

## Notice of Meeting and Meeting Agenda Planning and Protective Services Committee

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Wednesday, July 21, 2021

10:00 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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C. McNeil-Smith (Chair), R. Martin (Vice Chair), F. Haynes, M. Hicks, J. Loveday, R. Mersereau,  
K. Murdoch, J. Olsen, M. Tait, K. Williams, R. Windsor, C. Plant (Board Chair, ex officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

### 1. Territorial Acknowledgement

### 2. Approval of Agenda

### 3. Adoption of Minutes

#### 3.1. [21-267](#) Minutes of the March 17, 2021 of the Planning and Protective Services Committee Meeting

**Recommendation:** That the minutes of the Planning and Protective Services Committee meeting of March 17, 2021 be adopted as circulated.

**Attachments:** [Minutes - March 17, 2021](#)

### 4. Chair's Remarks

### 5. Presentations/Delegations

*Due to limited seating capacity, this meeting will be held by Live Webcast without the public present.*

*To participate electronically, complete the online application for "Addressing the Board" on our website. Alternatively, you may email the CRD Board at [crdboard@crd.bc.ca](mailto:crdboard@crd.bc.ca).*

### 6. Committee Business

#### 6.1. [21-545](#) Regional Growth Strategy Consistency - Outdoor Recreation Definition Amendment

**Recommendation:** The Planning and Protective Services Committee recommends to the Capital Regional District Board:  
That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be reviewed as it relates to Bylaw No. 4017, "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

**Attachments:**      [Staff Report: RGS Consistency–Outdoor Rec Definition Amendment](#)  
[Appendix A: Proposed Bylaw No. 4412](#)  
[Appendix B: July 20/21 JdF LUC-Outdoor Rec Bylaw Amendments](#)

**6.2.      [21-546](#)**      Regional Growth Strategy Consistency - Seagirt Improvement District Takeover

**Recommendation:** The Planning and Protective Services Committee recommends to the Capital Regional District Board:  
That the Proposed Seagirt Improvement District Conversion staff report and attachments to the July 6, 2021 Juan de Fuca Water Distribution Commission be reviewed as it relates to Bylaw No. 4017, "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

**Attachments:**      [Staff Report: RGS Consistency–Seagirt Improve't District Takeover](#)  
[Appendix A: July 6/21 Rpt JDFWDC-Proposed Seagirt Improv't Dist Convrnsn](#)  
[Appendix B: Map-RGS & Proposed Seagirt Improve't Dist Conversion](#)

**6.3.      [21-544](#)**      Regional Growth Strategy Consistency - Port Renfrew Water Supply Area Extension

**Recommendation:** The Planning and Protective Services Committee recommends to the Capital Regional District Board:  
That proposed Bylaw No. 4442, "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021" be reviewed as it relates to Bylaw No. 4017, "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

**Attachments:**      [Staff Report: RGS Consist'y-Port Renfrew Water Supply Area Ext](#)  
[Appendix A: Proposed Bylaw No. 4442](#)  
[Appendix B: Report to Port Renfrew Utility Svcs Cttee-Jun 29/21](#)  
[Appendix C: Map of RGS and Proposed Water Supply Area Ext](#)

**7. Notice(s) of Motion**

**8. New Business**

**9. Adjournment**

The next meeting is September 29, 2021 (special).

To ensure quorum, please advise Tamara Pillipow (tpillipow@crd.bc.ca) if you or your alternate cannot attend.

## Meeting Minutes

### Planning and Protective Services Committee

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Wednesday, March 17, 2021

10:00 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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#### PRESENT

Directors: C. McNeil-Smith (Chair), R. Martin (Vice Chair) (EP) (10:04 am), F. Haynes, J. Loveday (EP), R. Mersereau, K. Murdoch (EP), M. Tait (EP), K. Williams (EP), C. Plant (Board Chair, ex officio)

Staff: R. Lapham, Chief Administrative Officer; K. Lorette, General Manager, Planning and Protective Services; E. Sinclair, Senior Manager, Regional and Strategic Planning; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: Directors M. Hicks, R. Windsor

The meeting was called to order at 10:01 am.

#### 1. Territorial Acknowledgement

Chair McNeil-Smith provided a Territorial Acknowledgement.

#### 2. Approval of Agenda

**MOVED** by Director Plant, **SECONDED** by Director Mersereau,  
That the agenda for the March 17, 2021 Planning & Protective Services  
Committee meeting be approved.  
**CARRIED**

#### 3. Adoption of Minutes

##### 3.1. [21-226](#)

Minutes of the January 20, 2021 Planning and Protective Services  
Committee Meeting

**MOVED** by Director Plant, **SECONDED** by Director Mersereau,  
That the minutes of the Planning and Protective Services Committee meeting of  
January 20, 2021 be adopted as circulated.  
**CARRIED**

#### 4. Chair's Remarks

The Chair expressed his appreciation of staff working collaboratively with  
Esquimalt staff, and wished everyone a Happy St. Patrick's Day.

## 5. Presentations/Delegations

There were no presentations or delegations.

## 6. Committee Business

### 6.1. [21-212](#) Esquimalt Regional Context Statement Consideration

K. Lorette spoke to Item 6.1.

**MOVED by Director Plant, SECONDED by Director Haynes,  
The Planning and Protective Services Committee recommends to the Capital  
Regional District Board:  
That the Township of Esquimalt regional context statement be considered in  
relation to the 2018 Regional Growth Strategy (Bylaw No. 4017) and be accepted  
in accordance with the requirements of section 448 of the Local Government Act.  
CARRIED**

### 6.2. [21-213](#) Adoption of Regional Growth Strategy Amendment Bylaw No. 4328

K. Lorette spoke to Item 6.2.

Discussion ensued on the municipalities who did not respond.

**MOVED by Director Plant, SECONDED by Director Mersereau,  
The Planning and Protective Services Committee recommends to the Capital  
Regional District Board:  
1) That Bylaw No. 4328 be amended to correct the bylaw title and citation;  
2) That Bylaw No. 4328, "Capital Regional District Regional Growth Strategy  
Bylaw No. 1, 2016, Amendment Bylaw No. 1, 2019", be read a third time as  
amended; and  
3) That Bylaw No. 4328 be adopted.  
CARRIED**

## 7. Notice(s) of Motion

There were no Notice(s) of Motion.

## 8. New Business

There was no new business.

## 9. Adjournment

**MOVED by Director Plant, SECONDED by Director Mersereau,  
That the March 17, 2021 Planning and Protective Services Committee meeting be  
adjourned at 10:09 am.  
CARRIED**

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Chair

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Recorder

**REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE  
MEETING OF WEDNESDAY, JULY 21, 2021**

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**SUBJECT**     **Regional Growth Strategy Consistency – Outdoor Recreation Definition Amendment**

**ISSUE SUMMARY**

To consider whether a proposed amendment to the Land Use Bylaw for the Rural Resource Lands Bylaw No. 3602 to delete the *outdoor recreation* definition and permitted use is consistent with the Regional Growth Strategy (RGS).

**BACKGROUND**

Section 445 of the *Local Government Act* requires that all bylaws adopted by a regional district be consistent with its RGS. The Capital Regional District (CRD) Board adopted Bylaw No. 4017, “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” in 2018.

The Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602 permits outdoor recreation as a permitted use. The definition in Bylaw No. 3602 is as follows:

OUTDOOR RECREATION means a recreational activity undertaken where the outdoor setting and landscape and the density of recreational users are not significant elements in the activity; excludes tourist lodges and cabins, marinas, recreational vehicle sites, resorts, and drive-in campgrounds.

Juan de Fuca planning staff regularly receive inquiries regarding the scope of permitted *outdoor recreation* uses. The bylaws have no controls for regulating the density, servicing, accessory buildings or siting for such operations. The inquiries pose challenges for interpretation and may result in unintended forms of development not contemplated for the rural resource lands.

At its May 18, 2021 meeting, the Juan de Fuca Land Use Committee (JdF LUC) recommended that the definition and permitted use be deleted from Bylaw No. 3602. The proposed amendment would require applicants to bring forward proposals for outdoor recreation activities through a zoning amendment application. The desired outcome is to protect lands from unintended development by considering proposals for outdoor recreation on a site-by-site basis.

The JdF LUC referred the proposed amendment to appropriate CRD departments for comment. The lands covered by Bylaw No. 3602 are designated Renewable Resource Lands Policy Area in the RGS. Regional and Strategic Planning staff identified applicable RGS policy areas and indicated that CRD Board determination of RGS consistency is required.

At its July 20, 2021 meeting, the JdF LUC recommended first and second reading of the amendment bylaw and it is now coming to the Board for determination of consistency. See Appendix A for the amendment bylaw and Appendix B for details about the proposed bylaw amendment.

## **ALTERNATIVES**

### *Alternative 1*

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be reviewed as it relates to Bylaw No. 4017, "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

### *Alternative 2*

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be reviewed as it relates to Bylaw No. 4017 "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and be deemed not consistent with the 2018 RGS Bylaw No. 4017.

### *Alternative 3*

That the Regional Growth Strategy Consistency – Outdoor Recreation Definition Amendment report be referred back to staff for additional information based on Planning and Protective Services Committee direction.

## **IMPLICATIONS**

### *Regional Growth Strategy Implications*

The proposed bylaw amendment relates to rural land uses, addressed by RGS Objectives 1.2 and 5.1. There are four applicable RGS criteria to consider for RGS consistency:

- 1) Principle 1.2(I): Maintain working landscapes including agriculture, forestry and outdoor recreation activities that contribute to the region's economy.
- 2) Principle 1.2(II): Avoid the creation of future urban areas through development patterns that complement rural form, density and character.
- 3) Principle 1.2(III): Minimize impacts to the natural environment and surrounding working landscapes.
- 4) Policy 5.1(4): Ensure the long-term protection of Renewable Resource Lands.

No other RGS policy areas are applicable.

The proposed bylaw amendment addresses an underlying land use consideration that could permit density, servicing, access or other associated infrastructure unintended for the RGS Renewable Resource Lands Policy Area. Removing the definition allows for the consideration of recreation uses on a case-by-case basis using a planning approach that protects lands from undesired development patterns. As noted by JdF Planning staff, this approach is necessary as the scope of outdoor recreation is broad and not easily captured in a zoning definition.

This approach is consistent with the above RGS criteria as it continues to allow for outdoor recreation activities that contribute to the economy, while maintaining rural development patterns, minimizing impacts to the natural environment and ensuring the long-term protection of the

Renewable Resource Lands. Existing outdoor recreation sites would be maintained as legal non-conforming.

### **CONCLUSION**

All bylaws adopted by the CRD must be consistent with its RGS. There are four applicable RGS criteria for the proposed removal of the *outdoor recreation* definition in the Land Use Bylaw for the Rural Resource Lands. Proposed Bylaw No. 4412 to remove the *outdoor recreation* definition and permitted use meets all criteria. A determination of consistency allows for adoption of Bylaw No. 4412.

### **RECOMMENDATION**

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be reviewed as it relates to Bylaw No. 4017, "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

Submitted by:	Emily Sinclair, MCIP, RPP, Senior Manager, Regional & Strategic Planning
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

### **ATTACHMENTS**

Appendix A: Proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021"

Appendix B: July 20, 2021 Report to the Juan de Fuca Land Use Committee: Outdoor Recreation Bylaw Amendments



**APPENDIX A: PROPOSED BYLAW NO. 4412**

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4412**

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**A BYLAW TO AMEND BYLAW NO. 3602, THE "LAND USE BYLAW FOR THE RURAL  
RESOURCE LANDS, BYLAW NO. 1, 2009"**

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

1. Bylaw No. 3602 being the "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009" is hereby amended as follows:
  - A. SCHEDULE A, II DEFINITIONS**
    - (a) By deleting the "OUTDOOR RECREATION" definition in its entirety.
  - B. SCHEDULE A, PART 2, SECTION 2.4 PERMITTED USE EXCEPTIONS**
    - (a) By inserting the words ", hiking trails, horse trails and bicycle paths" after the word "parks".
  - C. SCHEDULE A, PART 4, SECTION 4.1 RESOURCE LAND (RL) ZONE**
    - (a) By deleting Subsection 4.1.1, Paragraph "d) Outdoor Recreation".
  - D. SCHEDULE A, PART 4, SECTION 4.1A RESOURCE LAND – METEOROLOGICAL TOWER (RL-MT) ZONE**
    - (a) By deleting Subsection 4.1A.1, Paragraph "d) Outdoor Recreation".
  - E. SCHEDULE A, PART 4, SECTION 4.2 RURAL RESOURCE LAND (RRL) ZONE**
    - (a) By deleting Subsection 4.2.1, Paragraph "d) Outdoor Recreation".
2. This Bylaw may be cited as Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, Amendment Bylaw No. 8, 2021".

READ A FIRST TIME THIS	day of	2021.
READ A SECOND TIME THIS	day of	2021.
READ A THIRD TIME THIS	day of	2021.
ADOPTED THIS	day of	2021.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

REPORT TO THE LAND USE COMMITTEE  
MEETING OF TUESDAY, JULY 20, 2021

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**SUBJECT**     Outdoor Recreation Bylaw Amendments

**ISSUE SUMMARY**

To consider an amendment to the Land Use Bylaw for the Rural Resource Lands Bylaw No. 3602 and to the Juan de Fuca Land Use Bylaw No. 2040 to delete the *outdoor recreation* definition and permitted use from Bylaw Nos. 2040 and 3602, and to expand the scope of uses permitted in all zones in Bylaw No. 3602 to include a number of outdoor recreation uses.

**BACKGROUND**

The Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, was adopted in 2010 and established the Resource Land (RL) zone, Rural Resource Lands (RRL) zone and Resource Land – Meteorological Tower (RL-MT) zone. These zones all permit *outdoor recreation* as a permitted use. In response to inquiries regarding the scope of permitted *outdoor recreation* uses in Bylaw No. 3602, the definition for the use was amended in 2015 by Bylaw No. 3958 in order to clarify those activities that are permitted under the definition. The definition in Bylaw No. 3602 currently reads as follows:

OUTDOOR RECREATION means a recreational activity undertaken where the outdoor setting and landscape and the density of recreational users are not significant elements in the activity; excludes tourist lodges and cabins, marinas, recreational vehicle sites, resorts, and drive-in campgrounds.

The Juan de Fuca Land Use Bylaw No. 2040 was amended in 2013 by Bylaw No. 3759 to zone lands in Shirley and Jordan River that were previously regulated by the Juan de Fuca Subdivision Bylaw No. 189 and had no associated land use regulations. As part of the amendment, the Resource Land (RL) zone was added and included the following definition of *outdoor recreation*:

OUTDOOR RECREATION means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes: parks, trails, open space, playing fields, playgrounds, and low-impact wilderness camping.

Bylaw No. 2040 was further amended in 2018 to add the Restricted Development – Flood Hazard Area (RD-1) zone, which also permits *outdoor recreation*, but specifically excludes overnight camping.

Staff have continued to receive inquiries regarding the scope of permitted *outdoor recreation* uses on land zoned RL in both the Bylaw No. 2040 and Bylaw No. 3602 areas. In particular, proponents have requested clarification as to what constitutes “low-impact wilderness camping” in order to determine the feasibility of developing campgrounds. As written, the bylaws have no controls for regulating the density, servicing, accessory buildings or siting for such operations.

The *outdoor recreation* definitions continue to pose challenges for interpretation and may result in unintended forms of development. Therefore, staff have prepared Bylaw Nos. 4412 and 4413

to delete the *outdoor recreation* definition and all related references to the term (Appendix A and B).

At its meeting of May 18, 2021, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaws to the Shirley/Jordan River Advisory Planning Commission (APC), CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation for comment. Comments received are included in Appendix C.

## **ALTERNATIVES**

### *Alternative 1:*

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

1. That the referral of proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation be approved and the comments received;
2. That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be introduced and read a first time and read a second time;
3. That proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" be introduced and read a first time and read a second time;
4. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4412 and Bylaw No. 4413.

### *Alternative 2:*

That proposed Bylaw Nos. 4412 and 4413 not proceed.

### *Alternative 3:*

That more information be provided by staff.

## **IMPLICATIONS**

### *Legislative*

Should the *outdoor recreation* use be removed from Bylaws 2040 and 3602 as a permitted use, lawful outdoor recreation facilities operating prior to adoption of the amending bylaws would be considered legal non-conforming (i.e. grandfathered), and would be allowed to continue in accordance with Section 528 of the *Local Government Act (LGA)*.

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*. The Shirley/Jordan River APC considered the proposed bylaws at its meeting June 7, 2021. There is no APC established for the Rural Resource Lands.

Should the proposed bylaw amendments proceed and be granted second reading by the CRD Board, public hearings pursuant to Part 14, Division 3 of the *LGA* will be required. In accordance with Section 466(7) of the *LGA*, since more than 10 parcels owned by 10 or more persons are the subject of the bylaw, individual property owners will not be directly notified; however, the public

hearings on the proposed bylaw amendments will be advertised in the local paper and on the CRD website.

### *Regional Growth Strategy*

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. Since the proposal includes an amendment to the Land Use Bylaw for the Rural Resource Lands, the bylaw will be considered by the Planning and Protective Services Committee and the CRD Board for a determination of consistency with the RGS prior to first reading. This procedure is consistent with the Board's Juan de Fuca Development Application RGS Consistency Policy, 2012. JdF Planning staff are of the opinion that the proposed amendments are consistent with the RGS.

### *Referral Comments*

Referrals were sent to the Shirley/Jordan River APC, CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation. Comments received are summarized below and included in Appendix C.

The Shirley/Jordan River APC met on June 7, 2021, to consider the application. Five members of the public were in attendance. The Shirley/Jordan River APC moved the following motions:

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports the uses permitted in all zones as prescribed by the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. **CARRIED**

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports amending the uses permitted in all zones as prescribed by the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, to include parks, hiking trails, horse trails and bicycle paths. **CARRIED**

**MOVED** by Fiona McDannold, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports deleting the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to support review of site specific proposals. **CARRIED**

CRD Regional & Strategic Planning provided comment to indicate that consideration of consistency with the Regional Growth Strategy is required.

CRD Bylaw Enforcement provided comment indicating support for the proposed bylaws.

CRD Protective Services provided comment advising that CRD Open Fire Bylaw 3452 applies within Fire Protection Areas only, and that CRD would not have to the ability to restrict fire use in these areas. Areas outside a fire protection area default to Provincial jurisdiction for fire regulation. CRD Protective Services stated no objection to the proposed bylaws.

JdF Planning staff and Pacheedaht First Nation staff discussed the proposed amendments on April 16, 2021, prior to initial consideration by the Land Use Committee, and on June 16, 2021,

during the referral period. Pacheedaht staff supported the amendments and expressed concern regarding widespread, unregulated camping.

### *Land Use*

The policies in the Official Community Plan (OCP) for the Rural Resource Lands, Bylaw No. 3591, support uses including outdoor recreation; tourism, including agri-tourism; and parks and wilderness activities.

The Shirley-Jordan River OCP, Bylaw No. 4001, designates lands zoned RL and RD-1 in Bylaw No. 2040 as either Coastal Upland or Renewable Resource. The Coastal Uplands policies support consideration of low-impact recreation and low-impact tourism uses if lands are removed from the Private Managed Forest Land program. Lands designated Renewable Resource in Bylaw No. 4001 are intended to support forestry and resource use.

Outdoor recreation opportunities in the Rural Resource Lands and in Shirley-Jordan River OCP areas are valued by local residents and by the region. Formal recreation sites and trails in the area, such as Tanksy, Avatar Grove, Lizard and Fairy Lakes, and the Kludahk Trail, are managed by the Province and are not subject to local government zoning. There are also many informal outdoor recreation opportunities occurring on Crown, forestry and private lands, such as hunting, fishing, off-road motorcycling, and hiking. The commercial tourism sector relies considerably on access to parks, trails and wilderness areas. As such, the scope of outdoor recreation in the Resource Lands and Shirley-Jordan River areas is broad and not easily captured in one definition.

The broad scope of what may be permitted as *outdoor recreation* in the bylaws is problematic as there are no regulatory measures to control density, servicing, access or other associated infrastructure. Such implications were not fully contemplated when the definitions were added to the bylaws and staff suggest that such uses are best addressed through submission of a zoning amendment application and public consultation. Therefore, staff propose deleting the definitions of *outdoor recreation* and all references to the term from Bylaw No. 2040 and Bylaw No. 3602.

Deleting the term from the bylaws is not intended to minimize the significance of these lands for outdoor recreation by the regional population; rather, it is an approach that aims to protect the lands from undesired development and allow for site-specific approvals and public consultation. Proposals for outdoor recreation activities that include low-impact or wilderness camping could be considered on a site-by-site basis through a zoning amendment application initiated by individual land owners, in accordance with the policies of the applicable OCP.

Parks, hiking trails, horse trails and bicycle paths are uses permitted in all zones within Bylaw No 2040, as stated in Part 2, Section 4.15(d). In Bylaw No. 3602, Part 2, section 2.4, the following uses are permitted in all zones: ecological reserves, fish and wildlife habitat, fish hatchery on lots greater than 4 ha, parks, watershed protection and erosion control. While the uses permitted in all zones in Bylaw No. 2040 include limited outdoor recreation uses, the uses in Bylaw No. 3602 are strictly environmental protection uses. The Shirley/Jordan River APC supports expanding the uses permitted in all zones in Bylaw No. 3602 to include “parks, hiking trails, horse trails and bicycle paths” as a means of supporting limited outdoor recreation uses. Proposed Bylaw No. 4412 has been revised to include this amendment.

Based on the referral comments received and the policies of the Rural Resource Lands and Shirley-Jordan River OCPs, staff recommend that Bylaw Nos. 4412 and 4413 be introduced, read a first and a second time, and that a public hearing be held.

## **CONCLUSION**

*Outdoor recreation* is a permitted use in the Resource Land (RL) and Restricted Development – Flood Hazard (RD-1) zones in the Juan de Fuca Land Use Bylaw No. 2040 and in the Resource Land (RL), Rural Resource Land (RRL) and Resource Land – Meteorological Tower (RL-MT) zones in the Land Use Bylaw for the Rural Resource Lands Bylaw No. 3602. There are no regulatory measures to limit the density of *outdoor recreation* uses or structures in the bylaws. Staff recommend that specific proposals for outdoor recreation uses be addressed through submission of individual zoning amendment applications and public consultation on a site-specific basis, that the definitions and related references to the term be deleted from the bylaws and that uses permitted in all zoned in Bylaw No. 3602 be expanded to include parks, hiking trails, horse trails and bicycle paths. Staff have prepared proposed Bylaw No. 4412 and 4413 and recommend receipt of referral comments, first and second reading and advancement to public hearing.

## **RECOMMENDATION**

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

1. That the referral of proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation be approved and the comments received;
2. That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be introduced and read a first time and read a second time;
3. That proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" be introduced and read a first time and read a second time;
4. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4412 and Bylaw No. 4413.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning and Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

## **ATTACHMENTS**

Appendix A: Proposed Bylaw No. 4412

Appendix B: Proposed Bylaw No. 4413

Appendix C: Referral Comments

Appendix A: Proposed Bylaw No. 4412

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4412**

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**A BYLAW TO AMEND BYLAW NO. 3602, THE "LAND USE BYLAW FOR THE RURAL  
RESOURCE LANDS, BYLAW NO. 1, 2009"**

\*\*\*\*\*

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

1. Bylaw No. 3602 being the "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009" is hereby amended as follows:
  - A. SCHEDULE A, II DEFINITIONS**
    - (a) By deleting the "OUTDOOR RECREATION" definition in its entirety.
  - B. SCHEDULE A, PART 2, SECTION 2.4 PERMITTED USE EXCEPTIONS**
    - (a) By inserting the words ", hiking trails, horse trails and bicycle paths" after the word "parks".
  - C. SCHEDULE A, PART 4, SECTION 4.1 RESOURCE LAND (RL) ZONE**
    - (a) By deleting Subsection 4.1.1, Paragraph "d) Outdoor Recreation".
  - D. SCHEDULE A, PART 4, SECTION 4.1A RESOURCE LAND – METEOROLOGICAL TOWER (RL-MT) ZONE**
    - (a) By deleting Subsection 4.1A.1, Paragraph "d) Outdoor Recreation".
  - E. SCHEDULE A, PART 4, SECTION 4.2 RURAL RESOURCE LAND (RRL) ZONE**
    - (a) By deleting Subsection 4.2.1, Paragraph "d) Outdoor Recreation".
2. This Bylaw may be cited as Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, Amendment Bylaw No. 8, 2021".

READ A FIRST TIME THIS	day of	2021.
READ A SECOND TIME THIS	day of	2021.
READ A THIRD TIME THIS	day of	2021.
ADOPTED THIS	day of	2021.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

Appendix B: Proposed Bylaw No. 4413

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4413**

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**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 2.0 DEFINITIONS**
    - (b) By deleting the “OUTDOOR RECREATION” definition in its entirety.
  - B. SCHEDULE A, PART 2, SECTION 1A.0 RESOURCE LAND ZONE – RL**
    - (a) By deleting Subsection 1A.01, Paragraph “d) Outdoor Recreation” and re-numbering the section accordingly.
  - C. SCHEDULE A, PART 2, SECTION 34.0 RESTRICTED DEVELOPMENT – FLOOD HAZARD AREA – RD-1**
    - (a) By deleting Subsection 34.01, Paragraph “l) outdoor recreation, but excludes overnight camping”.
2. This Bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021".

READ A FIRST TIME THIS	day of	2021
READ A SECOND TIME THIS	day of	2021
READ A THIRD TIME THIS	day of	2021
ADOPTED THIS	day of	2021

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Chair

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Corporate Officer



Appendix C: Referral Comments

CRD Regional & Strategic Planning:

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**From:** Jeff Weightman  
**Sent:** Friday, June 04, 2021 9:47 AM  
**To:** Iain Lawrence <ilawrence@crd.bc.ca>  
**Cc:** Emily Sinclair <esinclair@crd.bc.ca>  
**Subject:** Land Use Bylaw for Bylaw No. 3602 and 2040 to delete the outdoor recreation definition

Hi Iain,

Thank you for the opportunity to provide referral comments on the proposed amendments to remove the outdoor recreation use in the Juan de Fuca Land Use Bylaw. Comments from Regional and Strategic Planning are provided below. Comments relate to a review of the proposed amendment against the 2018 Regional Growth Strategy (RGS) Bylaw No. 4017.

Please note that the CRD Board will need to consider the proposed amendments and make a determination of consistency with the RGS once the Land Use Committee directs first and second bylaw reading. The 2018 Regional Growth Strategy (RGS) designates the planning area affected mostly as part of the Rural/Rural Residential Policy Area and Renewable Resource Lands Policy Area. Section 445 of the LGA requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. Since the proposal includes an amendment to the Land Use Bylaw for the Rural Resource Lands, evaluation for consistency is needed for all OCP amendments in the Juan de Fuca Electoral Area and the land use bylaw for the rural resource lands as it does not have an OCP.

**RGS Action 1.2(1)** is to maintain working landscapes including agriculture, forestry and outdoor recreation activities that contribute to the region's economy.

The proposed bylaw proposes to remove the outdoor recreation use within the Rural/Rural Residential Policy Area. The intent of this change is due to the ambiguity and lack of policy details around what can be permitted under an outdoor recreation use. Existing outdoor recreation sites such as Avatar Grove, Fairy and Lizard Lakes would be maintained as legal non-conforming. However, future consideration for future outdoor recreation uses would be considered on a case by case basis.

There is an underlying land use consideration in the policy change whereby, Juan de Fuca planning staff receive inquiries regarding types of uses that could be considered under outdoor recreation, namely, higher density development inquiries such as cabins and resort style developments not previously considered as outdoor recreation.

RGS Policy 1.1 protects rural communities by requiring that local municipalities and the Juan de Fuca Electoral Area provide for land uses consistent with the Growth Management Concept Plan and adopt policies that would prevent lands designated as Rural/Rural Residential from becoming future urban areas. Strengthening the character and quality of rural communities can be achieved by planning for development in accordance with the principles set out. Removing the outdoor recreation use from the Bylaws provides support to RGS principles 1.2.3 to protect the natural environment and working landscapes and 1.2.2 that avoids future urban areas through development patterns that support rural density, scale and character.

1

Thanks,

Jeff

Jeff Weightman, RPP, MCIP, PMP | Planner  
Regional and Strategic Planning | Capital Regional District  
625 Fisgard Street, Victoria, BC V8W 1R7  
T: 250.360.3162 | C: 250.413.7674  
[www.crd.bc.ca](http://www.crd.bc.ca) | [Facebook](#) | [Twitter](#) | [YouTube](#)



Making a difference...together

CRD Bylaw Enforcement:

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**From:** Shayne Gorman  
**Sent:** Tuesday, June 08, 2021 12:45 PM  
**To:** Wendy Miller <wmiller@crd.bc.ca>  
**Subject:** RE: Referral - Proposed Bylaws Nos. 4412 and 4413 (Outdoor Recreation)

Good Afternoon Wendy

I have asked for input and our response is below.

CRD Bylaw Enforcement Services has reviewed the staff report for the amendment Bylaws to Land Use Bylaw for the Rural Resource Lands , Bylaw No. 3602 (Bylaw No. 4412) and Juan de Fuca Land Use bylaw No. 2040 (Bylaw No. 4413) to delete the "Outdoor Recreation" definition and permitted use.

CRD Bylaw Services understands that the current definition of "Outdoor Recreation" being broad in scope and not adequately defined in regulatory measures to address density, servicing, access or other associated infrastructure poses implications. The potential impacts for CRD Bylaw Services Department as a result of this broad scope interpretation would be in addressing public concerns regarding allowable uses in relation to this broad definition. Such undefined regulatory definitions makes mitigating public concerns from an enforcement perspective difficult. The proposed method of considering individual zoning amendment applications and public consultation for such uses on a site specific basis is the proposed alternative and would allow for control of density, servicing, access or other associated infrastructure on a case by case basis.

CRD Bylaw Enforcement supports the approval of Bylaw's No. 4412 & 4413 to remove the ambiguity of the definition of "Outdoor Recreation".

Thank you

**Shayne Gorman** | Senior Bylaw Officer  
Bylaw and Animal Care Services | Capital Regional District  
#212-2780 Veterans Memorial Parkway, Victoria, B.C. V9B 3S6  
T: 250.474.3351 (22) | F : 250.391.9727  
[www.crd.bc.ca](http://www.crd.bc.ca) |

CRD Protective Services:

**Wendy Miller**

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**From:** Jonathan Reimer  
**Sent:** Thursday, June 10, 2021 11:01 AM  
**To:** Wendy Miller  
**Cc:** 'shirleychief@shaw.ca'; Iain Lawrence  
**Subject:** RE: Referral - Proposed Bylaws Nos. 4412 and 4413 (Outdoor Recreation)

Thank you. CRD Open Fire Bylaw 3452 applies within Fire Protection Areas only, meaning that most CRD Resource Lands default to Provincial jurisdiction for fire regulation. I suspect that CRD would not have the ability to restrict fire use in these areas through the proposed bylaw change. If the intention is to limit overnight use for social or ecological reasons, Protective Services has no objection.

**Jonathan Reimer**  
Manager, Electoral Area Fire and Emergency Programs  
Protective Services | Capital Regional District  
625 Fisgard St, Victoria BC V8W 2S6  
T: 250-360-3137 | C: 250-415-1695

For emergencies, contact the CRD Duty Officer at 250-360-3223 or [eocreports@crd.bc.ca](mailto:eocreports@crd.bc.ca)

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**From:** Wendy Miller  
**Sent:** Tuesday, June 08, 2021 9:17 AM  
**To:** Jonathan Reimer <[jreimer@crd.bc.ca](mailto:jreimer@crd.bc.ca)>  
**Cc:** 'shirleychief@shaw.ca' <[shirleychief@shaw.ca](mailto:shirleychief@shaw.ca)>  
**Subject:** Referral - Proposed Bylaws Nos. 4412 and 4413 (Outdoor Recreation)

Good Morning,

At its meeting of May 18, 2021, the Juan de Fuca Land Use Committee (LUC) directed referral of proposed Bylaw Nos. 4412 and 4413.

Proposed Bylaw No. 4412 would amend Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, by deleting the outdoor recreation definition and permitted use.

Proposed Bylaw No. 4413 would amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, by deleting the outdoor recreation definition and permitted use.

The amendments are proposed to support review of specific proposals for outdoor recreation uses through submission of individual zoning amendment applications and public consultation on a site-specific basis.

I attach the staff report considered by the LUC at its May meeting.

Referral comments are summarized in the staff report to the LUC; the actual comments received are inserted verbatim into the staff report as an appendix.

Comment is requested by June 17, 2021.

Thank you,

**Wendy Miller**  
Administrative Clerk | JDF Community Planning | 250.642.8100

Shirley/Jordan River APC:

Shirley/Jordan River Advisory Planning Commission Meeting Minutes  
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5. Administrative Bylaws

- a) Bylaw No. 4412, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" (Outdoor Recreation)

Emma Taylor spoke to the staff report and proposed Bylaw Nos. 4412 and 4413 which would delete the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040.

Emma Taylor highlighted the present definitions for outdoor recreation and reported that:

- the definition of outdoor recreation was added to the Land Use Bylaw for the Rural Resource Lands in 2010 and to the Juan de Fuca Land Use Bylaw in 2013
- the definition in the Land Use Bylaw for the Rural Resource Lands was amended in 2015 to clarify those activities that are permitted under the definition
- the Juan de Fuca Land Use Bylaw was amended in 2018 to add the Restricted Development – Flood Hazard Area (RD-1) zone which permits outdoor recreation, but specifically excludes overnight camping
- since these amendments, staff have continued to receive inquiries regarding the scope of permitted outdoor recreation uses
- in particular, proponents have requested clarification as to what constitutes "low impact wilderness camping" in order to determine the feasibility of developing campgrounds
- provincially managed sites such as Tanksy, Avatar Grove, Lizard and Fairy Lakes, and the Kludahk Trail are not subject to the local government zoning
- outdoor recreation facilities operating prior to adoption of the amending bylaws would be considered legal non-conforming

Emma Taylor highlighted the uses permitted in all zones prescribed by the Land Use Bylaw for the Rural Resource Lands and the Juan de Fuca Land Use Bylaw and the zoning maps for Bylaw Nos. 3602 and 2040.

Emma Taylor responded to questions from the APC advising that, should the amendment bylaws be adopted:

- outdoor recreation proposals, such as low impact campgrounds, wilderness camping or zip line facilities, would be reviewed against the Official Community Plans (OCPs) for the Rural Resource Lands (Bylaw No. 3591) and Shirley-Jordan River (Bylaw No. 4001)
- each OCP has policies in place for consideration of outdoor recreation proposals, but the OCPs do not provide regulations for such items as scale, density, site servicing, ingress/egress, number of sites, size of buildings or setbacks
- when inquiries are received, staff cannot direct to specific regulations for scale and scope
- proposals for outdoor recreation activities would be considered on a site-by-site basis through a zoning amendment application initiated by individual land owners

Iain Lawrence reported that, upon its initial consideration of Bylaw Nos. 4412 and 4413, the LUC stated support for considering deleting camping from the definitions of outdoor recreation as a means of addressing development scale concerns, as well as reviewing uses permitted in all zones in Land Use Bylaw for the Rural Resource Lands and the Juan de Fuca Land Use Bylaw.

Shirley/Jordan River Advisory Planning Commission Meeting Minutes  
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Heather Phillips, Otter Point, stated that:

- she was initially concerned regarding deleting outdoor recreation
- there are agreements in place with private property owners that allow for access to the Matterhorn, Camp Barnard and Private Managed Forest Lands
- if outdoor recreation is struck as a permitted use, private property owners may retract their access agreements
- her concerns might be addressed by amending the uses permitted in all zones in the Land Use Bylaw for the Rural Resource Lands to include parks, hiking trails, horse trails and bicycle paths
- if a use is not permitted by a zoning bylaw, the use is not allowed
- questioned how a structure built without a building permit can be considered grandfathered
- understands that there regulations to direct that buildings built without a building permit must be taken down

Brenda Mark, Shirley, stated that:

- it appears the proposed amendment bylaws have been drafted to address commercial, economically driven ventures
- current definitions of outdoor use are open to interpretation
- she supports deletion of outdoor recreation use to facilitate site specific rezoning

Iain Lawrence stated that inquires have focused on large sections of lands with an interest in some degree of financial return through commercial components.

Gerard LeBlanc, Shirley, stated:

- there have been issues with unregulated camping on the lands located to the north of his home
- issues include wildfire concerns, roaming dogs, lack of onsite caretakers and ingress/egress
- camping has not been limited to tenting
- structures have been built to support camping use
- he supports regulation of outdoor recreation
- he is concerned how sites will be deemed grandfathered and how the scale of such sites will be regulated

Karl Ablack, Port Renfrew, stated that:

- he supports regulation as opposed to deletion of outdoor recreation
- since COVID-19, Port Renfrew has seen an increase in interest in outdoor camping/recreation opportunities

Staff replied to questions from the public and the APC reporting that:

- grandfathered properties are reviewed to determine what uses/structures were in place at the time of grandfathering
- grandfathered properties cannot expand
- conferring legal non-conforming status to a use requires that the use was lawful at the time they started
- market demands change so quickly it is hard to anticipate what outdoor recreation uses will be proposed

Shirley/Jordan River Advisory Planning Commission Meeting Minutes  
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APC comments included:

- it appears camping and related services/activities are the main issues
- camping concerns include wildfire concerns, lack of caretaker oversight, potable water, washroom facilities, noise and litter
- support for commercial ventures triggering the requirement for rezoning
- support for the uses permitted in all zones in the Juan de Fuca Land Use Bylaw
- support for amending the uses permitted in all zones in the Land Use Bylaw for the Rural Resource Lands to include parks, hiking trails, horse trails and bicycle paths
- Shirley/Jordan River OCP supports economic development through consideration of camps and guiding lodges
- concerned that, if outdoor recreation use is deleted, the use becomes invisible and cannot be supported
- update of zoning bylaws to complement the current OCPs is overdue

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports the uses permitted in all zones as prescribed by the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. **CARRIED**

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports amending the uses permitted in all zones as prescribed by the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, to include parks, hiking trails, horse trails and bicycle paths. **CARRIED**

**MOVED** by Fiona McDannold, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports deleting the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to support review of site specific proposals. **CARRIED**

**6. Adjournment**

The meeting adjourned at 8:47 pm.

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Chair

**REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE  
MEETING OF WEDNESDAY, JULY 21, 2021**

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**SUBJECT**     **Regional Growth Strategy Consistency – Seagirt Improvement District Takeover**

**ISSUE SUMMARY**

To consider whether the proposed service conversion process for the Capital Regional District (CRD) to takeover the Seagirt Improvement District community water system under the Juan de Fuca Water Distribution Service (JDFWDS) is consistent with the Regional Growth Strategy (RGS).

**BACKGROUND**

Section 445 of the *Local Government Act* requires that all bylaws adopted, and services enacted, by a regional district be consistent with its RGS. The Capital Regional District (CRD) Board adopted Bylaw No. 4017, “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” in 2018.

The Seagirt Improvement District (SID) was established in 1961 to provide potable drinking water to properties on, and adjacent to, Seagirt Road located in East Sooke. There are approximately 85 properties within the SID service area. The SID water system is currently connected to the JDFWDS through a bulk meter connection.

The lands within the SID are designated as Rural/Rural Residential Policy Area and Capital Green Lands Policy Area (Seagirt Ponds Park) in the RGS. The 2018 East Sooke Official Community Plan (OCP) reports 83 properties connected to the SID water supply and 6 unconnected lots. Two additional lots have connected to the water supply since 2018, and four remain unconnected. The OCP does not anticipate changes to the scale and density of the dwelling unit types for the Seagirt area.

SID Trustees voted in favour of the CRD taking over the water service. A condition of conversion is to undertake infrastructure improvements, including the replacement of the water main, hydrants and other ancillary improvements. The SID ratepayers will be responsible for the improvement costs. The CRD would be eligible to apply for Municipal Financing Authority (MFA) financing at a cost considerably less than the SID would incur by borrowing from a bank or credit union. By agreeing to dissolve the SID and have CRD takeover and install the new waterline financed by MFA the borrowing costs of each ratepayer will be added to the property tax bill of each property such that the users of the system are paying for the upgraded infrastructure.

On July 6, 2021, the Juan de Fuca Water Distribution Commission recommended that the CRD Board commence a service conversion process with the Province to convert the SID to a CRD service and establish a new service for the purpose of CRD financing the infrastructure improvements required as a condition of conversion. The Commission also recommended that the CRD Board direct staff to apply for any available infrastructure grants. See Appendix A for the staff report and attachments that provide additional information about the proposed SID conversion.

## **ALTERNATIVES**

### *Alternative 1*

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That the Proposed Seagirt Improvement District Conversion staff report and attachments to the July 6, 2021 Juan de Fuca Water Distribution Commission be reviewed as it relates to Bylaw No. 4017, “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

### *Alternative 2*

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That the Proposed Seagirt Improvement District Conversion staff report and attachments to the July 6, 2021 Juan de Fuca Water Distribution Commission be reviewed as it relates to Bylaw No. 4017, “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” and be deemed not consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

### *Alternative 3*

That the Regional Growth Strategy Consistency – Seagirt Improvement District Takeover report be referred back to staff for additional information based on Planning and Protective Services Committee direction.

## **IMPLICATIONS**

### *Regional Growth Strategy Implications*

The proposed improvement district takeover is related to water servicing infrastructure, addressed by RGS Objective 2.2: manage regional infrastructure services sustainably. For SID, four policy criteria must be considered for RGS consistency:

- 1) Policy 2.2(1): The water service extension must consider costs and cost recovery implications, with costs being borne by new users.
- 2) Policy 2.2(2)(b): The water service area must be located within the Water Service Area as shown in RGS Map 5.
- 3) Policy 2.2(2)(b): The water service extension must not allow the total development of existing and new units in East Sooke and Otter Point to exceed 3,384 units.
- 4) Policy 2.2(2)(b): The OCP must identify the population to be serviced and how growth in water demand will be addressed.

No other RGS policy areas are applicable.

Integrated Water Services staff have worked with Colquitz Engineering to develop a takeover study that fully outlines the scope of work and costs to update the water system. The SID Trustees put together four cost recovery mechanisms for the service improvements for residents to vote on. Residents supported the option whereby such costs are borne by existing and new users through property taxes via the CRD taking over the service and financing the project through the MFA. The use of other infrastructure grants to cover the improvement costs would reduce the amount that existing and new users would pay.



The SID is located within the Rural/Rural Residential Policy Area and Capital Green Lands Policy Area of the RGS, and is designated as being within the Water Service Area as shown in RGS Map 5. Appendix B provides a map showing the SID location in the context of RGS Map 5. The SID water system is acknowledged in the East Sooke OCP, Part 3-355. The OCP identifies that 89 units are to be serviced, with 83 existing units and six parcels currently not connected. The analysis undertaken for the takeover of the water system identifies the population to be serviced and costs associated with the provision of the service. No additional unit growth is anticipated, nor is water demand expected to increase.

*Service Delivery Implications*

The SID water supply takeover will address aging infrastructure and leak issues along Seagirt in East Sooke. The takeover and proposed upgrade will bring the infrastructure up to current fire and water supply standards.

*Intergovernmental Implications*

Both the Province and Island Health are supportive of the conversion of water improvement districts to regional district services.

*Financial Implications*

A determination of consistency would allow the CRD to establish a new service for the purpose of financing infrastructure improvements and seek MFA financing and other eligible infrastructure grants.

**CONCLUSION**

All bylaws and services adopted by the CRD must be consistent with its RGS. The RGS identifies four applicable policy criteria for the SID water supply area in East Sooke. The conversion of the SID to a CRD water service area meets all criteria. A determination of consistency allows for the takeover to proceed and for the creation of a new service to finance the infrastructure improvements.

**RECOMMENDATION**

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That the Proposed Seagirt Improvement District Conversion staff report and attachments to the July 6, 2021 Juan de Fuca Water Distribution Commission be reviewed as it relates to Bylaw No. 4017, “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

Submitted by:	Emily Sinclair, MCIP, RPP, Senior Manager, Regional & Strategic Planning
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., General Manager, Integrated Water Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**ATTACHMENTS**

Appendix A: July 6, 2021 Report to the Juan de Fuca Water Distribution Commission: Proposed Seagirt Improvement District Conversion

Appendix B: Map of RGS and Proposed Seagirt Improvement District Conversion

**REPORT TO JUAN DE FUCA WATER DISTRIBUTION COMMISSION  
MEETING OF TUESDAY, JULY 6, 2021**

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**SUBJECT     Proposed Seagirt Improvement District (SID) Conversion**

**ISSUE SUMMARY**

The Seagirt Improvement District has requested that the Capital Regional District (CRD) take over their community water system, under the Juan de Fuca Water Distribution Service (JDFWDS).

**BACKGROUND**

The Seagirt Improvement District (SID) was established in 1961 to provide potable drinking water to properties on, and adjacent to, Seagirt Road located in East Sooke. There are approximately 85 properties within SID service area. The SID water system is currently connected to the Juan de Fuca Water Distribution System (JDFWDS) at a bulk meter connection at East Sooke Road and Seagirt Road. The SID is currently responsible for distribution of this water to properties in the SID, including operation, maintenance and administration for all components of the water system on public property. The SID is now considering dissolving and having the water system taken over by the CRD.

SID has requested that its water system be taken over by the CRD due to a number of reasons including:

- The ability of the aging residents to operate an improvement district.
- The ability of the CRD to borrow funds on behalf of the customers in order to undertake necessary infrastructure upgrades.
- Improved firefighting capacity.

A letter from SID is attached (Appendix A) outlining its takeover request and have since passed a resolution regarding the takeover (Appendix B). Both the Province and Island Health are supportive of the conversion of water improvement districts to regional district services. As part of SID's takeover request, CRD staff required an "engineering take over study" (Appendix C) that included an assessment of the existing water system, an outline of the proposed works that would be required for a conversion of the water system, and an estimate of the costs for the design and construction of the proposed works.

The existing SID water system components include:

- Connection (including meter) to the Juan de Fuca water distribution system on East Sooke Road.
- Approximately 1,500 metres of 100 millimetre (mm) distribution main along Seagirt Road within the road allowance. (substandard size)
- 13mm water services to each of the properties within the SID including meter boxes and non-touch read meters. (substandard size and meters)

The engineering study indicates the proposed construction scope of work required to address any infrastructure/liability concerns for the CRD to take over the SID water system is as follows:

- Full replacement of the existing SID water distribution system to 150mm diameter water main.
- 12 new hydrants on the new distribution main.
- 85 new 19mm water services complete with meters and meter boxes.
- 2 Air Valves.
- 9 Isolation Line Valves

Refer to Appendix D for a figure showing the SID and the proposed new infrastructure.

The total estimated costs to take over the SID system, including engineering, construction, CRD administration and operations costs and a 25% contingency is \$1,900,000. It is proposed that SID be responsible for the full costs. The CRD's recent discussions with the Province have indicated there could be some grant funding available that the CRD could apply for on behalf of the SID, with a conversion commitment and CRD support. Regardless, the Juan de Fuca Water Distribution Service would not bear any of the costs of the conversion.

For the CRD to take over the SID water system, the CRD and SID must start a service conversion process with the Province, which would be initiated by the Commission and CRD Board direction to proceed with the process, followed by a petition in the SID services area. Then, with the CRD Board's approval, a new CRD service would be established over the existing SID service area in order to finance the infrastructure improvements. The SID would then be dissolved and its assets would become CRD assets under the JDFWDS.

## **ALTERNATIVES**

### *Alternative 1*

That the Juan de Fuca Water Distribution Commission recommends that the Capital Regional District Board direct staff to:

1. Commence a service conversion process with the Province to convert the Seagirt Improvement District (SID) to a Capital Regional District (CRD) service which, when concluded, would result in incorporating the SID water infrastructure into the Juan de Fuca Water Distribution Service; and establishing a new service for the purpose of CRD financing of the infrastructure improvements required as a condition of conversion, and dissolving the SID; and
2. Apply for any available conversion or infrastructure grants on SID's behalf.

### *Alternative 2*

That the Juan de Fuca Water Distribution Commission recommends that the Capital Regional District Board:

Receive the report, Proposed Seagirt Improvement District (SID) Conversion, for information and direct staff not to commence a service conversion process with the Province and advise SID accordingly.

## **IMPLICATIONS**

### *Financial Implications*

Alternative 1 would start the conversion of the SID to a CRD service at an estimated cost to SID of \$1,900,000 for initial capital improvements. A conversion/loan authorization process to establish a service area and enable infrastructure financing, and to transfer the existing SID infrastructure into the Juan de Fuca system, would need to take place. Upon completion, a new service area would be established for the sole purpose of financing the construction and requisitioning the ratepayers to service the debt. The former SID ratepayers would pay the full cost of administering the service until the debt was retired, then the CRD service would be dissolved.

JDFWDS would take over the new assets once the upgrades are completed. The infrastructure would be operated as part of the JDFWDS and the former SID customers would receive a JDFWDS bill for water consumed. There may be senior government grants that the CRD could apply for on the SID's behalf to lessen the cost burden. The conversion would have no material impact on the JDFWDS hydraulic capacity or overall regional water demand, as the SID currently receives water service as a customer of the JDFWDS.

### *Regional Growth Strategy Implications*

Section 445 of the *Local Government Act* requires that all bylaws adopted by a regional district board, after the board has adopted a Regional Growth Strategy (RGS), be consistent with the RGS. Since the Seagirt Improvement District is currently a customer of the JDFWDS and is within the JDFWDS service area, there are no RGS implications as there will be no extension beyond the existing JDFWDS service area with the proposed conversion.

Alternative 2 would have no implications and the SID would continue to receive water from the existing connection and supply line at East Sooke Road.

## **CONCLUSION**

The Seagirt Improvement District (SID) is located in the East Sooke Region of the Juan de Fuca Electoral Area that has requested the CRD/Juan de Fuca Water Distribution Service take over its water system. The estimated cost to the SID to be taken over is estimated at \$1,900,000 and requires a loan conversion/loan authorization process for service area establishment and financing.

## **RECOMMENDATIONS**

That the Juan de Fuca Water Distribution Commission recommends that the Capital Regional District Board direct staff to:

1. Commence a service conversion process with the Province to convert the Seagirt Improvement District (SID) to a Capital Regional District (CRD) service which, when concluded, would result in incorporating the SID water infrastructure into the Juan de Fuca Water Distribution Service; and establishing a new service for the purpose of CRD financing of the infrastructure improvements required as a condition of conversion, and dissolving the SID; and
2. Apply for any available conversion or infrastructure grants on SID's behalf.

Submitted by:	Joseph Marr, P.Eng., Manager, Water Distribution Engineering and Planning
Concurrence:	Ian Jesney, P.Eng., Senior Manager, Infrastructure Engineering
Concurrence:	Ted Robbins, B.Sc., CTech., General Manager, Integrated Water Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

### **ATTACHMENTS**

Appendix A: Letter and Attachments from Seagirt Improvement District  
Appendix B: Resolution from Seagirt Improvement District  
Appendix C: Engineering Takeover Study – Colquitz Engineering  
Appendix D: Figure 1 – Required Infrastructure Upgrades

## Joseph Marr

---

**Subject:** FW: Conversion of the Seagirt Waterworks District  
**Attachments:** 2008 - 2009 Breakage Map.pdf; Colquitz Engineering Report (21-01-22) Rep-SID-Rev1.pdf; Info Letter to Owners (Approved 21-03-03).pdf; Cover letter for voting (Sample).pdf; Voting Survey Letter (Sample).pdf

---

**From:** [Trustees@seagirtwaterworks.ca](mailto:Trustees@seagirtwaterworks.ca) [<mailto:Trustees@seagirtwaterworks.ca>]  
**Sent:** Friday, April 23, 2021 2:16 PM  
**To:** 'Gareth Mogg' <[gareth.mogg@gov.bc.ca](mailto:gareth.mogg@gov.bc.ca)>; directorjdf <[directorjdf@crd.bc.ca](mailto:directorjdf@crd.bc.ca)>; Ted Robbins <[trobbsins@crd.bc.ca](mailto:trobbsins@crd.bc.ca)>  
**Cc:** SWD Trustees <[trustees@seagirtwaterworks.ca](mailto:trustees@seagirtwaterworks.ca)>  
**Subject:** Conversion of the Seagirt Waterworks District

To: Ministry of Municipal Affairs: Gareth Mogg ([gareth.mogg@gov.bc.ca](mailto:gareth.mogg@gov.bc.ca))

To: Capital Regional District: Mike Hicks ([directorjdf@crd.bc.ca](mailto:directorjdf@crd.bc.ca))  
Ted Robbins ([trobbsins@crd.bc.ca](mailto:trobbsins@crd.bc.ca))

### Re: Seagirt Waterworks District (SWD)

The purpose of this letter is to inform you of the steps taken by SWD Trustees to convert the improvement district to the Capital Regional District (CRD). Currently the SWD provides water to 84 lots with 153 registered owners. The water is supplied by the CRD and enters the SWD waterline from a CRD waterline on East Sooke Road. The SWD waterline is 60 year-old asbestos-concrete with an estimated life expectancy of 50 years. We have attached a map identifying repairs documented from 2008 to 2009, and there have been many other line failures since.

The initial step undertaken by the current SWD Trustees was to obtain an engineering study for what is required, including an estimate of the costs, to replace the waterline. Colquitz Engineering provided its report with funding secured by Mike Hicks, Regional Director for Juan de Fuca – Capital Regional District, a copy of which is attached.

Following receipt of the Colquitz Report, the SWD Trustees resolved to send an information letter to the SWD property owners. A copy of the information letter is attached. The information letter was sent by Canada Post on March 4, 2021 and was sent by email to the property owners on March 6, 2021.

The property owners were informed of the options open to them, including the replacement of the waterline as outlined in the Colquitz Report, and were invited to address any questions or concerns to the Trustees by email. A virtual information meeting using ZOOM was scheduled for Saturday, March 20, 2021. Two of the Trustees visited every property within the SWD for which we did not have an email address, to offer information and assistance for joining the virtual meeting ahead of time. On the day of the meeting, there were approximately 50 property owners who participated.

On March 30, 2021, a Voting Letter was mailed by Canada Post to all property owners, asking them to choose which option (as set out in the information letter) they would prefer. The property owners were asked to return their votes to the Trustees using a pre-addressed, prepaid, envelope enclosed with the Voting Letter, by April 15, 2021.

On April 16, 2021, the Trustees and one additional property owner counted the votes that had been received. The results of the count is as follows:

Option 1: 3 votes representing 2 properties

Option 2: 2 votes representing 1 property

Option 3: no votes

Option 4: 111 votes representing 63 properties

A majority of property owners favour Option 4, which is to have the SWD convert to the CRD and have the CRD undertake construction of the new waterline as proposed in the Colquitz Report, with the understanding that the cost will be borne by the property owners financed by MFA. The cost of the new waterline will be paid by the property owners through their property taxes.

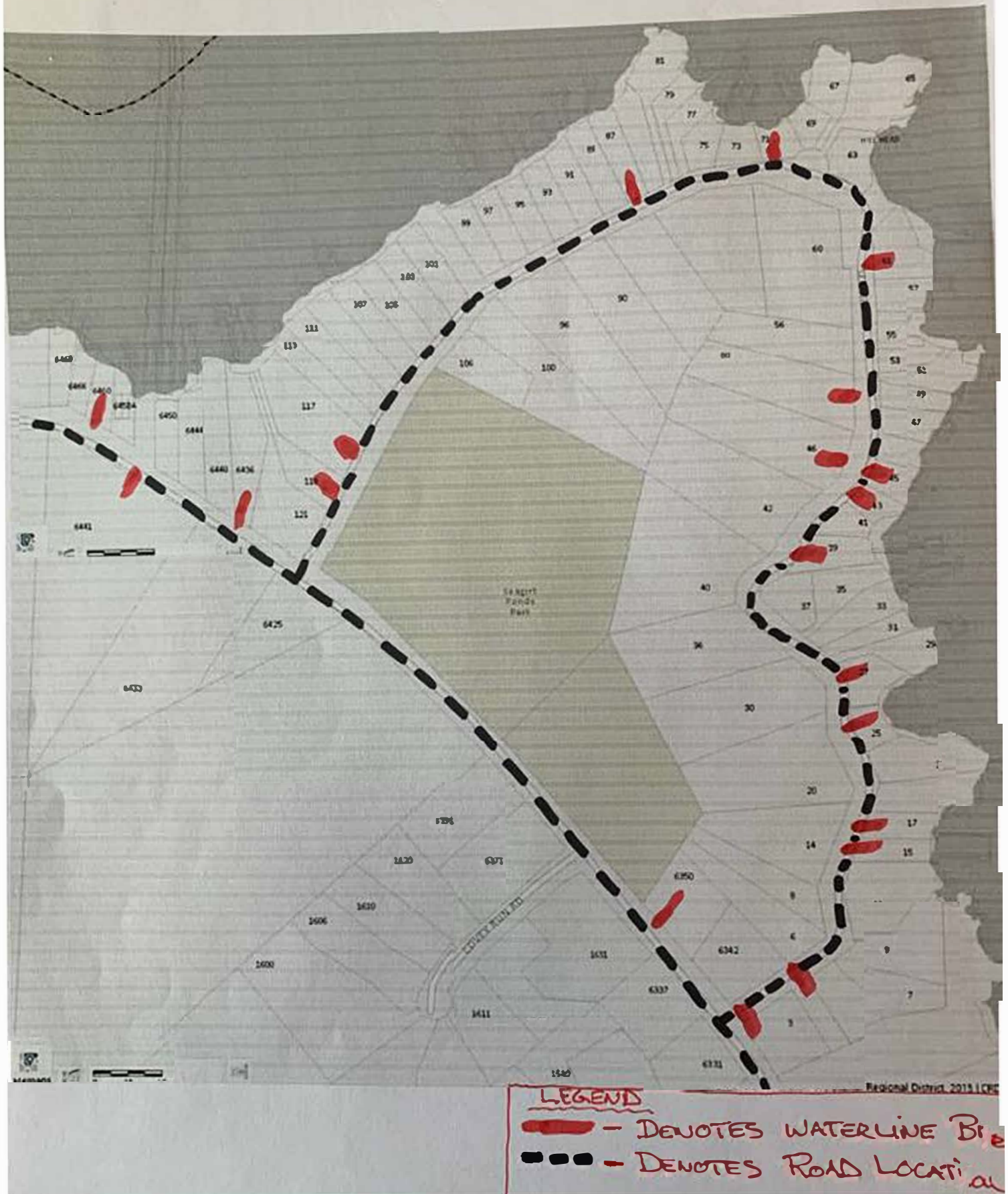
The Trustees wish to proceed with conversion to the CRD, and the construction of the replacement waterline. The Trustees have complied with the guidelines laid out by the Ministry of Municipal Affairs and now look to you for the next steps.

Yours truly,

The Trustees,  
Seagirt Waterworks District



REFER TO ATTACHED: Appendix SWID WATER BREAKS  
(2008 - 2009)





Seagirt Waterworks District  
c/o 9 Seagirt Road  
Sooke, B.C. V9Z 1A3

«Owner\_\_First\_Name» «Owner\_Last\_Name»  
«Owner\_Address\_1»  
«Owner\_City», «Owner\_Prov» «Owner\_Postal\_Code»

**Re: «ExtendedLegal»**

Further to our letter of March 4, 2021, enclosed is the Voting Letter by which each person registered on title to the above-noted property is entitled to vote for one of the four options set forth in the Information Letter to Owners that was approved by the Trustees on March 3<sup>rd</sup>, 2021.

Copies of the **Information Letter**, as well as the **Colquitz Report**, the **Overview of the Conversion of an Improvement District to a Regional District Service** document, and the **FAQ** can be found on the Seagirt Waterworks website at [www.seagirtwaterworks.ca](http://www.seagirtwaterworks.ca).

Please complete Voting Letter by filling in the information required and return it in the enclosed stamped self-addressed envelope on or before April 15, 2021.

If you have any additional questions, please address them to [Trustees@seagirtwaterworks.ca](mailto:Trustees@seagirtwaterworks.ca) and we will respond as quickly as we are able.

Thank you for your participation in determining the future of our water system.

Best regards,

Tim Henderson, for  
The Trustees, Seagirt Waterworks District

/encl.

## **Information Letter on Waterline Replacement Options Regarding the Seagirt Waterworks District Waterline**

### **A little History to start :**

The Seagirt Water District (SID) was established by Order in Council in 1961. The waterline constructed at that time was a 4 inch concrete and asbestos pipe with an expected lifespan of 50 years.

Over the last 60 years the water system has been managed by volunteer elected Trustees who have overseen the system for the benefit of the water users. During that time the waterline has experienced failures in different locations which have been repaired at the expense of the ratepayers. Contractors repairing the waterline have described it as fragile and in need of replacement.

The Elected Trustees have considered the matter and concluded that ratepayers have four options:

### **Option 1: Do nothing**

This option represents established practice where repairs are made when there is a failure. The very real risk here is that, because the line is past its end of life, it could fail at any time and require replacement at considerable cost and inconvenience to ratepayers.

There would be no ability for any planning such as developing a pathway to engage the CRD to assume ongoing management of the waterline.

Furthermore the existing 4-inch line is below current standards and does not have the capacity to meet single family residential fire flow demands.

### **Option 2: Replace the old AC with PVC**

This option would have SID hire a contractor to locate the old AC pipe, remove and replace it with PVC that would connect with the PVC that has been installed over the past 30 years. The contractor who was involved in repairing the broken AC line has advised that :

- i) difficult to locate the PVC now in the ground,
- ii) The integrity of the PVC now in the ground is likely compromised,
- iii) The PVC now in the ground ie that replaced the broken AC pipe is 4 inches not 6 inches and does not meet current standards,
- iv) It would be an expensive patch work fix with no certainty of ongoing integrity,
- v) over the last few years there has been new construction along Seagirt Road with heavy equipment going back and forth which has likely damaged the old waterline.

The Trustees have concluded this is not a workable solution and would only delay the inevitable - the need for a new waterline.

### **Option 3: The SID undertake the work to replace the waterline**

The cost of replacement is approximately \$2,000,000 and is detailed in a report prepared by Colquitz Engineering dated January 22, 2021, a copy of which can be found on the Seagirt Waterworks website ([www.seagirtwaterworks.ca](http://www.seagirtwaterworks.ca)).

To undertake replacement of the waterline the SID would be responsible for:

- Retaining the services of a civil engineering consultant to prepare detailed design and tender documents;
- Overseeing the tender and selection process;
- Overseeing the contractor and construction;
- Obtaining Island Health and CRD approvals;
- Financial administration and oversight.

These costs amount to more than \$200,000 and will require time and experience that are likely beyond the capacity of volunteers on behalf of the Improvement District. Once the requisite approvals are obtained the job would be put out for tender. The cost of replacing the waterline would be covered from loans arranged by the SID through a bank or credit union which would be repaid by the ratepayers through taxes.

An example of the potential cost for replacement:

\$2,000,000 at 3.03% amortized over 25 years (300 monthly payments) would be \$9,515.46 per month or \$111.95 per lot.

Please note that under this option, no grant monies are shown because Improvement Districts are not eligible for grants - only the CRD can apply for grants. Furthermore, financing through the Municipal Financing Authority (MFA) at the lowest borrowing rate possible, is not available to an Improvement District.

Under this option the ongoing administration of the SID would continue - holding annual general meetings, electing volunteer trustees, bylaw enforcement, tax collection, meter reading, infrastructure maintenance, billing and collection on behalf of the water users. To work effectively, this system depends on volunteers able and willing to do the work.

#### **Option 4: Have CRD take over the Improvement District**

This requires that ratepayers agree to the dissolution of the SID. The advantage here is that the CRD would assume responsibility for the works necessary to replace the waterline.

The waterline replacement would conform to the Colquitz Engineering Report. As the report shows, the new waterline would meet current standards, with a 6 inch diameter pipe, fire hydrants, new meters and meter boxes etc.

Costs will still be carried by ratepayers in the SID, however, the CRD would be eligible to apply for MFA financing which is at a cost considerably less than borrowings from a bank or credit union. Moreover by agreeing to dissolve the SID and have CRD take over and install the new waterline financed by MFA the borrowing costs of each ratepayer will be added to the property tax bill of each property. If the property is the ratepayer's principle residence and the ratepayer is 55 years old or older the property taxes, including the costs of borrowing, can be deferred under the Property Tax Deferral Program

It is important to note that, while the CRD is eligible to apply for grant monies, they have advised that they would not likely be successful in obtaining grants to replace an old waterline. That said it is safe to say that there would be no reason for the CRD not to apply for a grant if available.

Two of the three Trustees recommend Option 4.

### **Conclusion:**

Once the Trustees have had an opportunity to meet with CRD Staff, we will be asking each ratepayer which option is preferred. In the meantime if you have any questions please contact the Trustees at [Trustees@seagirtwaterworks.ca](mailto:Trustees@seagirtwaterworks.ca). We will likely hold a virtual information meeting for ratepayers on Saturday, March 20 at 2:00 in the afternoon on ZOOM. Registration will be required ahead of time. If you would like to participate, please send an email to [Trustees@seagirtwaterworks.ca](mailto:Trustees@seagirtwaterworks.ca). If you need assistance to set up or use ZOOM, please contact Tim Henderson at 778-679-9987.

Following the meeting, we will send a letter to each ratepayer with a return envelope asking which option they prefer.

Approved by the Trustees, Seagirt Waterworks District  
March 3, 2021

To the Trustees, Seagirt Waterworks District  
c/o Tim Henderson, Trustee  
9 Seagirt Road  
Sooke B.C. V9Z 1A2

The undersigned, being the registered owner(s) on title to the property in the Seagirt Waterworks District having a civic address of

nn Seagirt Road

and/or legal description of

Lot nn, Plan VIPnnnnn, Section 97, Sooke Land District

have received and read the Information Letter to Owners dated March 4, 2021, and hereby vote for our preferred option:

_____	_____	Option _____ <i>Write in your preferred option</i>
Full name	Signature	
_____	_____	Option _____ <i>Write in your preferred option</i>
Full name	Signature	
_____	_____	Option _____ <i>Write in your preferred option</i>
Full name	Signature	
_____	_____	Option _____ <i>Write in your preferred option</i>
Full name	Signature	

Following is a reminder of the 4 Options fully described in the "Information Letter on Waterline Replacement" of March 4, 2021:

Option 1. Do nothing

Option 2. Dig up and replace asbestos pipe with 4" PVC pipe and connect it to existing PVC already in the ground.

Option 3. Seagirt Waterworks undertake replacing the waterline with 6" PVC pipe in accordance with the Colquitz Report, to be financed by a bank loan to SWD at commercial rates.

Option 4. CRD replaces waterline in accordance with the Colquitz Report, Seagirt Waterworks dissolves, assets and management of SWD converts to CRD, Financed through the Municipal Finance Authority.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Please return your completed Voting Survey using the stamped self-addressed envelope provided before April 15, 2021.

SAMPLE

Seagirt Waterworks District  
Resolution of Trustees

WHEREAS the ratepayers of SEAGIRT WATERWORKS DISTRICT (SWD) have been duly informed and have agreed to the transfer of the SWD to a CAPITAL REGIONAL DISTRICT service.

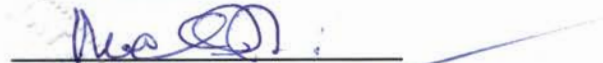
THEREFORE BE IT RESOLVED that the SEAGIRT WATERWORKS DISTRICT Trustees wish to dissolve the Improvement District and transfer the service including, but not limited to all assets and liabilities to a service of the CAPITAL REGIONAL DISTRICT (CRD), at such date that is appropriate to transfer all operations, assets and liabilities to the CRD.

Dated this 16th day of June 2021


Trustee

  
\_\_\_\_\_  
Tim Henderson

Trustee

  
\_\_\_\_\_  
Michael Paine

Trustee

  
\_\_\_\_\_  
David Johner



Report

# **SEAGIRT IMPROVEMENT DISTRICT**

## **Engineering / Takeover Study**

Submitted to:

**Capital Regional District**

479 Island Highway

Victoria, BC V9B 1H7

Submitted by:

**Colquitz Engineering Ltd.**

4115 Elwood Avenue

Victoria, BC V8Z 5J9

Date: January 22, 2021

Project Number: 102.012



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Appendices

- Appendix A: Seagirt Waterworks District Drawing
- Appendix B: Cost Estimate

# 1. INTRODUCTION

The Seagirt Improvement District (SID) was established in 1961 to provide potable drinking water to properties on, and adjacent to, Seagirt Road located in East Sooke. The water system was originally serviced by a 50 mm underwater pipeline across Sooke Basin. Subsequently the Capital Regional District (CRD) has provided water service to East Sooke including a 200 mm watermain along East Sooke Road at either end of Seagirt Road, as part of the Juan de Fuca (JDF) distribution system.

The SID water system currently is connected to the CRD system at a bulk meter connection at East Sooke Road and Cornelius Road. The SID is responsible for distribution of this water to properties in the SID, including operation, maintenance and administration for all components of the water system on public property. The SID is now considering dissolving and having the water supply system taken over by the CRD.

The primary purposes of this study are as follows:

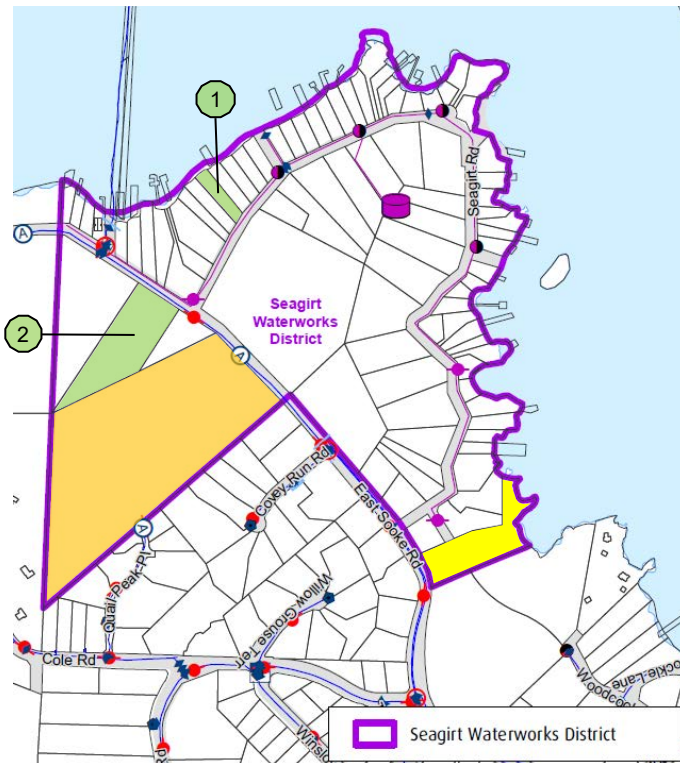
- Review the exiting water system and determine what works are required to facilitate takeover by the CRD, and;
- Estimate the costs for the design and construction of the proposed works.

In preparation of this report, we have reviewed background information, completed a field review including discussions with SID trustees, and completed the analysis necessary for determining the required works and estimate the capital costs.

## 2. SYSTEM DESCRIPTION

### 2.1 General

The SID encompasses the area shown on Figure 2-1 below.



**Figure 2-1: SID Water System**

(Source – CRD provided map)

In reviewing the drawing *Seagirt Waterworks District, Community Water Supply Systems, February 1981*, (see Appendix A) we note that the SID used to, but no longer includes the properties which are now off of Covey Run Road, Quail Peak Place, and Willow Grouse Terrace. Additionally, the property immediately to the west of Covey Run Road and Quail Peak Place (highlighted in orange on Figure 2-1), was removed from the SID in 2020.

It should be noted that the property highlighted in yellow on Figure 2-1 was not included in the SID. This property currently is not developed and for the purpose of this study, we have assumed that this property is excluded from the study area.

The SID trustees provided us with a list of the 83 properties that are currently billed for water. A count of the properties within the SID boundary is 85. The difference is the following two properties (highlighted in green on Figure 2-1), which we understand are not currently serviced:

1. The property between 107 Seagirt Road and 111 Seagirt Road.
2. 6433 East Sooke Road.

For the purpose of this study, we have assumed all 85 lots will be serviced.

The primary components of the existing SID water system components are as follows:

- Connection (including meter) to the CRD water system at East Sooke Road and Cornelius Road.
- A 100 mm asbestos cement (AC) distribution main. The trustees indicated that there are sections of this main which have been replaced with PVC pipe as repairs have been made over the years.
- Water services to each property, likely 13 mm copper, completed with concrete meter box and meter (not “touch read” meters).
- Isolation valves and stand-pipes.

It should be noted that the SID trustees indicated that the reservoir which was part of the original water system, no longer exists.

## **2.2 Existing System Evaluation**

In evaluating the suitability of the existing system components to be taken over by the CRD, conformity with the CRD’s standards and capacity have been considered.

The existing watermain is AC which is a substandard material type. The CRD is actively replacing AC mains within the JDF distribution system as these mains are nearing the end of their service life, and are subject to breaks and leakage as they age. The existing main is 100 mm in diameter, and does not have adequate capacity for single-family residential fire flow demands.

The existing services are likely 13 mm copper. The modern standard is for services to be a minimum of 19 mm in diameter. The existing meters do not have the CRD standard “touch read”. The existing concrete meter boxes do not match the current standard which calls for a polymer meter box and lid.

The existing stand-pipes do not meet the current standards for fire hydrants.

Based on our evaluation of the existing system, to allow the SID to be taken over and incorporated into the CRD’s JDF distribution system, the entire water system on public property should be replaced. The details for this replacement are described below.

### 3. PROPOSED WORK

The recommended scope of work that will allow for the SID water system to be taken over by the CRD, is outlined below. The proposed work has been developed taking into consideration the CRD's *Engineering Specifications and Standard Drawings*, and good engineering practice. This scope of work covers the physical works only, and does not include any of the administrative and legal costs involved in the takeover.

#### 3.1 Connections to CRD

It is proposed that there will be two connections to the CRD main on East Sooke Road, at either end of Seagirt Road. This will provide a looped water system, which is beneficial from a fire flow capacity and operations and maintenance perspective.

#### 3.2 Distribution Main

The proposed distribution main will be along the entire length of Seagirt Road, from each of the two connections at the East Sooke Road intersections. The CRD water system on East Sooke Road has a static hydraulic grade line (HGL) of El. 91 m.

The watermain size is determined based on the following pressure criteria, as per the CRD's engineering specifications:

- Minimum of 276 kPa during the peak hour demand scenario (PHD)
- Minimum of 140 kPa during the max day demand plus fire flow scenario (MDD+FF)

For the proposed Seagirt Road water system, the MDD+FF criteria governs. The water demands used in the analysis, calculated as per the CRD's engineering specifications, are as follows:

- MDD of 3.6 L/s calculated based on 73 properties off of Seagirt Road (excludes lots off of East Sooke Road), 3.2 people/property, a per capita demand of 545 L/capita/day, and a peaking factor (MDD versus average day demand) of 2.5.
- FF of 80 L/s (equal to 4800 L/min), which is appropriate for the single-family residential land-use.

To facilitate calculating the required watermain size, the CRD provided flow versus residual pressure curves for the water system near either end of Seagirt Road.

The analysis indicates that the required pipe size is 150 mm in diameter. The resulting minimum watermain pressure is estimated at 480 kPa for this MDD+FF demand scenario (therefore exceeding the minimum pressure requirement of 140 kPa). As per CRD specifications and standards, this proposed watermain will be PVC (DR18) to the AWWA C900 standard. The total length of the proposed watermain is estimated to be 1,490 m.

Soil mapping in the area (*Soils of Southern Vancouver Island, MoE Technical Report 17*) indicates that bedrock is often found at or near the surface. This is consistent with observations during our field review. For this reason, consideration has been given to installing the proposed main in the same trench as the existing main, and therefore minimizing the rock blasting required. This option has been ruled out for the following reasons:

- The limited isolation valves and access points on the existing, and therefore difficulty in providing temporary water services to properties during construction.

- The cost to handle and dispose of the existing AC watermain (as opposed to abandoning it in place).
- The existing watermain alignment appears to be well off the road in places, and constructing the proposed watermain will result in conflicts with trees and other surface features.

For these reasons, the proposed watermain alignment will likely (to be confirmed during detailed design) along the west side of Seagirt Road, the opposite side from the existing watermain.

The connections to the existing 200 mm watermain on East Sooke Road will be tee connections, with isolation valves on each leg.

The existing 100 mm watermain will be abandoned after construction. This includes the existing SID watermain on East Sooke Road from Cornelius Road to Seagirt Road. The existing meter at Cornelius Road will also be abandoned.

### **3.3 Services**

The properties within the SID which have frontages on East Sooke Road will have new services directly off of the existing CRD 200 mm watermain on East Sooke Road. The remaining services will be from the proposed watermain on Seagirt Road.

The proposed water services will be 19 mm in diameter as per CRD standards. Once the newly constructed water system is connected to the CRD's system, new water meter boxes and meters will be installed and the connections to the existing water services at the property line will be made.

### **3.4 Other System Components**

#### **Hydrants**

Hydrant(s) are required and are to be provided in accordance with the CRD's specifications. The maximum allowable hydrant spacing in single-family residential areas is 150 m. For the 1,490 m long proposed watermain, we estimate that 12 hydrants will be required. These hydrants can also be used to flush the watermain. Additional flush-outs are not anticipated.

#### **Air Valves**

Air valves are typically required at significant high-points in a water system. We anticipated that air valves will be required at the East Sooke Road and Seagirt Road east intersection, and adjacent to 40 Seagirt Road.

#### **Isolation Valves**

Isolation valves will be required at the tee connections to the watermain on East Sooke Road (three valves per connection). Additional isolation valves will be located at some of the hydrant tees along the watermain route for unidirectional flushing and for isolation of sections of main in the event a repair is required. We anticipate that there will be six isolation valves on the Seagirt Road watermain, providing isolation valves at every other hydrant.

### **3.5 Summary**

In summary, the proposed scope of work required that will allow for the CRD to takeover the SID water system is as follows:

1. Approximately 1,490 m of 150 mm diameter distribution watermain along Seagirt Road connecting to the CRD watermain on East Sooke Road (two connections);
2. 85 water 19 mm water services complete with meter and meter boxes. 73 of these services will be off of the proposed watermain, and 12 off of the existing watermain on East Sooke Road.
3. Twelve fire hydrants.
4. Two air valves.
5. Six isolation line valves on the proposed Seagirt Road watermain and three live valves on each of the connections to the East Sooke Road watermain.

### **3.6 Procedure**

The following outlines the potential process for completion of the work following an agreement from the CRD to proceed with the dissolution of the SID:

1. SID retains the services of a civil engineering consultant to prepare the detailed design and tender documents, obtain Island Health and CRD approvals, and provide construction inspection and contract administration services.
2. Following completion of the detailed design and approval of the design from CRD and Island Health, tender the works for construction.
3. Tender the design and select a contractor to construct the waterworks.
4. The selected contractor constructs the 150 mm Seagirt Road watermain, 73 water services off of the Seagirt Road watermain, fire hydrants, air valve and isolation valves.
5. Pressure testing and bacteriological testing of the new 150 mm watermain.
6. The CRD makes the connections from the 150 mm Seagirt Road watermain to the existing watermain on East Sooke Road, and install the 12 services off of the existing East Sooke Road watermain.
7. The contractor installs service meter boxes and meters, and makes the final connections to the existing services at the property line.

## 4. COST ESTIMATE

A capital cost estimate for the works as described above is included in Appendix B.

This cost estimate is defined as a “Class C” estimate as described in the *Budget Guidelines for Consulting Engineering Services, 2009, Consulting Engineers of British Columbia and the Association of Professional Engineers and Geoscientists of BC*.

Some notes regarding the cost estimate are as follows:

- The cost estimate is the capital cost for the design and construction of the water works as described above. This estimate does not include any CRD or SID administrative costs.
- An allowance for the archaeology is not included. We contact the Archaeology Branch and they advised, “The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this information request.”.
- It is assumed that 10% of all trench excavation is in bedrock.
- It is assumed that 75% of the trench Seagirt Road watermain is in asphalt.



## 5. REPORT SUBMISSION

We trust that this report provides meets your requirements at this time. If clarification or further information is required, please contact the undersigned.

Prepared by:

**COLQUITZ ENGINEERING LTD.**



---

Jeff Howard, P.Eng.  
Water Resources Engineer

### Statement of Limitations

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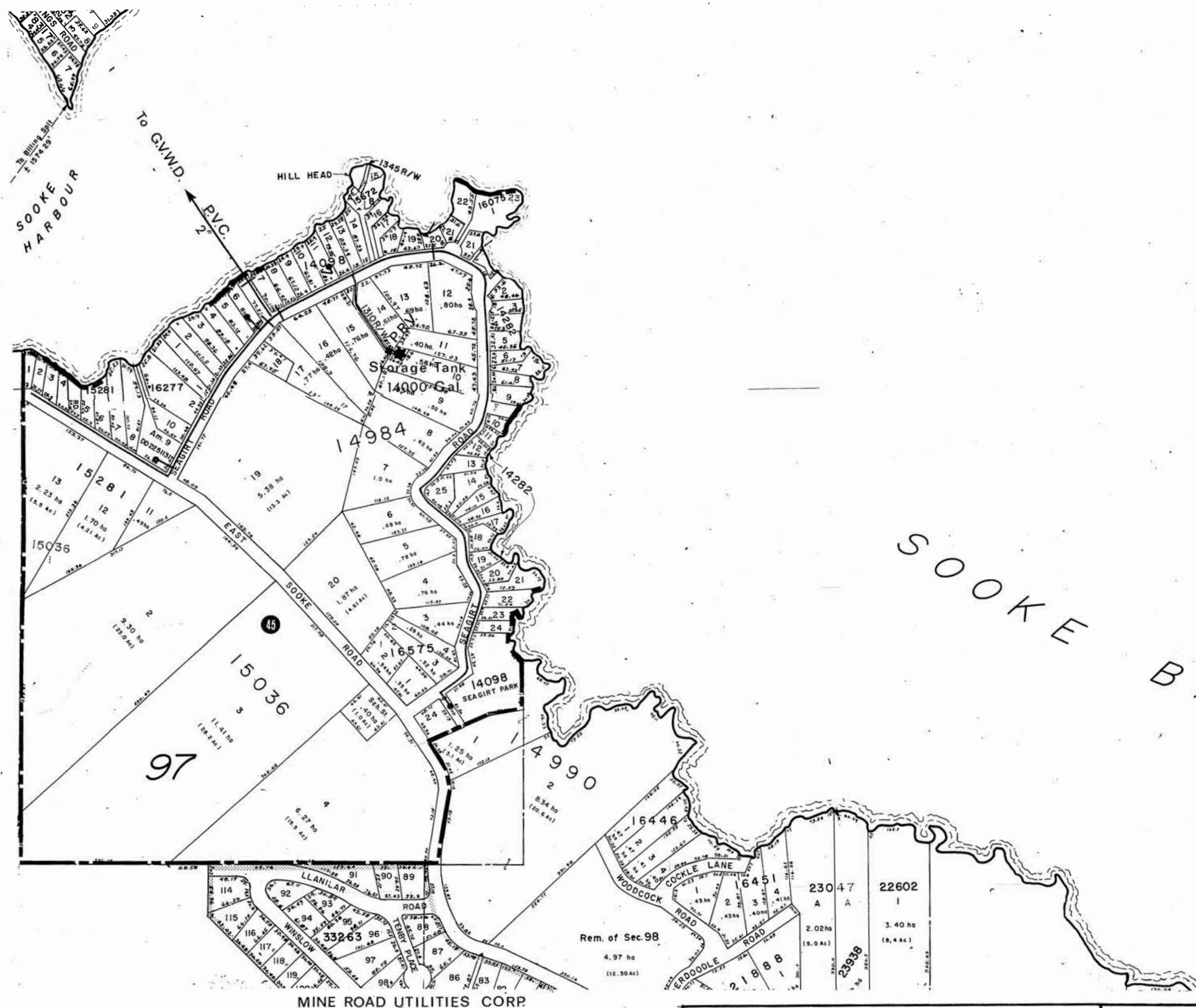
### Revision History

Revision #	Date	Status	Revisions	Author
0	January 8, 2021	DRAFT	Submitted for CRD review and comments	J. Howard
1	January 22, 2021	FINAL	Submitted for acceptance	J. Howard



## Appendix A

# **SEAGIRT WATERWORKS DISTRICT DRAWING**



MINE ROAD UTILITIES CORP.

## Sooke Land District

Pipe is 4" A.C. Cl. 150  
Unless Noted Otherwise

The information provided on this drawing  
has been obtained from the water dist-  
ribution authority and/or other agencies.  
No representation is made as to the  
accuracy or otherwise of the data shown.

### SEAGIRT WATERWORKS DIST.

SYSTEM INFORMATION FROM		REVISIONS	
DESCRIPTION	DATE	No.	DESCRIPTION
Imp. Dist.	9/2/81		

### COMMUNITY WATER SUPPLY SYSTEMS

SURVEYED	BRITISH COLUMBIA MINISTRY OF ENVIRONMENT COMMUNITY WATER SUPPLY SECTION WATER MANAGEMENT BRANCH		FILE No. 0235293
DATE	VANCOUVER ISLAND REGION		SCALE 1" = 300'
DESIGNED	(From C.P.C.N.)		DWG V-45 i
DRAWN	LEGEND		Imp. Dist. No. 45
TRACED	Service Area	Pipeline - Const. _____	INDEX No. 1
CHECKED	Munic. Bdy. _____	- Prop. _____	
DATE	Imp. Dist. Bdy. _____	Valve + Hydrant +	
FEB. 1981	Pumphouse Intake	Air Valve Standpipe	
	Reservoir	Well	



## **COST ESTIMATE**

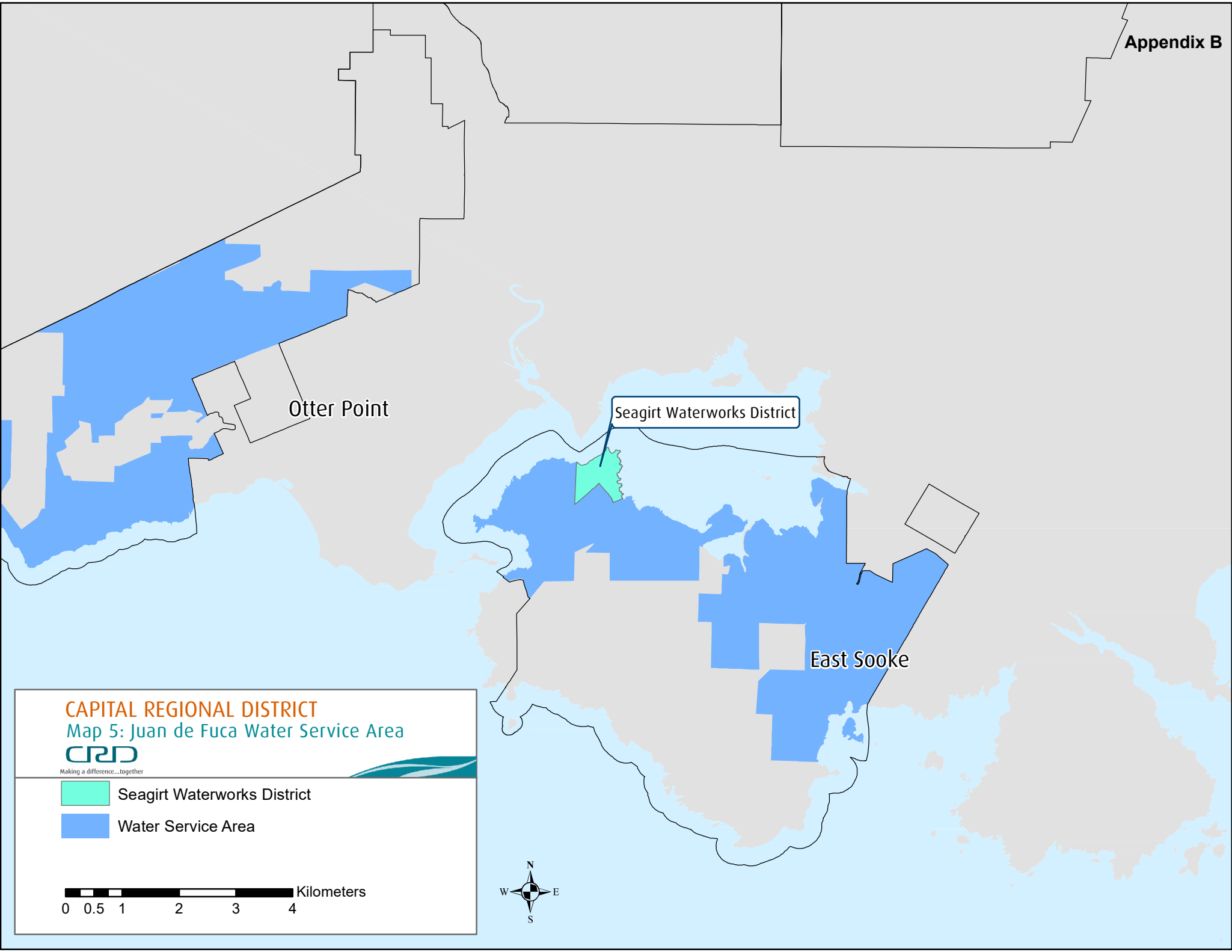
**Class 'C' Opinion of Probable Construction Costs**

 Works as outlined on the report: *SEAGIRT IMPROVEMENT DISTRICT Engineering / Takeover Study, January 22, 2021*

Item	Description	Unit	Estimated Quantity	Unit Rate	TOTAL PRICE \$	Comment
<b>1</b>	<b>Engineering</b>					
1.01	Topographic survey	L.S.	1	\$15,000	\$15,000	
1.02	Engineering Design	L.S.	1	\$60,000	\$60,000	10 plan/profile drawings, 2 plan drawings for service on East Sooke Road, PRV chamber.
1.03	Tender Documents and Tendering	L.S.	1	\$5,000	\$5,000	
1.04	Layout of the works	L.S.	1	\$15,000	\$15,000	
1.05	Contract administration and inspection	L.S.	1	\$100,000	\$100,000	Assume half-time inspection (20 hours per week), and 26 week construction duration.
	<b>Subtotal</b>				<b>\$195,000</b>	
<b>2</b>	<b>Waterworks - Contractor</b>					
2.01	Administration	L.S.	1	1%	\$13,110	
2.02	Mobilization/demobilization	L.S.	1	2%	\$26,220	
2.03	Traffic Control	L.S.	1	\$20,000	\$20,000	
2.04	Arborist Services	L.S.	1	\$5,000	\$5,000	
2.05	150 mm PVC DR18 Watermain	m	1490	\$450	\$670,500	
2.06	19 mm Short Side Service	each	36	\$2,000	\$72,000	
2.07	19 mm Long Side Service	each	37	\$4,000	\$148,000	
2.08	Hydrant	each	12	\$7,500	\$90,000	
2.09	Air Valves	each	2	\$3,000	\$6,000	
2.10	Water System Flushing/Testing	L.S.	1	\$5,000	\$5,000	
2.11	50 mm Asphalt Pavement	m2	1600	\$50	\$80,000	
2.12	Boulevard Restoration	L.S.	1	\$25,000	\$25,000	
2.13	Rock Removal	m3	250	\$300	\$75,000	
2.14	Remove Existing Flushout	L.S.	1	\$2,500	\$2,500	
2.15	Remove Existing Valves	L.S.	1	\$2,500	\$2,500	
2.16	Meter, Meter Box, Connect to Existing	each	73	\$1,500	\$109,500	
	<b>Subtotal</b>				<b>\$1,240,830</b>	
<b>3</b>	<b>Waterworks - CRD</b>					
3.01	19 mm Service off existing	each	12	\$5,200	\$62,400	
3.02	Connect to existing main (200x150 tee, 3 gate valves)	each	2	\$10,000	\$20,000	
	<b>Subtotal</b>				<b>\$82,400</b>	
<b>SUBTOTAL ITEMS 1 TO 3</b>					<b>\$1,518,230</b>	
Contingency				25%	\$379,558	
<b>TOTAL AMOUNT (excl. GST)</b>					<b>\$1,897,800</b>	

This opinion of probable cost has been based on items shown on the current drawings set and reflects an estimate of the expected low tender price for use in evaluation of tenders. As such, a suitable contingency should be added for use for other purposes. The unit prices, production rates and crew rates reflect Colquitz Engineering's recent experience with similar work, and therefore represent the best prediction of actual costs as of the date prepared. Actual tendered costs will depend on such things as market conditions generally, competitiveness of the tendering process, the time of year, contractors' work loads, any perceived risk exposure associated with the work, and unknown conditions.



**COLQUITZ ENGINEERING LTD.**



**CAPITAL REGIONAL DISTRICT**  
Map 5: Juan de Fuca Water Service Area



Making a difference...together

-  Seagirt Waterworks District
-  Water Service Area

0 0.5 1 2 3 4 Kilometers





Making a difference...together

## REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE MEETING OF WEDNESDAY, JULY 21, 2021

---

**SUBJECT**     **Regional Growth Strategy Consistency – Port Renfrew Water Supply Area Extension**

### **ISSUE SUMMARY**

To consider whether the proposed Port Renfrew water supply area expansion is consistent with the Regional Growth Strategy (RGS).

### **BACKGROUND**

Section 445 of the *Local Government Act* requires that all bylaws adopted by a regional district be consistent with its RGS. The Capital Regional District (CRD) Board adopted Bylaw No. 4017 “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” in 2018.

Port Renfrew is located within the RGS Urban Containment Policy Area. The Urban Containment Policy Area is intended to accommodate new growth. Opportunities for residential and tourism commercial growth in Port Renfrew are anticipated to occur in two locations:

- 1) **Pacific Gateway Marina** – a waterfront area north of Parkinson Road, which is the site of the proposed Pacific Gateway Marina. The Port Renfrew Comprehensive Community Development Plan (CCDP) is currently being amended to allow for this development. The CRD Planning, Transportation and Protective Services Committee considered the proposed amendment at its September 16, 2020 meeting and recommended to the Board that it be found consistent with the RGS. The Board has not yet considered the proposed amendment as the application is on hold. As a condition of the amendment, the subject properties must be included in the Port Renfrew water supply area and the applicant must provide system upgrades to meet the water servicing demands of the new development. The proposed water supply expansion allows for these conditions to be met.
- 2) **Beachview Rise** – an uplands area south of Parkinson Road, currently owned by Port Renfrew Management Ltd. There are no active development applications on this site which would require a CRD Board determination of consistency.

The CCDP policy 4.9 identifies the need for a community water system in Port Renfrew. Current zoning requires a community water connection in order for development to proceed. The existing Port Renfrew water supply area services two neighbourhoods in Port Renfrew and does not currently include the above locations.

The Port Renfrew Utility Services Committee (PRUSC) identified the need to address water storage and capacity issues to accommodate the needs of current and future residents and businesses. In 2018, the PRUSC directed CRD staff to identify the cost and cost recovery implications for the infrastructure improvements in the above locations, and the anticipated capacity to be met.

At its June 29, 2021 meeting, PRUSC referred the water supply area expansion amendment bylaw to the CRD Planning and Protective Services Committee for a determination of consistency. See Appendix A for the amendment bylaw. The proposed expansion will address water storage

and capacity issues related to the Port Renfrew water system. See Appendix B for details about the proposed water supply area expansion. See Appendix C for a map of the proposed water supply area in relation to the RGS Urban Containment Policy Area.

## **ALTERNATIVES**

### *Alternative 1*

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That proposed Bylaw No. 4442, “Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021” be reviewed as it relates to Bylaw No. 4017, “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

### *Alternative 2*

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That proposed Bylaw No. 4442, “Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021” be reviewed as it relates to Bylaw No. 4017, “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” and be deemed not consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

### *Alternative 3*

That the Port Renfrew Water Supply Area Extension report be referred back to staff for further review based on Planning and Protective Services Committee direction.

## **IMPLICATIONS**

### *Regional Growth Strategy Implications*

The proposed bylaw amendment is related to water servicing infrastructure, addressed by RGS Objective 2.2: manage regional infrastructure services sustainably. For Port Renfrew, four policy criteria must be considered for RGS consistency:

- 1) Policy 2.2(1): The water service extension must consider costs and cost recovery implications, with costs being borne by new users.
- 2) Policy 2.2(2)(c): The water service area must be located in the Urban Containment Policy Area.
- 3) Policy 2.2(2)(c): The water service extension must be consistent with Official Community Plan (OCP) water servicing provisions.
- 4) Policy 2.2(2)(c): The OCP must identify the population to be serviced and how growth in water demand will be addressed.

No other RGS policy areas are applicable.

Per the RGS, Integrated Water Services (IWS) staff have prepared service agreements that fully outline the cost and cost recovery mechanisms for the service improvements such that costs are borne by new users. Developers are to provide infrastructure improvements that will increase capacity at specified contribution rates. See Appendix B for more information about the cost recovery structure. The water supply area is located within the RGS Urban Containment Policy Area, as shown in Appendix C. The need for a community water system is identified in the Port Renfrew CCDP, Policy 4.9. The analysis undertaken for the supply area expansion identifies the population to be serviced and the costs associated with the provision of the service. As the CCDP



was adopted prior to the 2018 RGS, the CCDP will need to be updated, at the time of the next comprehensive CCDP review, to meet the RGS policy 2.2.1 to identify how growth in water demand will be addressed.

*Service Delivery Implications*

The water supply area expansion will address water storage and capacity issues in Port Renfrew and satisfy current zoning requirements for areas where growth is anticipated to occur. The proposed water supply area expansion to include the Pacific Gateway Marina properties will satisfy conditions of the proposed CCDP amendment and allow development to proceed. The system improvements associated with the expansion will provide additional firefighting capacity to properties within the existing water supply area.

The Port Renfrew CCDP policy 4.9 for water servicing will need to be updated to reflect the water system upgrades and to address how growth in water demand will be accommodated over the long term. This update should be included in the next comprehensive review of the CCDP.

**CONCLUSION**

All bylaws adopted by the CRD must be consistent with its RGS. The RGS identifies four applicable policy criteria for the extension of the water supply area in Port Renfrew. Proposed Bylaw No. 4442 to expand the Port Renfrew water supply area meets all criteria. A determination of consistency allows for adoption of Bylaw No. 4442.

**RECOMMENDATION**

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That proposed Bylaw No. 4442, “Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021” be reviewed as it relates to Bylaw No. 4017, “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

Submitted by:	Emily Sinclair, MCIP, RPP, Senior Manager, Regional & Strategic Planning
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

**ATTACHMENT**

Appendix A: Proposed Bylaw No. 4442, “Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021”

Appendix B: Report to Port Renfrew Utility Services Committee (June 29, 2021): Amendment to Bylaw No. 1747 to Expand Port Renfrew Water Local Service Area

Appendix C: Map of RGS and Proposed Water Supply Area Expansion

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4442

\*\*\*\*\*

PORT RENFREW WATER SUPPLY LOCAL SERVICE ESTABLISHMENT  
BYLAW NO. 1, 1989, AMENDMENT BYLAW NO. 5, 2021

\*\*\*\*\*

**WHEREAS:**

- A. Under Bylaw No. 1747, Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, the Regional Board established a local water service in the Port Renfrew area;
- B. The Board wishes to amend the service area set out in Bylaw No. 1747 to extend water service to portions of properties legally described in Schedule "A", commonly known as the Pacific Gateway Marina and the Port Renfrew Development Area, with such portions shown in heavy outline in the attached Schedule "B";

**NOW THEREFORE**, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 1747, "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989", is hereby amended by deleting Schedule "A" to Bylaw No. 1747 and replacing it with Schedule "C" to this bylaw, to include in the service area portions of the properties legally described in Schedule "A" to this bylaw and more particularly shown in Schedule "B" to this bylaw.
- 2. This Bylaw may be cited as "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021".

READ A FIRST TIME THIS DAY OF

READ A SECOND TIME THIS DAY OF

READ A THIRD TIME THIS DAY OF

CONSENTED TO BY THE DIRECTOR OF THE  
JUAN DE FUCA ELECTORAL AREA THIS DAY OF

APPROVED BY THE  
INSPECTOR OF MUNICIPALITIES THIS DAY OF

ADOPTED THIS DAY OF

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS DAY OF

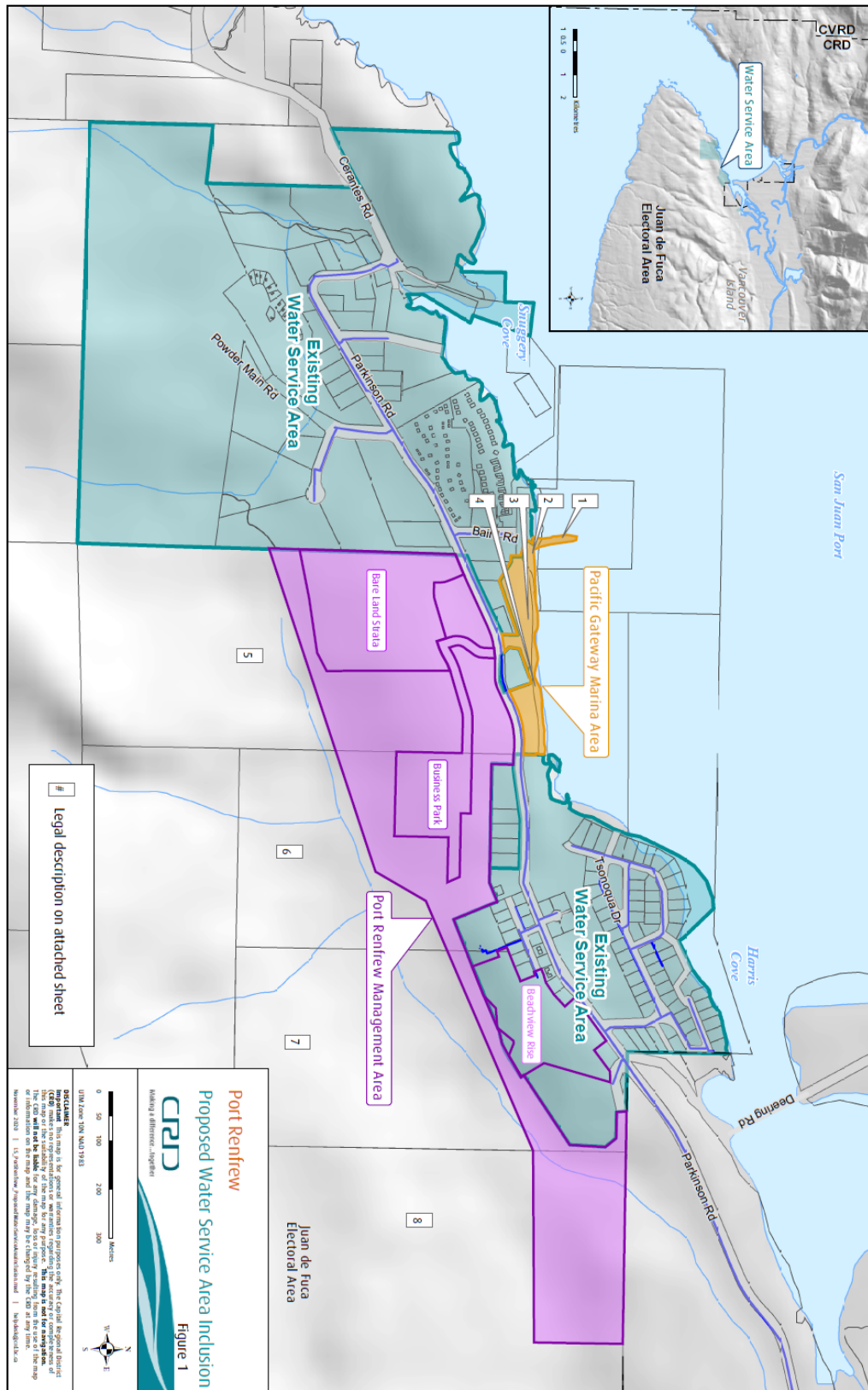
**SCHEDULE "A"**

Legal Description of parcels, portions of which are to be serviced, are:

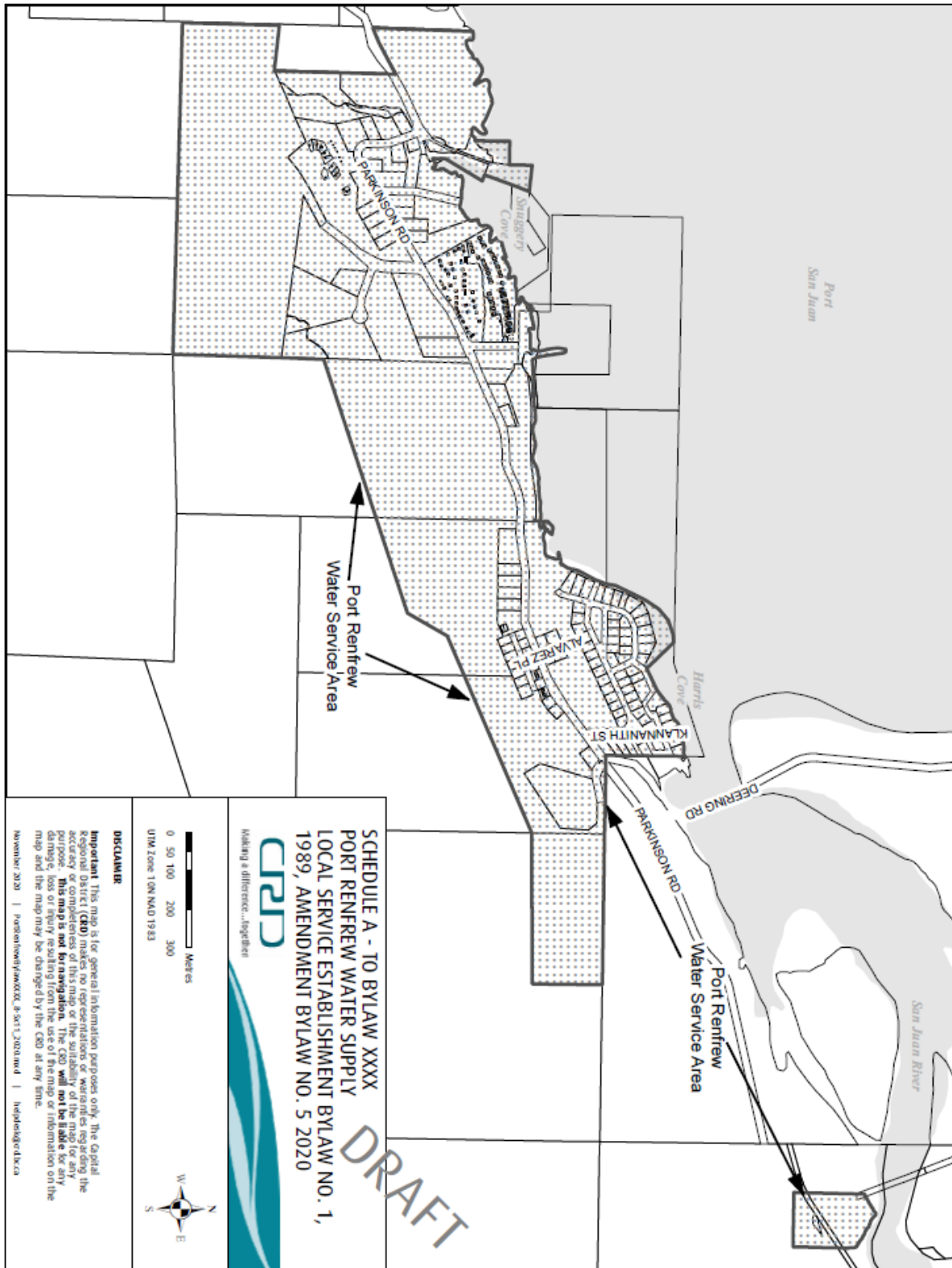
- 1) PIN 528031 (Crown Land), BLOCK A, DISTRICT LOT 751, RENFREW DISTRICT
- 2) PIN 10247701 (Crown Land), BLOCK B, DISTRICT LOT 751, RENFREW DISTRICT
- 3) PID: 028-991-125, LOT 1, SECTION 97, RENFREW DISTRICT, PLAN EPP24972
- 4) PID: 009-592-342, THAT PART OF SECTION 97, RENFREW DISTRICT AS SHOWN COLOURED RED ON PLAN 344R;
- 5) PID: 009-592-423, PARCEL A (DD 143426I) OF SECTION 97, RENFREW DISTRICT, EXCEPT THAT PART IN PLANS 15462, VIP77871 AND EPP24972
- 6) PID: 009-565-787, THE WEST ½ OF THE NORTH WEST ¼ OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT EXCEPT THOSE PARTS IN PLANS 519, 24267 AND 24755
- 7) PID: 000-468-291, THE EASTERLY ½ OF THE NORTH WEST ¼ OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT EXCEPT THAT PART SHOWN COLOURED RED ON PLAN 346-R AND EXCEPT THOSE PARTS IN PLANS 22475, 24267, 24755, 29515, 41154, 50819 AND VIP59967
- 8) PID: 009-565-752, THE NORTH EAST ¼ OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT

The serviced portions are as set out in Schedule "B" to this bylaw, with the complete service area shown in Schedule "C" in heavy outline.

## SCHEDULE "B"



**SCHEDULE "C"**  
(Replacing the Schedule "A" in Bylaw 1747)



**REPORT TO PORT RENFREW UTILITY SERVICES COMMITTEE  
MEETING OF TUESDAY, JUNE 29, 2021**

**SUBJECT**      **Amendment to Bylaw No. 1747 to Expand Port Renfrew Water Local Service Area**

**ISSUE SUMMARY**

To amend the Port Renfrew Water Supply Local Service Establishment Bylaw to include Pacific Gateway Marina and Port Renfrew Management Lands.

**BACKGROUND**

At its October 23, 2019 meeting, the Port Renfrew Utility Services Committee (PRUSC) received a report providing an update on the water system improvements being completed by Port Renfrew Management and Pacific Gateway Marina and agreed in principle to the inclusion of the Pacific Gateway Marina Lands into the Port Renfrew Water Service Area No. 1, subject to a new storage tank being built. Port Renfrew Management has also requested inclusion of lands into Port Renfrew Water Service Area No. 1 after the storage tank is constructed.

The legal description of the lands are shown in Figure 1 attached as Appendix A, and as listed in Appendix B.

As per direction from PRSUC, developers are to provide infrastructure improvements that increase capacity at a contribution rate of \$8,000 per Single Family Equivalent (SFE). The agreement for the storage tank construction, for an estimated cost of \$576,000, between the developers and the Capital Regional District (CRD) had the following contributions:

- Pacific Gateway Marina - \$256,000 for 32 SFE's
- Port Renfrew Management - \$256,000 for 32 SFE's (includes 13 SFE's for Beachview Rise Subdivision)
- Port Renfrew Business Park (Port Renfrew Management) - \$64,000 for eight SFE's
- Total of 72 SFE's

The storage tank has been completed and there is an estimated theoretical capacity within the expanded water system of an additional 151 SFE's; as 72 SFE's are allocated as described above, there will be remaining capacity for 79 SFE's. To ensure that the new lands proposed to be included in the service area associated with Pacific Gateway Marina and Port Renfrew Business Park do not exceed the capacity of the water system a covenant (Appendix D) is proposed on the properties limiting the water supply to the identified number of SFE's. If additional SFE's are required this would need additional review by the CRD and approval by the PRUSC to remove the covenant.

In order to include the lands in the water service area, Bylaw No. 4442, "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021" has been prepared (Appendix C) for the Port Renfrew Utility Services Committee's consideration.

## **ALTERNATIVES**

### *Alternative 1*

That the Port Renfrew Utility Services Committee recommends the Electoral Areas Committee recommend to the Capital Regional District Board:

1. That Bylaw No. 4442, "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021", be introduced and read a first, second, and a third time;
2. That Bylaw No. 4442 be referred to the Inspector of Municipalities for approval;
3. That Bylaw No. 4442 be referred to the Director of the Juan de Fuca Electoral Area for consent;
4. That prior to adoption of Bylaw No. 4442, staff be directed to register a restrictive covenant on the lands to be included in the service area, limiting the number of Single Family Equivalents that can be serviced on the property;
5. That Bylaw No. 4442 be referred to staff for an evaluation of consistency with the Regional Growth Strategy and that staff report back to the Regional Board through the Planning and Protective Services Committee.

### *Alternative 2*

That this report be referred back to staff for additional information.

## **IMPLICATIONS**

### *Service Delivery Implications*

In order to move to allow the proposed lands into the water service area, the bylaw amendment must be approved by the PRUSC and forwarded to the Electoral Areas Committee and CRD Board. After third reading of the bylaw, it will then be sent to the Inspector of Municipalities for approval and requires written consent of the Electoral Area Director. The new 100,000 lgal storage tank has been installed, improving the storage capacity for the whole service area. A covenant is required to manage development on the lands. The inclusion of the lands into the service area will benefit the existing participants as additional user fees and parcel taxation could then be collected to offset operating and long term capital costs. The covenant will be registered before adoption of the bylaw.

### *Regional Growth Strategy Implications*

Section 445 of the *Local Government Act* requires that all bylaws adopted by a regional district board, after the board has adopted a Regional Growth Strategy (RGS), be consistent with the RGS. Since Bylaw No. 4442 amends a water supply local service establishment bylaw, the bylaw will be considered by the Planning and Protective Services Committee and the CRD Board for a determination of consistency with the RGS prior to adoption. An amendment to the infrastructure policies in the Port Renfrew Comprehensive Community Development Plan (CCDP) will also be required at such time that the CCDP is updated to reflect the water system improvements per RGS policy 2.2(2)(c).

## **CONCLUSION**

The proposed properties currently remain outside, but adjacent to, the Port Renfrew Water Supply Local Service Area No. 1. The inclusion of the properties into the service area will benefit the

existing participants as additional user fees and parcel taxation could then be collected. The inclusion will not adversely impact the existing participants in the water service as the improvements to the system would enhance capacity creating no net loss of service to existing users. A covenant is proposed to be put on the properties limiting development as identified in the agreement.

The Port Renfrew Water Local Service establishing bylaw must be amended to include the lands into the service area to enable the service to be provided. For final approval of this bylaw, the Regional Board must determine it is consistent with the Regional Growth Strategy policy 2.2(2)(c).

### **RECOMMENDATIONS**

That the Port Renfrew Utility Services Committee recommends the Electoral Areas Committee recommend to the Capital Regional District Board:

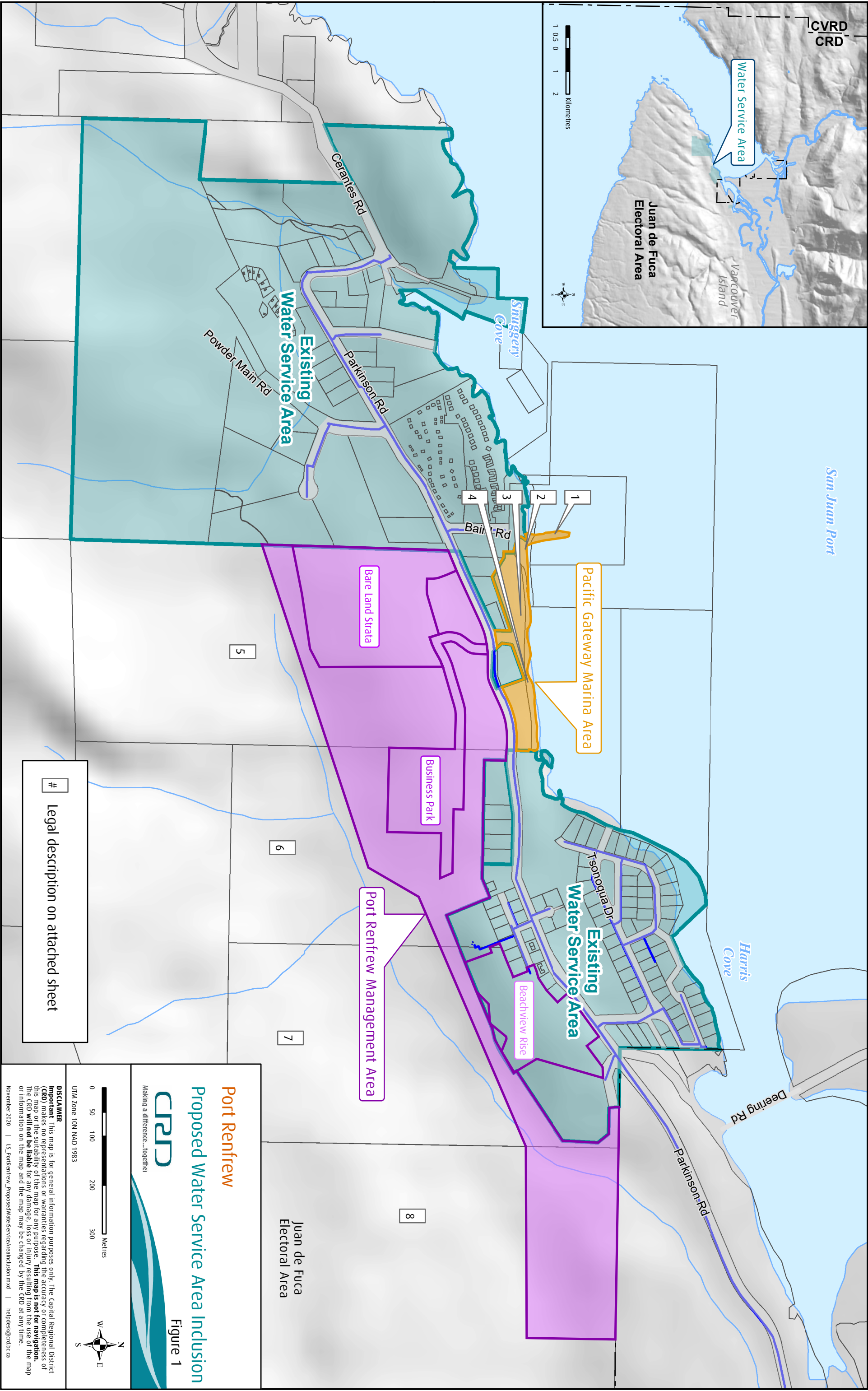
1. That Bylaw No. 4442, "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021", be introduced and read a first, second, and a third time;
2. That Bylaw No. 4442 be referred to the Inspector of Municipalities for approval;
3. That Bylaw No. 4442 be referred to the Director of the Juan de Fuca Electoral Area for consent;
4. That prior to adoption of Bylaw No. 4442, staff be directed to register a restrictive covenant on the lands to be included in the service area, limiting the number of Single Family Equivalents that can be serviced on the property;
5. That Bylaw No. 4442 be referred to staff for an evaluation of consistency with the Regional Growth Strategy and that staff report back to the Regional Board through the Planning and Protective Services Committee.

Submitted by:	Joseph Marr, P. Eng., Manager, Water Distribution Engineering & Planning
Concurrence:	Ian Jesney, P.Eng., Senior Manager, Infrastructure Engineering
Concurrence:	Ted Robbins, B.Sc., C.Tech., General Manager, Integrated Water Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

### **ATTACHMENTS**

- Appendix A: Figure 1 – Proposed Water Service Area Inclusion  
Appendix B: Proposed Water Service Area Expansion Legal Descriptions  
Appendix C: Proposed Bylaw No. 4442  
Appendix D: Draft Water Service Covenant





**Proposed Water Service Area Expansion Legal Descriptions**

- 1) PIN 528031 (Crown Land)  
BLOCK A, DISTRICT LOT 751, RENFREW DISTRICT
- 2) PIN 10247701 (Crown Land)  
BLOCK B, DISTRICT LOT 751, RENFREW DISTRICT
- 3) PID: 028-991-125  
LOT 1, SECTION 97, RENFREW DISTRICT, PLAN EPP24972
- 4) PID: 009-592-342  
THAT PART OF SECTION 97, RENFREW DISTRICT AS SHOWN COLOURED RED ON PLAN 344R
- 5) PID: 009-592-423  
PARCEL A (DD 143426I) OF SECTION 97, RENFREW DISTRICT, EXCEPT THAT PART IN PLANS 15462, VIP77871 AND EPP24972
- 6) PID: 009-565-787  
THE WEST  $\frac{1}{2}$  OF THE NORTH WEST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT EXCEPT THOSE PARTS IN PLANS 519, 24267 AND 24755
- 7) PID: 000-468-291  
THE EASTERLY  $\frac{1}{2}$  OF THE NORTH WEST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT EXCEPT THAT PART SHOWN COLOURED RED ON PLAN 346-R AND EXCEPT THOSE PARTS IN PLANS 22475, 24267, 24755, 29515, 41154, 50819 AND VIP59967
- 8) PID: 009-565-752  
THE NORTH EAST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4442

\*\*\*\*\*

PORT RENFREW WATER SUPPLY LOCAL SERVICE ESTABLISHMENT  
BYLAW NO. 1, 1989, AMENDMENT BYLAW NO. 5, 2021

\*\*\*\*\*

**WHEREAS:**

- A. Under Bylaw No. 1747, Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, the Regional Board established a local water service in the Port Renfrew area;
- B. The Board wishes to amend the service area set out in Bylaw No. 1747 to extend water service to portions of properties legally described in Schedule "A", commonly known as the Pacific Gateway Marina and the Port Renfrew Development Area, with such portions shown in heavy outline in the attached Schedule "B";

**NOW THEREFORE**, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 1747, "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989", is hereby amended by deleting Schedule "A" to Bylaw No. 1747 and replacing it with Schedule "C" to this bylaw, to include in the service area portions of the properties legally described in Schedule "A" to this bylaw and more particularly shown in Schedule "B" to this bylaw.
- 2. This Bylaw may be cited as "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021".

READ A FIRST TIME THIS DAY OF

READ A SECOND TIME THIS DAY OF

READ A THIRD TIME THIS DAY OF

CONSENTED TO BY THE DIRECTOR OF THE  
JUAN DE FUCA ELECTORAL AREA THIS DAY OF

APPROVED BY THE  
INSPECTOR OF MUNICIPALITIES THIS DAY OF

ADOPTED THIS DAY OF

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS DAY OF

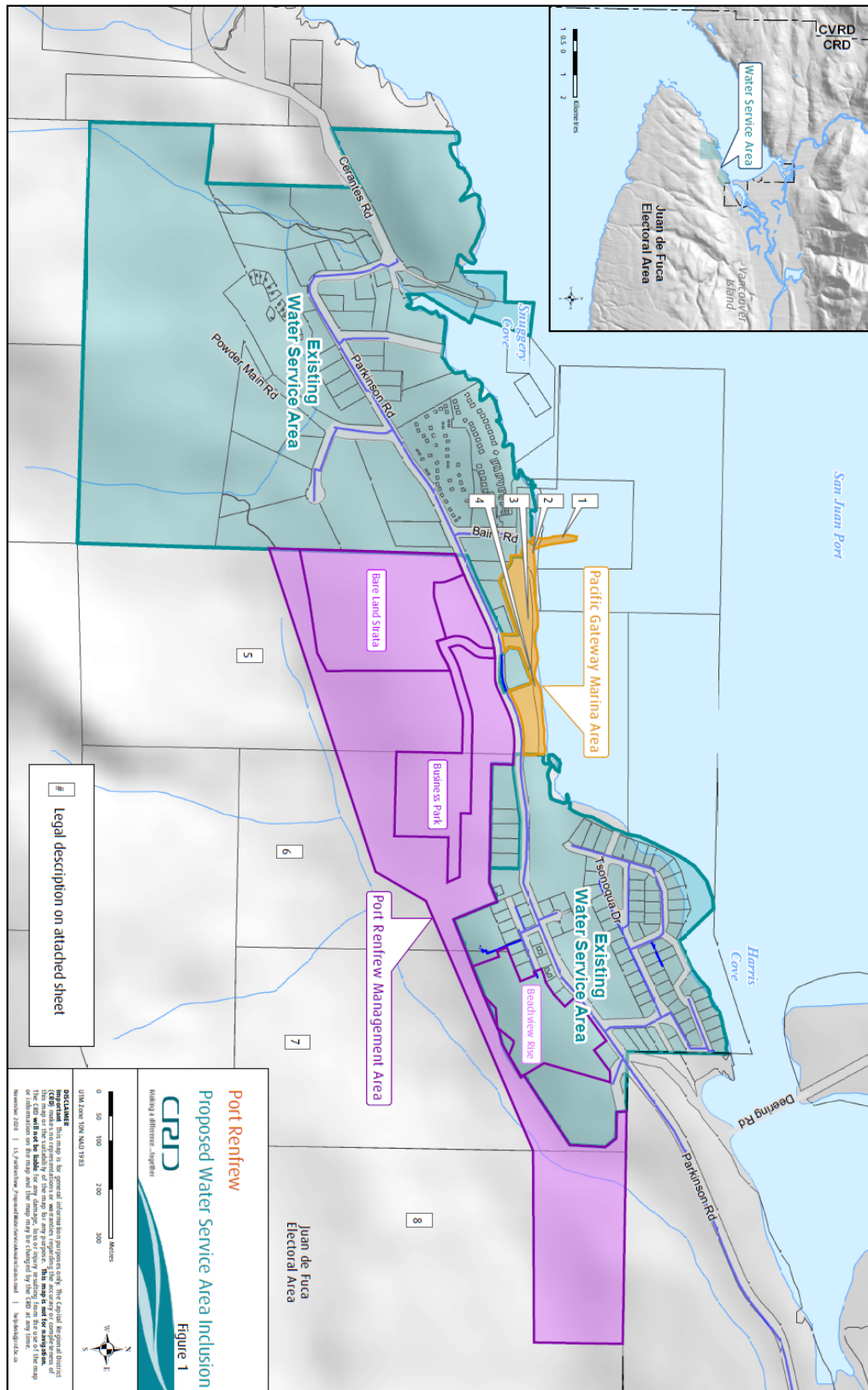
**SCHEDULE "A"**

Legal Description of parcels, portions of which are to be serviced, are:

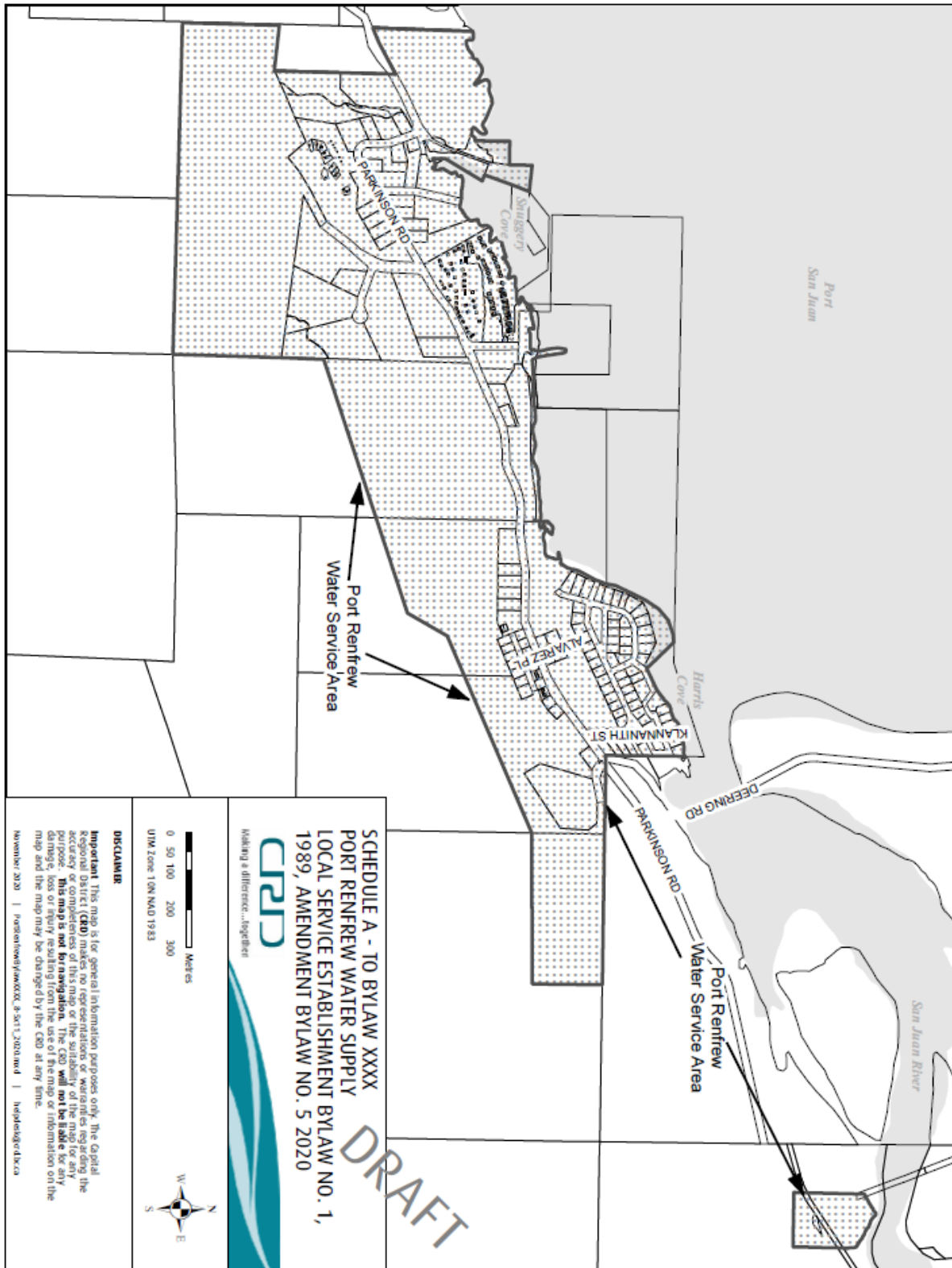
- 1) PIN 528031 (Crown Land), BLOCK A, DISTRICT LOT 751, RENFREW DISTRICT
- 2) PIN 10247701 (Crown Land), BLOCK B, DISTRICT LOT 751, RENFREW DISTRICT
- 3) PID: 028-991-125, LOT 1, SECTION 97, RENFREW DISTRICT, PLAN EPP24972
- 4) PID: 009-592-342, THAT PART OF SECTION 97, RENFREW DISTRICT AS SHOWN COLOURED RED ON PLAN 344R;
- 5) PID: 009-592-423, PARCEL A (DD 143426I) OF SECTION 97, RENFREW DISTRICT, EXCEPT THAT PART IN PLANS 15462, VIP77871 AND EPP24972
- 6) PID: 009-565-787, THE WEST ½ OF THE NORTH WEST ¼ OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT EXCEPT THOSE PARTS IN PLANS 519, 24267 AND 24755
- 7) PID: 000-468-291, THE EASTERLY ½ OF THE NORTH WEST ¼ OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT EXCEPT THAT PART SHOWN COLOURED RED ON PLAN 346-R AND EXCEPT THOSE PARTS IN PLANS 22475, 24267, 24755, 29515, 41154, 50819 AND VIP59967
- 8) PID: 009-565-752, THE NORTH EAST ¼ OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT

The serviced portions are as set out in Schedule "B" to this bylaw, with the complete service area shown in Schedule "C" in heavy outline.

## SCHEDULE "B"



**SCHEDULE "C"**  
(Replacing the Schedule "A" in Bylaw 1747)





## TERMS OF INSTRUMENT - PART 2

---

### WHEREAS:

- A. The Transferor is the registered owner in fee simple of those lands and premises more particularly described as:  
  

[NTD- Include the legal description of lands that will be subject to the covenant]

  
 (the “**Lands**”).
- B. The Transferee is the Capital Regional District.
- C. The Transferor wishes that the Transferee extend the Water Service to include the Lands with the intention of developing the Lands to supply Single Family Equivalents located on the Lands with water.
- D. The Transferor acknowledges that it is in the public interest that the development and use of the Lands be limited and wishes to grant this covenant to the Transferee.
- E. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of the use of land or the use of a building on or to be erected on land may be granted in favour of a regional district and may be registered as a charge against the title to that land.

**NOW THEREFORE** in consideration of the premises and covenants contained herein and for the other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree as follows:

- 1. In this Agreement, the following words have the following meanings:  
  
 “**Single Family Equivalent**” means any building, improvement or structure on the Lands that are supplied with water by the Water Service.  
  
 “**Single Family Equivalent Unit**” means the units of water supplied from the Water Service to a Single Family Equivalent as defined in the *Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges Bylaw No. 1, 2012*, and as more particularly set out in Schedule “A” attached hereto.  
  
 “**Water Service**” means the local area service for the supply, treatment, conveyance, storage and distribution of water to a portion of the Juan de Fuca Electoral Area by Capital Regional District Integrated Water Services as established by the “*Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989*”, as amended.
- 2. The Transferor covenants and agrees with the Transferee that it shall not use or permit the use of the Lands or any building on the Lands for any purpose, or construct any building on the Lands, except in strict accordance with this Agreement.
- 3. The Transferor shall not, nor shall it allow any person to construct, install, place, use, or occupy any building, structure or improvement on the Lands if such construction,

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installation, use or occupation results in there being more than [NTD- Include the number of permitted units] Single Family Equivalent Units on the Lands, including any subdivided part of the Lands unless the Transferor has obtained the approval of the Transferee, acting in its sole discretion.

4. The Transferee shall not be obliged to issue a building permit or an occupancy permit with respect to any building or structure on the Lands unless the Transferee is, in its sole discretion, satisfied that the Transferor's obligations under section 3 of this Agreement have been fulfilled.
5. The Transferor shall, at its sole expense, do all that is necessary to ensure that this Agreement is registered against the Lands at the Victoria Land Title Office.
6. The Transferor shall reimburse the Transferee for any expense that may be incurred by the Transferee as a result of a breach of a covenant under this Agreement.
7. The Transferee may, at any time, without the consent of the Transferor or anyone, release or cause to be released, this Agreement as a charge against title to the Lands or any portion thereof and, upon such release, this Agreement shall be discharged and of no further force and effect.
8. The Transferor and the Transferee agree that the enforcement of this Agreement shall be entirely within the discretion of the Transferee and that the execution and registration of this Agreement against the title to the Lands shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision or the breach of any provision of this Agreement.
9. The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
  - a. the breach of any covenant in this Agreement;
  - b. the use of the Lands contemplated under this Agreement;
  - c. restrictions or requirements under this Agreement.
10. The Transferor hereby releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the Transferee for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with:
  - a. the breach of any covenant in this Agreement;
  - b. the use of the Lands contemplated under this Agreement;
  - c. restrictions or requirements under this Agreement.
11. At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.



## APPENDIX D

12. Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Transferor.
13. Time is of the essence of this Agreement.
14. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Lands.
15. It is mutually understood, acknowledged and agreed by the parties hereto that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
16. The Transferor shall pay the legal fees of the Transferee in connection with the preparation and registration of this Agreement. This is a personal covenant between the parties.
17. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing signed by both parties.
18. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
19. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
20. This Agreement shall run with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Transferee as a first charge against the Lands.
21. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
22. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
23. This Agreement is to be construed in accordance with and governed by the laws

applicable in the Province of British Columbia.

24. This Agreement may be executed in counterpart with the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement. This Agreement may be delivered by electronic means.
25. The \*\*\*, the registered holder of a charges by way of \*\*\*\* against the Lands and registered under No. \*\*\*\*\* (the "**Charge**") in the Land Title Office at Victoria, British Columbia, for and in consideration of the sum of One (\$1.00) Dollar paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within section 219 Covenant shall be an encumbrance upon the Lands in priority to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

**IN WITNESS WHEREOF** the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (page 1) and Form D (page 2) attached hereto.

## Schedule "A" Single Family Equivalent Units

Use	Number of Single Family Equivalent Units
Residential dwelling unit (including single family, apartment, condominium, duplex or other multi family facility)	1 Unit per dwelling unit
Bed and Breakfast	1 Unit per building
Hotel/Motel	1 Unit per room
Cabin	1 Unit per cabin
Mobile Home Space	1 Unit per space
Commercial Building with 1 Business and up to 3 employees	1.25 Units per building
Commercial Building with 1 Business and 4 or more employees	1.5 Units per building
Commercial Building with more than 1 Business and and up to 3 Employees	1.25 Units per building
Commercial Building with more than 1 Business and 4 or more employees	1.5 Units per building
Restaurant	2 Units per building
Church	1 Unit per building
School	1 Unit per classroom
Other	1 Unit for each building with 1360 liters of daily winter consumption of water

If the Single Family Equivalent has not been designated in the table above, the unit calculation will be based on the **Minimum Daily Design Flow** as specified in the Sewerage System Standard Practice Manual, Version 2, September 21, 2007, prepared by the BC Onsite Sewage Association

Single Family Equivalents shall be verified with the installation of water meter(s) at the proposed property lines.

