

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **March 18, 2025, 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. Adoption of Minutes of February 18, 2025
4. Chair's Report
5. Planner's Report
6. Development Variance Permit Application
 - a) VA000164 – Lot 7, District Lot 29, Otter District, Plan VIP59848 (7827 Dalrae Place)
7. 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, February 18, 2025, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Al Wickheim (Chair), Les Herring, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, Juan de Fuca Local Area Services; Wendy Miller, Recorder
PUBLIC: 5 in-person

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgement.

2. Election of Vice Chair

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee (LUC) for 2025 and Anna Russell's name was put forward. Anna Russell accepted nomination. The Chair called two additional times for further nominations and, as there were none, Anna Russell was acclaimed Vice Chair.

3. Approval of the Agenda

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

CARRIED

4. Adoption of Minutes of December 10, 2024

MOVED by Roy McIntyre, **SECONDED** by Ron Ramsay that the minutes from the meeting of December 10, 2024, be adopted.

CARRIED

5. Chair's Report

The Chair stated that the application under consideration by the Juan de Fuca Land Use Committee this evening reflects a proposal that has been amended by the applicant in response to concerns raised by residents.

6. Planner's Report

Iain Lawrence advised that the CRD Board gave third reading to Bylaw No. 4435, "Juan de Fuca Soil Removal or Deposit Bylaw No. 2, 2025" at its meeting of February 12, 2025. Bylaw No. 4435 has been forwarded to the Ministry of Environment and Parks for approval. Once approved, Bylaw No. 4435 will return to the CRD Board for adoption.

Iain Lawrence responded to questions regarding implementation of Bylaw No. 4435.

The Chair complimented staff on their work on Bylaw No. 4435.

7. Temporary Use Permit Application

a) TP000013 – Lot A, Section 74, Renfrew District, Plan VIP71883 – 11237 West Coast Road; PID: 024-937-207; and That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW; PID: 009-590-412

Iain Lawrence spoke to the application for a temporary use permit to authorize a *gathering space* use to provide a venue for outdoor events accessory to a proposed campground being considered under application RZ000280 and Bylaw No. 4518.

The application was initially considered by the LUC at its meeting of August 20, 2024. At that meeting, the LUC directed referral of the application to agencies and to the Shirley-Jordan River Advisory Planning Commission (APC).

The subject property and proposed Temporary Use Permit, as amended in response to recommendations received from the APC, were highlighted.

Iain Lawrence responded to questions from the LUC advising that the APC requested a distinction between “ticketed” and “unticketed” events. In response to that request, the permit identifies guests as “registered” and “non-registered” as the campground operator would have a registry of guests as opposed to an account of ticket holders. It was further advised that the prohibitions in the permit were aligned to be in keeping with the Noise Bylaw for the Juan de Fuca Electoral Area.

The Chair confirmed that the applicant was present.

Applicant comments included:

- the temporary use permit would allow for a trial period and the intention is to rezone to permit the use on a permanent basis
- the subject property is approximately 200 acres
- hardscaping and acoustic technician oversight would be utilized to mitigate noise
- an irrevocable Letter of Credit of \$10,000 is a permit condition

Public comments included:

- impact would not be limited to the land
- proposal would increase traffic into and out of the community
- RCMP presence in the community is limited
- CRD enforcement resources are limited
- support for the APC’s recommendation to limit the temporary use to persons from the general public to 50

LUC discussion ensued regarding the APC’s recommendations relative to the proposed permit conditions.

MOVED by Anna Russell, **SECONDED** by Ron Ramsay that Temporary Use Permit TP000013 be amended to add a new condition 4(c)(iv) to specify that events must occur within Area A on the Site Plan.

CARRIED

MOVED by Anna Russell, **SECONDED** by Roy McIntyre that Temporary Use Permit TP000013 be amended to add a new condition 4(e)(iv) to limit the total number of events to 8 per a calendar year.

CARRIED

MOVED by Ron Ramsay, **SECONDED** by Roy McIntyre that Temporary Use Permit TP000013 condition 4(f)(ii) be amended to reduce event attendees to not more than 50 non-registered, day-use guests.

CARRIED

MOVED by Vern McConnell, **SECONDED** by Anna Russell that Temporary Use Permit TP000013 be amended to add a new condition 4(f)(iii) to limit the total number of attendees at an event to 510.

CARRIED

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of Temporary Use Permit TP000013 to the Shirley-Jordan River Advisory Planning Commission, Pacheedaht & T'Sou-ke First Nations, Island Health, Ministry of Transportation & Infrastructure, RCMP, and appropriate CRD departments be approved and comments be received; and
2. That the Temporary Use Permit TP000013 be approved, as amended.

Opposed: Ron Ramsay

CARRIED

8. Adjournment

The meeting adjourned at 8:57 pm.

Chair



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, MARCH 18, 2025

SUBJECT **Development Variance Permit for Lot 7, District Lot 29, Otter District,
Plan VIP59848 – 7827 Dalrae Place**

ISSUE SUMMARY

A request has been made for a development variance to reduce a flanking yard setback from 6 m to 4 m and a rear yard setback from 10 m to 5.5 m, to address undue hardship under the *Riparian Areas Protection Regulation* requirements for the purpose of a two-lot subdivision (SU000736).

BACKGROUND

The 1.0 ha property is located at 7827 Dalrae Place in Otter Point (Appendix A) and is zoned Rural Residential 2 (RR-2) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The parcel has an irregular shape and is roughly bisected by a wetland that is protected by a covenant. The property is partially designated as Steep Slopes and Watercourses and Wetlands Development Permit (DP) areas by the Otter Point Official Community Plan (OCP), Bylaw No. 3819. The parcel has road frontage on Carpenter Road and Dalrae Place. A single-family dwelling and detached garage are located on the southern portion of the lot with access from Dalrae Place. Neighbouring parcels on Dalrae Place and Carpenter Road are also zoned RR-2.

The parent parcel meets the minimum parcel size specified by RR-2 zone; however, the landowner wishes to subdivide the parcel into two lots (Appendix B) to provide residence for a relative in accordance with Section 514 of the *Local Government Act (LGA)*. No minimum lot size is specified by the RR-2 zone for parcels created under this section of the *LGA*.

The *Riparian Areas Protection Regulation (RAPR)* specifies that where less than 30% of a proposed parcel is available for development after the standard of protection and the required yard setbacks are applied, development is considered to put additional pressure on the riparian areas and present undue hardship. The owner has requested variances to reduce the required flanking yard setback of proposed Lot A and the rear yard setback of the proposed Remainder Lot to ensure both parcels have an adequate developable area and remove the undue hardship designation under the *RAPR* (Appendix C).

ALTERNATIVES

Alternative 1

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

That Development Variance Permit VA000164 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, be approved as follows:

- a. Section 6.07(c) is varied by reducing the flanking yard setback requirement for proposed Lot A from 6 m to 4 m; and
- b. Section 6.07(d) is varied by reducing the rear yard setback requirement for proposed Remainder Lot 7 from 10 m to 5.5 m;

for the purpose of removing undue hardship for a two-lot subdivision of Lot 7, District Lot 29, Otter District, Plan VIP59848, pursuant to the *Riparian Areas Protection Regulation*.

Alternative 2

That the development variance permit be denied, and the proposed parcels be required to comply with setback requirements.

IMPLICATIONS

Legislative Implications

The Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 6.07(c) and (d), specify that buildings and structures in the RR-2 zone be located a minimum of 6 m from a flanking lot line and 10 m from a rear lot line.

The *RAPR* specifies the conditions under which local governments may approve development in or near riparian areas and outlines the standard of protection for those areas. This includes delineation of a Streamside Protection and Enhancement Area (SPEA) and determining undue hardship at the time of subdivision. Where less than 30% of the area of a proposed parcel is available as a buildable area due to SPEA calculations and zoning setbacks, undue hardship is determined to exist. The *RAPR* allows local governments to approve variances to reduce yard setbacks and alleviate the hardship. The application of SPEA and yard setbacks requirements creates potential undue hardship for each of the proposed lots under subdivision application SU000736.

Public Consultation Implications

Pursuant to Section 499 of the *LGA*, 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 given distance as specified by bylaw. Capital Regional District Bylaw No. 3885, Fees and Procedures Bylaw, states that a notice of intent must be mailed to adjacent property owners within 500 m of the subject property. Any responses received from the public will be forwarded by staff to the Land Use Committee (LUC) in advance of the March 18, 2025, LUC meeting.

Land Use Implications

The landowner proposes to create an additional parcel for a relative under Section 514 of the *LGA*. If a parcel is designated as DP area, a development permit is required to authorize subdivision. Where development, including subdivision, is to occur within riparian areas under the *RAPR*, the Ministry of Water, Land and Resource Stewardship must approve a Riparian Areas Assessment report prepared by a Qualified Environmental Professional (QEP) prior to CRD issuance of the DP.

The landowner submitted a development permit application to meet the CRD's subdivision requirements. However, the riparian assessment identified that both proposed parcels would be subject to undue hardship under the *RAPR* due to the SPEA calculation for a wetland on the parent parcel and the minimum setbacks for buildings and structures specified by the RR-2 zone.

The existing dwelling on the proposed Remainder Lot is partially located in the SPEA; however, it was constructed prior to *RAPR* regulations and complies with the terms of covenant EH127722. The existing accessory building meets the 1 m rear and side yard setback requirements specified by the Accessory Buildings and Structures regulations in Bylaw No. 2040.

The Otter Point OCP supports the consideration of variances from applicable zoning regulations in order to minimize encroachment into the DP area. Reducing the flanking setback for proposed Lot A along Dalrae Place from 6 m to 4 m and the required rear yard setback for proposed Remainder Lot 7 from 10 m to 5.5 m will increase the developable areas of the proposed parcels to meet *RAPR* standards and minimize encroachment into the DP area.

Upon receiving *RAPR* approval for the subdivision layout, the development will be aligned with the development policies of the Settlement Area land use designation and the DP guidelines in the Otter Point OCP. The riparian areas assessment report for the development permit application will be reviewed by staff in accordance with the Watercourses and Wetland Areas DP guidelines.

It is not anticipated that a reduction in yard setbacks will impose a hardship on adjacent properties; however, notice of the requested variance will be sent to owner and occupiers of land within 500 m of the subject property and any comments received will be forwarded to the LUC for consideration.

Staff recommend approval of development variance permit VA000164 (Appendix D), subject to public notification and consideration of comments from neighbouring residents. If the variance is approved, any structures on proposed Lot A that are located less than 4.5 m from the Dalrae Place right-of-way will require a permit from the Ministry of Transportation and Transit.

CONCLUSION

The applicant has requested a variance to alleviate future undue hardship under the *RAPR* and facilitate a 2-lot subdivision. In order to meet *RAPR* standards, a variance to reduce the flanking yard setback for proposed Lot A from 6 m to 4 m and the rear yard setback for proposed Remainder Lot 7 from 10 m to 5.5 m is required. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice on Title.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District Board:
That Development Variance Permit VA000164 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, be approved as follows:

- a. Section 6.07(c) is varied by reducing the flanking yard setback requirement for proposed Lot A from 6 m to 4 m; and
- b. Section 6.07(d) is varied by reducing the rear yard setback requirement for proposed Remainder Lot 7 from 10 m to 5.5 m;

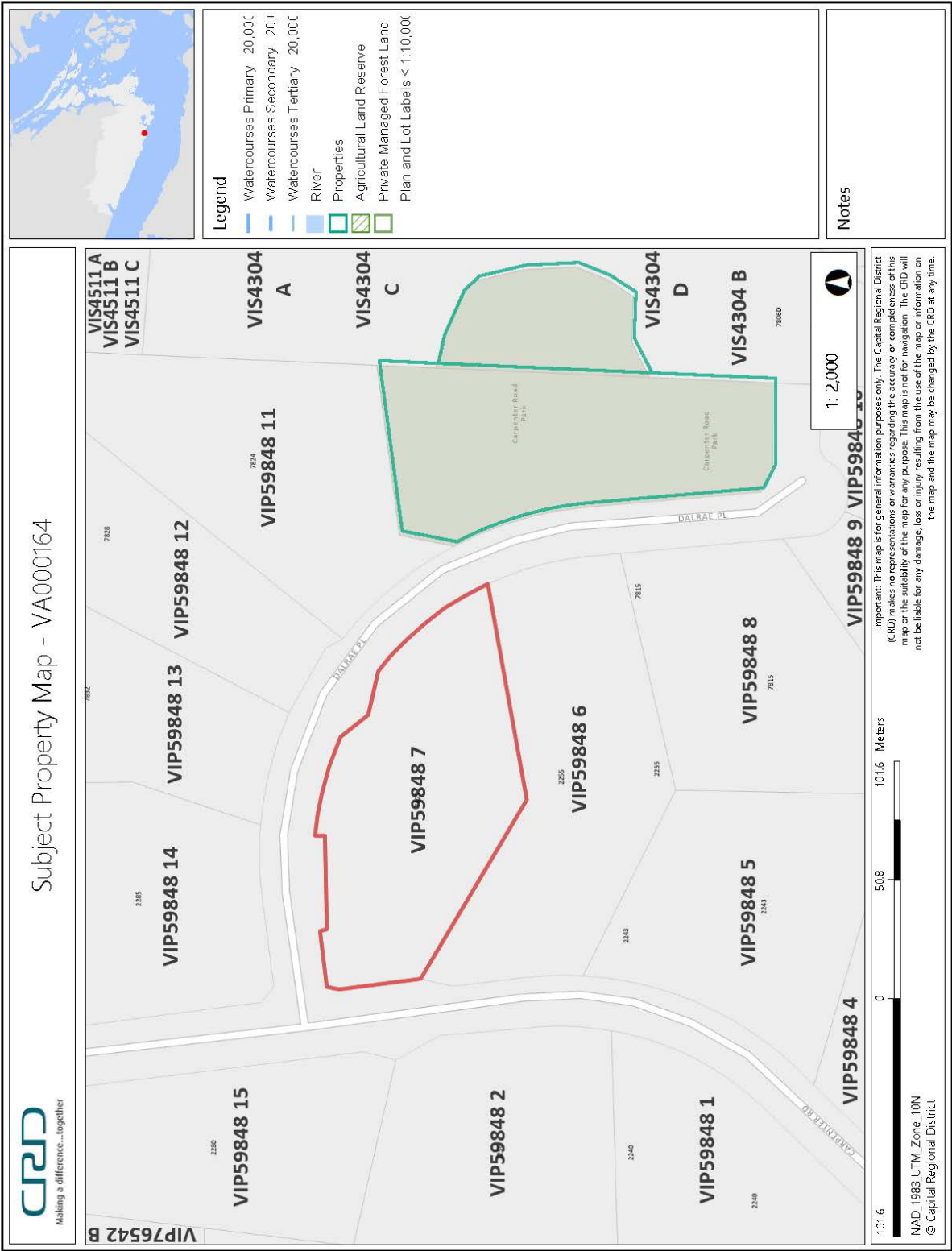
for the purpose of alleviating undue hardship for a two-lot subdivision of Lot 7, District Lot 29, Otter District, Plan VIP59848, pursuant to the *Riparian Areas Protection Regulation*.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Patrick Klassen, MCIP, RPP, Acting General Manager, Housing, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Chief Administrative Officer

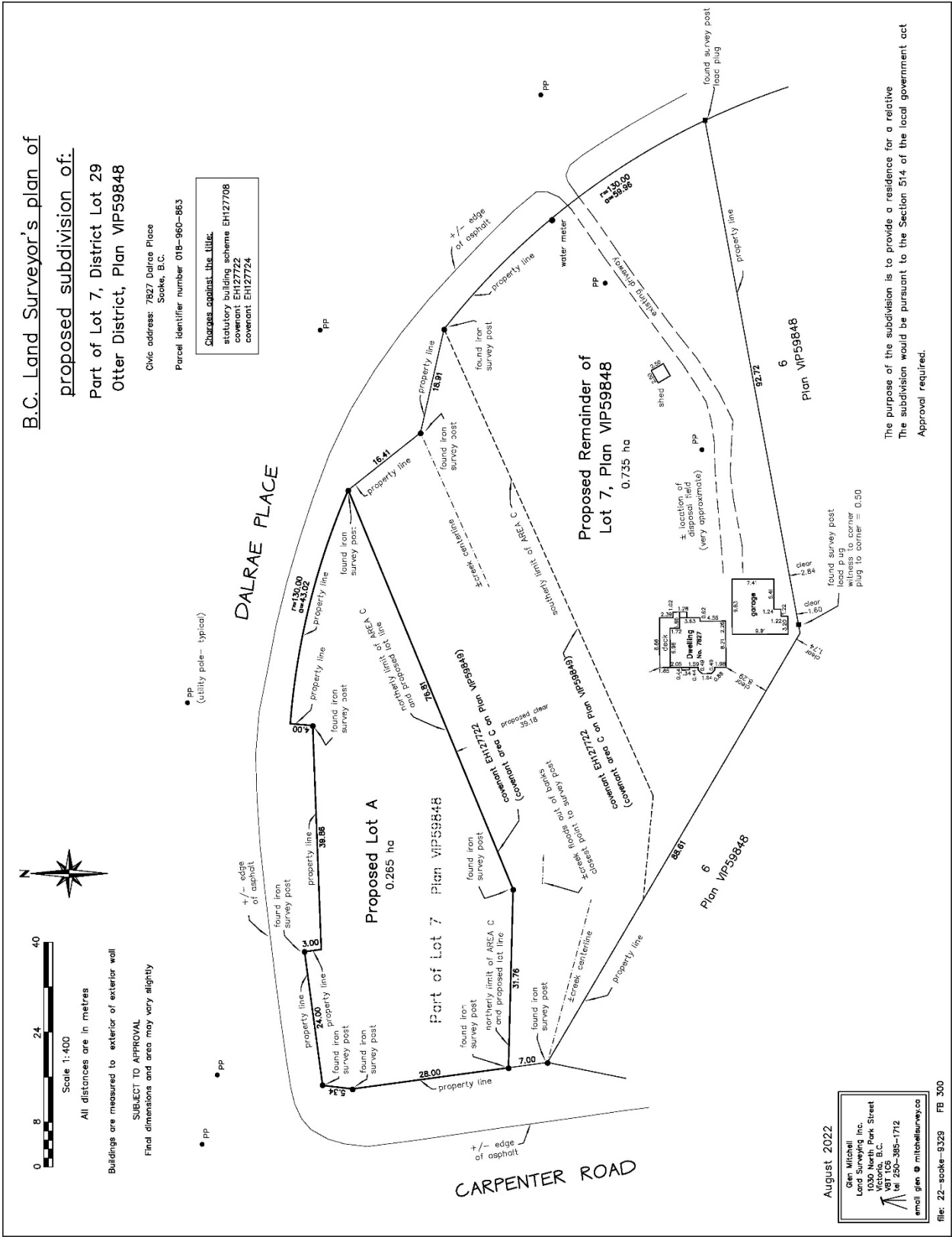
ATTACHMENTS

- Appendix A: Subject Property Map
Appendix B: Proposed Plan of Subdivision
Appendix C: Variance Request
Appendix D: Development Variance Permit VA000164

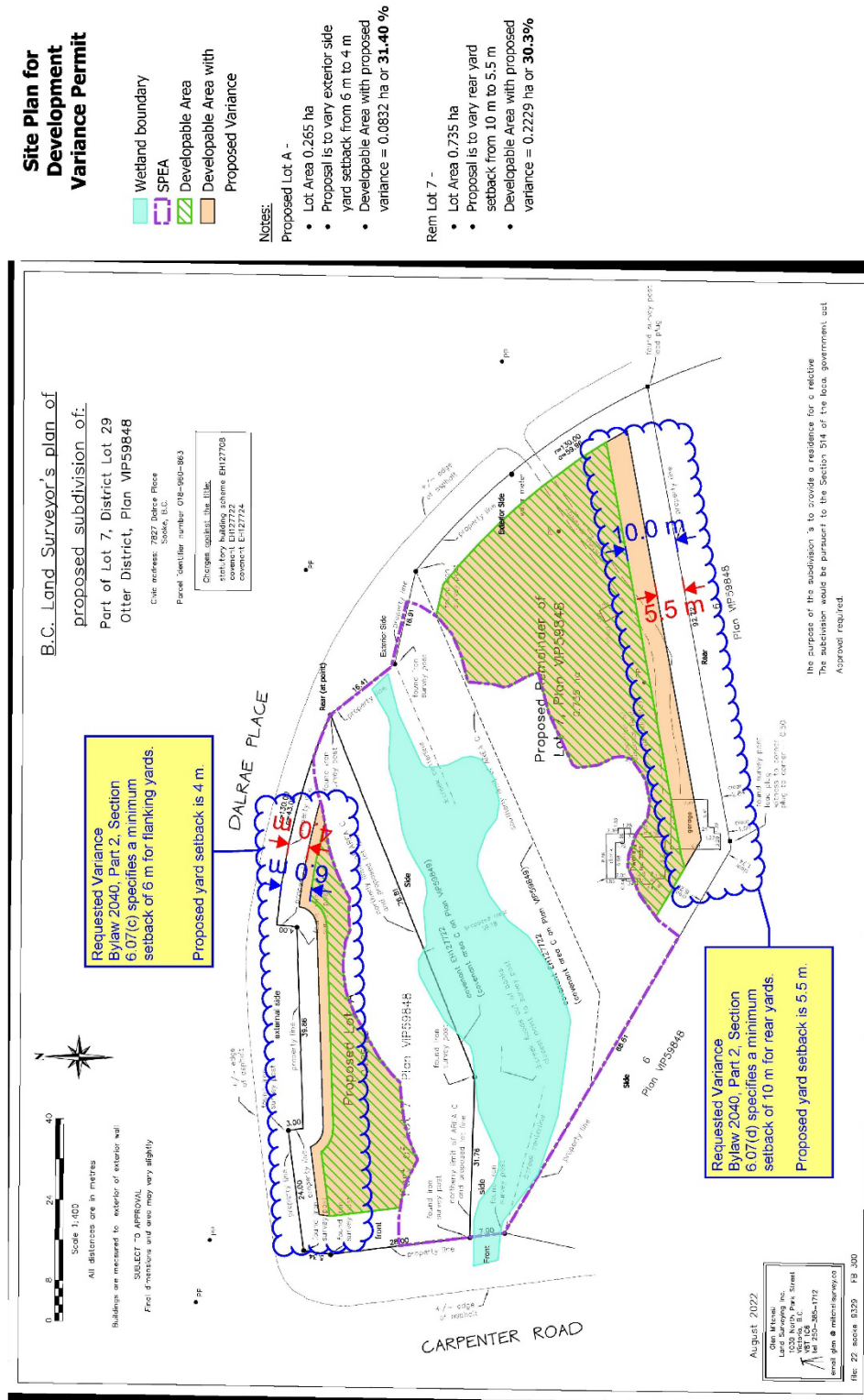
Appendix A: Subject Property Map



Appendix B: Proposed Plan of Subdivision



Appendix C: Variance Request



Appendix D: Development Variance Permit VA000164



CAPITAL REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT NO. VA000164

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 a proposed 2-lot subdivision of those lands within the Regional District described below (legal description) in accordance with the plans submitted to the CRD and attached herein:
PID: 018-960-863;
Legal Description: Lot 7, District Lot 29, Otter District, Plan VIP59848
3. The Capital Regional District's **Bylaw No. 2040, Part 2** is varied under Section 498 of the *Local Government Act* as follows:
 - a. Section 6.07(c) is varied by reducing the flanking yard setback requirement for proposed Lot A from 6 m to 4 m; and
 - b. Section 6.07(d) is varied by reducing the rear yard setback requirement for proposed Remainder Lot 7 from 10 m to 5.5 m;for the purpose of removing undue hardship pursuant to the *Riparian Areas Protection Regulation*.
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 (VA000164) 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.
6. 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.
7. The following plan and specification is attached:
 - a. Attachment 1: Site Plan Survey
8. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2025.

ISSUED this ____ day of _____, 2025

Corporate Officer
Kristen Morley



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VA000164

Site Plan for Development Variance Permit

- Wetland boundary
SPEA
Developable Area
Developable Area with
Proposed Variance

Notes:

- Lot Area 0.255 ha
- Proposal is to vary exterior side yard setback from 6 m to 4 m
- Developable Area with proposed variance = 0.0832 ha or **31.40 %**

- Rem Lot 7 -

- Lot Area 0.735 ha
- Proposal is to vary rear yard setback from 10 m to 5.5 m
- Developable Area with proposed variance = 0.2229 ha or **30.3%**

