

LUC comments included:

- Botanical Beach (Juan de Fuca Provincial Park) is adjacent to the subject property
- the applicant has submitted an Environmental Assessment report to address the creation of proposed Lot A relative to the Shoreline Protection DP guidelines
- adjacent property views will not be impacted by the proposal

MOVED by Roy McIntyre, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:

- a) Part IV, Section 22(2)(f) be varied by increasing the maximum height of an accessory building from 4.8 m to 6.9 m in accordance with the Garage Design Drawings; and
- b) Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of the existing deck in accordance with the Dwelling and Deck Site Plan;

be approved.

CARRIED

c) DV000080 - Lot A, Section 7, Otter District, Plan VIP75055 (8709 West Coast Road)

Iain Lawrence spoke to the staff report for the application for a development permit with variance to address the Marine Shoreline Development Permit (DP) Area guidelines for a seawall and single-family dwelling, and to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, by allowing height to be measured from finished grade, by allowing the elevation of the lot to be increased and by decreasing the front yard setback.

Iain Lawrence highlighted the subject property map, proposed strata plan, site plan and building drawings.

Iain Lawrence advised that:

- the property was rezoned to Gordon's Beach Recreation Residential 4 (R-4) in 2000 and would have allowed the property to be subdivided into 500 m² parcels, each with a single dwelling unit
- the property has not been subdivided and the R-4 zone allows existing dwellings shown on the proposed strata plan to be rebuilt in their present locations; however, the zone prohibits changes to the elevation of the lot and allows a maximum building height of 7.5 m as measured from average natural grade
- since the time that the bylaw introducing the R-4 zone was adopted, the Province has updated the flood hazard guidelines for coastal areas, which affects how flood construction level (FCL) is determined
- to meet flood construction elevation and maximum building height requirements, variances to permit an increase in the elevation of the lot is required
- since the final height of the building depends on the amount of fill required, it is not known with certainty what the final height of the building would be above natural grade.
- it is known, however, that the final height will be less than 7.5 m above final grade
- the applicant has submitted geotechnical reports which provide a FCL, address the Marine Shoreline DP Area guidelines and provide recommendations for the

development to be located within 7.5 m of the natural boundary of the sea in accordance with Bylaw No. 2040

Iain Lawrence directed attention to the submissions included in the supplementary agenda. Further to comments received from the public, it was advised that there is a strip of land between the subject property and the ocean that was once held under licence of occupation. The land that was subject to the licence of occupation has been returned to the Crown.

The Chair confirmed that the applicants were present.

Iain Lawrence responded to questions from the LUC and the public advising that:

- the Ministry of Transportation and Infrastructure has granted an access permit
- R-4 zoned properties may have a crawl space provided that goods that may be damaged by flood waters, including mechanical and electrical services, are not below the FCL
- the proposed accessory building has its own entrance and is only attached to the proposed dwelling by a common roof/breezeway
- the accessory space cannot be used for dwelling purposes
- the natural boundary of the sea is at the base of the seawall
- similar variance applications are anticipated in future for properties at Gordon's Beach

Lynne Masse Danes, Otter Point:

- concerned that the accessory building will be used as a living space, which would exceed the allowable footprint
- proposal is not in keeping with the character of Gordon's Beach

Dana LeComte, Otter Point:

- owns property directly across from Gordon's Beach
- questioned if there is a maximum height above road level
- structures at Gordon's Beach are getting higher and higher
- supports a maximum height above road level

Bob Liptrot, Otter Point:

- expansion of Highway 14 is underway
- highway right of way will be located closer to Gordon's Beach
- residential parking is already tight at Gordon's Beach
- has lived in the subject area for twenty-five years and have witnessed numerous accidents
- it appears the proposed structure will be built on a large concrete berm adjacent to the highway
- information on the highway access permit is required
- flooding is an issue on the adjacent property
- road culvert is blocked during storms/high tide events and regularly floods Highway 14 and the property across the highway from the subject property
- the raised foundation, regardless of an engineer's recommendation, will be undermined by these water events

Heather Phillips, Otter Point:

- understood that the seawall was going to be riprap
- drawings show a solid concrete seawall

- subject area is a low bank area
- low bank area has an increased probability of being impacted by natural erosion
- Highway 14 regularly floods
- one side of the seawall be impacted by sea level rise and storm surge; the other side will be impacted by flooding
- the community should have a say in what it considers to be an acceptable risk

LUC comments included:

- proposal does not directly infringe on adjacent property owners
- a geotechnical engineer has recommended a FCL
- proposal is in keeping with provincial requirements

Iain Lawrence responded to questions from the LUC advising that:

- properties being rebuilt at Gordon's Beach can be anticipated to be elevated 1.5 m
- some properties were elevated before the new provincial guideline
- liability is mitigated through the requirement for a geotechnical report and reliance on a qualified professional, as well as registration of a covenant saving the CRD harmless

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

1) That Development Permit with Variance DV000080, for Lot A, Section 7, Otter District, Plan VIP75055, to authorize construction of a seawall and a single-family dwelling in a Marine Shoreline Development Permit Area, and to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, as follows:

- a) Part 1, Section 2.0 by varying the definition of *height* as it applies to the proposed building to mean the average vertical distance from finished grade at the outermost corners of the building to the mean level of the highest roof plan between the eaves and the ridge of a sloping roof;
- b) Part 2, Section 13A.11(b) to allow that the elevation of the lot may be increased in accordance with the Building Design Drawings and Geotechnical Reports; and
- c) Part 2, Section 13A.13(a) to reduce the front yard setback from 4.5 m to 2.3 m in accordance with the Site Plan;

be approved.

- 2) That a restrictive covenant be registered on the title of the lands securing the geotechnical reports for 8709 West Coast Road, certified by Scott Currie, P. Eng., dated March 23, 2021, and June 14, 2021, and saving the CRD harmless in accordance with Section 219 of the *Land Title Act* and Section 56 of the *Community Charter*.

CARRIED

8. Zoning Amendment Application

- a) **RZ000273 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)**

Iain Lawrence spoke to the staff report for the application to rezone a portion of the subject property to permit a range of general industrial and commercial uses.

Iain Lawrence highlighted the subject property map, proposed subdivision plan (SU000711) and proposed Bylaw No. 4423.