



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, SEPTEMBER 16, 2014**

SUBJECT **DEVELOPMENT PERMIT WITH VARIANCE FOR LOT 1, SECTION 31, OTTER DISTRICT, PLAN 7179 – 7951 WEST COAST ROAD**

ISSUE

A request has been made for a Development Permit with Variance in order to address the Steep Slopes and the Foreshore and Marine Shoreline Development Permit guidelines; and to reduce the minimum required front yard setback for an existing house and attached garage from 7.5 m to 0.9 m, to reduce the minimum required rear yard setback for the existing house from 10 m to 6.4 m, and to reduce the minimum required front yard setback for an existing storage shed from 7.5 m to 2.2 m, for the purpose of allowing the 2-lot subdivision of a parcel split by a highway (CRD File: S-07-13).

BACKGROUND

The 1.24 ha property that is the subject of this report is located at 7951 West Coast Road in Otter Point and is zoned Rural Residential 3 (RR-3) in Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property is bounded by RR-3 zoned properties to the north, east and west, and the Strait of Juan de Fuca to the south (Appendix 1).

The property is the subject of an application with the Ministry of Transportation and Infrastructure (MoTI) and the CRD to subdivide the parcel into two lots: one on either side of West Coast Road (Appendix 2). Neither of proposed Lots 1 and 2 meet the minimum lot size of 2 ha required by the RR-3 zone; however, Section 3(6)(b) of Bylaw No. 2040 allows that notwithstanding the minimum lot sizes specified in the Bylaw, where an RR-3 zoned parcel is split into separate parts by a highway, the Approving Officer may approve a subdivision which recognizes those separate parts, providing that in all other respects, the subdivision complies with the Bylaw and provided that the Approving Officer is satisfied that such a subdivision would not injuriously affect the established amenities of adjoining or adjacent properties or be against the public interest.

Since the property is partially designated as a Steep Slopes DP Area and a Foreshore and Marine Shoreline DP Area, the applicant must obtain approval of a development permit prior to subdivision or any site disturbance. In addition, the applicant must obtain approval of a development variance permit to reduce the required front yard setback for an existing dwelling and attached garage from 7.5 m to 0.9 m, to reduce the required rear yard setback for the existing dwelling from 10 m to 6.4 m, and to the reduce the required front yard setback for an existing storage shed from 7.5 m to 2.2 m.

ALTERNATIVES

- 1) Recommend the CRD Board approve the Steep Slopes, and Foreshore and Marine Shoreline development permit with variances for the purpose of allowing a 2-lot subdivision subject to conditions.
- 2) Recommend the CRD Board deny the development permit with variances.
- 3) Refer the application back to staff for additional information.

LEGISLATIVE IMPLICATIONS

The Otter Point Official Community Plan, Bylaw No. 3719, outlines development permit guidelines. The property is partially designated as a Steep Slopes DPA, and a Foreshore and Marine Shoreline DPA; therefore, a development permit is required.

Bylaw No. 2040 specifies yard requirements for the Rural Residential 3 (RR-3) zone. To vary these requirements, a development variance 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 September 16, 2014 Land Use Committee meeting.

LAND USE IMPLICATIONS

Variances

Part 2, Section 7.07(a) of Bylaw No. 2040 specifies that, "Front yards shall be a minimum of 7.5 m." The setback of the existing dwelling and garage from the front lot line is 0.9 m. Section 7.07(d) of the Bylaw also specifies that, "Rear yards shall be a minimum of 10 m." The setback of the existing dwelling from the rear lot line is 6.4 m. Section 4.01(d) of the Bylaw requires that the setback of the existing shed from the front lot line is 2.2 m. Therefore, a development variance permit is required. It is noted that MoTI has provided comment indicating that they have no objection to the requested variance from the front lot line, which is a Ministry controlled highway right-of-way.

As part of the subdivision application, MoTI requires confirmation from the CRD that the requirements of all applicable bylaws have been met. In order for the CRD to issue such a confirmation, the front and rear yard setbacks for the existing home, and the front yard setback for the existing storage shed must be "legalized" by way of a development variance permit.

Development Permit

The subject property is partially designated as a Steep Slopes DP Area and a Foreshore and Marine Shoreline DP Area. Prior to subdivision and any site disturbance, a development permit is required. In accordance with the Steep Slopes and Foreshore and Marine Shoreline DP Guidelines, the applicant has submitted a geotechnical report, prepared by a qualified professional. This report is summarized below:

It is noted that there will be no new construction or work associated with proposed Lot 1 as part of the subdivision application. This lot is the location of an existing residence, with attached garage, and an existing storage shed. The Engineer noted that the existing residence is located within a "potential future flood and tsunami hazard area." If a new residence was to be constructed on this lot, it would need to be sited above a 4.18 m flood construction level. The Engineer also expressed some concern regarding the integrity of an existing rock retaining wall along the shoreline during a seismic event; however, she commented that any unraveling during such an event should not affect the dwelling.

With regards to proposed Lot 2, the geotechnical engineer identified that there is a potential safe building envelope, "subject to a detailed rock stability assessment following blasting and once design grades and the final building location have been finalized." The Engineer also certified that the site may be safely used for the use intended.

CONCLUSION

The applicant has requested a Steep Slopes, and a Foreshore and Marine Shoreline Development Permit with Variance to identify and address geotechnical concerns related to a 2-lot subdivision and to legalize the siting of an existing home and storage shed at 7951 West Coast Road in Otter Point. A report prepared by a qualified professional has been submitted in support of the application. Given that the home and storage shed currently exist, and that their current location is supported by MoTI, staff

recommends approval of the development permit with variance subject to conditions and subject to public notification.

RECOMMENDATIONS

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

1. That Steep Slopes, and Foreshore and Marine Shoreline development permit DP-08-14 for Lot 1, Section 31, Otter District, Plan 7179 be approved subject to the following conditions:
 - a. That the proposed development comply with the Steep Slopes, and Foreshore and Marine Shoreline Development Permit Guidelines outlined in the Otter Point Official Community Plan, Bylaw No. 3719;
 - b. That the proposed development comply with the recommendations outlined in the professional engineer's report sealed by Isabelle Maltais, P.Eng., dated June 20, 2014, (Appendix 4);
 - c. That the professional engineer's report sealed by Isabelle Maltais, P.Eng., dated June 20, 2014, be secured via a restrictive covenant registered on title as part of the subdivision process; and
 - d. That the conditions of this development permit with variance be verified as part of the subdivision approval process; and
2. That Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 2, Section 7.07(a) be varied by reducing the minimum required front yard setback for the existing house and attached garage from 7.5 m to 0.9 m; and Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 2, Section 7.07(d) be varied by reducing the minimum required rear yard setback for the existing house and attached garage from 10 m to 6.4 m, and vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 4.01(d) by reducing the minimum required front yard setback for an existing storage shed from 7.5 m to 2.2 m, as shown on the JE Anderson & Associates BC Land Surveyor's Building Location Certificate (Appendix 3), in order to permit a proposed 2-lot subdivision, subject to the following condition:
 - a. That the owner register a covenant on the title of proposed Lot 1 at the time of subdivision requiring that if the existing dwelling and garage and the existing storage shed are damaged or destroyed to the extent of 75% or more of its value above its foundation, as determined by the building inspector, it must not be repaired or reconstructed except in conformance with the requirements specified by the zone and with the requirements of any flood plain regulations in effect at that time.

****ORIGINAL SIGNED****

Iain Lawrence
Planner

June Klassen, MCIP, RPP
Manager, Local Area Planning
Concurrence

Kevin Lorette, P. Eng., MBA
General Manager, Planning & Protective Services
Concurrence

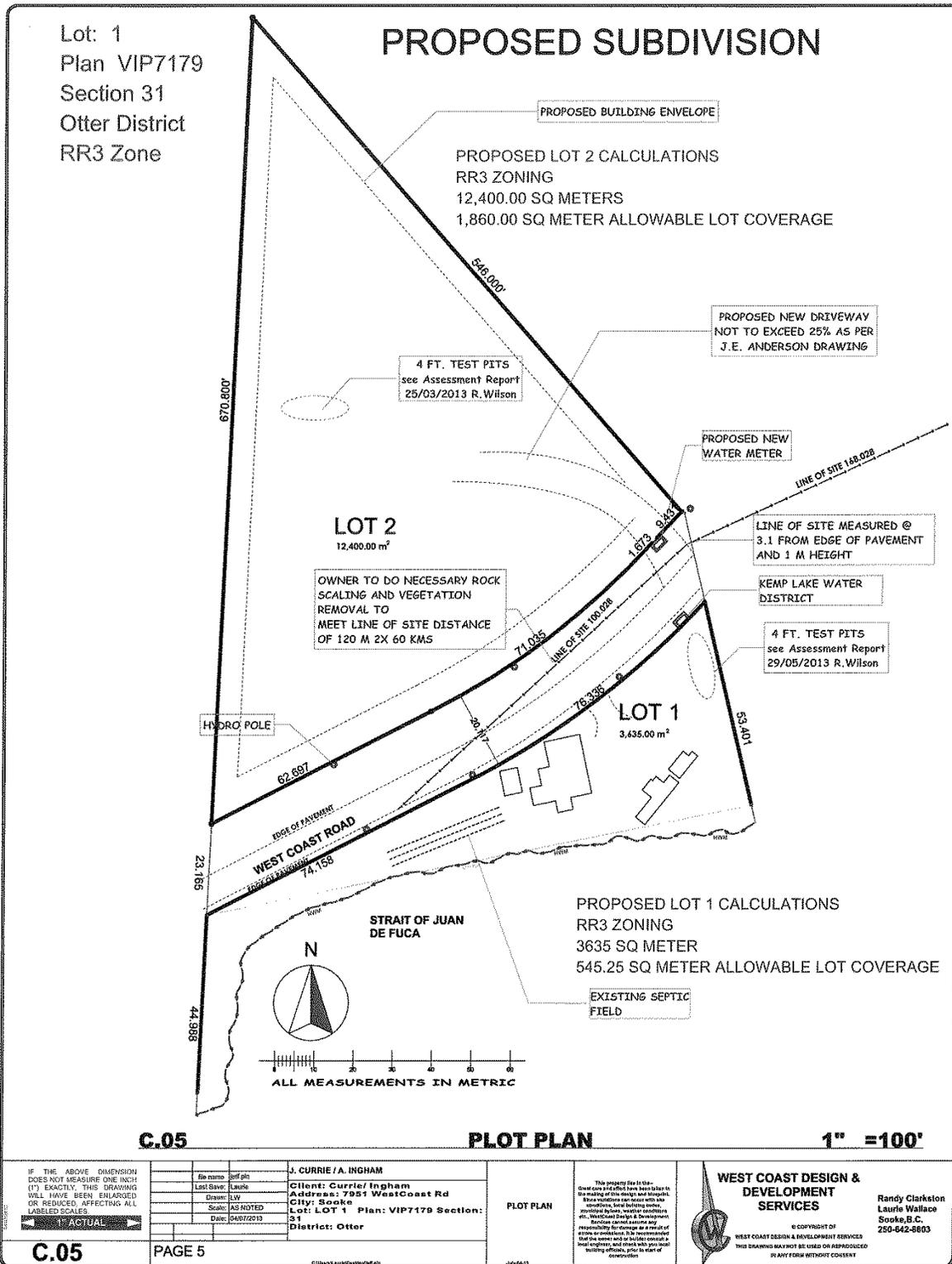
Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

- Appendix 1: Subject Property Map
Appendix 2: Proposed Plan of Subdivision
Appendix 3: JE Anderson & Associates BC Land Surveyor's Building Location Certificate
Appendix 4: Geotechnical Report, Isabelle Maltais, P. Eng., June 20, 2014

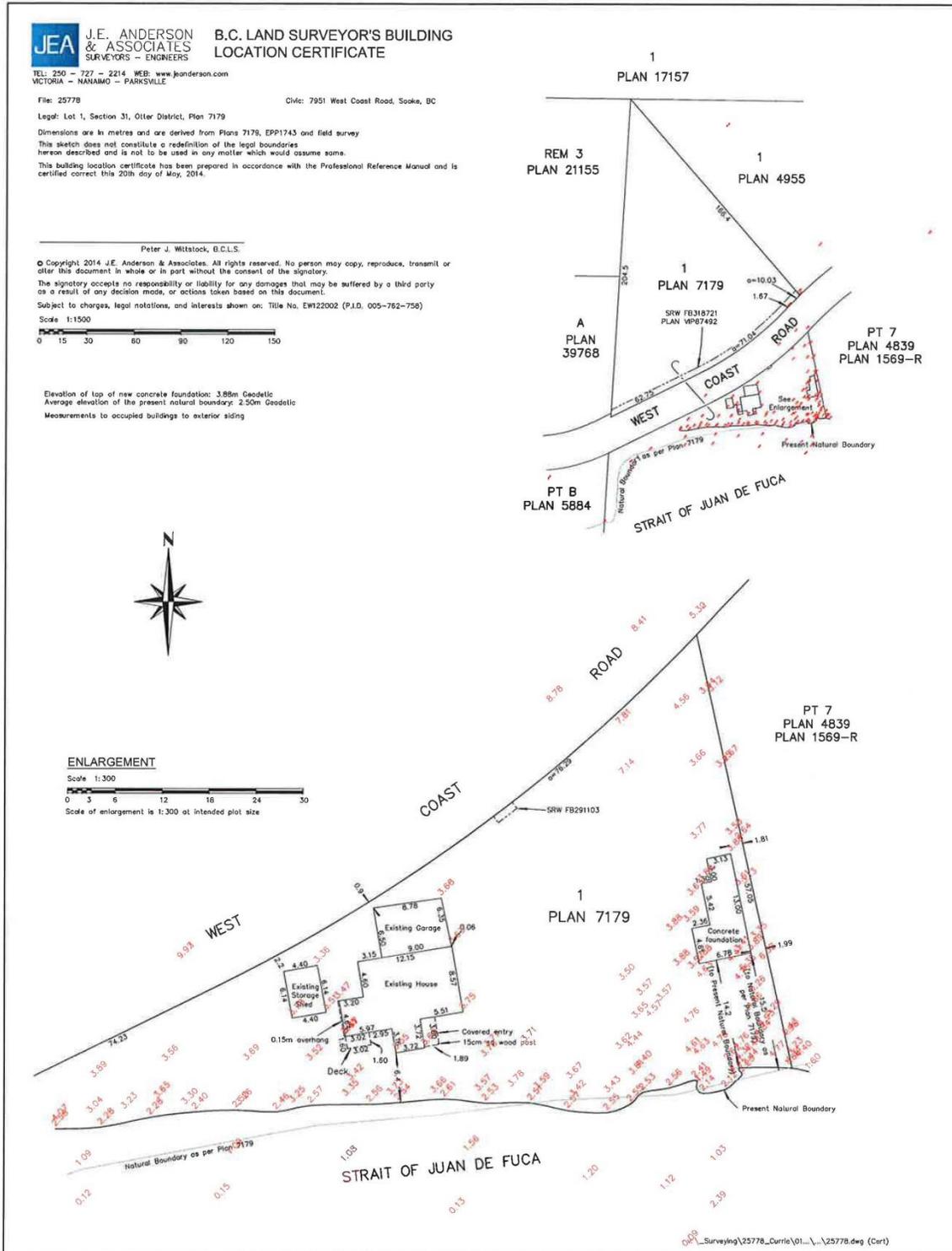
Appendix 1: Subject Property Map



Appendix 2: Proposed Plan of Subdivision



Appendix 3: BC Land Surveyor's Certificate



RYZUK GEOTECHNICAL

Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

June 20, 2014

File No: 8-5086-1

Mr. Jeffrey Currie
7951 West Coast Road
Sooke, BC
V9Z 0R8

Dear Mr. Currie,

Re: Geotechnical Assessment for Proposed 2 Lot Residential Development
7951 West Coast Road – Otter Point, BC

As requested, and in accordance with our accepted email proposal of April 14, 2014, we have prepared this letter to discuss the geotechnical aspects of the development associated with the proposed two lot subdivision. The CRD requires a report on the current geotechnical condition as relates to the 'Steep Slopes' and 'Foreshore and Marine Shoreline' Development Permit Areas (DPAs) for each of the two lots in support of your subdivision application. Our assessment has included a site reconnaissance carried out on May 1, 2014 to determine the existing conditions at the site. Our associated comments and recommendations are contained herein. Our work has been undertaken in accordance with, and is subject to, the Terms of Engagement provided with our proposal.

The property is located on both sides of West Coast Road and is triangular on the north side transitioning to a roughly rectangular shape on the south side of the road. The site is bounded to the east and west by similar single family residential properties, to the north by a large forested property and to the south by the shoreline. There is a single family residence and a small shed located in the southern section of the property, with a detached trailer previously present to the southeast, which was destroyed by a fire and had recently been removed at the time of our attendance. It is intended to retain the existing residence on a new proposed lot in the southern section of the property (Lot 1), and create a new lot north of West Coast Road (Lot 2). The layout of the site is indicated on the attached Location Plan, drawing 8-5086-1-1.

The topography is generally bedrock controlled with the highest elevation located towards the tip of the northern property line, from which the site slopes down significantly in all directions with significant local variations but sloping generally towards the south (West Coast Road).

Mr. Jeffrey Currie
7951 West Coast Road – Sooke, BC

June 20, 2014

Proposed Lot 1 comprises the southern part of the proposed development, and is bounded to the north by West Coast Road and to the south by the shoreline. This lot is sloping towards the south at about 20 degrees to a relatively level plateau which is generally at an elevation between 3 and 4 m geodetic. Much of this lot is characterized by a bedrock ridge along the northern boundary (West Coast Road) as indicated in the photo below.



Photo 1: Bedrock ridge exposed to the north (below West Coast Road).

The soil conditions within the proposed Lot 1 are expected to consist of bedrock with only very thin soil cover. We observed some landscape retaining walls present to the northeast and west of the existing house; these walls consisted of stacked rocks without mortar. We understand that these walls have been constructed by the Ministry of Transport in the past during construction of West Coast Road, as indicated in Photo 2 below.



Photo 2: Retaining walls along the north of the proposed Lot 1 (below West Coast Road).

Mr. Jeffrey Currie
7951 West Coast Road – Sooke, BC

June 20, 2014

The existing shoreline is currently protected intermittently by a combination of boulder stacked and rock and mortar walls as shown in the photo below.



Photo 3: Shoreline and intermittent protection.

The present natural boundary at the shoreline is currently surveyed at an elevation of approximately 2.5 m geodetic. Lot 1 will not be affected by the subdivision; we understand that there is no plan to add or remove any buildings on this proposed lot. The site will remain as per the attached survey completed by J. E. Anderson & Associates.

At this time we do not perceive that there is a significant rockfall hazard that could affect the existing residence on Lot 1. We cannot comment on the construction of the stacked rock retaining walls below West Coast Road, as we were not involved in the construction, but there appears to be a possibility of localized raveling and potential global failure in a seismic event; however, the walls are located away from the residence and should not affect such in the event of a catastrophic failure.

It should be noted, however, that the existing residence is within a potential future flood and tsunami hazard area. If a new residence was to be constructed in this area the minimum flood construction level would be 4.18 m geodetic without taking into consideration a potential additional tsunami height of 2 m.

Lot 2 is to be located within the northern part of the property, above West Coast Road. This proposed lot is currently undeveloped (see Photo 4).

Mr. Jeffrey Currie
7951 West Coast Road – Sooke, BC

June 20, 2014



Photo 4: Proposed Lot 2 to the north of West Coast Road.

The geomorphology of Lot 2 is irregular and comprises bedrock knolls with plateau areas and exposed bedrock faces. There is a bedrock face that has previously been blasted exposed along the northern side of West Coast Road which is about 6 to 7 m in height. We also understand that the neighbor to the west has previously blasted their portion of the bedrock which is now sitting lower than existing grades on the proposed Lot 2 property, resulting in an exposed rock face near the western property line. We understand that the proposed building site (see Photo 5) will be located within the mid-southwest portion of the site upon an existing level plateau which would be blasted to remove a few meters of height.



Photo 5: Proposed building site on Lot 2.

The proposed septic field is to be located within the northern portion of the Lot 2 as indicated in Photo 6. To the north of the proposed septic field area there is a substantial rock face of about

Mr. Jeffrey Currie
7951 West Coast Road – Sooke, BC

June 20, 2014

4 m in height that may have the potential for rockfall. Given the potential hazard we recommend that no development north of the proposed septic field be considered without further geotechnical assessment. The proposed driveway is to extend from the southeast corner of the proposed Lot 2 to the building site.



Photo 6: Proposed septic field area.

Cut and fill will be required for the construction of the driveway and at the building site but the amount of fill (as well as the amount of blasting) cannot be determined until design grades have been finalized. There is a possibility that the blasting may exacerbate existing fractures within the rock slope along West Coast Road and the adjacent neighboring property to the west. Regardless of the amount of blasting, the final natural and excavated rock slopes will need to be carefully assessed for stability, and rockfall protection measures developed as required for these areas if such are observed to be a hazard once the blasting is completed. The final location of the proposed residence will also require site specific geotechnical assessment once the siting of the building is determined and blasting completed.

We do not anticipate that silt mitigation measures will be required for the proposed residence or driveway construction; however, it may be necessary during construction if carried out during the rainy season. Temporary construction silt mitigation should consist of the installation of silt fencing down slope of the construction area.

We do not anticipate that the proposed residence and driveway will significantly increase the impervious surface area at the site. The collected storm water from the residence should be directed to a dispersal area to the south or north and directly discharged on rock to maintain the existing runoff regime as much as possible. The proposed driveway should be designed with proper ditches and culverts to manage drainage running down and along the driveway alignment.

Mr. Jeffrey Currie
7951 West Coast Road – Sooke, BC

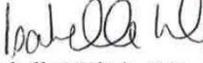
June 20, 2014

We do not expect that the required tree removal for the development of the property will adversely affect the slope stability or induce significant erosion.

Given the above and provided our recommendations are followed, we consider that the proposed subdivision can be safely undertaken, and that there is a potential safe building envelop on Lot 2, subject to a detailed rock slope stability assessment following blasting and once design grades and final building location have been finalized. Accordingly, the site may be safely used for the use intended, that being single family residential construction, provided that final residence location, blasting, engineered fill placement, and implementation of rockfall protection measures as required is carried out under the direction of a geotechnical engineer. Our assessment has considered a design seismic event with a 2% probability of exceedance in 50 years. This is pursuant to and in accordance with Section 56 of the Community Charter and the current B.C. Building Code.

We trust the preceding is suitable for your purposes at present, and that it is consistent with your account of our discussions in this regard. If you have questions with respect to the above, please contact us.

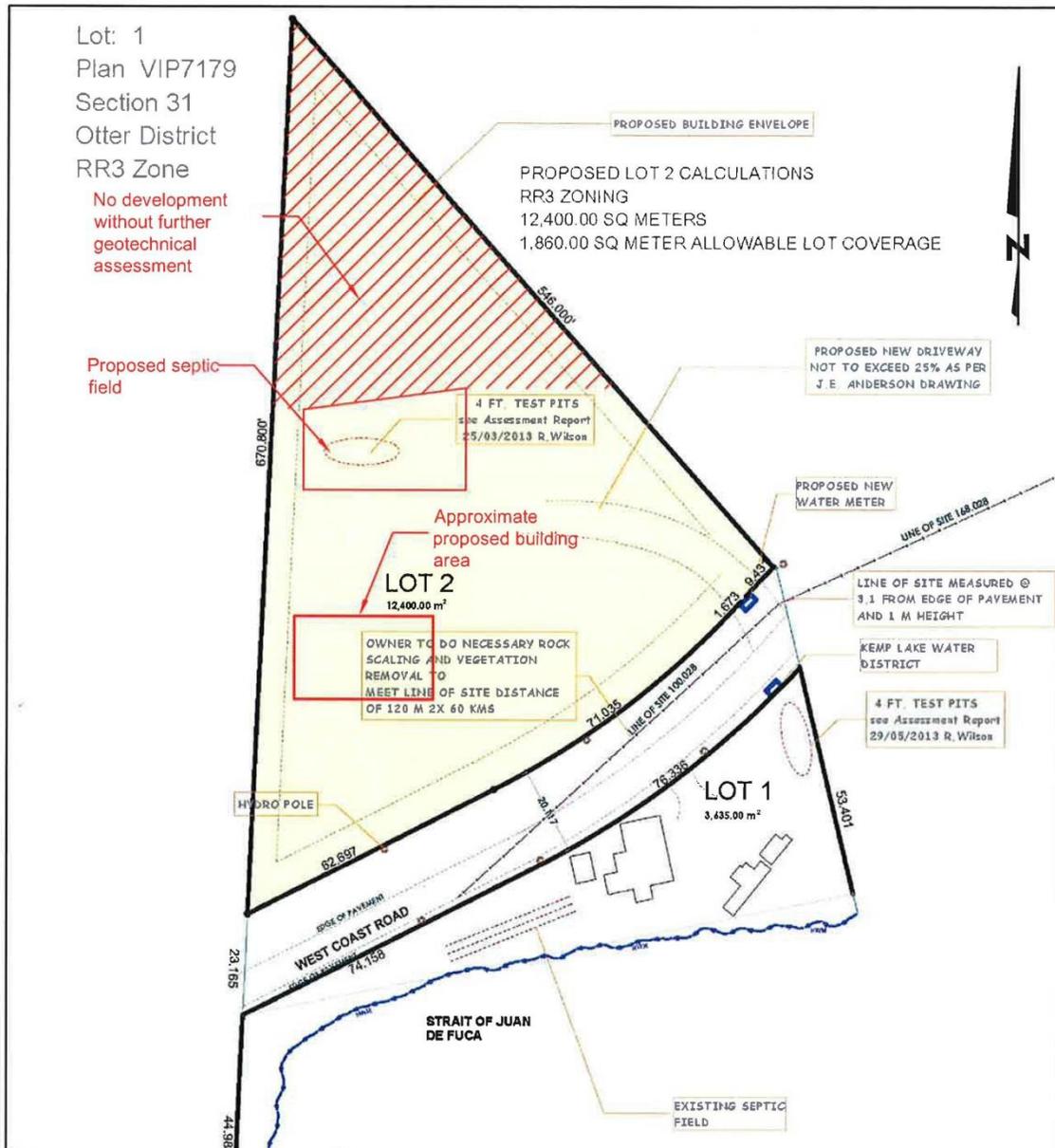
Yours very truly,
Ryzuk Geotechnical


Isabelle Maltais, P.Eng.
Geotechnical Engineer



2014/06/20

Attachments - Location Plan drawing 8-5086-1-1
- Survey Plan of Proposed Lot 1 by J. E. Anderson & Associates



Notes:

1. Base plan taken from West Coast Design & Development Services drawing C.05 dated July 2013.

	Mr. J. Currie	DRAWN AAW
	LOCATION PLAN	DATE June 2014
	Proposed 2 Lot Subdivision	APPROVED
	7951 West Coast Road Otter Point, B.C.	SCALE 1:1250
	RYZUK GEOTECHNICAL Engineering & Materials Testing	DRAWING No. 8-5086-1-1