

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **July 18, 2023, at 7 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Territorial Acknowledgment
2. Approval of Agenda
3. Approval of Supplementary Agenda
4. Adoption of Minutes of June 20, 2023
5. Chair's Report
6. Planner's Report
7. Development Variance Permit Application
 - a) VA000159 – Lot 1, Section 98, Sooke District, Plan VIP23938 (6144 East Sooke Road)
8. Provision of Park Land for Subdivision
 - a) SU000757 - Lot 1, Section 98, Sooke District, Plan VIP23938 (6144 East Sooke Road)
9. Adjournment

PLEASE NOTE: The public may attend the meeting in-person or electronically through video or teleconference. To attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details.



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, June 20, 2023, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Natalia Day, Vern McConnell, Roy McIntyre,
Ron Ramsay, Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Wendy Miller, Recorder
PUBLIC: 4 in-person; 4 EP

EP – Electronic Participation

The meeting was called to order at 7:00 pm.

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgment.

2. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Dale Risvold the agenda be approved.

CARRIED

3. Approval of the Supplementary Agenda

MOVED by Anna Russell, **SECONDED** by Dale Risvold that the supplementary agenda be approved.

CARRIED

4. Adoption of Minutes from the Meeting of May 16, 2023

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the minutes from the meeting of May 16, 2023, be adopted.

CARRIED

5. Chair's Report

The Chair thanked everyone for coming to the meeting and thanked staff for their service.

6. Planner's Report

No report.

7. Development Permit with Variance Application

a) DV000091 – Lot 30, Section 98, Sooke District, Plan 33263 (6067 Brecon Drive)

Iain Lawrence spoke to the staff report for a development permit with variance application to authorize construction of an accessory building within a designated Riparian Development Permit area, as well as to reduce the front yard setback requirement, increase the maximum height, and increase the maximum combined total floor area allowance for accessory buildings for the purpose of constructing a detached garage with loft area.

The subject property map, site plan, building elevations, site photos, and mapping from the *Riparian Areas Protection Regulations* Assessment Report submitted in support of the application were highlighted.

It was advised that the staff report incorrectly noted that the height of the proposed accessory building is 7.32 m. The correct height of the proposed accessory building is 6.392 m when measured to the mid-point between the eaves and the ridge of the highest roof plane.

Attention was directed to the six submissions received and circulated in the supplementary agenda.

The Chair confirmed that the applicant was present.

Applicant comments included:

- siting of the proposed accessory building on the property is limited by the rock bluff/steep slope located behind the dwelling and by the slope in front of the dwelling
- the intent of the accessory building is to provide a fully enclosed workshop and storage area for vehicles, eliminating current temporary storage and tarped storage onsite
- a height variance is requested to accommodate the height of a truck with camper and to allow for a parking lift

The applicant responded to questions from the LUC advising that:

- a workshop attached to the dwelling was not considered as the workshop doors would need to be open during vehicle servicing for venting purposes and they would like to be able to keep the doors closed
- sound proofing would be incorporated into the proposed accessory building

The Chair opened the floor to comments from the public.

Public attendee comments included:

- subject property is smaller than the minimum lot size permitted by the property's zoning
- proposed accessory building is as large as a house
- number of onsite vehicles and scale of vehicle hobby is not in keeping with the rural residential nature of the area
- noise related to onsite vehicle servicing is a concern raised by residents

LUC discussion ensued regarding the requested variances and feedback received from the public.

MOVED by Vern McConnell, **SECONDED** by Ron Ramsay that the Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000091, as amended, for Lot 30, Section 98, Sooke District, Plan 33263, to authorize construction of an accessory building within a Riparian Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:

1. Part 1, Section 4.01 (1)(d) to reduce the front yard requirement from 15 m to 6 m;
2. Part 1, Section 4.01 (2)(a) to increase the height permitted from 6 m to 6.392 m; and

3. Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m² be approved.

The Chair clarified that the amended motion reflects the correction to height and that votes in non-support would recommend denial the application.

Opposed: Director Al Wickheim, Natalia Day, Roy McIntyre, Ron Ramsay, Dale Risvold, Anna Russell.

DEFEATED

8. Adjournment

The meeting adjourned at 7:54 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 18, 2023**

**SUBJECT Development Variance Permit for Lot 1, Section 98, Sooke District,
Plan VIP23938 – 6144 East Sooke Road**

ISSUE SUMMARY

A request has been made for a development variance permit to reduce the requirement that ten percent of the perimeter of the lot front onto a public highway in order to authorize a four-lot subdivision.

BACKGROUND

The 1.78 hectare (ha) property is zoned Rural Residential 5 (RR-5) under the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and located at 6144 East Sooke Road in East Sooke (Appendix A). The subject property is adjacent to other RR-5 zoned parcels to the east and west, East Sooke Road to the south and Sooke Basin to the north. Timberdoodle Road currently terminates at the western boundary of the lot. Portions of the proposed parcels are designated as Steep Slope and Shoreline Protection development permit areas.

The owners have submitted subdivision and development permit applications (SU000757/DP000395) to create four lots greater than 0.4 ha each. The proposed plan indicates that Timberdoodle Road will be extended and constructed to provide access to three of the proposed parcels with the remaining parcel to use the existing East Sooke Road access (Appendix B). As a result of the location of Timberdoodle Road and in order to achieve the 0.4 ha minimum lot size required in the RR-5 zone, the proposed subdivision plan configuration includes a hooked formation for Lot 2 resulting in a substantial increase of the lot perimeter of Lot 3.

Ten percent of the perimeter of proposed Lot 3 is approximately 32 m; however, given the configuration of the parcel, the frontage is only 8.6% (27.5 m). Therefore, the applicants have requested a variance to reduce the requirement specified by Part 1, Section 3.10(4)(a) of Bylaw No. 2040 that one tenth of the perimeter of the lot front a public highway.

ALTERNATIVES

Alternative 1:

The Land Use Committee recommends to the CRD Board:

That Development Variance Permit VA000159 for Lot 1, Section 98, Sooke District, Plan VIP23938 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m) for the purpose of permitting a four-lot subdivision, be approved.

Alternative 2:

The Land Use Committee recommends to the CRD Board:

That the development variance permit be denied and require that the subdivision comply with zoning requirements.

IMPLICATIONS

Legislative Implications

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule “A”, Part 1, Section 3.10(4) specifies that where a lot being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be the greater of: (a) one tenth of the perimeter of the lot that fronts on the highway; or (b) the minimum frontage specified in this Bylaw for the lot. As no other frontage requirement is specified for the zone, the frontage for each proposed lot is one-tenth of the perimeter of the lot. A development variance permit is required in order to allow proposed Lot 3 to have a frontage of 27.5 m or approximately 8.6% of the lot perimeter.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government proposes to pass a resolution to issue a development variance permit, it must give notice to each resident/tenant within a distance specified by bylaw. Capital Regional District Bylaw No. 3885, Juan de Fuca Application 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 m. Any responses received from the public will be presented at the July 18, 2023, Land Use Committee meeting.

Land Use Implications

The parent property is designated as Settlement Area in the East Sooke Official Community Plan (OCP), Bylaw No. 4000. For the purposes of considering future amendments to the zoning bylaw, the Settlement Area designation supports an average parcel size of one hectare with a minimum parcel size of 0.4 hectares for residential development. The OCP recognizes, however, that existing zones may permit a density that exceeds the desired 1 ha average. The subject property is zoned RR-5, which permits a minimum lot size of 0.4 ha. All parcels included in the proposed plan of subdivision meet the RR-5 minimum lot size requirement.

The land that is the subject of this application is designated as Steep Slope and Shoreline Protection Development Permit Areas by the East Sooke OCP and requires a Development Permit. Application DP000395 is in-progress to authorize the 4-lot subdivision layout.

Part 1, Section 3.10(7) of Bylaw No. 2040 requires that side lot lines to be substantially at right angles or radial to street lines unless the Approving Officer is satisfied that it is impractical to comply. The angle of the side lot lines between the southern hooked portion of proposed Lot 2 and proposed Lot 3 are conventionally configured and the creation of a hooked parcel to accommodate the minimum lot size required in the zone is not prohibited within bylaws or subdivision regulations. However, a restrictive covenant prohibiting further subdivision will be required for proposed Lot 2 since the parcel will be split by a road. Such a configuration would otherwise permit further subdivision.

The primary area of ecological significance identified on the subject property is related to the marine shoreline area, which is designated as a Shoreline Protection DP area and is located on proposed Lot 1. Proposed Lot 1 includes the existing home and no additional development is planned in proximity to that area at this time.

The subject property is located within the East Sooke Participating Area of the Juan de Fuca Water Distribution System and each of the proposed parcels will be served by water connections either on East Sooke Road or Timberdoodle Road.

Through the public notification process, any residences that may be affected by the proposed frontage reduction will have an opportunity to come forward with their concerns. The Ministry of Transportation and Infrastructure’s review of the subdivision will involve final consideration of road

network and access options. Staff recommends Alternative 1, subject to public notification and consideration of comments from neighbouring residents.

CONCLUSION

The applicant has submitted a four-lot subdivision application and is requesting a reduction of the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m). Staff recommend approval of development variance permit VA000159 (Appendix C), subject to public notification.

RECOMMENDATION

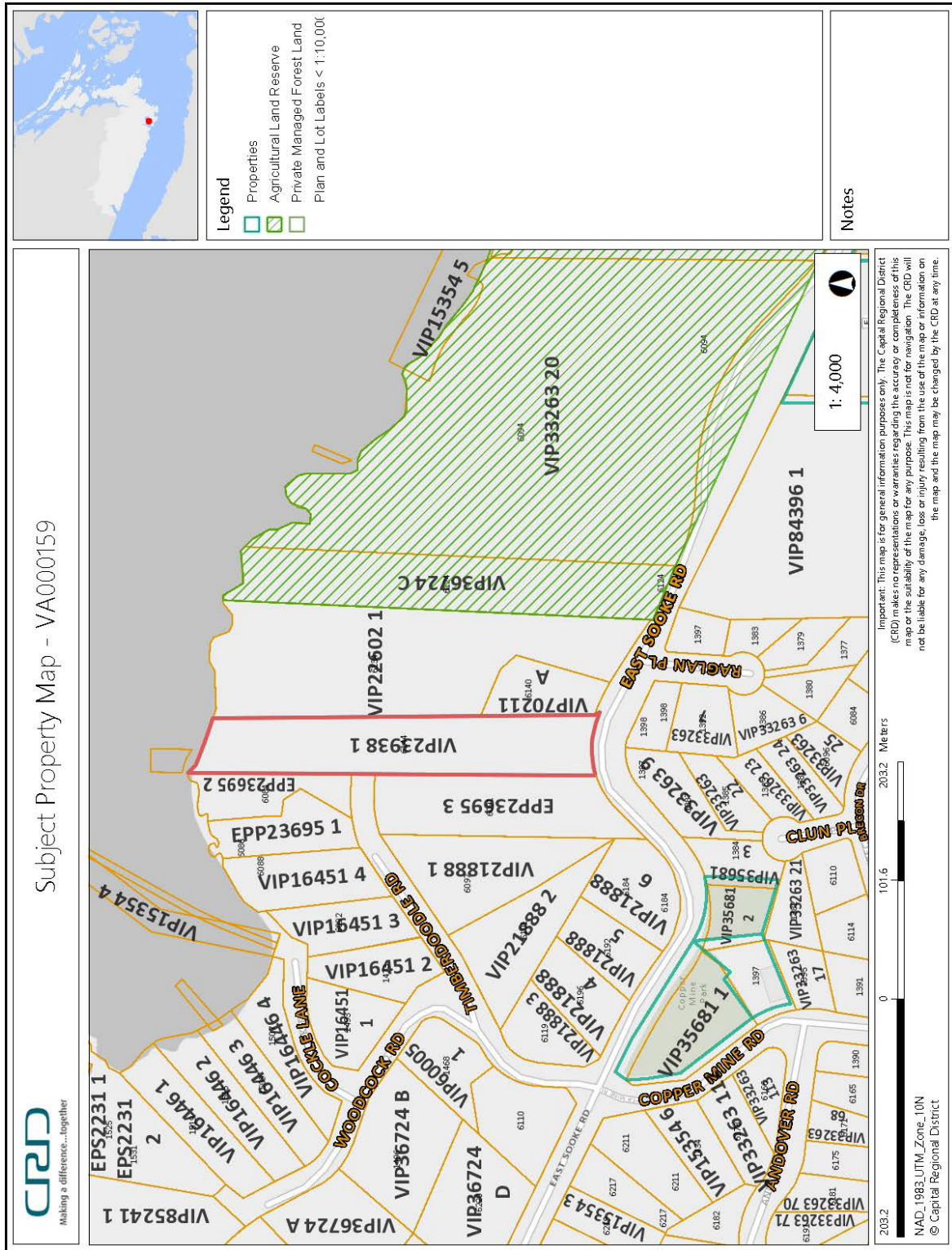
The Land Use Committee recommends to the Capital Regional District Board:
That Development Variance Permit VA000159 for Lot 1, Section 98, Sooke District, Plan VIP23938 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m) for the purpose of permitting a four-lot subdivision, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Chief Administrative Officer

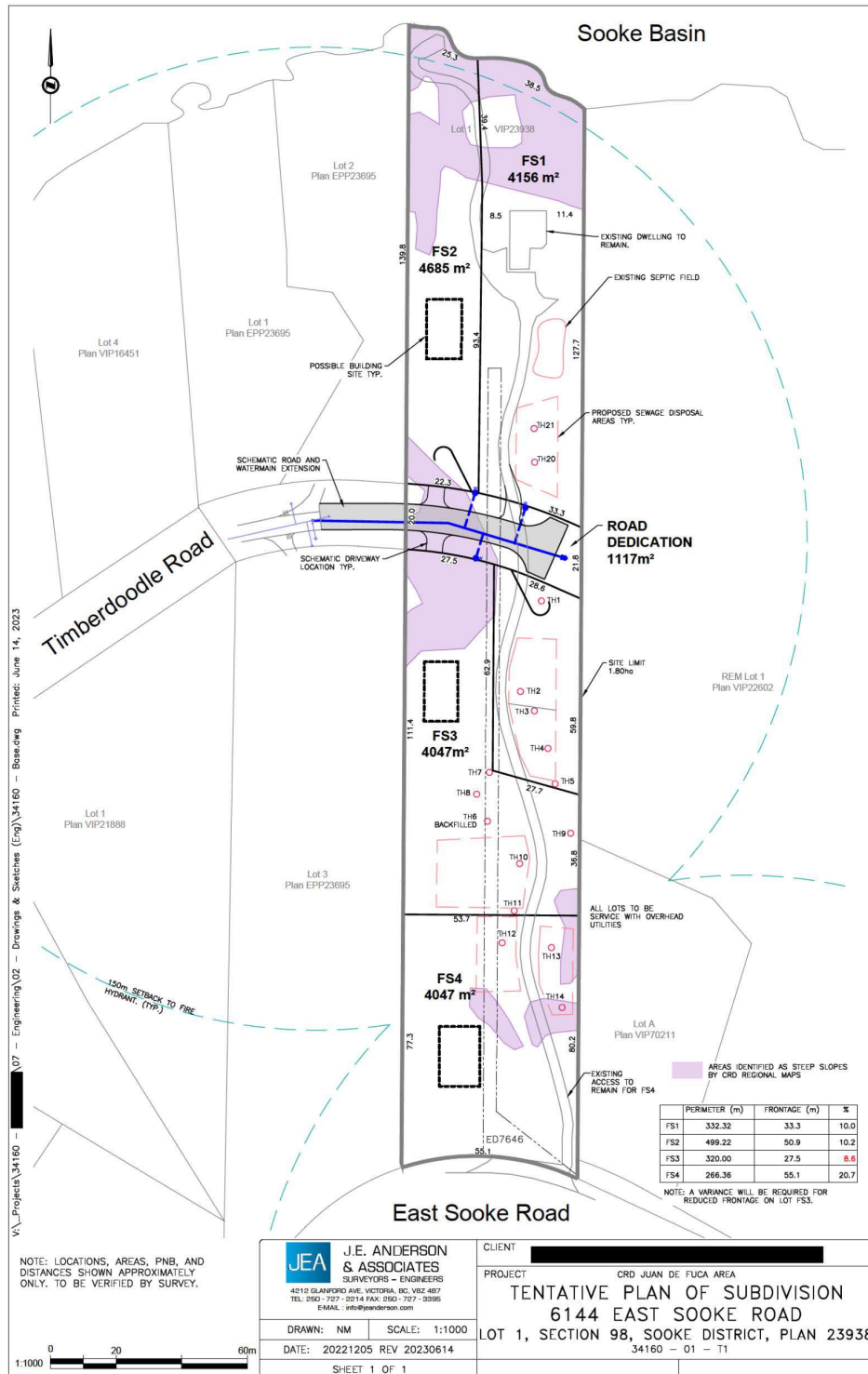
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Proposed Subdivision Plan - J. E. Anderson and Associates, June 14, 2023
- Appendix C: Permit VA000159

Appendix A: Subject Property Map



Appendix B: Proposed Subdivision Plan, J. E. Anderson and Associates, June 14, 2023



Appendix C: Permit VA000159



CAPITAL REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT NO. VA000159

1. This Development Variance Permit is issued under the authority of Section 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:

PID: 002-928-604

Legal Description: Lot 1, Section 98, Sooke District, Plan VIP23938

3. The Capital Regional District's **Bylaw No. 2040, Schedule A, Part 1, Section 3.10 (4)(a)** is varied under Section 498 of the *Local Government Act* as follows:
 - a) By reducing the minimum frontage requirement for proposed Lot 3 from 10% of the perimeter of the lot (32 m) to 8.6% of the perimeter of the lot (27.5 m) as shown on the Proposed Subdivision Plan, prepared by JE Anderson and Associates, dated June 14, 2023, attached.
4. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (VA000159) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
5. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
5. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
6. The following plans and specifications are attached:

Attachment 1: Tentative Plan of Subdivision, prepared by JE Anderson & Associates, dated June 14, 2023.
7. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE ____ th day of _____, 2023.

ISSUED this ____ day of _____, 2023

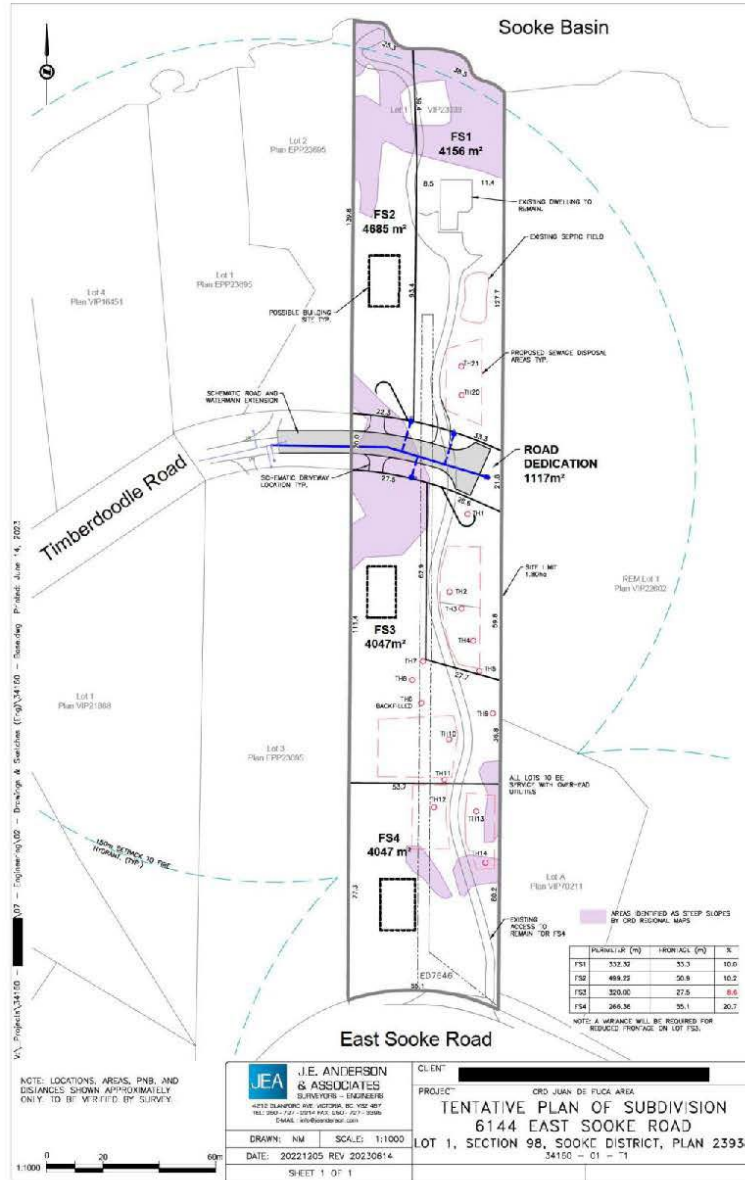
Corporate Officer
Kristen Morley



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VA000159

Attachment 1: Tentative Plan of Subdivision





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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 18, 2023**

**SUBJECT Provision of Park Land for Subdivision of Lot 1, Section 98, Sooke District,
Plan VIP23938 – 6144 East Sooke Road**

ISSUE SUMMARY

To consider the provision of park land or cash-in-lieu equivalent pursuant to Section 510 of the *Local Government Act (LGA)* in conjunction with the proposed four-lot subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938.

BACKGROUND

The 1.78 hectare (ha) parcel is located on the north side of East Sooke Road adjacent to Sooke Basin and is zoned Rural Residential 5 (RR-5) in the Juan de Fuca Land Use Bylaw, 1992, No. 2040 (Appendix A).

The applicant has applied to subdivide the property into 4 fee simple lots (Appendix B). The requirement for provision of park land or payment for parks purposes pursuant to Section 510 of the *LGA* applies to the subdivision. The requirement for Access to Waterfront pursuant to Section 75 of the *Land Title Act* would not apply to this subdivision since an access exists approximately 140 m to the west at Cockle Lane meeting the minimum interval requirement of 200 m.

At their meeting of May 30, 2023, the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission (the Commission) considered options for park land requirements and recommended that cash in-lieu of park land be received (Appendix C).

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That cash in lieu of park land dedication be requested for the proposed subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938 subject to verification of the land value pursuant to Section 510 of the *Local Government Act*.

Alternative 2:

Refer the application back to staff for more information.

IMPLICATIONS

Legislative Implications

Section 510 of the *LGA* requires the provision of park land at the time of subdivision where three or more additional lots are created and the smallest lot being created is 2 ha or less. Where a regional district provides a community park service and an official community plan contains policies and designations respecting the location and types of future parks, the owner may be required to provide either land or cash-in-lieu at the discretion of the local government. The amount of land to be provided may not exceed 5% of the land being subdivided.

If an owner is to provide cash-in-lieu, the value of the land is based on the average market value of all the land in the proposed subdivision calculated as that value would be on the date of preliminary approval of the subdivision before any works or services are installed, or a value

agreed upon by the parties. Any money received for park land must be deposited in a reserve for the purpose of acquiring park land.

Public Consultation Implications

There are no public consultation requirements in Bylaw No. 3885 for subdivision applications. An internal review of subdivision requirements is conducted by staff and conditions are forwarded to the Provincial Approving Officer. As the proposed subdivision requires provision of park land under Section 510 of the *LGA*, the application was referred to the JdF EA Parks and Recreation Advisory Commission. Meetings are open to the public, advertised in the local newspaper and on the CRD website.

Land Use Implications

The East Sooke Official Community Plan, Bylaw No. 4000, includes policies and objectives related to parks and trails. A network of parks and trails within the community is identified; however, the area around the subject property is not specifically referenced.

The JdF EA Community Parks & Recreation Strategic Plan, 2023, identifies that it may be more appropriate to defer park land in favour of cash-in-lieu at the time of subdivision if the land in question would not provide value to the community.

East Sooke Regional Park and Copper Mine Park are located approximately 450 m to the east and 150 m to the west of the subject property respectively; however, any trail construction to provide connectivity between community features in the area would also require road crossings since both parks are located on the south side of East Sooke Road.

The Commission considered the application at its meeting of May 30, 2023, (Appendix C) and passed the following motion:

MOVED by Commissioner McKay, **SECONDED** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for the proposed subdivision of Lot 1, Section 98, Sooke District, Plan 23938 (SU000757), be received in the form of cash-in-lieu.

CARRIED

Staff support acceptance of cash in-lieu of park land dedication as recommended by the Commission.

CONCLUSION

The applicant proposes to subdivide the 1.78 ha property at 6144 East Sooke Road into four lots. The JdF EA Parks and Recreation Advisory Commission considered the application on May 30, 2023, and recommended accepting cash-in-lieu of park land dedication pursuant to Section 510 of the *LGA*. If the Land Use Committee and Regional Board agree to accept cash-in-lieu, the requirement would be fulfilled prior to final approval of the subdivision.

RECOMMENDATION

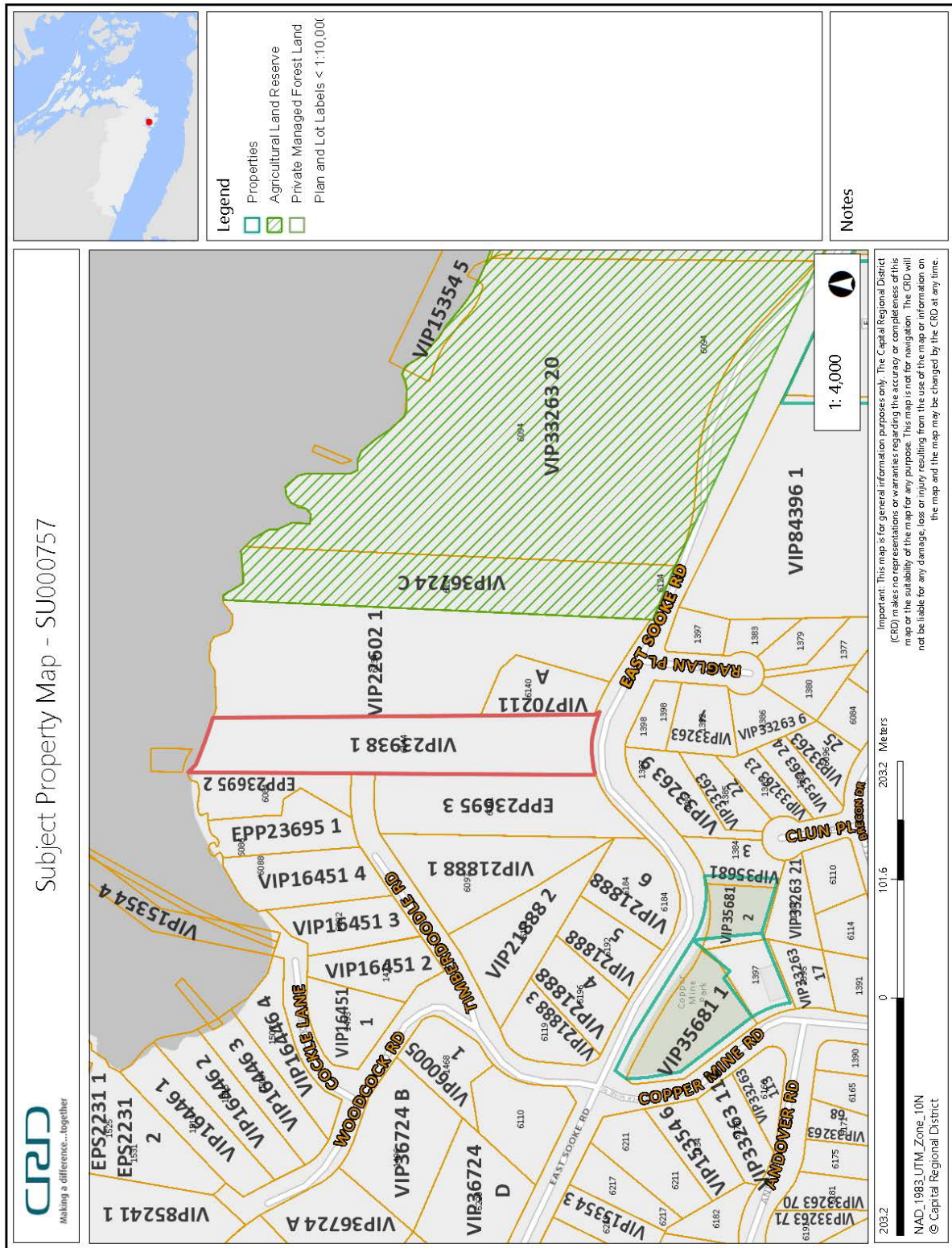
The Land Use Committee recommends to the CRD Board:
That cash in lieu of park land dedication be requested for the proposed subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208, subject to verification of the land value pursuant to Section 510 of the *Local Government Act*.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Chief Administrative Officer

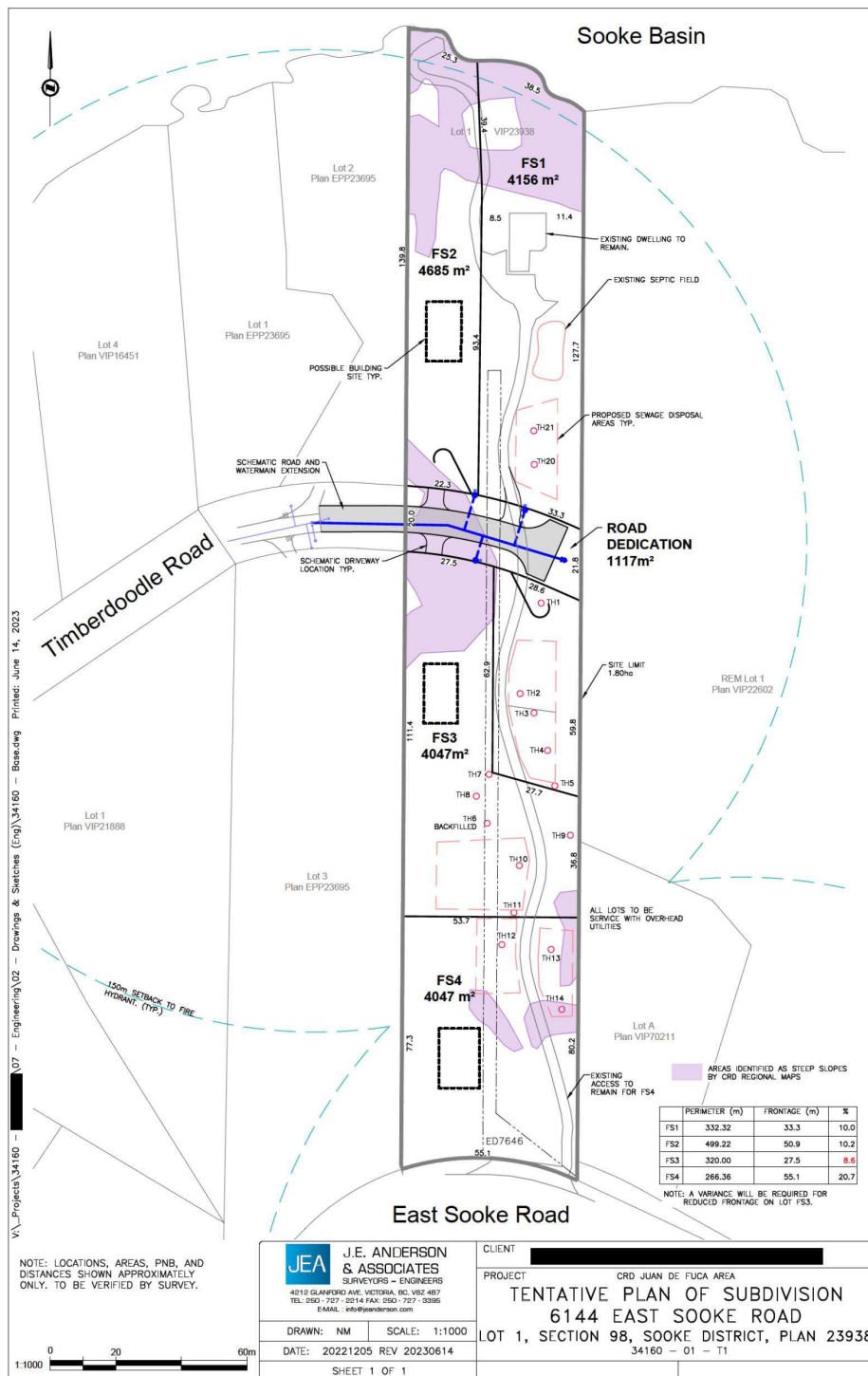
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Plan of Subdivision
- Appendix C: Commission Minutes May 30, 2023

Appendix A: Subject Property Map



Appendix B: Proposed Subdivision Plan



V:\Projects\34160 - Engineering\02 - Drawings & Sketches (Eng)\34160 - Base.dwg Printed: June 14, 2023

NOTE: LOCATIONS, AREAS, PNB, AND DISTANCES SHOWN APPROXIMATELY ONLY. TO BE VERIFIED BY SURVEY.

1:1000

0 20 60m

JEA J.E. ANDERSON & ASSOCIATES
 SURVEYORS - ENGINEERS
 4015 GLENFORD AVE. VICTORIA, BC, V8Z 4B7
 TEL: 250-727-2514 FAX: 250-727-2599
 EMAIL: info@jeaanderson.com

DRAWN: NM SCALE: 1:1000
 DATE: 20221205 REV 20230614

SHEET 1 OF 1

CLIENT: [REDACTED]
 PROJECT: CRD JUAN DE FUCA ARCA
TENTATIVE PLAN OF SUBDIVISION
6144 EAST SOOKE ROAD
LOT 1, SECTION 98, SOOKE DISTRICT, PLAN 23938
 34160 - 01 - 11

Appendix C: Commission Minutes May 30, 2023

a) **Subdivision Applications SU000757 – Lot 1, Section 98, Sooke District, Plan 23938 (6144 East Sooke Road)**

Regina Robinson spoke to the staff memo to the Commission regarding a referral received from the Ministry of Transportation and Infrastructure for a 4-lot fee simple subdivision of a 1.78 ha property.

Commission comments noted that the subject property does not provide connectivity to existing community parks or trails and that park dedication would provide limited community use.

MOVED by Commissioner McKay, **SECONDED** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for proposed subdivision of Lot 1, Section 98, Sooke District, Plan 23938 (SU000757), be received in the form of cash-in-lieu.

CARRIED