- b. [Sooke Zoning Bylaw](#)

Should the applicant propose subdivision of the lands, all buildings must meet the requirements of the Zoning Bylaw in regard to siting in relation to new property lines, and defined use as principle dwellings prior to subdivision approval.

Access easement will be required prior to subdivision approval (secured with section 219 covenant naming DOS) to allow for access to Proposed Lot 2 over Proposed Lot 1.

All other applicable subdivision requirements will be addressed should the owner proceed to subdivision application.

For questions related to the items above, please contact:

Nikki Zerr, Land Development Technician
nzerr@sooke.ca

Date:	August 22, 2023	File No.	PLN01667
To:	Lauren Mattiussi, MCIP RPP Senior Planner	From:	Raphael Mattson Manager of Engineering and Infrastructure

**Re: 5529 Croyden Road
Rezoning
Engineering Comments**

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

General

1. The new development is located within the Suburban area as defined in the District of Sooke Subdivision and Development Standards Bylaw, 2014 (Bylaw 404) and is to be serviced in accordance with Bylaw 404.
2. Provide road dedication along Croyden Road and Laidlaw Road to 18m width, local road standard
3. 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.
4. Complete a detailed erosion and sediment control plan for implementation prior to commencement of any construction to be submitted with design drawing package.

Frontage Improvements

1. Design and construct full frontage improvements along Croyden Place as per the Transportation Master Plan Urban/Suburban Local cross section including but not limited to 4.25m travel lanes, non-mountable curb & gutter, drainage, boulevards, streetlighting, street trees and 2.0m sidewalks.
2. All driveways within public property are to be hard surfaced (asphalt, concrete or brick paver) to the property line.
3. Boulevards to be landscaped with soil and sod complete with street trees as per Bylaw No. 404.

Rain Water Management

1. A detailed rain water management plan prepared by a Professional Engineer is to be received in conjunction with the Design Drawing Assessment package.
 - Stormwater storage complete with overland flow route to be provided on each lot as per bylaw 404 requirements.
2. Design to include any upsizing of existing drainage facilities in the road right of way

as required.

3. If on site storm water management is required, a covenant to be registered on each lot for onsite stormwater management system. Covenant to outline:
 - If not installed the requirement for installation and the installation to be certified by a Professional Engineer prior to occupancy.
 - Operation and maintenance manual required for onsite system to be registered on title for ongoing maintenance.

Sanitary Sewer

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

Water Servicing

1. Per the Subdivision and Development Standards Bylaw 404, all lots created by subdivision or being developed and located in areas serviced by a Water Utility must be connected to the Water Utility distribution system.
2. Per Bylaw 404, fire flow demand shall be in accordance with the current "Water Supply for Public Fire Protection" current edition, by the fire Underwriters Survey (FUS) for the existing or anticipated land use. Calculations supporting the theoretical fire flow available are to be submitted with the design drawings.

The FUS submission is to clearly summarize

- the assumptions to support the methodology used for the calculations;
- how the existing /proposed infrastructure meets the theoretical fire flows required;
- the restrictions to be covenanted on title, where required to ensure noted results are met

To: Lauren Mattiussi, Senior Planner
From: Jessica Boquist, Parks and Environmental Services Coordinator
Date: August 22, 2023
File No.: PLN01667
Address: 5529 Croydon Place
Application Referral Type: Rezoning

Further to our referral response of November 22, 2022, listed below is the Parks and Environmental Services response for the above-referenced rezoning application:

General

1. The new development is located within the Suburban area as defined in the District of Sooke Subdivision and Development Standards Bylaw, 2014 (Bylaw 404) and is to be serviced in accordance with Bylaw 404.
2. Complete a detailed erosion and sediment control plan for implementation prior to commencement of any construction to be submitted with design drawing package.
3. The Owners shall provide, prior to subdivision approval, a tree protection plan for all trees indicated as remaining on landscape drawings and/or design assessment package drawings.
4. Ensure development practices are aligned with the best practices outlined in:
 - Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Government of BC 2014),
 - Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) (BC Ministry of Environment [MOE] 2014a),
 - Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water, Land and Air Protection 2004), and
 - As per the Develop with Care Guidelines, 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 this timeframe cannot be met, the applicant should hire a Qualified Environmental Professional (QEP) to do a nest survey two days before vegetation clearing is to begin.

5. PES supports CRD Regional Parks and the environmental consultant's opinion that the Laidlaw right-of-way remain undeveloped to maintain the integrity of the adjacent sensitive marine area, riparian area, and Ayum Creek Regional Park. In lieu of frontage improvements along Laidlaw, PES requests improvements to the existing nature trail at the end of Croyden Place.

This is in alignment with the [Parks and Trails Master Plan](#) (PTMP) which sets the goal of improving public access to and along the waterfront and identifies Croyden Place as a potential waterfront access point in need of improvement. Please see Map 9 District Water Access on page 58.

Frontage Improvements

1. Boulevards to be landscaped with soil and sod complete with street trees as per Bylaw No. 404.
2. A Tree Planting Plan must be submitted for review by the Parks and Environmental Services Coordinator under Bylaw 404 prior to Final Subdivision Approval. The Tree planting plan must include:
 - a) tree species list with botanical and common names;
 - b) size, quantity and spacing of trees;
 - c) location of trees, utilities and sight-lines;
 - d) protection buffer for existing trees; and
 - e) staking and guying techniques.
3. Street tree planting requirements can be found in Schedule 8, pages 52- 54 of Bylaw 404: sooke.civicweb.net/document/4025/

Should this application proceed to Subdivision stage, Parks and Environmental Services will provide additional comments.

Please contact Jessica Boquist at jboquist@sooke.ca to discuss tree species or any questions pertaining to the above comments.

CRD Staff Referral Response Form

Referral No.: Sooke Rezoning Application PLN01667 – 5529 Croyden Road

	Interests Unaffected	Approval recommended for reasons outlined	Approval recommended subject to conditions	Approval <i>not</i> recommended due to reasons outlined	Comments
Executive Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA
Finance & Technology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA
Integrated Water Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA
Legislative Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA
Parks & Environmental Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<div><ul style="list-style-type: none">The subject property is adjacent to Ayum Creek Regional Park, which is classified as a Regional Conservation Area. The primary purpose of a regional conservation area is protection of the natural environment. Regional conservation areas typically contain rare or endangered plant and wildlife species and their supporting ecosystems, which is applicable to this park.The Land Conservancy of British Columbia (TLC) and Habitat Acquisition Trust (HAT) hold a conservation covenant on Ayum Creek which requires (among other restrictions) CRD Regional Parks to:<ul style="list-style-type: none">Protect, preserve, conserve, restore and enhance the ecosystems and biodiversity of the Lands (Ayum Creek)Cause a minimum of disturbance to the natural drainage patterns of the LandsNot build, construct, erect or alter any structure, building or improvement on the Lands except in accordance with the park management planNot remove, destroy, or cut any indigenous vegetation on the Lands except to implement the Park Management PlanA park management plan was approved by the CRD Board in 2010 for Ayum Creek Regional Park. The management plan identifies a park vision, direction statements, internal park zoning, a development concept, and objectives and actions. The park is entirely an Environmental Protection Zone, which recognizes the park’s small size, the surrounding development, and that the long-term ecological viability of the park is contingent upon the maintenance of on-going natural processes within park boundaries.The development concept for the park is to keep the park as natural and undeveloped as possible and to ensure minimal visitor impacts to the park environment.<ul style="list-style-type: none">The Development Concept map on page 33 of the management plan identifies the visitor facilities that will be provided in the park, as well as the trail system and access points. There is no public access from Laidlaw Road.CRD Regional Parks planning staff visited 5529 Croydon Place on February 8, 2022 at the request of the property owners and their consultant to review the Laidlaw Road unbuilt road ROW. The ROW exists in a natural state and overlays a sensitive riparian area with mature trees and a native vegetative buffer, extending to a sensitive tidal flat area. It was staff’s opinion that any disruption of this vegetative buffer would negatively impact Ayum Creek Regional Park and would go against the park’s management plan and conservation covenant.It is staff’s opinion that potential impacts to Ayum Creek Regional Park resulting from approval of this application would be minimized if the District approves the applicant’s requested variance to the Subdivision and Development Standards Bylaw (Bylaw 404) for the Rural Local Road Standard. This includes eliminating the requirement for a road dedication and leaving Laidlaw Road undeveloped.CRD Regional Parks does not support development of a parking area to access Ayum Creek Regional Park from Laidlaw Road. There are no official connecting trails from this location, and access into the park is available along Sooke Road.<div>Thank you, Lynn Wilson M.A., RPP MCIP Park Planner Regional Parks Capital Regional District T: 250.360.3369 E: lwilson@crd.bc.ca</div></div>
Planning & Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA

December 1, 2021

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

From: Julie Budgen, R.P.Bio.
Corvidae Environmental Consulting Inc.
6526 Water Street
Sooke, BC V9Z 0X1

Letter For 5529 Croydon Place Subdivision

Dear Kasha,

This letter is regarding the purposed subdivision of 5529 Croydon Place in Sooke (the property; PID 031490841), currently zoned as RU4 – Rural Residential. The property is an approximately 0.6 hectares residential lot. The southern edge of the property is adjacent to the Sooke Basin, with an inlet extending up to the west approximately 20 m from the western property boundary. The shoreline is considered an Environmentally Sensitive Area in the District of Sooke Official Community Plan (2020) and requires a 15 m Marine Area Setback for any development.

Currently, there are two dwellings located on the northern and southern portions of the property. The client wants to subdivide the northern and southern areas creating separate lots for the two dwellings. The entire property has been developed and landscaped and no further development will be occurring with the subdivision. The client is requesting the use of the current driveway to be converted to an easement for access to the southern lot. This would avoid the clearing and development of the Laidlaw Road right-of-way along the western boundary of the property. If Laidlaw Road was developed, the new road would be within the 15 m marine setback and would require a Section 11 Notification for the crossing of a ditch the drains into the western outlet from Croydon Place; as well as tree clearing being required. Additionally, the ditch would be considered a watercourse under the Riparian Area Regulation as it is connected to the Sooke Basin. The option of access from the north, down the east side of the property would require removal of mature conifer trees. This is also not recommended due to clearing of an area that could remain forested if the existing access is used. The mature trees provide shade, wildlife habitat and a wind break on the property.

It is recommended by Corvidae that the Laidlaw right-of-way and east property boundary remain undeveloped to maintain the integrity of the adjacent sensitive marine area and riparian areas. The existing vegetation along the western edge of the property helps mitigate sediment transport to the marine shoreline from impermeable surfaces on the property, shades the shoreline, increasing the quality of fish habitat and provides habitat for small mammals and amphibians.

For any additional questions please do not hesitate to contact me.



Best regards,



Julie Budgen, R.P.Bio., B.Sc., Corvidae Environmental Consulting Inc.
250-415-8553

Site Photographs

Photo 1. View looking south down the existing driveway. November 12, 2021.



Photo 2. View looking south at the undeveloped portion of Laidlaw Road. November 12, 2021.



Photo 3. View of the ditch that runs southwest through the undeveloped portion of Laidlaw Road. November 12, 2021.



Photo 4. View of the western inlet. November 12, 2021. November 12, 2021.



Photo 5. View of the northern dwelling and trees around the east side of the property. November 12, 2021.



Photo 6. View of the southern dwelling and surrounding area, including trees to the east. November 12, 2021.



Photo 7. View looking south at Sooke Basin from the shoreline of the property. November 12, 2021.



TERMS OF INSTRUMENT – PART

2 DRAFT SECTION 219 COVENANT

THIS AGREEMENT, dated for reference XXXX

BETWEEN:

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Sooke BC Postal Code

AND:

AND:

(the “Owners”)

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”)

GIVEN THAT:

- A. The Owners are the registered owners in fee simple of the land in Sooke, British Columbia, known as **civil address**, legally described as:

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- B. The Owners propose to develop the Land for residential development;
- C. The Owners have requested the Municipality to adopt Bylaw No. 886 (600-95), (the "Rezoning Bylaw") rezoning the Land to permit the development proposed by the Owners, and

- D. The Council of the Municipality has determined that the adoption of the Rezoning Bylaw would, but for the covenants contained in this Agreement, not be in the public interest; and the 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.

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

1. The Owner covenants and agrees with the Municipality that:
 - (a) the Land must not be redeveloped beyond its current use;
 - (b) the Land must not be subdivided;
 - (c) development of the Land, including by construction or placement of any building or structure on the Land is prohibited;
 - (d) no building permit may be applied for, and the Municipality is not obliged to issue any building permit, in respect of the Land; and
 - (e) no occupancy permit may be applied for, and the Municipality is not obliged to issue any occupancy permit, in respect of the Land,

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

2. Any opinion, decision, act or expression of satisfaction of the Municipality provided for in this Agreement is to be taken or made by the Municipality's Director of Operations or his or her delegate authorized as such in writing, in each case acting reasonably.

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 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.

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.

SCHED
ULE “A”
SCHEDULE OF
RESTRICTIONS

LAND USES

1. The Land shall be developed for residential use.

PROTECTION OF THE NATURAL ENVIRONMENT

2. The Owners shall provide, prior to subdivision approval, a tree protection plan for all trees indicated as remaining on landscape drawings and/or design assessment package drawings.
3. The Owners shall, unless varied through Section 498 of the Local Government Act, provide a Street Tree Planting plan in accordance with the applicable road cross sections of the *Subdivision and Development Standards*, Bylaw No.404
4. That Owners shall, improve the existing trail along Croydon Place to the waterfront to the standards of the Parks and Trails Master Plan, and to the approval of the Municipal Engineer.

ON-SITE IMPROVEMENTS

5. The Owners shall provide, prior to subdivision approval, a detailed erosion and sediment control plan prepared by a Professional Engineer as part of the Design Drawing Assessment Package for implementation prior to the commencement of any work on site.
6. The Owners shall provide, prior to subdivision approval, a detailed stormwater management plan in accordance with the *Subdivision and Development Standards Bylaw* and prepared by a Professional Engineer as part of the Design Drawing Assessment Package. A Stormwater management plan must also include any necessary upgrades or improvements required to facilitate drainage within the road right of way.
7. If on site stormwater management is required a Covenant shall be registered on each lot securing that a stormwater management system will be installed by a Professional Engineer. As well a operation and maintenance manual to ensure ongoing maintenance of the system must be included within the Covenant.

ROADS and IMPROVEMENTS

8. The Owners shall, unless varied in accordance with Section 489 of the Local Government Act, show full frontage improvements as part of the Design Drawing Assessment package submitted prior to Building Permit

Issuance for the public road right away along Croyden Place and Laidlaw Road in accordance with the applicable road cross sections of the *Subdivision and Development Standards Bylaw*, Bylaw No. 404.

9. The Owners shall, prior to subdivision approval dedicate road along Croyden Road and Laidlaw Road to 18 m width local road standard of the *Subdivision and Development Standards Bylaw*, and to the approval of the Municipal Engineer.
10. The Owners may, therefore, request a discharge of any 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.

ACCESS EASEMENT

11. The owner shall, prior to subdivision approval, register an access easement that names the District as an interest to allow for access to the proposed Lot 2 over the proposed Lot 1.

AFFORDABLE HOUSING

12. The Owner shall provide, prior to subdivision approval, the sum of \$5,000 per additional new lot towards the District's Affordable Housing Fund.

SANITARY SEWER

13. Prior to receiving an occupancy permit an onsite septic system is to be designed for each property and constructed to meet all applicable Island Health and provincial guidelines/requirements.

WATER SERVICING

14. All lots must be connected to the Water Utility distribution system in accordance with the Subdivision and Development Standards Bylaw and the standards set by the Capital Regional District (Water Utility).
15. The fire flow demand shall be in accordance with the current Water Supply for Public Fire Protection, by the fire Underwriters Survey (FUS) for the existing or anticipated land use. Calculations supporting theoretical fire flow available are to be submitted with the Design Drawing Assessment package prior to subdivision approval.

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