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DP-31-11 – Waller/Letain

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 17, 2012**

SUBJECT **DEVELOPMENT PERMIT WITH VARIANCE FOR LOT A, SECTION 98, SOOKE DISTRICT, PLAN 23047 EXCEPT PART IN PLAN 23938**

ISSUE

The purpose of this report is to request a steep slope and foreshore development permit with variance to relax the requirement that 10% of a lot fronts onto a road for the purpose of permitting a three-lot subdivision.

BACKGROUND

The 3.8ha property is located at 6084 Timberdoodle Road in East Sooke and is zoned Rural Residential 5 (RR-5). The property is adjacent to RR-5 zoned properties to the east and west, Sooke Basin to the north and East Sooke Road to the south (Appendix 1). There is an existing house on the property built in 1980 and additions were constructed in 2002 and 2003. There is a greenhouse and a two-story accessory building on the property that received Board of Variance approval in 2005 to increase the height of the accessory building from 4m to 7.7m and to increase the total floor area of accessory buildings from 250m² to 316.7m² (BVJ-10-05). The actual total floor area of accessory buildings is approximately 400m² as determined by staff; however, should the subdivision proceed, each lot will meet the total floor area for accessory building requirement as established by the Sooke Land Use Bylaw No. 2040.

The owners have applied to create a three-lot subdivision under the provisions of the RR-5 zone which permits a minimum parcel size of 0.4ha (Appendix 2). Proposed lot 1 does not meet the requirement that 10% of the lot fronts onto a road as established in Part 1, Section 3.10(4)(a) of the Sooke Land Use Bylaw No. 2040. The property is also within the Steep Slope and Foreshore Development Permit Areas of the East Sooke Official Community Plan Bylaw No. 3353. Therefore, the owners are requesting a development permit with variance for the proposed subdivision.

ALTERNATIVES

- 1) Approve the steep slopes and foreshore development permit with variance to relax the road frontage for proposed lot 1 from 32m to 25.8m for the purpose of permitting the three-lot subdivision.
- 2) Deny the steep slopes and foreshore development permit with variance and do not permit the subdivision as proposed.

LAND USE IMPLICATIONS

Steep Slope and Foreshore Development Permit Area:

As a requirement of the steep slopes and foreshore development permit, the applicant has submitted a geotechnical engineer's report that identifies a safe building site on proposed lot 1 within an area identified as having less than a 20% slope (Appendix 3). The report confirms that the proposed building site is safe for construction of a residence as no evidence of rockfall, slope instability or flooding was noted. The proposed building site meets the 15m setback and 1.5m elevation above the natural boundary of the sea as required by Part 5 of the Sooke Land Use Bylaw No. 2040. The report recommends that footings of a new residence be securely founded on competent bearing soil or bedrock.

The existing woodshed on proposed lot 1 is being relocated to proposed lot 2 as an accessory building is not permitted on a lot without a principle use as outlined in Part 1, Section 4.01(a) of the Sooke Land Use Bylaw No. 2040. There is already an existing dwelling on proposed lot 2 and the two-story accessory building on proposed lot 3 will be converted to a single-family dwelling as part of the subdivision process. Should any additional construction occur on proposed lots 2 and 3, further geotechnical review will be required. Therefore, staff recommend that the geotechnical report be secured as a restrictive covenant on the three proposed lots as part of the subdivision process.

Road Frontage:

The applicant is requesting that the building site on proposed lot 1 be accessed via easement over the existing driveway on proposed lot 2 from Timberdoodle Road due to the steep terrain on site. The lot layout as proposed would not permit the construction of a new driveway from Timberdoodle Road to the building site on proposed lot 1 without significant blasting and site alterations. The Ministry of Transportation & Infrastructure is requiring that Timberdoodle Road be dedicated to the eastern property boundary and that road improvements be constructed, including significant re-grading of the road and construction of a 'hammer-head' turn-around (Appendix 4). Therefore, the applicant is intending that proposed lot 1 use the existing driveway over proposed lot 2. CRD Building Inspection has reviewed the proposal and has suggested that if sufficient access cannot be obtained to the building site on proposed lot 1, any future construction would require sprinklers to meet BC Building Code regulations. A request was made to have the East Sooke Fire Department assess the driveway and provide comment on the proposal; however, no response has been received to date. Therefore, staff recommend the variance to relax Part 1, Section 3.10(4)(a) of the Sooke Land Use Bylaw No. 2040 from 32m to 25.8m as shown in Appendix 2 be considered subject to public notification.

LEGISLATIVE IMPLICATIONS

The Sooke Land Use Bylaw No. 2040 specifies road frontage requirements for the RR-5 zone. To vary these requirements, a development variance permit is required.

The East Sooke Official Community Plan (Bylaw No. 3353) outlines development permit guidelines. The property is within the Steep Slopes and Foreshore Development Permit Areas; therefore, a development permit is required.

PUBLIC CONSULTATION IMPLICATIONS

Pursuant to the *Local Government Act*, Section 922(4), if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Capital Regional District Bylaw No. 3110, Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 metres. Any responses received from the public will be presented at the January 17, 2012 Land Use Committee meeting.

CONCLUSION

The owners of 6084 Timberdoodle Road in East Sooke have made application for a steep slope and foreshore development permit with variance to relax the road frontage requirement for a proposed three-lot subdivision. A geotechnical engineer's report has been submitted identifying safe building areas and staff recommend the report be secured as a restrictive covenant as part of the subdivision process.

Proposed lot 1 will not meet the requirement that 10% of the perimeter of a lot fronts onto a road. Access to proposed lot 1 will be via easement over proposed lot 2 due to the steep terrain. CRD Building Inspection has assessed the driveway access to proposed lots 1 and 2 and stated that sprinklers may be required to be installed in any future construction as a safety measure. Therefore, staff recommend the development permit with variance be considered subject to public notification.

RECOMMENDATION

That the Land Use Committee recommends to the Capital Regional District Board:

1. That the steep slopes and foreshore development permit (DP-31-11) for Lot A, Section 98, Sooke District, Plan 23047 except part in Plan 23938 for the proposed three-lot subdivision and the request for relaxation of the road frontage for proposed lot 1 from 32m to 25.8m, as shown in Appendix 2, be approved subject to the following conditions:
 - i. that the proposed development comply with the recommendations outlined in the geotechnical engineer's report prepared by Brimmell Engineering dated November 3, 2011, as shown in Appendix 3 to be secured as a restrictive covenant as part of the subdivision process.



Emma Taylor, MA
Planner



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Manager, Local Area Planning



Robert Lapham, MCIP
General Manager, Planning & Protective Services



Kelly Daniels
Chief Administrative Officer
Concurrence

Appendix 1: Location Map
Appendix 2: Survey
Appendix 3: Geotechnical Report



Important

This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

6084 Timberdoodle

DP-31-11 with variance

Intramap 2.0

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Sooke, BC
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Oct 20/11 (revised Nov 3)
File 11-92

Re: Proposed Subdivision of Property at 6084 Timberdoodle Rd., E. Sooke
Report of Geotechnical Assessment

This is further to our site meeting of August 11 at which time steep slope areas were identified, along with potential building sites on Proposed Lots 1 & 3. The most recent Island Land Surveying Ltd. site plan is appended along with photos of the buildable areas on Proposed Lots 1 & 3.

The property is at the northeast end of Timberdoodle Rd. in E. Sooke and tends to slope down to the east or northeast. The hatched areas on the accompanying plan indicate those portions of the site that slope at less than 20%. The crosshatched areas are buildable sites on Proposed Lots 1 and 3 including dimensions, based on site conditions and your intentions. The portions of the accompanying plan not hatched are generally steeper than 20% and consist of shallow and outcropping bedrock. No evidence of rockfall or slope instability was noted, and the property is not prone to landslide. It is confirmed that the requirements for legislated Landslide Assessments (seismic design event of 2% probability in 50 years of exceedance) has been considered when assessing the site.

A single family home is planned for Proposed Lot 1 within the area indicated by crosshatching on the attached plan. This site is relatively level and is safe for the intended usage of single family residential development with respect to potential geotechnical hazards including rockfall, slope instability, avalanche and flooding. Footings are to be securely founded on competent bearing soil or bedrock. This building site will be accessed by a new driveway off the existing driveway serving the existing house. It is noted that the new section of driveway will be within the hatched (sloping at less than 20%) area to the southeast of the potential building site on Proposed Lot 1.

Proposed Lot 2 is already developed with a single family home. There are no plans for further building development on this part of the property.

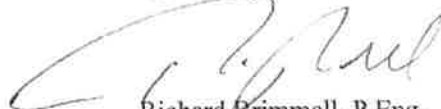
Brimmell Engineering Ltd.-Geotech Assessment of 6084 Timberdoodle Rd., E. Sooke

Proposed Lot 3 features a two-storey studio building and a greenhouse. The geotechnically buildable area on this lot was staked during our site meeting and is shown by the surveyor by crosshatching. This area is relatively level and is safe for the intended usage of single family residential development with respect to potential geotechnical hazards including rockfall, slope instability, avalanche and flooding.

Footings for any new construction on Proposed Lot 3 are to be securely founded on competent bearing soil or bedrock. As discussed on site, residential development of Proposed Lot 3 will likely entail renovations to the existing studio building, as opposed to new construction. Whatever form residential construction takes on Proposed Lot 3 it will utilize the existing driveway which is within the hatched area denoting grades less than 20%.

I trust that this information meets your present requirements. Please do not hesitate to contact the undersigned if there are any questions.

Yours truly,



Richard Brimmell, P.Eng.
For Brimmell Engineering Ltd.





Potential house site on
Lot 1



Potential building site on Proposed Lot 3, showing studio and greenhouse

