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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