

Appendix I: Referral Comments



PO Box 307, Sooke B.C., V9Z 1G1
Ph.: 250 642-3957 Fax: 250 642-7808

22 September 2025

RE: OCP and Zoning Amendment Application RZ000289 - CRD Referral (Shirley)

File: RZ000289

Dear Wendy Miller,

Thank you for providing the opportunity to review the application. T'Sou-ke Nation has the below comments which need to be addressed to ensure consultation is meaningful.

- Will there be a different referral just for the development permit sent to T'Sou-ke Nation?
- T'Sou-ke Nation will need to be apprised of any archaeological finds when construction starts on this property.
- There should also be opportunity for the guardians to be onsite when excavation is undertaken. Please notify T'Sou-ke Nation when construction begins.
- There is a possibility that undetermined archaeological resources may be uncovered.
- The lot needs some kind of archaeological survey completed if below ground excavation is being contemplated or trees are felled. Chance find procedures are not good enough.
- T'Sou-ke Nation recommends that the District of Sooke start requiring archaeology assessments the same that they require geotechnical assessments.
- During construction, there needs to be sediment and erosion controls in place to prevent sediment reaching water courses on the property.
- All contractor vehicles should be clean before arriving on site to prevent the spread of invasive plants.
- Any spill reports or environmental incident reports should be provided to T'Sou-ke Nation within 10 days of occurrence.
- Standards and guidelines for handling concrete need to be employed on site.

Should you have any comments or questions following this review please correspond with the Lands Governance Director at landsmanager@tsoukenation.com or at 250-642-3957 ext. 227.

Sincerely,

Bonnie Hill

Bonnie Hill
Lands Governance Director, T'Sou-ke First Nation
250-642-3957; landsmanager@tsoukenation.com

Cc:

Michelle Thut, Administrator, T'Sou-ke First Nation

From: [Mann, Elaine](#)
To: [Wendy Miller](#)
Cc: [Design, SVI](#)
Subject: OCP and Zoning Amendment Application RZ000289 - CRD Referral (Shirley)
Date: Monday, October 06, 2025 3:31:29 PM

CRD IT SECURITY WARNING: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good afternoon, Wendy

Thank you for your email. BC Hydro has no objection in principle to the proposed rezoning application at 9730 West Coast Road, Shirley, BC.

Based upon the proposed location of the proposed commercial lot, a Statutory Right of Way may be required. Prior to the commencement of the 2-lot subdivision, please have the owner contact Design.SVI@bchydro.com.

The following comments are for the property owner's information:

1. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.
2. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafeBC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).
3. For any new electrical connections please call BC Hydro's Electric Service Coordination Centre at 1-877-520-1355.

Regards,

Elaine Mann (She/Her) | Property Coordinator,
Property Rights Services
BC Hydro
Nanaimo, 2nd Floor
T 250-755-7169
E elaine.mann@bchydro.com

From: [Lauren Mattiussi](#)
To: [Wendy Miller](#)
Cc: [Jayden Riley](#)
Subject: OCP and Zoning Amendment Application R2000289 - CRD Referral (Shirley)
Date: Monday, September 22, 2025 12:19:57 PM
Attachments: [image002.png](#)
[REFERRAL-FORM-AGENCIES-R2000289.pdf](#)

CRD IT SECURITY WARNING: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good Afternoon Wendy,

I've attached the referral response from the District. We have no concerns as our interests are not impacted. Thank you for letting us review.

Best,
Lauren

Lauren Mattiussi, RPP, MCIP

Senior Planner



District of Sooke

2205 Otter Point Road, Sooke, BC V9Z 1J2

Phone: 250-642-1626

From: [Mikes, Anya TT:EX](#)
To: [Wendy Miller](#)
Subject: eDAS #2025-05586 - General Referral - MOTT Comments
Date: Friday, January 09, 2026 12:11:12 PM
Attachments: [image001.png](#)

CRD IT SECURITY WARNING: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good afternoon,

The Ministry of Transportation and Transit (MoTT) has received and reviewed your referral dated December 12, 2025, to rezone 9730 West Coast Road from the Coastal Uplands (CU) to the Commercial (CO) and Pacific Acreage (PA) land use designations and to change the zone from Forestry (AF) to a new Commercial Rural Market (C-2) Zone and the Rural Residential 3 (RR-3) Zone.

The property does not fall within Section 52 of the Transportation Act and will not require Ministry of Transportation and Transit formal approval.

The Ministry has the following comments regarding the referral:

- The roads bordering this property are under Ministry of Transportation and Transit jurisdiction. This development will require an *Access, Commercial* permit from the Ministry to authorize connection of an appropriately constructed driveway access.
- The Ministry strongly prefers that access be taken from **Kirby Creek Road** to utilize the existing intersection. MoTT reserves the right to deny a commercial access permit to Highway 14.
- The access offset from the intersection must conform to the [Planning and Designing Access to Developments](#) manual and all other applicable design standards.

Thank you for the opportunity to comment.

Please let me know if you have any questions or comments.

Anya Mikes

Development Services Officer
Highways & Regional Services Division
Ministry of Transportation & Transit
Saanich Area Office
Suite 240- 4460 Chatterton Way
Victoria, BC V8X 5J2
(236)-478-0833

From: [Calvin P. Gray](#)
To: [Wendy Miller](#)
Cc: [Brenda Chapman](#)
Subject: RE: OCP and Zoning Amendment Application RZ000289 - LUC Referral (Shirley)
Date: Thursday, September 18, 2025 11:09:32 AM

Hi Wendy

Thanks for the information.

The only comments at this time are:

1. Building should be construction in accordance with BC Building Code
2. Public washrooms should be provided

Calvin Gray, P.Eng.

Manager and Chief Building Inspector

Capital Regional District

T: 250.360.3230

From: [Shauna Huculak](#)
To: [Wendy Miller](#); [Caitlyn Vernon](#)
Cc: [Sandra Allen](#)
Subject: Re: OCP and Zoning Amendment Application RZ000289 - LUC Referral (Shirley)
Date: Thursday, October 30, 2025 10:26:30 AM

Hi Wendy,

Pls see below regarding OCP and Zoning Amendment Application RZ000289.

A search of the *Remote Access to Archaeological Data* (RAAD) managed by the BC Archaeology Branch (Ministry of Forests) was conducted on 30-Oct-2025. The search indicates that the property is not located within or immediately adjacent to a registered *Heritage Conservation Act* (HCA) protected archaeological site. However, there is no record of an archaeological assessment having occurred on the property. A search of RAAD also indicates that there is no provincial archaeological overview assessment model available for the property. This is not an indicator of low archaeological potential.

Given that there is no registered archaeological site on the property, a Provincial *Heritage Conservation Act* permit is not required to undertake the work. However, a Provincial *Heritage Conservation Act* permit will be required if archaeological deposits, features or materials are exposed and/or encountered during land-altering activities that includes tree felling. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays and potential costs.

All archaeological sites, whether on Provincial Crown or private land (including land under water) that are known or suspected to predate AD 1846, are automatically protected under the HCA (S.13) this includes culturally modified trees. Certain sites, including human burials and rock art sites with heritage value, are automatically protected regardless of their age. Shipwrecks and plane wrecks greater than two years of age are also protected under the HCA. The *Heritage Conservation Act* does not distinguish between those archaeological sites which are "intact," (i.e., those sites which are in a pristine, or undisturbed state) and those which are "disturbed" (i.e., those sites which have been subject to alteration, permitted or otherwise). All archaeological sites, regardless of condition, are protected by the HCA, as described above. *Heritage Conservation Act* -protected archaeological sites or objects cannot be disturbed or altered without a permit issued by the Archaeology Branch (Ministry of Forests).

If you require any further information, pls let me know.

[shauna huculak, M.A., RPCA](#) (they/them)

Manager, Archaeology
Capital Regional District

Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
November 25, 2025

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b) **Zoning and Official Community Plan Amendment Application RZ000289 - Lot A, District Lot 87, Renfrew District, Plan VIP85195 (9730 West Coast Road)**

Jessica Boquist spoke to the application to zone a 0.5 ha portion of the subject property to a new Commercial Rural Market (C-2) zone, and to zone the remaining 3.5 ha portion to the Rural Residential 3 (RR-3) zone.

The subject property, site plan and transportation gaps identified by the Active Transportation Plan were highlighted. Official Community Plan policies supporting statutory rights-of-way to support road safety and the development of an off-street network linking neighbourhoods, community focal parks and commercial nodes were outlined.

It was confirmed that the Chair and the Shirley representative visited the site. Site visit observations included:

- the public has established an informal path on the opposite side of the highway barrier that runs beside the subject property to avoid walking along Highway 14
- establishment of a statutory right-of-way would provide future opportunity to provide a safe walking route to French Beach and to the commercial node near French Beach
- posted speed limit along Highway 14 in the subject area is 80 km/h

Commission comments included:

- safety is a paramount consideration
- establishment of a statutory right-of-way along the subject property would encourage highway crossing
- establishment of a statutory right-of-way along the subject property would provide a safe off-street trail
- residential density is located to the south of the highway
- proposed market would also see vehicle visitations

Staff confirmed that the applicant was present.

The applicant responded to a question from the Commission stating that eighteen parking stalls are being considered at this time.

Staff responded to a question from the Commission advising that an active transportation corridor on the north side of the highway is currently being considered under two development applications in the Sandcut Beach area.

MOVED by Commissioner Jorna, **SECONDED** by Commissioner Guenard that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission state to the Juan de Fuca Land Use Committee that the Commission's interests are affected by the proposal (RZ000289) and that the Commission supports the zoning and OCP amendment application subject to advancing the Active Transportation Plan's objectives by establishing a statutory right-of-way along West Coast Road.

CARRIED



Making a difference...together

Minutes of a Public Information Meeting
Held December 2, 2025, at the Shirley Community Hall, 2795 Sheringham Point Road,
Shirley, BC

SUBJECT: Zoning and Official Community Plan Amendment Application RZ000289 - Lot A, District Lot 87, Renfrew District, Plan VIP85195 (9730 West Coast Road)

PRESENT: Director Al Wickheim
Shirley-Jordan River Advisory Planning Commission Members: Emily Anderson, Vivi Curutchet, Melody Kimmel, Fiona McDannold
Staff: Iain Lawrence, Senior Manager, Juan de Fuca Administration; Darren Lucas, Planner; Wendy Miller, Recorder

PUBLIC: 16

The meeting was called to order at 6:31 pm.

Director Wickheim welcomed everyone to the meeting and provided a Territorial Acknowledgement.

Darren Lucas introduced the proposal considered by the Juan de Fuca Land Use Committee (LUC) at its meeting of September 18, 2025, to amend the Shirley-Jordan River Official Community Plan, Bylaw No. 4001, by redesignating a 0.5 ha portion of the subject property from Coastal Uplands (CU) to Commercial (CO), and the remaining 3.5 ha portion from CU to Pacific Acreage (PA) and to amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, by rezoning a 0.5 ha portion of the subject property from the Forestry (AF) zone to a new Commercial Rural Market (C-2) zone, and the remaining 3.5 ha portion from the AF zone to the Rural Residential 3 (RR-3) zone.

It was advised that a meeting of the Shirley-Jordan River Advisory Planning Commission will follow the close of the public information meeting. It was further advised that the applicant and application representatives were present to speak to the proposal.

Applicant comments included:

- has longstanding experience in the grocery business
- focus of the market proposal is to provide both local residents and tourists with a venue to purchase produce and staples
- intention is for the market to operate year-round, seven days a week
- sale items would focus on local/island grown/made products
- labelling would highlight where sale items were sourced

In response to questions from members of the public, the applicant advised that:

- access to the market would be from Kirby Creek Road
- eighteen parking stalls are being considered at this time
- events would be in keeping with the market use, such as milestone celebrations
- liquor manufacturing is not proposed
- commercial water use would be limited
- a commercial water licence is required for market use
- a septic field, as regulated by Island Health, is planned for the market use

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- residential farm gate sales are not anticipated to be impacted as the market business would be interested in obtaining surplus farm products from local farmers
- staffing complement is expected to be small

A member of the public stated support for installing early roadside signage east of the subject property to promote the market and help reduce highway traffic speed, as drivers tend to slow to read signage.

Adjournment

The meeting adjourned at 6:56 pm.

Shirley-Jordan River Advisory Planning Commission Meeting Minutes
December 2, 2025

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5. Zoning and Official Community Plan Amendment Application

a) RZ000289 - Lot A, District Lot 87, Renfrew District, Plan VIP85195 (9730 West Coast Road)

The APC considered the proposal to amend the Shirley-Jordan River Official Community Plan, Bylaw No. 4001, by redesignating a 0.5 ha portion of the subject property from Coastal Uplands (CU) to Commercial (CO), and the remaining 3.5 ha portion from CU to Pacific Acreage (PA) and to amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, by rezoning a 0.5 ha portion of the subject property from the Forestry (AF) zone to a new Commercial Rural Market (C-2) zone, and the remaining 3.5 ha portion ha from the AF zone to the Rural Residential 3 (RR-3) zone.

APC discussion ensued regarding the comments heard at the preceding public information meeting, as well as the Food and Beverage Processing use and the Country Market use proposed by the C-2 zone. The APC agreed that competition with the Shirley Sunday Market is anticipated to be minimal.

Staff responded to a question from the APC advising that the provincial Liquor and Cannabis Licensing Branch regulates liquor licence and permit applications and directs which application types require local government approval and public engagement.

The applicant responded to questions from the APC advising that the RR-3 zone is requested to support the rural residential uses proposed on the remaining 3.5 ha portion of the property. It was further advised that ingress/egress to/from the C-2 portion of the property would be from Kirby Creek Road.

MOVED by Melody Kimmel, **SECONDED** by Fiona McDannold that having considered the proposed bylaws, the Shirley-Jordan River Advisory Planning Commission supports Zoning and Official Community Plan Amendment Application RZ000289 for Lot A, District Lot 87, Renfrew District, Plan VIP85195, as presented.

CARRIED

6. Adjournment

The meeting adjourned at 7:17 pm.

Chair