

REPORT OF PUBLIC HEARING

held in the Otter Point Firehall, 3727 Otter Point Road, Sooke, BC
June 9, 2010 at 7:00 p.m.

SUBJECT: BYLAW NO. 3583, cited as "Sooke Land Use Bylaw, 1992, Amendment No. 95, 2010".

PRESENT: Director M Hicks, Chair by Resolution of the Capital Regional District Board on Wednesday, May 12, 2010
CRD Staff: June Klassen, Bronwyn Sawyer, CRD Staff; Trish Stadnyk, CRD Recording Secretary

PURPOSE OF THE HEARING:

The purpose of the Public Hearing is to rezone the property to permit an eight-lot subdivision.

NOTICE: Property owners and occupiers were given notice as set out under Section 892 of the *Local Government Act*. Notices were inserted in two (2) consecutive issues of the Sooke Mirror appearing on May 26 and June 2, 2010.

ATTENDANCE: There were approximately 13 people in attendance.

The Chair declared the Public Hearing open at 7:00 p.m. The guidelines and procedures of the Public Hearing and Notice of Public Hearing were read to those present and the Chair called for comments from those in attendance.

June Klassen, CRD staff, read the purpose of Bylaw No. 3583 as outlined in the Public Hearing notice.

- Bud Gibbons, 2440 Blackfish Road – in favour of application
- Rosemary Jorna, 2452 Kemp Lake Road – has concerns re: tightness between the ocean and covenant land; built up banks not suitable for new housing
- Mark Grant, 8760 West Coast Road – not against application but asked what protection there is for the wetlands and fish. June Klassen responded that landowners have been asked to covenant the entire streamside protection and enhancement area and have conducted a riparian area assessment to preserve this area.

Letters were received from Colin Corby, 2255 Corby Ridge Road, and Bob and Heather Phillips, 2459 Kemp Lake Road. (Attachments No. 1 and 2 respectively to the Public Hearing Minutes)

The Chair called three times for further discussion on the bylaw and hearing none, closed the Public Hearing on Bylaw No. 3683 at 7:08 p.m.



CHAIR, Director M. Hicks



RECORDING SECRETARY, Trish Stadnyk

Attachment No. 1

June 6-2010

CRD, Capital Regional District
Juan de Fuca Planning office
P.O. Box 283, Sooke B.C. V9Z 0S9
FAX # 250-642-5274
by fax and email to
June Klassen, jklassen@crd.bc.ca

Regarding: Bylaw 3583 cited as "Sooke Land Use Bylaw, 1992, Amendment Bylaw No. 95, 2010"

Subject: Rezoning Amendment Application for Lot A, Sections 7 and 8, Otter District, Plan 49471 (Z-05-08-ORVEAS BAY PROPERTIES LTD)

I fully support the rezoning of this property.

Note to staff: that the page 9 of the report on the CRD website is not there and is attached to the report on the rezoning of the Port Renfrew Property of the same date.

Sincerely,



Colin Corby - Res. 250-642-6711
2255 Corby Ridge Rd.
Mail - P.O. Box 231
Sooke B.C. V9Z-0S9

RECEIVED
JUN 06 2010
E.A. LAND USE PLANNING

Attachment No. 2

Capital Regional District,
Juan de Fuca Planning Office,
2 - 6868 West Coast Road
Sooke, BC.

RECEIVED
JUN 09 2010
E.A. LAND USE PLANNING

June 9 2010

Re: Bylaw No. 3583 Spot-zoning for an eight- lot bare land strata

We feel that this application has gone forward without sufficient consideration of the history of the area. It is our understanding that a representative of the corporation owning the property at 8815 West Coast Road went to the planning office in 2008 with a proposal that would allow a change from ownership by a corporation under the Society Act to ownership by a bare-land strata corporation under the Strata Property Act so that members of this strata corporation would have more freedom in managing their individual assets in land and buildings. A member of the planning department suggested that the parcel could be reconfigured to accommodate four new strata lots in addition to the four proposed by the owners.

A lot of time, money and effort has been expended to bring this re-zoning application to the Public Hearing. Many of the properties and residences along Gordon's Beach pre-existed current zoning. The density created by an eight lot subdivision is clearly against the planning for the area and we feel not appropriate for the waterfront. The waterfront between Otter Point Road and Tugwell Creek was included in a settlement containment area because in 2005 there was an existing density of houses. A subdivision along Otter Point Place with lot averaging to manage density is what created the larger lot at 8815 West Coast Road. It is already the product of lot averaging that took place before the current zoning bylaw was in place. The current zoning bylaw clearly states, 4A.0 "Except as otherwise permitted in this bylaw, lot averaging is prohibited in all zones." The lot averaging proposed is "imported" to the zone through the Strata Property Act and not through the bylaws that represent the judgment and wishes of the community. The original objective of the property owners would be fulfilled if the application was for zoning that will allow a four lot bare-land strata subdivision.

Spot-zoning was used to make housing at 8681 West Coast Road legal instead of legal non-conforming. It was not used to increase density. Spot-zoning may provide a solution to ease the burden of legal non-conforming ownership for the property at 8895 West Coast Road. It is faulty logic to use either of these two properties as a model for appropriate density along the beach front or for the property at 8815 West Coast Road. Adjustments to zoning for these properties should be to relieve difficulties, not to increase density.

Along Gordon's Beach, there are at least two covenants in place to preserve some of the natural appearance of the beach. Waterfront properties in this area are subject to erosion from the Straits of Juan de Fuca and may be at risk during severe winter storms. Although there have been expert opinions provided, it is possible that the severity of winter floods may not have been properly evaluated when the opinion was expressed that all of the proposed new lots would be safe from the flooding that occurs in the area.

We believe that to zone for an eight-lot subdivision based on paperwork alone with the ability to use lot averaging "imported" to the site against the intention of the zoning bylaw is against community interest. This is not based on sound judgments and could be used to argue precedents for other properties in the area. We think the history and geography of the area suggests a four-lot strata subdivision would be a more correct undertaking. It would allow the owners of the property to achieve their original desire to have the freedom to manage some of their assets as private property.

Sincerely,

Bob Phillips
Hm Phillips

Bob & Heather Phillips,
2459 Kemp Lake Road
Sooke BC V9Z 0R3