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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, FEBRUARY 17, 2026**

SUBJECT **Zoning Bylaw & Official Community Plan Amendment Application for Lot A, District Lot 87, Renfrew District, Plan VIP85195; PID: 027-547-680**

ISSUE SUMMARY

The landowner has applied to redesignate portions of the subject property from the Coastal Uplands (CU) to the Commercial (CO) and Pacific Acreage (PA) land use designations of the Shirley – Jordan River Official Community Plan (OCP), and to rezone the property from Forestry (AF) to a new Commercial Rural Market (C-2) Zone and the Rural Residential 3 (RR-3) Zone.

BACKGROUND

The 4.0 ha subject property is located at 9730 West Coast Road in Shirley, on the northwest corner of the intersection of West Coast Road and Kirby Creek Road (Appendix A). The property is zoned Forestry (AF) (Appendix B) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Bylaw 2040), and designated Coastal Uplands (CU) in the Shirley-Jordan River Official Community Plan, Bylaw No. 4001 (OCP). The property is within the Shirley Fire Protection Service Area, and no Development Permit Areas (DPAs) are identified by the OCP.

An application has been submitted to rezone a 0.5 ha portion of the property from the AF zone to a new Commercial Rural Market (C-2) zone (Appendix C), and the remaining 3.5 ha to the Rural Residential 3 (RR-3) zone (Appendix D).

The landowner plans to reside on the RR-3 zoned portion, while operating a country market on the C-2 zoned portion. The proponent intends that the market focus mainly on food and beverage retail complimented by agricultural activities and seasonal uses such as hosting food trucks and small community events consistent with the scale of the market. The proposal was supplemented by a comprehensive land use analysis that includes a conceptual illustration of the market and a preliminary groundwater assessment (Appendix E).

The proposed C-2 and RR-3 zone boundary is intended to serve as the future property line for a potential subdivision application that would create two separate parcels (Appendix F). The application also includes an OCP amendment to redesignate the property from CU, which primarily supports low-impact recreation/tourism, rural residential, and agricultural uses. The application proposes that the 0.5 ha C-2 zoned area be designated Commercial (CO) and the 3.5 ha RR-3 zoned area be designated Pacific Acreage (PA).

At its meeting of September 16, 2025, the Juan de Fuca Land Use Committee (LUC) recommended referral of proposed Bylaw No. 4705 and 4706 to the Shirley-Jordan River Advisory Planning Commission and to appropriate CRD departments, First Nations and agencies. Comments have been received and are included in Appendix F.

ALTERNATIVES

Alternative 1

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

1. That the referral of proposed Bylaw No. 4705, "Shirley - Jordan River Official Community Plan Bylaw No. 5, 2018, Amendment Bylaw No. 3, 2025"; and proposed Bylaw No. 4706, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 168, 2025"; to the Shirley-Jordan River Advisory Planning Commission; paa?ciid?atx (Pacheedaht) First Nation; T'Sou-ke First Nation; CRD departments; BC Hydro; BC Parks; District of Sooke; Island Health; Ministry of Forests – Archaeology Branch; Ministry of Forests – Water Protection Section; Ministry of Land, Water and Resource Stewardship; Ministry of Transportation & Transit; RCMP; and Sooke School District # 62 be approved and comments be received;
2. That proposed Bylaw No. 4705 be read a first and second time;
3. That proposed Bylaw No. 4706 be read a first and second time;
4. That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director of the

Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4705 and Bylaw No. 4706;

5. That prior to the adoption of proposed Bylaw No. 4706, the landowner provides an amenity contribution in the form of a statutory right-of-way adjacent to West Coast Road in favour of the Capital Regional District for the purpose of establishing a public trail; and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

Alternative 2

That proposed Bylaw Nos. 4705 and 4706 not proceed.

IMPLICATIONS

Legislative Implications

The APCs were established to make recommendations to the Land Use Committee on land use planning matters referred to them related to Part 14 of the *Local Government Act (LGA)*. The Shirley-Jordan River APC considered the application at its meeting on December 2, 2025.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD website.

Regional Growth Strategy Implications

The Regional Growth Strategy (RGS) designates the subject property as Rural/Rural Residential, which includes lands used for rural and rural residential purpose. While not intended to become future urban areas requiring extensive services, commercial uses serving the local community by providing employment opportunities in a rural context can be supported if impacts to the local community and environment are minimal.

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a RGS be consistent with the RGS. Since the proposal includes an amendment to the OCP, the bylaw will be considered by the Planning and Protective Services Committee and the CRD Board for determination of consistency with the RGS prior to first reading.

First Nations Implications

The subject property is located within the asserted traditional territory of the Pacheedaht and T'Sou-ke First Nations. Each Nation was invited to participate in an application review process with staff and the applicant to better inform consideration of the proposal.

Pacheedaht First Nation had no comment regarding the proposed rezoning.

T'Sou-ke First Nation requested the opportunity to be onsite during any excavation and noted that existing chance-find procedures are inadequate. The Nation also requested that appropriate protection measures be in place to prevent erosion and the spread of invasive plant species.

Referral Comments

Referrals were sent to 12 agencies and CRD departments, and to the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission and the Shirley-Jordan River APC. Comments received are summarized below and included in Appendix I.

BC Hydro advised that they had no objection in principle to the proposed rezoning, but that a statutory right-of-way might be required as part of the future 2-lot subdivision.

District of Sooke responded to advise that they had no concerns as their interests are not impacted.

Ministry of Transportation & Transit commented that the roads bordering the subject property are under the jurisdiction of the Ministry and that a Commercial Access Permit will be required. The preferred access to the commercial area is from Kirby Creek Road. They further advised that the proposed bylaws will not require Ministry approval in accordance with Section 52 of the *Transportation Act* (approval of land use bylaws within 800 m of a controlled access highway).

CRD Building Inspection commented that buildings should be constructed in accordance with the BC Building Code and that public washroom facilities should be provided.

CRD First Nations Relations noted that while there are no registered archaeological sites on or immediately adjacent to the property, there is no record of any assessments having been conducted for the property. A Provincial *Heritage Conservation Act* permit is not required prior to development. However, there could be significant delays in acquiring a permit if archaeological deposits, features, or materials are identified during development.

The Juan de Fuca Electoral Area Parks and Recreation Advisory Commission reviewed the application at its meeting on November 25, 2025, and provided the following recommendation by resolution:

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.

A Public Information Meeting was held in the community and the Shirley-Jordan River APC considered the application on December 2, 2025, with approximately 12 members of the public in attendance. The APC passed the following motion with respect to Bylaw Nos. 4705 and 4706:

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.

Official Community Plan Context and Policy Implications

The OCP provides a contextual and policy framework to guide land use decisions for Shirley. Over time, Shirley has established a modest collection of commercial, industrial, rural residential, and recreational uses with intermittent entrepreneurial activities (home based businesses) along the Highway 14 corridor with a recognizable central area localized around the fire and community halls. While a central area for Shirley is not formally acknowledged by the OCP, the subject property is adjacent to an existing commercial use on Highway 14 and is within 300 meters of the community hall.

The Coastal Uplands (CU) land use designation supports forestry on Private Managed Forest Land (PMFL) and low-impact tourism and recreation, as well as residential and agriculture uses on lands that are no longer PMFL. The CU designation also stipulates an average parcel size of 4.0 hectares, which precludes the proponent's interest in the land uses outlined in the proposed C-2 and RR-3 zones on two separate parcels.

The proponent's land use analysis recognizes that the proposed C-2 zoning is more appropriately aligned with the Commercial (CO) land use designation, and that the RR-3 zoning corresponds more closely with the Pacific Acreage (PA) designation. The CO designation supports commercial parcels in the range of 0.4 ha and small-scale commercial uses, such as those permitted by the proposed C-2 zone. Civic and institutional facilities, tourism and recreation, silviculture, community parks, and light industrial activities are also permitted by the C-2 zone. The PA designation supports residential parcels in the range of 2.0 hectares, agricultural uses, and small-scale neighborhood commercial activities aligned with the proposed RR-3 zone.

The bylaw amendments are generally aligned with nearby permitted neighbourhood commercial uses; however, the proposed zone regulations incorporate more restrictive provisions in consideration of potential impacts to the underlying aquifer. In particular, the proposal specifically prohibits activities associated with potential hazardous spills and contamination, such as gas stations and bulk fuel sales. The proponent's preliminary groundwater assessment estimated a total water demand of less than 6,400 litres/day, which is comprised of less than 5,000 L/day for commercial uses and approximately 1,400 L/day for the residential use. This assessment does not anticipate significant impacts to neighbouring wells, but recommends further testing to confirm the long-term sustainability of the groundwater supply prior to pursuing an annual water licence and permit application through the Province.

The OCP and the Active Transportation Network Plan (ATNP) for the Juan de Fuca identifies an interest in the development of a network of local trails, particularly along West Coast Road. This network should connect residential areas with commercial nodes local, regional, and provincial parks and trails, and other community-based amenities. The ATNP also works towards OCP policies that support reducing motor vehicle trips necessary for purchasing food and other goods by allowing for the consideration of neighbourhood commercial uses and farm gate sales. The Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommended that a public trail be established via a statutory right-of-way adjacent to West Coast Road.

Land Use Analysis

The subject property is zoned Forestry (AF) under the Juan de Fuca Land Use Bylaw, which requires a minimum parcel size of 4.0 ha and permits silviculture and one-family dwellings. Uses accessory to silviculture—offices, mechanical shops, fuel storage, and storage buildings—are also allowed. The AF zone permits a maximum building height of 11.0 m, lot coverage of 10%, and setbacks of 15.0 m from all property lines.

The application proposes to split-zone the 4.0 ha parcel by rezoning 0.5 ha to a new Commercial Rural Market (C-2) zone and the remaining 3.5 ha to Rural Residential 3 (RR-3). The proposed C-2/RR-3 boundary would also serve as a potential property line for a subdivision that would create two separate parcels.

The proposed C-2 zone specifies a minimum parcel size of 0.4 ha and permits civic uses, country markets, convenience stores, food and beverage processing, greenhouses and plant nurseries, horticulture, restaurants, and retail stores. It excludes gas bars, gas stations, bulk fuel sales, auto repair, carwashes, and any use requiring a permit under the *Environmental Management Act*. Accessory uses may include residential, screened storage yards, picnic areas, lounges, and outdoor event spaces. The zone specifies a 30% lot coverage, maximum floor area of 1,000 m², building height of 6.0 m, and setbacks of 7.5 m from roads, 3.0 m from shared parcel lines, and 9.0 m from residential or rural zones.

The RR-3 zone proposed for the 3.5 ha portion reduces the minimum parcel size to 2.0 ha and permits one- or two-family dwellings, agriculture, farm buildings, animal hospitals and veterinary clinics. Accessory uses include home-based businesses and either a secondary suite or detached accessory suite. The zone increases lot coverage to 15%, reduces maximum height to 9.0 m, and specifies a front setback of 7.5 m, side and flanking setbacks of 6.0 m, and a rear setback of 10.0 m.

As previously noted, to address the proposed lot sizes, the application includes an OCP amendment to change the land use designation from Coastal Upland (CU) to Commercial (CO) and Pacific Acreage (PA). The CO designation supports the proposed commercial uses and lot size of the C-2 zone, while the PA designation supports the rural residential uses and 2.0 ha lot size of the RR-3 zone.

The proposal is supported by a comprehensive land use analysis, including a conceptual illustration of the proposed market, and a preliminary groundwater assessment. Information from the groundwater assessment suggests that a future 2-lot subdivision would meet potable water requirements; however, potential challenges in meeting this requirement could be addressed by accessing a well on the neighbouring lot through a registered easement. Furthermore, the groundwater assessment indicated that the proposed land use activities would not result in significant impacts to neighbouring wells, noted that a provincial water licence and permit will be required for future commercial uses, and recommended further testing to ensure long-term groundwater sustainability.

Staff are of the opinion that the proposed zoning amendments are in keeping with the direction provided by the OCP, and that the proposed OCP amendments are consistent with the other policies of the Plan. Staff recommend that the referral comments be received, that proposed Bylaw Nos. 4705 and 4706 be read a first and second time, that a public hearing be held with respect to the bylaws, and that prior to adoption, the landowner register a statutory right-of-way in favour of the CRD for a public trail along the property boundary shared by West Coast Road.

CONCLUSION

The purpose of Bylaw No. 4705 is to amend the Shirley-Jordan River Official Community Plan by redesignating a 0.5 ha portion of the subject property from Coastal Uplands (CU) to Commercial (CO), and a 3.5 ha portion from CU to the Pacific Acreage (PA) to support the concurrent rezoning of the property from Forestry (AF) to a new Commercial Rural Market (C-2) zone and Rural Residential 3 (RR-3) under Bylaw No. 4706. Based on the information provided and the referral comments received, staff recommend approval of the referral and receipt of referral comments, that Bylaw No. 4705 and 4706 be read a first and second time, that a Public Hearing with respect to the Bylaws be held, and that the landowner provide a community amenity contribution in the form of a statutory right-of-way for a public trail along West Coast Road.

RECOMMENDATION

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

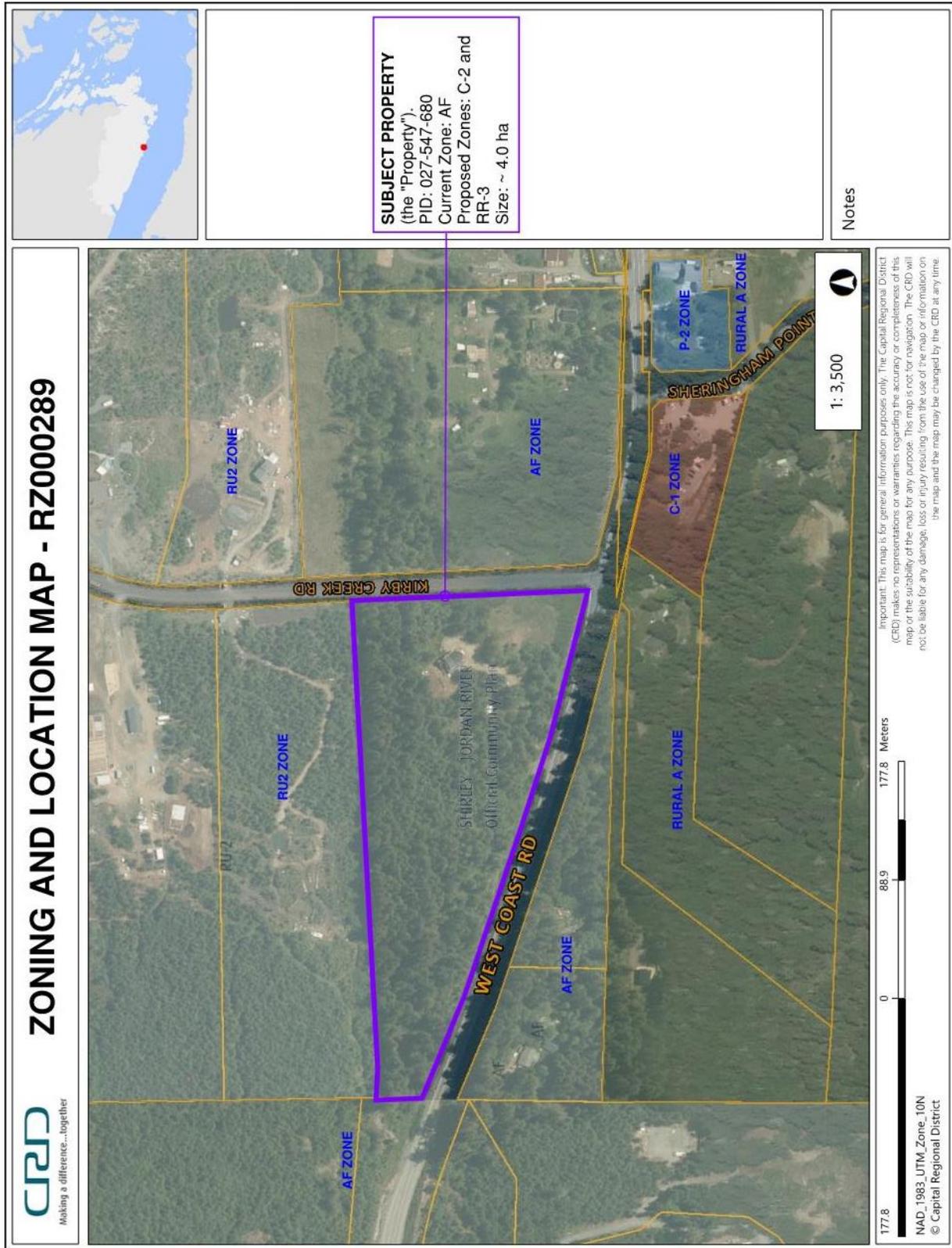
1. That the referral of proposed Bylaw No. 4705, “Shirley - Jordan River Official Community Plan Bylaw No. 5, 2018, Amendment Bylaw No. 3, 2025”; and proposed Bylaw No. 4706, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 168, 2025”; to the Shirley-Jordan River Advisory Planning Commission; paaʔčiidʔatx (Pacheedaht) First Nation; T’Sou-ke First Nation; CRD departments; BC Hydro; BC Parks; District of Sooke; Island Health; Ministry of Forests – Archaeology Branch; Ministry of Forests – Water Protection Section; Ministry of Land, Water and Resource Stewardship; Ministry of Transportation & Transit; RCMP; and Sooke School District # 62 be approved and comments be received;
2. That proposed Bylaw No. 4705 be read a first and second time;
3. That proposed Bylaw No. 4706 be read a first and second time;
4. That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director of the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4705 and Bylaw No. 4706;
5. That prior to the adoption of proposed Bylaw No. 4706, the landowner provides an amenity contribution in the form of a statutory right-of-way adjacent to West Coast Road in favour of the Capital Regional District for the purpose of establishing a public trail; and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Administration
Concurrence:	Stephen Henderson, MBA, P.G.Dip.Eng., B.Sc., General Manager, Electoral Area Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Location and Zoning Map
- Appendix B: Current Forestry (AF) Zone
- Appendix C: Proposed Commercial Rural Market (C-2) Zone
- Appendix D: Proposed Rural Residential 3 (RR-3) Zone
- Appendix E: Proponent’s Land Use Analysis
- Appendix F: Plan of Proposed Zoning and OCP Land Use Designation Locations and Boundary
- Appendix G: Proposed Bylaw No. 4705
- Appendix H: Proposed Bylaw No. 4706
- Appendix I: Referral Comments

Appendix A: Location, Zoning, and DPA Map



Appendix B: Forestry (AF) Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

3.0 FORESTRY ZONE - AF

3.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Forestry AF Zone:

- (a) Silviculture except within 300m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Two Boarders or lodgers;
- (f) Secondary Suite pursuant to Part 1, Subsection 4.19; *Bylaw 3849*
- (g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20: *Bylaw 3849*
- (h) Portable sawmill accessory to a principal residential use on That Part of Lot 87, Renfrew District, Lying to the East of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending From a Point on the Northerly Boundary of Said Lot Distant 10 Chains from the North East Corner of Said Lot and to the South of the Northerly Boundary of Plan 109 RW, Except Part in Plan 16260, PID: 006-452-230. *Bylaw 4407*

3.02 Minimum Parcel Size for Subdivision Purposes

The minimum lot size is 4ha;

3.03 Density

- a) One one-family dwelling per lot;
- b) One secondary suite or one detached accessory suite per lot;
- c) The maximum area devoted to an accessory portable sawmill use shall be 0.5 ha. *Bylaws 3849 4407*

3.04 Height

Maximum height shall be 11 m.

3.05 Lot Coverage

Maximum lot coverage shall be 10 percent.

3.06 Maximum Size of for Residential Buildings

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

- 3.07 Yard Requirements**
- a) The front, side, rear and flanking yards for an accessory portable sawmill use shall be a minimum of 30 m;
 - b) For all other buildings and structures, the front, side, rear and flanking yards shall be a minimum of 15 m.
- Bylaws 3849, 4407*
- 3.08 Screening**
- a) A vegetative screen, consisting of coniferous vegetation native to the region that is not less than 2 m high and 5 m deep and spaced no less than 2 m apart, or a solid fence, at least 2.5 m in height, shall be located and maintained around the perimeter of the portable sawmill operation.
- Bylaw 4407*
- 3.09 Portable Sawmill**
- a) Persons employed at a portable sawmill operation are limited to persons normally resident in the dwelling unit to which it is incidental plus up to three non-resident employees;
 - b) A portable sawmill shall operate between the hours of 9 am and 3 pm, Monday to Friday, excluding statutory holidays;
 - c) In addition to the hours specified in paragraph 3.09(b), sales from a portable sawmill shall be permitted on Saturdays between the hours of 9 am and 5 pm, excluding statutory holidays;
 - d) Notwithstanding Part 1, Section 4.01(2)(c), the maximum total floor area of buildings and structures devoted to an accessory portable sawmill use shall be 60 m²;
 - e) Portable sawmill and related operations shall not create noise that exceeds a level of 55 dB when measured at the property line.
- Bylaw 4407*

Appendix C: Proposed Commercial Rural Market (C-2) Zone

18.0 COMMERCIAL RURAL MARKET – C-2

18.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the C-2 Zone:

- (a) Civic Uses;
- (b) Country market;
- (c) Convenience store;
- (d) Food and beverage processing;
- (e) Greenhouses and plant nurseries;
- (f) Horticulture;
- (g) Restaurant;
- (h) Retail Store, excluding gas bars, gas stations, bulk fuel sales, auto repair, carwash, or any use for which a permit is required under the *Environmental Management Act or Regulation*.

18.02 Permitted Accessory Uses

In addition to the uses permitted by Section 18.01 of Part 2 of this Bylaw, the following accessory uses in conjunction with a permitted Principal Use and no others shall be permitted in the C-2 Zone:

- (a) Buildings or structures;
- (b) Office;
- (c) Residential;
- (d) Storage Yard, Screened.

18.03 Subdivision Provisions

- (a) The minimum lot size for subdivision purposes is 0.4 ha.
- (b) The minimum frontage required for subdivision purposes is 16.0 m.

18.04 Density Provisions

One dwelling unit per parcel in conjunction with a principal use.

18.05 Maximum size of Principal Buildings

In accordance with Section 18.09 (a) and (b) of Part 2 of this Bylaw the maximum total combined interior floor area of Principal Use buildings and structures is 1,000 m²; except for the interior floor area dedicated to Greenhouses, plant nurseries, and horticulture Principal Uses.

18.06 Height

All principal buildings and structures must not exceed a height of 6.0 m.

18.07 Lot Coverage

The maximum lot coverage must not exceed 30%.

18.08 Setback Requirements

All principal and accessory buildings and structures must meet the following yard requirements:

- (a) Principal buildings and structures are required to be:
 - (i) A minimum of 7.5 m from the lot line of a street or public highway;
 - (ii) A minimum of 3.0 m from any other lot line; and
 - (iii) Notwithstanding Part 2 Section 18.07 (a) (ii) above; a minimum of 9.0 m is required from the lot lines of parcels in Residential, Rural Residential, or Multiple Family Residential zones.
- (b) Accessory buildings and structures are required to be:
 - (i) A minimum of 7.5 m from the lot line of a street or public highway; and
 - (ii) A minimum of 3.0 m from a lot line of a parcel.
- (c) All parking spaces are required to be:
 - (i) A minimum of 3.0 m from a lot line.

18.09 Definitions

(a) For the purpose of the Commercial Rural Market Zone – C-2, the following definitions apply:

INTERIOR FLOOR AREA means the interior area of a building or structure, measured from the inside surface of the exterior walls and includes the floor area occupied by any interior walls. For structures that are unenclosed and or partially enclosed and or missing one or more exterior walls, the interior floor area is measured from a perimeter established by connecting the center points of outermost supporting columns and includes the area occupied by any walls and or structures within that perimeter.

TOTAL COMBINED MAXIMUM INTERIOR FLOOR AREA means the sum total of all interior floor areas specified in Section 18.09 (a) of Part 2 of this Bylaw.

Appendix D: Rural Residential 3 (RR-3) Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

7.0 RURAL RESIDENTIAL 3 ZONE - RR-3

7.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential 3 RR-3 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (d) Agriculture;
- (e) Two Boarders or Lodgers;
- (f) Farm buildings on farms;
- (g) Veterinary Clinics and Animal Hospitals;
- (h) Secondary suite pursuant to Part 1, Subsection 4.19; *Bylaw 2674*
- (i) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

7.02 Minimum Lot Size for Subdivision Purposes

- (a) Minimum lot size shall be 2 ha;
- (b) Notwithstanding Section 7.02(a) of Part 2 of this Bylaw, when the area of the original lot being subdivided is 60ha or more, then lot averaging may be permitted with an average lot size of 2ha and a minimum lot size of 1ha;
- (c) Notwithstanding Sections 7.02(a) and (b) of Part 2 of this Bylaw, lot sizes for subdivision purposes shall be 1ha average and .5 ha minimum for Part Lot 3, Sec. 51, Plan 39570 Except Plan 41935 as shown shaded on Plan No. 29 described in Bylaw 2437. *Bylaw 2437*

7.03 Number of Residential Buildings

One one-family dwelling or one two-family dwelling is permitted per lot.

7.04 Height

Maximum height shall be 9m.

7.05 Lot Coverage

Maximum lot coverage shall be 15 percent.

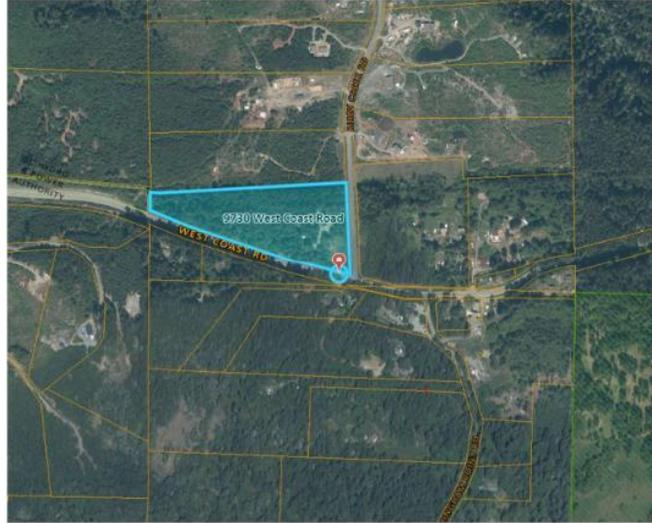
7.06 Maximum Size of Residential Buildings

- Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral: *Bylaw 3705*
- (a) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
 - (b) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

- 7.07 **Yard Requirements**
- (a) Front yards shall be a minimum of 7.5m;
 - (b) Side yards shall be a minimum of 6m; except that for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 15m each side;
 - (c) Flanking yards shall be a minimum of 6m CTS;
 - (d) Rear yards shall be a minimum of 10m.
- 7.08 **Yard Requirements for Buildings and Structures for Livestock or Keeping of Animals**
- (a) Front yards shall be a minimum of 90m;
 - (b) Side, flanking and rear yards shall be a minimum of 30m each.
- 7.09 **Yard Requirements - Other Farm Buildings**
- (a) Front yards shall be a minimum of 30m;
 - (b) Side, Flanking and Rear yards shall be a minimum of 15m.

Appendix E: Proponent's Land Use Analysis



9730 West Coast Road

REZONING AND OCP AMENDMENT
APPLICATION

July 10, 2025

PROJECT SUMMARY

This is a comprehensive application package for a Rezoning and Official Community Plan Amendment for 9730 West Coast Road. This property consists of 10 acres (4ha) and currently contains a dwelling and some small accessory structures. The intention is to provide appropriate zoning to enable a small-scale, market-style grocer on the corner of Kirby Creek Road and West Coast Road. The basis of this application is to amend the Zoning and the OCP Land Use designation to enable the proposed use. Alignment with the Regional Growth Strategy is demonstrated.

SITE SUMMARY

The property at 9730 West Coast Road is 40,992m² (10.1 acres or 4ha) in size, is located in the heart of Shirley village, and is well-positioned for a neighbourhood commercial venture that serves the community on the corner of West Coast Road and Kirby Creek Road. The parcel contains 400m of frontage along West Coast Road and 175m on Kirby Creek Road.

The property is relatively flat, sloping gently to the northeast toward Kirby Creek Road. The property is zoned Forestry (AF). Surrounding properties include the Shirley Community Hall zoned P-2 Community Facility, Shirley Delicious C-1 Neighbourhood Commercial, a number of Rural A Zoned properties and several AF Forestry parcels.

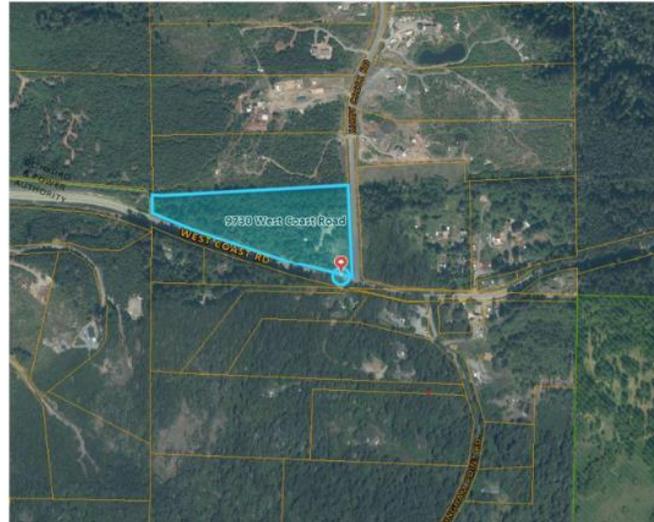


Figure 1: Property location

PROPOSAL

The vision for this site is to create a small-scale market-style grocer in the heart of Shirley that will serve locals, support tourism in the region, and create a micro economy for local producers to market their produce and other provisions. Conceptual drawings have been attached to this report (Attachment 1), reflecting the vision and the community's character. The primary vehicle access to the commercial area is via Kirby Creek Road. Final designs for the building and site layout will be determined at Development Permit.

Zoning

The current AF Forestry zone applies to 9730 West Coast Road, which is outlined in CRD Bylaw No. 2040. Permitted uses include Silviculture (except within 300m of a highway), offices, mechanical shops, fuel storage and storage accessory to mining or silviculture, one-family dwelling, Home Based Business (Cat 1, 2, and 3), boarders and lodgers, secondary suite. This zone requires a minimum lot size of 4ha (10acres). Setbacks for all structures must be 15m from a property line. The current zone permits a minimum parcel size of 4ha, making the parcel un-subdividable.

The application is to create a split zoned property by amending the zoning on approximately 4800m² (0.48ha) to a neighbourhood commercial zone and amend the remainder to rural residential. (Attachment 2)

Proposed Neighbourhood Commercial Zone

Fewer proposed uses are outlined when compared with other typical neighbourhood commercial uses and includes a horticultural/greenhouse element to complement the food store/market. The rationale for this zone is a specific zone that supports the country market store, as well as some complimentary accessory uses on the site. Some uses may only occur at special events or seasonally (food truck), while other uses, such as greenhouses, can support ongoing local food production onsite year-round.

The proposed land uses exclude automobile-oriented uses such as gas station, bulk fuel sales, auto repair and carwash.

The following zone is in alignment with the aspirations of the Shirley-Jordan River Official Community Plan.

Principal Uses:

- Retail Store, excluding gas bars, gas stations or bulk fuel sales, auto repair or car wash, or any use for which a permit is required under the Environmental Management Act or Regulation;
- Food and Beverage Processing;
- Country Market;
- Food Truck;
- Greenhouses and Plant Nursery;

- Horticulture;
- Civic uses;
- Licensed establishment;

Accessory Uses:

- Residential;
- Office
- Buildings or structures accessory to the above uses pursuant to Part 1, Subsection 4.01.

With the following parameters for site development:

Minimum parcel size: **4000m² (0.4ha)**

Setbacks – 7.5m from front and flanking, 3m from side and rear

Height: 9m

Lot coverage: 30%

Minimum frontage: 16m

Residential dwelling: 1

Parking: parking spaces shall be a minimum of 3.0m from any lot line.

Remainder Zone – Proposed Rural Residential Zoning

The remainder of the parcel: The intent is to apply an appropriate zone to the remainder of the site so that the neighbourhood commercial area will have the potential to be subdivided from the rural residential component of the site in the future. The applicant lives on the property and may require flexibility to subdivide off the commercial part of the property in the future. The intent of this application is: no change to residential potential on the remainder; it would remain residential dwelling plus a suite. Rural Residential₃ Zone (RR-3) is an available Zone that would support the intended use with a 5acre (2ha) minimum parcel size. In addition, the owner may wish to conduct agricultural uses on the remainder land, including a greenhouse. The RR-3 zone permits the intended uses for the remainder.

OCP AMENDMENT RATIONALE

Current OCP

The current OCP designation is 'Coastal Uplands', which supports 10 acre properties, primarily used for forestry and some low-impact recreation and tourism. Commercial is not a supported use.

Purpose of the Coastal Uplands Land Use:

- Lands in this designation consist primarily of parcels enrolled in the Privately Managed Forest Lands (PMFL) program or zoned for forestry uses. If lands are

removed from PMFL program, then land uses such as low-impact recreation and low-impact tourism are supported.

- Community parks, single family residential, and agriculture are also supported in this designation.

OCP Amendment Proposal

An OCP amendment is necessary to achieve alignment between the zoning and the Shirley-Jordan River Official Community Plan (Bylaw 4001). It is proposed that the parcel be split designated Commercial/Pacific Acreage. The proposed designation accurately reflects the zoning, supports rural residential uses, agriculture, and enables small-scale neighbourhood commercial, commercial tourism, parks and civic land uses. NOTE: While Pacific Acreage supports neighbourhood commercial intent, it does not provide the flexibility of creating parcels less than 2ha in size. It is proposed to split designate to Commercial/Pacific Acreage, rather than full Pacific Acreage designation, to enable a future subdivision of the commercial site.

405 Pacific Acreage Land Use Designation

The intent of the Pacific Acreage Land Use Designation is to support rural residential uses. Suites and Duplexes are acceptable forms of development to increase the affordability of housing and offer rental accommodation. Agriculture, home based businesses, small-scale neighbourhood commercial activities, small scale tourism activities, community parks and civic buildings are also supported. Tourism commercial uses such as small destination resorts are supported in this designation.

404 Commercial Land Use Designation

The intent of the Commercial Land Use Designation is to support small-scale neighbourhood commercial and light industrial uses. Civic, institutional, tourism, recreation, silviculture and community park uses are also supported. The Commercial Land Use Designation applies to lands that provide potential for local services in support of development of the local economy. Except where lands may be restricted with respect to residential and overnight habitation uses due to the risk of flooding, an average density of one parcel per 0.4ha within a plan of subdivision is supported.

Other Applicable OCP Policies

Local Economy

Section 385 Local Economy

Shirley Community Hall, Fire Hall, Pioneer Park and a nearby restaurant are the commercial and civic nucleus of this community. Residents are interested in the expansion of the weekly

country market held at Pioneer Park as it offers a venue for local residents to sell their produce, home-cooking and crafts. Establishment of small businesses in the existing commercial area of Shirley is supported, provided that they serve local needs and do not jeopardize the viability of existing businesses. There is strong opposition to the introduction of commercial activities such as motels, gas stations, drive-through restaurants and strip malls, especially as they might jeopardize the rural character of the Plan area or have a negative impact on the environment. Page 73

483 Objectives for Development and Local Economy

B. Support a range of economic activities at a scale appropriate to the size of the community and its rural nature.

E. Recognize that Shirley and Jordan River are predominantly rural areas where resource-based activities such as forest management and timber harvesting occur.

Analysis: This proposal aligns with Shirley's vision of rural character, and providing economic activities at an appropriate scale.

Climate Change Adaptation and GHG reduction

392 Reducing the Number of Vehicle Trips

One of the key ways the residents of Shirley and Jordan River can contribute towards reducing GHGs is through reducing the number of vehicle trips. Home based businesses reduce the need to commute. The use of transit, carpooling and alternative means of transportation, such as cycling and walking, all reduce dependency on cars. Delivery of medical and community outreach programs at a venue in Shirley or Jordan River would see the service providers making one or two round trips to the Plan area instead of multiple trips outside the community by residents travelling elsewhere to access the services. Increased recreational and social opportunities for youth within the Plan area would reduce the need for parents to take their children to and from activities in Sooke. Support for neighbourhood commercial uses and farm gate sales can reduce the amount of travel necessary to purchase food and other goods. Installation of Electric Vehicle infrastructure is supported.

Analysis: Encouraging businesses and services in keeping with rural character and scale can lead to reduction in the number of vehicle trips for residents. Enabling strategic and appropriately scaled economic development will help support goals related to creating complete communities. The services provided by this proposal have the potential to strongly support climate change mitigation and ghg reduction due to increased access to local residents of goods, particularly grocery and produce, required for daily needs.

OTHER CRD POLICIES

Amenities

This proposal does not result in an increase in population, therefore amenity contributions would not be applicable. Amenities are typically tied to an increase in population to offset the provision of community amenities to serve future and existing residents.

CRD Juan De Fuca Elecoral Area Active Transportation Network Plan

The Active transportation Plan was reviewed to determine potential linkages in the vicinity of the proposed rezoning application. Exhibit 4.6 does not specify any required upgrades to meet the Plan's intent.

CRD Regional Food & Agriculture Strategy (2016)

This Strategy identifies the CRD's role in food and agriculture along with recommendations, actions and resourcing requirements. The following policy/action/desired outcome is identified in this plan and lends policy support for this rezoning application.

Action 10 – Support regional economic development strategies for food and agriculture, and specifically section ii. Support strategic business development initiatives for the region's food and agriculture sector including agri-tourism. Desired outcomes include 'increased economic viability for the food and agriculture sector'.

Regional Context Statement Alignment – please see Attachment 3 for full analysis

NATURAL ENVIRONMENT

This property is not within 30 m of a known watercourse/waterbody so the Riparian Areas Protection Regulation will not apply to this property.

COMMUNITY ENGAGEMENT

An Open House was held at the Shirley Community Hall on June 23, 2025. The community was invited to view the conceptual plan, ask questions of the proponent and provide feedback on the concept.

Feedback was supportive of the proposed rezoning and market grocer concept. Community members welcomed the emphasis on local food, sustainability, and reducing trips for daily needs. The noted concerns related to potential traffic, parking and

environmental impact. These will be addressed in the next phase of the planning process (Development Permit).

In addition, the applicant has reached out to the Archaeology Branch, and confirmed no known archaeological sites are present. The T'Sou-ke and Pacheedaht Nations have been notified of the proposal, and meetings to provide more information will be arranged with those who request them.

A summary of the community feedback to-date and the open house materials presented at the open house has been provided (Attachment 4).

INFRASTRUCTURE

It is proposed septic will accommodate any wastewater associated with any future development. The details of this and onsite drainage will be considered as part of the development permit application.

The water service will be of a rural standard and will be provided with a well. There are no anticipated concerns with the provision of water as part of this proposal. The hydrogeology report dated July 7, 2025 (Attachment 5) ascertains that, based on available data, including the driller estimated yield of the registered well on the property and the water quality results provided, there is a high probability of developing adequate water quantity and quality to supply the proposed market and the existing residence from one or more new or existing wells completed on the property.

Any new or existing groundwater well that is used to supply the market will need to be licensed in accordance with the *Water Sustainability Act*, which requires non-domestic water users to apply for a water license and pay an application fee and annual water rental fees. Approval may need to be obtained from the Island Health Authority.

FIRE AND EMERGENCY SERVICING

No impact on fire and emergency servicing is anticipated because of the proposed amendments. The fire department is situated in proximity to the property, and there are already commercial and home based business activities in the area that are served by the local fire department for fire protection.

TRAFFIC

No significant traffic impact is anticipated as a result of the proposed amendments due to the parcel having frontage along both Kirby Creek Road and West Coast Road. The owner

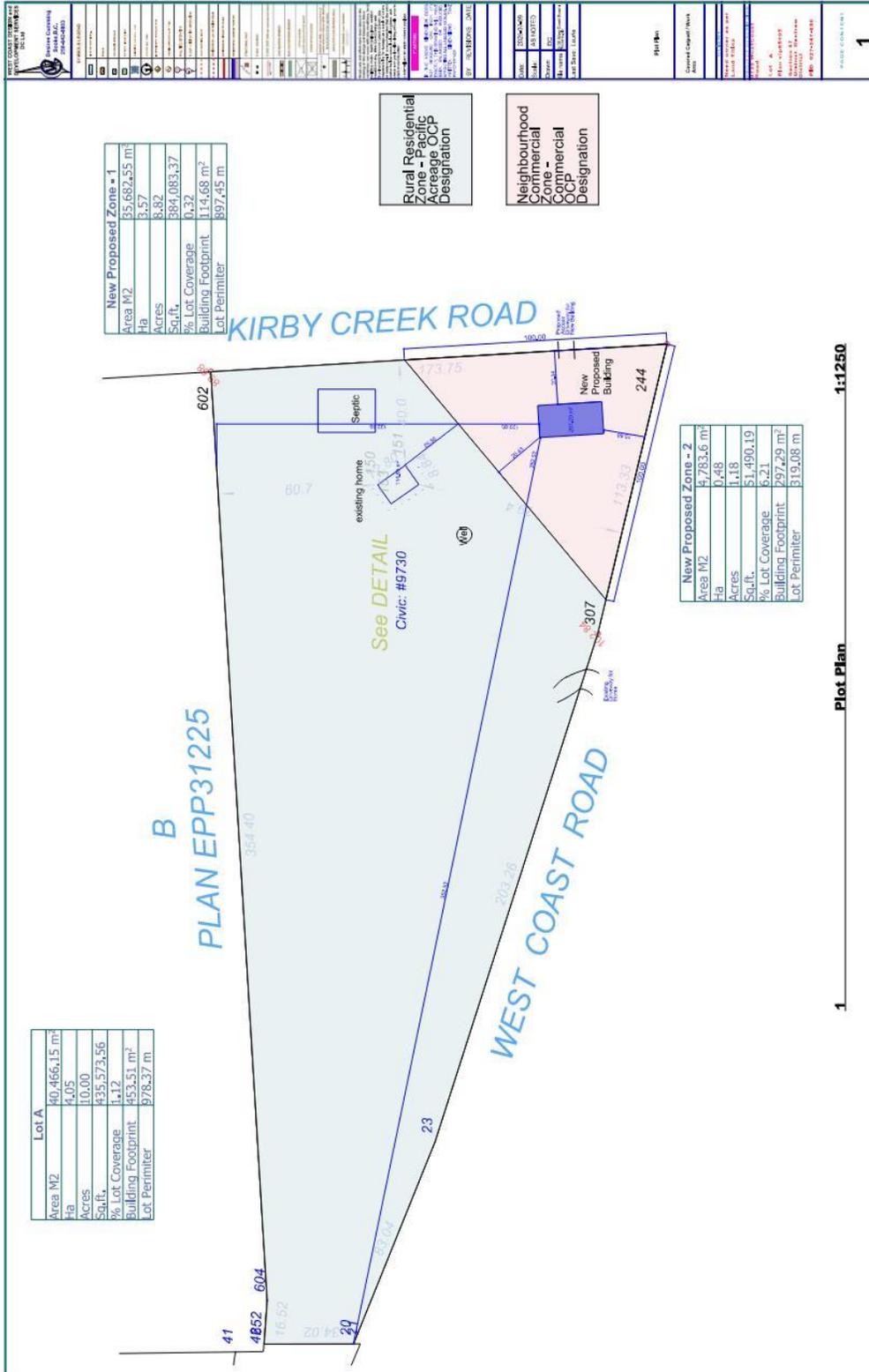
intends to utilize Kirby Creek Road as the main point of access for commercial activities, where vehicles can obtain access to the highway at an existing intersection. Parking configuration will meet bylaws.

ATTACHMENTS:

1. Conceptual drawings – vision and conceptual siting
2. Zoning/OCP Amendment proposal (site plan)
3. Regional Context Statement Alignment
4. Engagement Summary and Open House Panels – June 23, 2025
5. Hydrogeology Letter – Dated July 7, 2025
- ~~6. Current Certificate of Title~~ Staff Annotation: Certificate of Title has been excluded from staff report



Attachment 2



Outside Urban Containment Policy (pg 13)

Rural/Rural Residential Policy Area – this application supports and is in alignment with the Regional Growth Strategy. The area is rural, with rural servicing requirements. The commercial uses proposed are local serving and complement the rural character, including retail, food and beverage processing, country market, food truck, greenhouses and plant nursery, civic uses and liquor license establishment. These are typical 'neighbourhood commercial' uses. Any building proposal on this parcel will require the rigor of a development permit evaluation for Commercial development. The proposed minimum parcel size is larger than other commercial zones within the Plan Area, typically zoned C-2, which permits more intensive commercial uses than those being requested.

Protect the Integrity of Rural Communities (Pg 22-24)

Rural and rural-residential communities offer a choice of rural lifestyles and outdoor recreation opportunities that complement the surrounding working landscapes and preserve ecological diversity. This proposal does not include further residential expansion but strengthens the rural qualities of the community by creating an opportunity for a neighbourhood commercial for the residents of Shirley.

This property will reflect west coast character and the current and historical resource-based economy of the region. Overall site drainage will enhance natural systems as the site is developed. Detailed drainage plans will be submitted as part of any future building application.

5.1 Realize the Region's Economic Potential

Finding ways to expand and diversify the economy of formerly resource-dependent communities in Sooke and the Juan de Fuca Electoral Area, such as through low impact recreation and tourism.

Analysis: The proposed rezoning and OCP amendment enable neighbourhood commercial activities on a portion of the property. The intent is to create a market-style grocer, bringing access to daily needs to residents while also supporting regional tourism. The proposed changes will strengthen the regional and local economy by creating a rural 'micro economy' within the area. There is potential for the creation of local employment and a place to market local products. This project will strengthen food security of the region by providing another avenue for local producers to market their products, and it will strengthen the fabric of the area's rural, west coast tourism industry. Permitting this designation adds resiliency by providing live-work for a resident of the community.

Attachment 4

June 23, 2025

Engagement Summary

Project: Proposed Market-Style Grocer at 9730 West Coast Road
Application: Rezoning proposal
Date of Open House: June 23, 2025
Location: Shirley Community Hall
Number of Attendees: 22
Number of Comment Forms Submitted: 7

1. Summary of Support

Level of Support	Number of Responses	Comments
		“Support growth for Shirley”
		“Full support for fresh local produce and grocery items in our community. I love canning and food preservation and would love access to produce by the case.”
Support	7	“this small but growing community needs a market.”
		“I think this will be good for the community. The location is great, supporting local is great.”
		“There’s is a need, it fills a gap, it solves problems, it’s about community, local food, supporting our neighbours, it’s a no brainer.”
Neutral / No Opinion	0	
Oppose	0	

2. Positive Themes Identified

Theme	Frequency	Comments
Access to local produce and goods	6	
Support for local producers	7	
Less driving for daily needs	6	
New local services/products	5	
Other	1	“Possible job opportunities for our young people.”

Attachment 4

June 23, 2025

3. Key Concerns and Suggestions

Concern / Suggestion	Frequency	Notes or Details
Traffic and highway safety	1	Impact to highway safety
Parking	1	Parking would be the one concern – overflow on Kirby Creek Road
Natural Environment	1	General concern for the natural environment
None	5	

4. Suggestions for vendors, products or features:

-Cases of seasonal produce for canning/processing, basic groceries, competitive prices, and local meats

-Tomatoes, canning fruit, staples (dairy, bread etc.)

5. Conclusion

Feedback was predominantly supportive of the proposed rezoning and market grocer concept. Community members welcomed the emphasis on local food, sustainability, and reducing trips for daily needs. The noted concerns related to traffic, parking and environmental impact can be mitigated with site design. These will be addressed in the next phase of the planning process.

Additional: Two letters of support were received via email from residents

WELCOME!

WHY ARE WE HERE?

We are here today to share our vision for a new market-style grocer in Shirley—a vibrant, community-centered store that supports local agriculture and provides fresh, healthy food to our rural region.



THIS MARKET WILL

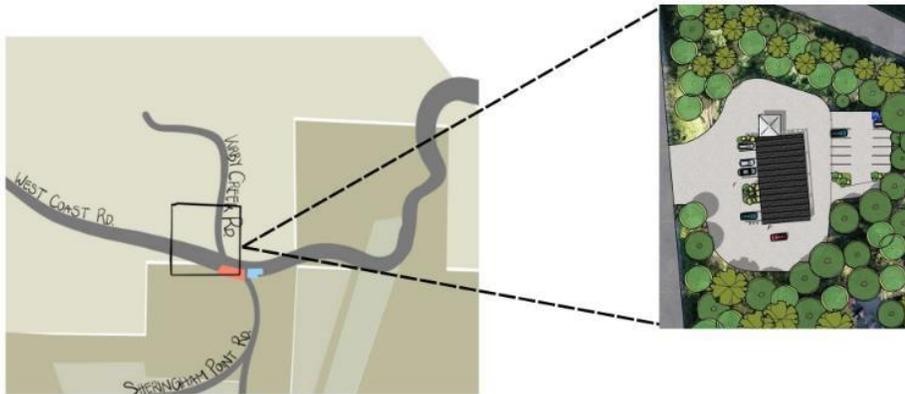
- 1 Support local farmers and producers**
- 2 Increase access to fresh, local food**
- 3 Strengthen the local economy**
- 4 Create a welcoming space for residents and visitors**



Attachment 4

THE PROPOSAL

To rezone a portion of the property at 9730 West Coast Road, and construct 3,200 ft² open, market-style grocer building that will serve as the heart of this local food hub.



PROJECT HIGHLIGHTS

THIS SPACE WILL FUNCTION AS A HYBRID BETWEEN A TRADITIONAL GROCER AND A FARMERS' MARKET— OPERATING YEAR-ROUND, WITH ROTATING SEASONAL ITEMS FROM LOCAL FARMS.

- 1 Support local farmers and producers**
- 2 Increase access to fresh, local food**
- 3 Strengthen the local economy**
- 4 Create a welcoming space for residents and visitors**

Attachment 4

OUR APPROACH

LOCAL AGRICULTURE GROWN HERE. SOLD HERE.

A key feature of the market is our commitment to local sourcing. Farmers and food producers from the region will have opportunities to supply the store cooperatively.

HOW IT WORKS



**FARMERS CAN SELL
DIRECTLY TO THE
STORE THROUGH
FLEXIBLE
PURCHASING
AGREEMENTS**

**REVENUE-SHARING MODELS
MAY BE AVAILABLE**



**EMPHASIS ON SEASONAL,
STAPLES, AND SUSTAINABLE
PRACTICES**

Attachment 4

WHY THIS PROJECT MATTERS

WE AIM TO BE MORE THAN A STORE—THIS IS A COMMUNITY RESOURCE DESIGNED WITH LOCAL VALUES IN MIND.

ECONOMIC

- Job creation (retail, logistics, admin)
- Income opportunities for farmers and producers



SOCIAL

- Reliable access to fresh, nutritious food
- A gathering place fostering community connections



ENVIRONMENTAL

- Lower transportation emissions
- Support for regenerative and organic farming

WHY REZONING?

THE PROJECT REQUIRES REZONING APPROX. 1-1.5ACRES FROM AF TO NEIGHBOURHOOD COMMERCIAL ZONE TO ACCOMMODATE THE PROPOSED USE.



WE ARE COMMITTED TO

- 1 Preserving rural character and natural features
- 2 Designing with minimal environmental impact
- 3 Collaborating with local planning staff to meet all zoning and development guidelines



YOUR FEEDBACK IS IMPORTANT AS WE MOVE THROUGH THIS PROCESS TOGETHER.

Attachment 4

GET INVOLVED

HELP SHAPE THE FUTURE OF LOCAL FOOD

We want this project to reflect the needs, hopes, and priorities of the community

WAYS TO PARTICIPATE

- 1** Fill out a comment form
- 2** Join our email list for updates
- 3** Attend future public meetings
- 4** Share your ideas for products, vendors, or services you'd like to see





July 7, 2025

FILE: 25-070-01VC

██████████
9730 West Coast Road
Shirley, BC V9Z 1G4

Re: 9730 West Coast Road, Shirley, BC – Groundwater Supply Feasibility Investigation

Dear Mr. ██████████

As requested, Western Water Associates Ltd. provides this preliminary groundwater supply feasibility investigation for a planned development at 9730 West Coast Road in Shirley, BC. The scope of our work was outlined in an email dated June 18, 2025. Authorization to proceed with the work was given in an email sent on the same day.

1. BACKGROUND

The owner of a property at 9730 West Coast Road in Shirley, BC within the Capital Regional District (CRD) is interested in rezoning to use part of it as a grocery market. There is currently a residential house on the east portion of the property and the remainder is undeveloped.

In a May 28, 2025 email provided to the property owner’s planner from the CRD, they indicated that an opinion letter is required from a qualified professional for the bylaw amendment to rezone that considers:

- How water will be supplied to future development in the proposed zone (such as a commercial well).
- Whether that water supply has adequate quantity and quality to meet those future development needs, or what needs to happen for the water supply to be adequate.
- (If anticipated), potential impacts to neighbouring water supplies (wells), and how those potential impacts can be mitigated.

Western Water was retained by the property owner to investigate the potential of developing a groundwater source on the property to supply the proposed market. The purpose of the investigation is to address the CRD requirements for rezoning of the property.

The groundwater demand for the development is yet to be determined however, based on our initial discussions with the property owner, we understand that the market will have no irrigation demands and will be staffed by the two residents of the property. Therefore, additional demands are expected to be minimal and include the water needed for operations (spraying produce, washing, cleaning) and a public washroom. The water demand for the washroom can be approximated from the average flow of 1,700 L/day for a ‘shopping centre toilet room’ listed in the Ministry of Health’s 2014 Sewerage System Standard Practice Manual (MOH, 2014). The additional

July 7, 2025

9730 W Coast Rd GW Supply Feas Investigation 2

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demand for spraying produce, washing and cleaning is not known, however as it is considered unlikely to exceed 3,000 L/day, a preliminary water demand of <5,000 L/day (3.5 L/min) is anticipated for the market.

In addition to the groundwater demand for the commercial market, the onsite groundwater supply must also be sufficient to service the existing residence. According to the CRD's Bylaw No. 2040 (which applies to new subdivisions), where there is no community water system to which a parcel can connect, a source of potable water producing a flow rate of 1,400 L/day is needed.

This letter provides the results of a desktop groundwater supply feasibility study for the property.

2. SETTING

2.1 Physiography, Climate, and Surrounding Land Use

Figure 1 (below) shows the property location and surrounding area. The property is at the northwest corner of the intersection of Highway 14 (West Coast Road) and Kirby Creek Road in Shirley, BC within the Juan de Fuca Electoral Area of the CRD. It is roughly 1 km inland on the west coast of Vancouver Island and approximately 11 km southeast of Jordan River. Topography on the property slopes at an average grade of ~8% to the east, with elevations ranging from approximately 121 metres above sea level (m asl) at the western boundary to 91 m asl at the east (Kirby Creek Road).

Figure 1. Property location



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Attachment 5

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The property is approximately 4 hectares in area. There is currently a residential house on the east portion of the property and the remainder is undeveloped. It is surrounded by rural-residential properties that are similar in size. The properties in the area are serviced by individual supply wells and sewerage systems.

Based on Environment Canada climate normals between 1991 and 2020 for the Victoria Airport Station (composite data from stations with climate IDs of 1018620 and 1018621), located approximately 50 km to the northeast of the property, the average annual temperature and precipitation for the region are 10.3° C and 901 mm, respectively. Climate in the area is typical of the west coast of Vancouver Island, with high amounts of precipitation (96% as rain) occurring mainly in the fall and winter (between roughly October and March in a typical year).

Past climate trends, however, are not necessarily indicative of future climate. Climate change is an ongoing process, and among the forecasted outcomes for the region is warming temperatures across seasons in addition to longer, drier summers and wetter winters with more precipitation falling as rain at lower elevations. There is also a predicted overall hydrologic transition from snowmelt-dominant mountainous watersheds to rainfall-dominant, increasing the need for water conservation and storage (PCIC, 2013). In the vicinity of the property, annual precipitation is forecast to potentially increase, but with a potentially longer lasting and warmer dry season.

2.2 Geology

The surficial geology in the area of the property is mapped as glaciofluvial sand and gravel with lesser amounts of till (Blyth and Rutter, 1993). From historical records of drilling on the property, which is described in further detail in Section 3, there is up to 15 m of till overlying bedrock.

The bedrock in the area is mapped by the Geological Survey of Canada (GSC) as Eocene-age Metchosin Volcanics composed mainly of basaltic lava and Tertiary-age conglomerate, sandstone and shale from the Sooke Formation (Muller, 1983). Structural geology mapping by Muller (1977) has the closest significant faults being a northwest-southeast trending fault and a northeast-southwest trending fault located roughly 1 km north and 1 km east of the property, respectively.

2.3 Hydrogeology

According to the Ministry of Environment and Parks (ENV) Water Resources Atlas (WRA), Sooke-Metchosin Aquifer 606 underlies the property (ENV, 2025a). It is a fractured bedrock aquifer within the Metchosin Igneous Complex (primarily Metchosin Volcanics and Sooke Gabbro). The aquifer is 538 km² in size and extends from Jordan River in the west to Esquimalt Lagoon in the east (ENV, 2004a). It is bounded by the Leech River Fault to the north and the coast to the south. It is mapped as having a high vulnerability, a low productivity and a median well yield of 11,000 L/day based on approximately 1,500 wells correlated to the aquifer (ENV, 2025a).

The property is also very close to Muir Creek Aquifer 449, the southwestern extent of which is mapped just to the northeast (ENV, 2025a). Aquifer 449 is comprised of fractured bedrock of the Sooke Formation. It is 28 km² in size and its footprint roughly follows some of the tributaries of Muir Creek near the coast (ENV, 2004b). It is interpreted by the Province as having a low vulnerability, a moderate productivity and a median well yield of 66,000 L/day based on 64 correlated wells (ENV, 2025a).

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Attachment 5

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Groundwater in these types of bedrock aquifers is typically stored and transmitted through fractures in the bulk rock. Where the fracture network is intersected by water supply wells, it may be capable of supplying usable quantities of water and moderately higher yielding wells may be attainable by targeting zones of higher permeability (faults, dykes, joints, or geological contacts). Recharge to these aquifers is likely from direct infiltration of precipitation and any overlying water bodies where confining layers are thin or absent.

Both Aquifer 606 and Aquifer 449 have notations from the Province indicating possible water shortages and saline intrusion issues. According to ENV (2004a, 2004b), there are no water use conflicts reported for either aquifer.

According to the Province's Groundwater Observation Network database (ENV, 2025b) there is one active observation well (OW 443) completed in Aquifer 606. This well is located on Phillips Road which is near the Sooke River and approximately 15 km east of the property. From data collected since 2018, seasonal water level fluctuations in OW 443 are on the order of 10 to 15 m. The water levels are highest in late winter/early spring and are lowest in late summer/early fall. Based on the limited time period since monitoring of the well began, summer static water levels appear to have declined from between 10 and 15 m depth from 2018 to 2020 to between 20 and 30 m depth from 2021 to 2025 (up to May). The cause of the water level decline in OW 443 over this relatively brief time period is not known, however it may be related to short term climate variability and/or increased groundwater development nearby.

In coastal aquifers, a salinity gradient exists where seawater and freshwater mix at the coastal margin. The position and geometry of the gradient is partly controlled by groundwater levels near the coast. Groundwater pumping from wells close to the coastal margin lower freshwater levels, potentially causing the seawater and freshwater interface to move landward, which could lead to increased salinity in groundwater supply wells. According to mapping done in a recent study for the Province, the risk of sea water intrusion in the bedrock aquifers at the property is considered moderately low (WWAL, 2021).

2.4 Surface Water

There are no mapped surface water bodies on the property. The closest is an unnamed drainage that originates approximately 200 m north of the property and connects to Kirby Creek at a location 1 km to the east. Kirby Creek drains to Orveas Bay at a location roughly 1 km southeast of the property. There are no water allocation restrictions from the Province on Kirby Creek or its tributaries.

3. SURVEY OF EXISTING WELLS AND WATER RIGHTS

3.1 Well Survey

To further assess the groundwater supply potential for the property, we looked at drilling information for registered wells on and within a ~1 km radius of the property from the Province's GWELLS database (ENV, 2025c). The locations of the wells by tag number (WTN) are shown in Figure 2 below, with well information in Table 1, attached.

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Attachment 5
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Figure 2. Registered wells near property



According to the database, there are 52 wells within the defined area. Table 2, below, provides a summary of depth and yield info for the 48 wells for which sufficient information was available. As well yields in the database come from drillers' interpretations, often through methods such as air lifting with the drill rig, an estimate using this methodology is considered approximate and not necessarily indicative of the long-term well yields.

Table 2. Summary of information for registered wells within 1 km of the property from GWELLS database

Material	Number of Wells	Average Depth		Yield Range		Average Yield		Percent at <5 L/min	Percent at >5 L/min
		(m)	(feet)	(L/min)	(USgpm)	(L/min)	(USgpm)		
Overburden	9	24	78	8 - 114	2 - 30	33	8.7	0	100
Bedrock	39	156	513	0 - 57	0 - 15	6.8	1.8	63	37

The majority of wells in the area (75%) were completed in bedrock, with 17% completed in unconsolidated/overburden deposits and 8% completed in an unknown material. The average yield of all the wells in the area with this information (47 total) was 11 L/min (16,000 L/day or 3 USgpm). Where an aquifer was present, higher yielding wells (33 L/min or 47,000 L/day average) were found in unconsolidated materials compared to those in bedrock which had an average yield of 6.8 L/min (9,800 L/day).

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9730 W Coast Rd GW Supply Feas Investigation

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Attachment 5

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There is one well on the property that is registered with the Province. It has WTN 96137 and well identification plate number (WPID) 20200. It was drilled on May 4, 2008 by D. A. Smithson & Sons Ltd. According to the driller's log, the well was completed in bedrock to a depth of 152 metres (500 feet). The driller's estimated yield of the well was 8 L/min (11,000 L/day or 2 USgpm). The well is inferred by the Province to be completed in Aquifer 606. The closest neighbouring registered well (WTN 108984) is on the adjacent property to the north, approximately 200 m from WTN 96137. It was drilled in 2014 and completed in sand and gravel at a depth of 17 m (55 feet) with a driller estimated yield of 38 L/min (55,000 L/day or 10 USgpm).

According to the WRA there was also another well drilled on the property (WTN 95078) that was unsuccessful at finding a usable water supply in the overburden deposits to a depth of 8.5 m (28 feet). Following drilling, the well was decommissioned by the driller by backfilling it with bentonite and cutting the casing off below ground level.

3.2 Water Rights Survey

According to the WRA, there are four current water licences within 1 km of the property as summarized in Table 3 below (ENV, 2025a).

Table 3. Existing water licences within 1 km of property

Licence Number	Priority Date	Use Purpose	Source	Quantity (m ³ /day)
C114412	May 17, 1999	Domestic	Watts Spring	4.54609
C043284	May 18, 1974	Domestic	Hohert Spring	2.27305
C025228	May 19, 1959	Domestic	Kirby Creek	9.09218
502283	Dec 27, 2019	Well Drill/Transprt Mgmt	Kirby Creek	12

All of the licence sources are surface water from Watts Spring (with the point of diversion located roughly 800 m south of the property), Hohert Spring (300 m to the east of the property), and Kirby Creek.

4. SITE VISIT

A site visit of the property was undertaken by Chad Petersmeyer, P.Geo. of Western Water on June 26, 2025 to observe the existing supply well, topography and site conditions. The property owner, Mr. Phil Lafreniere, was present at the time of the site visit. Access to the property was via a gravel driveway off West Coast Road just west of Kirby Creek Road.

The majority of the property was forested and undeveloped at the time of the site visit. The driveway ran east and then northwest to the residence situated near the eastern end of the property. According to Mr. Lafreniere, the existing disposal field for the sewerage system was located adjacent to the residence on the northeast side, which was estimated to be roughly 50 m from the supply well. There was also an unused structure near the southeast corner of the property that Mr. Lafreniere intends to incorporate into the proposed market.

The existing supply well (Photo 1, below) was located southeast of the residence. The well was capped, the casing was observed to extend ~1 m (3 ft) above the ground surface and it was equipped with a pitless adaptor. The well had identification plate with WPID 20200 affixed to it.

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9730 W Coast Rd GW Supply Feas Investigation 7

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Adjacent to the well was a shed that housed a pressure tank and below ground cistern for water storage. According to Mr. Lafreniere, the groundwater supply from the well is untreated.

Photo 1. Existing Supply Well WTN 96137



Mr. Lafreniere also took Mr. Petersmeyer to view an old, unregistered dug well near the southeast corner of the property. The dimensions of the well were not measured at the time but were estimated to be approximately 2 m x 2 m in area and 6 m in depth with a water table that was approximately 2 m below ground. The well was cased at the surface with concrete that was formed in place and the base of the well appeared to be in open bedrock.

5. GROUNDWATER QUALITY ASSESSMENT

Analytical results of a water quality sample collected by others from the existing supply well on the property (WTN 96137) on September 16, 2024 were provided to us by the property owner. The sample was analyzed M.B. Labs Ltd. in Sidney, BC for general potability parameters. The analytical results are attached with select parameters summarized in Table 4 on the following page.

The quality of the water from the well was assessed by comparing the sample results to the Guidelines for Canadian Drinking Water Quality (Health Canada, 2025). The Guidelines have health-based Maximum Acceptable Concentrations (MAC) criteria and also Aesthetic Objectives (AO), which address parameters that may affect the taste, odour and/or colour of water. Exceedances of AOs do not signify that a water source is not potable but can indicate that treatment may be desired to address consumer preferences.

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All analyzed parameters from the sample of WTN 96137 were below the respective AOs and MACs of the Guidelines at the time tested.

Table 4. Water quality summary for select parameters for WTN 96137

Date Samples Collected	Sep 16, 2024		
Parameter	Units		GCDWQ
pH (lab)	pH units	8.96	AO = 7.0-10.5
General Parameters and Nutrients			
Total Dissolved Solids	mg/L	122	AO ≤ 500
Total Hardness, CaCO ₃	mg/L	152	-
Ions and Metals (Total)			
Aluminum	mg/L	0.016	MAC = 2.9, OG < 0.1
Antimony	mg/L	<0.000500	MAC = 0.006
Arsenic	mg/L	0.00141	MAC = 0.010
Barium	mg/L	0.010	MAC = 2.0
Boron	mg/L	0.053	MAC = 5
Cadmium	mg/L	<0.000010	MAC = 0.007
Calcium	mg/L	41.5	-
Chromium	mg/L	<0.003	MAC = 0.05
Cobalt	mg/L	<0.005	-
Copper	mg/L	0.014	MAC = 2, AO < 1
Iron	mg/L	<0.010	AO ≤ 0.1
Lead	mg/L	<0.000500	MAC = 0.005
Magnesium	mg/L	11.8	-
Manganese	mg/L	<0.004	MAC = 0.12; AO < 0.02
Mercury	mg/L	<0.000010	MAC = 0.001
Molybdenum	mg/L	<0.005	-
Nickel	mg/L	<0.004	-
Potassium	mg/L	0.690	-
Selenium	mg/L	<0.000500	MAC = 0.05
Silicon	mg/L	13.1	-
Silver	mg/L	<0.010	-
Sodium	mg/L	44.3	AO ≤ 200
Strontium	mg/L	0.370	MAC = 7.0
Vanadium	mg/L	<0.010	-
Zinc	mg/L	0.084	AO ≤ 5.0
Microbiological			
Total Coliforms	CFU/100mL	0	MAC = none detectable
<i>E. coli</i>	CFU/100mL	0	MAC = none detectable

Notes:

MAC = Maximum Allowable Concentration; AO = Aesthetic Objective; OG = Operational Guideline, for water treatment plants.

Results in bold and underlined exceeded one or more guideline value.

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6. CONCLUSIONS AND RECOMMENDATIONS

A desktop groundwater supply feasibility assessment was carried out for the property at 9730 West Coast Road in Shirley, BC for the potential to supply a proposed a community grocery market. The purpose of the assessment was to address the requirements of the CRD for rezoning the property for this use.

It is intended that the market will be supplied with groundwater. The preliminary estimated water demand for the market is <5,000 L/day and the minimum amount of water needed to supply the existing residence is 1,400 L/day based on the CRD's requirements for new subdivisions.

Based on available data, including the driller estimated yield of the registered well on the property (WTN 96137/WPID 20200) and water quality results provided to us, we are of the opinion that there is a high probability of developing adequate water quantity and quality to supply the proposed market and existing residence from one or more new or existing wells completed on the property.

Potential significant impacts to neighbouring water supplies from use of groundwater for the proposed development are not expected based on the low quantity of water to be used, the distance from the nearest neighbouring wells and the absence of reported water use conflicts for the aquifers in the area.

Any new or existing groundwater well that is used to supply the market will need to be licensed in accordance with the *Water Sustainability Act*, which requires non-domestic water users to apply for a water licence and pay an application fee and annual water rental fees. An application would need to be made and then approved by the Province prior to using a new well for supply. As part of the licensing process, we anticipate the Province will require a Level 1 or Level 2 Technical Assessment in accordance with the 'Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia' (Todd et al., 2020). A Level 1 assessment only requires a driller's estimate of yield, however due to the Province's water allocation notations for Aquifer 606 (Possible Water Shortage and/or Saline Intrusion Issues), we recommend any proposed supply well be test pumped with the data assessed by a Professional Hydrogeologist to estimate long-term yield. Test pumping and assessment will also provide operating parameters for the well and improve confidence in the long-term sustainability of the groundwater supply. Any supply well and associated water system for the market that is used for potable purposes will also require approval from Island Health Authority.

7. CLOSURE

We trust this letter provides the information you require. If you have any questions, please contact us.

Western Water Associates Ltd.
(EGBC Permit to Practice number 1001419)


Chad Petersmeyer, M.Sc., P. Geo.
Senior Hydrogeologist



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Attachment 5

Table 1. Details of registered wells within 1 km of the property

WTN	Depth (m)	Depth (feet)	Bedrock Depth (m)	Bedrock Depth (feet)	Yield (L/min)	Yield (USgpm)	Aquifer Type
92648	6.1	20	--	--	--	--	Unknown
108986	83.8	275	20	67	8	2	Bedrock
43762	68.6	225	0.6	2	0	0	Bedrock
129136	162	530	45.7	150	6.62	1.75	Bedrock
95753	207	680	4.9	16	8	2	Bedrock
65101	152	500	0.6	2	4	1	Bedrock
65098	166	545	2.0	6.5	0.9	0.25	Bedrock
109031	159	521	40.5	133	15	4	Bedrock
100384	107	350	0.9	3	4	1	Bedrock
90919	5.2	17	--	--	114	30	Unconsolidated
93690	6.1	20	--	--	--	--	Unknown
93689	6.1	20	--	--	--	--	Unknown
125684	193	633	4.3	14	0.473	0.125	Bedrock
125648	103	338	4.3	14	2	0.5	Bedrock
46882	172	565	3.7	12	2	0.5	Bedrock
125644	304.8	1000	2	6	0.473	0.125	Bedrock
125668	244	802	2	7	--	--	Bedrock
125647	110	360	4.0	13	5.7	1.5	Bedrock
125642	177	580	3.7	12	0.473	0.125	Bedrock
125685	189	620	10.5	34.5	4	1	Bedrock
125645	244	800	1	4	4	1	Bedrock
95078	8.5	28	--	--	--	--	Unknown
96137	152	500	15	50	8	2	Bedrock
108984	17	55	--	--	38	10	Unconsolidated
108876	16.6	54.5	--	--	38	10	Unconsolidated
125687	188.5	618.5	1	4	6.62	1.75	Bedrock
108622	29	95	--	--	15	4	Unconsolidated
108626	104	340	33.8	111	2.8	0.75	Bedrock
108985	256	840	28	92	0.95	0.25	Bedrock
108877	195	640	35.1	115	30	8	Bedrock
108875	39.0	128	--	--	38	10	Unconsolidated
108987	116	380	31.7	104	15	4	Bedrock
108988	29	94	--	--	8	2	Unconsolidated
108627	20	66	--	--	15	4	Unconsolidated
114009	207	680	30.5	100	0.4	0.1	Bedrock
65110	68.6	225	20	67	5.7	1.5	Bedrock
47457	152	500	0.3	1	2	0.5	Bedrock
65103	134	440	4.3	14	0	0	Bedrock
65104	105	345	3	9	0.1	0.03	Bedrock
125689	213	700	4.6	15	0.473	0.125	Bedrock
65105	18	60	15	50	4	1	Bedrock
125676	79	260	5.8	19	57	15	Bedrock
125678	140	460	3	9	6.62	1.75	Bedrock
125677	46.9	154	5.8	19	4	1	Bedrock
125643	256	840	2	5	17	4.5	Bedrock
125669	244	800	3	9	2.8	0.75	Bedrock
125688	186	610	1	3	0.473	0.125	Bedrock
125671	201	660	2	8	2.8	0.75	Bedrock
125683	128	420	4.0	13	1.2	0.33	Bedrock
125675	61.0	200	2	8	23	6	Bedrock
108989	23	77	--	--	19	5	Unconsolidated
122998	36.0	118	--	--	13	3.5	Unconsolidated

B.C. Aquifer - Duncan S# - P/U
*A
5420 Trans Canada Hwy
Duncan, BC
V9L 6W4
TEL: (250) 748-4041
Email: info@bcaquifer.ca

17Sep24 8:44a
Source: FWS
Type of Sample: Water
No. of Samples: 1

W182888

Attachment 5

Arrival temp.: 4.0C
Sampler: [REDACTED]

Site Code	Date	Time	CFU/100 ml		CFU/100 ml		CFU/100 mL
			TC	T-NC	FC	F-NC	E.coli
1 9730 West Coast Rd.	16Sep24	10:00	0	0	0	0	0

TC = total coliform bacteria
FC = fecal coliform bacteria (aka thermotolerant coliforms)
NC = non-coliform bacteria
CFU/100 ml = colony forming units per 100 milli-litres

Results may be adversely affected if samples are submitted to the laboratory more than 24 to 30 hours after collection.

E. coli = Escherichia coli, FDA/BAM 9th ed, Oct 2020
Bergey's Manual of Systematic Bacteriology vol 1, AOAC 1984; J.Clin.Micro., J.Intern.System.Bact.

Comments:

For Interpretation of Results:

Total or Fecal Coliforms present greater than 0 CFU/100mL (0 CFU/mL):
IF Coliform numbers exceed safe limits for drinking water-
water is not suitable for drinking without treatment.

Total Non-coliform bacteria (=Lactose Fermentors) equal to or greater than
200 CFU/100mL (2.0 CFU/mL):
IF the number of organisms present exceed recommended guidelines for
drinking water; treatment is strongly recommended.

- See following page for chemistry results -


W. Riggs
Sr. Microbiologist

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EMAILED
SEP 18 2024
4/6/24

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Email: info@bcaquifer.ca

17Sep24 8:44a
Source: FWS
Type of Sample: Water
No. of Samples: 1
Arrival temp.: 4.0C
Sampler: [REDACTED]

W182888 pg2

Attachment 5

Sample: 9730 West Coast Rd. 16Sep24 10:00

ELEMENTS	SAMPLE	UNITS	Maximum Limits In Drinking Water*	
1) Aluminium	Al	0.016	mg/L	no limit listed
2) Antimony	Sb	<0.500	ug/L	6.00 ug/L
3) Arsenic	As	1.41	ug/L	10.0 ug/L
4) Barium	Ba	0.010	mg/L	2.00 mg/L
5) Beryllium	Be	<0.003	mg/L	no limit listed
6) Boron	B	0.053	mg/L	5.00 mg/L
7) Cadmium	Cd	<0.010	ug/L	7.00 ug/L
8) Calcium	Ca	41.5	mg/L	200 mg/L
9) Chromium	Cr	<0.003	mg/L	0.050 mg/L
10) Cobalt	Co	<0.005	mg/L	no limit listed
11) Copper	Cu	0.014	mg/L	1.00 mg/L
12) Gold	Au	<0.040	mg/L	no limit listed
13) Iron	Fe	<0.010	mg/L	0.300 mg/L
14) Lanthanum	La	<0.020	mg/L	no limit listed
15) Lead	Pb	<0.500	ug/L	5.00 ug/L
16) Magnesium	Mg	11.8	mg/L	50.0 mg/L
17) Manganese	Mn	<0.004	mg/L	0.120 MAC 0.020 AO
18) Mercury	Hg	<0.010	ug/L	1.00 ug/L
19) Molybdenum	Mo	<0.005	mg/L	no limit listed
20) Nickel	Ni	<0.004	mg/L	no limit listed
21) Phosphorus	P	<0.010	mg/L	no limit listed
22) Potassium	K	0.690	mg/L	no limit listed
23) Scandium	Sc	<0.050	mg/L	no limit listed
24) Selenium	Se	<0.500	ug/L	5.0 ug/L
25) Silicon	Si	13.1	mg/L	no limit listed
26) Silver	Ag	<0.010	mg/L	no limit listed
27) Sodium	Na	44.3	mg/L	200 mg/L
28) Strontium	Sr	0.370	mg/L	no limit listed
29) Tin	Sn	<0.020	mg/L	no limit listed
30) Titanium	Ti	<0.010	mg/L	no limit listed
31) Tungsten	W	<0.050	mg/L	no limit listed
32) Vanadium	V	<0.010	mg/L	no limit listed
33) Zinc	Zn	0.084	mg/L	5.00 mg/L
Hardness (mg/L CaCO ₃)		152	mg/L	150-300 mg/L = hard
pH		8.96	units	7.0 to 10.5

* As per Canadian or B.C. Health Act Safe Drinking Water Regulation BC Reg 230/92, & 390 Sch 120, 2001. Task Force of the Canadian Council of Resource and Environment Ministers - Guidelines for Canadian Drinking Water Quality, 2020.

Comments:

pH: extremes in pH can lead to corrosion (too low <6.5) or incrustation (too high >8.5) of pipes & plumbing fixtures. Water with low pH allows metals to dissolve into water; water with high pH reduces disinfection efficacy, increases THM & scale formations.

R. Bilodeau
Analytical Chemist

H. Hartmann
Sr. Analytical Chemist

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12/6

[Handwritten mark]

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V9L 6W4
TEL: (250) 748-4041
Email: info@bcaquifer.ca

17Sep24 8:44a
Source: FWS
Type of Sample: Water
No. of Samples: 1
Arrival temp.: 4.0C
Sampler: [REDACTED]

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Attachment 5

<u>SAMPLE</u>	<u>DATE</u>	<u>TIME</u>	<u>T&L</u> <u>(mg/L)</u>	<u>TDS</u> <u>(mg/L)</u>
9730 West Coast Rd.	16Sep24	10:00	ND	122
Lab Blank			ND	ND
So			0.070	0.010
REF. VALUE			1.00	200
STD ± 2SD			1.04 ± 0.055	191 ± 14.0

SD = standard deviation; REF VALUE = primary or secondary reference material
STD = secondary standard calibrated to primary standard reference material
So = standard deviation at zero analyte concentration; method detection limit
is generally considered to be 3x So value
ND = none detected n/a = not applicable

R. Bilodeau
Analytical Chemist



H. Hartmann
Sr. Analytical Chemist

M.B. LABS LTD
T: 250 656-1334

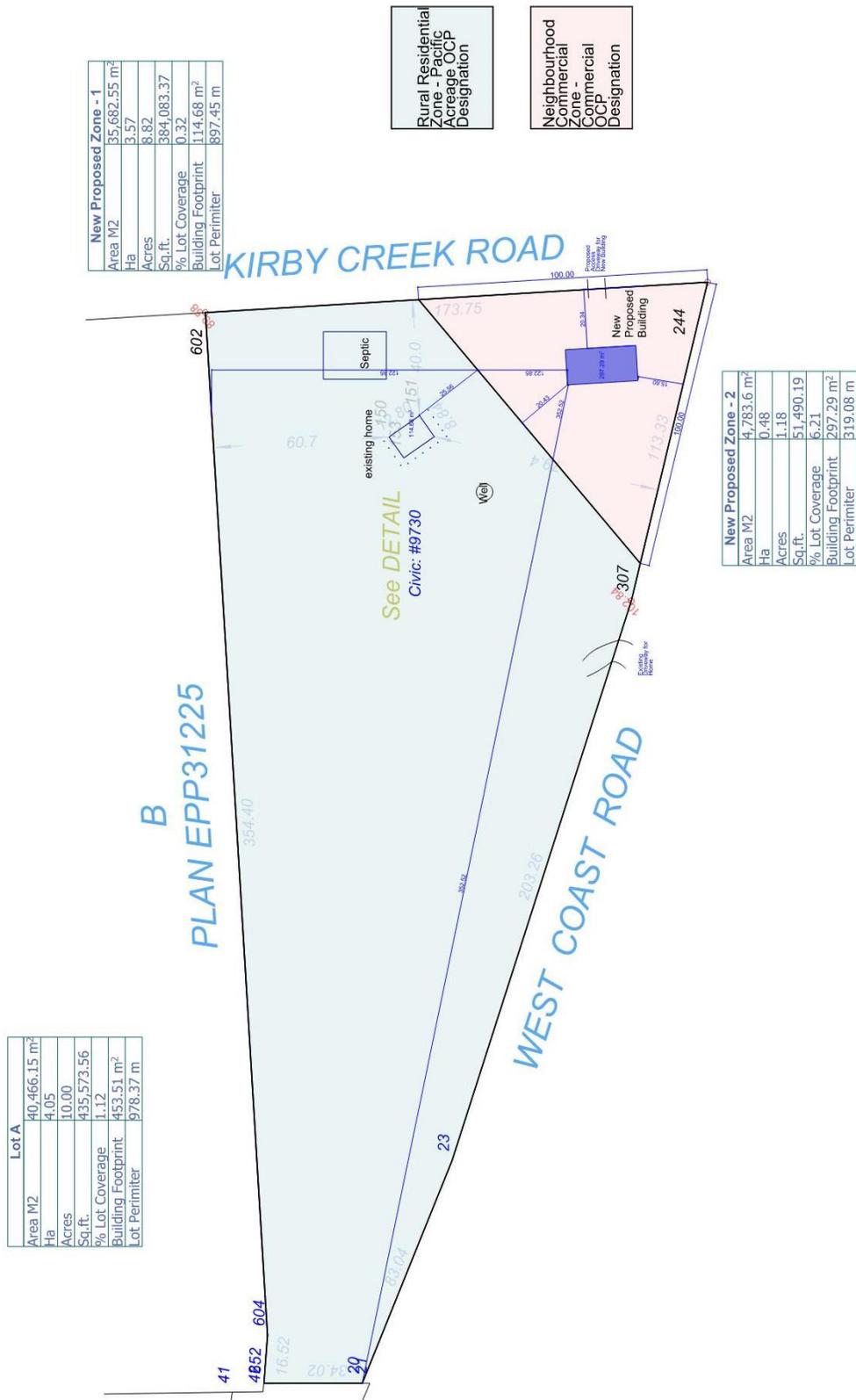
E: info@mblabs.com

W: www.mblabs.com

13



Appendix F: Plan of Proposed Zoning and OCP Land Use Designation Locations and Boundary



**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4705**

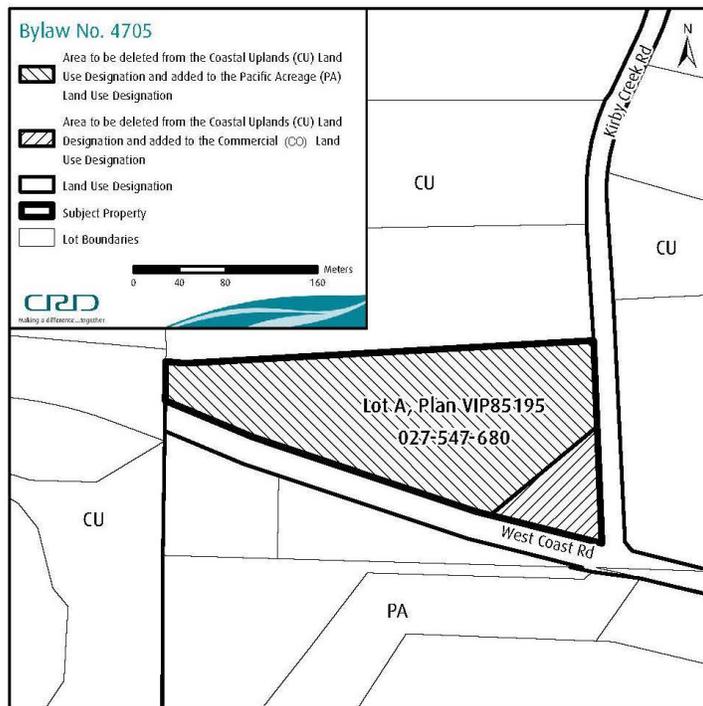
**A BYLAW TO AMEND BYLAW NO. 4001, THE "SHIRLEY-JORDAN RIVER OFFICIAL COMMUNITY
PLAN, BYLAW NO. 5, 2018"**

1. Bylaw No. 4705 being the "Shirley- Jordan River Official Community Plan, Bylaw No. 5, 2018" is hereby amended:

A. SCHEDULE A – LAND USE DESIGNATIONS

- (a) By deleting Lot A, District Lot 87, Renfrew District, Plan VIP85195 from the Coastal Uplands Land Use Designation and adding said lot to the Commercial and Pacific Acreage Land Use Designations as shown on Plan No. 1.

Plan No. 1 of Bylaw 4705, an amendment to Bylaw No. 4001



**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4706**

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

A. SCHEDULE A, PART 1, SECTION 3.07

(a) By replacing the words "C-2 Village Commercial" with "C-2 Commercial Rural Market".

B. SCHEDULE A, PART 2 - ZONING DISTRICTS

(a) By deleting the section 18.0 Village Commercial Zone – C-2 and replacing it with the new 18.0 Commercial Rural Market Zone – C-2 as follows:

18.0 COMMERCIAL RURAL MARKET – C-2

18.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the C-2 Zone:

- (a) Civic Uses;
- (b) Country market;
- (c) Convenience store;
- (d) Food and beverage processing;
- (e) Greenhouses and plant nurseries;
- (f) Horticulture;
- (g) Restaurant;
- (h) Retail Store, excluding gas bars, gas stations, bulk fuel sales, auto repair, carwash, or any use for which a permit is required under the *Environmental Management Act or Regulation*.

18.02 Permitted Accessory Uses

In addition to the uses permitted by Section 18.01 of Part 2 of this Bylaw, the following accessory uses in conjunction with a permitted Principal Use and no others shall be permitted in the C-2 Zone:

- (a) Buildings or structures;
- (b) Office;
- (c) Residential;
- (d) Storage Yard, Screened.

18.03 Subdivision Provisions

- (a) The minimum lot size for subdivision purposes is 0.4 ha.
- (b) The minimum frontage required for subdivision purposes is 16.0 m.

18.04 Density Provisions

One dwelling unit per parcel in conjunction with a principal use.

CRD Bylaw No. 4706

2

18.05 Maximum size of Principal Buildings

In accordance with Section 18.09 (a) and (b) of Part 2 of this Bylaw the maximum total combined interior floor area of Principal Use buildings and structures is 1,000 m²; except for the interior floor area dedicated to Greenhouses, plant nurseries, and horticulture Principal Uses.

18.06 Height

All principal buildings and structures must not exceed a height of 6.0 m.

18.07 Lot Coverage

The maximum lot coverage must not exceed 30%.

18.08 Setback Requirements

All principal and accessory buildings and structures must meet the following yard requirements:

(a) Principal buildings and structures are required to be:

- (i) A minimum of 7.5 m from the lot line of a street or public highway;
- (ii) A minimum of 3.0 m from any other lot line; and
- (iii) Notwithstanding Part 2 Section 18.07 (a) (ii) above; a minimum of 9.0 m is required from the lot lines of parcels in Residential, Rural Residential, or Multiple Family Residential zones.

(b) Accessory buildings and structures are required to be:

- (i) A minimum of 7.5 m from the lot line of a street or public highway; and
- (ii) A minimum of 3.0 m from a lot line of a parcel.

(c) All parking spaces are required to be:

- (i) A minimum of 3.0 m from a lot line.

18.09 Definitions

(a) For the purpose of the Commercial Rural Market Zone – C-2, the following definitions apply:

INTERIOR FLOOR AREA means the interior area of a building or structure, measured from the inside surface of the exterior walls and includes the floor area occupied by any interior walls. For structures that are unenclosed and or partially enclosed and or missing one or more exterior walls, the interior floor area is measured from a perimeter established by connecting the center points of outermost supporting columns and includes the area occupied by any walls and or structures within that perimeter.

TOTAL COMBINED MAXIMUM INTERIOR FLOOR AREA means the sum total of all interior floor areas specified in Section 18.09 (a) of Part 2 of this Bylaw.

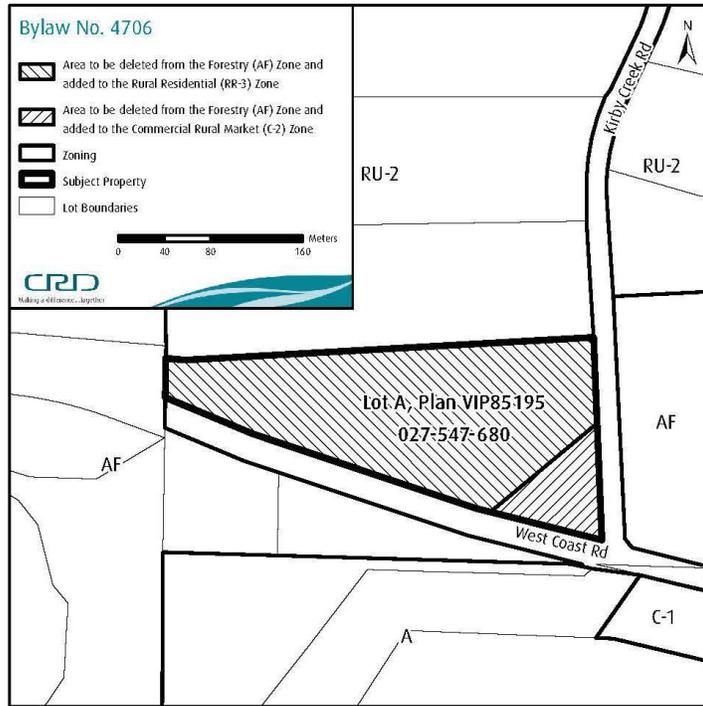
B. SCHEDULE B, Map No. 3 – SHIRLEY JORDAN RIVER ZONING

- (a) By deleting Lot A, District Lot 87, Renfrew District, Plan VIP85195 from the Forestry Zone – AF and those portions to the Commercial Rural Market Zone – C-2 and the Rural Residential 3 zone – RR-3 respectively, as shown on Plan No. 1.

CRD Bylaw No. 4706

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Plan No. 1 of Bylaw No. 4706, an amendment to Bylaw No. 2040



2. This Bylaw may be cited as ""Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 168, 2025".

READ A FIRST TIME THIS _____ day of _____, 202X.

READ A SECOND TIME THIS _____ day of _____, 202X.

READ A THIRD TIME THIS _____ day of _____, 202X.

ADOPTED THIS _____ day of _____, 202X.

 CHAIR

 CORPORATE OFFICER

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

3

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

PPSS-35010459-3623

Public Information Meeting Minutes
December 2, 2025

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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