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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, November 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, Roy McIntyre, Ron Ramsay,
Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, Juan de Fuca Administration;
Regina Robinson, Recorder
ABSENT: Vern McConnell
PUBLIC: 11 in-person; 1 EP

EP – Electronic Participation

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgement.

2. Approval of the Agenda

MOVED by Ron Ramsay, **SECONDED** by Anna Russell that the agenda be approved, as amended, to consider Zoning Amendment Application RZ000291 as Agenda Item 6 and Development Variance Permit and Flood Exemption Application DV000093 as Agenda Item 7.

CARRIED

3. Adoption of Minutes of September 16, 2025

MOVED by Anna Russell, **SECONDED** by Ron Ramsay that the minutes from the meeting of September 16, 2025, be adopted.

CARRIED

4. Chair's Report

The Chair welcomed everyone to the meeting and noted that the two applications to consider are of varying complexity and that the membership will give careful thought to questions and decisions.

5. Planner's Report

It was advised that the Land Use Committee (LUC) will adjourn for December.

It was reported that a draft of the Port Renfrew Official Community Plan (OCP) was submitted to staff and will be circulated to the public prior to consideration by the Citizens' Committee. A final draft reflecting any changes made as a result of public comment will be presented to the LUC.

It was reported that the consultant for the Juan de Fuca Electoral Area Official Community Plan Consolidation and Willis Point OCP/Local Area Plan Update project has been selected and will be named once the contract is signed.

6. Zoning Amendment Application (noted as agenda item 7)

a) RZ000291 – That Part of Section 90, Renfrew District, Shown Outlined in Red on Plan 913R Lying to the North of the Southerly Boundary of Plan 503RW (9260 Invermuir Road)

Iain Lawrence spoke to the application to rezone the subject property from the Rural (A) and Forestry (AF) zones to the Rural 2 (RU2) zone to facilitate a two-lot subdivision.

The subject property and split-zone status preventing subdivision were highlighted. The proposed zone was outlined.

LUC discussion ensued regarding:

- rationale for exclusion of the floor area ratio from the RU2 zone
- the encumbrance allowing forestry related uses
- nature of the proposed farm uses

Staff responded to questions from the LUC advising that maximum floor area specifications were used instead of floor area ratios within the RU2 zone.

Staff confirmed that the applicant was present.

Applicant comments included:

- the proposed zone is the same as the adjacent neighbor
- the forestry use encumbrance is related to the transferee having first right of refusal for any cleared timber
- the proposed agricultural use will be limited to gardens at this time
- extensive clearing of broom has been completed to facilitate the use

MOVED by Anna Russell, **SECONDED** by Les Herring that staff be directed to refer proposed Bylaw No. 4716, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 169, 2025” to the Shirley – Jordan River Advisory Planning Commission, appropriate CRD departments, external agencies and First Nations for comment.

CARRIED

7. Development Variance Permit and Flood Exemption Application

a) DV000093 – Lot 3, Section 15, Otter District, Plan 11437 Except Parcel A (DD33503W) (3139 Otter Point Road)

Iain Lawrence spoke to the application for a development variance permit and floodplain exemption to reduce the yard setback requirements of the Rural (A) zone and to reduce the floodplain setback from DeMamiel Creek to meet *Riparian Areas Protection Regulation* undue hardship criteria for the purpose of constructing a dwelling. Staff noted that the application was to be considered at the October LUC meeting, but the postal strike resulted in a delay.

The subject property, yard setback variance requests and site plan from the geotechnical report were highlighted.

LUC discussion ensued regarding:

- the proposed dimensions and footings required for the 2 m x 10 m structure demonstrated on the plans
- *Riparian Areas Protection Regulation* intent and timing of the anticipated assessment report for the subject property
- rationale for the floodplain exemption being prior to the Riparian Assessment
- that the septic appears to be located within the 11 m setback from top of bank
- concern that works were undertaken prior to any permits being issued and the potential ramifications
- current use of an RV as a residence on the parcel, septic and Building Permit application status
- the necessity for the side yard variance request

Staff responded to questions from the LUC advising that:

- next steps for the proposal include submission of a Riparian Areas Assessment report for a CRD Development Permit application, submission of a Building Permit application, and securing the geotechnical report by registering a covenant on the title of the property
- the Geotechnical report assesses the risk of flooding and the setback only applies to the structure
- Building Inspection will also review the Geotechnical Report through the Building Permit process to ensure it meets requirements under Section 56 of the *Community Charter*
- reduction of the side yard setback is not vital to the current proposal

Staff confirmed that the applicant and Qualified Environmental Professional (QEP) working on the proposal were present.

Applicant comments included:

- the original 2 m X 10 m footprint was based on using a seacan for the structure, but a prefab kit option is now being explored and the Geotech confirmed that a slab on grade foundation is an option
- the parcel will be serviced by an existing water license
- the water source for the adjacent parcel is secured by an easement on the subject property
- the septic system is installed and currently connected to the RV being used as a for temporary accommodation during the construction of the dwelling

QEP comments included:

- constraints on the parcel due to the Riparian Assessment Area and the need to confirm undue hardship status prior to the Riparian Assessment Report
- change in siting of the proposed dwelling from the original survey submitted was due to the Geotechnical Engineer's recommendation

Public comments included:

- question regarding the nature of the easement demonstrated on the site plan
- site plans demonstrating different locations for the proposed dwelling
- concerns regarding drainage and contaminants entering Demamiel Creek, which is a drinking water source for many
- concern regarding request to reduce the side yards and impact of privacy for neighbouring property owner to the north

MOVED by Anna Russell, **SECONDED** by Ron Ramsay that Development Variance Permit and Floodplain Exemption DV000093 to authorize the siting of a proposed dwelling on Lot 3, Section 15, Otter District, Plan 11437, except Parcel A (DD33503W) be approved as follows:

1. Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 2:
 - a) Section 2.07(a) is varied by reducing the front yard setback requirement from 7.5 m to 4.5 m;
 - b) Section 2.07(b) is varied by reducing the side yard setback requirement from 6 m to 4.5 m; and
 - c) Section 2.07(c) is varied by reducing the flanking yard setback requirement from 6 m CTS to 4.5 m.
2. Pursuant to Section 524 of the *Local Government Act*, the floodplain setback for DeMamiel Creek specified by Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 5, Section 2(a) is reduced from 30 m from the natural boundary to 11 m from the crest of the slope above the western side of the creek as shown in the geotechnical report certified by Shane Moore, P.Geo., dated July 15, 2025, revised July 30, 2025, subject to the following:
 - a) That the professional geotechnical engineer's report certified by Shane Moore, P.Geo., dated July 15, 2025, revised July 30, 2025, be secured via a restrictive covenant registered on title pursuant to section 524(8)(c) of the *Local Government Act*;
 - b) That development of the property comply with the recommendations outlined in the professional engineer's report certified by Shane Moore, P.Geo., dated July 15, 2025, revised July 30, 2025; and
 - c) That the building setbacks be verified by BCLS survey prior to completion of the building permit.

MOVED by Ron Ramsay, **SECONDED** by Roy McIntyre to strike 1.b), the side yard setback variance from the recommendation.

LUC discussion on the amendment to the motion ensued regarding:

- change to the motion addressing concerns raised and avoids delaying the application
- clarification on the yard designations relative to the proposed dwelling

The Chair called the question on the amendment to the main motion.

CARRIED

The Chair called the question on the main motion, as amended.

CARRIED

8. Adjournment

The meeting adjourned at 7:53 pm.

Chair