

DISTRICT OF SOOKE

Minutes of the Regular Meeting of Council
held in the Council Chamber
at 2225 Otter Point Road, Sooke, BC
on March 14, 2011
6:00 p.m., Closed Portion, Meeting Room
7:00 p.m., Open Portion, Council Chamber

COUNCIL PRESENT

Acting Mayor Sheila Beech
Councillor Maja Tait
Councillor Herb Haldane
Councillor Bev Berger
Councillor Ron Dumont

STAFF PRESENT

Evan Parliament, Chief Administrative Officer
Bonnie Sprinkling, Corporate Officer
Sue-Lin Tarnowski, Deputy Director of Finance
Gerard LeBlanc, Planner
Elisabeth Nelson, Municipal Engineer
Steve Sorensen, Fire Chief
Lisa Urlacher, Council Clerk
Staff Sgt. Steve Wright

ABSENT:

Mayor Janet Evans
Councillor David Bennett

CALL TO ORDER

Acting Mayor Beech called the meeting to order at 6:06 p.m. in the Municipal Meeting Room.

MOTION TO CLOSE THE MEETING TO THE PUBLIC

MOVED and seconded to close the meeting to the public under section 90 of the *Community Charter* to discuss:

- a) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- b) litigation or potential litigation affecting the municipality.

CARRIED UNANIMOUSLY

CALL TO ORDER – Open Portion

Acting Mayor Beech acknowledged the devastation in our Sister City Natori, Japan.

Acting Mayor Beech called the open portion of the Regular Council meeting to order at 7:02 p.m. in the Council Chambers.

APPROVAL OF THE AGENDA

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

- Adoption of February 14, 2011 Minutes
- RI-1 - Mayor and Council Reports – Councillor Berger
- Public Hearing No. 2 Package

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

MOVED and seconded that the minutes of the Regular Council meeting held on February 14, 2011 be adopted as amended to delete “to be held concurrently with Bylaw No.442, *Official Community Plan Amendment Bylaw (86-33)* and Bylaw No.443, *Zoning Amendment Bylaw (270-69)*” and add “in accordance with the requirements of the *Community Charter* and the *Local Government Act.*”

CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Special Council meeting held on February 16, 2011 be adopted as circulated.

CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Special Council meeting held on February 17, 2011 be adopted as circulated.

CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Committee of the Whole meeting held on February 21, 2011 be adopted as circulated.

CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Regular Council meeting held on February 28, 2011 be adopted as circulated.

CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Committee of the Whole meeting held on March 7, 2011 be adopted as circulated.

CARRIED UNANIMOUSLY

MINUTES FOR INFORMATION

MOVED and seconded that the following minutes be received for information:

January 4, 2011	Protective Service Committee
February 9, 2011	Sooke Economic Development Commission
February 10, 2011	Sooke Program of the Arts

CARRIED UNANIMOUSLY

DELEGATIONS

D-1 CRD- Transportation Corridor Plan - Malcolm MacPhail

Bob Latham, General Manager, Planning and Protective Services, Juan de Fuca Electoral Area, provided a powerpoint presentation on the Transportation Corridor Plan for the region to set priorities to optimize allocations of available resources from gas tax funds.

The following is an overview of phase one:

- Tracking the modes of transportation - cycling, transit walking and driving
- Creation of models and scenarios
- Volume of traffic on Sooke highway during the day – 31,000

- Demands on infrastructure
- Congestion modeling now and in the future
- Defining regional network corridors
- Integrate with other current regional transportation initiatives
- Rapid Transit Project – Douglas Street corridor
- Many jurisdictions – fragmented decision making
- New management framework needed – regional integration
- Municipal issues – integration of corridors within the region

Mr. Latham explained that a project working group will be established to ensure priorities are discussed for each municipality.

Council discussed:

- Decision makers should ride the bus to better understand the system
- Is there newer data available for compiling the models
- Fast transit rail in which it rides on or off the rail system
- Finding a location for a rapid transit depot
- Developing one intersection i.e. an overpass to solve all congestion
- Creating a positive campaign portraying that prohibited activities while driving are allowable on the bus
- Decentralization of government offices to reduce traffic congestion

Mr. Latham explained there will be three meetings; an orientation, discussion and decision meeting. The first meeting will be held Wednesday, March 17, 2011. Information is available online at crd.bc.ca

D-2 Marc Forget – Class A Fire

Mr. Forget was not in attendance.

PUBLIC QUESTION AND COMMENT PERIOD

There were no questions or comments from the public.

PUBLIC HEARINGS AND RELATED BYLAWS

Acting Mayor Beech advised that any person who believes that their interest in property is affected by the proposed bylaws will be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of these hearings.

PH-1 Bylaw No. 479, Zoning Amendment Bylaw (270-86) - 2455 Phillips Road

Councillor Dumont left the meeting at 7:32 p.m. declaring that he has a working relationship with the applicant.

Acting Mayor Beech called the Public Hearings for Bylaw No. 479, *Zoning Amendment Bylaw (270-86)* to order at 7:32 p.m.

Gerard LeBlanc provided a power point presentation summarizing the purpose of the application for rezoning a portion of land in the development Area C and Area E to create new Area F of the phased development agreement for Bylaw No. 479, *Zoning Amendment Bylaw (270-86)*.

Public Submissions:

Ed Stairs, resident, provided his opinion as to the type of housing and number of allowable homes within the parcel. Mr Stairs expressed concerns as to the type of housing being built next to a premier subdivision. Mr. Stairs commented on the workmanship during the first phase of Sunriver and how it has changed. Mr. Stairs stated that basements in homes are not allowed in all home within the area in which he resides.

Bill Patterson, CITTA Construction provided information and clarity as to the proposed development and stated that homes will be slightly different but will be the same quality as the houses that have been built.

Lisa Petrovic, resident, asked if the one kilometre section of Phillips Road would be completed through the proposed development. Staff explained that as part of the development upgrades to Phillips Road will match the standards.

Acting Mayor Beech called three times for submissions to the Public Hearings for Bylaw No. 479, *Zoning Amendment Bylaw (270-86)*. Hearing none, she closed the public hearing at 7:42 pm.

Council inquired as to receiving a land exchange regarding the CD-2 portion of land. Staff explained the dedication up towards the end of proposed subdivision cul-de-sac as well as to the north of lots.

Council inquired as to the minimum lot size. It was explained that 600m² is the smallest.

MOVED and seconded that Bylaw No. 479, *Zoning Amendment Bylaw (270-86)* be read a third time.

CARRIED UNANIMOUSLY

Councillor Dumont returned to the meeting at 7:45 p.m.

PH-2 Bylaw No. 447, *Phillips Phased Development Agreement Authorization Bylaw, 2010*
2830 Phillips Road

Acting Mayor Beech called the Public Hearings for Bylaw No. 447, *Phillips Phased Development Agreement Authorization Bylaw, 2010* to order at 7:46 p.m.

Gerard LeBlanc provided a powerpoint presentation summarizing the application for a request to amend the phased development agreement as a result of changes to the servicing requirements.

Scott Kendrew, 3031 Phillips Road, explained that cost is the reasoning for the amendment as the previous design would exceed the cost of one of the lots. If this proposed development is not approved his intention will be to build three houses. Mr. Kendrew noted that he will be taking a break from developing and suggested that a discussion take place as to others participating in building the road.

Public Submissions:

Bruce Coleman, read and submitted an executive summary as to his opposition of the proposed amendments relating to the servicing requirements contained in section 10.2 of the right-of-way known as Fernwood Road. Mr. Coleman requested that the public hearing be adjourned to a later date or that Council not approve the proposed amendments and refer back to staff.

Visual explanation was shown on the new concept plan as to the Fernwood subdivision and the road right of way.

Terrance Martin, representative of the South Island Recreation Association stated that the dedicated road right-of-way is shown as a primary arterial route within the Transportation Master Plan. Mr. Martin commented that staff has clarified that the provision of access is secured during the subdivision stage of the development process. Mr. Martin explained that the request from the South Island Recreational Association is of a general nature to secure access to Crown Land and referred to the letter from the Province dated March 10, 2011 (Public Hearing Package # 2). Mr. Martin asked that the District of Sooke support public access to Crown Land. Mr. Martin noted a previous submitted concept plan and stated that the developer had no issue at that time to provide access to the land-locked properties. Mr. Martin expressed concern as to no public south island access to Crown Land within and asked Council to consider securing access through the proposed development.

Doug Christie, adjacent owner, clarified that the Crown Land is further up and that the access to his property is a private easement. Mr. Christie provided historical information in regards to the 10 feet wide access from Phillips Road adjacent to the Fernwood development. Mr. Christie expressed concern as to the land-locked properties which are in need of access.

Peter Brownsmith, adjacent owner expressed concern regarding the amendment and commented on the benefits of the previous concept indicating road right-of-way.

Council inquired as to the public road and staff explained that the public dedication of 10m is not a road; the Fernwood development did not require road dedication. It was explained that Mr. Kendrew dedicated an additional 4m to bring it up to a County Lane standard.

Council expressed concern as to the previous development being responsible for road dedication. Staff explained that there is no requirement for road dedication when developing four houses on 10 acres and explained the strata process.

Council inquired as to the legal obligation of access that is being used over a period of time and whether it becomes an access for everyone. It was explained that the first four lots do not have public access.

A discussion ensued as to the access for beyond Fernwood and the public provided information of the two roads which are side by side.

Bruce Coleman reiterated that these issues need to be referred back to staff and that the adjacent property owners need to be consulted.

Terrance Martin, inquired as to topography documentation which is not included in the public hearing package.

Mr Christie, explained that the first portion of the dedicated right-of-way is only usable on paper and described the topography as impassable. Mr. Christie visually showed the private easement meandering across the land-locked lots.

MOVED and seconded to recess the Public Hearing for Bylaw No. 447, *Phillips Phased Development Agreement Authorization Bylaw, 2010* until March 28, 2011.

CARRIED UNANIMOUSLY

It was noted that the Public Hearing is still open and will continue to receive public submissions.

PH-3 Bylaw No. 456, Zoning Amendment Bylaw (270-74) – 6978 West Coast Road

Bylaw No. 461, 6978 West Coast Road Phased Development Agreement Authorization Bylaw, 2010

Acting Mayor Beech called the Public Hearings for Bylaw No. Bylaw No. 461, *6978 West Coast Road Phased Development Agreement Authorization Bylaw, 2010* to order at 8:32 p.m.

Gerard LeBlanc gave a powerpoint presentation and provided an explanation of the oversight in regard to the legal description for the properties affected by the bylaws.

Public Submissions:

Acting Mayor Beech called three times for submissions to the Public Hearings for Bylaw No. Bylaw No. 461, *6978 West Coast Road Phased Development Agreement Authorization Bylaw, 2010*. Hearing none, she closed the public hearing at 8:36 pm.

MOVED and seconded that Bylaw No. Bylaw No. 456, *Zoning Amendment Bylaw (270-74)* be read a third time.

CARRIED

Councillor Dumont opposed the motion

MOVED and seconded that Bylaw No. 461, *6978 West Coast Road Phased Development Agreement Authorization Bylaw, 2010* be read a third time.
CARRIED **Councillor Dumont opposed the motion**

PUBLIC INPUT MEETINGS AND RELATED REPORTS

PI-1 Development Variance Permit – 2590 Sooke River Road

A discussion ensued involving members of Council, staff and the applicant as to requiring a survey, setback checks and issuance of building permit. It was explained by the applicant that the structure was moved in and a building permit was issued. The variance is a result of the addition of the staircase and deck.

MOVED and seconded that Council authorize the issuance of a Development Variance Permit PLN00865 for 2590 Sooke River Road, legally described as Lot 4, Section 47, Sooke District, Plan 3461 to vary the following required setback distances:

- a) Vary the front lot line setback from 7.5m to 4.0m for the proposed dwelling unit and to accommodate proposed entrance stairs to the proposed dwelling unit;
- b) Vary the rear lot line setback from 4.5m to 3.0m for the proposed dwelling unit;
- c) Vary the rear lot line setback from 4.5m to 0.7m to allow for two proposed decks

CARRIED UNANIMOUSLY

BYLAWS

B-1 Bylaw No. 484, *Sooke Core Sewer Specified Area Cost Recovery Amendment Bylaw (150-4)*

MOVED and seconded that Bylaw No. 484, *Sooke Core Sewer Specified Area Cost Recovery Amendment Bylaw (150-4)* be adopted.

CARRIED UNANIMOUSLY

B-2 Bylaw No. 482, *Zoning Amendment Bylaw (270-88)*

MOVED and seconded that Bylaw No. 482, *Zoning Amendment Bylaw (270-88)* be adopted.

CARRIED UNANIMOUSLY

REPORTS REQUIRING ACTION

RA-1 CRD Bylaw No. 3768, *Capital Regional District Regional Housing Trust Fund Service Establishment Bylaw No. 1, 2005 Amendment Bylaw No. 7, 2011*

MOVED and seconded to give consent to the adoption of CRD Bylaw No. 3768, *Capital Regional District Regional Housing Trust Fund Service Establishment Bylaw No. 1, 2005 Amendment Bylaw No. 7, 2011* in accordance with section 801(4) of the *Local Government Act*.

CARRIED UNANIMOUSLY

REPORTS FOR INFORMATION

RI-1 **Mayor and Council Reports** - Mayor Evans and Councillor Berger

MOVED and seconded to receive Mayor Evans and Councillor Berger reports for information.

CARRIED UNANIMOUSLY

RI-2 **RCMP Monthly Mayor Report** – February 2011

MOVED and seconded to receive the RCMP Monthly Mayor Report for February 2011 for information.

CARRIED UNANIMOUSLY

CORRESPONDENCE AND COUNCIL REPORTS FOR INFORMATION

I-1 **Ministry of Public Safety and Solicitor General** – Bill M 208-2010 *Manufactured Home Park Tenancy Amendment Act, 2010*

MOVED and seconded to receive and file the correspondence.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

NM-1 **Mayor to acknowledge Notice of Motion by Councillor Herb Haldane for consideration by Council at the March 28th, 2011 Regular Council meeting (section 41 of the *Council Procedure Bylaw*).**

THAT COUNCIL direct staff to engage an independent company to evaluate the current condition and future capability of the District of Sooke wastewater collection and treatment system.

ADJOURNMENT

MOVED and seconded to adjourn the meeting at 9:04 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Janet Evans
Mayor

Bonnie Sprinkling
Corporate Officer