



The Corporation of the District of Central Saanich

REGULAR COUNCIL REPORT

For the Regular Council meeting on Monday, May 26, 2025

Re: 8012 Turgoose Terrace – Development Permit with Variance

RECOMMENDATION(S):

That with regard to Development Permit PL001641 for 8012 Turgoose Terrace, which includes variances, staff schedule an Opportunity to be Heard at a future Council meeting.

Following the Opportunity to be Heard, that Council authorize the issuance of Development Permit Application PL001641 (8012 Turgoose Terrace) that includes the following variances:

1. That S.4.6.4 of the Zoning Bylaw be varied to reduce the natural boundary of the sea setback requirement of 10m to 0m for the proposed retaining wall.
2. That S.4.6.4 of the Zoning Bylaw be varied to reduce the natural boundary of the sea setback requirement of 10m to 7.3m for the proposed pool.

PURPOSE:

The purpose of this report is to consider a Development Permit with Variance to permit the construction of a single walled retaining wall measuring up to 4m in height and site alterations to allow construction of a 17.53m x 4m pool within the Marine Shoreline Development Permit Area. A site plan is attached as Appendix A.

BACKGROUND:

The District has received a Development Permit with Variance (DPwV) application to construct a retaining wall and pool within the Marine Shoreline Development Permit Area (DPA). The Marine Shoreline DPA is defined as lands within an area that extends 15m inland and seaward from the natural boundary of the ocean.

8012 Turgoose is a 1423m² RN zoned property in the Turgoose neighbourhood. The property's north and west property lines front the shoreline of the Salish Sea and a dock is currently situated on the northern foreshore area of the lot. The property hosts a number of decks and docks, stone patio, and grass and natural vegetation. A site context map is attached as Appendix B.

DISCUSSION:

The applicant has indicated that the purpose of the retaining wall is to stabilize the exposed bank and prevent further erosion of the property and possible undermining of the existing stone patio, also noted in the geotechnical report. The wall would be kept on the property side of the present natural boundary. During a site visit on May 6th, 2025, staff confirmed the proposed retaining wall would be no taller in

height than the exiting retaining wall on the west side of the property and would connect two existing retaining walls on the south-west and north-west portions of the property. The proposed pool would be located on previously disturbed land and approximately 7.3m from the Present Natural Boundary. Letters of rationale are attached as Appendix C.

Official Community Plan:

The District's Environmental Objectives and Policies support the protection of marine shoreline areas and discourage projects that may pose negative effects to marine waters. The Environmental Objectives and Policies do support restoration projects that provide positive effects to the natural ecosystem and projects that support risk mitigation and green shores practices.

- Objective 4.6.C: Preserve, protect, and enhance fresh and marine water ecosystems by protecting the quantity and quality of the waters, supporting watershed restoration projects, restoring riparian areas and the marine shoreline to natural conditions, and regulating marine-based uses.
- Policy 4.6.22: Continue to encourage a Green Shores approach to shoreline management through a Marine Shoreline Development Permit Area, and do not support hardening of the shoreline, such as seawalls, unless an assessment report from a qualified professional trained in Green Shores confirms it would be warranted based on the specific location and that it is necessary to mitigate risks to structures or persons.

Marine Shoreline Development Permit Area

A development permit is required for all new developments within 15m of the natural boundary of the sea. The proposed structures would be within 15m of the natural boundary of the sea. Relevant guidelines for this application are found in Section 2 Marine Shoreline Development Permit Areas of Schedule E of the OCP and include:

- Design Guideline 2.6.1: Development of the shoreline area should be limited and not negatively impact the ecological health of the immediate area or impede public access.
- Design Guideline 2.6.3: New upland or shoreline structures or additions should be located and designed to avoid the need for shore protection works. Only if all options to locate and design without the need for shore protection measures are exhausted should such works be considered.
- Design Guideline 2.6.5: All structural shore protection measures should be installed within the property line or upland of the natural boundary, whichever is further inland. "Soft" shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.

To support the development permit, an environmental report and geotechnical report have been submitted (Appendix D and E). The environmental report identified a small area of natural vegetation and that the proposed retaining wall can be constructed without disturbing the habitat below the present natural boundary. The recommendations include retaining existing natural vegetation where possible, removing invasive species, and replanting with natural species. If removal is to occur between the migratory bird nesting period, a pre-clearing survey of nests is required. The environmental assessment includes recommendations such as erosion, sediment control, pollution control, fuelling, and spill response measures, which would form part of the development permit as conditions.

The geotechnical memorandum supports the construction of a single concrete retaining wall on the west side of the lot to stabilize the soils between the present natural boundary and the existing footpath. The memo indicates the retaining wall will be located on top of the 2m high rock bank, the present natural boundary, and setback 1m into the property. The Geotechnical Engineer has no concerns with the approach from a geotechnical perspective and recommends that works be completed in accordance with DFO guidelines.

Given the environmental and geotechnical report recommendations and that the proposal is located inland of the present natural boundary on top of an existing natural bedrock shoreline, and includes recommended mitigation measures during construction that would not further the impacts to marine habitat and vegetation, staff have no concerns with the proposal.

Zoning Bylaw:

This application requires a variance to allow the location of a structure within the siting setbacks, as the applicant is requesting to construct a retaining wall along the natural boundary of the sea. The retaining wall located along the west bank is proposed to be a maximum of 4m in height.

In regard to this application, the District's Zoning Bylaw states that no person shall construct, erect or place a building or structure other than: fences; docks, ramps and walkways; stairs; or, geothermal heating and cooling systems; within 10 metres measured horizontally inland from the natural boundary of the sea nor within 10 metres measured horizontally inland from the top of a slope of 3:1 or more adjacent to the sea. Therefore, the applicant is requesting that S.4.6.4 of the Zoning Bylaw be varied to reduce the natural boundary of the sea setback from 10m to 0m for the proposed retaining wall, and to reduce the natural boundary of the sea setback from 10m to 7.3m for the proposed pool.

The Zoning Bylaw does not limit the height of a retaining wall; therefore staff have no concerns as the proposed wall will join two existing retaining walls on the property and not exceed the height of the existing walls. A retaining wall over 1.2m will require a building permit.

Trees:

Due to the property being located within the Erosion District, any tree removal required to complete the proposed works would be secured by a tree removal permit.

OPTIONS:

Option 1 (recommended):

That regard to Development Permit PL001641 for 8012 Turgoose Terrace, which includes variances, staff schedule an Opportunity to be Heard at a future Council meeting.

Following the Opportunity to be Heard, that Council authorize the issuance of Development Permit Application PL001641 (8012 Turgoose Terrace) that includes the following variances:

1. That S.4.6.4 of the Zoning Bylaw be varied to reduce the natural boundary of the sea setback requirement of 10m to 0m for the proposed retaining wall.
2. That S.4.6.4 of the Zoning Bylaw be varied to reduce the natural boundary of the sea setback requirement of 10m to 7.3m for the proposed pool.

Option 2:

That the application be referred to the Advisory Planning Commission.

Option 3:

That Council provides alternative direction.

Option 4:

That Council deny the application.

CONCLUSION:

The application being considered is for a development permit with variance within the Marine Shoreline Development Permit Area to authorize the construction of a of a single walled retaining wall measuring up to 4m and a 17.53m x 4m pool. The proposed retaining wall would be no taller in height than the existing retaining wall and would support the stabilization of soils, and the proposed pool would be located on previously disturbed land. It is recommended that staff schedule an opportunity to be heard for the variance of the retaining wall height and proposed location of the retaining wall and pool within the marine shoreline area.

Report written by:	Davin Contois, Development Planner
Respectfully submitted by:	Kerri Clark, Manager of Development Services
Concurrence by:	Jarret Matanowitsch, Director of Planning, Building, and Bylaw Services
Concurrence by:	Christine Culham, Chief Administrative Officer

ATTACHMENTS:

Appendix A: Site Plan

Appendix B: Site Context Map

Appendix C: Letter of Rationale

Appendix D: Letter of Environmental Assessment

Appendix E: Geotechnical Memorandum

Appendix F: Draft Development Permit