

## DISTRICT OF SOOKE

Minutes of the Special Meeting of Council  
held in the Council Chamber  
at 2225 Otter Point Road, Sooke, BC  
on January 6, 2014 at 6:00 p.m.

### COUNCIL PRESENT

Mayor Wendal Milne  
Councillor Bev Berger  
Councillor Kevin Pearson  
Councillor Rick Kasper (arrived at 6:04 pm)  
Councillor Kerrie Reay

### STAFF PRESENT

Gordon Howie, Chief Administrative Officer  
Michael Dillabaugh, Director of Finance  
Bonnie Sprinkling, Corporate Officer  
Elisabeth Nelson, Municipal Engineer  
Tara Johnson, Planner II  
Tina Hansen, Corporate Assistant

**ABSENT:** Councillor Maja Tait, Councillor Herb Haldane

### CALL TO ORDER

Mayor Milne called the meeting to order at 6:02 p.m.

### APPROVAL OF AGENDA

**MOVED** and seconded to approve the agenda with the addition of the following items as New Business/Supplemental Information:

- Item UB-1 Notice on Title for Bylaw Violations – 6929 West Coast Road
  - Email dated January 3, 2014 from District of Sooke Building Official Re: Prestige Hotel Building Permit
- Item PI-1 Mayor to Require Council reconsideration of a matter under section 131 of the Community Charter: Development Variance Permit for 2680 Otter Point Road
  - Schedule B Section WA – Standards for Water Service and Fire Protection – District of Sooke Bylaw No. 65, *Subdivision and Development Standards Bylaw, 2003*
- Item PI-1 Mayor to Require Council reconsideration of a matter under section 131 of the Community Charter: Development Variance Permit for 2680 Otter Point Road
  - Public Submissions received on or before January 6, 2014:
  - Submission received December 5, 2013 from Ben Brooks
  - Submission received December 9, 2013 from John Svoboda
  - Submission received January 6, 2014 from Justin and Jessy Martin-Wood
  - Submission received January 6, 2014 from R Low

**AND TO** move Agenda Item PI-1 to immediately following Agenda Item B-1.

**CARRIED UNANIMOUSLY**

### UNFINISHED BUSINESS

#### UB-1 Notice on Title for Bylaw Violations – 6929 West Coast Road

Gord Howie provided an update as to the Notice on Title for Bylaw Violations at 6929 West Coast Road reporting that the Building Inspectors have reviewed the building permit and have signed the Occupancy Permit such that they are satisfied that all the schedules provided by the representative of the Prestige Hotel. Mr. Howie confirmed that this issue has now been resolved and that the District has ensured that it can rely on

the schedules provided by the professionals certifying that the construction of their design meets the requirements of the Building Code.

**MOVED** and seconded to accept the Chief Administrative Officer's verbal report on the Notice on Title for Bylaw Violations at 6929 West Coast Road.  
**CARRIED UNANIMOUSLY**

## **BYLAWS**

### **B-1 Mayor to require reconsideration of a matter under section 131 of the *Community Charter*:**

#### **Bylaw No. 583, *Zoning Amendment Bylaw (600-9)* – Text Amendments**

**MOVED** and seconded that Bylaw No. 583, *Zoning Amendment Bylaw (600-9)* be introduced and read a first time.

**CARRIED UNANIMOUSLY**

**MOVED** and seconded that Bylaw No. 583, *Zoning Amendment Bylaw (600-9)* be read a second time.

**CARRIED UNANIMOUSLY**

**MOVED** and seconded to direct staff to schedule a Public Hearing for Bylaw No. 583, *Zoning Amendment Bylaw (600-9)* in accordance with the *Local Government Act* and *Community Charter* notice requirements.

**CARRIED UNANIMOUSLY**

### **PI-1 Mayor to require Council reconsideration of a matter under section 131 of the *Community Charter*:**

#### **Development Variance Permit for 2680 Otter Point Road**

Mayor Milne advised that this matter has been brought back for Council reconsideration as the proponent for the applicant was not previously notified.

Mayor Milne excused himself from the meeting declaring a possible conflict of interest with this agenda item as his brother in-law is involved in potentially installing the septic system on this property and left the meeting at 6:08 pm. Councillor Kasper acted as Chair of the meeting.

Tara Johnson provided a PowerPoint presentation and summary of the staff report on the Development Variance Permit for 2680 Otter Point Road.

#### **Public Input:**

Randy Clarkston, West Coast Design and Development, representing the applicant addressed Council as to the existing house and the two existing wells on the property. Mr. Clarkston advised that the existing house is already using the well in question and that there is a deep well on the other property that will not be any further strain on properties downstream than what is already there today. Mr. Clarkston understands everyone's concerns as to the water issue but feels that CRD water services does not have to be brought in on the back of this development. Mr. Clarkston advised that there are four existing septic fields on the property and that the wells are outside of the required 100 foot radius from these fields.

Mr. Clarkston confirmed that there will be a second dwelling added to the proposed subdivided new lot and that the existing house will remain on the remainder lot. Mr. Clarkston explained that there will be no added usage of water on the water table of surface well. Mr. Clarkston addressed Council as to surface wells and drilled wells.

Council inquired as to whether the applicant would be willing to drill a new well on the property. Mr. Clarkston advised that there is already an existing drilled well on the property.

Ron Low, Sooke resident, expressed his opposition to the Development Variance Application and addressed Council as to concerns of the affect that the use of the deep well will have on the one aquifer in the area and the neighbouring properties as the well has not yet been used. Mr. Low also advised of concerns that the required setbacks from the well to the drain field would not be met and concerns that the drain field would cause contamination to Maple Brook and to the existing wells in the area. Mr. Low indicated that the same concerns from residents remain from the previous Council meeting advising that Otter Point Road residents pay for water on their property taxes but also pay to have water trucked to their properties due to low water supply over the dry season. Mr. Low would like to see the District of Sooke and the CRD provide water to the residences on Otter Point Road when wells go dry or to subsidize them for the water.

Randy Clarkston explained that the septic approval has already been done by Vancouver Island Health Authority (VIHA) and that they are aware of the setback requirements from the well. Mr. Clarkston advised that the issue is not about the well, it is about whether or not the CRD will service this area of Sooke with water. Mr. Clarkston agrees that this area should be serviced with water.

Staff advised that the District's *Official Community Plan* includes various action items such as working with the CRD to provide municipal water throughout the District of Sooke and that this is a long term goal.

Doug French, Sooke resident, expressed his opposition to the Development Variance Application and addressed Council as to concerns of the use of the deep well on the property. Mr. French advised that all the neighbouring properties have deep wells and the concern is having an additional home on the property drawing water from the well. Mr. French advised that there is no water in this aquifer and residents have been trucking water in for years and that when dry summers occur, there is no water in the area. Mr. French further spoke to the issue of increased costs to residents for trucking water to their residences due to the CRD requiring trucking companies to pick water up at a metered filling station in Langford.

**ACTION ITEM:** Council asked that staff look into the concerns raised by Mr. French as to the CRD water filling station issue.

John Svoboda, Sooke resident expressed his opposition to the Development Variance Application. Mr. Svoboda advised that he has been living on his property for 30 years and addressed Council as to the many changes that have been made to the property at 2680 Otter Point Road. Mr. Svoboda advised that his well drops to less than a foot of

water during the summer and that he feels the changes made to the property in question, including the back filling of Maple Brook has caused the water table to drop considerably. Mr. Svoboda also spoke to concerns as to the placement of a new drain field and how it will affect the neighbouring well water and the outflow into Maple Brook.

Randy Clarkston clarified that part of the subdivision application is to have testing done on the well which would happen after the Preliminary Layout Assessment has been received. The next step in the subdivision application would be to prove sufficient water. If there is an issue with the water, there would not be approval of the subdivision.

Chair Kasper explained that this is a unique situation due to the Development Variance Permit application which comes under the purview of Council. Chair Kasper requested that if there are any well logs available on this particular well, that this information be brought forward to Council.

**MOVED** and seconded to postpone a decision on the Development Variance Permit for 2680 Otter Point Road until further information is provided;  
**AND TO** direct staff to enter into discussions with the CRD Water Department staff to ensure that prior to further development occurring, there is no hardship to the neighbouring properties as to water;  
**AND FURTHER TO** direct staff to provide Council with any further information on the existing deep well to confirm the well meets the required standards.  
**CARRIED UNANIMOUSLY**

Mayor Milne returned to the meeting at 6:37 pm

## **ADJOURNMENT**

**MOVED** and seconded to adjourn the meeting at 6:38 p.m.  
**CARRIED**

**Certified Correct:**

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**Wendal Milne**  
Mayor

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**Bonnie Sprinkling**  
Corporate Officer