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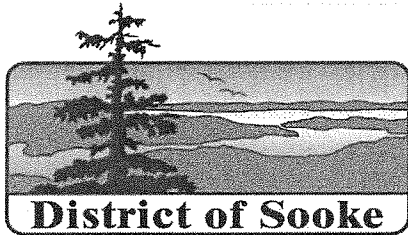
## REGULAR COUNCIL MEETING AGENDA

October 24, 2011 at 7:00 pm

Council Chambers

2225 Otter Point Road, Sooke, B.C.

<b>SUPPLEMENTARY INFORMATION</b>		
<b>B-5</b>	<b>Bylaw No. 510, Sooke Core Sewer Specified Area Amendment Bylaw (174-13) – Grant Road West</b> <ul style="list-style-type: none"><li>• Remove and replace Report (pages 55-60)</li><li>• Remove Petitions (page 61 and 63)</li></ul>	<b>1</b>
<b>RA-4</b>	<b>Amend and Revise Section 219 Covenant; Sun River Estates</b> <ul style="list-style-type: none"><li>• Remove and replace Report (pages 85-86)</li></ul>	<b>7</b>
<b>RI-2</b>	<b>2008-2011 Legal Costs</b> <ul style="list-style-type: none"><li>• Email received October 21, 2011 – Terrance Martin</li></ul>	<b>9</b>



File No. 4220-11

## REPORT AMENDED OCTOBER 24, 2011

**REQUEST FOR DECISION**  
Regular Council  
Meeting Date: October 24, 2011

**To:** Evan Parliament, Chief Administrative Officer  
**From:** Al Fontes, Manager of Operations  
**Re:** **Petition for Sewer Service – Grant Road**

### **SUGGESTED ACTION:**

**THAT COUNCIL** introduce and give first, second and third reading to Bylaw No. 510, *Sooke Core Sewer Specified Area Amendment Bylaw (147-13)*.

### **Background:**

The registered owners of the following properties on Grant Road West have applied for inclusion into the Sooke Core Sewer Specified Area. Due to the development in the area, the parcels are now able to connect to the community sewer.

(PID 002-686-945) Lot 1, Section 1, Sooke District, Plan 25816  
(also known as 7135 Grant Road W)

(PID 004-433-041) Lot 1, Section 1, Sooke District, Plan VIP13885  
(also known as 7173 Grant Road W)

(PID 00-149-209) Lot 6, Section 20, Sooke District, Plan 40339  
(also known as 7180 Grant Road W)

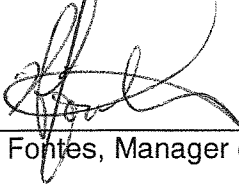
### **Legal Impacts:**

The proposed bylaw amendment complies with Policy 11.5, *Sooke Core Area Local Service Area Boundary Policy* as to sewer connection. Applicants will be required to meet all district policy and bylaw requirements including obtaining the necessary permits to construct the servicing.

**Attached Documents:**

1. Property Map
2. Proposed Bylaw No. 510
3. Petitions duly certified by the Corporate Officer

Respectfully,




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Al Fontes, Manager of Operations

Approved for Council Agenda

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Engineering

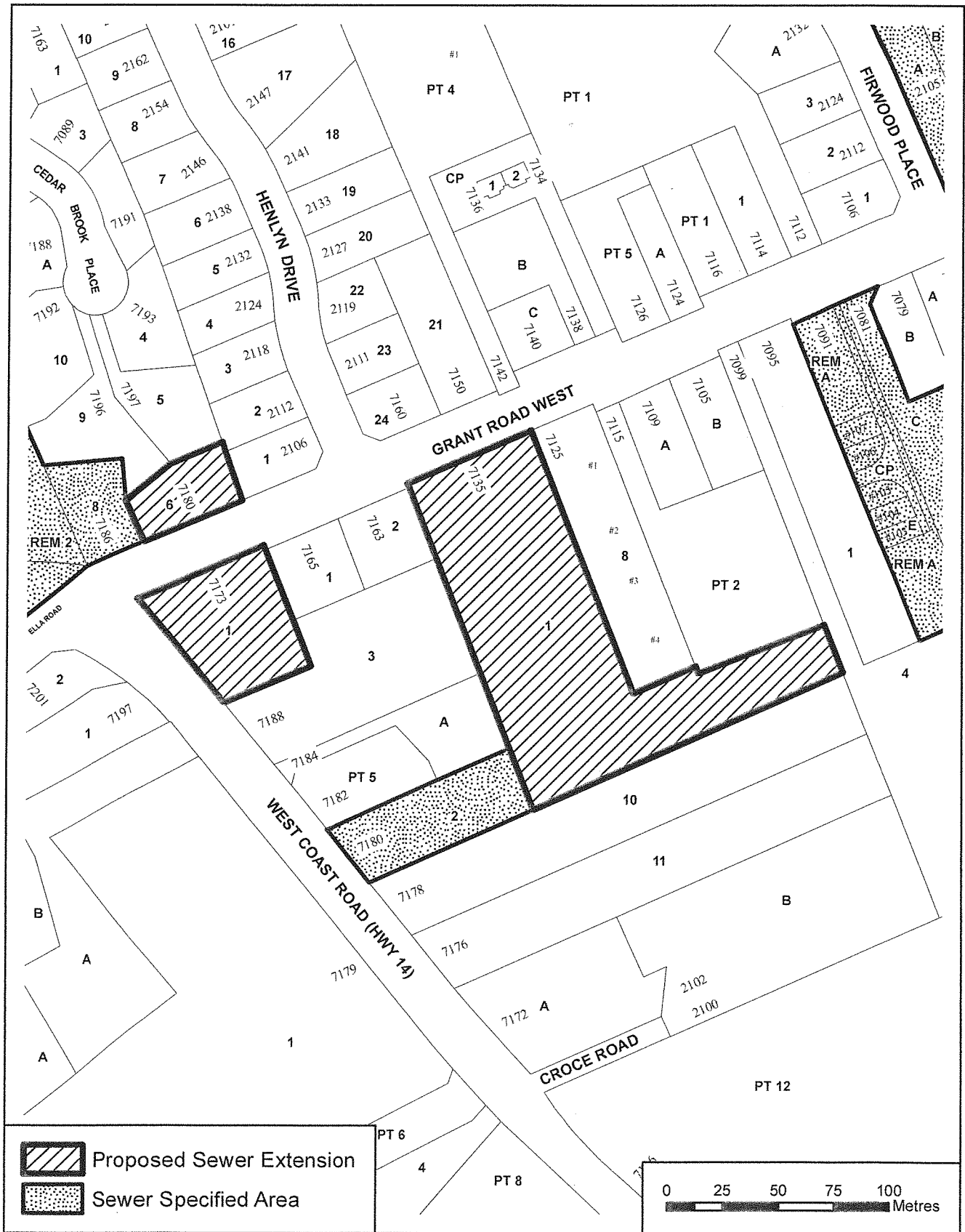


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Corp. Services

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CAO





## DISTRICT OF SOOKE

### BYLAW No. 510

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A bylaw to amend *Sooke Core Sewer Specified Area Bylaw, 2003* to enlarge the community sewer system service area to include three parcels located on Grant Road West known as 7135, 7173 and 7180 Grant Road West.

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

1. This Bylaw is cited as *Sooke Core Sewer Specified Area Amendment Bylaw (147-13)*.
2. Bylaw No. 147, *Sooke Core Sewer Specified Area Bylaw, 2003* is amended in Schedule A by adding to the Sooke Core Sewer Specified Area the parcels shown hatched on Schedule A to this bylaw and legally described as:

(PID 002-686-945) Lot 1, Section 1, Sooke District, Plan 25816  
(also known as 7135 Grant Road W)

(PID 004-433-041) Lot 1, Section 1, Sooke District, Plan VIP13885  
(also known as 7173 Grant Road W)

(PID 00-149-209) Lot 6, Section 20, Sooke District, Plan 40339  
(also known as 7180 Grant Road W)

Petitions certified sufficient and valid the 18<sup>th</sup> day of October, 2011

Introduced and read a first time the        day of        , 2011

Read a second time the    day of        , 2011

Read a third time the    day of        , 2011

Adopted on the            day of        , 2011.

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Janet Evans  
Mayor

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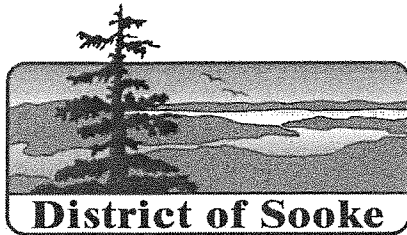
Bonnie Sprinkling  
Corporate Officer

### SCHEDULE A

7135 Grant Road W, 7173 Grant Road W and 7180 Grant Road W







File No. PLN00826

**REPORT FOR DECISION**  
Regular Council Meeting  
Meeting Date: October 24, 2011

To: Evan Parliament, Chief Administrative Officer  
From: Gerard V. LeBlanc, Municipal Planner  
Re: **Amend and Revise *Section 219* Covenant; Sun River Estates Ltd.**

**SUGGESTED ACTION:**

**THAT COUNCIL** release Shambrook Hills Dev. Corp. from portions 3.5 (i) and (ii) of *Section 219* covenant ET136519 as it relates to development of the former school site for the development in Sun River Estates and that Council direct staff to prepare a revised *Section 219* covenant with Shambrook Hills Dev. Corp.

**1. Executive Summary:**

In order for the school site to be relocated, the District of Sooke requires the removal of those portions of the existing *Section 219* covenant (attached) applicable to the former school site. Further, new conditions apply that are part of an ALC Inclusion/Exclusion approval. The conditions of portion 3.5 of covenant ET136519 imposed specific requirements regarding the development of the former school site. These specific conditions no longer apply. The request for the release of these conditions and the approval of a revised covenant must be approved by Council as the original covenant was approved when Council adopted the amending zoning bylaw for Shambrook Hills Dev. Corp. (Shambrook).

**2. Background:**

A restrictive, *Section 219* covenant applicable to the entire Sun River Estates project lands, was approved when the zoning bylaw amendment permitting the development was adopted. Sections 3.5 (i) and (ii) of the covenant imposed conditions related to the dedication and development of a required school site as part of the development proposal. A new school, playing field and fire hall site has been identified through an approved application to the ALC. The former school site can be developed for residential purposes if the noted conditions are released. Staff recommend that the covenant conditions be released to permit the subdivision and development of the former school site to proceed.

Staff also recommend that revised conditions applicable to the new school, playing fields and fire hall site also be included in the proposed revised covenant. The ALC approval provided for the exclusion of a 6.16 ha site for school, playing field and fire hall use. The subject lands are part of Shambrook's holdings within Sun River Estates. Ownership needs to be transferred to the District in order for their development, as well as that of the former school site, to occur. Part of the newly executed *Section 219* covenant will require that transfer in conjunction with the revisions to the existing covenant.

Further the developer, in this case Sun River Estates Ltd., has agreed to provide the District with a \$300,000 contribution to "... cover Sun River Estates share of any and all costs of any ball fields." (attached) The development of the school site would be the responsibility of School District # 62 and that of the playing fields and fire hall site would fall to the District. The District wishes to complete a draft plan of subdivision of the site and is discussing development plans for the school portion of the site with School District # 62. The District of Sooke will be initiating a detailed design study of the entire 6.16 ha site with the school district and the community.

Staff are of the position that the revised covenant must require the transfer of the 6.16 ha site to the District and the provision of the \$300,000 contribution for the Sun River Estates' share of costs of the playing fields as revised covenant conditions. These specific revised conditions are to be satisfied by December 31, 2011. In the interim, the District is to be provided with unfettered access to the lands for survey, planning and development evaluation purposes. The site transfer and financial contribution are to occur concurrently with registration of the revised covenant being proposed.

The proposed new conditions can be added as a new section 3.5.

**3. Legal Impacts**

Conditions 3.5 (i) and (ii) of *Section 219* covenant ET136519 can only be removed by Council as it was originally approved as part of the rezoning of the site. The amended covenant will be subject to similar requirements.

**4. Strategic Relevance**

The proposed revised covenant provides the developer with the ability to proceed with the subdivision and development of the former school site and enables the District to proceed with the planning and development of the new site. This approach benefits both the community and the developer.

**5. Financial Impacts**

The \$300,000 contribution agreed upon by Sun River Estates Ltd., will enable the District and School District # 62 to initiate and complete the planning and development of the noted playing fields, fire hall and school site in a coordinated manner.

**Attachments:**

1. Existing Covenant ET136519.
2. District of Sooke/Sun River Estates Ltd., meeting notes, Tuesday, March 15, 11:00 AM.

Respectfully Submitted,



Gerard V. LeBlanc, MCIP  
Municipal Planner

Approved for Council Agenda	
_____	_____
Engineering	Planning
_____	_____
Corp. Services	Finance
_____	
CAO	

**Lisa Urlacher**

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**Subject:** FW: Financial statement

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**From:** Terrance Martin [mailto: [REDACTED]]  
**Sent:** October-21-11 11:12 AM  
**To:** Sue Lin Tarnowski; Bonnie Sprinkling  
**Subject:** RE: Financial statement

Thank you for your prompt reply. Please add my email to the agenda package, and be advised that an answer that there is no requirement to reconcile to the financial statements will be wholly unacceptable.

Regards,  
Terrance Martin

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**From:** Sue Lin Tarnowski [mailto:starnowski@sooke.ca]  
**Sent:** Friday, October 21, 2011 10:20 AM  
**To:** 'Terrance Martin'; Bonnie Sprinkling  
**Subject:** RE: Financial statement

Mr. Martin,  
Your questions will be answered at Monday's meeting.

*Sue-Lin Tarnowski*  
Director of Finance

Phone: (250)642-1635  
cell: (250)507-0039

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**From:** Terrance Martin [mailto: [REDACTED]]  
**Sent:** October-21-11 8:38 AM  
**To:** Bonnie Sprinkling  
**Cc:** Sue Lin Tarnowski  
**Subject:** Financial statement

To the District of Sooke:

The documents released in the agenda package for Monday contain a breakout for legal fees that is not reconciled to the operational statement.

1. To which financial statement line items by allocation account number do the reported amounts OHV/Roadway (\$8,129) 2011, and Harbourview/OHV (\$9,449) 2010 tabulate?
2. According to the unreconciled report, the 2010 legal fees total \$271,720 and 2011 YTD total \$249,786. The financial statements contain two line items titled "legal." By-law enforcement 10-22210-810-2 and Special Services 10-21271-810-2. Bylaw enforcement shows \$0 in 2010 and 2011. Special Services reports \$149,082 against a budget of \$60,000 in 2010, and \$114,496 against a budget of \$130,000 for 2011.

To which allocation account numbers do the above listed amounts \$271,720 and \$249,786 reconcile to?

3. Ms. Tarnoski states legal fees are a factor in expense overruns. Are the line items that exceed 100% of the annual budget also a factor, or is it just legal expenses?

Regards,

Terrance Martin

[REDACTED], Sooke, BC [REDACTED]  
[REDACTED]