

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

February 20, 2011

7:00 p.m. Council Chambers

Committee Members Present:

Councillor Herb Haldane
Councillor Kevin Pearson (Chair)
Councillor Maja Tait
Andrew Haden
Geoff Steele

Alternate: Adrian Cownden

Ex Officio: Mayor Wendal Milne

Staff: Gerard Leblanc, Municipal Planner
Elisabeth Nelson, Municipal Engineer
Bonnie Sprinkling, Corporate Officer (Recorder)

ACTION

1. **Call to Order**

The meeting began at 7:02 p.m.

2. **Approval of Agenda**

The agenda was approved as circulated with the addition of the New Business:

- Secondary Suites

3. **Appoint of Committee Chair**

MOVED to appoint Councillor Kevin Pearson as Committee Chair.

CARRIED UNANIMOUSLY

4. **New Business:**

Secondary Suites

The Committee received the submission from the Sooke Community Development Association and confirmed that on November 19, 2011 Committee of the Whole resolved to direct staff to prepare a bylaw amendment to allow suites in lot sizes under 500 square metres and to bring forward an amended secondary suite policy with additional regulations for Council consideration.

MOVED (HH) to recommend to Council to permit secondary suites in all zones.

FAILED

Committee discussed:

- Suites to be permitted on all lots
- COW has directed staff to prepare bylaw and policy amendments for secondary suites on small lots
- Submission from Sooke Community Development Association

- Existing Secondary Suites Policy
- Zoning Bylaw amendments needed for off street parking and other regulations for secondary suites on small lots
- Building code provides regulations
- Compliance should be addressed through policy

Gerard Leblanc advised that a meeting was held on January 31st with the Sooke Community Developers Association on the small suites issue; parking on smaller lots, zoning bylaw or policy amendments were discussed. There is a need to step back to basic principles such as density on small lots. Staff are speaking with other municipalities to look at best practices and to come up for a solution for Sooke. Staff expect to bring something to next Committee meeting. Gerard Leblanc reviewed some of the drawbacks to high density developments with secondary suites.

MOVED to receive proposed amendment to Zoning Bylaw as to secondary suites at next Land Use and Environment Committee meeting.

Planning

CARRIED UNANIMOUSLY

Public Input:

Glenda Bolinsky, resident of Sun River, expressed her concern as to secondary suites which lead to the traffic safety issues created by multiple cars on both sides of the street and increased traffic.

Laurie Wallace, President Sooke Community Development Association, advised that she has provided information on secondary suites to Staff; is also concerned as to parking, but stated that suites are happening anyway and we need to deal with the issues.

Dick Thut, resident, stated that he did not know how to overcome the parking issue, but that it is nice to have regulations in place; suggested a dedicated lot for overflow parking in developments.

Andrew Haden questioned if there was any concern as to servicing for increased density. Elisabeth Nelson stated that servicing would have to be reviewed with development.

Ellen Lewers, resident and Board of Variance Member, stated that the Board considers variances for unusual dwelling construction and that it is important that the bylaws ensure that buildings, including those with secondary suites, are livable and address parking, recreational vehicles, adequate house sizes, adequate yard size; Ms.Lewers is also concerned about the increased traffic with every dwelling in Sooke having a secondary suite.

5 Presentation – Municipal Planner

Gerard Leblanc provided an overview of the powerpoint presentation (provided in written format) on the development of land in the District of Sooke.

Committee discussed:

- Need to provide clear timelines for applicants
- Streamline planning process

- Reduce lead time for development start
- Committee to vet preliminary development applications instead of pre-application meetings
- Committee needs to be informed to make decisions; staff to provide legislative and technical advice
- Committee to encourage development, rapid use of the process, but respect the process
- Need to determine how can we work together; committee, staff and applicant
- Staff must interpret the applicant's consultant's work

Public Input:

John Brohman, non-resident, stated that he supports the Committee which is similar to the CRD LUC. As a builder, he would prefer to meet with Committee first to get an idea what would be acceptable, staff should look at process. Mr. Brohman suggested that one or two of the committee members attend pre-application meetings.

Bev Berger, resident and Council member, suggested that the applicant meets with staff and receives an application package related to zone with checklists for process, then meets with the Committee.

Ellen Lewers, resident, supports the pre-application meeting as it is very important because applicants receive good input and options from staff, then if the applicant wants to proceed, that is when it should come to LUEC. Ms. Lewers inquired as to process for Development Variance Permits; Gerard Leblanc advised that Development Variance Permit applications would go through the Committee.

Gerard Leblanc reviewed the pre-application process and provided some examples of developments considered; each application is unique and not all applicants have the same level of experience.

Mayor Milne suggested that the Committee provide Council with their individual suggestions as to how the application review process should be carried out by the Committee.

Randy Clarkston, resident, suggests that the Committee members should attend both the Langford LUEC and their Council meetings to see the complete process for development applications.

John Brohman, resident, stated that he is struggling with his development as it does not comply with the Sooke Zoning Bylaw; he would like to have options for detached duplexes or townhouse, pan-handle lots.

5. **Schedule Next Meeting:** March 19, 2012
6. **Adjournment:**
The meeting adjourned at 8:55 pm.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

March 19, 2011

7:00 p.m. Council Chambers

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Andrew Haden

Alternate: Adrian Cownden

Absent: Geoff Steele

Ex Officio: Mayor Wendal Milne

Staff:

Gerard Leblanc, Municipal Planner
Elisabeth Nelson, Municipal Engineer
Bonnie Sprinkling, Corporate Officer (Recorder)

ACTION

1. **Call to Order**

The meeting began at 7:06 p.m.

2. **Approval of Agenda**

The agenda was approved as circulated.

3. **Adoption of Minutes**

The Committee discussed the motion as to secondary suites in the Minutes.

MOVED to adopt the minutes of the Land Use and Environment Committee dated February 20, 2012 as circulated.

CARRIED UNANIMOUSLY

4. **Request for Release of Obsolete Covenants – Stone Ridge Estates**

Elisabeth Nelson reviewed the staff report with the Committee.

Public Input:

Bill Wilson, Resident, inquired as to the roundabout.

MOVED TO RECOMMEND THAT COUNCIL authorize the Mayor and Chief Administrative Officer to execute Form C Discharge documents discharging Covenant EX32964 and FB208979 from the individual titles of Lots 54-87, Section 22, Sooke District, Plan VIP89191 as requests are received from property owners.

To Council

CARRIED UNANIMOUSLY

5 **Request for Consent for Subdivision of Common Property – District of Sooke as Chargeholder (The Pointe at Sunriver)**

Elisabeth Nelson reviewed the staff report with powerpoint presentation.

Roger Parry, Focus Corporation, on behalf of the applicant, stated that the staff report presents a thorough outline of the application and process. Mr. Parry

reviewed the proposed subdivision plans for the design change; there will be no change in floor plan, density, parking, or finishing materials. The covenants will not be impacted; this process is basically dealing with encroachment problems due to new design.

Public Input: Nil

MOVED TO RECOMMEND THAT COUNCIL authorize the Mayor and Chief Administrative Officer to sign the Alternative Method of Consent form to facilitate the subdivision of a part of the Common Property of Strata Plan VIS6674 by the Owners, Strata Plan VIS6674 as set out on a Plan of Subdivision prepared by Rory C. O'Connell, a British Columbia Land Surveyor, certified the 22nd day of July, 2011.

To Council

CARRIED UNANIMOUSLY

6. **Development Variance Permit for 2780 Otter Point Road**

Gerard Leblanc provided a review of the staff report with powerpoint presentation.

Committee discussion:

Andrew Haden, stated that, in the report the fire department mentions an alternative water supply. Staff advised that through the subdivision process, alternative water supply can be made a requirement.

Public Input:

Randy Clarkston advised that there is a fire pond that supplies the Demamiel area with water for firefighting; this is a rural subdivision which means the properties are not serviced.

Mayor Wendal Milne understood that CRD Water Department is willing to extend the water line if Developers are willing to pay the cost. Mr. Leblanc confirmed that statement.

MOVED TO RECOMMEND THAT COUNCIL approve the issuance of Development Variance Permit PLN00935 to vary the subdivision servicing standards for the subdivision application of 2780 Otter Point Road.

To Council

CARRIED UNANIMOUSLY

7. **Rezoning and Development Variance Permit for Close Talc Place Park**

Gerard Leblanc gave a review of the staff report with powerpoint presentation; three lots are proposed under the subdivision after rezoning.

Committee discussion:

- Possibly more commercial value to selling the property as a whole
- Proposed subdivision creates uniform lots and appropriate access
- Adjoining property owners will be required to consolidate lots
- Asking commercial value for property
- Staff advised that the Agreement of Purchase and Sale with the two adjoining property owners must come to Council for approval and Notice under the *Community Charter* must be published
- Need appraisal on entire property as a whole

- Property must be sold at fair market value in accordance with *Community Charter*
- Zoning will be R2; purchaser can apply for rezoning in the future
- Servicing required under subdivision; could be recovered in sale price
- Frontage Development Variance Permit timing
- Panhandle lots under Sooke Zoning Bylaw

Public Input:

Randy Clarkston inquired if the lots were being serviced. Mr. Leblanc advised that the proposed consolidated lots are already be serviced; the Area 2 lot has services running in front of it, Purchaser will connect.

Councillor Rick Kasper, stated that as the DOS is the developer, the District should be required to provide servicing under the subdivision.

MOVED TO RECOMMEND THAT COUNCIL introduce and give first and second reading to Bylaw No. 521, *Zoning Amendment Bylaw (500-3)* to rezone the former Talc Place Park from Public Recreation to Medium Lot Residential; **AND THAT COUNCIL** approve the issuance of Development Variance Permit #PLN00942 to vary the minimum lot frontage for subdivision purposes.

To Council

CARRIED UNANIMOUSLY

8. **Development Permit Amendment – 1999 Maple Ave S**

Gerard Leblanc reviewed the staff report with powerpoint presentation.

Committee discussion:

- Original lot was created before current zoning bylaw and environmental regulations
- Adjoining property is in the ALC
- Hammerhead was for visitor parking and turnaround

Public Input:

Randy Clarkston stated that the properties cannot be landlocked.

MOVED TO RECOMMEND THAT COUNCIL authorize the issuance of Development Permit Amendment PLN00933 for 1999 Maple Ave S, legally described as Lot 1, Section 3, Sooke District, Plan 17276 for the purposes of changing the location of the panhandle access for Lot 10 to the north side of the property.

To Council

CARRIED UNANIMOUSLY

9. **Proposed Planning Department Initiatives in 2012/2013**

Gerard Leblanc gave an overview of the staff report as to Planning Department initiatives for the next two years.

Committee discussion:

- Not to address interface fire hazard in the OCP Development Permit policies
- Add alternatives for rural water supply for firefighting purposes in rural properties and sprinkler requirements; look at definitions of CRD and compare to our building requirements.

Public Input:

Councillor Bev Berger inquired as to the Sun River ALR application and the Agricultural Plan. Mr. Leblanc advised that the Sun River ALR application is proceeding with negotiations with the developer and separately, the Agricultural Plan has been drafted and will address all areas of the District of Sooke. Public process will commence shortly for Agricultural Plan.

Councillor Rick Kasper, as Chair of Finance and Administration Committee, stated that this Committee should consider that with this workplan there should be no additional cost.

Gerard Leblanc advised that the work will be done with current staffing levels.

Councillor Tait stated that the Financial Plan has not yet been approved by Council.

MOVED TO RECOMMEND THAT COUNCIL direct that the proposed 2012/2013 Planning Department Initiatives be implemented as follows:

To Council

- Conclusion of Sun River Agricultural Land Commission Inclusion/ Exclusion application requirements and conditions.
- Completion of a Sooke Residential Inventory Report and assessment of population growth.
- Amend *Development Procedures Bylaw, 2011* and *Development Application Procedure Policy, 2011* to provide for improved and more streamlined application processes.
- Revise the *Affordable Housing Policy*.
- Amend the *Official Community Plan* to include appropriate and workable Development Permit Policies for form and character of multi-residential, commercial, industrial and intensive residential development and for environmentally sensitive areas.
- Amend the *Official Community Plan* to include improved Temporary Industrial Use and Temporary Commercial Use permit policies.
- Complete Town Centre Design Guidelines.
- Amend District of Sooke bylaws and policies to address rural water supply for firefighting purposes, including sprinkler requirements

CARRIED UNANIMOUSLY

10. **Current Application Status Report for Information**

Councillor Kevin Pearson requested the report to include the time frame for each application. The Committee requested that the report be sorted by folder type, oldest to newest application and to add the zone, size of property or detail of application.

John Brohman, Sooke businessman, suggested adding a breakdown of application.

Randy Clarkston, requested that when an application is on the agenda, that the applicants be notified.

MOTION to direct staff to provide a revised template for a monthly “Application Status Report”.

11. Topics for Future LUEC Discussions

- 48 hour Building Permit process for registered builders
Staff: Two week turnaround is the norm in other municipalities
Committee:
 - Adrian Cownden suggested that developments with many lots to submit all documentation to building department in one package

- Detached buildings in multi-family
Staff: An application that deals with detached building in a particular zone coming to next meeting.
Committee:
 - Offers diversity in the multi-family residential zones

- Design standards in the Town Centre
Staff: Subject of discussion with Council, it is a project that Council wants to be completed.
Committee:
 - Will develop guidelines for Council to consider
 - A preliminary design guideline plan exists

- Lower minimum lot size and frontage size requirement for rezone in the Town Centre as well as R1 Zones
Staff: require more clarification
Committee:
 - Recently issued variance permit for four-plex on Grant Road, need to come up with ability for property owners to do so on the small lots in the Town Centre
 - Offers more affordable housing

John Brohman, Sooke Businessman, stated that the densities in the Sooke Zoning Bylaw are out of line; District should be looking at density and lot coverage.

Adrian Cownden inquired as to the definition of “affordable housing”? How can the District of Sooke look at affordable housing? The Committee discussed the issue and Gerard Leblanc advised that the review of the Affordable Housing Policy is one of the Planning Department initiatives for 2012-2013.

Bill Wilson, Resident, stated that he was concerned about the roundabout on Sooke Road and the cost to the taxpayer. Mayor Milne advised that the proposed roundabout is to be funded from the Gas Tax Reserve, there will be a public process. Mr. Wilson inquired further, are we going to be hiring consultants and if roundabout goes in, it will be on the Sooke Road and will large trucks be able to travel through. Mayor Milne advised that the project is at the entrance of Evergreen Mall and large trucks will be able to travel through. Mr. Wilson suggested that the muddy area should have some concrete pads and that the white line at turning to Phillips Road needs to be re-done. Mayor Milne advised

that that is Highway 14 and is responsibility of the Ministry of Transportation and Infrastructure.

11. **Next Meeting:** March 20, 2012 – Secondary Suites
12. **Adjournment:**
The meeting adjourned at 9:25 pm.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

March 20, 2011

7:00 p.m. Council Chambers

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Andrew Haden

Alternate: Adrian Cownden

Absent: Geoff Steele

Ex Officio: Mayor Wendal Milne

Staff: Gerard Leblanc, Municipal Planner
Elisabeth Nelson, Municipal Engineer
Lisa Urlacher, Corporate Assistant

ACTION

1. **Call to Order**

The meeting began at 7:04 p.m.

2. **Approval of Agenda**

MOVED and seconded to approve the agenda with the addition of revisiting the discussion of the rezoning and development Variance Permit for closing Talc Place Park.

CARRIED

3. **Secondary and Small Suites**

Staff Report/Presentation:

Gerard LeBlanc provided an overview of the three reports pertaining to secondary suites and small suites:

- Minimum Lot Size requirements for Secondary Suites in various municipalities
- Review of the recommendations from the SCDA and Zoning Bylaw provisions
- Enforcement on suites in various municipalities
- Suites in CD Zones – consent of the owner – consider on a zone by zone basis
- Minimum lot size requirements for secondary suites in residential zones
- Amendments to Bylaw 65, *Subdivision and Development Standards Bylaw*

Mr. LeBlanc highlighted the following recommendations:

- Amend *Zoning Bylaw 500* by deleting sub-section 203.8 c) that restricts suites to lots greater than 500 m² in area
- Amend *Zoning Bylaw 500* by deleting sub-section 203.2 f) as it references 203.8 c) which is being deleted
- Amend *Zoning Bylaw 500* by adding the following to sub-section 103.2 h): "... or one small suite on a lot with a single family dwelling providing that the land is not in the Agricultural Land Reserve." that restricts suites to lots greater than 500 m² in area

Committee discussion:

- Opportunity for affordable housing
- Maximizing lot use
- Recognizing suites as legal
- Restricted home occupation
- Owner required to live in principal dwelling or suite
- Suites permitted on lots 350 m² or larger
- Properties in the ALR
- Policy to resolve suite issues
- 1 parking space per suite
- Emergency access and parking (development standards)
- Revenue from sewer generation charges
- Smart Growth principles

Moonfist commented that the bylaw creates the allowable suites and stated that the SCDA recommendations addressed the issues. Moonfist stated that the issues still need to be considered.

Gail Hall commented that the safety of children should be considered as the cars parked on the narrow streets will increase once suites are allowed in small lot subdivisions.

Moonfist expressed concern of the ability to subdivide existing lots greater than 700 m².

Moonfist expressed concern as to the proposed amendment.

Gail Hall commented that allowing secondary suites in all residential zones will not solve the financial state of the District of Sooke or the affordability issues. Ms. Hall stated that a policy that addressing the issues needs to be considered prior to making the proposed amendment. Ms. Hall questioned if the housing agreements that are in place in older subdivisions that restrict suites have been investigated.

Randy Clarkston provided information as to making a suite legal such as adding a smoke alarm and fire door. Mr. Clarkston expressed that the intent of the SCDA was to assist the District of Sooke in promoting and implementing the legality of suites. It was noted that the SCDA provided recommendations for policy considerations.

Laurie Wallace quoted an article in the Times Colonist dated March 4, 2012 regarding the secondary suites.

Gail Hall commented that Smart Growth was not considered when developing Phillips Road and other rural areas. Ms. Hall questioned the vision of Sooke being a rural community.

Moonfist quoted fire and safety measures from the Canada Mortgage and Housing Corporation website.

Randy Clarkston commented on past debate when introducing duplexes as an allowable use.

Mr. LeBlanc advised that the proposed amendment only legalizes the use, not the suite – Zoning vs. the BC Building Code.

MOVED and seconded to direct staff to prepare a bylaw amendment for Council consideration – Bylaw No. 500, *Sooke Zoning Bylaw 2011* by:

- deleting sub-section 203.8 c)
- deleting “as per section 203.8 c)” from section 203.2 f)
- adding the following to sub-section 103.2 h): “... or one small suite on a lot with a single family dwelling providing that the land is not in the Agricultural Land Reserve.” that restricts suites to lots greater than 500 m² in area.

CARRIED

MOVED and seconded to receive the three reports presented for information.

CARRIED

Rezoning and Development Variance Permit for Closed Talc Place Park

The Committee discussed further options and noted that the District of Sooke should not be competing with the development industry.

MOVED and seconded to postpone the recommendation going forward to Council regarding Talc Place;

And direct staff to bring forward a report regarding the development of the property as one piece, with the exception of the narrow strip fronting Opal Place.

CARRIED

Staff noted that letters of interest with adjacent property owners and the Alternative Approval Process will need to be considered. Staff also noted a covenant restricting further subdivision may be considered as an option.

The Committee was advised that the adjacent property owners were notified as to the Public Input portion regarding Talc Place on Monday night.

Public Input:

Moonfist commented on the park reserve funds.

Mr. LeBlanc clarified the question of notice not being received by the agent of the Otter Point Road development and explained that the application indicated that Mr. Townsend was the applicant.

11. **Next Meeting:** April 16, 2012
12. **Adjournment:**
The meeting adjourned at 8:52 pm.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

April 16, 2012

7:00 p.m. Council Chambers

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Geoff Steele
Andrew Haden

Alternate: Adrian Cownden (non-voting)

Ex Officio: Mayor Wendal Milne

Staff: Gerard Leblanc, Municipal Planner
Elisabeth Nelson, Municipal Engineer
Bonnie Sprinkling, Corporate Officer (Recorder)

ACTION

1. **Call to Order**
The meeting began at 7:00 p.m.
2. **Approval of Agenda**
The agenda was approved as circulated.
3. **Adoption of Minutes**

Councillor Haldane read out an email dated March 21st, 2012 from Adrian Cownden and requested that the March 19, 2012 minutes be amended as to the Talc Place Park agreements in place and requested that in the future all information be provided to Committee members.

Councillor Pearson stated that the minutes reflect that there is a letter of intent in place with adjacent property owners. Two questions arise; what should the minutes of both March 19th and March 20th state; there was a discussion on preliminary agreements at both meetings. An information package was received by Committee members on March 21st, 2012.

The Committee agreed by consensus to append the email to these minutes.

Staff

MOVED to adopt the minutes of the Land Use and Environment Committee dated March 19, 2012 as circulated.

CARRIED UNANIMOUSLY

MOVED to adopt the minutes of the Land Use and Environment Committee dated March 20, 2012 as circulated.

CARRIED UNANIMOUSLY

4. **Farm Employee House in the Agricultural Land Reserve – 2012 Penang Road**

Staff Report/Presentation:

Gerard Leblanc reviewed the staff report with a powerpoint presentation for the Committee.

Committee Discussion:

The Committee discussed:

- Supplementary documents provided by applicant to be forwarded to ALC
- ALC asks for local government to state why they support the application
- Evidence of continued farm use of property and advise how long had this property been used as farm land
- Advise that the use of additional dwelling is for farm employee

Public Input: NIL

MOVED TO RECOMMEND THAT COUNCIL forward the request for a dwelling for farm employees at 2012 Penang Road to the Agricultural Land Commission (ALC) with a recommendation for approval as the application meets the requirements of the ALC and supports the continuation of agriculture in Sooke.
CARRIED UNANIMOUSLY

To Council

5. **Rezoning for Nott Brook Development (Otter Point Road)**

Staff Report/Presentation

Gerard Leblanc reviewed the staff report with powerpoint presentation.

Committee Discussion:

- Current Zone is RM-4 and P-1 in place in 2005
- New alignment of Otter Point Road is not in existing Phillips Park
- Provisions are in place for Otter Point and Grant Road connector – further west to make smoother connection
- Applicant had requested development variance permits for strata road widths and Council directed back to staff to resolve; total right of way portions now complies with District development bylaws
- A relaxation of setbacks to accommodate the road widths will not be required
- Developer providing for permanent siting and pedestrian access on private strata roads
- Average lot size 350 sq meters
- Sidewalk diagram is requested for Council
- Suites may be permitted; what are the provisions for parking? Staff discussed with applicant and parking has been provided in development
- Who owns the amenity building
- Transfer of properties for affordable housing; houses would be removed when the road goes through; value of \$675,000 for properties
- All lots the same size; not imaginative
- Parking issues - suggesting minimum 14 meter road width so that

parking available; need road cross section to show how parking would be accommodated in the event of suites

Gordon Cameron, Canadian Horizons (Applicant), provided a powerpoint presentation on the proposed Nott Brook development:

- Rancher homes with five different floor plans
- Higher properties will be 2 story for variety -- imbedded into bank so as not to impede view of Amethyst property
- Met with property owners on Amethyst Road
- Fence standards agreed to with adjacent property owners
- Amenity building owned by strata; no liability for District
- Road cross section must meet 14 meter; reduced density
- Every home will 2 car garage and 6 metres from front of garage to sidewalk to ensure 2 guest parking spots
- Patio homes have no provision for suites; covenant would be provided to ensure no future parking problem
- Parking lot provided
- Otter Point Road dedication for new connector – 25 metres provided
- Dedication for future roundabout provided
- Duplex on Grant Road to be provided in initial years to affordable housing prior to connector road construction; \$675,000 was acquisition cost of duplex
- Multi use trail on Otter Point Road
- Streetscape

Committee Discussion:

- Need for this type of dwelling in Sooke
- Otter Point road construction would be in Phase 1
- Strata development requirements for bonding, landscape plans, etc.
- Concern that homes are all uniform height; plantings will provide privacy and interest to the homes and slope on Otter Point Road will provide variety to homes
- As part of corporate policy, developer to provide opportunity for local trades to be part of project
- Built Green project and “safer home” facilities and design to allow for aging in place
- Adult orientated, but not restricted
- Two entrances to development; plus 2 emergency and pedestrian
- Assessed value of property is lower than acquisition cost of duplex
- Anticipated commencement date for road remediated and onsite works; dependant on approval timing and road dedication would be done at subdivision
- Allotment gardening will be considered; possibly by the amenity building as well as other possible areas
- Dog park

Public Input:

John Pisner, Sooke Resident, inquired as to what size of house are we looking at; developer advised that houses range from 2 bedroom - 1200 sq ft, 1450 sq ft on one level, 2 story - 1,500 sq ft; typical around 1300 sq ft plus 2 car garage.

MOVED TO RECOMMEND THAT COUNCIL introduce and give first and second reading to Bylaw No. 519, *Zoning Amendment Bylaw (500-3)*;

To Council

AND FURTHER THAT COUNCIL introduce and give first and second reading to Bylaw No. 520, *Nott Brook Phased Development Agreement Authorization Bylaw, 2012*;

AND FURTHER THAT COUNCIL authorize the Mayor and the Chief Administrative Officer to execute the release of Covenant EX97394 registered on the subject property legally described as *Parcel A (DD 143706I), Section 24, Sooke District, Except Plans 5572, 11961, 27456, 40462, VIP52601, VIP59223, VIP79955, VIP79956 and Part in Red on 610RW* subject to adoption of Bylaw No. 519 and Bylaw No. 520;

AND FURTHER THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 519, Bylaw No. 520 and the release of Covenant EX97394 in accordance with the requirements of the *Community Charter* and the *Local Government Act*.

CARRIED UNANIMOUSLY

6. **Rezoning for 1836 Tominny Road**

Gerard Leblanc provided a review of the staff report with powerpoint presentation.

Committee discussion:

- Current zoning does not allow for proposed development
- One entrance off Tominny Road
- Instead of creating new CD zone, incorporate detached strata units into existing RM zoning; staff advised that this was presented to the applicant and that a Development Agreement would be required; the applicant did not wish to come forward with that application
- Creation of Comprehensive Development Zones versus changing Zoning Bylaw
- Long term, zoning would make it possible to readily subdivide the property; the applicant may look to a strata subdivision
- Zoning bylaw to be more diverse and flexible to allow for change in development demands

To Council

Applicant:

John Brohman, Applicant, reviewed the application.

- No commercial component
- 2 story house for family member
- No intention to sell small cabin
- Three separate detached houses
- Small one rental
- Culvert and road, sidewalk requirements
- Detached home – will be providing elevations; similar design shake and shingle
- Development permit not required
- Latecomer option for drainage works if required; bank stabilization

- Under Memorandum of Understanding with Ministry of Transportation and Infrastructure, multi-use trail required on both sides of West Coast Road
- Option to create three lots under original zoning

Public Input: NIL

MOVED TO RECOMMEND TO COUNCIL THAT:

1. Bylaw No. 525, *Zoning Bylaw Amendment (500-6)* be introduced and read a first and second time; and
2. A Public Hearing for Bylaw No. 525 and the release of Covenant FB250718 be scheduled in accordance with the requirements of the *Local Government Act* and *Community Charter*.

CARRIED UNANIMOUSLY

7. Rezoning and Development Variance Permit for Closed Talc Place Park

Committee discussed:

- Retaining the property as a park
- District not to develop the property
- Sale of property at fair market value

Mr. Ogilvie, adjacent property owner, advised that he has taken out a mortgage to purchase the piece of park property from the District of Sooke.

John Pisner, adjacent property owner, stated that the other closed parks are now duplexed and do not have a shared driveway.

Randy Clarkston, Resident, suggested that the interior lot line be dissolved.

Committee discussed:

- Sell property all as one lot; out of character of neighbourhood
- Process to sell property and pieces for consolidation with adjacent property owners
- Need to go back and start over with process to close and sell park
- Sale of pan handle portion
- Agreement of purchase and sale required if going ahead
- Liability if we do not go ahead with sale to adjacent property owners
- Appraisal for new lot or accept bids
- No build covenant could be provided on consolidated lots

Councillor Pearson asked the adjacent property owners for their input. Mr. Pisner, stated that he would not be affected if the property remains a park, but the other neighbor, Mr. Ogilvie, has acted in good faith and will be greatly affected.

MOVED TO RECOMMEND THAT COUNCIL introduce and give first and second reading to Bylaw No. 521, *Zoning Amendment Bylaw (500-3)* to rezone the former Talc Place Park from Public Recreation to Medium Lot Residential;

To Council

AND THAT COUNCIL approve the issuance of Development Variance Permit #PLN00942 to vary the minimum lot frontage for subdivision purposes.

CARRIED UNANIMOUSLY

9. **Report for Information - Current Application Status**

Committee reviewed the format and were asked that if there are questions, please advise at next meeting. The report will be provided ongoing on the website and the Committee can bring forward questions as required.

MOTION to accept Current Application Status report.

CARRIED UNANIMOUSLY

11. **Discussion:**

- How is the Transportation Master Plan applied in Comprehensive zones applications; staff to provide report
- Staff to provide report as to proposed amendments to the CTC1 and CTC2 zones
- Staff to provide report as to urban infill (missing zone)
- Zoning bylaw states that panhandle lots are not permitted on lots under 600 square meters; bylaws cannot be punitive specifically directed at an applicant

Staff

Staff reported that they are working on reports:

- 48 hour building permit coming forward after new Building Code
- Detached buildings in multi-family zones; discussed at tonight's meeting; potential of RM may be considered
- Design standards – documents being reviewed and will meet with developers

11. **Next Meeting:** May 22, 2012

12. **Adjournment:**

The meeting adjourned at 10:40 pm.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

May 22, 2012

7:00 p.m. Council Chambers
2205 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Geoff Steele
Andrew Haden

Ex Officio: Mayor Wendal Milne

Alternate: Adrian Cownden (non-voting)

Staff: Tracy Olsen, Planner
Elisabeth Nelson, Municipal Engineer
Bonnie Sprinkling, Corporate Officer (Recorder)

ACTION

1. **Call to Order**
The meeting began at 7:01 p.m.
2. **Approval of Agenda**
The agenda was approved as circulated with the addition of New Business/Supplementary Information – Item 7.
3. **Adoption of Minutes:**
MOVED to adopt the minutes of the Land Use and Environment Committee dated April 16, 2012 as circulated.
CARRIED UNANIMOUSLY
4. **Amendment to W2 Zone to Allow Group Moorage**
Tracy Olsen reviewed the staff report with a powerpoint presentation for the Committee.

Committee Discussion:

- Approval by NRO would still be required and issuance of a licence.
- Group moorage to be added as a use; remains non-commercial use
- If commercial use , rezoning to W3 would be required

MOVED TO RECOMMEND THAT COUNCIL introduce and give first and second reading to Bylaw No. 532, *Zoning Amendment Bylaw (500-9)*

**TO
COUNCIL**

AND FURTHER THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 532 *Zoning Amendment Bylaw (500-9)* in accordance with the *Community Charter* and the *Local Government Act*.

CARRIED UNANIMOUSLY

5. **Petition for Sewer Service – 7000 Melrick Place**
Elisabeth Nelson provided a review of the staff report.

Public Input:

Ellen Lewers, Sooke Resident, requested that the Committee consider what the costs to the municipality are attached to these large development applications such as ongoing servicing costs; road, park and sewer maintenance. Councillor Pearson advised that development cost charges funding would cover ongoing costs.

MOVED TO RECOMMEND THAT COUNCIL introduce and give first, second and third reading to Bylaw No. 531, *Sooke Core Sewer Specified Area Amendment Bylaw (147-15)*.

CARRIED UNANIMOUSLY

**TO
COUNCIL**

6. **Rezoning Application – 2150 Melrick Place and 7000 Melrick Place**
Tracy Olsen reviewed the staff report with a powerpoint presentation for the Committee.

Committee Discussion:

- Road dedication at time of subdivision to provide access to properties to north
- No further development proposed to north-west due to ravine and park dedication
- Road may continue to the east
- Zoning text amendment for adjoining property which will go concurrently to Public Hearing

Public Input:

JP , agent for applicant, clarified the proposed text amendment for Spiritwood.

MOVED TO RECOMMEND THAT COUNCIL introduce and give first and second reading to Bylaw No. 529, *Zoning Amendment Bylaw (500-8)*;

**TO
COUNCIL**

AND FURTHER THAT COUNCIL introduce and give first and second reading to Bylaw No. 530, *2150 and 7000 Melrick Place Phased Development Agreement Authorization Bylaw, 2012*;

AND FURTHER THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 529 and 530 in accordance with the requirements of the *Community Charter* and the *Local Government Act*.

AND FURTHER THAT the adoption of Bylaw No. 529 shall be concurrent with the adoption of Bylaw No. 531, *Sooke Core Sewer Specified Area Amendment Bylaw (147-15)*.

CARRIED UNANIMOUSLY

7. **Rezoning Application for 6353/55/57 Belvista Place, 6325 Sooke Road and Road Closure Area**

Councillor Maja Tait declared that, based on legal advice received that due to possible perception of bias with this application left the meeting at 7:20 pm. Councillor Bev Berger took her place as alternate on the Committee.

Tracy Olsen reviewed the staff report with a powerpoint presentation for the Committee.

Committee Discussion:

- Direction to staff is requested as to amenity contributions to develop the Phased Development Agreement
- Suggestion that we negotiate a better access to and from Highway 14 at Sooke River Hotel property, possibly at the Belvista controlled intersection; Ministry of Transportation and Infrastructure permission required
- MOE has significant concerns with the development and with more detailed design, the applicant will be required to provide appropriate studies
- We would like to see Archaeological study – will be provided at time of time of development permit application

Applicant Presentation:

Duncan McGee, Consultant and Agent for property owner, reviewed the letter submitted to the Committee and advised that at the September public meeting, 120 units were proposed for the development; in consideration of the concerns of the First Nation and neighbouring property owners, they have changed the development plan to 60 units - 2 level townhouses. Mr. McGee reviewed the requirements in the staff report and stated that they will work with staff as to amenities and proposed Zoning Bylaw amendment.

Committee Discussion:

- Staff requested feedback from Committee as to what they want for neighbourhood commercial
- Limiting size of bakeries and office in neighbourhood commercial area
- Concerns as to large commercial activities in neighbourhood
- In Area 2, average lot size is approximately 700 m² – some over 800 m²
- Driveway access requirement came out of consultant report, staff willing to discuss with applicant; protect natural areas and wildlife
- Water access required under provincial legislation; Council can make comment on waiving the requirement but the Approving Officer operates at arms length from Council.

Public Input:

Ellen Lewers, Sooke Resident, was at the developer's public presentation where a Tim Hortons and gas bar were presented; she asked what zone will this development have. Staff advised that this will be a CD zone with mixed use zone with a CD acronym..

Ms. Lewers inquired as to the total area of the site and is the gas bar, convenience store, and bakery uses to be limited by size; how much space left between the ocean and river and the buildings. Staff advised that a 15 metre setback from the highwater mark is recommended, as well as a covenant for no removal of vegetation.

Ms. Lewers inquired again as to DCC coverage of development. Committee advised that the development will be subject to sewer, road, water and school development cost charges. Ms. Lewers stated that we are going against what we wanted to densify the downtown area.

Nigel Claringbull, Belvista Resident, stated that he understood that the Town Centre plan preferred this type of development in the core area; the property is unique, natural area of Sooke and he is against this rezoning application and development of the property.

Tom Ireland, Belvista Resident, inquired why separate zones for each use were not created, rather than one mixed use zone. Staff advised that the applicant and staff want some control over where commercial uses can be located and the regulation of the number of units.

Gerry William, Bevlisita Resident, stated that he is skeptical about the zoning changes and concerned about the sensitivity of the area, mouth of river. Mr. William stated that he is not sure that a gas station is needed, given the closure of 2 others locally and suggested that this might be an area for the second bridge which would be lost. Mr. Williams stated this development does not comply with Town Centre Plan and that we do not need to be in a big hurry to develop.

John Brohman, Otter Point Resident, expressed his support of application and stated that this was historically the biggest commercial area in Sooke; supported a new road access for the Sooke River Hotel.

Ellen Lewers, Sooke Resident, gave her support to the concerns stated by others; the river, ocean, natural areas are important and the OCP speaks to keeping these areas protected. Ms. Lewers stated that we need to be careful how we develop outside the town centre and requested that we move this type of development into the town centre as we will lose out on commercial in the town centre.

Jim Hartshorne, Applicant, stated that the OCP identified Phillips Road and Sooke Road as a commercial neighbourhood area; Tim Hortons wants to be in this community and are looking for a service commercial zone; they do not want to be in town centre. Mr. Hartshorne stated that this property development application meets the requirements of the OCP and will improve the road, intersection. The applicant is purchasing some road frontage from MOTI but the highway will still be 64 metres wide. The twinning of the Sooke River bridge is extremely low on MOTI priorities. Mr. Hartshorne stated that the applicants will deal with amenities and affordable housing with staff and that the development will not be a threat to downtown core.

Katherine Williams, Belvista Resident, stated her great misgivings to a gas bus located so close to river and salmon spawning and the high traffic flow at this intersection would be unacceptable.

Committee Discussion:

- Clarified that the OCP public process identified the CD area determined in this area
- Application is a mix of zones – nodal development reduces traffic in town centre and complies with the OCP
- Benefits of controlled intersection

Gerry Williams, Belvista Resident, stated that the rezoning sign should have been pointed towards Sooke Road.

STAFF

MOVED to direct staff to continue to work with the applicant to develop the bylaws for the proposed development of 6353, 6355, 6357 Belvista Place, 6325 Sooke Road and the Road Closure Area including the required contributions under the Community Contribution Amenity and Affordable Housing Policies; **AND THAT** the draft bylaws be forwarded to Council for consideration.
CARRIED UNANIMOUSLY

Meeting reconvened at 8:46 pm and Councillor Maja Tait returned to the meeting and Councillor Bev Berger left the Committee.

Meeting recessed at 8:52 pm;

8. Cluster Dwelling Units

Tracy Olsen reviewed the staff report with a powerpoint presentation for the Committee.

Committee Discussion:

- LUEC provided direction to staff to provide this zoning amendment
- Lot size restrictions, preference for units per hectare requirement

- RM zones that will compete with Kettle Creek development; try to come up with affordable homes in \$200,000 range – need more options, flexibility in some of zones
- The need is to provide definitions for detached, cluster dwelling units; intention is to give more flexibility in development

Public Input:

Randy Clarkston, Sooke Resident, stated that when you design developments, 16 units per acre is guideline, which is less than what the proposed zoning would allow for.

Adrian Cownden, Alternate LUEC Member, stated that this is innovative, progressive amendment to the Sooke Zoning Bylaw which is desired by the market place; may produce fewer units but will provide individuals with the concept of owning their own roof. Mr. Cownden supports this zoning amendment and stated that it is up to developer to decide how they would like to go with development; added that building separation is regulated by building code and density regulated by zoning,

MOVED to direct staff to draft the bylaws necessary to amend Bylaw No. 400, *Official Community Plan* and Bylaw No. 500, *Sooke Zoning Bylaw* for the purpose of allowing cluster dwelling units on lands zoned Multi-Residential; **AND THAT** the draft bylaws be forwarded to Council for consideration.
CARRIED UNANIMOUSLY

9. **Update: Topics for Future LUEC Discussions**

The Committee prioritized the request for staff reports as follows:

1. 48 Hr Building Permit Process for Registered Builders - draft report coming forward to next meeting
2. Design Standards in the Town Centre
3. Lower Minimum lot size and frontage size requirement for rezone in the Town Centre as well as R1 Zones
4. How Transportation Master Plan is applied to Comprehensive Development Zones

10. **Next Meeting:** To be determined

11. **Adjournment:**
The meeting adjourned at 9:15 pm.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

June 18, 2012

7:00 p.m. Council Chambers
2205 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Herb Haldane (Acting Chair)
Councillor Rick Kasper
Councillor Bev Berger
Geoff Steele

Absent: Councillor Maja Tait, Andrew Haden, Adrian Cownden, Alternate,

Staff: Gerard LeBlanc, Municipal Planner
Elisabeth Nelson, Municipal Engineer
Bonnie Sprinkling, Corporate Officer
Bill Hadikin, Senior Building Official (left at 8:31 p.m.)
Tina Hansen, Corporate Assistant (Recorder)

ACTION

1. **Call to Order**

The meeting began at 7:02 p.m.

2. **Approval of Agenda**

The agenda was approved as circulated with the addition of New Business/
Supplementary Information:

Item 6 – Alcatel-Lucent Monopole Radio Tower

- Letter received June 15, 2012 from Michael Nyikes
- Letter received June 18, 2012 from Susan Bexson

3. **Adoption of Minutes:**

MOVED to adopt the minutes of the Land Use and Environment Committee
dated May 22, 2012 as circulated.

CARRIED UNANIMOUSLY

4. **48 Hour Building Permit Processing**

Bill Hadikin reviewed the staff report for the Committee.

Committee Discussion:

- Current process for applications with incomplete/pending information –
staff work with the applicants
- Builders required to have engineering documents related to trusses with
48 hour building permits – imposes additional costs to builders
- Timeline for implementing 48 hour turnaround for building permits –
additional training to staff is required/builders must be willing to provide
the required documentation

- Financial impacts – Council is not opposed to additional training
- Further cost implications to the District – only additional training of staff
- Builders currently wait up to 5 weeks for a building permit to be issued – need a more streamlined process to allow builders to conduct their business – onus is on the builder to provide required documentation
- Covenants and requirements from other departments/governmental agencies – must be addressed at time of or prior to building permit submission

Public Input: There was no input from members of the public.

MOVED to direct staff to obtain further input from the builders and affected parties in Sooke with respect to possible cost implications for 48 hour building permits and report back to the Committee.

STAFF

CARRIED UNANIMOUSLY

5. **Solar Hot Water ready Single Family Dwellings**

Bill Hadikin provided a review of the staff report.

Committee Discussion:

- Provincial government regulations – not part of the BC Building Code
- Weather on the West Coast makes it so you have to go onto roof for cleaning the system
- Solar Hot Water system is not adaptable to some systems currently used by contractors (tankless water heater system)
- Concerns of additional costs in changing roof pitches to accommodate
- Should be a personal choice rather than imposing on contractors
- Timeline for adopting provincial regulation
- Work with building industry to promote instead of making it a mandatory requirement – approach from that angle to encourage people to do it

Public Input:

Jeff Bateman, Sooke resident, supported the adoption of solar hot water requirements stating that there should not be any additional costs as roof pitches may not require adjustment and feels it is an honour for the community to move forward with something like this.

Ellen Lewers, Sooke resident, stated that we should be open minded and not limit ourselves about alternatives to heating as people are aware that their energy costs are high.

Yvonne, Sooke resident, was also in support of solar heating in homes stating that we have a Climate Change Action Committee and are trying to hit a target. This is an indication that we are moving in that direction. We should be supporting local solar hot water installers.

MOVED TO RECOMMEND THAT COUNCIL not consider a mandatory requirement for a new building regulation that will require all new single family homes within the District of Sooke to be built to accommodate a future installation of a new solar hot water system
CARRIED UNANIMOUSLY

**TO
COUNCIL**

6. **Alcatel-Lucent Monopole Radio Tower**

Gerard LeBlanc reviewed the staff report with a powerpoint presentation for the Committee.

Public Input:

Sylvia Hallgren, Sooke resident was opposed to the Alcatel-lucent Monopole Radio Tower. Ms. Hallgren read and submitted a statement of her concerns as to symptoms and health risks due to electromagnetic radiation exposure. Ms. Hallgren feels that tenants and property owners in the area have not been provided sufficient information or notification of the tower. Ms. Hallgren also has concerns as to the effect the tower will have on tourism, beautification of the town centre, and the natural environment; this is a serious issue that requires responsible governance. Ms Hallgren has concerns for her grandchildren and requested that Council not approve the application.

Dick Thut, Sooke resident, stated that a better location for the tower would be in an elevated urban park.

Laurie Wallace, Sooke resident and adjacent business/property owner to the proposed tower site, stated that she and her business partner both have concerns as to the affect the tower will have on property values. Ms Wallace does not support the application.

Katharina Gustav, East Sooke Resident, was not in support of the application and provided information on radio frequency exposure stating that the tower does not have to be in a residential area. Ms. Gustav encouraged the District to develop a policy on cell phone coverage to determine how far towers can be from residential areas. The federal regulation states that the applicant must notify people the distance of three times the height of the tower of this meeting. If the District can catch any inaccuracies at the application stage, there is a chance to slow the process down. Ms. Gustav suggested working with the applicant on an alternate location at a higher elevation away from residential areas.

Councillor Kerrie Reay, Sooke resident, inquired as to the radio frequency coverage for meet emergency service agencies as the District already uses CREST - there may be an overlap in service.

Carrie Osselton, Sooke resident and tenant at 6631 Sooke Road, stated that she did not receive notification of the tower and inquired as to whether there was an alternate location other than the town centre. Ms. Osselton stated that it is not part of the OCP, that there are businesses in close proximity and she is strongly opposed to the application.

Judy Mott, Sooke resident and adjacent property owner to the proposed tower location of the tower, stated her concerns as to how close the tower was to her property line, the effect it will have on the value of her property and the ability to sell. Ms. Mott also had concerns as to effects on health and tourism.

Amy Higson, Sooke resident and adjacent property owner, stated her concerns as to the height of the tower, that it will be unsightly and will affect real estate.

Susan Bexson, Sooke resident, stated her concerns as to radio frequency exposure to children and read an excerpt from the International Association of Firefighters publication where cities have prohibited cell phone towers near schools

Karen Stone, Sooke resident and business owner in the town centre, stated that she was strongly opposed to the application as she has concerns for the health of children.

Doug Bexson, Sooke resident, stated that other applications in the Capital Region have not been successful and that the CRD may be able to provide further information on how to proceed with this application.

Justin Wilson, Sooke resident, inquired as to whether the zoning bylaw allowed for a tower to be erected on this property.

Gail Hall, Sooke resident, inquired as to the statement on the applicant letter to the District where it referred to “the proposed facility is in the most suitable location” and “in consideration with current and proposed land uses” noting that public utility buildings and structures are permitted up to 22m in height (6 stories) – the tower is 40 meters or higher. Ms. Hall suggested that residents contact or write our member of parliament, Randall Garrison.

Staff advised that radio towers are a permitted use under the Zoning Bylaw and that the tower installation is regulated by the federal government which we do not have the authority to over rule.

Amy Chwojka, Sooke resident, was opposed to the application as she has concerns as to health, decline in property values and feels that children need to be taken into consideration.

Ellen Lewers, Sooke resident, feels that the federal government regulates health and safety in other jurisdictions, this should be the same – need to use this angle and say “no.”

Loretta Boerkamp, Sooke Resident, was not in support of the application stating that additional boxes are added to the towers which increase the amount of radio frequency exposure similar to a tower erected near BC Ferries. Ms. Boerkamp stated that we need to be vigilant as this is a serious situation.

Gerard LeBlanc read an email addressed to the applicant from Roy Osselton, 6707 Nott Place which stated his opposition to the application.

The Chair acknowledged two additional submissions from members of the public opposed to the application.

Committee Discussion:

- Response timeline of 30 days from receipt of notice
- Dialogue with Industry Canada

MOVED TO RECOMMEND THAT COUNCIL oppose the proposed location of the Alcatel-Lucent Monopole Radio Tower and direct staff to work with the applicant to find a suitable location for the tower.

**TO
COUNCIL**

CARRIED UNANIMOUSLY

The Chair called a recess at 8:30 p.m.

The meeting reconvened at 8:32 p.m.

7. Proposed Strata Title Conversion of Previously Occupied Dwellings Located at 1810/1820 Connie Road

Elisabeth Nelson reviewed the staff report for the Committee.

Public Input: There was no input from members of the public.

MOVED TO RECOMMEND THAT COUNCIL provide Approval in Principle of the strata title conversion of the previously occupied dwelling located at Lot 1, Section 116, Sooke District, Plan VIP58425 subject to meeting the requirements of Council Policy No. 8.6, *Residential Strata Title Conversion Policy, 2012*;

**TO
COUNCIL**

AND FURTHER TO RECOMMEND THAT COUNCIL direct staff to work with the applicant to finalize all technical details relating to the application before bringing it back before Council consideration of the final strata plan.

CARRIED UNANIMOUSLY

8. Subdivision on the Agricultural Land Reserve – 2727 Phillips Road

Gerard LeBlanc reviewed the staff report with powerpoint presentation for the Committee.

Committee Discussion:

- Requirement for properties 1 hectare going to ALR

Public Input:

David Parsons, applicant, informed the Committee that they wish to subdivide but to keep the larger portion of the lands within the ALR. The property line is a natural place to put a boundary to ensure privacy and the larger piece of land will remain farmland.

MOVED TO RECOMMEND THAT COUNCIL forward this request for subdivision of one additional lot to the Agricultural Land Commission with a recommendation for approval.

**TO
COUNCIL**

CARRIED UNANIMOUSLY

9. **Rezoning of Rural Residential Zone (RU4) Lands to Large Lot Residential Zone (R1) – Grant Road West**

Gerard LeBlanc reviewed the staff report with a powerpoint presentation for the Committee.

Committee Discussion:

- Ensuring rights of property owners
- Reinstating properties with previous RU4 zones
- Provincial government grant for sewer stated lots could be smaller if met certain pollution control standards
- Longstanding uses that have been deleted in the zoning bylaw such as “borders in homes” and “community care facilities”
- Panhandle lots – requirement to have 20m setback – some approved roads do not have the required amount for a 20m right of way

Public Input:

Sooke resident stated that he did not receive notification of the rezoning and supports the recommendation.

Ellen Lewers, Sooke resident, stated that the same changes to properties that were 1 hectare occurred in Saseenos and confirmed that Gateway Residential zone will still be required to apply for rezoning.

Dick Thut, Sooke resident, reported that he was also affected by the rezoning; the ALC came to his property.

John Brohman, Otter Point resident, stated that he would like to see the original zoning reinstated on the Grant Road West properties as it is wise to look into the future to build on smaller lots to ensure affordability; Grant Road has all the services in place for a residential area; bus services etc. Mr. Brohman had concerns as to the notice in the paper being misleading in identifying which properties were affected.

MOVED TO RECOMMEND THAT COUNCIL direct staff to draft a report to reinstate all previous RU4 zones to make the minimum lot size 2500m² outside the sewer specified area (SSA) effective 2012;

AND FURTHER RECOMMEND THAT all previously established lots be zoned to reflect their current lot size or which ever zone is closest to their current lot size.

CARRIED UNANIMOUSLY

STAFF

10. **Development Variance Permit – 2205 Tara Place**

Gerard LeBlanc reviewed the staff report with a powerpoint presentation for the Committee.

Larry Champagne, applicant, reported that he purchased the property and at the time engineering drawings were complete and lots were subdivided. This is what they have come up with for driveway access and parking that seems to fit the neighborhood the best.

Committee Discussion:

- Concerns of parking issues – spilling into the sidewalks and right of way – ensuring houses are built to accommodate the size of the lots.

Mr. Champagne advised that the plans were originally for three storey dwellings but had a tower look so they are trying to accommodate 1600 square feet on two levels.

Public Input: There was no input from members of the public

MOVED TO RECOMMEND THAT COUNCIL authorize the issuance of Development Variance Permit PLN00958 for 2205 Tara Place, legally described as Lot A, Section 24, Sooke District, Plan VIP83004 to allow the following variances from section 202.7 in Bylaw No. 500, *Sooke Zoning Bylaw, 2011*:

**TO
COUNCIL**

1. Relax front lot line setback from 4.5m to 1.8m & relax rear lot line setback for house from 4.5m to 2.4m on proposed Lot 2 as shown on attached plan;
2. Relax front lot line setback from 4.5m to 2.7m & relax rear lot line setback from 4.5m to 2.1m on proposed Lot 3 as shown on attached plan.

11. **Development Variance Permit – 7247 Bethany Place**

Gerard LeBlanc reviewed the staff report with a powerpoint presentation to the Committee.

Public Input: There was no input from members of the public.

MOVED TO RECOMMEND THAT COUNCIL authorize the issuance of Development Variance Permit PLN00955 for 7257 Bethany Place, legally described as Strata Lot 28, Section 17, Sooke District, Strata Plan VIS2968 Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1 to vary the following from Bylaw No. 500, *Sooke Zoning Bylaw, 2011*:

**TO
COUNCIL**

1. Vary section 104.7 to allow an addition to the existing garage to be 1.8 meters from the side western property line.

12. Sun River School Site

Gerard LeBlanc reviewed the staff report with a powerpoint presentation to the Committee.

Philip Buchanan, J.E. Anderson and Associates, representing the applicant, provided background as to the relocation of the Sunriver school site and the ALR lands.

Committee Discussion:

- Timeline for completion of building Phillips Road
- Concerns of applicant moving forward with more development and delaying the completion of Phillips Road
- Concerns for residents who purchased homes next to school site and fields
- Concerns of costs to the District for mitigating field site

Staff advised that the completion of Phillips Road was part of the land development agreement. Provisions in the agreement state the road will be completed at the time of the school is constructed.

Public Input:

Gail Hall, Sooke resident, inquired as to how community residential zone with fire halls and schools fits in the comprehensive development zone. Ms. Hall also inquired as to the signatories on the agreement and noted a legal opinion previously received which stated that an agreement must be made available to the public at least 2 weeks prior to a Public Hearing in draft form. Ms. Hall stated she was opposed to the application and was not prepared to give up the 9 hectares of river side park to agriculture land reserve.

Staff clarified that the uses are permitted in the community residential zone. The intent of the OCP is to be able to provide services to people living in that area. The Agricultural Land Reserve has established certain conditions in which staff are trying to adhere to those conditions as long as it goes through public process. Staff has been directed by Council to bring the agreement forward to the public.

Ellen Lewers, Sooke resident, inquired as to the \$300,000 payment to the District for the playing fields, the size of the playing fields and school site, the soil type on the property. Ms. Lewers stated that with the Throup Road connector there may not be a need for a firehall in Sunriver.

Phillip Buchanan advised that the rezoning is to provide the three sites for the community to do what they wish to do. The \$300,000 contribution would go towards the facilities on the site. Mr. Buchanan confirmed that there would not be large remediation costs and that the agreement has been in place for some time. Mr. Buchanan stated that a public meeting was held at Sunriver in which they received positive feedback. Effort was put into advertising and providing an opportunity for residents to provide input. The new site is a benefit to the community as it improves traffic flow and better access to the school and is a level site.

Loretta Boerkamp, Sun River resident, asked Mr. Buchanan how many meetings were held at Sunriver, how many attended the meetings. Ms. Boerkamp also inquired as to the size of the truck at the new fire hall, and whether Saseenos students will attend the new school. Ms. Boerkamp supports the new location of the school from the original site as it is a safer location. She would like to see more meetings and input from the public.

Gail Hall, Sooke resident, clarified that the \$300,000 was not a gift as part of the agreement but in fact the money is being held by the ALC until Sunriver rehabs the land to their satisfaction. The school site was one condition of the overall development plan which clearly states that the costs associated with the field rests with the developer and should not be the responsibility of the District.

Committee Discussion:

- Shared field idea between the school and sport field
- School District agrees to joint use as they then share maintenance costs – reduces their overall operating costs
- Lot A remains in ALR
- Seeing what has been amended in the Revised Land Development Agreement
- Ensuring all information is received and provided to public for input

STAFF

MOVED to direct staff to finalize the Revised Land Development Agreement between the District of Sooke and the applicant and to bring the Agreement and the proposed bylaw amendments back to the Committee for review.

CARRIED UNANIMOUSLY

13. Lot Frontage Requirements for Large Lot Residential (R-1)

Gerard LeBlanc reviewed the staff report for the Committee.

Committee Discussion:

- Provisions in Sooke Zoning Bylaw, 2006 – only applied to 1 lot in a subdivision
- Ensuring the intent of the bylaw

Public Input: There was no input from members of the public.

MOVED to refer back to staff for a report to include all zones affected by minimum lot frontage requirements, in order to comply with section 944 of the *Local Government Act*.

CARRIED UNANIMOUSLY

STAFF

14. Town Centre Design Guideline

Gerard LeBlanc reviewed the staff report for the Committee.

Committee Discussion:

- Importance of keeping the theme simple and easy to understand
- See what other small municipalities have – west coast/use of natural

- materials
- Ensuring everyone has the same rules and guidelines to follow

Public Input: There was no input from members of the public

MOVED TO RECOMMEND THAT COUNCIL endorse a West Coast theme for the District of Sooke Town Centre;

**TO
COUNCIL**

AND FURTHER RECOMMEND THAT COUNCIL direct staff to draft the necessary bylaws to amend the *Official Community Plan* (OCP) with the following directions in mind:

1. Amendments to the OCP to strengthen the policy statements regarding a “theme” for the Town Centre.
2. Amendments to the OCP to include more guidelines in DPA #1 around architectural details, storefront design and building materials.
3. Staff to prepare an illustrative guide for developers based on the policies and guidelines of the OCP.
4. Amendments to the Subdivision and Development Standards Bylaw to include specific details on sidewalk colour/texture, street furnishing style/colour, lamp standards style/colour and street trees by street?
5. Consultation with developers on themes and DPA #1 guidelines prior to staff reporting back to Council.

AND FURTHER RECOMMEND THAT COUNCIL direct staff to prepare an illustrative hand-out outlining the characteristics of the theme when completed.

CARRIED UNANIMOUSLY

15. **Regular Council June 11, 2012 Referral to Land Use and Environment Committee**

Section 406.8(a) with Town Centre Commercial 2 – South (CTC2) Zone

MOVED to postpone Town Centre Commercial 2 – South (CTC2) Zone to the next Land Use and Environment Committee meeting.

STAFF

CARRIED UNANIMOUSLY

The Committee requested that staff include CTC1 Zone in the report for Committee discussion at the next meeting.

16. **Aquaculture Update**

MOVED to receive the correspondence for information.

CARRIED UNANIMOUSLY

17. **Update: Topics for Future LUEC Discussions (staff to provide reports):**

How Transportation Master Plan is applied to Comprehensive Development zones

To be discussed at a future LUEC meeting.

18. **Next Meeting: July 16, 2012**

19. **Adjournment:**

The meeting adjourned at 10:26 pm.

Certified by:

Herb Haldane
Acting Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

July 16, 2012

7:00 p.m. Council Chambers
2205 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Geoff Steele
Andrew Haden
Adrian Cownden (Alternate)
Mayor Wendal Milne Ex-Officio

Staff:

Gerard LeBlanc, Municipal Planner
Elisabeth Nelson, Municipal Engineer
Bonnie Sprinkling, Corporate Officer
Tina Hansen, Corporate Assistant (Recorder)

ACTION

1. **Call to Order**

The meeting began at 7:00 p.m.

2. **Approval of Agenda**

The agenda was approved as circulated with the addition of Supplementary Information:

- Letter received from Randy Clarkston regarding Phased Development Agreements and Development Permits for subdivisions.

3. **Adoption of Minutes:**

MOVED to adopt the minutes of the Land Use and Environment Committee dated June 18, 2012 as circulated.

CARRIED UNANIMOUSLY

4. **Delegation: Randy Clarkston – Phased Development Agreements and Development Permits for Subdivisions**

Randy Clarkston, West Coast Design and Development, provided information to the Committee with regard to Development Permits for subdivisions and inquired as to why there is a need for them as subdivisions are controlled under the District Bylaw No. 65, *Subdivision and Development Standards Bylaw, 2003*. Mr. Clarkston stated that the requirement becomes redundant and is a duplication of process by the local government. Mr. Clarkston also noted that he would like to see some form of amenity bonusing in the zoning bylaw that exempts developers from entering into Phased Development Agreements (“PDA”) as currently applied PDA’s impose additional costs on developers for legal fees and any changes in the development requires an amendment to the PDA which causes a delay in the process and makes it difficult for people to get financing through the bank. Mr. Clarkston asked the Committee to consider

discussing these issues.

Committee discussion:

- PDA's seem to apply to larger developments and may not for the smaller developments as the associated costs are too high
- Considering an alternate method to get amenities – need to find out what the legalities are
- PDA requires public process – onerous on small subdivisions – consider setting up through an amenity policy

The Committee inquired as to the smallest development size for a Phased Development Agreement. Gerard LeBlanc clarified that any development can have a PDA applied to it depending on the increase in density. Larger developments place pressure on municipal services; a PDA is applied for over a period of time so that the property owner can be assured of the zoning. Council could focus on simplifying and getting what is fair; natural justice for the developer and the municipality.

The Committee inquired as to whether the process could be simplified through a Preliminary Land Assessment instead of a PDA. Staff advised that the intent of the PDA is on the amenities; the servicing requirements are in place through Bylaw No. 65.

Public Input:

Rick Kasper, Councillor, stated that the Committee needs to consider the issue that developments have to operate within the strict confines of what was applied for; multi-family, industrial etc. A PDA bypasses standard zoning requirements without changing the zoning bylaw; this is not what the intentions were and it is wrong to add on other things other than what legislation requires.

Gail Hall, Sooke resident, stated that she does not think that a PDA can be forced on a developer; it is there to protect the developer and in return for protection, we can ask for amenities. A PDA has to be done by bylaw.

Gerard LeBlanc advised that the District has a policy to provide amenities through a Phased Development Agreement; the process flows from the OCP to the amenity policy then to the PDA Bylaw. The PDA is on a development that exceeds its base density.

MOVED to direct staff to prepare a report on the history and current process of Phased Development Agreements in the District of Sooke and bring the report back to the Land Use and Environment Committee.

STAFF

CARRIED UNANIMOUSLY

5. Analysis of Lot Frontage Requirements

Gerard LeBlanc provided a summary of the staff report for the Committee.

Committee discussion:

- Requirements of section 944 in the *Local Government Act*
- Municipality can set their own requirements for lot frontage in accordance

- with LGA as long as it is by bylaw
- Delegation for approval of exemptions - has been removed from Delegation Bylaw – will require amendment to reinstate the approving officer
- Concerns of adopting a bylaw that would contradict the Official Community Plan (OCP)
- Concerns of delaying applications – need to ensure process is more streamlined
- These are technical decisions – makes sense to delegate
- Concerns for smaller subdivisions – people want regulation in place to see where they are at – using a specific formula
- Delegation bylaw will require amendment if Council wishes to reinstate
- Consider options 1 and 2 – would cut the amount of times exemptions would come to Council but would give the public an opportunity to provide input
- Ensuring an opportunity for the public to speak– provided during public question and comment period
- Ensuring transparency
- Cul de sacs are an issue with lot frontage requirements

Gerard LeBlanc clarified that when exemption requested come to Council, an opportunity is given to the public to speak, however, there is no statutory requirement for exemptions or Development Permits to go through a public process. Subdivisions do not have a required public input process. It is put in Council's authority to approve the exemption – there is no notification process to the public.

Public Input:

Rick Kasper, Councillor, stated his concerns as to why the delegation of approval was removed. Councillor Kasper stated that previous approvals that have taken place have been disruptive to neighbourhoods and there has been no public process.

Randy Clarkston stated that keeping the minimum lot width and the 10 per cent rule in section 944 of the *Local Government Act* would be satisfactory.

MOVED TO RECOMMEND THAT COUNCIL consider establishment of *minimum lot width* as the requirement rather than a frontage requirement; **AND FURTHER THAT** the requirements of section 944(1)(a) of *the Local Government Act* be included.

DEFEATED

STAFF

MOVED to direct staff to report back to the Land Use and Environment Committee in respect to the following items:

1. Establishment of *minimum lot width* as the requirement rather than a frontage requirement for subdivisions;
2. Delegation of the approval of exemptions to the municipal Approving Officer with suggested limitations.

CARRIED UNANIMOUSLY

The Committee directed staff to investigate a limited delegation for the approval of exemptions based on the type of subdivision; ie. number of lots, pan-handle or cul de sac lots.

6. **Minimum Statutory Frontage Exemption for 2700 Sunriver Way**

Elisabeth Nelson provided a summary of the staff report for the Committee.

The Committee noted that this application pertains to the old school site which still has outstanding issues with the ALR and that there is also a recommendation from the last Land Use and Environment Committee meeting with regard to the Revised Land Development Agreement.

Staff confirmed that the applicant will not be moving ahead with the development if they do not meet the requirements of the ALR and that they understand they are proceeding at their own risk.

Phillip Buchanan, representative for the applicant, clarified that the PLA will be discussed at the same time the project moves ahead as a whole.

Committee discussion:

- This decision is limited to the issue of lot frontage exemption – deal with now, less to deal with later
- Concerns of exceeding the development limit within the original CD2 zone
- Exemption is not moving the development forward
- Concerns of agreeing to the principal design of the subdivision at this time
- LUEC was established to ensure things are more efficient – this is about streamlining the process

The Committee asked staff if there was not an issue with lot frontage, would the subdivision be going ahead. Staff advised that there is a development agreement in place; this is one step in the process that can only happen if the ALR requirements are met.

Public Input:

Rick Kasper, Councillor, stated that it is not common practice in this municipality to issue exemptions prior to development approval and advised of his concerns as to this being the first step in the applicant receiving a PLA which the approving officer can issue and Council will not be able to stop. Councillor Kasper also stated his concerns with regard to the District assuming responsibility of the playing field site and concerns with this exemption coming forward when there were a number of issues raised at the previous Land Use and Environment Committee meeting.

Phillip Buchanan advised that this is a lengthy process and there are a number of issues that need to be looked after, noting that Mr. Clarkston was here tonight to try to streamline process to help things move ahead. It is important that this be addressed tonight.

Gail Hall, Sooke resident, stated the most important thing is that there will have to be a public hearing to rezone the current school site/new school site. It is not a fair public hearing if the process goes ahead because the public has a right to a fair and open minded route. Ms. Hall stated her concerns that the public has been at the back end from the beginning as strong promises were made to the public from the developer including the park along the Sooke River which is now gone. Ms. Hall stated that this should not be in front of the Committee noting that it does not make the provision for minimum lot frontage requirements.

Phillip Buchanan stated that he believes that this is the proper process; requested that the Committee move this forward to Council for consideration.

MOVED TO RECOMMEND THAT COUNCIL pursuant to Section 944(2) of the *Local Government Act*, exempt proposed Lots 4, 7, 8, 13, 14, 15 and 16 of the proposed subdivision of Remainder Lot A, VIP77727, and Part Lot 1, Plan 13674, Section 29 and 32, Sooke District from compliance with the minimum statutory frontage requirement of 10% of the perimeter of the lots fronting on a highway, for the purpose of facilitating an application for subdivision.

**TO
COUNCIL**

CARRIED

7. **Minimum Statutory Frontage Exemption for 2727 Phillips Road**

Elisabeth Nelson provided a summary of the staff report for the Committee.

Public Input: There was no input from members of the public.

MOVED TO RECOMMEND THAT COUNCIL, pursuant to Section 944(2) of the *Local Government Act*, exempt proposed Lot 2 of the proposed subdivision of Lot B, Section 31, Sooke District, Plan 24496 from compliance with the minimum statutory frontage requirement of 10% of the perimeter of the lot fronting on a highway, for the purpose of facilitating an application for subdivision.

**TO
COUNCIL**

CARRIED UNANIMOUSLY

8. **Minimum Statutory Frontage Exemption for 6958/6960 Grant Road**

Councillor Haldane declared that he may have a conflict of interest with this application as his wife made the application and left the meeting at 8:43 p.m. Mayor Milne took Councillor Haldane's place as a voting member of the Committee.

Elisabeth Nelson provided a summary of the staff report for the Committee.

Public Input: There was no input from members of the public.

MOVED TO RECOMMEND THAT COUNCIL, pursuant to Section 944(2) of the *Local Government Act*, exempt proposed Lot A of the proposed subdivision of Lots 1 and 2, Section 22, Sooke District, Plan 15789 from compliance with the minimum statutory frontage requirement of 10% of the perimeter of the lot fronting on a highway, for the purpose of facilitating an application for subdivision.

**TO
COUNCIL**

CARRIED UNANIMOUSLY

Councillor Haldane returned to the meeting at 8:46 p.m.

Minimum Statutory Frontage Exemption for 2554 Sooke River Road

9.

Elisabeth Nelson provided a summary of the staff report for the Committee.

Public Input: There was no input from members of the public.

MOVED TO RECOMMEND THAT COUNCIL, pursuant to Section 944(2) of the *Local Government Act*, exempt proposed Lot 2 and proposed Lot 3 of the proposed subdivision of Lot 3, Section 47, Sooke District, Plan 2553, Except Parts in Plans 3980 and 11566, and Except Parcel A (DD88488I) of said lot, from compliance with the minimum statutory frontage requirement of 10% of the perimeter of the lot fronting on a highway, for the purpose of facilitating an application for subdivision.

**TO
COUNCIL**

CARRIED UNANIMOUSLY

10. **Development Variance Permit – 6989 Grant Road West**

Gerard LeBlanc provided a summary of the staff report for the Committee.

Committee Discussion:

- Current distance from property line to existing deck – does it meet current requirements
- This is not a Board of Variance application as there is no hardship
- Ensuring confirmation has been received from the neighbor that they are in agreement with the exemption

Public Input:

There was no input from members of the public.

MOVED TO RECOMMEND THAT COUNCIL authorize the issuance of Development Variance Permit PLN00962 for 6989 Grant Road West, legally described as Lot 2, Section 3, Sooke District, Plan VIP89042 to vary the following from Bylaw No. 500, *Sooke Zoning Bylaw, 2011*:

**TO
COUNCIL**

1. Vary section 203.7 to allow an existing deck to be extended to be located 2.0 meters from the rear property line.

CARRIED UNANIMOUSLY

The Committee directed staff to request that the application provide letters of support from the adjacent property owners.

STAFF

11. **Covenant Amendment FB217108 – 6882 West Coast Road and 1841 and 1843 Tominnny Road**

Gerard LeBlanc provided a summary of the staff report for the Committee.

Public Input: There was no input from members of the public.

MOVED TO RECOMMEND THAT COUNCIL approve the Modification Agreement to Covenant FB217108 registered on the subject property legally described as *Lot 1, Section 3, Sooke District, Plan EPP9309 and Strata Lot 1*

**TO
COUNCIL**

and Strata Lot 2, Section 3, Sooke District, Strata Plan 359, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Plan as shown on Form 1;

AND FURTHER RECOMMEND THAT COUNCIL authorize the Mayor and the Chief Administrative Officer to execute the Modification Agreement.

CARRIED UNANIMOUSLY

12. **Assignment of Phased Development Agreement for 2205 Tara Place**

Gerard LeBlanc provided a summary of the staff report for the Committee.

A discussion ensued between the Committee and members of the public with regard to the Phased Development Agreement on small lots and provisions for requesting additional components through an amenity policy.

MOVED TO RECOMMEND THAT COUNCIL authorize the assignment of a one-half interest of a Phased Development Agreement under section 905.2(5)(c) of the *Local Government Act*, to “Manchester Homes Ltd.” in Bylaw No. 453, *Tara Place Phased Development Agreement Authorization Bylaw, 2010* in order to reflect the current ownership of the property;

**TO
COUNCIL**

AND FURTHER RECOMMEND THAT COUNCIL authorize the Mayor and Chief Administrative Officer to execute on behalf of the District of Sooke an addendum agreement with the current landowners and the assignee to reflect the assignment.

CARRIED UNANIMOUSLY

13. **Section 405.8(a) and 406.8(a) within Town Centre Commercial Zones**

Councillor Haldane declared that he may have a conflict of interest with this agenda item as he owns an interest in a property in the Town Centre and left the meeting at 9:09 p.m. Mayor Milne took Councillor Haldane’s place as a voting member of the Committee.

Gerard LeBlanc provided a summary of the staff report for the Committee.

Committee discussion:

- Clarification as to High Density Multi-Family 4 zone (RM4) – should restricting this zone be considered
- Apartment buildings are permitted use subject to the provisions of the RM4 zone – is there a commercial component
- Concerns of increasing density in mixed use buildings
- Market has dictated that nothing will be built in the town core

Public Input:

Randy Clarkston advised that it is typical for a downtown to have density and reported on attending a meeting with Town Centre property owners and the Mayor to have the CTC1 and CTC2 zoning changed back to the Bylaw No. 270 CTC zone.

Rick Kasper, Councillor, advised that he attended the same meeting that Randy referenced and that the property owners are asking to have the previous zoning

reinstated. There are five or six properties that are affected.

Gerard LeBlanc clarified that under the previous zoning, apartment buildings were not a permitted use. We are discussing the properties that were RM4. Mixed use building density is much higher than the 90 units per hectare in the RM 4 zone. The purpose is for mixed use buildings.

Randy Clarkston advised that the CTC zone was created for mixed use commercial residential. We need to go back to the way it was and bring in multiple family zoning in the downtown. Mr. Clarkston advised that there was never an attempt by the applicants to have straight residential use and inquired as to why residential use has to be attached to the CTC1 zone; not allowed to put single family dwellings in the town centre but have no zone for density; we are forgetting where density should be.

Rick Kasper inquired as to why the zoning was changed from the previous zoning bylaw noting that height had also changed. We need to enhance more density by going back to the old zones and let the market dictate what is built; these zones should be reinstated.

The Committee inquired as to whether the original CTC zones from the previous zoning bylaw would be in alignment with the Official Community Plan.

Gerard LeBlanc clarified that in the former bylaw there was not a CTC2 zone. The new bylaw has both CTC1 and CTC2 which permits residential uses above the first floor and introduced stand alone apartment buildings as a permitted use. If we are going for higher density then there should be a new zone which will then go through the public process and provides transparency.

Randy Clarkston stated that there was a flaw in the process of the zoning bylaw as people asked that their zoning not be changed.

The Committee inquired as to the proponent who wants to do a mixed use development.

Mr. Clarkston reported that the proponent has applied for a laundry mat and car wash. The reason no one has built anything is that nothing has happened with Waterview Street. Things take a long time to get through.

Committee discussion:

- 90 units per hectare permitted in RM4 and 70 units per hectare permitted in RM3
- New CTC1 and CTC2 does not allow residential use above first floor

Rick Kasper stated that under the old CTC1 zoning everything was allowed including smaller units.

Mr. Clarkston stated that under the previous zoning, you could exceed the maximum density allowed in all the other zones; that was the incentive; "apartment use" wording is incorrect under the new zone.

MOVED to refer the report back to staff to provide a report clarifying the apartment building definition and addressing the CTC1 and CTC2 zones as they relate to density in the RM4 Zone in the *Sooke Zoning Bylaw*.
CARRIED UNANIMOUSLY

Councillor Haldane returned to the meeting at 10:05 p.m.

14. **Update: Topics for Future LUEC Discussions (staff to provide reports):**

The Committee inquired as to when the report on Cluster Housing will be coming forward to the Land Use and Environment Committee. Staff advised that the report will be presented at a Committee meeting early in the fall.

15. **Next Meeting:** At the Call of the Chair

16. **Adjournment**

The meeting adjourned at 10:08 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

August 27, 2012

7:00 p.m. Council Chambers
2205 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Geoff Steele
Andrew Haden
Mayor Wendal Milne Ex-Officio

Staff:

Gerard LeBlanc, Municipal Planner
Elisabeth Nelson, Municipal Engineer
Bonnie Sprinkling, Corporate Officer

Alternate: Adrian Cownden

ACTION

1. **Call to Order**

The meeting began at 7:03 p.m.

2. **Approval of Agenda**

The agenda was approved as circulated.

3. **Adoption of Minutes:**

MOVED to adopt the minutes of the Land Use and Environment Committee dated July 16, 2012 as circulated.

CARRIED UNANIMOUSLY

4. **Delegation: John Brohman – 1836 Tominny Road**

John Brohman stated that he was at this meeting to discuss his rezoning and building permits for 1836 Tominny Road. Mr. Brohman submitted some background material. He advised that before he gets a building permit, he must meet all the requirements under Bylaw No. 65. He is not doing a subdivision. When he did the rezoning after the subdivision, the main issue was a pathway in the front of his property. Instead of building the pathway, he got a quote for the pathway \$1200 from Island Asphalt and the Staff still hasn't issued the building permit. He agreed to provide a bond for double the amount with a refund if the pathway comes in less. The Staff rejected the cheque for \$1200 and they want a curb up Tominny. Staff wants a \$4,000 fee; he feels he has a shot-gun to his head. Just wants to pour foundations in dry weather. He also wants to show the problems with building permit applications and to say that the 48 hour permit will never be possible. The zoning bylaw for his property has mistakes in the text, partly his mistake, text that is different that what he wanted. He stated that he needs a building inspector to look at the foundations so that he can pour the cement; he has a survey certificate.

Elisabeth Nelson advised that Mr. Brohman's building permit can be issued as it complies with the frontage improvements required and if it is approved by building inspection. Ms. Nelson will check on the matter immediately.

Committee discussion:

- Bylaw No. 65 as to 1.5 meter pathway and roads; need mapping to determine curb and gutter requirements for roads;
- Mr. Brohman to provide the quote in writing

Public Input:

- Mr. Adrian Cownden inquired if the pathway would be on Highway 14 and suggested a fair estimate for the trail would be \$2,500

MOVED and seconded to direct staff to provide a report to Council creating road mapping to match the typical cross sections applicable to each area requiring servicing under Bylaw No. 65.

STAFF

CARRIED UNANIMOUSLY

5. **Second Draft Agricultural Plan for Sooke**

Staff:

Gerard LeBlanc provided a PowerPoint presentation on the draft Agricultural Plan. Mr. LeBlanc reviewed Section 5: Conclusions and Next Steps; particularly the need to meet with the ALC to discuss some sort of approach to deal with the issues they identified; ie. the overlay of the industrial/technical area does not comply with the *Act*.

Committee discussion:

- Councillor Haldane referenced the Fraser Institute report on the ALC.
- 2011 Census demographic information will be incorporated into the Agricultural Plan; how will it affect the Agricultural Plan? Most of the changes in the community have been addressed.
- At last UBCM, ALC stated they want to see our Agricultural Plan.
- A meeting is recommended with the ALC Chair, 2 senior managers, and planner coming to meet with Council and Staff to discuss the concerns we have relative to ALC lands for growth in the Town Centre area.
- Scoring items for priority.
- The status of the ALC.
- ALC Chair's comments from AVICC

Public Input:

Rick Gates, Sooke resident and past member of the OCP Review Committee, clarified with staff the process for incorporating the Agricultural Plan into the OCP; will send specific comments to Staff. Mr. Gates stated that there is a bigger picture to be addressed, first is for Council to review the overall vision expressed in the OCP, where is Council going? Growth within the growth area; public feedback in OCP was that Sooke is a small town and we want it to stay a small town. Secondly is as to the industrial/technical area in the ALC; there are other such areas in Sooke that must be addressed. Thirdly, the Agricultural

Plan overall should be expanded as to Sooke's specific situations; for example the farm on Throup is for sale as residential land; or cougars as a threat to sheep farms, or fog in the area. As to what the census information, the census may show where the current trends are.

Ellen Lewers, Sooke resident, past member of the OCP Review Committee, supports the "small town feel" theme for the OCP; stated there were good discussions at the meetings for the Agricultural Plan. Ms. Lewers suggests that Council approach the ALC to make the ALR lands smaller lots so that farming is more affordable; with the industrial lands, Ms. Lewers further stated:

- that Council needs to be creative - allow some to be agricultural.
- that she did not agree with the sticker exercise for the Figure Two priorities on Page 44.
- that the length of time to consume the 455 cubic meters of water should be addressed for reduction in CRD water cost; it is not economical as it is.
- that the lack of large animal vets is an issue; farmers should be educated to look after large animals.
- that the sale of produce is restricted to produce grown on farmer's property under Zoning Bylaw; should be changed.
- That Deer Management is not the only animal issue, cougars, squirrels.
- That for the municipality to acquire agricultural land; there is a considerable cost.

Phoebe Dunbar, Sooke resident and member of Sooke Food CHI, stated that the most important section of the Agricultural Plan is section 5.1.13; there is a lot of value in discussing with the ALC if there are large pieces of farmland and how to make them work. Ms. Dunbar advised that through some funding, there will be opportunities to work with the District to develop innovative ways to encourage farming.

Rick Gates stated that an economic analysis was not dealt with in the Agricultural Plan; should be done. There is a recommendation about creativity as to ALR lands, but that should not be just for ALR lands.

Erica Ralston, Coordinator with Sooke Region Food CHI, feels that the community value of the Sun River Community Gardens is important; it has a food economy focus. Ms. Ralston stressed the importance of Smart Growth principles with a small town feel; encouraged shared areas, productive green space - community farming should be considered.

Ellen Lewers, stated that, as to community gardens, the intent in the OCP was that the developer would have it prepared the community garden for the community; was not intended to be a cost to the tax-payer.

Cam McIntyre, Sooke Resident and farmer, is concerned about the community debt and understands the sale of municipal lands is an option; suggested that whatever piece to be sold should be assessed on an individual basis and look at farming opportunities.

Councillor Haldane stated that small farms create a social and personal approach for farming, but it is often more expensive. The Fraser Institute states 35% of all large farms have gone corporate; but not all farming is on agricultural land.

Councillor Tait stated that, at Seedy Saturday, only plants can be sold; cannot sell or trade poultry. Staff could look at options for next year's event. Pemberton has been innovative as to small farming.

MOVED and seconded to accept the Agricultural Plan and to forward it to Council for consideration.

CARRIED UNANIMOUSLY

6. Analysis of Lot Frontage Requirements

Staff:

Gerard Leblanc gave an overview of the staff report.

Committee discussion:

- Requests for exemption before subdivision application submitted
- Panhandle lots not included
- Frontage requirements under Provincial legislation
- Timing of exemption – how and when delegation of bylaw would be interpreted
- The intent of the delegation bylaw is to deal with the “one-offs”, the subdivision anomalies
- How did it apply to recent exemptions, one out of four would have come to the Committee

Public Input:

Randy Clarkston, stated he does not have a problem with the exemption delegated to Approving Officer; however, we used to use lot width and did not have the exemptions coming forward - gives developers more flexibility.

Adrian Cownden, staff to review the word “power” in the bylaw.

MOVED AND SECONDED TO RECOMMEND THAT COUNCIL introduce and give first, second and third reading to Bylaw No. 546, *Delegation of Exemption from Minimum Frontage Requirement Bylaw, 2012*.

CARRIED UNANIMOUSLY

Laurie Wallace inquired as to the CTC2 report, when it will be coming forward again. The report will be coming forward as quickly as possible. Also inquired as to the properties on Grant Road.

7. Next Meeting: September 17, 2012

**TO
COUNCIL**

8. **Adjournment**

The meeting adjourned at 9:27 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

September 17, 2012
7:00 p.m. Council Chambers
2205 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Geoff Steele
Andrew Haden
Mayor Wendal Milne Ex-Officio

Staff: Elisabeth Nelson, Municipal Engineer
Tina Hansen, Corporate Assistant

Alternate: Adrian Cownden

ACTION

1. **Call to Order**

The meeting began at 7:01 p.m.

2. **Approval of Agenda**

The agenda was approved with the following item added as supplemental information:

- Correspondence received September 12, 2012 from Dan Martin

3. **Adoption of Minutes:**

MOVED to adopt the minutes of the Land Use and Environment Committee dated August 27th, 2012 as amended on page 1.

CARRIED UNANIMOUSLY

4. **Delegation: Crystal McMillan – Bear Smart BC Consulting Inc.**

Crystal McMillan, Bear Smart BC Consulting introduced Conservation Officer Rick Dekelver. Ms. McMillan provided a power point presentation on the Ministry of Environment Bear Smart Community Program and Bear Hazard Assessment and Management Plan.

Ms. McMillan provided data on Problem Wildlife Occurrences for the District of Sooke advising that there have been 244 public reports this year and a total of 1138 public reports over 4 years (2009-2012). Ms. McMillan reported on Sooke Bear Activity for 2012 stating that 3 bears had to be destroyed in Sooke between April and July.

Ms. McMillan reviewed the goals and objectives for “Bear Smart” stating that the first step is to address the root causes of human-bear conflict. Phase 1 of a Bear Hazard Assessment was to do an analysis of the biological and sociological contribution to the problem. An assessment also provides for

hazard ratings for schools, municipal public waste receptacles and commercial waste containers. Ms. McMillan reviewed options for translocation and relocation of bears advising that bears move distances ranging 26-84 km and have an overall return rate of 73 per cent.

Conservation Officer, Rick Dekelver provided information on the three bears destroyed in Sooke earlier this year noting that there are three family groups of bears in the community that they are allowing more leeway in hopes that when they separate they will not become garbage bears. Conservation must pick and choose their efforts but the potential for bear-human conflict is always there.

The Committee inquired as to whether the number of interactions goes down when a community becomes a Bear Smart community. Ms. McMillan advised the number of incidents go down due to the education the community receives – residents report issues earlier.

The Committee inquired as to overall health population of bears. Ms. McMillan advised that there are approximately eight to nine thousand black bears on Vancouver Island. It is important for a community to consider wildlife stewardship. The Bear Smart BC mandate is “public safety.”

A discussion ensued between Committee members, Ms. McMillan and Mr. Dekelver as to public reporting and collection of data.

The Committee inquired as to what type of circumstances would make a bear be destroyed. Mr. Dekelver advised that it would be based on bear behavior, high levels of habituation, property damage, killing livestock; conservation may engage before it gets to that point but they try to identify the problem or issue with people.

The Committee inquired as to whether bears are not hibernating anymore. Mr. Dekelver reported that when bears become dependent on garbage, they realize they do not have to shut down.

Public Input:

Ron Dumont, Sooke resident provided information on a significant change in bear activity in his neighbourhood stating that the problem is getting worse as not all bears are hibernating; something is changing in our environment

Crystal McMillan reported that litter sizes can be as large as five cubs depending on food availability. We are changing the dynamics at a community level.

Ellen Lewers, Sooke resident inquired as to whether people are not reporting bear activity due to unavailability of conservation staff. Bear population has increased due to an increase in food (garbage); this is a serious issue.

Rick Dekelver, explained that conservation staff schedules are hectic but when they can, they will take time to blanket “hot zone” areas such as Broomhill. Complaints die off for as long as people abide to what conservation has told them. If finding food becomes too much effort for the bear, this could make a big difference.

Gail Hall, Sooke resident inquired as to a connection between bear and deer; fawns as food source.

Crystal McMillan advised that there are experts to gather information and help develop a good program for the community.

Ellen Lewers, Sooke resident inquired as to costs associated with a Bear Hazard Assessment.

Crystal McMillan advised that there are costs associated with a Bear Hazard Assessment and that she will provide staff with an enhanced package which contains further information on a Bear Hazard Assessment.

5. **Proposed Uses of John Phillips Memorial Park – Public Input Opportunity**

Staff:

Elisabeth Nelson provided a power point presentation and summary of the staff report for the Committee.

Committee discussion:

The Committee inquired as to a “heritage building” being moved on the park site, as noted in the staff report, and whether staff has a particular building in mind. Staff advised that one option could be the Presbyterian Church on Church Road.

The Committee asked if consideration has been given to a picnic table program similar to the memorial benches. Staff reported that this could be an option.

The Committee inquired as to whether there were other groups who have expressed an interest in use of the park. To date, the Sooke Bike Club, Sooke Horseshoe Club and Off-Leash Dog Park advocates are the only groups that have officially come forward to Council.

A discussion ensued between the Committee, staff and members of the public as to parking concerns on Townsend Road when groups are using the park for events.

Public Input:

Councillor Rick Kasper reported that a group with a water park proposal based on funding was one of the main user groups that came forward while the John Phillips Memorial Park Plan was being developed.

Ron Dumont, Sooke resident advised that many other groups have come forward but were asked to wait until the drainage study on the park was completed.

Ellen Lewers, Sooke resident inquired as to who would be responsible for the expenses associated with putting in the different user group amenities and inquired as to who is responsible for insurance costs and ensuring the use of appropriate safety equipment.

A discussion ensued between the Committee and members of the public as to liability during park use.

Fred Vonllberg addressed the Committee on the recently acquired Sooke River Road Park being ideal for the park use proposals and that John Phillips Memorial Park should remain the “lungs” of the community.

Keith Hoath inquired as to whether there will be controls with the bike skills park. Staff advised the bike skills park proposal will be coming forward to Council in October.

Gail Hall, Sooke resident advised of a drainage plan that was done at the time the park was to be a subdivision. Ms. Hall stated that she was opposed to cutting the park up into pieces due to concerns of duplication in services and concerns of the District having to take over what was constructed once groups leave.

Jackie Jocelyn, Sooke resident inquired as to whether the bike skills park will be sectioned off to ensure public safety or whether the group will have exclusive use of the park.

The Committee advised that the areas will be defined to ensure there are no pedestrian/bike collisions and that this is a public facility and the public should have access to the park. Rules will be established through the Licence to Occupy agreement.

Larry Umbach, Sooke resident, encouraged the Committee and members of the public to visit the Sooke Bike Club website for the conceptual drawing which does not show a fenced off area.

Ron Dumont, Sooke resident, advised that if there is no longer an interest in what is there, it could be changed and replaced with something else. The District pays to mow the park now but each group would be responsible to maintain their own area.

Fred Vonllberg advised the landscaping contract is \$20,000 for the park and feels it is disappointing the District purchased the Sooke River Road property which is just sitting. The park is near sports facilities that are extensively used and is an ideal place for these types of group facilities.

A discussion ensued as to the environmentally sensitive areas in the Sooke River Road park.

Fred Vonllberg advised that portions of John Phillips Memorial Park will also be cut off when the Connector Roads are completed. It is important that the green space is preserved for the community.

The Committee and members of the public discussed the Parks and Trails Master Plan which notes that John Phillips Memorial Park is the number one place for having activities in the park but, that it is important that there is public engagement through the park design process.

Stuart Katorsky, Sooke resident inquired as to the notification process for tonight's public input opportunity. Mayor Milne advised that notice was sent to affected neighbours and published in the Sooke News Mirror – the public is encouraged to come and share their comments.

Ellen Lewers, Sooke resident addressed the Committee on her concern of using dots at the Public Information meetings for people's priorities stating that the dots are not representative of what people want.

The Committee discussed the need to consider assets for the community and the benefits to improving the use of park.

Stuart Katorsky, Sooke resident, was concerned the bike skills park may be an eyesore and inquired as to whether a bond would be put up for restoration of the park when the groups do not renew their agreement.

Larry Umbach, Sooke resident advised that only 22 people attended the Sooke Bike Club Annual General Meeting.

Jackie Jocelyn, Sooke resident stated she is not opposed to any one of the proposals but has concerns because she lives next to the park and would like to see this green space preserved for the community.

Stuart Katorsky, Sooke resident stated that he had concerns of noise with the bike skills park.

The Committee discussed ensuring a dedicated public process with respect to the development of John Phillips Memorial Park for members of the community to voice their concerns.

Rick Hobday, Sooke Horseshoe Club, advised that the Horseshoe Club cannot proceed with membership or present a proposal to Council until they have the land to put the pitches on.

Gail Hall, Sooke resident inquired as to the lease situation. Staff advised the leases would be through a "Licence to Occupy."

Jackie Jocelyn, Sooke resident inquired as to what happens if more groups were to come along requesting use of the park once these agreements are granted.

Mark Ferrol inquired as to whether anything official had been signed with the groups at this point in time.

Mr. Smith, Sooke resident, inquired as to whether consideration has been given to ecological, environmental or sociological impact and inquired as to whether the issue could go to referendum if there was enough public interest.

A discussion ensued between the Committee and members of the public as to why the issue should or should not go to referendum.

Gail Hall, Sooke resident stated that the *Community Charter* allows a Council to

hold a non-binding referendum on community issues.

MOVED and seconded to receive the Proposed Uses for John Phillips Memorial Park for information

AND TO recommend that Council direct staff to work with the Horseshoe Club and bring forward a report to establish a horseshoe pitch at John Phillips Memorial Park;

AND FUTHER recommend that Council direct staff to work with the Off-Leash Dog Park advocates and bring forward a report to establish an Off-Leash Dog Park at John Phillips Memorial Park.

CARRIED UNANIMOUSLY

AND FURTHER recommend that Council direct staff to prepare an outline for a public consultation process to address these and all other issues with respect to the development of John Phillips Memorial Park.

CARRIED UNANIMOUSLY

7. **Next Meeting:** October 15, 2012
8. **Adjournment**
The meeting adjourned at 9:06 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

November 19, 2012

7:30 p.m. Council Chambers
2205 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Geoff Steele
Andrew Haden
Mayor Wendal Milne Ex-Officio

Staff:

Gerard LeBlanc, Municipal Planner
Laura Byrne, Parks and Environmental Service Coordinator
Tina Hansen, Corporate Assistant

Alternate: Adrian Cownden

ACTION

1. **Call to Order**

The meeting began at 7:00 p.m.

2. **Approval of Agenda**

The agenda was approved as amended and the following item was added as new business:

- NB-1 Lot A – Access to Grant Road Extension and Modification of Existing Covenant – Marlaina Elliott

3. **Adoption of Minutes:**

MOVED to adopt the minutes of the Land Use and Environment Committee dated September 17, 2012.

CARRIED

4. **Delegations:**

- a) **District of Sooke Stormwater Quality Annual Report 2011 – Dale Green, Program Manager, Environmental Sustainability, CRD**

Dale Green provided an overview of the Capital Regional District Stormwater, Harbours and Watersheds (SHWP) program advising that the program works in conjunction with the District of Sooke to limit the impacts of contaminated stormwater runoff on the environment, protects public health and meets the District's commitment in the Liquid Waste Management Plan. Mr. Green provided a power point presentation on the District of Sooke Stormwater Quality Report for 2011 and summarized the following.

- District of Sooke Program Components
- Stormwater Discharges – Survey Area
- Stormwater Discharge Evaluations

- Stormwater Discharge Evaluations – Fecal coliform levels
- Public Health Concern
- Stormwater Discharge Results
- Stormwater discharges of concern – discussed the 4 high rated areas of concerns
- Stormwater Discharge Evaluations – Sewering
- Environmental Concerns – Contaminants
- Nearshore Surface Water Sampling
- Marine Surface Water Sampling – Results
- Watercourse Monitoring
- Watercourses monitored by SHWP
- Watercourse Monitoring – Results
- Special Projects

The Committee inquired as to what the cause would be for high level ratings of zinc. Mr. Green advised that zinc can be a result of galvanized piping or roofing materials.

The Committee inquired as to the six discharge locations of concern being fixed or whether they change locations. Mr. Green advised the sampling locations are fixed. The Committee noted a positive trend inside the sewer specified area.

The Committee inquired as to testing in the area of the EPCOR wastewater treatment plan outfall. Staff advised that area is monitored under the operational certificate.

MOVED and seconded to receive the District of Sooke Stormwater Quality Annual Report 2011 for information.

AND TO forward the report to Council
CARRIED

**TO
COUNCIL**

5. New Business – Lot A – Access to Grant Road Extension and Modification of Existing Covenant – Marlaina Elliott

Marlaina Elliott, addressed the Committee on an opportunity for the District of Sooke to acquire roadway access through Lot A to connect with the Grant Road extension in exchange for consideration of removing or modifying a covenant on Lot A that restricts access. Ms. Elliott advised that there is an ongoing need to expand the roadway network within Sooke to improve pedestrian and vehicular access and that this is a good opportunity for the District of Sooke to acquire sufficient rights of way to allow for two future roadways and one pedestrian/bicycle pathway. Ms. Elliott advised that the covenant could be modified by coming up with language that is agreeable to each party.

Committee discussion

- Exploring options for moving traffic around Sooke
- Look at other proposals to tie into the Grant Road extension
- Public consultation process
- Town Centre Plan shows road going through portion of Lot A

The Committee inquired as to whether 10m was a typical size for road dedication. Staff advised that 10m would be half a road dedication.

A discussion ensued between Committee members and Ms. Elliott as to modification to the covenant to indicate that Lot A must access Grant Road and to remove a restriction that only a single family residence can be built on Lot A. This will provide an opportunity for future owners of Lot A to develop the property and would allow traffic from Evergreen Shopping Centre to Grant Road helping to alleviate traffic congestion in the town core. It will also provide a 5m strip from lot A for a pedestrian trail.

The Committee discussed having staff provide further information on the Lot A proposal to the District of Sooke including mapping of the proposed roadways.

MOVED and seconded to refer the information back to staff to provide a report including mapping on Lot A access to Grant Road Extension for Council consideration.

STAFF

CARRIED

6. **Development Variance Permit – 2174 & 2176 French Road South**

Gerard LeBlanc provided a summary of the staff report.

Public Input

There was no input from members of the public.

Committee discussion

The Committee asked for clarification as to the front lot line setback for the garage.

Randy Clarkston clarified the front and rear lot line setbacks for the Committee.

MOVED and seconded to recommend that Council authorize the issuance of Development Variance Permit PLN00977 for 2174 & 2176 French Road South required for a proposed subdivision, to allow the following variances from section 202.7 Minimum Setbacks in Bylaw No. 500, *Sooke Zoning Bylaw, 2011*:

**TO
COUNCIL**

1. Relax front lot line setback for garage from 6m to 4.9m for proposed Strata Lot 1 & Lot 2 as shown on attached plan;
2. Relax rear lot line setback for the principle building from 4.5m to 4.4m for proposed Strata Lot 1 & 2 as shown on the attached plan.

CARRIED

7. **Development Permit – 2363 Demamiel Drive**

Gerard LeBlanc provided a summary of the staff report.

Public Input

There was no input from members of the public.

MOVED and seconded to recommend that Council authorize the issuance of Development Permit Amendment PLN00979 for the purpose of amending the Development Permit for 2363 Demamiel Drive as to Buildings 7 & 8 with a new floor plan and a location change for driveways and garages, necessitating minor amendments to the site plan and landscape plan.

CARRIED

8. **Bear Hazard Assessment Proposal – Bear Smart BC Consulting**

Laura Byrne provided a summary of the staff report and the Bear Smart BC Bear Hazard Assessment Proposal.

Committee discussion

The Committee discussed concerns of spending \$9,600 for a Bear Hazard Assessment and discussed options for a basic public education program which would cost less.

A discussion ensued as to the methodology section in the assessment proposal in particular items related to bear travel patterns and forage activity and geographic information systems; locations of human-bear occurrences, high density forage areas and travel corridors for the purpose of safe community planning and development and the importance of having this information when making decisions with development.

Staff advised that education is valuable but it is important to assess the problem. Staff would be able to refer to the assessment to make wise development choices and develop strategies on how to educate the public on waste management.

The Committee discussed changes in bear traffic and the value in public education. Staff advised that there is information on Bear Aware on the District of Sooke website. The Committee noted that the Conservation Officer can also provide information on how to store garbage. It was also noted that residents are upset that bears are being destroyed due to human-bear conflict.

Public Input

Ellen Lewers, Sooke resident addressed the Committee on concerns that taxpayers should not be paying for this assessment. Residents need to use common sense when dealing with wildlife and that it needs to be strongly suggested that people do not put their garbage out until garbage day.

Randy Clarkston, Sooke resident advised that this will end up being a \$30,000 project as the Bear Hazard Assessment is part 1 of becoming a Bear Smart community. Mr. Clarkston suggested placing Bear Aware signs around the community.

MOVED and seconded to recommend that Council allocate \$9,600 in the 2013-2017 Financial Plan to conduct a bear hazard assessment.

DEFEATED

MOVED and seconded to receive the Bear Hazard Assessment Proposal report for information

CARRIED

Councillor Tait opposed the motion

9. **Monthly Development Services Application Status Reports**
- **Subdivision Application Status Report as at October 29, 2012**
 - **Planning Application Status Report as at November 6, 2012**

Gerard LeBlanc provided an overview of the Monthly Development Services Application Status Reports.

Committee discussion

- Follow up process for older applications – applicants contacted and asked if there is further information
- Recommended timelines for referral processes – report coming forward to Council in the New Year
- Planning department application timelines
- Follow up process for application referrals to the Agricultural Land Reserve (ALR)

Public Input

Randy Clarkston, Sooke resident advised that the referral process for the District of Sooke is approximately 4 to 8 months whereas most other municipalities have a 30 day referral process.

MOVED and seconded to receive the Development Services Application Status Reports for information.

CARRIED

10. **Next Meeting:** December 17, 2012

11. **Adjournment**
The meeting adjourned at 9:12 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

December 17, 2012

7:30 p.m. Council Chambers

2205 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Geoff Steele
Andrew Haden
Mayor Wendal Milne Ex-Officio

Staff:

Elisabeth Nelson, Municipal Engineer
Bonnie Sprinkling, Corporate Officer, recorder
Tina Hansen, Corporate Assistant

Alternate: Adrian Cownden

ACTION

1. **Call to Order**
The meeting began at 8:13 p.m.
2. **Approval of Agenda**
The agenda was approved as circulated.
3. **Adoption of Minutes:**
MOVED to adopt the minutes of the Land Use and Environment Committee dated November 19, 2012.
CARRIED
4. **Delegation: J.P. Langlois**
 - **Affordable Housing Proposal**
 - **Possibility of Dog Run on Spiritwood Estates Property**

JP Langlois provided Council with a review of the Spiritwood development and the affordable housing units being proposed. Mr. Langlois advised that he has had preliminary discussions with Hendy Kamphof, CRD Housing Trust Fund Secretariat. The affordable housing proposal at Spiritwood would require financial contributions by the District of Sooke matching the CRD Housing funding - \$15,000 each. Mr. Langlois reviewed the possibility of a dog run at the Spiritwood Estates property.

Committee discussed:

- Discount the property and have contractor build the affordable housing units
- Matching funds to include \$10,000 for first time homebuyer
- Sale price proposed to be \$229,000
- Process followed by CRD Housing Trust Committee to consider

allocation of funding - need to be partnered with local non-profit organization and support of municipality

- Leave this proposal until Council priority session is completed

Public Input - Nil

MOVED and seconded to direct to provide the report by J.P. Langlois to Council and refer the discussion of the issue of affordable housing to the upcoming Council priority session.

CARRIED

5. **Affordable Housing in Sooke – Information Report**

The Committee discussed:

- While recognizing that a Housing Needs Assessment is necessary, what would a Housing Needs Assessment do or say?
- Housing Reserve Fund – what the funding was intended for?
- Housing Forum held in 2011
- What is affordable housing?
- Habitat for Humanity
- Local groups addressing senior facilities, emergency shelter
- System for affordable housing – rental and ownership

Public Input:

Andrew Moore, representing Westcoast Senior Co-Housing, would like to request that they be part of the dialogue on affordable housing.

MOVED and seconded to direct staff to provide the staff information report on Affordable Housing in Sooke to Council;

AND TO recommend that Council discuss the issue of affordable housing at the upcoming Council Priority session;

AND TO recommend that Council establish a Sooke Housing Committee under the Land Use and Environment Committee.

CARRIED UNANIMOUSLY

6. **1781 Minnie Road & 7057 West Coast Road**

Elisabeth Nelson provided a powerpoint presentation on the staff report.

The Committee discussed:

- inclusion into the sewer specified area prior to application for rezoning
- development in this area should be reviewed as a whole
- sewer inclusion requests should come to the Committee
- costs of development incurred by applicant to date
- housing in progress
- concentrate development in the core area

Public Input:

Jared Steingard, Consultant for Applicant, explained that this is a relatively small development. Standard development procedures have been followed; the application complies with the OCP and is fitting with neighbourhood. Sewer line to be extended going directly towards the plant has two benefits; adding more

users which reduces overall rates and not putting more load on existing pumps. Suggested that decisions as to marketing of housing developments should be the developers; this application should not be penalized for the current economic situation.

Adrian Cownden, Alternate, understood that the Land Use and Environment Committee was to afford landowners the opportunity to come forward with their ideas and proposals prior to entering the development process.

MOVED and seconded to recommend that Council introduce and give first and second reading to Bylaw No. 558, *Zoning Amendment Bylaw (500-16)* after a professional archaeologist has assessed whether an Archaeological Impact Assessment is required;

AND THAT COUNCIL introduce and give first and second reading to Bylaw No. 559, *1781 Minnie Road & 7057 West Coast Road Phased Development Agreement Authorization Bylaw, 2012* after a professional archaeologist has assessed whether an Archaeological Impact Assessment is required;

AND THAT COUNCIL introduce and give first, second and third reading to Bylaw No. 560, *Sooke Core Sewer Specified Area Amendment Bylaw (147-18)* after a professional archaeologist has assessed whether an Archaeological Impact Assessment is required;

AND THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 558 and Bylaw No. 559 in accordance with the requirements of the *Community Charter and Local Government Act* after first and second reading is given.

AND FURTHER THAT the adoption of Bylaw No. 558 and Bylaw No. 559 shall be concurrent with the adoption of Bylaw No. 560, *Sooke Core Sewer Specified Area Amendment Bylaw (147-18)*.

CARRIED

Councillor Haldane opposed the motion

7. **Proposed Road Closure and Exchange of Otter Point Road Right of Way Adjacent to 2100 Otter Point Road**

Elisabeth Nelson provided a power point presentation and summary of the staff report.

The Committee discussed:

- road construction to be paid by developer
- exchange road areas to be the same size
- property is not in Phillips Park

Public Input: NIL

MOVED and seconded to recommend that Council direct staff to proceed with the preparation of a bylaw to close and remove the highway dedication and dispose of portions of Otter Point Road;

AND FURTHER RECOMMEND that Council direct staff to negotiate a direct exchange of the proposed portions of Otter Point Road to be closed for the new Otter Point Road alignment to be dedicated, with the owner of 2100 Otter Point Road.

CARRIED UNANIMOUSLY

8. **Monthly Development Services Application Status Reports**

Elisabeth Nelson provided a summary of the Monthly Development Services Application Status Reports for the Committee.

The Committee discussed the 30 day deadline for referral responses.

MOVED and seconded to receive the Monthly Development Services Application Status Reports for information.

CARRIED UNANIMOUSLY

Public Input: Nil

9. **General Issues:**

Public Input

Adrian Cownden, Alternate, requested that the Committee follow up on the 48 hour turn around process for building permit applications.

Mayor Milne advised that a review of the overall development processes for the District, including the building permits, is underway; a report will be provided shortly to Council.

Development
Services

Committee Volunteers:

The Chair thanked the public volunteer members for the past year of service on the committee and for continuing for next year.

Action Item: The Committee will review the Terms of Reference for the next meeting.

10. **Next Meeting:** January 21, 2013

11. **Adjournment**

The meeting adjourned at 9:45 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer