

DISTRICT OF SOOKE
Committee of the Whole Minutes
Meeting held July 4, 2011 at 7:00 p.m.
Council Chamber, 2225 Otter Point Road

COUNCIL PRESENT

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

STAFF PRESENT

Sue-Lin Tarnowski, Director of Finance
Bonnie Sprinkling, Corporate Officer
Gerard LeBlanc, Planner
Steve Sorensen, Fire Chief
Lisa Urlacher, Corporate Assistant

ABSENT:

Mayor Janet Evans

1. **Call to Order**

The meeting was called to order at 7:00 p.m.

2. **Approval of Agenda**

MOVED to approve the agenda with the addition of:

- E-mail received July 4, 2011 – Brian H. Butler
- Addition Section 36: Setbacks, Side Yard (Town Centre)
- Amendments to High Density Multi Family 3
- Remove and replace page 7 (Page 9 of agenda package)
- Remove and replace page 10 (Page 12 of agenda package)

CARRIED

3. **District of Sooke Zoning Bylaw**

Bev Suderman provided an overview of the consultant report highlighting the follow up items that Council requested:

- What are other jurisdictions doing about living fences; and recommended that the District of Sooke not try to regulate living fences through the zoning bylaw other than in the context of maintaining sightlines, until there is an opportunity for a further investigation within the context of a vegetation strategy or urban forest management study.
- How to manage side yard setbacks between new development and existing single family residential developments; and recommended that the District of Sooke direct the consultants to modify the side yard setbacks, specific to Town Centre zones, to permit flexibility adjacent to residential zones.

A discussion ensued with members of the Committee, staff and the consultants; the following is a summary of discussions:

- How to interpret odd shaped lots and provide references for staff – it was explained that the minimum frontages will provide standardization and that the language must have surety for interpretation. Another option for property owners is to request a variance for undue hardship.
- Use of acronym for Streamside Protection and Enhancement Area
- Correction of East of Sooke Road not East Sooke Road on page 127 and 128

Bev Suderman reviewed the recommended changes to the draft zoning bylaw in response to the Public Open House held on June 20, 2011.

The Committee discussed:

- Sunriver Park P1 to RU3
- Sunriver original ALR dedication and ALC application
- Sunriver Park intended use– correspondence regarding the covenant which references that it be used for agriculture and the provision of horticulture which permits a country market

Action Items:

- Sunriver 5% park dedication assurance – Gerard LeBlanc will report back as to the 5% park dedication
- ALR inclusion and exclusion confirmation for the development
- Consultants to investigate the negotiated CD Zone and bring it forward to Council
- Bring forward a copy of the covenant at that time

Bev Suderman reviewed the changes in the supplemental information packages.

The Committee discussed:

- Clarification as to 85% lot coverage in Town Centre Commercial
- Definition of development
- Definition of loading zone and screening
- Definition of Gas Bar
- Town Centre parking

Gerard LeBlanc provided an overview of the Butler Brother property proposed split zoning to accommodate an asphalt plant. Visual images were presented with three options for Council consideration.

The Committee discussed:

- Referral to First Nations
- Illegal use – Asphalt Plant
- Other businesses are legal non-conforming
- Heavy Industrial zoning for portion of Asphalt Plant
- Clarification of M2 and M3 zoning

- Small businesses within light industrial
- Referral process for M3 zoning – concerns of Environmental and noise impacts on neighbouring properties (Agricultural lands, First Nations and School Site)
- Ministry of Environment permitting process for asphalt plant
- Carbon credits for the reduction of trucking from Bear Mountain asphalt plant
- Requirement to submit valid permit from Ministry of Environment
- Zoning bylaw public process and servicing agreement
- Requirement for environmental study and impact with agricultural land and water courses

Gerard LeBlanc updated the Committee as to the next steps; the completion of a legal review prior to the draft zoning bylaw coming forward to begin the prescribed process.

Public Input:

Gail Hall, resident, provided information as to the riverside park dedication located on Sooke River Road pertaining to the Sunriver Development and stated that the dedication was not done, therefore the area is not a park. The only dedicated park is on DeMamiel Drive, which is Painter Pond Park.

Terrance Martin, resident expressed concern as to road access beyond Harbour View and stated that there is a pilot project within the Official Community Plan to investigate access. Mr. Martin informed the Committee that a *Freedom of Information and Protection of Privacy Act* request has been submitted to the Ministry to access records pertaining to Harbour View Road.

David Mallett, resident, expressed support for the recommended change to RU3 zoning for the Sooke River Park. Mr. Mallett asked that staff provide assurance that 5% land dedication was provided and stated that other parks as well as trails exist within the Sunriver Development.

Terry Currie, resident, expressed opposition to the change of zoning for his private dock and explained that he currently has an application submitted to the Ministry to obtain a group moorage lease. Mr Currie expressed concerns as to the impact on the value of his property.

Moonfist, resident, commented on the moving of dirt for agriculture purposes within 60m and the disturbance of earth near roads, ditches and creeks.

Gail Hall, resident, commented on the difference between 5% dedicated parkland and little community parks. Ms. Hall noted that to be a park it must be registered at the Land Titles Office.

The consultants explained the process related to the zoning review for the Sunriver 5% land dedication. The consultants explained that the road for Harbourview does not fall under the zoning bylaw process and that, as directed by Council, the zoning of the water leases complies with the type of lease issued by the Province. It was noted that staff will investigate the details for group moorage with the Integrated Land Management Branch.

MOVED to direct the consultants and staff to make amendments to Bylaw No. 500, *Sooke Zoning Bylaw, 2011* as recommended in the Consultants report dated June 27, 2011 subject to clarification of the zoning for the Butler property, Sunriver Park and Dufour Road water lease.

CARRIED

4. **Bylaw No. 494, *Wastewater Franchise Agreement Approval Bylaw, 2011***

The Committee discussed the one month contract for waste water services with EPCOR Water Services.

MOVED and seconded to receive the report.

CARRIED

Public Input:

Wendall Milne, resident, stated that the Alternative Approval Process for the Waste Water Franchise Agreement was democratic and provides the public the opinion to choose a referendum.

David Mallett, resident, stated that Council should go directly to referendum for the long term contract.

Terrance Martin, resident, inquired as to the 21 year agreement amount of \$924,000 and that \$69,000 is less than the 21 year amount divided by twelve.

Ms. Tarnowski clarified that the one month contract is for operation and maintenance only and that the 21 year agreement is enhanced with many services such as source control.

Moonfist, resident, questioned the math of the term.

5. **Adjournment**

The meeting was adjourned at 9:34 p.m.

Certified Correct:

Bev Berger
Acting Mayor

Bonnie Sprinkling
Corporate Officer