

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

January 21, 2013
7:00 p.m. Council Chambers
2225 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Herb Haldane (Acting Chair)
Councillor Rick Kasper
Councillor Bev Berger
Geoff Steele
Andrew Haden
Mayor Wendal Milne (Ex-Officio)

Staff: Gerard LeBlanc, Municipal Planner
Tina Hansen, Corporate Assistant

Alternate: Adrian Cownden

Absent: Councillor Kevin Pearson, Councillor Maja Tait

ACTION

1. **Call to Order**

The meeting began at 7:00 p.m.

2. **Approval of Agenda**

The agenda was approved with the following items as supplemental information:

- Item 4: Delegation Tim Horton's Application – 6527 Sooke Road
 - Bylaw No. 170, *Highway Closure and Dedication Removal Bylaw, Kennedy Street, 2004*
 - Council Resolution dated January 24, 2005
 - Staff Report dated June 22, 2004 as to Bylaw No. 170

3. **Adoption of Minutes:**

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

CARRIED

4. **Delegation: Jack Julseth, Three Point Properties**

- **Tim Horton's Application – 6527 Sooke Road**

Councillor Haldane requested that Councillor Kasper Chair the meeting during this agenda item as he has an interest in the property and left the meeting at 7:01 p.m.

Jack Julseth, Three Point Properties provided a power point presentation and addressed the Committee on a proposal for a Tim Horton's at 6527 Sooke Road. Mr. Julseth advised that the reason for the presentation this evening was to get an indication of whether there is enough interest from Council and the community for them to proceed with a development permit application and to

find a way to deal with issues around the Kennedy Street road closure.

Councillor Kasper requested a motion from the Committee to allow the adjacent property owner at 6509 Sooke Road to speak on this issue.

MOVED and seconded to allow Mr. Rabien an opportunity to speak to the issue of the road closure.

CARRIED

Mr. Rabien, E.J. Charters Buildings Ltd, addressed the Committee on concerns that he was unaware of the road closure for Kennedy Street and that the closure has landlocked one of their lots. Mr. Rabien reported that he did not receive notice regarding the road closure and requested that Council find a way to reverse the road closure.

Gerard LeBlanc provided a powerpoint presentation and background information to the Committee for Bylaw No. 170, *Highway Closure and Dedication Removal Bylaw, Kennedy Street, 2004*.

Committee discussion:

- Kennedy Street South portion of road owned by District of Sooke
- Concerns of closing a road and land locking a piece of property
- Solicitor's opinion as to section 41(2)(d) of the *Community Charter*
- Solicitor's opinion as to the District re-opening the road and submitting a new plan under the *Land Title Act*
- Accommodating the adjacent property owner
- Clarification as to the covenant on the property for height restrictions
- How long subject property has been zoned commercial
- Concern of liability the District faces as a result of the road closure
- Previous proposal had a traffic impact study completed by Boulevard Transportation Group

Public Input:

Sheila Beech, Sooke resident, addressed the Committee on discussions of the Council of the day for the road closure and advised that it is important to her to have the Kennedy Street remain closed to ensure corridor views to the water. Ms. Beech also expressed concern as to access and traffic and stated that she does not support a Tim Horton's in this particular location.

Linda Batty, Sooke resident, provided background as to the closure of Kennedy Street and the previous application for a condo building. Ms. Batty advised that she supported the road closure to protect the view scape for residents. Ms. Batty inquired as to why the zoning does not return to the original zoning if the condo building proposal is not moving forward. Ms. Batty expressed concern of a Tim Horton's being open 24 hours a day seven days a week in a residential neighborhood.

Ellen Lewers, Sooke resident, reported that it is contrary to the OCP to have drive-through businesses on the south side of Sooke Road. Ms. Lewers also suggested that Tim Horton's come up with a proposal for Sooke to stop using

paper plates and bags and look at using melamine products instead.

Gail Hall, Sooke resident, inquired as to the property at 6527 Sooke Road and whether there has been a joining of lots A and C. Ms. Hall advised that it is time that Council start thinking about the people who pay taxes and live here. Ms. Hall stated she does not support the proposed location in a residential neighborhood and that there are other locations more suitable for a Tim Horton's.

Helen Ritts, Sooke resident, inquired as to the zoning of the property at 5227 Sooke Road. Ms. Ritts addressed the Committee on ensuring that the OCP guidelines are taken into consideration in respect to limiting traffic generating businesses on the south side of Sooke Road. Ms. Ritts expressed her concerns as to traffic issues in Sooke advising that there must be a more suitable location for a Tim Horton's.

Rasmus Rabien, advised that Kennedy Street was always a road that connected to Lanark and that due to the steep slope MoTI cut off Kennedy Street and did some work to create a safer access for residents. There were never any discussions of closing the road or taking it away from him. He uses the road continually for his business.

Matt Johnston, Sooke resident, inquired as to whether there has been a traffic study done and how it would impact Sooke Road. Mr. Johnson asked when in the planning process would you expect to see a traffic study from the proponent.

Jack Julseth, reported that without support from the community and something done with the Kennedy Street closed road, the application cannot move forward. Mr. Julseth advised that a drive-through is necessary from Tim Horton's perspective, and that access/egress off of lot 5 needs to be dealt with. If there is not clear indication that there is support for the application, they would not move forward with a formal application.

MOVED and seconded to refer the Kennedy Street road closure and dedication back to staff to provide a report to Council on the access and re-opening of Kennedy Street including any legal implications associated with the re-opening of Kennedy Street.

Staff

CARRIED

Councillor Haldane returned to the meeting at 8:02 p.m.

5. Delegation: Judith Harris

- **Strata Conversion 1810 & 1820 Connie Road**

Judith Harris, applicant, provided background on the application process for her strata conversion at 1810 and 1820 Connie Road. Ms. Harris addressed the Committee on concerns of the lengthy process and District of Sooke requirements for her strata conversion in particular conditions related to upgrades of certain elements to the road and a riparian area assessment. Ms. Harris is not comfortable with accepting these required conditions.

Committee discussion:

- Strata conversion vs. Bare Land Strata
- Clarification as to the conditions required of the applicant
- Ensuring Municipal Engineer and Municipal Planner meet with the proponent as soon as possible to sort out
- Requirements for s. 946 subdivisions
- Ensuring legitimate conditions from applicants
- Riparian Area Assessment would not apply as not physically changing the land
- Concerns that the proponent was not permitted to do a s. 946 subdivision
- Requirements in place may be too onerous and not serving a legitimate purpose
- Possibility of granting an extension to the proponent

Randy Clarkston, Westcoast Design and Development Services advised that he had reviewed the District of Sooke letter with the required conditions at no cost and stated that it wrong what was done and it needs to be fixed.

The Committee agreed by general consensus to direct the matter back to staff to meet with the proponent to discuss the conditions of the application and that staff provide an updated report to the Land Use and Environment Committee.

Staff

MOVED and seconded to recommend that Council provide a 1 year extension for the strata conversion application at 1810 and 1820 Connie Road.

Council

CARRIED

6. Inclusion of Land into the Agricultural Land Reserve – 2727 Phillips Road

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

Public Input: NIL

MOVED and seconded to recommend that Council forward this request for inclusion of land into the Agricultural Land Reserve (ALR) to the Agricultural Land Commission with a recommendation for approval.

Council

CARRIED

7. Development Permit – 6764 Ayre Road – Ayre Manor Expansion

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

Committee discussion:

- Clarification as to some of the language in new building code and associated increased costs to the applicant
- Concerns as to additional requirements from CRD Water Board since original development

Public Input:

Sandy Pedeneault, Chair, Sooke Elderly Citizens' Housing Society thanked the Committee for their support and advised that during the initial development permit they had upgraded the CRD Water and Hydro infrastructure.

MOVED and seconded to recommend that Council authorize the issuance of Development Permit PLN00987 to allow for the expansion of Ayre Manor on the property legally described as Lot 11, Section 3, Sooke District, Plan 16754.
CARRIED

Council

8. Development Permit – 6661 Sooke Road – Laundromat & Car Wash

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

Committee discussion:

- Whether applicant would consider working with the Chair of the Arts and Beautification Committee for art work on the building
- Form and character guidelines through the OCP
- Ensuring proponent is not put in the position to have to purchase custom windows
- Ensuring greenery between commercial and residential properties
- Concerns that there is not enough opportunity for vegetation or screening between the commercial and neighboring residential properties
- Committee support for the Architectural design and materials being used

Public Input:

Doug Wittich, representing JCB Holdings Inc. advised that consideration was given to the fact that the Laundromat and car wash buildings back onto a residential neighborhood when choosing the type of materials for the buildings. Consideration was also given to the lifespan of the materials to ensure that they continue to stay appealing for the neighborhood and the business.

Helen Ritts, Sooke resident stated that she appreciates the consideration by the proponent that has been given to the noise, design and land use but would like to be involved with the landscaping and fencing. Ms. Ritts expressed concern as to the safety of pedestrian traffic when cutting through the property and concerns of drainage. Ms. Ritts supports the use of public art on the buildings.

A discussion ensued between Ms. Ritts and Mr. Wittich with regard to fencing, trees and noise reduction with the vacuum system and they have agreed to meet to discuss Ms. Ritts concerns.

MOVED and seconded to recommend that Council approve Development Permit PLN00971 as presented providing the proponent meet with the adjacent neighbors to discuss the outstanding issues that directly affect them.
CARRIED

Council

9. **Development Permit and Development Variance Permit – 6978 West Coast Road**

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

Laurie Wallace, Westcoast Design and Development Services provided a timeline of the Development Permit and Development Variance Permit process for 6978 West Coast Road to the Committee. Ms. Wallace expressed concern over revisions requested by District staff, insufficient turn around times and process. Ms. Wallace advised that the proponents have been financially responsible for all costs incurred for professional services and that after three years; the application has still not made it to the subdivision stage. Ms. Wallace requested that the LUEC Committee forward the Development Permit application to Council for approval and that the Committee make a recommendation to Council for the removal of DP's for subdivision.

Committee discussion:

- Concerns around the issue of delays for these applications
- Factors for deciding what developments are required to provide a fire truck turn around and ensuring consistency
- Paved roadway width change from 8.5m to 7.0m
- Concerns that the Development Permit component is a flaw in the OCP
- Road standard right of ways – country lane standards
- Concerns that 2m sidewalk seems to be substantially wide for 14 lots
- No guarantee that subdivision is approved in a timely fashion
- Concerns of proponent having to continue a lengthy process
- Chair of Committee meet with the Municipal Engineer

Public Input:

Randy Clarkston, Westcoast Design and Development, addressed the Committee on the challenges and the frustration level that they have had through this Development Permit process. They want this application to move forward now. Mr. Clarkston expressed concerns that subdivision requirements are pushed onto Engineers at a cost to the applicants. Mr. Clarkston requested that Council review the process of DP's at the strategic planning session.

Adrian Cownden, addressed the Committee as to engineering, electrical drawings, paved surfaces, suggesting that there could be some separation difficulties and perhaps sidewalks could be reduced to 1.5m.

MOVED and seconded to recommend that Council authorize the issuance of Development Permit PLN00952 for the purpose of subdividing the properties at 6978 West Coast Road up to 14 single family residential lots of not less than 350m²;

AND FURTHER that Council authorize the issuance of Development Variance Permit PLN00973 for the properties at 6978 West Coast Road by relaxing Bylaw No. 65, Subdivision and Development Standards Bylaw, 2003, Schedule C, SDD-R06C Cross Section Suburban Local:

- a. to reduce the paved roadway width from the required 8.5m to 7.0m,

- b. to provide a 2.0m wide sidewalk on the internal roadway, and
- c. to provide ornamental street lighting, cyclone VY1507 rather than the cobra-head style lighting as depicted on the cross-section.

Council

CARRIED

10. Development Variance Permit – 2554 Sooke River Road

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

Committee discussion:

- Access to lot A
- Concerns over 14m road right of way
- Cost incurred by applicant for road right of way
- Ensuring clearly defined standards for subdivision
- Financial burden on applicant to accommodate something that may not happen

Public Input:

Carl Wilkinson, representing the applicant, provided information to the Committee on access to lot A, the existing private right of way, and the covenant for Development Variance Permit at 2554 Sooke River Road.

MOVED and seconded to recommend that Council authorize the issuance of Development Variance Permit PLN00991 for 2554 Sooke River Road required for a proposed subdivision, to allow the following variance from section 104.7 Minimum Setbacks in Bylaw No. 500, *Sooke Zoning Bylaw, 2011*:

Council

1. Relax front lot line setback for the existing principal building from 7.5m to 0m on proposed Lot 1 as shown on attached;

CARRIED

11. Monthly Development Services Application Status Reports

Public Input: NIL

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

CARRIED UNANIMOUSLY

12. Next Meeting: February 18, 2013

13. Adjournment

The meeting adjourned at 10:34 p.m.

Certified by:

Herb Haldane
Acting Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

Monday, February 18, 2013
7:00 p.m. Council Chambers
2225 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Councillor Rick Kasper Ex-Officio
Geoff Steele
Adrian Cownden

Staff: Gord Howie, Chief Administrative Officer
Elisabeth Nelson, Municipal Engineer
Gerard LeBlanc, Municipal Planner
Tina Hansen, Corporate Assistant

Absent: Andrew Haden

ACTION

1. **Call to Order**

The meeting began at 7:01 p.m.

2. **Approval of Agenda**

The agenda was approved with the following items as new business/supplemental information:

- Discussion Topics
 - a. Road Width – Bylaw No. 65, *Subdivision and Development Bylaw, 2003*
 - b. 48 Hour Building Permit Processing
 - c. Phased Development Agreements
- Delegation: Randy Clarkston, Westcoast Design and Development Inc.
6731 West Coast Road

3. **Adoption of Minutes:**

MOVED to adopt the minutes of the Land Use and Environment Committee dated January 21, 2013.

CARRIED

4. **Delegation: Cowichan Energy Alternatives Society – Rick Juliusson, Manager, Residential Waste Oil Initiative**

Rick Juliusson addressed the Committee on the Cowichan Energy Alternatives initiative to partner with municipalities in the collection of waste residential cooking oil and converting it to a valuable biofuel. Mr. Juliusson advised that the CRD estimates that approximately one million kilograms of fat, oils and greases are poured down household drains annually resulting in damage to the municipal sewer system. Mr. Juliusson explained the process for the collection of residential cooking oils which are transferred into biofuels and distributed

across Vancouver Island. Mr. Juliusson further explained the benefits of this initiative and asked that consideration be given to providing a letter of support to the Cowichan Energy Alternatives for possible VanCity funding.

MOVED and seconded to recommend that Council provide a letter of support to the Cowichan Energy Alternatives for their Residential Waste Oil Initiative.
CARRIED

Council

Mr. Juliusson also addressed the Committee on the Cowichan Energy Alternatives initiative; Community Carbon Marketplace (CCM) an alternative for environmentally conscious municipalities to become carbon-neutral through the purchase of carbon credits, keeping funds within the community, supporting a local green economy and offsetting greenhouse gas emissions.

MOVED and seconded that staff receive the information on Community Carbon Marketplace (CCM) and provide a report to the Finance and Administration Committee on ways to implement the initiative into municipal business for evaluation of future potential.
CARRIED

**Finance/
Engineering**

5. **Delegation: Randy Clarkston – Westcoast Design and Development Inc. – 6731 West Coast Road**

Randy Clarkston addressed the Committee as to concerns of the Development Permit application for 6731 Westcoast Road and the requirement of offsite improvements prior to the issuance of the building permit. Mr. Clarkston asked for the Land Use and Environment Committee's assistance with this issue.

Mr. Ridley, applicant, provided an overview to the Committee as to the timeline and the requirements that have been completed to date for the development permit. Mr. Ridley advised that he has submitted all of the required documentation, spent a lot of money on completed plans, and was not aware of the off-site requirements prior to the building permit stage. Mr. Ridley would like his building permit to be approved and to be able to move forward.

Committee discussion:

- Property was already zoned for "car wash" at the time the development permit was issued
- Requirements for a storm water management concept plan
- Requirements for off site sidewalks and street lighting
- Requirements for minimum road width under urban road classification
- Ensuring Bylaw 65 is more specific and contains clearer language
- Concerns that the applicant is being asked for off site requirements at the building permit stage
- Ensuring that applicants receive appropriate information and requirements for development permits during pre-application meetings
- Concerns that there may be a flawed process with development permits
- Ensuring a proper process with development applications
- Revising Bylaw 65 and all relevant bylaws/policies to ensure consistency

Gordon Howie advised that Bylaw 65 has a series of policies and that there is a section in the policy which requires every owner of land in the District; prior to issuance of a building permit, to provide onsite services to the property being developed including the portion of highway adjacent to the property. There are sections in the bylaw that states that the building inspector may exclude single family residences and duplexes and may exclude property development with a value of less than \$50,000. Staff has met to discuss the application and is looking into what can be done.

Randy Clarkston further advised that the *Local Government Act* states that offsite improvements can only be asked for at the rezoning and subdivision stages and that development permits are for form and character specific to the work performed on the lot. Mr. Clarkson advised that he would like to see the issue reviewed by the municipal solicitor.

MOVED and seconded to recommend that Council issue the Building Permit for 6731 West Coast Road.

Council

CARRIED

ACTION ITEM: The Committee requested that staff provide a report to the next Land Use and Environment Committee meeting as to the process of the District of Sooke pre-application meetings.

**Planning/
Engineering**

6. **Proposed Road Closure and Exchange at 7707 West Coast Road**

Elisabeth Nelson provided a PowerPoint presentation and summary of the staff report to the Committee.

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 unused gazetted road located at 7707 West Coast Road, legally described as Parcel "B" (DD 88624-I) of Section 27, Otter District, Except Part in Plan VIP89386;

AND THAT Council direct staff to negotiate a direct exchange of the proposed gazetted road to be closed for the West Coast Road (Highway 14) road dedication provided by the owner in April 2012.

CARRIED

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

Elisabeth Nelson clarified the acronym PLA - Preliminary Layout Assessment for the Committee.

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

CARRIED

8. **New Business – Discussion Topics**

- a. **Road Width – Bylaw No. 65, *Subdivision and Development Bylaw, 2003***

Chair Pearson reported that at the last Land Use and Environment Committee meeting, the Committee discussed the issue of road width and concerns of road width dedication requirements in the urban and rural areas in Bylaw 65.

Committee discussion:

- Establishing proper road widths in Bylaw 65
- Ensuring improved language to reduce ambiguity
- Ensuring improved clarity with servicing requirements
- Ensuring improved wording with the definitions in the bylaw
- Concerns of costs that may be associated with a review of the bylaw
- Concerns that a review of the bylaw may cause delays with development
- Ensuring clarity with cross section mapping in the bylaw

Public Input:

Randy Clarkston, Westcoast Design and Development advised that he is not unhappy with Bylaw 65 but agrees that it does require some changes to provide clearer direction. Mr. Clarkston stated that he believes the problems are occurring with staff interpretation.

MOVED and seconded to recommend that Council appoint a working group to review Bylaw No. 65, *Subdivision and Development Standards Bylaw, 2003* and make recommendations to Council on improving the bylaw as to language and clarity.

Council

CARRIED

b. 48 Hour Building Permit Turnaround

Chair Pearson reported that the Land Use and Environment Committee requested that staff provide a report to the Committee on the 48 hour building permit process.

Committee discussion:

- Reasonable to have staff review some of the documentation once a building permit is in stream
- Eliminating the requirements for submitting BCLS, Geotech, Truss drawings etc. before a building permit is issued
- Ensuring that the requirements and process does not incur further costs to the applicant
- Ensuring process is streamlined eg. Non-financial charges submitted for new subdivisions can be provided in a book at the time of development permit
- Reducing the requirements to streamline the building permit process
- Ensuring improved process for contractors, homeowners, residents
- Ensuring that a risk is not passed onto the purchaser of a home by eliminating too much of the required documentation
- Geotechnical requirements are usually not known until the time of excavation
- Ensuring the resident/purchaser is well protected
- Concerns of the requirement that an Engineer must sign off on documentation as it increases building costs

Public Input:

Randy Clarkston, Westcoast Design and Development advised that with all the new changes in the *Building Code* and the requirements with building permit applications, permits are going to cost approximately \$10,000. If engineers are required to sign off on all documentation, this will not provide for affordable housing. Changes made to the building permit application increases the cost of affordable housing.

MOVED and seconded to direct the Building department to contact the local builders to review the requirements on the Checklist for Applicants for the 48 hour building permit process and that a revised Checklist come back to the next Land Use and Environment Committee meeting for further discussion.

CARRIED

Engineering

c. Phased Development Agreements

Chair Pearson reported that he requested that this item come forward to the Committee for discussions on ways to ensure more clarity with Phased Development Agreements.

Committee discussion:

- Phased development agreements should only be used with large comprehensive developments
- Phased development agreements should not apply to small lot subdivisions
- Ensuring small land developers are not imposed upon with amenities
- Ensuring that there is a policy for Phased Development Agreements when being used for large comprehensive developments
- Phased Development Agreement's should be voluntary
- Community Amenity contribution Policy's base density
- How the Amenity Policy is applied to rezoning applications
- Amenities should be collected at the time of rezoning
- Ensuring clear definitions of what the requirements are in the Amenity Policy for PDA's

Public Input:

Randy Clarkston, Westcoast Design and Development, addressed the Committee on Phased Development Agreements as a bylaw and the Zoning Bylaw are conflicting with one another in terms of density.

MOVED and seconded to recommend that Council, following the receipt of the staff report on Phased Development Agreements, direct the Land Use and Environment Committee to provide recommendations as to when Phased Development Agreements should be utilized.

CARRIED

Council

9. **Next Meeting:** March 18, 2013

10. **Adjournment**

The meeting adjourned at 9:26 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

March 18, 2013

7:00 p.m. Council Chambers

2225 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Rick Kasper
Councillor Maja Tait
Andrew Haden
Adrian Cownden, Alternate
Mayor Wendal Milne Ex-Officio

Staff:

Gord Howie, Chief Administrative Officer
Gerard LeBlanc, Municipal Planner
Elisabeth Nelson, Municipal Engineer
Tina Hansen, Corporate Assistant

Absent: Councillor Herb Haldane, Geoff Steele,

ACTION

1. **Call to Order**

The meeting began at 7:00 p.m.

2. **Approval of Agenda**

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

- Item 7 A. Bylaw No. 65 and Bylaw No. 70 Review:
 - Service Level for Works and Service

3. **Adoption of Minutes:**

MOVED and seconded to adopt the minutes of the Land Use and Environment Committee dated February 18, 2013.

CARRIED

4. **Delegation:** Dr. Parvez Kumar: Impact of Logging in Section 121, Sooke Land District, Strata Plan VIS5352

Dr. Parvez Kumar, on behalf of Strata VIS5352, provided a PowerPoint presentation and addressed the Committee as to concerns over logging that may occur on the steep slopes immediately above their property. Dr. Kumar provided background as to the transfer of Section 121 from the Province, in fee simple, to the Beecher Bay First Nations and zoning the property for "timber harvesting." Dr. Kumar further addressed the Committee as to the Strata's concerns over environmental damages (ie. erosion, runoff) that may occur due to logging and the effects it will have on their properties. Dr. Kumar advised that the Strata was never consulted during the transfer of land and they are seeking Council's support for a minimum 200 meter "no logging" buffer zone above their properties.

A discussion ensued between Dr. Kumar and members of the Committee as to the following:

- Timeframe for when logging will commence on Section 121
- Number of trees down due to windfall
- Municipalities do not usually get involved in civil matters between land owners
- Te'Mexw Treaty Negotiation land transfers are subject to laws of the municipality and the province
- Whether another authority has the ability to zone land over and above the zoning bylaw
- Having both parties enter into a dialogue to ensure a setback from the strata property

Public Input:

Rich Butler, adjacent strata property owner addressed the Committee as to concerns of how water runoff from logging will affect his property, concerns over their wells, and inquired as to why the District of Sooke would not have a steep slope bylaw.

Adjacent strata property owner addressed the Committee as to her concerns that the strata property owners were never consulted. The speaker requested the assistance of the municipality so that they are able to live in their homes in a safe environment and stated that there is no value in the trees on the Section 121 property; they should be able to provide a buffer zone.

Mayor Milne explained that the municipality does not have authority above the provincial government and provided members of the public with background as to the Te'Mexw Treaty Negotiations. Mayor Milne advised that there is still an opportunity for the strata residents to meet with the Ministry of Forests and the property owners to resolve the issue. The property remains fee simple and the municipality still has the ability to deal with zoning issues on the property and that Council could consider looking at a steep slope bylaw.

Councillor Kasper further explained the Te'mexw Treaty process and the ongoing issues brought forward by municipalities advising that the land has been transferred over and the province has given certain guarantees. It would be wrong for the District to imply that they can do something as they are dealing with the federal and provincial jurisdictions and First Nations. The final Treaty and the status of these lands have not been clearly identified or resolved.

Jenna Darcie, adjacent strata property owner, addressed the Committee as to concerns that this is a bigger issue than an issue between neighbours. The logging will affect the municipality, other local businesses, tourism; it is a legal, political and cultural issue. Ms. Darcie expressed her concerns of safety for her family and concerns of damage that may occur to her property. She would like to have open dialogue with the Beecher Bay First Nations but is concerned that they may be running out of time. Ms. Darcie requested that Council consider putting bylaws in place in order to protect their property.

Randy Clarkston, Sooke resident, stated that the CRD steep slope bylaw did not remain in effect when the District of Sooke incorporated.

Gary Van advised that when Nagle Road was built, they stopped approximately 350 feet from the shelf because it was a wetland area. Mr. Wells also advised that the wells on the strata property will also be affected by the logging.

Mr. Howie will provide Dr. Kumar with the contact information for the Beecher Bay First Nation.

MOVED and seconded to direct staff to prepare and put forth a report to Council for a steep slope bylaw.

Staff

CARRIED

5. **Delegation:** Michael Thornton, Silver Spray Development

Michael Thornton, President, addressed the Committee as to a revised development proposal to build small cottages along the waterfront in the Silver Spray Development instead of a single lodge structure. Mr. Thornton provided photographs of similar developments in Bali and other vacation destinations to demonstrate how you can have density but still maintain privacy through the use of natural screening. Mr. Thornton is requesting that some of the cottages be built within the 15m setback requirements from the ocean as people want to be closer to the water. The development would also include a spa, restaurant and "South western tip of Canada" pavilion. Mr. Thornton is prepared to move forward with a marketing plan and asked for the Committee's support to build one temporary show cottage in order to get things started.

Committee discussion:

- Stage of Development Permit; has just been submitted
- Complications of taking away the 15m setback from the ocean
- Committee support for moving ahead with the building of a show cottage as quickly as possible
- Ensuring engineers approval where cottages are placed beyond the 15m setback
- Importance of marketing for the region
- Silver Spray site allows for a variety of elements
- Ensuring a dialogue with the local tourism groups as to where visitors are coming from

MOVED and seconded that the proposed Development Permit for Silver Spray Development go to Council for consideration.

**Staff
Council**

CARRIED

6. **Pre-Application Meetings – Process Summary**

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

Committee discussion:

- How much staff time on Thursdays is taken up with pre-application meetings
- Are there repeat pre-applications meetings prior to an application being submitted
- Concerns that staff is not providing accurate information to applicants

- during pre-application meetings (ie. Length of time to develop land)
- Ensuring applicant is aware of the expenses that are required for development
- Option that applicant could consider hiring a consultant to help get applicants through the development process
- Applications that move along quickly reduce costs for the developer
- Ensuring that a record is kept of what is said in pre-application meetings
- Ensuring rules are kept simple and stick with the facts
- Ensuring consistency with pre-application meetings
- Ensuring applicants are made aware of the reality of the development process
- Retail applicants vs. Commercial applicants and how these applications are dealt with in other municipalities
- Referring to outside referral agencies when services are already in place on the street (in the case of a small subdivision)
- Concerns that the development application process is cumbersome
- Ensuring an improved process is in place for development applications

Public Input:

Randy Clarkston, Sooke resident, addressed the Committee as to improving the development application process advising that the largest frustration is with small subdivisions during the first year of the application. Mr. Clarkston would like to see applications sent out for the referral process in a timelier manner. He also has concern over requirements at the rezoning stage (environmental, highways) as he would like to see that costs are kept down for the applicant. Mr. Clarkston also addressed the Committee as to concerns that development permits for subdivisions are not done in other municipalities as it slows the process down; the process is frustrating just to get to the stage of a PLA on a simple subdivision.

ACTION ITEM: staff to bring forward a report to the Committee that covers a review of all aspects that have been discussed.

MOVED and seconded to accept the report on Pre-Application Meetings – Process Summary for information.

CARRIED

Staff

7. Bylaw No. 65 and Bylaw No. 70 Review of Phased Development Agreements

A. Bylaw No. 65 and Bylaw No. 70 Review

Committee discussion:

- Dealing with the specific concerns of the Committee as to Bylaw No. 65
- Ensuring the review process is moved forward as quickly as possible
- Look at scheduling a separate meeting to discuss Bylaw No. 65 and Bylaw No. 70 once the Committee receives and has had an opportunity to review both of the Bylaws

The Committee agreed by general consensus to schedule an interim Land Use and Environment Committee meeting to discuss and make recommendations as to amendments to Bylaw No. 65 and Bylaw No. 70.

Staff

B. Phased Development Agreements

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

Committee discussion:

- Ensuring PDAs are used in rezoning applications for Comprehensive Development zones
- PDAs should not be the document to implement the amenity contribution policy
- PDA's should be amended to clearly state the size, scope and length of time and that they are clearly a voluntary process
- Ensuring a policy is in place for PDAs
- Obtaining amenities through the amenity policy to increase density instead of through PDAs
- Applicants must provide an amenities contribution as per the amenities policy due to having the zoning
- Concerns that PDAs are not being used properly to implement an amenity program
- Ensuring the needs of the community is balanced with amenity contributions from development
- Difference between amenities per unit in town centre vs. outside the town centre and ensuring equity with property owners
- Ensuring S. 3.5 of the Amenity Policy is a little less open ended

Public Input:

Randy Clarkston, Sooke resident addressed the Committee as to removing base density in the amenity policy.

MOVED and seconded to direct staff to provide a report to the next scheduled Land Use and Environment Committee meeting as to recommendations on Policy 13.3, *Community Amenity Contribution Policy, 2010* and the form of agreement to be used to apply to the Policy

CARRIED

Staff

8. 48 Hour Building Permits

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

Laurie Wallace provided a revised 48 Hour Building Permit Application for Checklist for Applicants and addressed the Committee as to the revisions on the document including a 48 hour Engineering Approval for Building Permit Applications.

Committee discussion:

- Concerns of the requirement for planting trees with a Highway Use Permit
- Amending Bylaw No. 70 in conjunction with the application forms

MOVED and seconded to table this agenda item to the next scheduled Land Use and Environment Committee meeting and direct staff to provide suggestions as to the 48 Hour Building Permit Application Checklist form that has been provided to the Committee;
AND THAT staff identify the impact the Application Checklist has as to Bylaw 70.
CARRIED

Staff

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

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

10. **Next Meeting:** April 15, 2013

11. **Adjournment**
The meeting adjourned at 10:50 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

April 15, 2013

7:00 p.m. Council Chambers
2225 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Geoff Steele
Adrian Cownden (Alternate)

Staff:

Gord Howie, Chief Administrative Officer
Elisabeth Nelson, Municipal Engineer
Gerard LeBlanc, Municipal Planner
Tina Hansen, Corporate Assistant

Absent: Mayor Wendal Milne (Ex-Officio), Andrew Haden

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 New Business:

- 48 Hour Building Permits

3. **Adoption of Minutes:**

MOVED to adopt the minutes of the Land Use and Environment Committee dated March 18, 2013.

CARRIED

4. **Rezoning Application – 6535 Grant Road East**

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

Committee discussion:

- What is involved with a sewer serviceability study
- Associated costs with a sewer serviceability study are the responsibility of the applicant
- Whether sewer modeling has been done with the existing sewer capacity
- Concerns as to negatively affecting development within the SSA due to costs associated with a sewer serviceability study
- Whether the proposed application has sufficient frontage requirements to move forward to the subdivision stage
- Concerns as to Fire Department referral comments that the proposed development exceeds the ten-minute radius for response times
- Concerns as to fire flow pressure acceptability at the time of subdivision

instead of at the time of rezoning and additional costs to the developer at the subdivision stage

Public Input:

Larry Hutchings, applicant inquired as to the whether the sewer capability study occurs at the rezoning or at the subdivision stage and addressed the Committee as to concerns of the Fire Department referral comments related to response times and distance requirements for fire hydrants.

ACTION ITEM: Staff to include a map with the staff report to Council indicating the Fire Department's 10 minute radius for response times.

Staff

MOVED and seconded to recommend that Council give first and second reading to Bylaw No. 569, *Zoning Amendment Bylaw (600-1)*;

AND TO schedule a Public Hearing for Bylaw No. 569, *Zoning Amendment Bylaw (600-1)* in accordance with the *Local Government Act* and the *Community Charter*.

Council

CARRIED

5. **Minimum Statutory Frontage Exemption for 2113/2115 Charters Road Subdivision**

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

Public Input:

Les Monnington, applicant addressed the Committee as to concerns over the lengthy process for his subdivision application since it was first submitted to the District in August 2011 along with the application fees. Mr. Monnington also reported on concerns of excavation work next to his property that has now created a flooding issue on his property. Mr. Monnington inquired as to when this issue will be rectified.

Mr. Howie advised that the District has placed this on the schedule for this year and that the work will be completed prior to the next rainy season. Mr. Howie will provide Mr. Monnington with a more definite date as to when the works will begin.

ACTION ITEM: Staff to provide a memo to Council on the status of the above noted flooding concerns.

Staff

MOVED and seconded to recommend that Council, pursuant to Section 944(2) of the *Local Government Act*, exempt proposed Lot 2 of the proposed subdivision of Block 5, Section 14, Sooke District, Plan 5855 and Lot A Section 14, Sooke District, Plan VIP84434, 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.

Council

CARRIED

6. **Minimum Statutory Frontage Exemption for 7135 Grant Road West**

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

Public Input:

There was no input from members of the public.

MOVED and seconded to recommend that Council, pursuant to Section 944(2) of the *Local Government Act*, exempt proposed Lot C of the proposed subdivision of Lot 1, Section 1, Sooke District, Plan 25816 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.

Council

CARRIED

7. **Park Land Dedication Requirements for Proposed Subdivision of 6978 West Coast Road**

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

Committee discussion:

- Ensuring that there is a more streamlined process for subdivision applications
- Concerns that the request for park land dedication requirements should have come forward with the development permit
- Ensuring improved service levels to applicants
- Ensuring reasonable timelines with the application process
- Timeline for completion of the proposed subdivision application in order to get to the PLA stage
- Ensuring the proposed subdivision application is expedited in order for the applicant to move forward

Public Input:

Randy Clarkston, West Coast Design and Development addressed the Committee on the delayed process with the proposed subdivision application and concerns as to the District's application process when compared with other municipalities advising that it is negatively affecting development in the community.

Chair Pearson advised that the District's service levels are being reviewed in order to streamline processes.

MOVED and seconded to recommend that Council direct staff to accept cash-in-lieu of park dedication for the proposed 14-lot subdivision at 6978 West Coast Road, legally described as Lot B, Section 4, Sooke District, Plan 11326 and Lot 2, Section 4, Sooke District, Plan 29991 based on a calculation equal to 5% of

Council

the 2013 BC Assessment land values of the parent properties.

CARRIED

8. **Community Amenity Contribution Policy**

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

Committee discussion:

- Previous consideration of 90 units as a base density in the town centre
- Consideration to a density bonusing provision in the Community Amenity Contribution Policy
- Concerns as to the long process for applications and the affect it has on financing for developers
- Improving the District's reputation in order to encourage developer interest
- Ensuring that service agreements and service arrangement process is shortened to approximately 1 year in order to provide assurances to applicants
- Increasing the base density to 50 units per hectare in the Comprehensive Development Zone
- Increasing the base density to 30 units per hectare in the Community Residential Zone
- Ensuring that the process is affordable and is made as appealing as possible in order to attract development
- Consideration to alternatives in order to have the business community invest in Sooke
- Ensuring the collection of amenities for public benefit
- Ensuring clarity within the Policy

Public Input:

Randy Clarkston, West Coast Design and Development addressed the Committee as to concerns over the Amenity Policy and recommended that the zoning (density) in the downtown be lowered in order to allow developers to know what their costs will be ahead of time.

Ellen Lewers, Sooke resident addressed the Committee as to focusing on smart growth in the town centre and ensuring consideration is given to the tax payer when making decisions with density.

Rick Monnington, Sooke resident addressed the Committee as to zoning and density on his property and of concerns as to the possibility of having to pay taxes on an additional 20 units per hectare when he already has a base density of 50 units per hectare. Mr. Monnington advised that the Policy must be made clearer when it comes to density.

MOVED and seconded to recommend that Council adopt the new base density of 65 units per hectare for the Town Centre, 50 units per hectare in the Comprehensive Development Zone, and 30 units per hectare in the Community Residential Zone in the *Community Amenities Contribution Policy*; **AND FURTHER** recommend that Council add the following amenities to Section

Council

3.2 of the *Community Amenities Contribution Policy* to provide a wider scope of possible amenity contributions: funds to establish a farmer's market or agricultural program; acquiring land for 3rd party development of affordable/achievable housing; stream restoration and fish habitat rehabilitation; expansion of recreational/trails/park facilities and equipment; and municipal building upgrades;

AND FURTHER recommend that section 3.3 of the *Community Amenity Contribution Policy* be amended by reducing amenity contributions to \$1,000 per unit in the town centre and \$2,000 per unit outside the town centre;

AND FURTHER recommend that Council direct staff to provide a detailed financial analysis on the effects of the proposed revised Policy prior to adoption of the Policy.

CARRIED

Councillor Tait and Geoff Steele opposed the motion

9. ***Subdivision and Development Standards Bylaw***

Gord Howie provided an overview of the staff report advising that it is the Committee's decision on how to proceed with the proposed scope of work for review of the *Subdivision and Development Standards Bylaw*.

Committee discussion:

- Having the LUEC as a working group and interested public members
- Ensuring more clarity with the *Subdivision and Development Standards Bylaw*
- Ensuring that road cross section mapping is consistent in the bylaw
- Ensuring mapping for sidewalks
- Including page references with mapping
- Arranging a Saturday workshop to review the bylaw

Public Input:

There was no input from members of the public.

10. **New Business: 48 Hour Building Permits**

Gord Howie reported that staff is working on the 48 Hour Building Permit report and that the report will be coming forward.

MOVED and seconded to direct staff to forward the 48 Hour Building Permit Report and Mr. Steele's amended Checklist to Council.

CARRIED

Council

Public Input:

There was no input from members of the public.

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

Committee discussion:

- Including a completion date in the development application reports
- Including information in the reports on what stage the application is at
- Ensuring verbal reports are available to the Committee

Gord Howie advised that staff could provide a verbal update on an "exception" basis with outstanding applications.

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

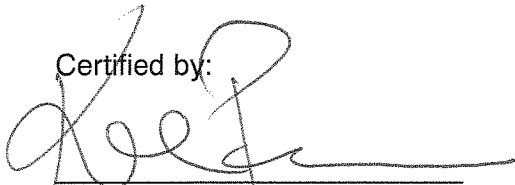
CARRIED UNANIMOUSLY


12. **Next Meeting:** Tuesday, May 21, 2013

13. **Adjournment**

The meeting adjourned at 8:53 p.m.

Certified by:



Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

Tuesday, May 21, 2013
7:30 p.m. Council Chambers
2225 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:

Gord Howie, Chief Administrative Officer
Bonnie Sprinkling, Corporate Officer
Gerard LeBlanc, Municipal Planner
Sarah Temple, Finance and Administration Assistant (recorder)

Alternate: Adrian Cownden

ACTION

1. **Call to Order**
The meeting began at 7:40 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 April 15, 2013.
CARRIED
4. **Rezoning and Sewer Inclusion Application – 1781 Minnie Road & 7057 West Coast Road**

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

Committee discussion:

- A resurfacing of Minnie Road is planned for 2014; consideration to include paving requirements as a component of the Development Agreement with applicant
- There is an existing covenant on property that outlines flood levels.
- There is a separate existing covenant specifying a 10 meter RAR habitat protection requirement along the creek.
- Proposed sewer pump design, location and costs for maintenance.

Mark Johnson, applicant's representative, outlined two possible solutions for the

sewer pump. One option is to place the pump on one of the proposed lots and create a bare-land strata to cover maintenance costs. The second option is to extend the area serviced by this pump down Minnie Road, outside of the proposed subdivision. In this case, the District would take over the pump and pay for maintenance.

Committee further discussed:

- The capacity of sewer system and the completed Sewer Serviceability Study for this property.
- Bylaw 600 and permitted expansion outside of the SSA.
- Riparian Area and SPEA setback area consideration; are trails are permitted through SPEA areas. If SPEA cannot be used to contribute to the 10% parkland dedication requirement, Mr. Johnson indicated that the applicant would rather make a cash contribution.
- Affordable housing requirements.

Staff

ACTION ITEM: The Committee requested further clarification on the calculation of the required amount of affordable housing units under the District Affordable Housing policy.

Public Input:

- Laura Gorse, Sooke resident, addressed the committee. Mrs. Gorse lives in a nearby strata and the area behind her property is considered to be an environmentally protected area. Ms. Gorse suggested that this sensitive ecosystem be taken into consideration, as the entire area is very bio-diverse and interconnected.

Council

MOVED and seconded to recommend that Council introduce and give first, second and third reading to Bylaw No. 560, *Sooke Core Sewer Specified Area Amendment Bylaw (147-18)*;

AND FURTHER THAT COUNCIL introduce and give first and second reading to Bylaw No. 558, *Zoning Amendment Bylaw (600-3)*;

AND FURTHER THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 558 in accordance with the requirements of the *Community Charter* and the *Local Government Act*; and

AND FURTHER THAT COUNCIL direct that the adoption of Bylaw No. 558 be immediately prior to the adoption of Bylaw No. 560;

AND FURTHER THAT COUNCIL direct that prior to final adoption of Bylaw No. 558, the owner must enter into a Development Agreement by way of a section 219 covenant with the District of Sooke and that Council authorize the Mayor and the Chief Administrative Officer to execute the Development Agreement;

CARRIED UNANIMOUSLY

MOVED and seconded to direct staff to discuss with the applicant for the Minnie/West Coast Road development the options for parkland dedication, including trails within the SPEA, and the affordable housing requirements and provide options to Council for consideration.

CARRIED UNANIMOUSLY

5. Development Permit and Development Variance Permit – 6750 West Coast

2

Road – The Hope Centre

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

Committee discussion:

- Authority to amend Highway 14 setback; the MOU with the Ministry of Transportation and Infrastructure (MOTI) sets out the District of Sooke authority to amend this setback.
- Discussion on waiving or offsetting DCC's on both the commercial and affordable housing portions of the building.
- Reserve funds may be used for affordable housing; the Committee discussed using these funds to offset fees.

Angela Hudson, Executive Director of St. Vincent de Paul, addressed the committee and requested that the Building Permit fees also be waived.

Kevin Albers, CEO of M'akola Housing, addressed the Committee to provide further elaboration on federal and provincial sources of funding for the project, as well as the requirements of St. Vincent de Paul and M'akola to provide funding.

Committee further discussed the appropriate tenants for rental space that will be available at \$10/ft². There is a commercial kitchen, so it may be suitable for the Seniors Drop-In Centre.

Public Input:

- Nicky Logins, Executive Director of the Sooke Family Resource Society, addressed the Committee to speak in support of the proposed project. Sooke Family Resources supports the creation of 25 affordable housing units and especially the creation of a "Social Concern" office, which will help to lessen the load on the Sooke Crisis Centre and the Sooke Food Bank.

MOVED and seconded to recommend that Council issue Development Permit PLN01012 for the purposes of constructing a mixed use commercial/residential building located on Lot 2, Section 3, Sooke District, Plan 15068

Council

AND TO recommend that Council authorize the issuance of Development Variance Permit PLN01032 for the property at 6750 West Coast Road by relaxing the 15 meter setback from buildings and structures to the centerline of Highway 14 to 13.78 meters.

AND TO direct staff to provide a report to Council on the fees and charges associated with this development, options to offset these fees and the financial impact associated with offsetting fees.

CARRIED UNANIMOUSLY

MOVED and seconded to recommend that Council direct the Mayor and staff, to look into the suitability of leasing a unit at Hope Centre for the Senior's Drop-In Centre.

CARRIED UNANIMOUSLY

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

Gerard LeBlanc provided a summary of the Monthly Development Services Application Status Reports for the Committee.

Committee Discussion:

- Timing of some applications, compared with others that seem to encounter delays.
- New policy stating that staff will wait only 30 days to receive returned referrals from third party agencies.
- Committee priorities moving forward. Specifically, the 48-hour Building Permit and Bylaw 65.
- Ms. Sprinkling to look at Committee availability and schedule an additional LUEC meeting to discuss Bylaw 65.

Staff

Public Input:

- Les Monnington, Sooke resident, addressed the Committee to speak to unanswered questions asked of the Committee at the April 15, 2013 LUEC meeting. Mr. Howie will address these questions with Mr. Monnington.
- Randy Clarkston, Sooke resident, addressed the Committee. Mr. Clarkston has completed Development Permit Applications for applicants that have gone through the approval process both very quickly and very slowly. Mr. Clarkston indicated that in his opinion, a clear system for approval is needed.
- Councillor Pearson addressed Mr. Clarkston to report that a Service Review is currently underway by Mr. Howie, which will include recommendations to ensure improvements to processing timeframes.

Staff

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

CARRIED UNANIMOUSLY

10. **Next Meeting:** June 17, 2013

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
SUBDIVISION AND DEVELOPMENT STANDARDS BYLAW REVIEW
WORKSHOP NOTES

Monday, June 17, 2013
6:00 p.m. Council Chambers
2225 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait (arrived at 6:18 p.m.)
Geoff Steele
Andrew Haden
Mayor Wendal Milne Ex-Officio

Staff:

Gord Howie, Chief Administrative Officer
Bonnie Sprinkling, Corporate Officer
Elisabeth Nelson, Municipal Engineer
Gerard LeBlanc, Municipal Planner
Tina Hansen, Corporate Assistant

Alternate: Adrian Cownden

ACTION

1. Call to Order

The meeting began at 6:02 p.m.

2. Service Level for Works and Services

Chair Pearson stated that the purpose of this meeting was to provide an opportunity for the Committee to have an informal start to the review process of Bylaw No. 65, *Subdivision and Development Standards Bylaw*.

Mr. Howie further stated that the Committee members could put forth what changes they would like to see made to Bylaw 65 which will provide staff with some direction in preparing a subsequent report to the Committee.

The Committee discussed the following issues as to Bylaw No. 65:

- Ensuring the bylaw is specific as to subdivision and development regulations
- Ensuring that “works and services” for “development” is covered
- Ensure there is more clarity with the bylaw as to subdivisions
- Ensure mechanisms are in place for standard servicing
- Concerns that the bylaw is counter intuitive when zoning is already in place

Chair Pearson asked staff whether there were specific portions of the bylaw that may cause difficulties for them in their jobs.

Gerard LeBlanc advised that there are portions of Bylaw 65 that do require some updating such as including requirements for green alternatives, but Planners are secondary users of the bylaw; Engineers are the primary users. Mr. LeBlanc explained the process to the Committee for when an application is received and advised that when it comes to servicing requirements, this is when Engineering comes in.

Elisabeth Nelson advised that Bylaw 65 covers two regulatory areas, “subdivision” and “development” and that it is important that the bylaw is in alignment with other District of Sooke Plans such as the Official Community Plan and the Town Centre Plan. Ms. Nelson advised that Bylaw 65 requires clarification in some areas; the cross-sections on the roads are one of the biggest frustrations.

Committee further discussed:

- Ensuring that any ambiguity in Bylaw 65 is made clearer e.g. definitions around “development” and what is required for a “lot line adjustment”
- Including roads portion of the Transportation Master Plan
- Whether there would be any value to hiring a consultant to amend Bylaw 65; would need to tie some of the District Plans together (OCP, Transportation Master Plan)

Gord Howie reported that a consultant would want to know the scope of the work and staff would need to look into what a consultant would want to charge but the scope of work would have to be defined first.

Committee further discussed:

- This would be a sizable work load for a consultant who would have to understand the District Plans; would need to ensure the scope of work and a terms of reference
- Bylaw 65 was established prior to the District having an OCP and some of the sections need updating (urban, suburban and rural areas)
- Ensuring the OCP is the primary Policy document
- Ensuring direction is clear between the OCP and other District Plans – OCP should drive the other Plans, in particular Bylaw 65
- Adapting the OCP to adapt to the current economy
- Ensuring subdivision servicing issues in Bylaw 65 are worked out and ensure it is consistent with the Transportation Master Plan
- The OCP is a document that guides but has the “guts” of the Community Vision – use the OCP’s guiding direction to update Bylaw 65
- Importance of including information from the Zoning Bylaw
- Concern as to Council re-writing plans; becomes laborious
- Concern as to the length of time a consultant would take to complete the work

Public Input:

Adrian Cownden addressed the Committee as to Bylaw 65 noting that the bylaw is similar to the subdivision bylaws in other municipalities. Mr. Cownden advised that he has worked with Bylaw 65 for several years; the developer and staff

should be able to work out the application of the regulations for subdivision and development standards. Mr. Cownden advised of dated road profiles and fees that should be looked at but mainly spoke to the importance of making changes in the bylaw that will attract people to the community for development. Mr. Cownden provided suggestions including that staff identify issues in the bylaw that are bothersome to them, that items from the Transportation Master Plan be integrated into the bylaw and that a map be created which references zoning, the Transportation Master Plan and a consolidation of other information.

Mr. Cownden further addressed the Committee as to ensuring that there are guidelines for staff to ensure that applications are processed in a timely fashion. Mr. Cownden advised that the process needs to be more streamlined and staff need to be more helpful in assisting with the requirements of the application.

Committee discussed the following:

- Ensuring that there is clear mapping for roads and sidewalks in the bylaw and servicing expectations should be similar – need to be more definitive
- Ensuring that we are definitive of who is responsible for paying for sidewalks as road cross-sections in the bylaw show sidewalk on only one side of the road; ensuring fairness to all applicants
- Timing of street tree planting; should be at the building permit stage
- Including a 12 meter road width and determine language of where it is used
- Possibility of having a map book that could be used for all documents
- Cognisant of not having the manpower to implement some things in the bylaw
- Ensuring that the standards work for both the District and the developer for the long-term

Mr. Howie summarized the following items of discussion by the Committee as to Bylaw 65 that will be included in the staff reports for the bylaw review:

- Address “subdivision” and “development” in the bylaw
- Protect amenities that Council may wish
- Consideration of the economic slump
- Bylaw 65 is not specific enough; keep simple expression around wording, be clear and concise
- Incorporate guidance from the OCP and Transportation Master Plan
- Irritants; need for guidelines around some of the plans
- Need to ensure the bylaw is precise and direct so applicant will know what they require
- Ensure that standards are not lowered
- Include clear mapping with roads and sidewalks
- Incorporate sewer specified area
- Include a drawing for stormwater management specific for on lot requirements for single family only
- Include 12 meter road cross sections
- Include a major map consolidation
- Look at timing for planting street trees

The Committee requested the following also be included:

- Bring into discussion densities and types of developments permitted under the bylaw
- make the planting of street trees the responsibility of the builder in a small lot subdivision (single family dwellings)
- Include mapping for road cross-sections

The next meeting for the Subdivision and Development Standards Bylaw Review will be at the Call of the Chair or prior to the Land Use and Environment Committee meeting in August.

3. **Adjournment**

The meeting adjourned at 7:27 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

Monday, June 17, 2013
7:30 p.m. Council Chambers
2225 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: Gord Howie, Chief Administrative Officer
Elisabeth Nelson, Municipal Engineer
Gerard LeBlanc, Municipal Planner
Tina Hansen, Corporate Assistant

Alternate: Adrian Cownden

ACTION

1. **Call to Order**
The meeting began at 7:35 p.m.
2. **Approval of Agenda**
The agenda was approved with the following items as supplemental information:
 - Correspondence dated June 12, 2013 from Sooke Region Chamber of Commerce
 - Correspondence dated June 14, 2013 from Larry Umbach
3. **Adoption of Minutes:**
MOVED to adopt the minutes of the Land Use and Environment Committee dated May 21, 2013.
CARRIED
4. **Delegation: Rezoning Application 6669 Horne Road, Harbourside Senior's Co-housing Project – Margaret Critchlow & Dr. Ellen Anderson**

Margaret Critchlow, introduced members, Dr. Ellen Anderson, and Ronaye Matthew, Project Manager of Harbourside Cohousing. Ms. Critchlow provided a PowerPoint presentation and addressed the Committee as to the Harbourside Cohousing proposal to develop seniors housing at 6669 Horne Road. Ms. Critchlow explained that the development will create seniors housing that is community initiated, affordable, environmentally friendly and socially supportive allowing seniors and others to flourish through mutual support as they age in place in the community. The proposal includes 30 new strata title homes and 1 rental unit and supports the District's Official Community Plan. It has attracted media interest and will enhance Sooke's reputation as a destination and a great place to live. Ms. Critchlow advised that Harbourside Cohousing group is

looking to work with Council on bringing this project to Sooke as it will be a significant asset to the community.

A discussion ensued between Ms. Matthew and the Committee as to the following:

- Purpose statement in the DRAFT CD10 zone to “provide for residential development in the Town Centre”
- Concern as to having a CD10 zone instead of the RM4 zone as RM4 provides for relaxed amenity contribution component - proposal did not fit within the current multifamily guidelines due to existing common facility on the site
- Ensuring the project is reasonable to build (affordable) and successful
- Ensuring that staff work with the proponent on the most reasonable/affordable ways to complete the project
- Proposal is consistent with Council’s priority to focus on how people can age in Sooke
- Connectedness between the units and accessibility within the development – will be working on making the design of the development as sustainable and accessible as possible
- Next steps with this application – staff report will be coming forward to LUEC with a recommendation to Council once application referrals are complete and staff has had final discussions with the applicant
- Nature of the neighbours’ concerns – mostly related to the impact that the change would have on their personal situation; increased traffic, water views would be impacted
- Forwarding the application directly to Council in order to expedite the process
- Costs associated with part 3 of the building code vs costs in part 9 of the building code – ensure development falls under part 9 so that building costs remain affordable

Ms. Matthew advised that time is of the essence with the project and requested the Committee’s support with the proposal and with ensuring the application process is moved forward in a timely manner.

Public Input:

There was no input from members of the public.

MOVED and seconded to direct staff to forward the report for the rezoning application at 6669 Horne Road directly to Council;

AND TO include discussion on the appropriate zone and other considerations that have been discussed as to cost savings for the development proposal.

CARRIED

Staff

5. **Delegation: Townsend Road Traffic Structure, Mary Brooke**

Mary Brooke provided a PowerPoint presentation and addressed the Committee as to concerns from local residents and businesses on the turning restrictions at the intersection of Townsend Road and Sooke Road. Ms. Brooke reported that the concern is that the two no left hand turns have consistently eroded the business of the businesses on that corner. Ms. Brooke obtained comments from

people who operate businesses in the core residents who the intersection is affecting the most. Ms. Brooke reported that the set-up is confusing to everyone and that people are struggling with the intersection. Ms. Brooke reviewed the main issues at the intersection for the Committee including public safety, traffic infractions, increased time requirement/travel expense, interruption of loss of revenue for local businesses, overall dismay and loss of enjoyment in Sooke, and increased gasoline usage; not green. Ms. Brooke requested the Committee's support and for Council's consideration to work with other parties to find a possible solution for the intersection.

A discussion ensued between Ms. Brooke and the Committee as to the following:

- Intersection is part of Highway 14 and is under MoTI jurisdiction
- There is sufficient room to include a left turning lane onto Townsend Road
- Remove island of Sooke Road and include a left turn lane onto Townsend Road
- Safety concerns and confusion as to the existing crosswalk and remnants of the previous crosswalk
- What can be done at a staffing level; begin with discussions with MoTI

Public Input:

There was no input from members of the public.

MOVED and seconded to direct staff to have discussions with MoTI and ICBC regarding the Townsend Road intersection to see if there are any options that they are willing to pursue based on the concerns raised in the presentation.
CARRIED

Staff

6. **Minimum Statutory Frontage Exemption for 2614 Otter Point Road**

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

Public Input:

There was no input from members of the public.

MOVED and seconded to recommend that Council, pursuant to Section 944(2) of the *Local Government Act*, exempt proposed Lot B of the proposed subdivision of Lot 28, Sections 35 and 36, Sooke District, Plan 1525 and That Part of Lot 29, Sections 35 and 36, Sooke District, Plan 1525 Included within the boundaries of Plan 15 RW, from compliance with the minimum statutory frontage requirement of 10% of the perimeter of the lot fronting on a highway, for the purpose of facilitation an application for subdivision.
CARRIED

Council

7. **Development Permit & Request for a Site Specific Floodplain Exemption – 2248 Townsend Road**

Geoff Steele declared a conflict of interest with this agenda item as he is the applicant for this development permit and left the meeting at 8:46 p.m.

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

Committee discussion:

- Effect of drainage on adjacent properties
- Concerns as to including conditions for a landscaping bond for the riparian area

Public Input:

Larry Umbach, Sooke resident and adjacent property owner addressed the Committee as to concerns of the effect of stormwater runoff on his property and the surrounding area.

Bill Moore, Townsend Walk Estates advised that there was a similar issue with stormwater runoff with the 2253 Townsend Road development and that drainage with this proposal will be dealt with in a similar manner.

MOVED and seconded to recommend that Council consider accepting the Qualified Environmental Professional's recommendation on 2248 Townsend Road to "bend" the SPEA boundary so that the overall riparian area remains the same when housing block 4 encroaches into the SPEA by 18.4m² and housing block 3 encroaches into the SPEA by 41.2m²;

Council

AND THAT COUNCIL consider the applicant's request for a Site Specific Floodplain Exemption to reduce the floodplain setback from 15 meters to 7.5 meters to the natural boundary of the pond and require a section 219 covenant (*Local Government Act*) as per Bylaw No. 561, *Flood Regulation Bylaw, 2013* to replace covenant EF14365;

AND FURTHER THAT COUNCIL issue Development Permit PLN01031 for the purposes of constructing multi-family residential on 2248 Townsend Road, legally described as Lot 2, Section 25, Sooke District, Plan VIP82237 subject to the above exemptions and the following conditions:

- a. The applicant shall enter into a section 219 covenant as per Bylaw No. 561 for a Site Specific Floodplain Exemption from 15 meters to 7.5 meters from the natural boundary of the pond;
- b. Prior to Building Permits for dwelling units in housing block 3 and housing block 4, as shown in Schedule A, a revised addition shall be made to Riparian Area Regulation: Assessment Report #2744 to provide a detailed re-vegetation plan for areas of the site that are within the 15 meter Streamside Protection and Enhancement Area;
- c. Landscaping of the site outside of the 15 meter Streamside Protection and Enhancement Area will mirror the landscaping that has been completed as part of the 2253 Townsend Road development permit (PLN00319).

CARRIED

Councillor Haldane opposed the motion

Mr. Steele returned to the meeting at 9:14 p.m.

8. **Petition for Sewer Service – Lot A Water Street**

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

Committee discussion:

- Water Street is not shown accurately on map
- Whether sewer line will go through Clairview Road
- Whether a survey will be required
- Consideration to sending letters to remaining Water Street property owners to have all of Water Street in the SSA
- Ensuring clear Policy on sewer inclusion for one-off sewer inclusion applications

Public Input:

There was no input from members of the public.

MOVED and seconded to recommend that Council introduce and give first, second and third reading to Bylaw No. 573, *Sooke Core Sewer Specified Area Amendment Bylaw (147-21)*.

Council

CARRIED

9. **Subdivision Status Report Clarification**

Committee discussion:

- At what stage in the subdivision application process does Council receive a staff report
- At what point in the subdivision application process do delays occur

Gord Howie explained that the reason for a delay in the application process is sometimes due to incomplete applications, sometimes a lack of communication between both parties (staff and applicant) in sorting out what the interpretation of something may be. Mr. Howie advised that once the subdivision bylaw has been reviewed to ensure that the same information is available to both applicants and staff, it should help to improve the process.

Public Input:

There was no input from members of the public.

MOVED and seconded to receive the Subdivision Status Report Clarification for information.

CARRIED

10. **Monthly Development Services Application Status Report**

Committee discussion:

- Reasons as to why Stages for Sunriver Estates Phase 4C has been on the Development Services report since 2007
- Whether there is a 15 meter setback from Riparian Areas in Sunriver Estates

- What happens with landscaping requirements when people living in the area change things
- Folder Status of Development Permit for 2700 Sunriver Way “school site & fire hall”

Public Input:

There was no input from members of the public.

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

CARRIED UNANIMOUSLY

11. **Next Meeting:** July 15, 2013

12. **Adjournment**

The meeting adjourned at 9:41 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

August 19, 2013

7:00 p.m. Council Chambers

2225 Otter Point Road, Sooke, B.C.

Committee Members Present:

Councillor Kevin Pearson (Chair)
Councillor Herb Haldane
Councillor Maja Tait
Geoff Steele
Adrian Cownden (Alternate)

Staff:

Gord Howie, Chief Administrative Officer
Bonnie Sprinkling, Corporate Officer
Elisabeth Nelson, Municipal Engineer
Tara Johnson, Planner II (left the meeting at 7:39 pm)
Tina Hansen, Corporate Assistant

Absent: Mayor Wendal Milne, Andrew Haden

ACTION

1. **Call to Order**

The meeting began at 7:05 p.m.

2. **Approval of Agenda**

The agenda was approved with the following items as new business/supplemental information:

- Agenda Item 7 Supplementary Information – Subdivision and Development Bylaw Review
- NB-1 Proposed Strata Title Conversion of 1810/1820 Connie Road

3. **Adoption of Minutes:**

MOVED to adopt the minutes of the Land Use and Environment Committee dated June 17, 2013.

CARRIED

4. **Delegation – Randy Clarkston, Preliminary Layout Approvals**

Randy Clarkston, Westcoast Design and Development read and submitted comments to the Committee as to Preliminary Layout Approvals and changes to Bylaw No. 65; he requested that consideration be given to including measures in the bylaw that allow the Approving Officer more discretion on the requirements for subdivisions under four lots. Mr. Clarkston suggested that infill subdivisions should not be held to the same level of service as larger developments. Mr. Clarkston further advised of concerns that requirements for Preliminary Layout Approvals (PLA's) in Bylaw 65 are costly for the property owners as well as they make the properties look out of place.

Chair Pearson advised that the Committee is aware that changes are needed to Bylaw 65. Staff is working with the Committee on reviewing the Bylaw and making improvements to the bylaw.

Mr. Clarkston further expressed concern as to costs to applicants associated with small subdivisions and lot line adjustments stating that he would like the Approving Officer to be able to use their discretion to come up with more moderate servicing requirements for small subdivisions.

Committee discussion:

- Small subdivisions in an infill scenario

MOVED and seconded to receive the report from Mr. Clarkston as part of the review for Bylaw No. 65.

CARRIED

5. **Development Variance Permit – 7130 West Coast Road**

Gord Howie provided a summary of the staff report for the Committee.

Committee discussion:

- Clarification as to the extra road dedication; the road dedication will be dealt with at the subdivision stage once an application for subdivision is received

Public Input:

Randy Clarkston, representing the applicant, clarified that the road dedication was set out as 30 meters from the centre line as is usually requested by the Ministry of Transportation and Infrastructure (“MOTI”); the surveyor would have reviewed District bylaws to find further information on the dedication but would not have been aware of the 25 meter dedication as per the Memorandum of Understanding with MOTI.

MOVED and seconded to recommend that Council authorize the issuance of a Development Variance Permit PLN01056 for 7130 West Coast Road, legally described as Parcel A (DD 8888-W) of Lot A, Sections 2 and 3, Sooke District, Plan 12144 to vary the proposed eastern side lot line from 1.2 m to 1.0 m for the existing dwelling on proposed Lot 1. **Council**

CARRIED

6. **Development Agreement and Traffic Study – 6669 Horne Road**

Gord Howie provided a summary of the staff report for the Committee.

Committee discussion:

- Clarification as to the requirement to mill and overlay the existing pavement of East Horne Road from Murray Road to the east property line of 6669 Horne Road
- Clarification as to the construction of a 2 meter hard surface sidewalk
- Clarification as to the road profile that will be used for the finish detail of Horne Road

- Ensuring the applicant is aware of and has clarity on the requirements of the road dedication and the paving of Horne Road
- Clarification as to the Section 219 Covenant
- Clarification as to the requirements for environmental impacts and an environmental breaches as per the Ministry of Environments' Develop with Care; Environmental Guidelines

Public Input:

Russ Fuoco, representing Harbourside Cohousing, confirmed that they understand and agree with what is required with the road dedication, milling and repaving of the existing surface of Horne Road to bring it up to standards. Mr. Fuoco further reported that they received clarification from staff and that they are comfortable with milling and repaving the road surface in front of their project and with the way the covenant is worded.

MOVED and seconded to recommend that Council direct that, prior to final adoption of Bylaw No. 578 and as agreed to by the owner, the owner enter into a Development Agreement by way of a section 219 covenant with the District of Sooke to address the following items:

Council

- a. Dedication of land along 6669 Horne Road frontage to align with neighboring properties.
- b. Design and construct a 2 meter hard surfaced sidewalk from the property frontage along the south side of Horne Road west to the Murray Road intersection.
- c. Driveways to the subject property of 6669 Horne Road are to be hard surfaced to the property line.
- d. Prior to occupancy of the last four (4) dwelling units, the applicant is to mill and overlay the existing pavement of East Horne Road from Murray Road to the east property line of 6669 Horne Road.
- e. As per the Preliminary Geotechnical Assessment prepared on November 12, 2012, an erosion protection wall or other type of barrier is to be included at the beach to ensure the slope movement does not affect the proposed development prior to commencement of any construction on site.
- f. As per the District *Official Community Plan, 2010* and Parks and Trails Master Plan, public access along the waterfront for a marine walkway shall be provided through statutory right-of-way prior to building permit. The location of the marine walkway will be determined at time of Development Permit.

AND to authorize the Mayor and the Chief Administrative Officer to execute the Development Agreement - Section 219 Covenant.

CARRIED

7. Subdivision and Development Bylaw Review

Gord Howie provided a summary of the items discussed by the Land Use Committee during the June 17th workshop for the review of the Subdivision and Development Bylaw.

Elisabeth Nelson overviewed the service level for works and service for the urban, suburban and rural areas referenced in Bylaw 65 and some of the inconsistencies between Bylaw 65 and District Plans. Ms. Nelson advised that at this time the boundary areas need to be confirmed.

Committee discussion:

- Separate bylaw for “Development” for more clarity
- Determining what a “small subdivision” means
- Consistency with sidewalks widths and dedication within the bylaw
- Inventory of roads – determine sidewalk widths; map of DCC roads
- Suggested Bylaw 65 amendments to be done now:
 - requirements for small subdivisions and lot line adjustments
 - sidewalk widths
 - determine Town Centre area
- Requirements for DCCs with lot line adjustments
- Imposing a 3 meter dedication for sidewalks when sidewalks in the Town Centre are 2 meters; ensure consistency
- Include housekeeping issues in the bylaw amendments
- No servicing conditions for net three lot subdivisions or less other than sewer, water, hydro (that is existing on street) and stormwater management
- Trees may be planted on the property owners property and the responsibility for trees to be the property owners; all new lots should require a tree
- Road cross sections to be consistent with the OCP and Transportation Master Plan
- Set out specific expectations for sidewalk surfacing required
- When Section 219 covenants are required
- Cross sections for 12 meter roads (service roads), strata roads and the Connector Road
- Clear direction on who is responsible for paying for sidewalks and on which side of the road
- Dealing with issues in the bylaw that are “doable” first such as sidewalk width, trees and small subdivisions
- Consistency with finishing materials used in sidewalks; using discretion with sidewalk width depending on what is being developed
- Address infill blending with what already exists on the street, have an ongoing plan and budget for street upgrades; ensure consistency
- Look at cash in lieu instead of requiring sidewalks; requirement may be different with each development
- Look at 2 meter sidewalks in the Town Centre with the exception of Highway 14 and proposed Waterview Street
- Property frontage bylaw; trees, maintenance
- All existing lots with zoning not to be subject to Bylaw 65
- Establish a generic plan for a rock pit for single family dwellings with sloping lots to run perimeter drainage

MOVED and seconded to direct staff to bring back reports to the Committee on proposed amendments to Bylaw No. 65, *Subdivision and Development Bylaw* as follows;

Staff

- No servicing requirements for subdivisions with three net gain lots or

less outside the Town Centre except sewer, water, drainage and power;
power not to be required if existing on the street;

- Requirements for street trees; and
- 2 meter sidewalks in the Town Centre instead of 3 meter except specified roads such as Church Road and proposed Waterview Street.

CARRIED

MOVED and seconded to recommend to Council to decrease the three (3) meter sidewalk dedication on Highway 14 to two (2) meters except from Church Road to Otter Point and on Waterview Street where it remains three (3) meters; **Council**

AND TO direct staff to negotiate with the Ministry of Transportation and Infrastructure to amend the Memorandum of Understanding as to the sidewalk dedication on Highway 14.

CARRIED

Councillor Tait opposed the motion

Public Input:

Randy Clarkston, Westcoast Design and Development addressed the Committee as to the 3 meter sidewalk requirements being a bit excessive for Sooke when considering the space required for two traffic lanes, two bike lanes and utilities.

Judith Harris, Sooke resident expressed her concerns as to Bylaw 65 stating that the bylaw should not apply to Strata Title Conversions. Ms. Harris also inquired as to when the staff reports on the amendments to Bylaw 65 will be coming forward to the Committee.

Mr. Howie reported that there will be several staff reports on the Committee's recommendations and that at least one report on these items will be coming forward to the next Land Use and Environment Committee meeting.

8. New Business: Proposed Strata Title Conversion of 1810/1820 Connie Road

MOVED and seconded to forward the Proposed Strata Title Conversion for 1810/1820 Connie Road to Council for approval subject to installation of a well and submission of a survey plan. **Council/ CAO**

CARRIED

MOVED and seconded to forward the information received by Council members from the applicant on the Proposed Strata Title Conversion for 1810/1820 Connie Road to Mr. Howie for his review and report back to the Committee

CARRIED

9. Monthly Development Services Application Status Reports

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

CARRIED

10. **Next Meeting:** September 30, 2013

11. **Adjournment**

The meeting adjourned at 9:32 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

September 30, 2013
7:00 p.m. Council Chambers
2225 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: Gord Howie, Chief Administrative Officer
Elisabeth Nelson, Municipal Engineer
Gerard LeBlanc, Municipal Planner
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 with the following item as supplemental information:
 - Subdivision and Development Bylaw Review
 - Service Level for Works and Service – Frontage Improvements
3. **Adoption of Minutes:**
MOVED to adopt the minutes of the Land Use and Environment Committee dated August 19, 2013.
CARRIED
4. **Delegation: Rezoning Application for 6353, 6355 & 6357 Belvista Road & 6325 Sooke Road**

Councillor Tait declared a potential perception of bias for this agenda item and left the meeting at 7:01 p.m.

Lisa, Parkes, representing PacificGold Homes Ltd provided the Committee with background information on the rezoning application for 6353, 6355, 6357 Belvista Place and 6325 Sooke Road. The application was submitted in 2010 and has been before the Committee on three separate occasions. Ms. Parkes reviewed for the Committee a list of the following items that the applicant is requesting be included in the form of a phased development agreement and covenant:

- That a section 219 covenant for the affordable housing component

- Flexibility for a provision of a 3 meter access path to the waterfront
- That amenity contributions to be paid cash or in kind
- That the consultation process with T'Sou-ke Nation to be considered complete
- That the potential access to the Sooke River Hotel not be included in the PDA; the applicant will discuss the issue of access with the hotel property owner

Ms. Parkes requested that the Committee direct staff to include and finalize the Covenant and Phased Development Agreement and that the rezoning application move forward to Council.

Committee discussion:

- Affordable housing component for the development
- Consideration to a 10 meter dedication instead of the required 20 meter dedication for waterfront access
- Importance of the Sooke River Hotel mitigating traffic issues from Sooke Road; ensuring an alternate access
- Ensuring that the provisions of amenities will work for everyone in the community
- Applicant should not be required to pay for a third party's access
- Ensuring approval from T'Sou-ke Nation
- Concerns as to the suggested 3 meter dedication for an access path to the waterfront
- *Land Titles Act* requirement for a 20 meter access to the waterfront and whether there is reference in the *Act* to what the access is to be used for
- Whether there have been other developments in Sooke that have had the 20 meter access requirement to waterfront reduced

Jim Hartshorne, PacificGold Homes addressed the Committee as to concerns of the T'Sou-ke Nation through their consultation process which include the closure of the Sooke basin for shellfish and ensuring that the T'Sou-ke property next to their cemetery is kept as sheltered as possible. Mr. Hartshorne advised that T'Sou-ke Nation feel very strongly about access to their property and their shellfish industry. Mr. Hartshorne reported that they would like to propose that they contribute to another boat launch in an alternate location in order to provide a solution that fits best with the T'Sou-ke Nation interests.

The Committee further discussed:

- Ensuring that the s 219 covenant for affordable housing meets the requirements in the District's Affordable Housing Policy
- Consideration to acquiring amenities for the existing public boat launch at Prestige Hotel
- Ensuring the applicant engages in discussions as to an alternate access with the property owners of the Sooke River Hotel

Jim Hartshorne advised that they are prepared to work with the Ministry of Transportation and Infrastructure and the property owners of the Sooke River Hotel on access and safety. Mr. Hartshorne also addressed the Committee as to the required 5 per cent dedication of park land advising that they had revised their drawings removing plans for condominiums as it was clearly stated by First

Nations that their sacred lands were very significant to them. The revised proposal provides a good look from the bridge, it gives the buffer the T'Sou-ke Nation is asking for and it is a compliment to the community. Mr. Hartshorne requested that Council consider the river frontage that faces T'Sou-ke Nation to be included as part of the 5 per cent park dedication requirement.

Public Input:

Gail Hall, Sooke resident expressed concerns as to Council passing bylaws that should involve the public. Ms. Hall further advised of concerns of the 20 meter access and the use of the east side property along the river as part of the 5 per cent park land dedication as this land is part of a riparian area.

Ellen Lewers, Sooke resident stated that she spoke to members of the T'Sou-ke community and that they did not have any knowledge that this issue was coming forward to the Committee. Ms. Lewers expressed concerns that the T'Sou-ke Nation have not been consulted, and also expressed concern over amenities and the Amenities Policy. Ms. Lewers submitted drawings to the Committee of First Nations traditional properties.

MOVED and seconded to direct staff to work with the applicant to relax the 20 meter portion of the water access in exchange for a possible boat launch parking contribution in an alternate location.

CARRIED

MOVED and seconded to direct staff to work with the applicant on the affordable housing component;

AND THAT staff continue to work on the amenity contribution component based on cash or contribution of a relevant item.

Staff

CARRIED

MOVED and seconded to allow the applicant to work directly with the T'Sou-ke Nation to come to an agreement over any issues around the rezoning application;

Staff

AND THAT a report from the T'Sou-ke Nation be forwarded to the Committee confirming that the two parties are having discussions.

CARRIED

MOVED and seconded that the applicant work directly with the property owners of the Sooke River Hotel in order to mitigate access issues.

CARRIED

ACTION ITEM: The Committee requested that staff work directly with the applicant on the issue of the 5 percent park dedication.

Staff

Councillor Tait returned to the meeting at 7:53 p.m.

5. **Delegation: Servicing Requirements – 6733 West Coast Road, Brian Ridley**

Mayor Milne declared a conflict of interest with this agenda item as it deals with drainage issues and he has family members who live on Atherley Close. Mayor

Milne left the meeting at 7:53 pm.

Brian Ridley, applicant addressed the Committee as to his development permit application at 6733 West Coast Road. Mr. Ridley expressed concerns as to his scheduled final inspection, the catchment system that he was required to construct, being advised that the catchment basin was not to District specifications, and concerns that he was required to use pavers as a building material for the sidewalk on Atherley Close. Mr. Ridley is requesting that his bond money be refunded from the District and asked for the Committee's guidance and support with these issues.

Committee discussion:

- Concerns that there is a lack of clarity in Bylaw 65 which may in part be the cause of many of the issues with this development permit
- Ensuring that applications that do not change zoning or density are not required to provide the same amount of amenities as an application that increases density
- The applicant for 6733 West Coast Road should qualify to have the bond money refunded as works have been completed
- Ensuring that staff provide a report to Council that includes background information on this particular development permit

MOVED and seconded to recommend that Council direct staff to return a portion of the bond money for Servicing requirements at 6733 West Coast Road for the works on Atherley Close and West Coast Road;

AND recommend to Council that no further sidewalk works be required from the applicant;

AND FURTHER that staff provide a report to Council providing additional information on the development permit application.

CARRIED

Geoff Steel opposed the motion

**To
Council**

Staff

Mayor Milne returned to the meeting at 8:09 p.m.

6. **Delegation: Covenants at 1923 Maple Avenue South, Gary Bettridge & John Brohman**

Chair Pearson declared a conflict of interest with the next two agenda items and left the meeting at 8:09 p.m.

Councillor Haldane chaired the Committee meeting in Councillor Pearson's absence.

John Brohman, representing the property owner addressed the Committee as to covenants registered on title at 1923 Maple Avenue South. Mr. Brohman advised that the covenants are quite stringent and that the property owner was not aware of the covenants and that the covenants may affect the properties' value. Mr. Brohman stated that the covenants may have been registered at the time that the property owner was working with a potential purchaser for the property on a development proposal. This proposal did not get to an application stage and Mr. Brohman queried whether the covenants went forward anyway for registration. Mr. Brohman requested that staff look into the covenants and clarify

whether they should be registered on title and seek clarification as to whether the covenants are legitimate.

Gary Bettridge, property owner further clarified that the covenants were registered approximately six months after the agreement with the developer had expired. This person never purchased the property and is not the property owner. Mr. Bettridge advised that he was not aware of the covenants on his property.

Committee discussion:

- Whether it is normal practice to register s. 219 covenant without the applicant being aware
- Whether there is any documentation in the Transportation Master Plan that indicates a road system going through this property

MOVED and seconded to direct staff to look into the covenants registered on title for 1923 Maple Avenue South, the timeliness of the covenants and confirm whether the covenants are consistent with the land use in that area;
AND THAT staff report back to the Committee with this information.
CARRIED

Staff

7. **Delegation: Setback requirements for 7090 Grant Road West, Albert Brohman & John Brohman**

John Brohman representing the property owner expressed concerns as to the 30 meter setback requirements from a drainage ditch or creek on the property at 7090 Grant Road West. Mr. Brohman would like to demo and rebuild the existing house on the property but the 30 meter setback requirement is prohibiting him from doing so. Mr. Brohman advised that the ditch was man made, is not fish bearing and remains dry for 6 months of the year. He is requesting a relaxation of the setback requirements so that he is able to build in the location of the existing house. The property is hooked up to the municipal sewer system.

Committee discussion:

- Riparian Area Regulations would require a Qualified Environmental Professional Assessment (QEP) in order to have a relaxation of the setback requirements

The Committee suggested that Mr. Brohman look into having a Qualified Environment Professional Assessment (QEP) in order to verify whether a relaxation to the setback requirements is possible.

Chair Pearson returned to the meeting at 8:33 p.m.

8. **Development Permit Amendment to Landscape Plan – 7091 Grant Road West**

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

Committee discussion:

- Confirmation as to whether the neighbouring property owners have signed off on the amendment to the development permit
- Existing strata property owners are agreeable and have signed off on the amendment
- Whether the fence was a requirement of the original development permit
- Concerns as to the strata being required to provide fencing for potential purchasers
- Neighbours' concerns that the development has become an eyesore; they agree the development needs to be completed

MOVED and seconded to recommend that Council authorize the issuance of Development Permit Amendment PLN01059 to amend the landscape plan at 7091 Grant Road West to remove the requirement for the cedar fencing that was to be installed along the south and east property lines surrounding units E, F, G, and H with the condition that the existing wood fence and concrete fence that has been built on the east property line is required to remain.

**To
Council**

AND THAT staff provide a report to Council providing background information as to whether a requirement for fencing existed at the time of the original development permit.

Staff

CARRIED

9. **Rezoning Application – 1781 Minnie Road and 7057 West Coast Road**

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

Committee discussion:

- Concerns of requiring the applicant to put in septic fields in this area
- Ensuring decisions that are in line with long term sewer expansion plans
- Ensuring continuity of existing septic fields in the Whiffen Spit area
- Concerns as to the costs associated with a pump station and infrastructure to provide sewer; costs will be substantial to the developer and the price of the lots will not be affordable
- 800 m² lot proposal is the most practicable for this development and it is a compromise between the other proposals
- Consideration to the fact that the applicant has spent a lot of time and money to get to this point
- Ensure that the applicant is able to move forward

Mark Johnson, representing the applicant advised that this proposal for 800 m² lots is an attempt to find a compromise. The applicant is looking for direction from Council so that they are able to move forward with their application. Mr. Johnson advised that there are already existing septic fields on the property that can be used in order to save costs and that all other requirements for the riparian areas would stay in place.

The Committee further discussed:

- There will be opportunity for public input at the time the application is forwarded to Council

- Concerns that installing drain fields is being counter intuitive
- Concerns as to the legal implications of enacting a bylaw that is contrary to the District 's OCP and the Regional Context Statement
- Consideration to changing the zoning bylaw to reflect the land use in this area
- Consideration to amendment to zoning bylaw and the OCP to make them consistent prior to moving forward with the proposal
- Clarification as to what route the applicant would like to take

Mark Johnson advised their previous proposal is still before Council and that they would like Council to consider both options and provide the applicant with some direction. As applicants, they need to take into consideration the costs for each of the proposals and would like to develop the lots using the most cost effective option. Once they have Council direction, they will be able to explore what the costs will be.

Public Input:

Gail Hall, Sooke resident addressed the Committee as to the appropriate process for inclusion into the sewer system advising that people should be given the opportunity to vote whether they would like to be included in the system. Ms. Hall further advised that 800 m² lots are not acceptable under all District Plans and that the District could be at risk for loosing funds from the Liquid Waste Management Plan. Ms. Hall expressed concerns as to moving this proposal forward.

MOVED and seconded to receive the Rezoning Application for 1781 Minnie Road and 7057 West Coast Road report for discussion and for information;
AND TO forward the report to Council for consideration of the development proposal.
CARRIED

**To
Council**

Councillor Tait opposed the motion

10. Private Free Standing Directional Sign on 6933 West Coast Road, District of Sooke Property

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

Committee discussion:

- Concerns as to the number of additional business signs in the same area that may be on public property
- Ensuring that businesses within the Hotel are successful; helping business to some level, the sign is tastefully done
- Whether there is an alternate location to erect the sign
- Concerns as to the perceptions of assisting a business as there are many other businesses that would like to have signage
- Discussions during Sign Bylaw Review Committee around sandwich boards and not enforcing this type of signage
- Concerns as to the amount of third party signage in the District
- Businesses need to do their own due diligence around signage prior to

coming forward with an application

Public Input:

Ellen Lewers, Sooke resident addressed the Committee as to the Sign Regulation Bylaw advising that it should be enforced. Ms. Lewers stated that it is unfortunate the sign is in the wrong place but that it can easily be moved onto the Hotel property.

MOVED and seconded to recommend that Council not allow the free standing directional sign for Le Sooke Spa to be located on 6933 West Coast Road, property owned by the District of Sooke.

**To
Council**

CARRIED

**11. Subdivision and Development Bylaw Review:
Service Level for Works and Service – Frontage Improvements**

Gord Howie reported that this staff report is the second in a series of reports that have been requested by the Committee to prepare for Council around amendment to Bylaw 65. Mr. Howie advised that Council has approved some of the suggested changes from the Committee. This report is to take a look at some of the other considerations around amendments to the Bylaw. Mr. Howie further reported that there is still the issue of street trees that will need to come forward to the Committee. Staff will begin working on bylaw amendments to bring forward to the Committee and Council sometime in November.

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

Committee discussion:

- Look into using the Urban/Suburban Collector Roads cross section of 20 meters instead of the Proposed Grant Road Connector cross section of 25 meters
- Urban/Suburban Collector Road cross section will be more affordable
- Concerns as to pedestrian and bicycle safety if reducing the cross section from 25 meters to 20 meters
- Concerns as to the costs associated with building the proposed Grant Road Connector
- A 20 meter cross section is sufficient for the provision of sidewalks and a bike lane
- Ensure discussions with the Ministry of Transportation and Infrastructure(MoTI) regarding reducing the 25 meter cross section to the 20 meter cross section
- Ensure frontage bylaw is flexible for small subdivisions (net gain three lot subdivisions)
- Ensure that consideration is given to the costs associated with rezoning or subdividing property when requesting additional requirements; ensuring consistency with developers
- Ensure more clarity around subdivision/development portions of the bylaw

MOVED and seconded to direct staff to continue on updating the service requirements of Bylaw No. 65 as determined by the Committee, prior to bringing this to Council.

Staff

CARRIED

12. **Correspondence received from the City of Langford: Downloading of Infrastructure Costs from BC Hydro**

Committee discussion:

- Whether there were comments or feedback from BC Hydro at the UBCM Convention on this topic
- Concerns as to the affect that downloading of infrastructure costs will have on development

Adrian Cownden advised that BC Hydro has already downloaded the costs to developers; costs for developers has tripled in the last three years and they are continuing to increase because the section of design and installation from Hydro has been privatized. Costs are increasing everyday and this restricts development.

MOVED and seconded to receive the correspondence from the City of Langford: Downloading of Infrastructure Costs from BC Hydro for information.

CARRIED

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

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

CARRIED

14. **Next Meeting:** October 21, 2013

15. **Adjournment**

The meeting adjourned at 10:28 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

LAND USE AND ENVIRONMENT COMMITTEE

November 18, 2013

7:00 p.m. Council Chambers

2225 Otter Point Road, Sooke, B.C.

Committee Members Present:

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

Staff:

Gord Howie, Chief Administrative Officer
Bonnie Sprinkling, Corporate Officer
Elisabeth Nelson, Municipal Engineer
Gerard LeBlanc, Municipal Planner
Tina Hansen, Corporate Assistant

Absent:

Mayor Wendal Milne, Geoff Steele

ACTION

1. Call to Order

The meeting began at 7:02 p.m.

2. Approval of Agenda

The agenda was approved with the addition of the following items as new business/supplemental information:

- Agenda item 5 – Supplementary Information Delegation 2: Traffic Congestion at 1919 Billings Road
 - Memorandum – Delegation to LUEC regarding parking issues on Billings Road
- NB-1 Delegation: Robert Smith – Unsightly Premises on Kaltasin Road

3. Adoption of Minutes:

MOVED to adopt the minutes of the Land Use and Environment Committee dated October 21, 2013.

CARRIED

4. Delegation 1: Removal of Right of Way on Calvert Road – Randy Michelson and Robert Pope

Randy Michelson, Sooke resident, addressed the Committee as to the closure of the road right of way on Calvert Road that has existed since approximately 1912. Mr. Michelson advised that the area contains three First Nations burial sites and that the ability to build a road in this location would not be possible due to the creek, the steep banks and the burial sites. Ms. Michelson requested that consideration be given to closing the road right of way.

Robert Pope, Sooke resident, addressed the Committee as to the locations of the creek, sloping banks and First Nations burial sites in respect to the right of way on Calvert Road. Mr. Pope expressed concerns of the existing burial site, and concerns that the road right of way runs directly over top of the salmon bearing creek. Mr. Pope stated that an environmental assessment would be required in order to build a road in this location and due to the creek being fish bearing; the Province would most likely not give approval to build a road. Mr. Pope requested that consideration be given to removing the road right of way as he believes that a road is not possible to have in this location due to erosion, the salmon bearing creek and the burial grounds.

A discussion ensued between the Committee, Mr. Michelson and Mr. Pope as to the following:

- Clarification as to the location of the right of way and accuracy of maps
- Zoning of the property
- Access to individual properties; access is from Soule Road
- Confirmation as to whether the Transportation Master Plan shows a road going through that area
- Clarification as to why the road right of way was put there in the first place
- Importance of ensuring the protection of the fish bearing
- Whether the property owners are aware of the process for closing the road right of way and has considered the costs that will be incurred with the transfer of land
- Staff to look into providing historical context including information on the First Nations burial sites in a staff report
- Clarification as to whether the delegation represents all six property owners of Soule Road
- Ensure that property owners are notified of the process for the road closure
- Whether the province is notified or whether there is a referral process for the road closure

MOVED and seconded to recommend that Council direct staff to prepare a report as to the removal of the Calvert Road right of way.

Council

CARRIED UNANIMOUSLY

5. Delegation 2: Peter Unger – Traffic Congestion at 1919 Billings Road

Peter Unger, Sooke resident, addressed the Committee as to his concerns of parking on Billings Road and the issues that residents in the area are experiencing. Mr. Unger advised that due to the narrow road and vehicles parked on the roadside, it would be difficult for emergency vehicles to have access. Mr. Unger advised that this has been an issue for residents of Billings Road for many years and that they have asked for their concerns to be addressed in the past. Mr. Unger asked that the Committee address the issue and advised that they are against having gravel added to the road for parking.

Matt Mortenson, Sooke resident, reported that the residents of Billings Road do many things to their properties and the boulevards to keep the neighbourhood beautiful. Mr. Mortenson further advised that the main issues are that the street is a dead end and is only wide enough for single lane traffic, and roadside parking during the fishing season. The neighbours' have discussed solutions to

the parking issue including “residential only parking” signage or permit parking, or utilizing the park at the end of Kaltasin Road. Mr. Mortenson expressed concerns that if one side of the road is graveled for parking, it will still be too narrow for emergency vehicle access and it would not be esthetically pleasing to look at. The neighbours’ would like to find an alternate solution that will make everyone happy.

Ron Patterson, Sooke resident, addressed the Committee as to concerns that he notices with traffic on Billings Road including a large amount of traffic and vehicles using private driveways to turn around. Mr. Patterson advised that with the parking on the roadside and all of the traffic, there is no room for people to walk. Mr. Patterson stated that it is traffic in general on Billings Road that is an issue and the situation is continuing to get worse.

Gord Howie advised that staff has prepared a short report that shows various options to address parking and that the final solution may be in conjunction with the signage, to develop all or a portion of the park area at the end of Kaltasin Road. Mr. Howie reported that another solution could be to go to a permit system but District would have to look into how to enforce a permit system.

Committee discussion:

- Clarification as to how often the residents have visitors parking on the road and whether “no parking” signage would be suitable
- What the consequences would be to the District with a permit system
- Residents have landscaped boulevards which make the road access more narrow
- Solution may be to utilize the park at the end of the road for parking and revisit in one years’ time

MOVED and seconded to direct staff to work with residents to come up with a solution to alleviate parking issues on Billings Spit Road, including costing for gravelling the park at the end of Kaltasin Road and investigation of encroachment on the road and possible bylaw amendments;
AND FURTHER that staff provide recommendations to Council for consideration as to solutions to the said parking issues.
CARRIED UNANIMOUSLY

Council

6. Subdivision and Development Standards Bylaw Review:

Gord Howie addressed the Committee as to the Subdivision and Development Standards Bylaw reporting that the staff report provides an update as to where staff is at in relation to updates to the bylaw; staff is looking at creating both a frontage bylaw and a new subdivision bylaw. Staff has held meetings to discuss how to make the subdivision bylaw clearer, restructuring the bylaw and to provide detailed sections and schedules to the bylaw. Staff still requires Committee direction as to street trees.

Committee discussion:

- The developer or the builder to be responsible for providing street trees
- Come up with a plan to allow people to have ownership of the trees so they are cared for

- Move away from too much interpretation in the bylaw, people should be given the opportunity to decide what type of tree to install
- Developers are installing trees that are stolen after being planted
- Simplify the process around street trees
- Ensure that the District is able to enact with its own requirements
- Look at street trees being required at the occupancy stage of a building permit
- Concerns that developers complete boulevard improvements and maintain them for a one year period, then the District becomes responsible for maintaining the trees and the boulevard and this is not done
- Eliminating street tree requirements is not a good idea
- Consideration should be given to the time of year that is best for planting trees in order to increase tree health and survival
- Does not make sense to plant a tree until all works are in place
- Concerns as to Appendix 1 in the Subdivision Bylaw "List of Suitable Street Trees" as people should have a choice of what street tree is installed; ensure more flexibility
- Whether it is possible to have the selection of tree as part of the building permit stage
- Clarification as to how the particular species of tree is selected
- Concerns that when limiting to certain tree species in a development a tree may not be suitable on particular lots (i.e. too much sun)
- Inclusion of a variety of trees that provide color throughout the seasons, including evergreen trees
- Concern that street trees planted in the boulevard will become a public works issue for the District with cleaning up of fallen leaves
- Street trees planted on private property are the responsibility of the property owners

Public Input:

There was no input from members of the public.

MOVED and seconded to direct staff to provide a report to the Committee that provides further information on planting trees at the building permit or occupancy stage;

AND TO include information for consideration for allowing for a wider variety of street trees.

CARRIED UNANIMOUSLY

Staff

7. Delegation: Robert Smith - Unsightly Premises on Kaltasin Road

Robert Smith, Sooke resident, addressed the Committee as to concerns of unsightly premises next door to his property on Kaltasin Road. Mr. Smith reported that a neighbour's trailer caught on fire approximately two years ago causing damage to his own property. He had received a quote for \$10,000 to build a fence in order to cover up the neighbour's mess. Mr. Smith inquired as to whether the District of Sooke had a bylaw that requires property owners to clean up unsightly premises.

Chair Pearson advised that the Committee will accept Mr. Smith's delegation as a formal complaint and that staff will look into the issue.

ACTION ITEM: Mr. Smith's complaint to be forwarded to the Bylaw Compliance Department.

Staff

8. **Development Permit Area #2 and Development Permits for Subdivisions**

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

Committee discussion:

- Clarification as to whether the OCP is in conflict with the Regional Context Statement
- Confirmation as to whether there has been a legal opinion to remove Development Permits for subdivisions from the OCP
- Clarification as to interpretation for *intensive residential* development
- Clarification as to the challenges that staff are experiencing related to *intensive residential development*
- Have staff look into the legal opinion that was previously received as to removing development permits for subdivisions from the OCP

Public Input:

There was no input from members of the public.

MOVED and seconded to postpone the report on Development Permit Area #2 and Development Permits for Subdivisions for consideration at an upcoming Land Use and Environment Committee meeting;

AND TO direct staff to include the legal opinion from the municipal lawyer on removing development permits for subdivisions from the Official Community Plan.

CARRIED UNANIMOUSLY

Staff

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

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

CARRIED UNANIMOUSLY

10. **Next Meeting:** January 20, 2014

11. **Adjournment**

The meeting adjourned at 9:35 p.m.

Certified by:

Kevin Pearson
Chair

Bonnie Sprinkling
Corporate Officer