



Notice of Meeting and Meeting Agenda Capital Regional District Board

Wednesday, September 8, 2021

1:10 PM

6th Floor Boardroom
625 Fisgard Street
Victoria, BC

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 THE AGENDA

3. ADOPTION OF MINUTES

3.1. [21-577](#) Minutes of the July 14, 2021 Capital Regional District Board Meeting

Recommendation: That the minutes of the Capital Regional District Board meeting of July 14, 2021 be adopted as circulated.

Attachments: [Minutes – July 14, 2021](#)

4. REPORT OF THE CHAIR

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.

5.1. Presentations

5.2. Delegations

5.2.1. [21-666](#) Delegation - Franz Lehrbass; Representing Royal and McPherson Theatres Society: Re: Agenda Item 8.7.: Proposed Performing Arts Facilities Service: Establishing Bylaw No. 4445 and Service Plan

5.2.2. [21-664](#) Delegation - Doug Jarvis; Representing ProArt Alliance of Greater Victoria: Re: Agenda Item 8.1.: Outcomes of Board Initiative 12a-1 to Explore Partnerships to Support 100% Participation in the CRD Arts Function

6. CONSENT AGENDA

- 6.1.** [21-198](#) Core Area Wastewater System Commissioning and Operations Update and Construction Completion Status Report
- Recommendation:** The Core Area Liquid Waste Management Committee recommends to the Capital Regional District Board:
That this report be received for information.
(NWA)
- Attachments:** [Staff Report: Core Area Wastewater System Update & Status Report](#)
[Appendix A: Governance Transition Report \(May 17, 2021\)](#)
[Appendix B: WTP Remaining Works Status Report \(July 2021\)](#)
- 6.2.** [21-613](#) Community Works Fund Program Overview
- Recommendation:** The Electoral Areas Committee recommends to the Capital Regional District Board:
That the Community Works Fund Program Overview be received for information.
(NWA)
- Attachments:** [Staff Report: Community Works Fund Program Overview](#)
[Appendix A: 2014-2024 Gas Tax Agreement](#)
[Appendix B: CWF Process Overview](#)
[Appendix C: Summary of Funding & Average Rate of Projects Awarded](#)
- 6.3.** [21-618](#) Canada Community Revitalization Fund - Motion of Support
- Recommendation:** The Electoral Areas Committee recommends to the Capital Regional District Board:
That the Board authorize staff to submit an application for grant funding (\$599,940) for the Revitalization of Centennial Park in Ganges Village project through the Canada Community Revitalization Fund; and that the Board supports the project and commits to its share (\$200,000) of the project.
(NWA)
- Attachments:** [Staff Report: CCRF Motion of Support](#)
- 6.4.** [21-653](#) Bylaw 4441: Contribution Service Establishment for the Pender Islands Health Care Centre - Amendment to Bylaw 4441 Synopsis
- Recommendation:** The Electoral Areas Committee recommends to the Capital Regional District Board:
That the revised synopsis of Bylaw No. 4441, attached as Appendix B, be approved for advertising purposes.
(NWA)
- Attachments:** [Staff Report: Pender Health Care Centre - AMD to Bylaw 4441 Synopsis](#)
[Appendix A: Synopsis of Bylaw 4441 - Original](#)
[Appendix B: Synopsis of Bylaw 4441 - Revised](#)
[Appendix C: Bylaw 4441 - Third Reading](#)

6.5. [21-593](#) Millstream Meadows Remediation Project Update

Recommendation: The Environmental Services Committee recommends to the Capital Regional District Board:
That this staff report be received for information.
(NWA)

Attachments: [Staff Report: Millstream Meadows Remediation Project Update](#)
 [Appendix A: Site Location Plan](#)

6.6. [21-561](#) Recycling Regulation Policy Intentions Paper - Feedback and Next Steps

Recommendation: The Environmental Services Committee recommends to the Capital Regional District Board:
That this report be received for information.
(NWA)

Attachments: [Staff Report: Recycling Reg. Policy Intentions Paper-Feedback/Next Steps](#)
 [Appendix A: Recycling Reg. Policy Intentions Paper-Summary Feedback](#)

6.7. [21-612](#) Capital Regional District External Grants Update

Recommendation: That the Capital Regional District External Grants Update be received for information.
(NWA)

Attachments: [Staff Report: CRD External Grants Update](#)
 [Appendix A: External Grants Dashboard](#)

6.8. [21-607](#) Reaching Home Update

Recommendation: The Hospitals and Housing Committee recommends to the Capital Regional District Board:
That the Reaching Home Update report be received for information.
(NWA)

Attachments: [Staff Report: Reaching Home Update](#)

6.9. [21-514](#) Development Permit with Variance for Lot 3, Sections 45-A and 46-A,
Highland District, Plan 22641 - 6606 Mark Lane

Recommendation: [At its July 20, 2021 meeting the Juan de Fuca Land Use Committee amended the recommendation as noted below:]
The Land Use Committee recommends to the Capital Regional District (CRD) Board:
That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.3 m for construction of a carport be approved.
(NWP - Voting Block B: JDF EA, Central Saanich, Highlands, Langford (Blackwell), Saanich (Haynes))

Attachments: [Staff Report: DP w/Variance - 6606 Mark Lane](#)
[Appendix A: Subject Property Map](#)
[Appendix B: Site Plan](#)
[Appendix C: Variance Request](#)
[Appendix D: Permit DV000077](#)
[LUC Minutes Excerpt](#)

6.10. [21-524](#) Development Permit with Variance for Lot 1, District Lot 155, Renfrew
District, Plan 18813, Except that Part in Plans 31230 and VIP59413 -
6402, 6410, and 6340 Cerantes Road

Recommendation: [At its July 20, 2021 meeting the Juan de Fuca Land Use Committee amended the recommendation as noted below.]
The Land Use Committee recommends to the Capital Regional District Board:
That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:
a) Part IV, Section 22(2)(f) be varied by increasing the maximum height of an accessory building from 4.8 m to 6.9 m in accordance with the Garage Design Drawings; and
b) Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of the existing deck in accordance with the Dwelling and Deck Site Plan;
be approved.
(NWP - Voting Block A: JDF EA, Colwood, Langford (Blackwell), Metchosin, Sooke)

Attachments: [Staff Report: DP w/Variance - 6402, 6410 & 6340 Cerantes Rd.](#)
[Appendix A: Subject Property Map](#)
[Appendix B: Proposed Subdivision Plan](#)
[Appendix C: Garage Site Plan](#)
[Appendix D: Garage Design Drawings](#)
[Appendix E: Dwelling and Deck Site Plan](#)
[Appendix F: Permit DV000079](#)
[LUC Minutes Excerpt](#)

6.11. [21-525](#) Development Permit with Variance for Lot A, Section 7, Otter District,
Plan VIP75055 - 8709 West Coast Road

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

- 1) That Development Permit with Variance DV000080, for Lot A, Section 7, Otter District, Plan VIP75055, to authorize construction of a seawall and a single-family dwelling in a Marine Shoreline Development Permit Area, and to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, as follows:
 - a) Part 1, Section 2.0 by varying the definition of height as it applies to the proposed building to mean the average vertical distance from finished grade at the outermost corners of the building to the mean level of the highest roof plan between the eaves and the ridge of a sloping roof;
 - b) Part 2, Section 13A.11(b) to allow that the elevation of the lot may be increased in accordance with the Building Design Drawings and Geotechnical Reports; and
 - c) Part 2, Section 13A.13(a) to reduce the front yard setback from 4.5 m to 2.3 m in accordance with the Site Plan;be approved.
- 2) That a restrictive covenant be registered on the title of the lands securing the geotechnical reports for 8709 West Coast Road, certified by Scott Currie, P. Eng., dated March 23, 2021, and June 14, 2021, and saving the CRD harmless in accordance with Section 219 of the Land Title Act and Section 56 of the Community Charter.

(NWP - Voting Block A: JDF EA, Colwood, Langford (Blackwell), Metchosin, Sooke)

Attachments: [Staff Report: DP w/Variance - 8709 West Coast Road](#)
[Appendix A: Subject Property Maps](#)
[Appendix B: Proposed Strata Plan-Gordon's Beach Recreation R-4 Zone](#)
[Appendix C: Site Plan](#)
[Appendix D: Building Design Drawings](#)
[Appendix E: Geotechnical Reports](#)
[Appendix F: Development Permit w/ Variance DV000080](#)
[LUC Minutes Excerpt](#)

6.12. [21-538](#) Radio Communication and Broadcasting Antenna Systems Application
for Section 42, Otter District - 2540 Aythree Way

Recommendation: The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That a statement of concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580. (NWP - Voting Block A: JDF EA, Colwood, Langford (Blackwell), Metchosin, Sooke)

Attachments: [Staff Report: Radio/Antenna Application - 2540 Aythree Way](#)

[Appendix A: Subject Property Map](#)

[Appendix B: Development Proposal](#)

[Appendix C: Letters of Support](#)

[Appendix D: Letters of Opposition and Applicant Responses](#)

[Appendix E: Evaluation Criteria](#)

[LUC Minutes Excerpt](#)

6.13. [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. (NWP - All except SGI and SSI)

Attachments: [Staff Report: RGS Consistency–Outdoor Rec Definition Amendment](#)

[Appendix A: Proposed Bylaw No. 4412](#)

[Appendix B: July 20, 2021 Report to JDF LUC](#)

6.14. [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. (NWP - All except SGI and SSI)

Attachments: [Staff Report: RGS Consistency–SID Takeover](#)

[Appendix A: July 6, 2021 Report to JDFWDC - Prop. SID Conversion](#)

[Appendix B: Map-RGS & Prop. SID Conversion](#)

- 6.15.** [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.
(NWP - All except SGI and SSI)
- Attachments:** [Staff Report: RGS Consistency-Pt.Renfrew Water Supply Area Ext.](#)
[Appendix A: Proposed Bylaw No. 4442](#)
[Appendix B: June 29, 2021 Report to PRUSC](#)
[Appendix C: Map of RGS and Proposed Water Supply Area Ext](#)
- 6.16.** [21-636](#) 2021 Committee and External Membership Appointments - Update #5
- Recommendation:** That the Board receive for information the updated 2021 Appointments to Board and Committees as attached.
(NWA)
- Attachments:** [2021 Board and Committee Membership Appointments](#)

7. ADMINISTRATION REPORTS

- 7.1.** [21-638](#) Alternative Approval Process Results & Adoption for Bylaw 4379 - JDF Water Distribution Service Loan Authorization
- Recommendation:** 1. That the attached Certificate of Results of Alternative Approval Process for Bylaw No. 4379 (Appendix B) be received;and
(NWA)
2. That Bylaw No. 4379, "Juan de Fuca Water Distribution Facilities Loan Authorization Bylaw No. 5, 2020" be adopted.
(WA)
- Attachments:** [Staff Report: AAP Results & Adoption BL4379 - JDF Water Loan Auth.](#)
[Appendix A: Bylaw No.4379](#)
[Appendix B: Certificate of Results of AAP for Bylaw No.4379](#)

7.2. [21-639](#) Alternative Approval Process Results & Adoption for Bylaw 4382 -
Regional Water Supply Service Loan Authorization

Recommendation: 1. That the attached Certificate of Results of Alternative Approval Process for Bylaw
No. 4382 (Appendix B) be received; and
(NWA)
2. That Bylaw No. 4382, "Regional Water Supply Water Works Facilities Loan
Authorization Bylaw No. 5, 2020" be adopted.
(WA)

Attachments: [Staff Report: AAP Results & Adoption BL4382 - Regional Water Loan Auth.](#)
[Appendix A: Bylaw No.4382](#)
[Appendix B: Certificate of Results of AAP for Bylaw No.4382](#)

8. REPORTS OF COMMITTEES

Arts Commission

8.1. [21-598](#) Outcomes of Board Initiative 12a-1 to Explore Partnerships to Support 100% Participation in the CRD Arts Function

Recommendation: [At the July 28, 2021 Arts Commission meeting, the staff recommendation (Recommendation A) and three motions arising (Recommendation B) were carried. Staff prepared a supplemental staff report in response to the Arts Commission's motions arising and recommend withholding a decision on an alternative approval process at this stage (Recommendation C). All three options are presented below for the Board's consideration:]

A. Original Staff Recommendation to Arts Commission

The Arts Commission recommends to the Capital Regional District Board:
That the Outcomes of Board Initiative 12a-1 to Explore Partnerships to Support 100% Participation in the CRD Arts Function report be received for information.
(NWA)

B. Motions Arising from Arts Commission

The Arts Commission recommends to the Capital Regional District Board:

1. That staff be directed to prepare amendments to the establishing bylaw to gain full regional participation in the Arts and Culture Support Service, with non-participating electoral areas and municipalities added as Group 2 Participating Areas;
(NWA)
2. That the Board proceed by way of a regional alternative approval process; and
(NWA with 2/3 on region wide AAP)
3. That staff include a report with the removal of the 2-year exit clause and include additional service requisition scenarios that reflect 30% participation for new members and a general increase to the service budget.
(NWA)

C. Staff Response to Motions Arising from Arts Commission

1. That staff be directed to prepare amendments to the establishing bylaw to gain full regional participation in the Arts and Culture Support Service, with non-participating electoral areas and municipalities added as Group 2 Participating Areas;
2. That staff include a report with the removal of the 2-year exit clause and include additional service requisition scenarios that reflect 30% participation for new members and a general increase to the service budget.
(NWA)

Attachments: [Staff Report: Outcomes of Board Initiative 12a-1 Full Participation](#)
 [Appendix A: Simulation for Adding All Regional Members](#)
 [Supplemental Staff Report: Adding Non-Participating Jurisdictions](#)
 [Supplemental Appendix A: Updated Simulation Add to Group 2](#)

Core Area Liquid Waste Management Committee

- 8.2. [21-562](#) Residuals Treatment Facility - Bylaw No. 4414 - Other Municipal Solids Tipping Fees and Charges Bylaw No. 1, 2021
- Recommendation:** The Core Area Liquid Waste Management Committee recommends to the Capital Regional District Board:
1. That CRD Bylaw No. 4414, "Other Municipal Solids Tipping Fees and Charges Bylaw No. 1, 2021", be introduced and read a first, second, and third time; and
 2. That CRD Bylaw No. 4414 be adopted.
- (WA, 2/3 on adoption)
- Attachments:** [Staff Report: RTF-Bylaw 4414 -Other Municipal Solids Tipping Fees & Charges](#)
 [Appendix A: CRD Bylaw No. 4414](#)

Electoral Areas Committee

- 8.3. [21-631](#) Motion with Notice: Electoral Areas Exclusion from New Regional Arts Facility Service (Director Holman)
- Recommendation:** The Electoral Areas Committee recommend to the Capital Regional District Board:
- Whereas electoral areas would not have arts facilities with sufficient scale or accessibility to be considered regionally significant, and;
- Whereas regional arts facilities located in Greater Victoria would not generally be easily accessible to residents of electoral areas;
- Therefore be it resolved that the proposed new regional arts facility service exclude electoral areas, while leaving open the possibility that they can opt into the service voluntarily.
- (NWA)

Juan de Fuca Land Use Committee

- 8.4. [21-615](#) Public Hearing Report on Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020"
- Recommendation:** a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020", which are certified as a fair and accurate summary of the representations that were made at the public hearing held on August 10, 2021, for Bylaw No. 4381, be received;
- b) That Bylaw No. 4381 be read a third time; and
- c) That adoption of Bylaw No. 4381 be withheld pending:
- i) Confirmation that a Contaminated Site Release has been issued by the Province;
 - ii) Confirmation that a commercial access permit has been issued by the Province;
 - iii) Registration of a covenant on title pursuant to Section 219 of the Land Title Act in favour of the CRD requiring that a fire suppression sprinkler system be installed in all buildings and structures; and
 - iv) Confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector.
- (NWP - Voting Block A: JDF EA, Colwood, Langford (Blackwell), Metchosin, Sooke)
- Attachments:** [Staff Report: Public Hearing Report on Bylaw No. 4381](#)
 [Appendix A: Proposed Bylaw No. 4381](#)
 [Appendix B: Report of the Public Hearing](#)

8.5. [21-619](#) Public Hearing Report on Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021"

Recommendation: a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021", which are certified as a fair and accurate summary of the representations that were made at the public hearing held on August 10, 2021, for Bylaw No. 4407, be received;
b) That Bylaw No. 4407 be read a third time; and
c) That adoption of Bylaw No. 4407 be withheld pending:
i. Removal of the Notice on Title and confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector; and
ii. Approval of an access permit to the subject property by the Ministry of Transportation & Infrastructure.
(NWP - Voting Block A: JDF EA, Colwood, Langford (Blackwell), Metchosin, Sooke)

Attachments: [Staff Report: Public Hearing Report on Bylaw No. 4407](#)
 [Appendix A: Proposed Bylaw No. 4407](#)
 [Appendix B: Report of the Public Hearing](#)

8.6. [21-534](#) Outdoor Recreation Bylaw Amendments

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.
(NWP - Voting Block A: JDF EA, Colwood, Langford (Blackwell), Metchosin, Sooke)

Attachments: [Staff Report: Outdoor Rec. Bylaw Amendments](#)
 [Appendix A: Proposed Bylaw No. 4412](#)
 [Appendix B: Proposed Bylaw No. 4413](#)
 [Appendix C: Referral Comments](#)
 [LUC Minutes Excerpt](#)

Performing Arts Facilities Select Committee

8.7. [21-614](#) Proposed Performing Arts Facilities Service: Establishing Bylaw No. 4445 and Service Plan

Recommendation: The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4445, "Regional Performing Arts Facilities Service Establishing Bylaw No. 1, 2021", be read a first, second, and third time;
2. That staff canvas participants of the Royal Theatre and McPherson Playhouse services to gauge interest in participation in the regional service to be established by Bylaw No. 4445;
3. That if service participants of the Royal Theatre and McPherson Playhouse services informally consent to creation of the service to be established by Bylaw No. 4445, staff are directed to forward Bylaw No. 4445 to the Inspector of Municipalities for review and approval; and
4. That staff be directed to initiate a region-wide Alternate Approval Process (AAP) in accordance with Sections 342(4) and 345 of the Local Government Act to meet the legislated requirement for elector approval of Bylaw No. 4445.
(NWA, 2/3 on #4 region wide AAP)

Attachments: [Staff Report: Proposed Performing Arts Facilities Service - Bylaw 4445](#)
[Appendix A: Establishing Bylaw No. 4445](#)
[Appendix B: Service Plan](#)
[Appendix C: Arts & Culture Funding Throughout the CRD](#)
[Appendix D: Letter from Langford](#)
[Appendix E: Notice of Motion by Director Holman](#)
[Appendix F: Financial Simulation of Full Regional Participation](#)

9. BYLAWS

9.1. [21-623](#) Bylaw No. 4416 - "Animal Control Service Establishing Bylaw, 2021"

Recommendation: That Bylaw No. 4416 "Animal Control Service Establishing Bylaw, 2021" be adopted.
(NWA)

Attachments: [Bylaw No.4416](#)

9.2. [21-624](#) Bylaw No. 4417 - "Livestock Injury Compensation Service (Juan de Fuca) Bylaw No. 1, 2021"

Recommendation: That Bylaw No. 4417 "Livestock Injury Compensation Service (Juan de Fuca) Bylaw No. 1, 2021" be adopted.
(NWA)

Attachments: [Bylaw No.4417](#)

9.3. [21-625](#) Bylaw No. 4418 - "Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021"

Recommendation: That Bylaw No. 4418 "Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021" be adopted.
(NWA)

Attachments: [Bylaw No.4418](#)

- 9.4. [21-626](#) Bylaw No. 4419 - "Livestock Injury Compensation Service (Southern Gulf Islands) Bylaw No. 1, 2021"
- Recommendation:** That Bylaw No. 4419 "Livestock Injury Compensation Service (Southern Gulf Islands) Bylaw No. 1, 2021" be adopted.
(NWA)
- Attachments:** [Bylaw No.4419](#)
- 9.5. [21-627](#) Bylaw No. 4264 - "Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 11, 2021"
- Recommendation:** That Bylaw No. 4264 "Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 11, 2021" be adopted.
(NWA)
- Attachments:** [Bylaw No.4264](#)

10. NOTICE(S) OF MOTION

11. NEW BUSINESS

12. MOTION TO CLOSE THE MEETING

- 12.1. [21-637](#) Motion to Close the Meeting
- Recommendation:** That the meeting be closed for:
1. Appointments in accordance with Section 90(1)(a) of the Community Charter. [1 item]
 2. Land Acquisition in accordance with Section 90(1)(e) of the Community Charter. [1 item]
 3. That such disclosures could reasonably be expected to harm the interests of the Regional District. [1 item]

13. RISE AND REPORT

14. ADJOURNMENT

Voting Key:

NWA - Non-weighted vote of all Directors

NWP - Non-weighted vote of participants (as listed)

WA - Weighted vote of all Directors

WP - Weighted vote of participants (as listed)

Meeting Minutes

Capital Regional District Board

Wednesday, July 14, 2021

1:05 PM

6th Floor Boardroom
625 Fisgard Street
Victoria, BC

PRESENT:

C. Plant (Chair), R. Mersereau (Vice-Chair), J. Bateman (for M. Tait) (EP); D. Blackwell, P. Brent (for D. Howe) (EP), S. Brice, B. Desjardins, F. Haynes, L. Helps, M. Hicks (EP), G. Holman, B. Isitt, J. Loveday, R. Martin (EP), C. McNeil-Smith; K. Murdoch, G. Orr, J. Ranns, L. Seaton, D. Screech, N. Taylor, K. Williams (EP), R. Windsor, G. Young

Staff: R. Lapham, Chief Administrative Officer; N. Chan, Chief Financial Officer; L. Hutcheson, General Manager, Parks and Environmental Services; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; T. Robbins, General Manager, Integrated Water Services; S. Henderson, Manager, Real Estate Services; M. Lagoa, Deputy Corporate Officer; S. Orr, Senior Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: D. Howe, M. Tait

The meeting was called to order at 1:20 pm

1. TERRITORIAL ACKNOWLEDGEMENT

A Territorial Acknowledgement was provided in the preceding meeting.

2. APPROVAL OF THE AGENDA

MOVED by Director Brice, **SECONDED** by Director Haynes,
That the agenda be amended with the following additions:
- Item 5.2.1.a: Chief Jones, Pacheedaht First Nation as a late delegation and that he be invited to speak first.
- Items 5.2.13-5.2.15: Three (3) late delegations be permitted to speak
- Item 8.3.a.: Motion with Notice - Business Licensing in the Electoral Areas
- Item 10.2.: Notice of Motion - Letter of Support for Cruise Vessels
CARRIED

3. ADOPTION OF MINUTES

3.1. [21-552](#) Minutes of the June 9, 2021 Capital Regional District Board Meeting

MOVED by Director Orr, **SECONDED** by Director Desjardins,
That the minutes of the Capital Regional District Board meeting of June 9, 2021 be adopted as circulated.
CARRIED

4. REPORT OF THE CHAIR

The Chair welcomed all in attendance and reminded the Directors about seating arrangements. He stated that he and staff met with Pacheedaht Council and staff to discuss mutual working relationships and have agreed to meet in person on Pacheedaht Territory at least twice a year. He thanked staff and Directors for their commitment to the organization during the past year. He stated the August Board meeting is cancelled and next meeting will be in September.

5. PRESENTATIONS/DELEGATIONS

5.1. Presentations

- 5.1.1. [21-554](#) Presentation: Paul Gerrard (CRD Representative) and Geoff Dickson (President/CEO), Victoria Airport Authority; Re: Report to Nominators

P. Gerrard and G. Dickson provided a presentation outlining the report to nominators.

- 5.1.2. [21-556](#) Presentation: Jeremy Loveday (Chair), CRD Arts Commission Re: Arts & Culture 2020 Progress Report

Director Loveday provided a presentation spoke to the Arts and Culture 2020 progress report.

5.2. Delegations

- 5.2.1.a. [21-599](#) Delegation - Chief Jones, Pacheedaht First Nation: Re Agenda Item 10.1.: Motion with Notice: Partnerships to Protect Old Growth Forests in a Manner Consistent with Reconciliation

Chief Jones spoke in opposition of Item 10.1.

- 5.2.1.b. [21-580](#) Delegation - Nikki Macdonald; Representing Mount Work Coalition: Re: Agenda Item 8.5 Biosolids Management - Response to Peninsula Biosolids Coalition

Dr. Macdonald spoke in opposition of Item 8.5.

- 5.2.2. [21-581](#) Delegation - Philippe Lucas; Representing Biosolid Free BC: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition

Dr. Lucas spoke in opposition of Item 8.5.

- 5.2.3. [21-582](#) Delegation - Dave Cowen; Representing Peninsula Biosolids Coalition/The Butchart Gardens: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition

D. Cowen spoke in opposition of Item 8.5.

- 5.2.4.** [21-583](#) Delegation - Salome Waters; Representing Saanich Eco Advocates: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition
S. Waters spoke in opposition of Item 8.5.
- 5.2.5.** [21-584](#) Delegation - Beatrice Gentili-Hittos; Representing Climate Justice Victoria: Re: Agenda Item 6.11: Transportation Priorities Implementation Strategies
B. Gentili-Hittos did not participate.
- 5.2.6.** [21-585](#) Delegation - Jane Welton; Representing Greater Victoria Acting Together: Re: Agenda Item 6.11: Transportation Priorities Implementation Strategies
J. Welton spoke in opposition of Item 6.11.
- 5.2.7.** [21-586](#) Delegation - Frances Litman; Representing Creatively United for the Planet Society: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition
F. Litman spoke in support of Item 8.5.
- 5.2.8.** [21-587](#) Delegation - Jonathan O'Riordan; Resident of Saanich: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition
J. O'Riordan spoke in support of Item 8.5.
- 5.2.9.** [21-588](#) Delegation - Winona Pugh; Representing Friends of Tod Creek Watershed: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition
W. Pugh did not participate.
- 5.2.10.** [21-589](#) Delegation - Catherine Culley; Resident of Saanich: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition
C. Culley spoke in support of Item 8.5.
- 5.2.11.** [21-590](#) Delegation - Jane Devonshire; Representing South Island Climate Action Network: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition
J. Devonshire spoke in opposition of Item 8.5.
- 5.2.12.** [21-591](#) Delegation - Eleanor Calder; Representing Esquimalt Climate Organizers: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition
E. Calder spoke in support of Item 8.5.

- 5.2.13. [21-600](#) Delegation - Francois Brassard; Resident of Esquimalt: Re: Agenda Item 8.5: Biosolids Management - Response to Peninsula Biosolids Coalition

F. Brassard was cut off due to technical difficulties.

The remaining two late delegations did not participate.

6. CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Item 6.10. to be considered under Reports of Committees as Item 8.13.a.
- Item 6.12. to be considered under Reports of Committees as Item 8.14.

MOVED by Director Helps, SECONDED by Director Haynes

That consent agenda items 6.1. through 6.9., 6.11. and 6.13. be approved.

CARRIED

- 6.1. [21-558](#) Arts & Culture Support Service 2020 Progress Report

That the Arts & Culture 2020 Progress Report be received for information.

CARRIED

- 6.2. [21-547](#) Salt Spring Island Sheep Kill Compensation Claim - Musgrave Road

That payment be approved to Mr. Fraser Baldwin and Ms. Julia McKinley, 455 Musgrave Road, Salt Spring Island in the amount of \$1830 which is 75% of the market value of the total losses.

CARRIED

- 6.3. [21-549](#) Appointment of Officers

That for the purpose of Section 233 of the Local Government Act and Section 28(3) of the Offence Act and in accordance with Capital Regional District Bylaw No. 2681, Jessie Binning, Austin Deakin, Lanning Kann, Simon Shepherd, Dale Degagne, Marija Dodos, Brady Papathanasiou, Duane Maglaque and Nik Murphy be appointed as Assistant Bylaw Officers.

CARRIED

- 6.4. [21-592](#) BC Active Transportation Network Planning Grant Program Application 2021

That approval be given to submit a 2021 Active Transportation Network Planning grant application for an update of the Pedestrian and Cycling Master Plan - Salt Spring Island edition with a focus on a master transportation plan for Ganges Village.

CARRIED

- 6.5. [21-486](#) Cancellation of the Provincial Climate Action Revenue Incentive Program

That the Board Chair send a letter to: Premier John Horgan; the Minister of Municipal Affairs; the Minister of Environment and Climate Change Strategy; and UBCM detailing the impact of cancelling the Climate Action Revenue Incentive Program (CARIP) and requesting that the Province engage local governments on the swift replacement of CARIP with a program that provides consistent,

non-application based funding, with first payments received by local governments in 2022.

CARRIED

6.6. [21-211](#) Capital Regional District External Grants Update

That the Capital Regional District External Grants Update be received for information.

CARRIED

6.7. [21-537](#) Regional Housing First Program: Project Update, Second Quarter 2021

That the Regional Housing First Program: Project Update, Second Quarter 2021 report be received for information.

CARRIED

6.8. [21-536](#) Proposed Seagirt Improvement District (SID) Conversion

**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.**

CARRIED

6.9. [21-502](#) Regional Parks - Service Level Review

That staff be directed to report back to the Committee as part of the service planning process with a recommended financing option for future investments in land and major capital works that incorporates finance guidelines currently under development.

CARRIED

6.11. [21-469](#) CRD Electric Vehicle Infrastructure Roadmap

That this report be received for information.

CARRIED

6.13. [21-575](#) 2021 Committee and External Membership Appointments - Update #4

That the Board receive for information the updated 2021 Appointments to Board and Committees as attached.

CARRIED

7. ADMINISTRATION REPORTS

7.1. [21-521](#) CAO Quarterly Progress Report No.2 - 2021

R. Lapham spoke to Item 7.1. and provided a presentation.

The Board thanked staff for their work.

MOVED by Director Orr, **SECONDED** by Director Murdoch,
That the CAO Quarterly Progress Report No. 2 - 2021 be received for information.
CARRIED

7.2. [21-560](#)

AAP Results & Adoption for Bylaws 4393 and 4394 - Florence Lake Improvement District Conversion to CRD Service

MOVED by Director Blackwell, **SECONDED** by Director Seaton,
1. That the attached Certificate of Results of Alternative Approval Process for Bylaws No. 4393 and 4394 (Appendix C) be received.
CARRIED

MOVED by Director Blackwell, **SECONDED** by Director Mersereau,
2. That Bylaw No. 4393 "Florence Lake Water System Local Service Establishment Bylaw No. 1, 2020" be adopted.
CARRIED

MOVED by Director Blackwell, **SECONDED** by Director Seaton,
3. That Bylaw No. 4394, "Florence Lake Water System Local Service Loan Authorization Bylaw No. 1, 2020" be adopted.
CARRIED

7.3. [21-565](#)

AAP for Bylaw 4379 - Juan de Fuca Water Distribution Loan Authorization

MOVED by Director Hicks, **SECONDED** by Director Mersereau,
1) That in accordance with section 86(3) of the Community Charter, the date of August 30, 2021 be confirmed as the deadline by which electoral response, under the regional Alternate Approval process for CRD Bylaw No. 4379, must be submitted to the Capital Regional District by the qualified electors of the Juan de Fuca Water Distribution Local Service Area;
2) That the attached Notice of Alternative Approval Process (Appendix B) and the Elector Response Form (Appendix C) be approved; and
3) That the total number of registered electors within the service area is 69,419 and that 10% of that number is 6,942 electors.
CARRIED

7.4. [21-559](#)

AAP for Bylaw 4382 - Regional Water Supply Water Works Facilities Loan Authorization

MOVED by Director Mersereau, **SECONDED** by Director Blackwell,
1) That in accordance with section 86(3) of the Community Charter, the date of August 30, 2021 be confirmed as the deadline by which electoral response, under the regional Alternate Approval process for CRD Bylaw No. 4382, must be submitted to the Capital Regional District by the qualified electors within the Water Supply Local Service Area;
2) That the attached Notice of Alternative Approval Process (Appendix B) and the Elector Response Form (Appendix C) be approved; and
3) That the total number of registered electors within the service area is 293,733 and that 10% of that number is 29,374 electors.
CARRIED

8. REPORTS OF COMMITTEES

Electoral Areas Committee

- 8.1. [21-564](#) AAP Results & Adoption for Bylaw 4408 - SGI Harbours Service Loan Authorization

MOVED by Director Hicks, **SECONDED** by Alternate Director Brent,

1. That the attached Certificate of Results of Alternative Approval Process for Bylaw No. 4408 (Appendix B) be received.

CARRIED

MOVED by Director Hicks, **SECONDED** by Alternate Director Brent,

2. That Bylaw No. 4408 "Southern Gulf Islands Harbours Service Loan Authorization Bylaw No. 1, 2021" be adopted.

CARRIED

- 8.2. [21-535](#) Amendment to Bylaw No. 1747 to Expand Port Renfrew Water Local Service Area

MOVED by Director Hicks, **SECONDED** by Alternate Director Brent,

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.

CARRIED

MOVED by Director Hicks, **SECONDED** by Alternate Director Brent,

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.

CARRIED

- 8.3. [21-574](#) Bylaw 4441: Contribution Service Establishment for the Pender Islands Health Care Centre

MOVED by Director Hicks, **SECONDED** by Alternate Director Brent,

1. Bylaw No. 4441, "Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021", be introduced and read a first, second, and third time.

CARRIED

MOVED by Director Hicks, **SECONDED** by Alternate Director Brent,

2. That CRD staff be directed to implement the elector approval process by way of referendum;

3. That Kristen Morley be appointed Chief Election Officer with the power to appoint one or more Deputy Chief Election Officer(s);

4. That the wording of the referendum question for the purposes of the ballot shall be as follows:

Are you in favour of the Capital Regional District (CRD) Board adopting Bylaw No. 4441, "Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021", authorizing the CRD to establish a service to contribute to the costs incurred by the Pender Islands Health Care Society in operating the Pender

Islands Health Care Centre and to raise a maximum annual requisition up to the greater of TWO HUNDRED and THIRTY FIVE THOUSAND DOLLARS (\$235,000) or \$0.1803 per ONE THOUSAND DOLLARS (\$1,000.00) of taxable land and improvements for the purpose of funding the operating costs of the service.

YES or NO?

5. That general voting be held on Saturday, November 20, 2021, with Advance Voting opportunities held on dates and voting places to be determined by the Chief Election Officer;

6. That the synopsis of Bylaw No. 4441, attached as Appendix B, be approved for advertising purposes.

CARRIED

8.3.a. [21-576](#)

Motion with Notice: Business Licensing in the Electoral Areas (Alternate Director Brent)

MOVED by Director Hicks, **SECONDED** by Director Holman,

That the Electoral Areas Committee request staff to provide a report outlining the possibility of the Capital Regional District pursuing, measures to restrict or control tourism accommodation, including the power to regulate, the power to regulate business through the issuance of business licenses for Salt Spring Island and Southern Gulf Islands by requesting the Province pass enabling regulation through an Order in Council.

CARRIED

Environmental Services Committee

8.4. [21-471](#)

Repealing the Capital Regional District Recycling Bylaw (Bylaw No. 2290)

MOVED by Director Desjardins, **SECONDED** by Director Orr,

1. That Bylaw No. 4432, "Capital Regional District Recycling Bylaw No. 2, 1995, Repeal Bylaw No. 1, 2021" be introduced and read a first, second time and third time.

CARRIED

MOVED by Director Desjardins, **SECONDED** by Director Orr,

2. That Bylaw No. 4432 be adopted.

CARRIED

MOVED by Director Desjardins, **SECONDED** by Director Orr,

3. That Bylaw No. 4434 "Capital Regional District Ticket Information Authorization Bylaw 1990, Amendment Bylaw No. 72, 2021" be introduced and read a first, second time and third time.

CARRIED

MOVED by Director Desjardins, **SECONDED** by Director Orr,

4. That Bylaw No. 4434 be adopted.

CARRIED

8.5. [21-503](#)

Biosolids Management - Response to Peninsula Biosolids Coalition

Director Desjardins [Chair, Environmental Services Committee] spoke to Item 8.5.

MOVED by Director Desjardins, **SECONDED** by Director Haynes,

1. That the Capital Regional District support and facilitate where possible the business case process the Township of Esquimalt is doing to explore feasibility and gasification of solid waste and kitchen scraps waste management.
2. That the Capital Regional District utilize this process to test biosolids in the gasification process as an option of the final step in the final stage of biosolids for our region.
3. The Capital Regional District Board request from the Province the end of Land Application of biosolids on the surface of Hartland Landfill.
4. That this staff report be received for information.

Discussion ensued regarding:

- Land application process
- Biosolids alternatives
- Monitoring response
- Provincial review of the regulation
- Business case process
- Contaminants testing
- Hazardous materials response and mitigation
- Request directed to Province to end the Land Application of biosolids

The question was called on motion Item 1:

1. That the Capital Regional District Board support and facilitate where possible the business case process the Township of Esquimalt is doing to explore feasibility and gasification of solid waste and kitchen scraps waste management.
- CARRIED**

The question was called on motion Item 2:

2. That the Capital Regional District utilize this process to test biosolids in the gasification process as an option of the final step in the final stage of biosolids for our region.
- CARRIED**

MOVED by Director Helps, **SECONDED** by Director Mersereau,
That the main motion be amended by adding after bullet 3, the following wording and re-order the numbers.

"4. The Capital Regional District Board request from the Province that they update the Organic Matter Recycling Regulation as soon as possible, taking into consideration current science, best practices, and the state of knowledge on emerging contaminants of concern in order to address concerns related to public health and environmental values."

CARRIED

The question was called on motion Item 3:

3. The Capital Regional District Board request from the Province the end of Land Application of biosolids on the surface of Hartland Landfill.
- CARRIED**

Opposed: Blackwell, Brice, Brent, Mersereau, Seaton, Screech, Young

The question was called on motion Item 4 as amended:

4. The Capital Regional District Board request from the Province that they update the Organic Matter Recycling Regulation as soon as possible, taking into consideration current science, best practices, and the state of knowledge on emerging contaminants of concern in order to address concerns related to public

health and environmental values.

CARRIED

The question was called on motion Item 5 as amended:

5. That this staff report be received for information.

CARRIED

Finance Committee

- 8.6.** [21-493](#) Bylaw No. 4436: 2021 to 2025 Financial Plan Bylaw, 2021, Amendment Bylaw No. 2, 2021

MOVED by Director Brice, SECONDED by Director Screech,

1. That Bylaw No. 4436, "2021 to 2025 Financial Plan Bylaw, 2021, Amendment Bylaw No. 2, 2021", be introduced and read a first, second, and third time.

CARRIED

MOVED by Director Brice, SECONDED by Director Screech,

2. That Bylaw No. 4436 be adopted.

CARRIED

- 8.7.** [21-494](#) Bylaw No. 4440: Recreation Services and Facilities Fees and Charges, 2021

MOVED by Director Brice, SECONDED by Director Screech,

1. That Bylaw No. 4440, "Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 15, 2021", be introduced and read a first, second and third time.

CARRIED

MOVED by Director Brice, SECONDED by Director Screech,

2. That Bylaw No. 4440 be adopted.

CARRIED

- 8.8.** [21-495](#) Bylaw Nos. 4437-4439: Security Issuing Bylaws, Fall 2021

MOVED by Director Brice, SECONDED by Director Screech,

1. That Bylaw No. 4437, "Security Issuing Bylaw No. 3, 2021", be introduced and read a first, second, and third time.

CARRIED

MOVED by Director Brice, SECONDED by Director Screech,

2. That Bylaw No. 4437 be adopted.

CARRIED

MOVED by Director Brice, SECONDED by Director Screech,

3. That Bylaw No. 4438, "Security Issuing Bylaw No. 4, 2021", be introduced and read a first, second, and third time.

CARRIED

MOVED by Director Brice, SECONDED by Director Screech,

4. That Bylaw No. 4438 be adopted.

CARRIED

MOVED by Director Brice, **SECONDED** by Director Screech,
5. That Bylaw No. 4439, "Security Issuing Bylaw No. 5, 2021", be introduced and read a first, second, and third time.
CARRIED

MOVED by Director Brice, **SECONDED** by Director Screech,
6. That Bylaw No. 4439 be adopted.
CARRIED

8.9. [21-496](#) Capital Reserve Funding Guidelines

N. Chan spoke to Item 8.9.

MOVED by Director Orr, **SECONDED** by Director Murdoch,
That the Capital Reserve Funding Guidelines report be received for information.
CARRIED

Juan de Fuca Land Use Committee

8.10. [21-461](#) Zoning Amendment Application for Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 - 12036 West Coast Road

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
a) That the referral of proposed Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, Island Health, Liquor and Cannabis Regulation Branch, Managed Forest Land Council, Ministry of Environment & Climate Change Strategy - Water Stewardship Division, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Public Safety & Emergency Services - Wildfire Service, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received.
CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
b) That proposed Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" be introduced and read a first time and read a second time.
CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
c) That in accordance with the provision 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. 4381.
d) That prior to adoption of the bylaw, the applicant:
i) Provide confirmation that a Contaminated Site Release has been issued by the Province;
ii) Provide confirmation that a commercial access permit has been issued by the Province;
iii) Secure a covenant on title pursuant to Section 219 of the Land Title Act in favour of the CRD requiring that a fire suppression sprinkler system be installed

in all buildings and structures;

iv) Provide confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector.

CARRIED

8.11. [21-463](#)

Zoning Amendment Application for 9662 West Coast Road (PID: 006-452-230)

MOVED by Director Hicks, **SECONDED** by Director Blackwell,

1. That the referral of proposed Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Island Health, Ministry of Environment & Climate Change Strategy - Hazardous Waste and Forestry, Authorizations South, Ministry of Environment & Climate Change Strategy - Water Stewardship Division, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Shirley Volunteer Fire Department, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell

2. That proposed Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021", as amended, be introduced and read a first time and read a second time.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell

3. 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. 4407.

4. That prior to adoption of proposed Bylaw No. 4407, the following conditions be met:

i) Removal of the Notice on Title and confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector;

ii) Approval of an access permit to the subject property by the Ministry of Transportation & Infrastructure.

CARRIED

Regional Parks Committee

8.12. [21-501](#)

Adoption of Bylaw No. 4431 (Amendment of CRD Parks Regulation Bylaw No. 1, 2018) and Bylaw No. 4433 (Ticket Information Authorization Bylaw No. 1857, Schedule 18)

Discussion ensued regarding:

- Aircraft definitions and policies related to micro-drones

-Traditional use

MOVED by Director Mersereau, **SECONDED** by Director Seaton,

1. That Bylaw No. 4431, "Capital Regional District Parks Regulation Bylaw No. 1, 2018, Amendment Bylaw No. 1, 2021", be introduced, and read a first, second

and third time.

MOVED by Director Williams, **SECONDED** by Director Murdoch,
That the reference to "micro-drones" in the Bylaw be removed from the definition of aircraft.

CARRIED

MOVED by Director Isitt, **SECONDED** by Director Mersereau,
That the main motion be amended to add as an additional motion Item 6:
6. That the Board direct staff to prepare information for public dissemination, and/or future bylaw amendment, to recognize traditional use and activities in the regional parks system.

CARRIED

The question was called on the motion Item 1 as amended:

1. That Bylaw No. 4431, "Capital Regional District Parks Regulation Bylaw No. 1, 2018, Amendment Bylaw No. 1, 2021", be introduced, and read a first, second and third time.

CARRIED

Item 2 of the recommendation was not moved.

MOVED by Director Mersereau, **SECONDED** by Director Brice,
3. That Bylaw Amendment No. 4431 be adopted.

CARRIED

MOVED by Director Mersereau, **SECONDED** by Director Brice,
4. That Bylaw Amendment No. 4433, "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 70, 2021", be introduced, and read a first, second and third time.

CARRIED

MOVED by Director Mersereau, **SECONDED** by Director Brice,
5. That Bylaw Amendment No. 4433 be adopted.

CARRIED

Director Murdoch left the meeting at 4:11 pm.

8.13. [21-498](#)

Elk/Beaver Lake Recreational Use Advisory Committee - Terms of Reference and Associated Bylaw

MOVED by Director Mersereau, **SECONDED** by Director Brice,
1. That the revised Terms of Reference for the Elk/Beaver Lake Advisory Committee be approved.

CARRIED

MOVED by Director Mersereau, **SECONDED** by Director Brice,
2. That Bylaw No. 4430, "Elk/Beaver Lake and Bear Hill Regional Park Management Plan Bylaw No. 1, 1992, Amendment Bylaw No. 3, 2021", be introduced, and read a first, second and third time.

CARRIED

MOVED by Director Mersereau, **SECONDED** by Director Brice,
3. That Bylaw No. 4430 be adopted.

CARRIED

MOVED by Director Helps, **SECONDED** by Director Desjardins,
That the meeting be extended past the 3 hour scheduled time.

CARRIED

8.13.a. [21-517](#)

Motion with Notice: Ecological Values and Biodiversity in Parks (Directors Isitt, Holman and Mersereau)

Discussion ensued regarding:

- Fire mitigation
- United Nations report regarding managing nature
- Ecology monitoring

MOVED by Director Mersereau, **SECONDED** by Director Holman,
Whereas one of the two goals of regional parks is “protecting the region’s extraordinary biodiversity in perpetuity” and whereas the existing Regional Parks Acquisition Strategy prioritizes acquisition of park land to protect ecological values:

Therefore be it resolved that staff be directed to report on how ecological values and biodiversity are protected and monitored in regional parks and on the CRD’s staffing and resource capacity to evaluate the effectiveness of ecological protection in the regional parks system, including consideration of wildlife habitat and disturbance, biodiversity, impacts of new infrastructure, and the CRD’s declared climate emergency.

MOVED by Chair Haynes, **SECONDED** by Director Brice,
That the main motion be amended to add the words "mitigation of fire risk" before the words "impacts of new infrastructure, and the CRD's declared climate emergency."

CARRIED

The question was called on the main motion as amended:

Whereas one of the two goals of regional parks is "protecting the region's extraordinary biodiversity in perpetuity" and whereas the existing Regional Parks Acquisition Strategy prioritizes acquisition of park land to protect ecological values:

Therefore be it resolved that staff be directed to report on how ecological values and biodiversity are protected and monitored in regional parks and on the CRD's staffing and resource capacity to evaluate the effectiveness of ecological protection in the regional parks system, including consideration of wildlife habitat and disturbance, biodiversity, mitigation of fire risk, impacts of new infrastructure, and the CRD's declared climate emergency.

CARRIED

8.14. [21-500](#)

Transportation Priorities Implementation Strategies

Discussion ensued regarding:

- Transportation Priority Area Implementation Strategies
- Congestion priorities

MOVED by Director Screech, **SECONDED** by Director Mersereau,
1. That staff be directed to form a Transportation Advisory Committee, reporting through the Transportation Committee, with senior staff representation from CRD,

municipal, electoral area and agency partners to advise on regional transportation matters requiring coordination;

2. That staff be given the mandate to develop a region-wide approach to transportation demand management, safety policy and implementation of a connected and consistent regional trail network, working through the Transportation Advisory Committee; and

3. That staff be directed to advance advocacy and other implementation actions, as set out in Appendix B, amended to expand the scope of the 'parking and access upgrades' action to encompass access to parks via active transportation and transit and rename it parks access.

CARRIED

9. BYLAWS

- 9.1. [21-555](#) Bylaw 4426 - "Emergency Communication Dispatch Service Establishment Bylaw No. 1, 2016, Amendment Bylaw No. 2, 2021"
- MOVED** by Director Blackwell, **SECONDED** by Director Seaton,
That Bylaw 4426 - "Emergency Communication Dispatch Service Establishment Bylaw No. 1, 2016, Amendment Bylaw No. 2, 2021" be adopted.
- CARRIED**

10. NOTICE(S) OF MOTION

- 10.1. [21-489](#) Motion with Notice: Partnerships to Protect Old Growth Forests in a Manner Consistent with Reconciliation (Director Isitt)
- MOVED** By Director Taylor, **SECONDED** by Director Isitt,
That the Board endorses the following resolution and directs staff to forward copies to the Premier of British Columbia, the BC Minister of Forests, the BC Minister of Indigenous Relations and Reconciliation, Members of the Legislative Assembly representing constituencies on Vancouver Island, and Association of Vancouver Island and Coastal Communities (AVICC) member local governments, requesting favourable consideration:
- Resolution: Partnerships to Protect Old Growth Forests in a Manner Consistent with Reconciliation**
- BE IT RESOLVED THAT** the Capital Regional District expresses its willingness to work with Indigenous governments, the Government of British Columbia, the Government of Canada and other entities to protect old growth forests on southern Vancouver Island in a manner consistent with reconciliation objectives, including consideration of establishing Indigenous Protected and Conserved Areas;
- AND BE IT FURTHER RESOLVED THAT** the Capital Regional District calls on the Government of British Columbia to allocate funding to enact deferrals in an economically just manner, in the full spirit of reconciliation, and to support through conservation financing and other measures the economic transition of affected Indigenous and non-Indigenous workers, communities and companies from unsustainable old-growth logging toward the development of long-term sustainable local economies.
- MOVED** by Director Screech, **SECONDED** by Director Windsor,

That the matter be postponed indefinitely.

Discussion ensued regarding:

- Political nature of the motion
- Climate change
- Forest protection

MOVED by Director Blackwell, **SECONDED** by Director Windsor,
That the question be called on the postponement.

CARRIED

Opposed: Hick, Isitt, Holman, Loveday, Taylor

The question was called on postponing indefinitely:

That the matter be postponed indefinitely.

CARRIED

Opposed: Holman, Hicks, Isitt, Taylor, Williams

10.2. Notice of Motion - Letter of Support for Cruise Vessels

The Chair withdrew the Notice of Motion based on new information.

11. NEW BUSINESS

There was no new business.

12. MOTION TO CLOSE THE MEETING

12.1. [21-579](#) Motion to Close the Meeting

MOVED by Director Mersereau, **SECONDED** by Director Blackwell,

1. That the meeting be closed for Appointments in accordance with Section 90(1) (a) of the Community Charter.
2. That the meeting be closed for Labour Relations under Section (90)(1)(c) of the Community Charter.
3. That the meeting be closed for Land Acquisition in accordance with Section 90(1)(e) of the Community Charter.
4. That such disclosures could reasonably be expected to harm the interests of the Regional District.
5. Under Legal Advice under Section 90 (1)(i) of the Community Charter.
6. That the meeting be closed for Intergovernmental Negotiations in accordance with Section 90(2)(b) of the Community Charter.

CARRIED

Director Taylor left the meeting at 4:49 pm.

The Capital Regional District Board moved to the closed session at 4:51 pm.

13. RISE AND REPORT

The Capital Regional District Board rose from the closed session at 5:19 pm and reported on the following:

- Item 3.1. - Appointments to CRD Commissions and Committees

14. ADJOURNMENT

MOVED by Director Mersereau, **SECONDED** by Director Isitt,
That the July 14, 2021 meeting of the Capital Regional District Board be
adjourned at 5:19 pm.

CARRIED

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

**REPORT TO CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE
MEETING OF WEDNESDAY, JULY 28, 2021**

SUBJECT **Core Area Wastewater System Commissioning and Operations Update and Construction Completion Status Report**

ISSUE SUMMARY

To provide the Committee a Core Area Wastewater System commissioning and operations update and a construction completion status report.

BACKGROUND

On January 13, 2021, the Capital Regional District (CRD) accepted operational responsibility for the McLoughlin Point Wastewater Treatment Plant (MPWWTP). The CRD accepted operational responsibility for the other conveyance system components, including pump stations and pipelines, between September 2020 and May 2021. The CRD has not accepted operational responsibility for the Arbutus Attenuation Tank yet. Although the new conveyance and treatment infrastructure constructed under the project was tested and deemed ready for service commencement as it was handed over to the CRD for operation, the commissioning period of the MPWWTP and the system as a whole is anticipated to extend well into the two year performance period for the MPWWTP (ending December 2022). During this time, the commissioning activities at the MPWWTP and conveyance infrastructure facilities are expected to periodically impact plant performance and effluent quality, and some plant and conveyance facility systems, including odour management. In general, the commissioning activities can be summarized as follows:

1. Operations personnel training – During the first six months of operation, CRD staff have been continuously gaining familiarity and operating experience with the new infrastructure. Even experienced operations staff that have gained previous experience at other plants need time to learn and gain confidence in the MPWWTP operation. Supplementary training on specific pieces of equipment or procedures has been provided as necessary.
2. Operational documentation – Documentation provided by the contractors including, standard operating procedures, safety procedures, and preventative maintenance routines, are being continually updated to reflect changes resulting from actual operating experience. Many procedures developed at the design and start-up phases of the project, such as 3-month and 6-month major maintenance routines or complex lock-out/tag-out procedures to take equipment/processes out of service, had not been carried-out in the field, so various documents have required revisions and the time to complete the maintenance tasks has been longer than it will be once staff are familiar with the work.
3. Equipment adjustments/failures – The MPWWTP and the Conveyance Pump Stations contain many components, including process mechanical equipment (treatment process equipment, screens, pumps, motors, valves, chemical feed systems), electrical, instrumentation and control equipment (motor controls, switchgear, generators, SCADA controls), that can require adjustment or fail once under normal operating conditions. Resolution of these equipment issues has had some impact on plant performance.
4. MPWWTP optimization – CRD staff have been working closely with the Harbour Resource Partners' (HRP) commissioning and performance period representatives (one representative is stationed at MPWWTP until December 2022), the Owner's engineer, Stantec, as well as a plant optimization engineer (who was previously under contract with

HRP and has since been retained by the CRD) to monitor plant process performance and make on-going recommendations to CRD regarding plant operations.

ALTERNATIVES

Alternative 1

The Core Area Liquid Waste Management Committee recommends to the Capital Regional District Board:

That this report be received for information.

Alternative 2

The Core Area Liquid Waste Management Committee recommends to the Capital Regional District Board:

That staff provide additional information.

IMPLICATIONS

Effluent Compliance and Reporting

The CRD manages its Core Area liquid waste in accordance with the Core Area Liquid Waste Management Plan (up to and including Amendment 12), and the Municipal Wastewater Regulation Registration (Registration) for the MPWWTP, issued on June 9, 2020 and revised on February 22, 2021 by the BC Ministry of Environment and Climate Change Strategy (ENV) under the *Environmental Management Act*. The Registration sets out the wastewater treatment and performance criteria for the MPWWTP and authorizes the CRD to discharge treated effluent to the receiving waters.

The Federal Wastewater Systems Effluent Regulations (WSER), which fall under the *Fisheries Act*, require the Core Area's wastewater to be treated such that the effluent discharged from the MPWWTP not exceed a monthly average of 25 mg/litre for total suspended solids (TSS) and 25 mg/litre for carbonaceous five-day biochemical oxygen demand (cBOD₅). The provincial Registration is the more stringent regulatory requirement.

For context, the MPWWTP treatment system consists of primary treatment using Lamella Plate Settlers and Densadeg high rate clarifiers, a three step secondary treatment process using 2mm fine screens, moving bed biofilm reactors (MBBR) and biological aerated filters (BAF), and mechanical tertiary treatment using five micron disk filters. The MPWWTP is designed to achieve the criteria set out in the Registration as follows:

1. The MPWWTP will provide tertiary treatment to flows up to 216 megalitres /day (MLD) (or 2X the Average Dry Weather Flow (ADWF)) and primary treatment for flows up to 432 MLD (or 4X the ADWF) and meet the following effluent quality requirements:
2. When Daily Flow <2X ADWF, the single day cBOD₅ & TSS must be ≤25 mg/L
3. When Daily Flows <2X ADWF, the monthly mean cBOD₅ & TSS must be ≤10 mg/L
4. When Daily Flows <2X ADWF, pH must be in the 6-9 range
5. When Daily Flows ≥2X ADWF, cBOD₅ & TSS must be ≤130 mg/L (discharge of blended tertiary and primary treated effluent)
6. The number of days per calendar year where flow exceeds 2X ADWF causing a discharge of blended tertiary and primary treated effluent must not exceed 70

Regular compliance reporting under federal and provincial legislation is carried out in accordance with requirements. The Province is notified immediately when effluent quality criteria are not met (e.g. exceedance of maximum suspended solids limits), and compliance reports for all seven of the CRD's wastewater facilities are submitted on a monthly basis. Reporting to the Federal government is completed via online submission on a quarterly basis. Staff have submitted the required regulatory reporting, and meet with representatives of ENV regularly to discuss compliance related issues.

In summary, although the Federal WSER effluent quality criteria have been met, with the exception of TSS in April (26.5 mg/L (actual) vs. 25 mg/L (limit)), the provincial Registration requirements for cBOD₅ and TSS (monthly averages and some single day exceedances) have not been consistently met during the first six of the commissioning period. In addition, as per the Registration and WSER requirements, the CRD reports all treatment process interruptions or bypasses to ENV and/or Fisheries and Oceans Canada (DFO). Between January and June there have been 14 reports to the regulators, including 7 related to plant bypasses or other unauthorized discharges resulting from commissioning, and 7 related to TSS or cBOD₅ discharge loadings above the maximum effluent quality limits. It is important to note that despite the observed instances of non-compliance with the Registration, there are no anticipated adverse impacts to health or the environment. These events have no significant environmental impact due to the generally low level of exceedances and discharge location. However, the goal is to operate MPWWTP consistently in full compliance as soon as possible, so each event that potentially contributes to non-compliance is carefully reviewed and an incident summary/probable cause and mitigation measures/corrective actions are documented.

The critical issues contributing to plant performance and reduced effluent quality are summarized as follows:

1. Tertiary Disk Filters – the cloth media on the filters was clogging as a result of higher than expected organic loading, reducing the effectiveness of the tertiary treatment process for periods between February – July. In addition, the filter backwash valves and actuators have not operated properly, impacting the tertiary treatment process performance. All of the valves and actuators within the disk filter system are being replaced mid-August.
2. Organic and fibrous material screening – At the Clover and Macaulay Pump Stations and MPWWTP, fine screening equipment continue to be adjusted and optimized to maximize material capture and improve automated washing processes in order to maintain operational effectiveness and reduce solids entering the treatment processes.
3. BAF and MBBR media volumes in treatment process vessels – reduced media volumes in the vessels due to attrition resulting from backwashing and media loss has reduced the secondary treatment capacity. With the replacement media expected to arrive imminently, the MBBR media will be added by the end of July followed by the BAF media addition in August. The BAF backwash operation has also been a focus of the process optimization

Residuals Treatment Facility

In recent months, the Residuals Treatment Facility (RTF) has experienced a number of challenges regarding production of Class A Biosolids and achieving completion in accordance with the Service Commencement Agreement executed March 29, 2021. In early April, Digester #2 biological processes became upset, necessitating storage of wastewater residuals in digester

#3. Due to the dryer's inability to process undigested residuals, the digester upset resulted in dewatering and landfill disposal of the undigested residuals between late April and early July.

In addition to working to resolve the upset in digester #2, repairs to digester #1 were completed and "Certified" as of May 6, and HRMG immediately began seeding and preparing the digester for operations. As of mid-July, operation of digesters #1 and 2 has stabilized and the facility is able to process 100% of the influent from MPWWTP into dried Class A biosolids.

HRMG and the CRD are currently working to resolve service failures related to the quality of effluent discharged from the RTF into the centrate return line. HRMG is currently developing and considering options for reducing the daily loading of biological oxygen demand in the effluent.

Staff are also testing options for ensuring particle size of the Class A biosolids are suitable for disposal at the Lafarge cement plant. Currently, staff anticipate implementation of an engineered screening option this summer, which will allow for regular trucking and disposal of biosolids to commence this summer under the CRD's approved short term biosolids management plan.

Operating Budget

The Committee will recall that the total 2021 operating expenditures are budgeted at \$28.2 million, of which \$8.1 million is associated with conveyance system operations and \$20.1 million is associated with liquid and solids treatment operations. At the end of the second quarter, the budget remains on track and underspent in two areas.

First, due to the commissioning challenges at the RTF, the facility did not achieve Service Commencement until March and there have been performance adjustments to the HRMG operating payments since April, resulting in a budget variance. Second, the MPWWTP electricity consumption/costs are tracking lower than anticipated, also resulting in a budget variance. Staff will continue to monitor the budget closely in preparation of the 2022 operating budget.

CRD staff continue to negotiate the Core Area Wastewater Service Agreements with the Songhees and Esquimalt First Nations, which set out treatment capacity allocations as well as the operating and capital cost apportionments.

Communications and Community Engagement

CRD staff continue to communicate and engage regularly with various stakeholders typically on commissioning and construction related matters. Questions or concerns are received via email (wastewater@crd.bc.ca) or phone (250-940-7400). In addition, commissioning and maintenance activity information is posted bi-weekly on the CRD website and public advisories are issued for specific activities that are likely to cause odour or noise impacts in localized areas.

The majority of the concerns received have been related to odour from the MPWWTP. CRD staff continue to respond to every complaint and are logging and mapping every complaint in order to try to correlate the occurrence with operational activities and other potential contributing factors. There has been significant effort over the past few months to identify the potential sources of odour at the MPWWTP. As noted, staff are still refining the plant operation and working through the three month and six month major plant maintenance cycles which staff are discovering generate some odour depending on the type of maintenance activity, due to open tank hatches

and exhaust fans not maintaining negative air pressure. In addition, through neighborhood odour surveys conducted over the last several weeks, staff have identified other sources of odour in some areas. We are working closely with the City of Victoria to identify potential sources along the City sewer system and Esquimalt sewer system. We are also conducting work to ensure the underground chambers and odour control systems along the residuals conveyance pipeline are functioning properly and that other manholes along the gravity pipeline heading to the Macaulay Point Pump Station are sealed.

However, as per the Core Area Wastewater Project Agreement between the CRD and HRP, the plant is to have been designed such that odour laden air at the plant will be captured and treated prior to discharge such that all air exhausted from the plant will contain a maximum odour concentration at and beyond the plant site boundary of less than five odour units per cubic metre (not perceptible). In addition, the odour treatment systems are designed with sufficient redundancy in place to allow for all normal maintenance activities to occur without interruption or reduction in the level of odour treatment and without exceeding the plant site boundary concentration limit. The CRD remains committed to achieving the requirements of the Project Agreement.

Construction Completion Status Report

In May, the CRD Board received the Wastewater Treatment Project Governance Transition Report, attached as Appendix A, which identified the remaining works and commitments beyond the Project Board's term, as well as the committed funds associated with fulfilling the remaining items. Although the vast majority of construction has been completed as reported in May, there are some remaining deficiencies that staff are working through with the various contractors and final project close-out deliverables have not been received for most of the project components. The table attached as Appendix B summarizes the construction works remaining as of July and the anticipated completion dates. The project budget continues to carry funds to complete the construction, provide for consulting services and to meet other obligations and commitments which need to be finalized. The Governance Transition report summarizes committed project funding as of May 17 for obligations remaining to be fulfilled and of note is the outstanding negotiation and resolution of the work and costs related to the District of Saanich Residuals Conveyance System Infrastructure Access Agreement.

As expected with a newly constructed, large, complex facility, during the initial operating period, some components and equipment will fail or not perform as expected. CRD staff continue to work with HRP at MPWWTP to identify and address these issues through the warranty management process; between January and June there have been 164 warranty items identified, some of which have been resolved.

CONCLUSION

The CRD accepted operational responsibility for the various facilities constructed under the Core Area Wastewater Treatment Project between September 2020 and May 2021. The CRD has not accepted operational responsibility for the Arbutus Attenuation Tank yet. Although the new conveyance and treatment infrastructure constructed under the project was tested and deemed ready for service commencement as it was handed over to the CRD for operation, the commissioning period of the MPWWTP and the system as a whole is anticipated to extend well into the two year performance period for the MPWWTP (ending December 2022). During this time, the commissioning activities at the MPWWTP and conveyance infrastructure facilities are expected to periodically impact plant performance and effluent quality, and some plant and conveyance facility systems, including odour management. Regular compliance reporting under federal and provincial legislation has been carried out in accordance with requirements.

With regards to the operating budget, at the end of the second quarter, the budget remains on track and underspent in two areas. Although the vast majority of construction associated with the project has been completed as reported in May, there are some remaining deficiencies that staff are working through with the various contractors and final project close-out deliverables have not been received for most of the project components. There are funds committed under the approved project budget to fulfill the remaining items, all of which are expected to be concluded by year end.

RECOMMENDATION

The Core Area Liquid Waste Management Committee recommends to the Capital Regional District Board:

That this report be received for information.

Submitted by:	Ted Robbins, B.Sc., C.Tech., General Manager, Integrated Water Services
Concurrence:	Russ Smith, Acting General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Appendix A: Wastewater Treatment Project Governance Transition Report (May 17, 2021)

Appendix B: Wastewater Treatment Project Remaining Works Status Report (July 2021)



Wastewater Treatment Project

Treated for a cleaner future

CRD Wastewater Treatment Project

Governance Transition Report

Report Date: May 17, 2021

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1 Executive Summary

1.1 Wastewater Treatment Project

The Capital Regional District planned, procured and constructed the Wastewater Treatment Project (the “Project”) in order to meet the provincial and federal regulations for the core area’s wastewater by December 31, 2020.

On May 25, 2016 the Regional Board of the CRD (the “CRD Board”) established the Wastewater Treatment Project Board (the “Project Board”) under Bylaw 4109 (the “CRD Core Area Wastewater Treatment Board Bylaw No. 1, 2016”) for the purposes of administering the Project. The CRD Board adopted by resolution terms of reference (“Terms of Reference”) for the Project Board for the purposes of establishing principles governing the WTP. The Terms of Reference are attached as Schedule “A” to the CRD Core Area Wastewater Treatment Board Bylaw No. 1, 2016.

On May 25, 2016 the CRD Board also delegated certain of its powers, duties and functions to the Project Board under Bylaw 4110 (the “CRD Core Area Wastewater Treatment Project Board Delegation Bylaw No. 1, 2016”).

In accordance with the CRD Core Area Wastewater Treatment Project Board Delegation Bylaw No. 1, 2016 the Project Board appointed a Project Director to oversee all aspects of the Project. In accordance with the Terms of Reference, the Project Director was responsible for leading a Project team to plan, procure, and implement the WTP.

The Project Board also appointed a Deputy Project Director. The Project Director and Deputy Project Director were delegated authority in accordance with Bylaw 4186 (the “CRD Delegation Bylaw No. 1, 2017”), which delegates to the CRD’s officers and employees the authority to acquire and purchase goods and services on behalf of the CRD, subject to the CRD’s purchasing policies and procedures, and signing authority limitations.

Under these two delegations of authority, the Project Board and Project Team entered into agreements and made commitments in order to achieve the purposes for which the Project Board was established.

The Project Board have fulfilled their role and function as defined in the Terms of Reference, and the term of the Project Board and Project Team concludes on May 24, 2021. The Project Team have fulfilled the vast majority of the commitments, but some remain to be fulfilled after the Project Board’s term, in many cases as a result of the commitments’ recurring or deferred nature (for example administering construction contracts warranty periods that extend beyond the Project Board’s term, or receipt of close-out documentation).

1.2 Objective of this Governance Transition Report

The objective of this Governance Transition Report is to facilitate a comprehensive Project close-out and successful transition by providing a summary of the following:

- Identifying the source of the various commitments made, and for each outlining the commitments that remain to be fulfilled beyond the Project Board’s term;

- Summarising the funds committed in the Project's budget to complete the activities remaining to close-out the construction contracts and the obligations remaining to be fulfilled in the Project's funding, First Nation and land access agreements; and
- Outlining the location and organisation of Project documentation.

More detailed supporting documentation is available in the Project files, and in every case the source agreement should always be referred to for the definitive obligation: this report summarises the status of Project commitments and activities as of May 2021, for convenience as a reference only.

Note that another document (the Project Completion Report) has been written to mark the completion of the Wastewater Treatment Project, and includes:

- an assessment of the Project's performance against the goals established by the CRD Board and the key performance indicators approved by the Project Board;
- the identification of variances from the baseline plans prepared by the Project Board and/or Project Team, in terms of the Project's scope, schedule and cost;
- the identification of Project successes and challenges; and
- an outline of the Project-related commitments and activities that extend beyond May 2021.

2 Project Commitments: Source and Summary Status

This report section outlines the Project-related commitments and activities that extend beyond May 2021, and is organised in the following five categories:

- i) Activities related to closing-out the Project's construction contracts;
- ii) Obligations remaining to be fulfilled in the Project's funding, First Nation and land access agreements;
- iii) Committed funds for the resources required to oversee the completion of the remaining obligations and close-out the construction contracts; and
- iv) Operating and maintenance obligations related to the infrastructure built by the Project; and
- v) A summary of the status of First Nations artwork and signage that either has or is to be installed.

Appendix A summarises the sources of the Project commitments, which can be categorised as:

- Construction contracts;
- Funding agreements;
- First Nation agreements; and
- Land access agreements.

The Project budget includes committed funds (as outlined in this report) to complete the activities remaining to close-out the construction contracts and the obligations remaining to be fulfilled in the Project's funding, First Nation and land access agreements.

In addition, the Project budget includes an appropriate amount of contingency, based on the Project Team's assessment of the: status of each component; the risks associated with the remaining work and the outstanding obligations; and the funds and resources committed to complete these. In summary, the Project budget includes contingency as follows:

- \$1 million for the McLoughlin Point Wastewater Treatment Plant, to cover the potential incentive payment to HRP, that is payable after the completion of the performance period (which concludes on January 12, 2023), and will be payable at an amount (of up to \$1 million) to be determined based on performance against milestones over the two year performance period; and
- no contingency is anticipated to be required for the Residuals Treatment Facility component, as the remaining construction-period risks are allocated to HRMG in the Project Agreement, as amended by the Service Commencement Agreement;
- \$1.74M for the conveyance component, which is anticipated to be more than sufficient given the nature of the remaining commitments and activities; and
- no contingency is anticipated to be required for the Project Management Office as the resource commitments to support close-out activities allow for the conveyance contractors' schedules to slip, and should be sufficient provided all contracts achieve total completion by year end.

2.1 Construction Contracts

The Project Team entered into a number of design and construction contracts in order to build the Project, as summarized in Table 1.

Table 1 – Contracting Strategy, Design Consultant and Construction Contractor

Project Component	Contract	Contracting Strategy	Design Consultant	Construction Contractor
McLoughlin Point WWTP	McLoughlin Point Wastewater Treatment Plant	Design Build Finance	Harbour Resource Partners (Graham Infrastructure and AECOM Canada)	
Residuals Treatment Facility	Residuals Treatment Facility	Design Build Finance Operate Maintain	Hartland Resource Management Group (Synagro Capital, Maple Reinders PPP Ltd., Bird Construction Inc.)	
Conveyance System	Clover Point Pump Station	Design Build	Kenaidan Contracting Ltd.	
	Macaulay Point Pump Station & Forcemain	Design Build	Kenaidan Contracting Ltd.	
	Clover Forcemain	Design Bid Build	Kerr Wood Leidal	Windley Contracting Ltd.
	Residual Solids Conveyance Line	Design Bid Build	Parsons	Don Mann Excavating Ltd.
	Residual Solids Pump Stations	Design Bid Build	Parsons	Knappett Projects Inc.
	Arbutus Attenuation Tank	Design Bid Build	Kerr Wood Leidal	NAC Constructors Ltd.
	Trent Forcemain	Design Bid Build	Stantec	Jacob Bros Construction

As of May 2021, the vast majority of construction has been completed: the Arbutus Attenuation Tank and Clover Point Pump Station are the only Project sites with some minor construction activities remaining. The works remaining under each construction contract are summarised in Table 2, and the Project budget includes committed funds (as outlined in Table 2) to complete the remaining works and close-out the construction contracts.

The CRD are now operating the infrastructure built under each contract, with the exception of:

- the Arbutus Attenuation Tank, which is expected to be operational in June 2021; and
- the Residuals Treatment Facility, which has been delivered through a design-build-finance-operate maintain contract, pursuant to which the Hartland Resource Management Group are responsible for operating and maintaining the facility until the end of 2040.

Table 2 – Summary of Works Remaining on the Project's Construction Contracts at May 2021

Project Component	Summary of Works Remaining at May 2021	Project Personnel Available after May 2021 to Provide Continuity	Last Monthly Invoice processed and included in Expended Project Budget (see note 1)	Amount included within Project Budget Forecast to Complete: Covers Completed (but not yet invoiced) and Remaining Works (see note 2)
McLoughlin Point Wastewater Treatment Plant	- Providing advice and guidance to optimize plant performance over the remainder of the two-year performance period (to January 12, 2023); - Complete warm weather odour test; and - DFO authorization reporting.	- Project Manager, Wastewater Treatment Plant; - Owner's engineer: Stantec	April 2021	\$2.22M (to cover performance period commitments)
Residuals Treatment Facility	- Complete activities required to achieve Completion, primarily being: - Residual effluent line modifications; and - Address residual effluent quality (including demonstrating compliance to the CRD's satisfaction for the purposes of the second 15-day acceptance test); - Complete change orders related to: - Modifications at ring road connector; - Changes to biosolids loadout chute; - Down payment of sprung structure lease; - Minor deficiency items; and - Record drawing submission.	- Project Manager, Residuals Treatment Facility; - Owner's engineer: Stantec	March 2021	\$127M (to cover capital cost) \$0.25M (to cover completion of change orders)
Macaulay Point Pump Station and Forcemain	- Landscaping; - Minor deficiency items; and - Record drawing submission.	- Project Manager, Clover & Macaulay Point Pump Stations; - Owner's engineer: Stantec	March 2021	\$0.34M
Clover Point Pump Station	- Generator ventilation rectification; - Inlet channel debris removal (see note 3); - Final acceptance testing (note that final acceptance testing has had to be deferred until after the inlet channel debris removal is completed);	- Project Manager, Clover & Macaulay Point Pump Stations; - Owner's engineer: Stantec	March 2021	\$1.19M

Project Component	Summary of Works Remaining at May 2021	Project Personnel Available after May 2021 to Provide Continuity	Last Monthly Invoice processed and included in Expended Project Budget (see note 1)	Amount included within Project Budget Forecast to Complete: Covers Completed (but not yet invoiced) and Remaining Works (see note 2)
	- Completion of landscaping (this will complete the public realm improvements and is expected to be complete at the end of Q2, 2021) - Minor deficiency items; and - Record drawing submission.			
Clover Forcemain	- Landscaping; and - Quarterly post-construction stability surveys over the warranty period	- Project Manager, Clover & Macaulay Point Pump Stations; - Project Manager, Deputy Conveyance Manager - Design consultant: KWL	November 2020	\$0.16M
Residual Solids Conveyance Line	- Minor restoration on the BC Hydro access road to be completed once BC Hydro has completed the pole relocation (gate, tree replacement, final road surface); and - Peers Creek survey; and - DND roadway tie-in	- Project Manager, Clover & Macaulay Point Pump Stations; - Project Manager, Deputy Conveyance Manager - Design consultant: Parsons - Owner's engineer: Stantec	March 2021	\$0.03M
Residual Solids Pump Stations	- Removal of low floats and upgrade programming; - Supply and installation of automated valve actuators; - Landscaping; - Minor deficiency items; and - Record drawing submission	- Project Manager, Clover & Macaulay Point Pump Stations; - Project Manager, Deputy Conveyance Manager - Design consultant: Parsons	March 2021	\$0.43M
Trent Forcemain	- Restoration; - Minor deficiency items; and - Record drawing submission	Project Manager, Clover & Macaulay Point Pump Stations;	March 2021	\$1.58M

Project Component	Summary of Works Remaining at May 2021	Project Personnel Available after May 2021 to Provide Continuity	Last Monthly Invoice processed and included in Expended Project Budget (see note 1)	Amount included within Project Budget Forecast to Complete: Covers Completed (but not yet invoiced) and Remaining Works (see note 2)
		- Project Manager, Deputy Conveyance Manager - Owner's engineer: Stantec		
Arbutus Attenuation Tank	- Final commissioning activities; - Site grading and landscaping; - Minor deficiency items; and - Record drawing submission	- Project Manager, Clover & Macaulay Point Pump Stations; - Project Manager, Deputy Conveyance Manager - Design consultant: KWL	April 2021	\$1.71M
Conveyance Subtotal				\$5.44M
Total				\$134.91M

Notes to Table 2:

1. This is the last monthly invoice that was received and processed before the cut-off for the April 2021 cost period: invoices received to this date are captured in the Project budget in the column 'Expended to April 30, 2021'.
2. This is within the amount included in the Project budget in the column 'Forecast to Complete': it covers work completed but not yet invoiced (i.e. work conducted after the last monthly invoice shown in the previous column) as well as the forecast cost of the work remaining.
Note that for some Project components the amount in the 'Forecast to Complete' column in the Project budget differs from that shown in the table above, as it also includes committed funds to fulfil the outstanding obligations in the Project's First Nation and land access agreements.
3. This activity was not part of the original scope of the Project, and is required as a result of the pre-existing condition of the inlet channel (resulting from the build-up of debris over decades of use), and can only be completed in low flow conditions. The need to complete inlet channel debris removal has pushed out the schedule for the completion of some other scope elements of the contract.

2.1.1 Construction Contract Claims

The Project Team has negotiated and either rejected or settled construction claims as they have arisen, and none are outstanding as of May 2021. Table 3 summarises information regarding Project contractors that have formally released the CRD from claims for any events or circumstances up to the date shown.

Table 3 – Contractors Releasing CRD from Claims up to the Date Shown

Contract	Contracting Strategy	Date of Release
McLoughlin Point Wastewater Treatment Plant	Design Build Finance	January 12, 2021 (Acceptance Date: date responsibility for operating transitioned to CRD)
Residuals Treatment Facility	Design Build Finance Operate Maintain	March 29, 2021
Clover Point Pump Station	Design Build	March 31, 2021
Macaulay Point Pump Station & Forcemain	Design Build	March 31, 2021
Clover Forcemain	Design Bid Build	N/A (not required, all claims were settled or rejected over the course of construction)
Residual Solids Conveyance Line	Design Bid Build	N/A (not required, all claims were settled or rejected over the course of construction)
Residual Solids Pump Stations	Design Bid Build	N/A (not required, all claims were settled or rejected over the course of construction)
Arbutus Attenuation Tank	Design Bid Build	April 30, 2021
Trent Forcemain	Design Bid Build	May 6, 2021

2.1.1 Third-Party Insurance Claims

The Project has dealt with a number of third party claims over the course of construction. Third party claims are generally submitted through the wastewater e-mail address or come to the Project Team's attention through a municipality, and all claims that are submitted are reviewed by the Project Team to determine who is the appropriate Project contractor to forward the claim to. The Project contractor coordinates with their insurance company to evaluate the claim and determine the next steps. In many cases an adjuster will visit the third party claimant and inspect the areas of concern, following which they provide a response to the claimant. In some cases the claimant is directed to make a claim under their own insurance policy.

The CRD's only obligation with respect to any third-party insurance claims (whether they are yet to be resolved or yet to be submitted) is to direct them to the relevant Project contractor. The Project Team have endeavoured to ensure appropriate follow-up and communication.

2.1.2 BC Hydro

The Project required a number of BC Hydro infrastructure adjustments and improvements to be made, some of which were organised and paid for directly by the Project Team, with the remainder included within the scope of the relevant Project contractor's construction contract.

All BC Hydro infrastructure adjustment and improvements required for the Project (whether arranged directly by the Project Team or through the Project's contractors) have been completed, with the only exception being the relocation of one hydro pole within DND property at Work Point which is anticipated to be completed by BC Hydro before the end of Q3 2021. BC

Hydro are coordinating this work with DND, and the CRD has no further obligations related to BC Hydro's work.

BC Hydro have been fully-paid for the infrastructure adjustment and improvements arranged directly by the Project Team. The spreadsheet at the following link provides references to documents that outline the scopes of work and invoices for that work:

[BC Hydro Final Cost Report](#)

2.2 Obligations Remaining to be Fulfilled in the Project's Funding, First Nation and Land Access Agreements

In addition to the Project's nine construction contracts, approximately 20 funding, First Nation and land access agreements were entered into in order to deliver the Project (refer to Appendix A for a list of the agreements). There are a relatively small number of obligations remaining to be fulfilled in the Project's funding, First Nation and land access agreements, as summarised in the following subsections.

The Project budget includes committed funds to fulfil the outstanding obligations, as summarised in Table 4.

Note that many of the agreements contain:

- 'passive' obligations – for example the funding agreements include the requirement to maintain records for a certain number of years, and make them available upon request; and/or
- 'funding' obligations – for example the Esquimalt agreements include commitments for the CRD to fund amenity improvements subject to the Township advancing planning and approvals by certain dates, and the Project has committed funds to cover these obligations, as summarised in Table 4.

Table 4: Committed Project Funding for Obligations Remaining to be fulfilled in the Project's First Nation and Land Access Agreements

Agreement	Project Funding Covers	Project Funding	Location of Committed Funding
Transport Canada Licence: McLoughlin Point Harbour Crossing (see note 1)	Anticipated annual fee for 20 year term	\$0.02M	CP.100.751.100.155
Transport Canada Licence: McLoughlin Point Outfall (see note 1)	Anticipated annual fee for 20 year term	\$0.12M	CP.100.751.100.156
Township of Esquimalt Host Community Impact 5-Year Agreement	Lyall Street Enhancements	\$0.95M	CP.100.831.100.130
Township of Esquimalt Host Community Impact 5-Year Agreement	Remaining payments to fulfil public art and historical interpretive signage commitments	\$0.02M	CP.100.831.100.136
Township of Esquimalt Community Impact Mitigation Operating Agreement	Community Impact Fee (\$55k + CPI est. 2%) 25 years	\$1.73M	CP.100.831.600.605
Fisheries Act Authorization for the McLoughlin Point Outfall	Fulfillment of the remaining obligations	\$0.06M	CP.100.881.100.115
City of Victoria Licence of Occupation: Clover Point Pump Station	Commitment: one-time payment of \$75,000 for the maintenance of the public washrooms	\$0.08M	CP.330.805.100.150
Business Case commitment to Colwood Reserves	Fund reserve	\$2.00M	CP.800.000.600.606
WSANEC Leadership Council Memorandum of Understanding	Commitment - \$16k per month for 2021- Fund operating reserve Dec 2020	\$0.13M	CP.800.000.600.609
District of Saanich RSCL Infrastructure Access Agreement	Fulfilment of outstanding obligations	\$1.76M	CP.800.000.830.010
TOTAL		\$6.79M	

Notes to Table 4:

1. *These licences are in the process of being finalised by CRD's Corporate Services (real estate) Department: they could not have been entered into sooner as they require as-built information in order to be finalised. The licences will be required for the operating period of the assets: the Project is funding the annual fee for the first term (of 20 years), and upon expiry the CRD will need to renew both licences.*

2.2.1 Funding Agreements

The federal and provincial governments assisted the Capital Regional District in funding the Project. Project documentation regarding funding agreements can be found here:

[Funding Agreements](#)

Table 5 summarises the status of the funding agreements related to the Project, and detailed supporting documentation is available in the Project files. In addition, CRD finance staff seconded to the Project Team are familiar with the status of the funding agreements.

The Project's budget includes \$1.5M for the financing costs estimated to be incurred after May 2021. This estimate of financing costs was provided by the CRD's finance department, and covers differences in the timing between the receipt of funds (from senior governments and requisitions from the core area municipalities) and the Project's expenditures.

Table 5 – Summary of Status of Project's Funding Agreements at May 2021

Funding Partner	Agreement	Funds Outstanding	Status
Infrastructure Canada	Building Canada Fund	-	All funding received
Infrastructure Canada	Green Infrastructure Fund	\$5M	All documentation submitted and under Infrastructure Canada's review; awaiting release of \$5M holdback
Infrastructure Canada	P3 Canada Fund	\$41M	Discussions ongoing with Infrastructure Canada to ensure eligibility for maximum amount
Province of BC	Contribution Agreement	\$62M	All documentation submitted and under the Province's review; awaiting payment of final tranche of funding (\$62M)
Federation of Canadian Municipalities	GMF 16576	\$3M	Documentation compiled for signature and then to be sent to MFA once the grant audit is completed and submitted to CRD by KPMG.
Federation of Canadian Municipalities	GMF 15822	\$0.2M	All documentation submitted; awaiting payment
Federation of Canadian Municipalities	GMF 16342	\$0.2M	All documentation submitted; awaiting payment

2.2.2 First Nation Agreements

The CRD entered into three agreements with First Nations related to the Project, as follows:

- Esquimalt First Nation Support Agreement;
- Songhees First Nation Support Agreement; and
- WSANEC Leadership Council Memorandum of Understanding;

In summary:

- All of the CRD's obligations under the Esquimalt and Songhees First Nation Support Agreements have been fulfilled, and close-out letters from the Esquimalt and Songhees First Nations confirming this have been received.
- The only First Nation agreement with outstanding obligations is the WSANEC Leadership Council Memorandum of Understanding: the Project budget has committed funding to cover the remaining capacity funding, and the remainder of the outstanding obligations are not specific to the Project (they are broader to the CRD).

The CRD's First Nations Relations Department have supported and coordinated with the Project Team throughout Project delivery, and the fulfilled and outstanding obligations in the First Nation agreements were reviewed and transferred to the CRD's First Nations Relations Department in a meeting on March 12, 2021.

2.2.3 Land Access Agreements

The CRD entered into multiple land access agreements related to the Project. The following sub-sections summarise the status of the land access agreements as at May 2021.

2.2.3.1 Township of Esquimalt

The CRD entered into three agreements with the Township of Esquimalt related to the Project, as follows:

- Host Community Impact 5-Year Agreement;
- Community Impact Mitigation and Operating Agreement; and
- Amenity Reserve Fund Administration Agreement.

The Project Team are of the opinion that all of the commitments under the three agreements have been met, and the CAO of the Township of Esquimalt is preparing to take a close-out letter to Council confirming this.

Some of the obligations have been fulfilled by the Project committing funds, which are to be drawn upon subject to the passing of time (e.g. the community impact fee defined in the Community Impact Mitigation Operating Agreement) or the Township advancing planning and approvals (e.g. the Lyall Street Enhancements in the Host Community Impact 5-Year Agreement).

Documentation regarding the fulfilled and outstanding obligations can be found in the relevant governance transition summary, and in addition the CAO of the CRD and/or finance staff seconded to the Team have been included in correspondence regarding the funded obligations.

There is also an ongoing obligation to participate in the Esquimalt Liaison Committee: see section 3.3.1 of this report.

See also section 3.4 of this report for information regarding the Technical Working Group the Project Team established with the Township of Esquimalt.

2.2.3.2 City of Victoria

The City of Victoria granted two licences to the CRD related to the Project, as follows:

- Dallas Road Licence of Occupation; and
- Clover Point Pump Station Licence of Occupation.

The majority of obligations within both licences have been fulfilled, with a limited number of CRD responsibilities remaining, primarily related to the submission of documentation and the City's sign-off on landscaping.

Documentation regarding the fulfilled and outstanding obligations can be found in the relevant governance transition summary, and in addition Project Team members remaining with the CRD past May 2021 (being: the Project Manager, Clover & Macaulay Point Pump Stations; and the Project Manager, Deputy Conveyance Manager) are familiar with the status of the Licences of Occupation.

See also section 3.4 of this report for information regarding the Technical Working Group the Project Team established with the City of Victoria.

2.2.3.3 District of Saanich

The CRD entered into an agreement with the District of Saanich related to the Project, as follows: District of Saanich RSCL Infrastructure Access Agreement.

A number of obligations within the agreement have been fulfilled. The Project Team have committed funds for a financial proposal that is currently under the District of Saanich's review: the Project Team have proposed this as an alternative means to fulfil the majority of the outstanding obligations. If the District of Saanich agree to this approach the majority of obligations within the agreement will have been fulfilled, and a limited number of CRD responsibilities will remain, primarily related to the Peers Creek culvert replacement.

Documentation regarding the fulfilled and outstanding obligations can be found in the relevant governance transition summary, and in addition the CAO of the CRD is familiar with the rationale behind the financial proposal offered to the District of Saanich to fulfil the outstanding obligations.

One of the CRD's infrastructure improvements obligations under the Agreement was to replace culverts at Peers Creek. Parsons (under a contract with the CRD) designed two replacement (larger diameter) culverts and new headwalls, and Don Mann (under a contract with the CRD) constructed the improvements under the supervision of Stantec (under a contract with the CRD). Current Environmental were engaged by Parsons during the design, and the Project Team have subsequently engaged them directly to review concerns raised by nearby residents. Stantec are currently in the process of finalizing the completion report related to this improvement, for submission to the District of Saanich.

See also section 3.4 of this report for information regarding the Technical Working Group the Project Team established with the District of Saanich.

2.2.3.4 Greater Victoria Harbour Authority

The CRD entered into two agreements with the Greater Victoria Harbour Authority related to the Project, as follows:

- Compensation Agreement; and
- Right to Enter Agreement.

All of the CRD's obligations under the Greater Victoria Harbour Authority Agreements have been fulfilled, and close-out documentation from the Authority confirming this has been received.

2.2.3.5 Other Land Access Agreements

The CRD entered into three other land access agreements with third parties related to the Project, as follows:

- DND Licence Agreement for Access to Federal Real Property;
- Rock Bay Lease Agreement; and
- MOTI

All of the CRD's obligations under these agreements have been fulfilled, and close-out documentation from the relevant counterpart confirming this has been received.

2.3 Committed Funds for the Resources Required to Oversee the Completion of the Remaining Obligations and Close-Out the Construction Contracts

The Project Team have identified the resources (both Project Team staff and Project consultants) with the knowledge and expertise required to support the delivery of the remaining works, and the outstanding commitments, and the Project budget includes committed funds for the required resources, as follows:

- Project staff transitioning to CRD: see Table 6, which outlines project management, document control and finance staff resources that the Project budget will fund post May 2021;
- Project consultants: see Table 7, which outlines \$1.96M of funds that will be committed, primarily for design consultants (KWL and Parsons) and the Project's owner's engineer (Stantec), to support Project close-out activities; and
- The remainder of the CRD finance department allocation for the current year (approximately \$91k).

These resource commitments are based on the close-out activities forecast to be required post May 2021, and a conservative forecast of when those activities will be complete: Table 8 includes the actual or forecast dates for substantial and total completion for each of the Project's construction contracts, but the resource commitments in Tables 6 and 7 (and the Project's budget) allow for these schedules to slip, and should be sufficient provided that all contracts achieve total completion by year end.

Table 6: Committed Project Funding for Project Staff Transitioning to CRD to Support Project Close-Out Activities Post May 2021

Project Role	CRD Role	Transition	Project Funding Role Until
Project Manager, Wastewater Treatment Plant	Manager, Core Area Wastewater Treatment and Conveyance Operations	Phased over 2019-2020	July 4, 2021
Project Manager, Clover Point Pump Station and Macaulay Point Pump Station and Forcemain	Engineer, Integrated Water Services	May 25, 2021	December 31, 2021
Project Controls Manager	Continuation of Project Role	May 25, 2021	August 30, 2021
Project Manager, Residuals Treatment Facility	Continuation of Project Role	May 25, 2021	July 31, 2021
Project Manager, Deputy Conveyance Manager	Continuation of Project Role	May 25, 2021	July 31, 2021
Financial Analyst	Continuation of Project Role	May 25, 2021	August 1, 2021
Document Controller	Document Controller	June 1, 2021	December 31, 2021

Table 7: Committed Project Funding for Project Consultants to Support Project Close-Out Activities Post April 2021

Consultant	Scope Post April 2021	Scope Anticipated to Conclude	Last Monthly Invoice processed and included in Expended Project Budget (see note 1)	Amount included in Project Budget Forecast to Complete: Covers Completed (but not yet invoiced) and Remaining Works (see note 2)
Stantec	Owner's engineer, supporting the close-out of the following contracts: • McLoughlin Point Wastewater Treatment Plant; • Residuals Treatment Facility; • Macaulay Point Pump Station and Forcemain; • Clover Point Pump Station; and • Trent Forcemain	October 31, 2021	April 2021	\$646k
KWL	Design consultant, supporting the close-out of the following contract: Clover Forcemain	October 31, 2021	March 2021	\$67k
KWL	Design consultant, supporting the close-out of the following contract: Arbutus Attenuation Tank.	October 31, 2021	March 2021	\$490k
Parsons	Design consultant, supporting the close-out of the following contracts: • Residual Solids Conveyance Line; and • Residual Solids Pump Stations.	October 31, 2021	January 2021	\$504k
Mike McCoy	Operations expert, supporting primarily the operations team at the Wastewater Treatment Plant, but also available to assist with the operation of the conveyance components	August 30, 2021	April 2021	\$168k
Stantec	Conclusion of Asset Management Consulting Services for CRD's Integrated Water Services Department	CRD's Finance Department are managing the scope	Dec 2020	\$41k
EMA	Conclusion of Operational Readiness Review	CRD's Integrated Water Services Department are managing the scope	April 2021	\$46k
TOTAL FORECAST COMMITTED PROJECT FUNDING FOR PROJECT CONSULTANTS TO SUPPORT PROJECT CLOSE-OUT ACTIVITIES POST APRIL 2021				\$1.96M

Notes to Table 7:

1. This is the last monthly invoice that was received and processed before the cut-off for the April 2021 cost period: invoices received to this date are captured in the Project budget in the column 'Expended to April 30, 2021'.
2. This is the amount included in the Project budget in the column 'Forecast to Complete': it covers work completed but not yet invoiced (i.e. work conducted after the last monthly invoice shown in the previous column) as well as the forecast cost of the work remaining

Table 8 – Project Construction Contracts: Actual or Forecast Substantial and Total Completion

Project Component	Substantial Completion	Total Completion
McLoughlin Point Wastewater Treatment Plant (see note 1)	October 2020	January 12, 2021
Residuals Treatment Facility (see note 1)	March 4, 2021	June 30, 2021
Macaulay Point Pump Station and Forcemain	June 24, 2021	July 26, 2021
Clover Point Pump Station (see note 2)	October 26, 2021	November 19, 2021
Clover Forcemain	August 27, 2020	May 31, 2021
Residual Solids Conveyance Line	April 30, 2021	May 31, 2021
Residual Solids Pump Stations	May 15, 2021	July 15, 2021
Trent Forcemain	July 09, 2021	July 30, 2021
Arbutus Attenuation Tank	July 30, 2021	September 3, 2021

Notes to Table 8:

1. This table includes the actual or forecast dates for substantial and total completion for each of the Project's construction contracts, but the resource commitments in Tables 6 and 7 (and the Project's budget) allow for these schedules to slip, and should be sufficient provided that all contracts achieve total completion by year end.
2. The concepts of substantial and total completion don't strictly apply to these contracts, instead the dates included are proxies, based on:
 - a. substantial completion: ready for intended use; and
 - b. total completion: Independent Certifier confirms acceptance testing complete
3. The requirement to complete inlet channel debris removal at Clover Point Pump Station was not part of the original scope of the contract: it is required as a result of the pre-existing condition of the inlet channel (resulting from the build-up of debris over decades of use), and can only be completed in low flow conditions. The need to complete inlet channel debris removal has pushed out the schedule for the completion of some other scope elements of the contract.

2.4 Operation and Maintenance of Infrastructure Built by the Project

2.4.1 Responsibility for Operations and Maintenance of Project Components

The CRD's Integrated Water Services department are responsible for operating and maintaining all of the Project components other than the Residuals Treatment Facility (see section 7.3.3) upon completion of their commissioning period, and this transfer has occurred for all components other than the Arbutus Attenuation Tank, for which the transfer is forecast to occur in June 2021.

This responsibility includes:

- managing the contractual warranties for each of the Project components;
- administering the two-year performance period for the McLoughlin Point Wastewater Treatment Plant, as outlined below.

The McLoughlin Point Wastewater Treatment Plant contract includes a two-year performance period, from the acceptance date (January 2021). Over the performance period the CRD will

operate and maintain the McLoughlin Point Wastewater Treatment Plant, and Harbour Resource Partners are responsible for:

- monitoring operations;
- consulting with and providing advice to the CRD and the CRD's plant manager with respect to the operation of the Facility;
- assisting with environmental and regulatory compliance;
- preparing and updating the operations manual and operations and maintenance plans;
- assisting with the evaluation of the performance of the Project and the implementation of plans to achieve continued compliance with the process performance guarantees;
- assisting with the development and implementation of plans that will minimize use of power, chemicals, water and labour; and
- responding to warranty claims.

There are physically interfacing works and screened, dewatered wastewater is required to be delivered in order for the performance period to operate as intended. Responsibility for these interfaces is retained by the CRD: it was the Project Team's responsibility to manage the interfaces during construction and commissioning, and upon the acceptance date (January 2021), the CRD's Integrated Water Services department assumed responsibility for the operation of the McLoughlin Point Wastewater Treatment Plant and the management of the interfaces.

2.4.2 Contract Administration of Residuals Treatment Facility Project Agreement

The Residuals Treatment Facility was procured through a design-build-finance-operate-maintain contract under which Hartland Resource Management Group have the responsibility to design, build, partially-finance, operate and maintain the facility to meet the performance specification and contract requirements over the term of the contract.

The Residuals Treatment Facility has been constructed and is close to completing commissioning, and the Hartland Resource Management Group will be responsible for operating and maintaining the facility over the next 20 years. The Project's committed budget includes the net present value of the capital cost of the Residuals Treatment Facility.

There are physically-interfacing works and residual solids required to be delivered and biosolids required to be transported in order for the contract to operate as intended. The CRD's Parks and Environmental Services Department are responsible for managing these interfaces and administering the contract over the 20 year operating and maintenance period.

2.4.3 Environmental Management and Permits

To the extent allowed by the Project schedule, the Project Team assigned responsibility for obtaining permits to the relevant Project contractor, in order to avoid the Project Team inadvertently constraining the relevant contractor's execution flexibility. The contractor's knowledge of construction means, methods and schedule also put them in the best position to assess which of their activities required a permit and what the permit application should contain.

The notable exception to the above approach was registration under the Municipal Wastewater Regulation, which the Project Team coordinated with the support of: members of the CRD's Parks and Environmental Services and Integrated Water Services Departments; Project consultants (predominantly Stantec and KWL) and Project contractors (predominantly HRP and Kenaidan).

The CRD's Parks and Environmental Services Department and/or Integrated Water Services department (as applicable) are responsible for:

- environmental monitoring and/or mitigation activities related to the operation and maintenance of Project components, and
- compliance and reporting pursuant to the:
 - Municipal Wastewater Regulation registration;
 - Federal Wastewater System Effluent Regulations, including the transitional authorizations; and
 - Fisheries Act Authorization for the McLoughlin Point Outfall: HRP obtained this Authorization and were responsible for fulfilling the planning, construction and year 1 monitoring obligations of this Authorization; the CRD's Integrated Water Services Department are responsible for fulfilling the remaining obligations.

Other than the obligations outlined above, the CRD do not have any obligations related to permits obtained during the planning, construction or commissioning phase of the Project.

Note the Operational Certificate for the Residuals Treatment Facility is in CRD's name, but HRMG are responsible for maintaining and complying with it, including fulfilling all ongoing monitoring and reporting obligations.

Project documentation regarding regulatory approvals and permits can be found here: [Regulatory approvals, licenses and permits](#)

2.4.4 Responsibility for Operations and Maintenance of Project Amenities

In furtherance of the Project's goal to deliver a solution that adds value to the surrounding community and enhances the liveability of neighborhoods, the Project either funded or funded and delivered a number of amenities and/or infrastructure improvements. These amenities and infrastructure improvements have been transferred to the benefitting municipality to operate and maintain, as outlined in Table 9 below, with the exception of the public realm improvements at Clover Point (which are covered in section 2.1 and are anticipated to be completed and handed over at the end of Q2, 2021). With the exception of the completion of the public realm improvements at Clover Point, the CRD's outstanding responsibilities are limited to coordinating the relevant contractor's response to any warranty claims.

Table 9 – Summary of Project Amenities Constructed by Project Contractors for which Operating and Maintenance Responsibility have been Transferred to a Third Party

Party Responsible for Operating and Maintaining Asset	Asset	Project Contractor Responsible for Construction and Warranty
City of Victoria	Cycle Path along Dallas Road	Windley
City of Victoria	Public Realm Improvements at Clover Point	Kenaidan
District of Saanich	Hartland Water System Improvements	Knappett

2.5 Signage and First Nations Artwork

In furtherance of the Project's goal to 'deliver a solution that adds value to the surrounding community and enhances the liveability of neighborhoods', and in some cases in fulfilment of commitments in the Host Community Impact 5-Year Agreement with the Township of Esquimalt (regarding public art and historical interpretive signage), the Project has arranged for the production of signage and First Nations Artwork as outlined in Table 10. Installation has either occurred or is scheduled to occur in the near future.

Project documentation regarding First Nations artwork and signage can be found here:

[Project Signage and First Nations Artwork](#)

Table 10 – Summary of Status of First Nations Artwork and Signage at May 2021

Artwork	Intended Installation Location	Status of Artwork	Artist	Status of contract with Artist/Signmaker	Installation to be Completed by	Anticipated Date of Installation
Peace Pole	Macaulay Point	Stored in Songhees Carving Shed	Ake Lianga and Bradley Dick	N/A (artwork organized through and paid for by the Pacific Peoples' Partnership: contact April Ingham, Executive Director)	Kenaidan	By end of May, 2021
Salish Art Metal Sculpture	Macaulay Point	Installed	Darlene Gait	Fully paid	Kenaidan	Already installed
Chief's Chair	Macaulay Point	Installed	Dylan Thomas	Final payment to be made upon delivery	Kenaidan	Already installed
Interpretive Signs (two)	Clover Point and Macaulay Point	Under fabrication	Urban Sign	Final payment to be made upon delivery	Kenaidan	By end of June, 2021
Interpretive Signs (five)	McLoughlin Point	Under fabrication	Urban Sign	Final payment to be made upon delivery	CRD's Integrated Water Services Department	By end of June, 2021
Seawolf shroud	Clover Point	Installed at Clover Point	Clarence Dick	Fully paid	Kenaidan	Already installed

3 Project Communications and Engagement

The Project Team, with the input and review of the CRD's Senior Manager of Corporate Communications, developed the Wastewater Treatment Project's Communications and Engagement 2020 Outlook (the 2020 Outlook). This document was developed to supplement the Project's Communications and Engagement Plan by highlighting communications and engagement opportunities and context specific to the final year of construction, and the transition of the Project from construction through commissioning and into the operating phase. The Communications and Engagement 2020 Outlook was approved by the Project Board in May 2020, and implemented by the Project Team.

In accordance with the 2020 Outlook, over the course of the final year of construction on the Project, the responsibility for communications and engagement transitioned from the Project Team to relevant CRD Departments, generally upon the Project entering the operating phase. This responsibility included: responding to public questions; providing stakeholder information; participating in the Esquimalt Liaison Committee; and responding to media enquiries.

3.1 Project Telephone Line and E-mail Address

The Project's dedicated 24/7 telephone line was closed in March 2021 (when the majority of the remaining construction was constrained to contained sites), and responsibility for monitoring the wastewater e-mail address was transferred to communications staff in the CRD's Integrated Water Services Department at the end of March 2021.

A tracking log of all public correspondence received through the below two channels can be found at the following link [Public correspondence log](#)

- E-mails received through the Project Board (cawtpb@crd.bc.ca) and Project e-mail address (wastewater@crd.bc.ca), up to March 2021; and
- Calls received through the Project's dedicated 24/7 telephone line.

3.2 Media Inquiries

The CRD's Senior Manager of Corporate Communications was the point of contact for media throughout Project delivery, with responsibility for coordinating with the Project Team to manage media inquiries related to the Project. After May 2021 it is anticipated that the CRD's Senior Manager of Corporate Communications will continue to be responsible for managing media inquiries with the support of the CRD's Parks and Environmental Services and/or Integrated Water Services Department representatives, as applicable to the inquiry.

3.3 Community Committees

The Project Team met and communicated with various community associations either regularly and/or when requested to update residents in areas where construction was taking place. None of these updates were intended to continue past the commissioning phase, with the exception of the Esquimalt Liaison Committee for which responsibility was transferred to the CRD's Integrated Water Services Department upon the McLoughlin Point Wastewater Treatment Plant becoming operational, as outlined below.

3.3.1 Esquimalt Liaison Committee

In accordance with the Community Impact Mitigation and Operating Agreement with the Township of Esquimalt, the Esquimalt Liaison Committee was established in May 2017 to provide a forum for the discussion of issues related to the construction and operation of the Wastewater Treatment Plant and the Macaulay Point Pump Station and Forcemain, including traffic management plans.

The committee includes representatives from the Township of Esquimalt, West Bay Residents Association, Lyall Street Action Committee, Macaulay Elementary School Parent Advisory Committee, Department of National Defence, and the CRD.

During Project construction, representatives from the McLoughlin Point Wastewater Treatment Plant contractor Harbour Resource Partners, the Macaulay Point Pump Station and Forcemain contractor Kenaidan Contracting Ltd. and the Residual Solids Conveyance Line contractor Don Mann Excavating also attended as appropriate.

The Esquimalt Liaison Committee met monthly during the construction phase and the agreement requires meetings continue at least twice annually while the McLoughlin Point Wastewater Treatment Plant is in operation. The Committee discussed an intent to review the meeting schedule once the McLoughlin Point Wastewater Treatment Plant was operational.

The Project Team attended the Esquimalt Liaison Committee meetings until the plant become operational, and responsibility for attending the meetings and representing the CRD has transitioned to the CRD's Integrated Water Services Department.

The Terms of Reference for the Esquimalt Liaison Committee can be found here: [Esquimalt Liaison Committee Terms of Reference](#)

Information related to the Esquimalt Liaison Committee meetings attended by Project Team members can be found here: [Esquimalt Liaison Committee Documents](#)

3.3.2 City of Victoria Neighbourhood / Community Associations

There are three neighbourhoods in close proximity to Project construction in Victoria. The Project Team communicated and met with the James Bay Neighbourhood Association, the Fairfield Gonzales Community Association and Victoria West Community Association as needed. Engagement with these neighbourhood and community associations was focused on construction progress and mitigation measures.

The Project Team established a committee with representatives of the James Bay Neighbourhood Association (JBNA) to provide a forum for the discussion of issues relating to

mitigation of construction impacts of the Wastewater Treatment Project on the community. Monthly updates were provided to the committee by email and meetings were held approximately quarterly. With the vast majority of construction along Dallas Road complete (and only some restoration and landscaping remaining) the Project Team has concluded the JBNA-specific meetings and updates.

Information related to the JBNA meetings attended by Project Team members can be found here: [JBNA documents](#)

3.3.3 Saanich / Electoral District A / Willis Point

The Project Team met with the Saanich Community Association Network (SCAN) and engaged with SCAN and other community or neighbourhood associations in close proximity to Project construction in Saanich, including the Willis Point Community Association and Mount Work Coalition.

Early in Project planning the Project Team discussed establishing a Saanich community liaison committee but Saanich community representatives stated their preference was to receive Project updates through email for distribution to their members.

Parks and Environmental Services representatives have generally been included in recent e-mail correspondence with Saanich community association representatives, in order to enable a continuity as the Residuals Treatment Facility transitions from the commissioning to operating phase.

3.4 Local Government Technical Engagement: Staff Working Groups

Complementing the ongoing engagement with elected officials, local government technical engagement was established with the three primary core area municipalities most directly affected by construction: Victoria, Esquimalt, and Saanich. The Technical Engagement Program with each primary municipality ensured there was regular contact with the Wastewater Treatment Project Team and key municipal staff. It provided a forum to ensure accurate technical information was available to municipal staff as Project planning and construction proceeded, and to ensure technical issues were raised, discussed and addressed and, where possible, to coordinate municipal works with Project construction.

The technical engagement process was managed by the Project Team. The Wastewater Treatment Project provided information to local government staff, and received input and feedback from staff. In some cases, the Project Team sought specific input about technical issues to further Project design and development, or to inform construction.

Terms of Reference were developed for each committee, and included:

- Local government staff participants – these generally included a senior engineer, senior planner, and other staff recommended by each municipality;
- The Project Team appointed a representative for each municipality and contractor representatives also attended meetings where appropriate; and
- Meeting frequency varied but was generally a minimum of quarterly during construction, with the option for either party to request additional meetings.

Documentation relevant to each technical working group, including meeting minutes, can be found here:

- [Township of Esquimalt Technical Working Group;](#)
- [City of Victoria Technical Working Group;](#) and
- [District of Saanich Technical Working Group.](#)

4 Project Documentation

All documents and records related to the Wastewater Treatment Project have been organized in accordance with the CRD Records Classification System (RCS). All Project records fall under the 5220 index, for which the CRD's retention policy is as follows:

- Time in office is SO "Superseded or Obsolete" when the project is completed;
- Time in Storage is 7 years; and
- Final State is SR "Selective Retention" as all minor or trivial projects will be destroyed and all other projects will be permanently retained.

4.1 Software Packages

Two software packages have been used for the Project's document management: SharePoint and Prolog Enterprise. These are both document management and collaboration software packages used to assist in the management of the documents. SharePoint has been used mainly for sharing Project documents between Project Team members, while Prolog has been used by Project Team members, Project consultants and Project contractors for Project collaboration.

4.1.1 SharePoint

The SharePoint database has been structured with folders for each of the project components (for files specific to that Project component), and for the project management office (for files applicable to more than one Project component).

The main folders are:

- CP100 Wastewater Treatment Plant;
- CP210 Residuals Treatment Facility;
- CP300 Conveyance System:
 - CP310 Macaulay Point Pump Station and Forcemain;
 - CP320 Craigflower Pump Station;
 - CP330 Clover Point Pump Station;
 - CP350 Arbutus Attenuation Tank;
 - CP360 Clover Forcemain;
 - CP370 Trent Forcemain;
 - CP380 Residual Solids Conveyance Line;
 - CP385 Residual Solids Pump Stations & Bridge Crossings & Hartland Water System Improvement – Design;
- CP400 BC Hydro; and
- CP900 Project Management Office (PMO).

Within each main folder, libraries have been created as required for different categories of project documentation, in accordance with the CRD's Records Classification System.

- CP100 Wastewater Treatment Plant;
 - 0110 Administration;

- 0220 General Correspondence;
- 0640 Reports, Studies & Statistics;
- 3000 Land Administration;
- 3060 Development Permits;
- 4500 Licenses & Permits;
- 5220 Contracts;
- 5220 Correspondence;
- 5220 Procurement.

- CP210 Residuals Treatment Facility;
 - 0110 Administration;
 - 0400 Cooperation & Liaison;
 - 0640 Reports, Studies & Statistics;
 - 4500 Licenses & Permits;
 - 5220 Contracts;
 - 5220 Correspondence;
 - 5220 Procurement.

- CP300 Conveyance System;
 - CP310 Macaulay Point Pump Station and Forcemain;
 - 0110 Administration;
 - 0400 Cooperation & Liaison;
 - 0640 Reports, Studies & Statistics;
 - 3060 Development Permits;
 - 4500 Licenses & Permits;
 - 5220 Contracts;
 - 5220 Correspondence;
 - 5220 Procurement.

 - CP320 Craigflower Pump Station;
 - 5220 Contracts;

 - CP330 Clover Point Pump Station;
 - 0110 Administration;
 - 0400 Cooperation & Liaison;
 - 0640 Reports, Studies & Statistics;
 - 4500 Licenses & Permits;
 - 5220 Contracts;
 - 5220 Correspondence;
 - 5220 Procurement;
 - 5220 Zoning.

- CP350 Arbutus Attenuation Tank;
 - 0110 Administration;
 - 0400 Cooperation & Liaison;
 - 0640 Reports, Studies & Statistics;
 - 4500 Licenses & Permits;
 - 5220 Contracts;
 - 5220 Correspondence;
 - 5220 Procurement.

- CP360 Clover Forcemain;
 - 0110 Administration;
 - 0400 Cooperation & Liaison;
 - 0640 Reports, Studies & Statistics;
 - 4500 Licenses & Permits;
 - 5220 Contracts;
 - 5220 Correspondence;
 - 5220 Procurement.

- CP370 Trent Forcemain;
 - 0110 Administration;
 - 0640 Reports, Studies & Statistics;
 - 4500 Licenses & Permits;
 - 5220 Contracts;
 - 5220 Correspondence;
 - 5220 Procurement.

- CP380 Residual Solids Conveyance Line;
 - 0110 Administration;
 - 0400 Cooperation & Liaison;
 - 0640 Reports, Studies & Statistics;
 - 4500 Licenses & Permits;
 - 5220 Contracts;
 - 5220 Correspondence;
 - 5220 Procurement.

- CP385 Residual Solids Pump Stations & Bridge Crossings & Hartland Water System Improvement – Design;
 - 0110 Administration;
 - 0400 Cooperation & Liaison;
 - 0640 Reports, Studies & Statistics;
 - 4500 Licenses & Permits;

- 5220 Contracts;
 - 5220 Correspondence;
 - 5220 Procurement.
- CP400 BC Hydro;
 - 5220 Contracts;
 - 5220 Correspondence.
- CP900 Project Management Office (PMO)
 - 0110 Administration; (Doc Control documentation, Governance Transition Plan Files, Templates)
 - 0220 General Correspondence;(Correspondence with Local/Provincial/Federal Government and Stakeholders)
 - 0340 Policies, Procedures & Manuals; (User guide for Prolog, SharePoint, CAD Standards)
 - 0360 Committees & Commissions OPEN; (Agenda's, Minutes from Open Project Board Meetings)
 - 0360 Committees & Commissions CLOSED;(Agenda's, Minutes from Closed Project Board Meetings)
 - 0400 Cooperation & Liaison; (Working group and liaison committee documents)
 - 0550 CRD Board; (Info sent to CRD Board in 2016: pre Project Team)
 - 0550 CRD Board CLOSED; (Info sent to Closed CRD Board in 2016: pre Project Team)
 - 0640 Reports, Studies & Statistics;
 - 1475 Communications; (Communications Team files)
 - 1615 Accounting General (EX. RPT); (Expense Claims- Employees and Board Members)
 - 1880 Finance (Open);
 - 1880 Finance (Secure); (Finance Documents)
 - 2320 Contracts and Agreements; (Funding, Commitment, Art and Signage, Data use agreements and documentation)
 - 2360 Easements & Rights of Way; (McCloughlin Point SRW)
 - 2640 Health and Safety; (Health and Safety Manager Documentation)
 - 3000 Land Administration;
 - 4500 Licenses & Permits;
 - 4500 E.F.R; (Environmental and First Nations Relation Documentation)
 - 5220 Contracts;
 - 5220 Procurement;
 - 5220 Project Charter;
 - 5220 Project Controls;
 - 5220 PMP- Including subsidiary Plans;
 - 5220 Projects; (WTP Project Monthly/Quarterly Reports);
 - 5220 Quality Management; (Quality Manager Documentation).

Project files have been stored within these libraries.

4.1.2 Prolog

Prolog has been structured with modules for each of the Project's major design and construction Project contracts (for files specific to a Project contract), and for the project management office (for files applicable to more than one Project contract).

The main modules are:

- CP100 Wastewater Treatment Plant;
- CP210 Residuals Treatment Facility;
- CP.230D Hartland Water System Improvement – Design;
- CP310 Macaulay Pump Station and Forcemain;
- CP320 Craigflower Pump Station;
- CP330 Clover Point Pump Station;
- CP350 Arbutus Attenuation Tank;
- CP350D Arbutus Attenuation Tank – Design;
- CP360 Clover Forcemain;
- CP360D Clover Forcemain – Design;
- CP370 Trent Forcemain;
- CP370D Trent Forcemain – Design;
- CP380 Residual Solids Conveyance Line;
- CP380D Residual Solids Conveyance Line, Pump Stations & Bridge Crossings- Design;
- CP385 Residual Solids Pump Stations & Bridge Crossings / Hartland Water System Improvement;
- CP400 BC Hydro; and
- CP900 Project Management Office.

Sub-sections include but are not limited to:

- Cost Control:
 - Contract Management;
 - Budget Management;
 - Contracts;
 - Potential Change Orders;
 - Change Orders;
 - Contract Invoices.
- Document Control:
 - Correspondence;
 - Drawings and Specs;
 - Submittal Packages;
 - Submittal Registers;
 - Requests For Information;

- Meeting Minutes;
- Project Files.
- Field Administration:
 - Daily Reports;
 - Inspections & Tests.

Project files and/or data have been stored within these sub-sections.

4.2 Project Hardcopies

Through a series of meetings held over the course of Project delivery with representatives from the CRD's Integrated Water Services Department and CRD's Information Services Manager, it was decided that hard copies of key Project deliverables will be located as summarised in Table 11. At May 2021, the majority of these hard copies are still to be finalised by Project contractors and submitted to the CRD.

Table 11 – Hard Copy Locations of key Project Deliverables

Component/Asset	Storage Location	Hard Copies		
		O&M Manual	Record Drawings	Project Binder
CP100 Wastewater Treatment Plant	WasteWater Treatment Plant library	1	1	
	CRD Storage Facility (Access Storage)	1	1	
CP210 Residuals Treatment Facility (RTF)	WasteWater Treatment Plant library	1	1	
	CRD Storage Facility (Access Storage)	1	1	
CP310 Macaulay Pump Station and Forcemain	WasteWater Treatment Plant library	1	1	1
	CRD Storage Facility (Access Storage)	1	1	1
	Macaulay Pump Station	1	1	
CP330 Clover Point Pump Station	WasteWater Treatment Plant library	1	1	1
	CRD Storage Facility (Access Storage)	1	1	1
	Clover Point Pump Station	1	1	
CP385 Residual Solids Pump Stations & Bridge Crossings CP385 Hartland Water System Improvement (HWSI)	WasteWater Treatment Plant library	1	1	1
	CRD Storage Facility (Access Storage)	1	1	1
	Pump Station #2	1	1	
	Pump Station #3	1	1	
	Pump Station #4	1	1	
	Hartland Water Booster Station	1	1	
CP360 Clover Forcemain	WasteWater Treatment Plant library	1	1	1
CP370 Trent Forcemain				
CP380 Residual Solids Conveyance Line	CRD Storage Facility (Access Storage)	1	1	1
CP350 Arbutus Attenuation Tank	WasteWater Treatment Plant library	1	1	1
	CRD Storage Facility (Access Storage)	1	1	1
	Arbutus Attenuation Tank	1	1	

4.2.1 Infolinx

Infolinx is a web-based software system that the CRD uses to track the location of all CRD corporate records and print labels for filing folders. All physical copies of Project records stored in Access Storage (the CRD's storage facility for physical copies of documentation) will have Infolinx labels for ease of tracking the location of the documentation.

4.3 Project Risk Registers

Project and Project component risk registers for the Project were used to aid in the identification and management of Project-phase risks (i.e. those related to planning, construction or commissioning). The risk registers also captured a small number of operating period risks, but were not intended to be comprehensive with respect to operating period risks.

The following four risk registers were updated over the course of the Project:

- Project (to capture risks that impacted more than one Project component);
- McLoughlin Point Wastewater Treatment Plant;
- Residuals Treatment Facility; and
- Conveyance System.

All four risk registers were updated monthly, and changes were reported to the Project Board.

The status of the risk registers as at April 20, 2021 are as follows:

- In the Project risk register: the only Project-phase (as opposed to operating period) risk remaining open is: senior government funds issue delayed. The Project Team are currently completing the documentation required to apply for the remaining government funding;
- In the McLoughlin Point Wastewater Treatment Plant risk register: no Project-phase risks remained open (the only risks remaining open are operating period risks);
- In the Residuals Treatment Facility risk register: no Project-phase risks remained open (the only risks remaining open are operating period risks);
- In the conveyance risk register: a small number of Project-phase risks remain open, and contingency (of \$1.74 million) has been included in the Project budget to cover:
 - the inlet channel debris removal at Clover Point Pump Station; and
 - the risks associated with the work remaining on the conveyance component, which is anticipated to be more than sufficient given the nature of the remaining works.

5 Knowledge Transfer

Project knowledge transfer has been achieved through:

- The support and integration of the CRD throughout the planning, design, procurement and construction of the Project – including through the secondment of CRD resources, and CRD resource review of Project submittals;
- Handover meetings between Project Team members and CRD staff;
- The use of a common SCADA system integrator (QCA), who is now familiar with all of the pre-existing and new components of the core area's SCADA system;
- The commitment of Project funds to allow for the continued involvement of the Project's owner's engineer (Stantec);
- The continuity of personnel through the transfer of resources from the Project Team to CRD positions; and
- The retention of Project records.

Appendix A - Source of Project Commitments

Construction Contracts:

- Arbutus Attenuation Tank;
- Clover Forcemain;
- Clover Point Pump Station;
- Macaulay Point Pump Station and Forcemain;
- McLoughlin Point Wastewater Treatment Plant;
- Residual Solids Forcemain and Centrate Return Line;
- Residual Solids Pump Stations and Bridge Crossings;
- Residuals Treatment Facility; and
- Trent Forcemain.

Funding Agreements:

- Infrastructure Canada:
 - Building Canada Fund;
 - Green Infrastructure Fund; and
 - P3 Canada Fund;
- Province of BC; and
- Federation of Canadian Municipalities:
 - GMF 16576;
 - GMF 15822; and
 - GMF 16342.

First Nation Agreements:

- Esquimalt First Nation Support Agreement;
- Songhees First Nation Support Agreement; and
- WSANEC Leadership Council Memorandum of Understanding.

Land Access Agreements:

- Transport Canada Licences:
 - McLoughlin Point Harbour Crossing;
 - McLoughlin Point Outfall;
- Township of Esquimalt Amenity Agreements:
 - Host Community Impact 5-Year Agreement;
 - Community Impact Mitigation and Operating Agreement; and
 - Amenity Reserve Fund Administration Agreement;
- City of Victoria Licences of Occupation:
 - Dallas Road; and
 - Clover Point Pump Station;
- Greater Victoria Harbour Authority (GVHA) Agreements:

- Compensation Agreement; and
 - Right to Enter Agreement.
- DND Licence Agreement for Access to Federal Real Property;
- Minister of Transportation and Infrastructure RSCL Highway Crossing Agreement;
- District of Saanich Residuals Conveyance System and Infrastructure Improvements Design, Construction, Access Agreement; and
- Rock Bay Lease Agreement.

Wastewater Treatment Project Works Remaining Status Report (July 2021)

Project Component	Current Prime Contractor	Summary of Works Remaining at May 2021	Summary of Works Remaining at July 2021	Updated Anticipated Completion Date	Amount included within Project Budget Forecast to Complete
McLoughlin Point Wastewater Treatment Plant	CRD	• Providing advice and guidance to optimize plant performance over the remainder of the two-year performance period (to January 12, 2023); • Complete warm weather odour test; and • DFO authorization reporting.	• As Plant deficiencies arise, HRP and/or CRD undertaking corrective action as per Project Agreement • Tertiary Disk Filters – HRP conducting replacement of backwash valves in August • HRP planning second BAF media augmentation in Aug/Sept and – expected to improve secondary treatment • CRD planning MBBR media addition in July – expected to improve secondary treatment • Completion/Handover documents - Awaiting final HRP record drawings, O&M manuals, commissioning documentation • Plant optimization	Performance Period Ends December 2022	\$2.22M (to cover performance period commitments)
Residuals Treatment Facility	HRMG	• Complete activities required to achieve Completion, primarily being: ○ Residual effluent line modifications; and ○ Address residual effluent quality (including demonstrating compliance to the CRD's satisfaction for the purposes of the second 15-day acceptance test); • Complete change orders related to: ○ Modifications at ring road connector; ○ Changes to biosolids loadout chute; ○ Down payment of sprung structure lease; • Minor deficiency items; and	• Address effluent quality • Address Class A Biosolids particle size through screening		\$127M (to cover capital cost) \$0.25M (to cover completion of change orders)

		Record drawing submission.			
Macaulay Point Pump Station and Forcemain	KCL	- Landscaping; - Minor deficiency items; and - Record drawing submission.	- Inlet screen optimization – address ragging issue - Site cleanup and landscaping - Record drawing submission	September 2021	\$0.34M
Clover Point Pump Station	KCL	- Generator ventilation rectification; - Inlet channel debris removal; - Final acceptance testing (note that final acceptance testing has had to be deferred until after the inlet channel debris removal is completed); - Completion of landscaping (this will complete the public realm improvements and is expected to be complete at the end of Q2, 2021) - Minor deficiency items; and - Record drawing submission.	- Generator ventilation rectification and removal of temporary generator - Inlet channel debris removal by KCL – planned late August/Sept - Final acceptance testing following inlet channel debris removal - Completion of landscaping and public realm improvements and site cleanup - Inlet screen optimization – address ragging issue - Record drawing submission	November 2021	\$1.19M
Clover Forcemain	CRD	- Landscaping; and - Quarterly post-construction stability surveys over the warranty period	Grass/tree planting/establishment	October 2021	\$0.16M
Residual Solids Conveyance Line	KPI	- Minor restoration on the BC Hydro access road to be completed once BC Hydro has completed the pole relocation (gate, tree replacement, final road surface); and - Peers Creek survey; and - DND roadway tie-in	Peers Creek – ongoing discussions with Saanich regarding resolution of drainage design/construction	October 2021	\$0.03M
Residual Solids Pump Stations	KPI	- Removal of low floats and upgrade programming; - Supply and installation of automated valve actuators; - Landscaping; - Minor deficiency items; and	- Resolution of solids concentration/build up and pumpout requirement associated with MPWWTP residuals discharge - Pumpstation access hatch opening mechanism replacement - Ladder rung testing/replacement	October 2021	\$0.43M

		Record drawing submission	- Wet well alarm float adjustment - Final landscaping and maintenance		
Trent Forcemain	CRD	- Restoration; - Minor deficiency items; and - Record drawing submission	Record drawings including Saanich comments and O&M manual submission	August 2021	\$1.58M
Arbutus Attenuation Tank	NAC	- Final commissioning activities; - Site grading and landscaping; - Minor deficiency items; and - Record drawing submission	- Tank fill/testing operation week of July 19 – currently not under CRD operation - Site grading and landscaping - Record drawing submission	October 2021	\$1.71M
		Conveyance Subtotal			\$5.44M
		Total			\$134.91M

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, SEPTEMBER 08, 2021**

SUBJECT **Community Works Fund Program Overview**

ISSUE SUMMARY

This report provides an update on the administration and the upcoming expiry of the Community Works Fund (CWF) Program.

BACKGROUND

Overview

Community Works Funds are provided under the Administrative Agreement of the Canada Community Building Fund (formerly, Federal Gas Tax Fund). This is a tripartite agreement between the federal government, Province of BC, and Union of BC Municipalities (UBCM) to administer the program. Funding is delivered through three programs: the Community Works Fund (CWF), the Strategic Priorities Fund, and the Greater Vancouver Regional Fund.

This report details the CWF program, which distributes funding to local governments on a per capita model. To receive funding in BC, local governments are required to enter into a funding agreement with UBCM (Appendix A). The program supports local government infrastructure and capacity building projects through eligible project categories. Project categories include recreation, wastewater, and drinking water, among others. A list of project categories is detailed in Appendix A (pp. 13-14). Recently, the program was amended to include fire halls and fire-station infrastructure as an eligible project category.

The Capital Regional District (CRD) has been a recipient of CWF under two agreements of 2005–2014 and 2014–2024. The program is approaching the expiry of the current agreement; it is anticipated a third agreement may be announced during the upcoming Federal election. CWF received by the District is re-allocated to the three Electoral Areas (EA): Juan de Fuca (JDF), Salt Spring Island (SSI), and Southern Gulf Islands (SGI), on a per capita basis, in accordance with CRD Board direction (August 2014).

Process

Within the parameters of the agreement, local governments have autonomy to make decisions about what projects to fund. Once the funds are allocated to EAs, CRD staff administer the program through applications from CRD services and third parties. Local governments are unable to use CWF to fund program administration costs under the current agreement.

Since 2020, to determine EA project eligibility and ensure compliance with the agreement, applicants undergo a two-step review process to better assess projects under the terms of the agreement. Proposed projects begin with a joint pre-screening process involving UBCM and the CRD. The pre-screening process was introduced in spring 2020 to provide advice and guidance on eligibility. Due to broad definitions in the agreement, interpretation often included negotiation with the plan administrator. Introduction of the pre-screening process has improved the downstream approval process.

Additionally, feedback from local governments has resulted in changes to project categories and eligible expenses, as mentioned, with fire halls and station infrastructure. Both the pre-screening process changes and amendments to categories, while mutually beneficial, have added volume and work content to staff and applicants.

When a project is deemed eligible, applicants proceed to the full application phase. Applications undergo an internal review by the grant management team and internal approval from the Chief Financial Officer through the delegation bylaw. Upon approval, funds are transferred to services or, for third parties, upon execution of the third party agreement. Appendix B details the application review and approval process.

Communications Protocol

As required by the funding agreement, the CRD participates in communications announcements of Canada Community Building Fund projects. Two compliance letters have been received since March 2020 for both project signage and media releases. In 2021, CRD staff worked with the federal government and UBCM to promote 2020 projects through joint media releases. Schedule D in the agreement outlines CRD's Communications Protocol, which is also provided to third parties in the third party agreement.

Reporting

As a recipient of the Canada Community Building Fund, the CRD is required to complete an Annual Expenditures Report (AER) by June 1 detailing projects for the previous calendar year. Projects continue to be reported until completed. UBCM releases guidelines to follow when reporting. Compliance is a mandatory requirement of the program. In addition to expenses, the CRD reports on project category, outcome, total cost, etc. The AER is accompanied by a signed declaration from the Chief Financial Officer confirming compliance with the funding agreement terms. This year, the CRD was required to forecast unspent funds. In consultation with the EA Directors, all funds are expected to be allocated to projects by March 31, 2024.

For third party projects, once payment is issued, the CRD considers the project to be 100% completed and funds fully spent. The third party agreement outlines the parameters for reporting. The CRD reserves the right to request this information when needed.

As the agreement nears its expiration date, staff have experienced and are expecting a higher level of reporting, audits, and compliance enforcement with the program.

IMPLICATIONS

Service Delivery Implications

As stipulated in the agreement, local governments are subject to program audits at the discretion of the plan administrator. From 2016 to 2020, the CRD was selected three times. When non-compliance is raised, staff work with UBCM to determine next steps and corrective action. Outcomes may include: reduction in future payments and/or penalties, re-allocation of funds to another eligible project, and removal from the AER. Since 2016, three CRD projects were deemed ineligible, which ultimately resulted in a negotiated reduction in the next payment to the EAs.

To help mitigate compliance risks, UBCM and staff began a collaborative pre-screening process to optimize downstream approvals and reporting. Over the last year, staff and UBCM have gained

a much better understanding of EA needs and program limitations to inform the upcoming consultation for future agreements. While the collaborative process has been beneficial to all parties, the work content has been temporarily absorbed within current resourcing levels.

In addition to incrementally adding work content to the process, staff continue to experience increases in volume of applications and forecast this trend to continue at least for the next three years. The CRD is entering the final years of the current agreement (2024), and is proceeding with the assumption all funds will be allocated. Historically, on average the amount awarded to projects each year is \$0.8M. To fully allocate the nearly \$9.1M in funding remaining, this would involve awarding \$3.0M to projects for the final three years of the agreement. Based on future projections, this would involve awarding 3.75 times more to projects than the average amount awarded from 2014-2020 (See Appendix C for details). To meet this future demand, resourcing of the program may need to be increased.

CONCLUSION

The administration of CWF has evolved to better determine EA project eligibility and ensure program compliance. Since the adoption of the prescreening process, staff have continued to work with UBCM to better understand the program and eligibility under the agreement. Both the remaining allocations and the prescreening process has incrementally added work to the review and reporting process. The volume of applications is anticipated to increase as the CRD approaches the end of the agreement.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:
That the Community Works Fund Program Overview be received for information.

Submitted by:	Lia Xu, MSc., CPA, CGA, Finance Manager, Local Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Acting Chief Administrative Officer

ATTACHMENT(S)

Appendix A: 2014-2024 Gas Tax Agreement

Appendix B: CWF Process Overview

Appendix C: Summary of CWF Funding and Average Rate of Projects Awarded

Appendix A: 2014-2024 Gas Tax Agreement

Gas Tax Program Services

...delivering the federal gas tax agreement funding in British Columbia



Administration provided
By UBCM

Funding provided by:
Government of Canada

Canada

In partnership with:
The Province of BC



Gas Tax Program
Services

Local Government House
525 Government St
Victoria BC V8V 0A8

Phone: 250-356-5134
Fax: 250-356-5119

Website:

www.ubcm.ca
under
Funding Programs

Renewed Gas Tax
Agreement

September 17, 2014

Bob Lapham
Chief Administrative Officer
Capital Regional District
PO BOX 1000
Victoria, BC V8W 2S6

Dear Bob Lapham:

RE: COMMUNITY WORKS FUND AGREEMENT

Thank you for managing the approval of the Community Work Fund (CWF) Agreement with UBCM. Our review of your materials is now complete and we have enclosed one fully executed copy of your CWF Agreement for your records.

Provided UBCM has received your 2013 Gas Tax annual expenditure report, UBCM will release your first of two Community Works Fund payments for 2014 shortly, and you will be notified via mail of the Electronic Fund Transfer date.

Please feel free to contact me if you have any questions about the CWF Agreement or other aspects of the Gas Tax Agreement. I can be reached by phone at 250-356-0893 or by e-mail at bfelker@ubcm.ca.

Thank you for your participation in this program.

Yours truly,

Brant Felker
Gas Tax Policy & Program Manager

☐ Chair
☒ CAO *KL*
☒ GM *FT*
☐ For action / resp. by _____
☐ Corresp. for Board / Committee meeting
☐ For Information Only
☒ Copies to *R. Ferrel*
original agr. to Finance for vault
File: 2320-20 (agreements)

☐ Board
☐ Communications

CRD EXECUTIVE OFFICE

Received

SEP 22 2014

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2014-2024 COMMUNITY WORKS FUND AGREEMENT
under the
ADMINISTRATIVE AGREEMENT
ON THE FEDERAL GAS TAX FUND IN BRITISH COLUMBIA

This Agreement made as of September 16, 2014,

BETWEEN:

Capital Regional District (the Local Government)

AND

The **UNION OF BRITISH COLUMBIA MUNICIPALITIES** (UBCM) as continued by section 2 of the *Union of British Columbia Municipalities Act* RSBC 2006, c.1, as represented by the President

WHEREAS:

- A. Canada, British Columbia and UBCM wish to help communities build and revitalize their public infrastructure that supports national objectives of productivity and economic growth, a clean environment and strong cities and communities;
- B. Canada, British Columbia and UBCM have entered into the Agreement setting out the roles and responsibilities of the Parties for the administration of the Federal Gas Tax Fund (GTF) in British Columbia;
- C. The Agreement provides for delivery of funding that may be received by UBCM from Canada, including interest thereon, through three programs, one of which is Community Works Fund;
- D. The Agreement sets out the purpose, terms and conditions of the Community Works Fund, and requires that in order to receive Community Works Fund funding, a Local Government must sign a Funding Agreement with UBCM;

NOW THEREFORE, in consideration of the mutual promises herein, UBCM and the Local Government agree as follows:

1. PURPOSE

The purpose of this Community Works Fund Agreement is to set out the roles and responsibilities of the Local Government and UBCM related to any Community Works Fund funds that may be delivered to the Local Government by UBCM:

2. SCHEDULES

The following Schedules, originating in whole or part from the Agreement, are attached to and form part of this Community Works Fund Agreement:

- Schedule A - Definitions
- Schedule B - Eligible Project Categories
- Schedule C - Eligible and Ineligible Expenditures

Schedule D - Reporting and Audits
Schedule E - Communications Protocol

3. ROLE OF UBCM

3.1 UBCM has, pursuant to the Agreement, agreed with Canada and British Columbia to:

A. receive GTF funding from Canada and allocate funds so received from Canada pursuant to the Agreement, including allocating Community Works Funds to the Local Government to be spent on Eligible Projects and Eligible Expenditures in accordance with the terms and conditions of this Community Works Fund Agreement;

B. report to Canada and British Columbia, including Annual Reports and Outcome Reports, as required by the Agreement; and

C. fulfill other roles and responsibilities as set out in the Agreement.

4. CONTRIBUTION PROVISIONS

4.1 Over the term of this Community Works Fund Agreement, UBCM will pay the Local Government its annual allocation within 30 days of receipt of such funds from Canada.

4.2 Payments under section 4.1 are subject to UBCM receiving sufficient GTF funds from Canada, and Local Government compliance with this Community Works Fund Agreement and any other Funding Agreement under the First Agreement.

4.3 Annual allocation is based on a formula set out in section 3.4 of Annex B of the Agreement. In the first year of this Community Works Fund Agreement, the Local Government will receive \$1,043,748.80, in two equal instalments which, subject to section 4.2, are expected to be delivered in the month following July 15 and November 15, 2014.

4.4 Annual allocation to the Local Government for all subsequent years under this Community Works Fund Agreement continue to be based on the funding formula set out in the Agreement, but are subject to change by UBCM from the amount set out in section 4.3 due to such circumstances as local government boundary changes and new Local Government incorporations, changes in Census populations and changes in amounts that may be received by UBCM from Canada.

4.5 Timing of payments in subsequent years under this Community Works Fund Agreement to the Local Government by UBCM are subject to change due to any changes in timing of payments to UBCM by Canada.

5. USE OF FUNDS BY LOCAL GOVERNMENT

- 5.1 Any GTF funding that may be received by the Local Government and any Unspent Funds, and any interest earned thereon held by the Local Government must be used by the Local Government in accordance with this Community Works Fund Agreement, including specifically Section 6. (Commitments of the Local Government).
- 5.2 Any GTF funding that may be received by the Local Government and any Unspent Funds, and any interest earned thereon held by the Local Government will be treated as federal funds with respect to other federal infrastructure programs.

6. COMMITMENTS OF THE LOCAL GOVERNMENT

- 6.1 The Local Government shall:
- A. Ensure that any Unspent Funds and any GTF funding received from UBCM, as well as any interest earned thereon are expended and used in accordance with Schedule B (Eligible Project Categories) and Schedule C (Eligible and Ineligible Expenditures).
 - B. Treat any Unspent Funds and any GTF funding received from UBCM, as well as any interest earned thereon as federal funds with respect to other federal infrastructure programs.
 - C. Over the term of this Community Works Fund Agreement, ensure that any Unspent Funds and any GTF funding received from UBCM, as well as any interest earned thereon result in incremental spending as measured by the methodology, which will include a Base Amount, approved by the Partnership Committee.
 - D. Comply with all Ultimate Recipient requirements outlined in Schedule E (Communications Protocol).
 - E. During the term of this Community Works Fund Agreement work to strengthen Asset Management, in accordance with the Asset Management framework developed by the Partnership Committee.
 - F. Invest, in a distinct account, GTF funding received from UBCM in advance of paying Eligible Expenditures.
 - G. With respect to Contracts, award and manage all Contracts in accordance with the Local Government's relevant policies and procedures and, if applicable, in accordance with the Agreement on Internal Trade and applicable international trade agreements, and all other applicable laws.
 - H. Invest into Eligible Projects, any revenue that is generated from the sale, lease, encumbrance or other disposal of an asset resulting from an Eligible Project where such disposal takes place within five (5) years of the date of completion of the Eligible Project.
 - I. Submit a report to UBCM, in a format acceptable to UBCM, by June 1 in each year, which includes:
 - GTF transactions of the Local Government for the previous calendar year, in sufficient detail to allow UBCM to produce the Annual Report required by Schedule D (Reporting and Audits);
 - a declaration from the Chief Financial Officer that the Local Government has complied with all Funding Agreements between it and UBCM; and

- any other information required by UBCM to fulfill its responsibilities under the Agreement, including, but not limited to project outcomes in relation to anticipated program benefits, expenditures made for tangible capital assets, and progress made towards Asset Management improvements.

J. Allow Canada and UBCM reasonable and timely access to all of its documentation, records and accounts and those of their respective agents or Third Parties related to the use of any Unspent Funds and any GTF funding, as well as any interest earned thereon, and all other relevant information and documentation requested by Canada or UBCM or its designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Community Works Fund Agreement.

K. Ensure that no current or former public servant or public office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Canada applies will derive direct benefit from GTF funding, Unspent Funds and interest earned thereon, unless the provision or receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.

L. Keep proper and accurate accounts and records in respect of all Eligible Projects for at least six (6) years after completion of the Eligible Project and, upon reasonable notice, make them available to Canada or UBCM.

M. Ensure actions do not establish or be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Canada, British Columbia, or UBCM and the Local Government, or between Canada, British Columbia, or UBCM and a Third Party.

N. Ensure the Local Government does not represent themselves, including in any agreement with a Third Party, as a partner, employee or agent of Canada, British Columbia or UBCM.

O. Ensure that the Local Government will not, at any time, hold the Government of Canada or British Columbia or any of their respective officers, servants, employees or agents responsible for any claims or losses of any kind that they, Third Parties or any other person or entity may suffer in relation to any matter related to GTF funding or an Eligible Project and that they will, at all times, compensate the Government of Canada or British Columbia and their respective officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to GTF funding or an Eligible Project, except to the extent to which such claims or losses relate to the negligence of an officer, employee, or agent of Canada in the performance of his or her duties.

P. Ensure that the Local Government will not, at any time, hold UBCM or any of its officers, servants, employees or agents responsible for any claims or losses of any kind that they, Third Parties or any other person or entity may suffer in relation to any matter related to GTF funding or an Eligible Project and that they will, at all times, compensate UBCM and its officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to GTF funding or an Eligible Project, except to the extent to which such claims or losses relate to the act of negligence of an officer, employee, or agent of UBCM in the performance of his or her duties.

Q. Agree that the above requirements which, by their nature, should extend beyond the expiration or termination of this Agreement will extend beyond such expiration or termination.

7. TRANSITION

- 7.1 As of the effective date of this Community Works Fund Agreement, the First Community Works Fund Agreement is terminated.
- 7.2 Notwithstanding section 7.1, the Parties agree that prior to its termination, the First Community Works Fund Agreement is amended to add to section 6.2 of that agreement: Schedule A (Eligible Project Categories and Project Examples); Schedule B (Eligible Costs for Eligible Recipients) and Schedule E (Reporting and Audit).
- 7.3 Notwithstanding section 7.1, the Parties agree that the survival rights and obligations in Section 6.2 of the First Community Works Fund Agreement (including those added to that section by virtue of Section 7.2), and any other section of the First Community Works Fund Agreement that is required to give effect to that survival section, will continue to apply beyond the termination of the First Community Works Fund Agreement subject to the following:
- A. Regardless of any wording in the First Community Works Fund Agreement with another effect, Unspent Funds, including interest earned thereon, will, as of the effective date of this Community Works Fund Agreement, be subject to this Community Works Fund Agreement;
 - B. Unspent Funds that fall within the reporting period of the 2013 Annual Expenditure Report (as defined in the First Community Works Fund Agreement) will be reported by the Local Government to UBCM in accordance with the First Community Works Fund Agreement;
 - C. Unspent Funds that fall within the reporting period that includes January 1, 2014 to the effective date of this Community Works Fund Agreement will be reported by the Local Government to UBCM in accordance with this Community Works Fund Agreement;
 - D. The survival of the reporting obligations under Section 3.2 and section 1.1 of Schedule E (Reporting and Audits) of the First Community Works Fund Agreement extends only until these obligations are fulfilled by the Local Government for the 2013 reporting year, after which, the reporting obligations under Section 6.1(i) and Schedule D of this Community Works Fund Agreement will apply; and
 - E. Any matters that Section 3.1 (iv) and Schedule G of the First Community Works Fund Agreement would have applied to will be dealt with under Section 6.1(d) and Schedule E (Communications Protocol) of this Community Works Fund Agreement.

8. TERM

This Community Works Fund Agreement will be effective as of April 1, 2014 and will be in effect until March 31, 2024 unless the Parties agree to renew it. In the event where this Community Works Fund Agreement is not renewed, any GTF funding and Unspent Funds, and any interest earned thereon held by the Local Government, that have not been expended on Eligible Projects or other expenditures authorized by this Community Works Fund Agreement as of March 31, 2024 will nevertheless continue to be subject to this Community Works Fund Agreement until such time as may be determined by the Parties.

9. SURVIVAL

The rights and obligations, set out in Sections 5.1, 5.2 and 6.1 will survive the expiry or early termination of this Community Works Fund Agreement and any other section which is required to give effect to the termination or to its consequences shall survive the termination or early termination of this Community Works Fund Agreement.

10. AMENDMENT

The Local Government acknowledges that the Agreement may from time to time be amended by agreement of Canada, British Columbia and UBCM and if and whenever such amendments to the Agreement are made, the Local Government agrees that UBCM may require this Community Works Fund Agreement to be amended to reflect, at the sole discretion of UBCM, the amendments made to the Agreement. Where UBCM requires this Community Works Fund Agreement to be so amended, it will provide to the Local Government notice in writing of the amendments it requires. Such amendments shall form part of this Community Works Fund Agreement and be binding on the Local Government and UBCM thirty (30) days after such notice, unless before then the Local Government elects in writing to give written notice of termination of this Community Works Fund Agreement to UBCM.

11. WAIVER

No provision of this Community Works Fund Agreement shall be deemed to be waived by UBCM, unless waived in writing with express reference to the waived provisions and no excusing, condoning or earlier waiver of any default by the Local Government shall be operative as a waiver, or in any way limit the rights and remedies of UBCM or Canada.

12. NO ASSIGNMENT

This Community Works Fund Agreement is not assignable by the Local Government and the Local Government shall not assign, pledge, or otherwise transfer any entitlement to allocation of funds under this Community Works Fund Agreement to any person and shall upon receipt of any allocation of funds hereunder pay and expend such funds thereafter only in accordance with the terms of this Community Works Fund Agreement.

13. NOTICE

Any notice, information or document provided for under this Community Works Fund Agreement must be in writing and will be effectively given if delivered or sent by mail, postage or other charges prepaid, or by facsimile or email. Any notice that is delivered will have been received on delivery; and any notice mailed will be deemed to have been received eight (8) calendar days after being mailed.

Any notice to UBCM will be addressed to:

Executive Director
525 Government Street
Victoria, British Columbia
V8V 0A8
Facsimile: 250 356-5119
Email: ubcm@ubcm.ca

Any notice to the Local Government will be addressed to:

The Corporate Officer at the place designated as the Local Government office.

SIGNATURES

This Community Works Fund Agreement has been executed on behalf of the Local Government by those officers indicated below and each person signing the agreement represents and warrants that they are duly authorized and have the legal capacity to execute the agreement.

Capital Regional District

Original signed by:


Chair Alastair Bryson

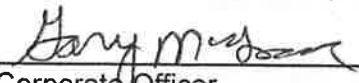
Deputy

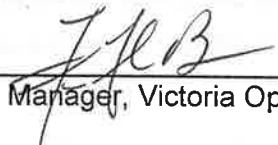
S. M. Norton
Corporate Officer

Signed by Capital Regional District on the
15th day of August, 2014

UNION OF BC MUNICIPALITIES

Original signed by:


Corporate Officer


General Manager, Victoria Operations

The Community Works Fund Agreement have
been executed by UBCM on the 15 day
of SEPTEMBER, 2014.

Schedule A – Definitions

“Agreement” means the Administrative Agreement on the Federal Gas Tax Fund in British Columbia.

“Annual Report” means the duly completed annual report to be prepared and delivered by UBCM to Canada and British Columbia, as described in Schedule D (Reporting and Audits).

“Asset Management” (AM) includes planning processes, approaches or plans that support integrated, lifecycle approaches to effective stewardship of infrastructure assets in order to maximize benefits and manage risk. AM is further described in Schedule F (Asset Management) of the Agreement, and can include:

- an inventory of assets;
- the condition of assets;
- level of service;
- risk assessment;
- a cost analysis;
- community priority setting;
- long-term financial planning.

“Base Amount” means an amount established over a time-period, reflecting non-federal investments in Infrastructure and against which GTF investments will be measured to ensure that GTF investments are incremental.

“Chief Financial Officer” means in the case of a municipality, the officer assigned financial administration responsibility under S. 149 of the *Community Charter*, and in the case of a Regional District, the officer assigned financial administration responsibility under S. 199 of the *Local Government Act*, R.S.B.C. 1996, c.323.

“Communications Protocol” means the protocol by which all communications activities related to GTF funding will be delivered as described in Schedule E (Communications Protocol).

“Community Works Fund” means the fund provided from the Federal gas tax revenues to be dispersed to local governments based on a percentage of the per capita allocation for local spending priorities in accordance with the terms and conditions set out in the Agreement.

“Community Works Fund Agreement” means this Agreement made between UBCM and Local Government.

“Contract” means an agreement between an Ultimate Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

“Eligible Expenditures” means those expenditures described as eligible in Schedule C (Eligible and Ineligible Expenditures).

“Eligible Projects” means projects as described in Schedule B (Eligible Project Categories).

“First Agreement” means the agreement for the transfer of federal gas tax revenues entered into on September 19, 2005 by the Government of Canada, British Columbia and UBCM, with an expiry date of March 31, 2019, as amended.

“First Community Works Fund Agreement” means the agreement entered between UBCM and Local Government in order to administer the Community Works Fund under the First Agreement.

“Funding Agreement” means an agreement between UBCM and an Ultimate Recipient setting out the terms and conditions of the GTF funding to be provided to the Ultimate Recipient as entered under the First Agreement or the Agreement.

“GTF” means the Gas Tax Fund, a program established by the Government of Canada setting out the terms and conditions for the administration of funding that may be provided by Canada to recipients under section 161 of the *Keeping Canada’s Economy and Jobs Growing Act*, S.C. 2011, c. 24 as amended by section 233 of the *Economic Action Plan 2013 Act, No. 1*, S.C. 2013, c. 33, or any other source of funding as determined by Canada.

“Ineligible Expenditures” means those expenditures described as ineligible in Schedule C (Eligible and Ineligible Expenditures).

“Infrastructure” means municipal or regional, publicly or privately owned tangible capital assets in British Columbia primarily for public use or benefit.

“Local Government” means a municipality as defined in the *Community Charter* [SBC 2003] Chapter 26, a regional district as defined in the *Local Government Act* [RSBC 1996] Chapter 323, and the City of Vancouver as continued under the *Vancouver Charter* [SBC 1953] Chapter 55.

“Outcomes Report” means the report to be delivered by March 31, 2018 and again by March 31, 2023 by UBCM to Canada and British Columbia which reports on how GTF investments are supporting progress towards achieving the program benefits, more specifically described in Schedule D (Reporting and Audits).

“Partnership Committee” means the Committee required to be established by the Agreement to govern the implementation of the Agreement and further described in Annex C of the Agreement.

“Party” means Canada, British Columbia or UBCM when referred to individually and collectively referred to as “Parties”.

“Third Party” means any person or legal entity, other than Canada, British Columbia, UBCM or an Ultimate Recipient, who participates in the implementation of an Eligible Project by means of a Contract.

“Ultimate Recipient” means a Local Government.

“Unspent Funds” means Funds (as defined by the First Agreement) that have not been spent towards an Eligible Project (as defined under the First Agreement) prior to the effective date of the Agreement.

Schedule B – Eligible Project Categories

Eligible Projects include investments in Infrastructure for its construction, renewal or material enhancement in each of the following categories:

- A. Local roads, bridges – roads, bridges and active transportation infrastructure (active transportation refers to investments that support active methods of travel. This can include: cycling lanes and paths, sidewalks, hiking and walking trails).
- B. Highways – highway infrastructure.
- C. Short-sea shipping – infrastructure related to the movement of cargo and passengers around the coast and on inland waterways, without directly crossing an ocean.
- D. Short-line rail – railway related infrastructure for carriage of passengers or freight.
- E. Regional and local airports – airport-related infrastructure (excludes the National Airport System).
- F. Broadband connectivity – infrastructure that provides internet access to residents, businesses, and/or institutions in Canadian communities.
- G. Public transit – infrastructure that supports a shared passenger transport system which is available for public use.
- H. Drinking water – infrastructure that supports drinking water conservation, collection, treatment and distribution systems.
- I. Wastewater – infrastructure that supports wastewater and storm water collection, treatment and management systems.
- J. Solid waste – infrastructure that supports solid waste management systems including the collection, diversion and disposal of recyclables, compostable materials and garbage.
- K. Community energy systems – infrastructure that generates or increases the efficient usage of energy.
- L. Brownfield Redevelopment – remediation or decontamination and redevelopment of a brownfield site within Local Governments boundaries, where the redevelopment includes:
 - the construction of public infrastructure as identified in the context of any other eligible project category under the GTF, and/or;
 - the construction of Local Government public parks and publicly-owned social housing.
- M. Sport Infrastructure – amateur sport infrastructure (excludes facilities, including arenas, which would be used as the home of professional sports teams or major junior hockey teams (e.g. Western Hockey League)).
- N. Recreational infrastructure – recreational facilities or networks.

O. Cultural infrastructure – infrastructure that supports arts, humanities, and heritage.

P. Tourism infrastructure – infrastructure that attract travelers for recreation, leisure, business or other purposes.

Q. Disaster mitigation – infrastructure that reduces or eliminates long-term impacts and risks associated with natural disasters.

Eligible Projects also include:

R. Capacity building – includes investments related to strengthening the ability of Local Governments to develop long-term planning practices.

Note: Investments in health infrastructure (hospitals, convalescent and senior centres) are not eligible.

Schedule C – Eligible and Ineligible Expenditures

1. ELIGIBLE EXPENDITURES

1.1 Eligible Expenditures of Ultimate Recipients will be limited to the following:

A. the expenditures associated with acquiring, planning, designing, constructing or renovating a tangible capital asset, as defined by Generally Accepted Accounting Principles (GAAP), and any related debt financing charges specifically identified with that asset;

B. for capacity building category only, the expenditures related to strengthening the ability of Local Governments to improve local and regional planning including capital investment plans, integrated community sustainability plans, life-cycle cost assessments, and Asset Management Plans. The expenditures could include developing and implementing:

- studies, strategies, or systems related to asset management, which may include software acquisition and implementation;
- training directly related to asset management planning; and,
- long-term infrastructure plans.

C. the expenditures directly associated with joint communication activities and with federal project signage for GTF-funded projects.

1.2 Employee and Equipment Costs: The incremental costs of the Ultimate Recipient's employees or leasing of equipment may be included as Eligible Expenditures under the following conditions:

- the Ultimate Recipient is able to demonstrate that it is not economically feasible to tender a contract;
- the employee or equipment is engaged directly in respect of the work that would have been the subject of the contract; and
- the arrangement is approved in advance and in writing by UBCM.

1.3 Administration expenses of UBCM related to program delivery and implementation of this Agreement, in accordance with Section 9 (Use and Recording of Funds by UBCM) of Annex B (Terms and Conditions).

2. INELIGIBLE EXPENDITURES

The following are deemed Ineligible Expenditures:

- A. project expenditures incurred before April 1, 2005;
- B. project expenditures incurred before April 1, 2014 for the following investment categories:
 - highways;
 - regional and local airports;
 - short-line rail;
 - short-sea shipping;
 - disaster mitigation;
 - broadband connectivity;
 - brownfield redevelopment;
 - cultural infrastructure;
 - tourism infrastructure;
 - sport infrastructure; and
 - recreational infrastructure.
- C. the cost of leasing of equipment by the Ultimate Recipient, any overhead costs, including salaries and other employment benefits of any employees of the Ultimate Recipient, its direct or indirect operating or administrative costs of Ultimate Recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with Eligible Expenditures above;
- D. taxes for which the Ultimate Recipient is eligible for a tax rebate and all other costs eligible for rebates;
- E. purchase of land or any interest therein, and related costs;
- F. legal fees; and
- G. routine repair and maintenance costs.

Schedule D –Reporting and Audits

1. REPORTING

Reporting requirements under the GTF will consist of an Annual Report and an Outcomes Report that will be submitted to Canada and British Columbia for review and acceptance. The reporting year is January 1st to December 31st.

1.1 ANNUAL REPORT

By September 30th of each year, UBCM will provide to Canada and British Columbia an Annual Report in an electronic format deemed acceptable by Canada consisting of the following in relation to the previous reporting year:

Financial Report Table: The financial report table will be submitted in accordance with the following template.

Annual Report Financial Table	Annual	Cumulative
	20xx - 20xx	2014 - 20xx
UBCM		
Opening Balance ³³	\$xxx	
Received from Canada	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Administrative Cost	(\$xxx)	(\$xxx)
Transferred to Ultimate Recipients	(\$xxx)	(\$xxx)
Closing Balance of unspent funds	\$xxx	
Ultimate Recipients in aggregate		
Opening Balance ³⁴	\$xxx	
Received from UBCM	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Spent on Eligible Expenditures	(\$xxx)	(\$xxx)
Closing Balance of unspent funds	\$xxx	

³³ For the 2014 Annual Report this means the amount reported as unspent by UBCM the 2013 Annual Expenditure Report (as defined under the First Agreement).

³⁴ For the 2014 Annual Report this means the amount reported as unspent by Eligible Recipients (as defined under the First Agreement) in the 2013 Annual Expenditure Report (as defined under the First Agreement).

Independent Audit or Audit Based Attestation:

UBCM will provide an independent audit opinion, or an attestation based on an independent audit and signed by a senior official designated in writing by British Columbia and UBCM, as to:

- A. the accuracy of the information submitted in the Financial Report Table; and
- B. that Funds were expended for the purposes intended.

Project List

UBCM will maintain, and provide to Canada and British Columbia a project list submitted in accordance with the following template.

Annual Report - GTF Project List Template

Project ID	Ultimate Recipient	Project Title	Project Description	Investment category	Total Project Cost	Funds (GTF) Spent	Completed

1.2 OUTCOMES REPORT

By March 31, 2018 and March 31, 2023, UBCM will provide to Canada and British Columbia and make publicly available, an Outcomes Report that will report in aggregate on the degree to which investments are supporting the progress in British Columbia towards achieving the following program benefits:

- A. Beneficial impacts on communities of completed Eligible Projects;
- B. Enhanced impact of GTF as a predictable source of funding including incremental spending; and
- C. Progress made on improving Local Government Asset Management.

The Outcomes Report will present performance data and a narrative on program benefits. The partnership committee will develop and approve a methodology for reporting on performance in respect of each of the program benefits

2. AUDITS

Canada may, at its expense, carry out any audit in relation to the Agreement, and for this purpose, reasonable and timely access to all documentation, records and accounts that are related to the Agreement and the use of GTF funding, and any interest earned thereon, and to all other relevant information and documentation requested by Canada or its designated representatives, will be provided to Canada and its designated representatives by:

- British Columbia and UBCM, as applicable, where these are held by British Columbia, UBCM, or their respective agents or Third Parties; and
- Ultimate Recipients where these are held by the Ultimate Recipient or a Third Party or their respective agents.

Canada may, at its expense, complete a periodic evaluation of the GTF to review the relevance and performance (i.e. effectiveness, efficiency and economy) of the GTF. British Columbia and UBCM will provide Canada with information on program performance and may be asked to participate in the evaluation process. The results of the evaluation will be made publicly available.

Schedule E – Communications Protocol

1. PURPOSE

1.1 The provisions of this Communications Protocol apply to all communications activities related to any GTF funding which may be delivered by Canada, including allocations, and Eligible Projects funded under this Agreement. Communications activities may include, but are not limited to, public or media events, news releases, reports, web articles, blogs, project signs, digital signs, publications, success stories and vignettes, photo compilations, videos, advertising campaigns, awareness campaigns, editorials, awards programs, and multi-media products.

1.2 Through collaboration, the Parties agree to work to ensure clarity and consistency in the communications activities meant for the public.

2. JOINT COMMUNICATIONS APPROACH

2.1 The Parties agree to work in collaboration to develop a joint communications approach that identifies guiding principles, including those related to the provision of upfront project information, project signage, and planned communications activities throughout the year. This joint communications approach will have the objective of ensuring that communications activities undertaken each calendar year communicate a mix of Eligible Project types from both large and small communities, span the full calendar year and use a wide range of communications mediums.

2.2 The Parties agree that the initial annual joint communications approach will be finalized and approved by the partnership committee within 60 working days following the inaugural meeting of the partnership committee.

2.3 The Parties agree that achievements under the joint communications approach will be reported to the partnership committee once a year, or more frequently as requested by the partnership committee.

2.4 The Parties agree to assess the effectiveness of the joint communications approach on an annual basis and, as required, update and propose modifications to the joint communications approach. Any modifications will be brought to the partnership committee for approval.

3. INFORM CANADA ON ALLOCATION AND INTENDED USE OF GTF FUNDING FOR COMMUNICATIONS PLANNING PURPOSES

3.1 UBCM agrees to provide to Canada upfront information on planned Eligible Projects and Eligible Projects in progress on an annual basis, prior to the construction season. The Parties will agree, in the joint communications approach, on the date this information will be provided. The information will include, at a minimum:

Ultimate Recipient name; Eligible Project name; Eligible Project category, a brief but meaningful Eligible Project description; amount of Funds being used toward the Eligible Project; and anticipated start date.

3.2 The Parties agree that the above information will be delivered to Canada in an electronic format deemed acceptable by Canada. This information will only be used for communications planning purposes and not for program reporting purposes.

3.3 The Parties agree that the joint communications approach will define a mechanism to ensure the most up-to-date Eligible Project information is available to Canada to support media events and announcements for Eligible Projects.

4. PROJECT SIGNAGE

4.1 The Parties and Ultimate Recipients may each have a sign recognizing their contribution to Eligible Projects.

4.2 At Canada's request, Ultimate Recipients will install a federal sign to recognize federal funding at Eligible Project site(s). Federal sign design, content, and installation guidelines will be provided by Canada and included in the joint communications approach.

4.3 Where British Columbia, UBCM or an Ultimate Recipient decides to install a permanent plaque or other suitable marker with respect to an Eligible Project, it must recognize the federal contribution to the Eligible Project(s) and be approved by Canada.

4.4 The Ultimate Recipient is responsible for the production and installation of Eligible Project signage, or as otherwise agreed upon.

4.5 British Columbia or UBCM agree to inform Canada of signage installations on a basis mutually agreed upon in the joint communications approach.

5. MEDIA EVENTS AND ANNOUNCEMENTS FOR ELIGIBLE PROJECTS

5.1 The Parties agree to have regular announcements of Eligible Projects that are benefiting from GTF funding that may be provided by Canada. Key milestones may be marked by public events, news releases and/or other mechanisms.

5.2 Media events include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.

5.3 A Party or an Ultimate Recipient may request a media event.

5.4 Media events related to Eligible Projects will not occur without the prior knowledge and agreement of the Parties and the Ultimate Recipient.

5.5 The Party or Ultimate Recipient requesting a media event will provide at least 15 working days' notice to the other Parties or Ultimate Recipient of their intention to undertake such an event. The event will take place at a mutually agreed date and location. The Parties and the Ultimate Recipient will have the opportunity to participate in such events through a designated representative. The Parties will each designate their own representative.

5.6 The conduct of all joint media events and products will follow the *Table of Precedence for Canada* as outlined at <http://www.pch.gc.ca/pgm/ceem-cced/prtcl/precedence-eng.cfm>.

5.7 All joint communications material related to media events must be approved by Canada and recognize the funding of the Parties.

5.8 All joint communications material must reflect Canada's policy on official languages and the federal identity program.

6. PROGRAM COMMUNICATIONS

6.1 The Parties and Ultimate Recipients may include messaging in their own communications products and activities with regard to the GTF.

6.2 The Party or Ultimate Recipient undertaking these activities will provide the opportunity for the other Parties and Ultimate Recipient to participate, where appropriate, and will recognize the funding of all contributors.

6.3 The Parties agree that they will not unreasonably restrict the other Parties or Ultimate Recipient from using, for their own purposes, public communications products related to the GTF prepared by a Party or Ultimate Recipients, or, if web-based, from linking to it.

6.4 Notwithstanding Section 5 (Communications Protocol), Canada retains the right to meet its obligations to communicate information to Canadians about the GTF and the use of funding through communications products and activities.

7. OPERATIONAL COMMUNICATIONS

7.1 The Ultimate Recipient is solely responsible for operational communications with respect to Eligible Projects, including but not limited to, calls for tender, construction, and public safety notices. Operational communications as described above are not subject to the federal official language policy.

7.2 Canada, British Columbia, UBCM or the Ultimate Recipient will share information promptly with the Parties should significant emerging media or stakeholder issues relating to an Eligible Project arise. The Parties will advise Ultimate Recipients, when appropriate, about media inquiries received concerning an Eligible Project.

8. COMMUNICATING SUCCESS STORIES

British Columbia and UBCM agree to facilitate communications between Canada and Ultimate Recipients for the purposes of collaborating on communications activities and products including but not limited to Eligible Project success stories, Eligible Project vignettes, and Eligible Project start-to-finish features.

9. ADVERTISING CAMPAIGNS

Recognizing that advertising can be an effective means of communicating with the public, a Party or an Ultimate Recipient may, at their own cost, organize an advertising or public information campaign related to the GTF or Eligible Projects. However, such a campaign must respect the provisions of this Agreement. In the event of such a campaign, the sponsoring Party or Ultimate Recipient agrees to inform the other Parties of its intention, and to inform them no less than 21 working days prior to the campaign launch.

Appendix B: CWF Process Overview

COMMUNITY WORKS FUND – CRD GRANT PROCESS



LEGEND



Applicant



CRD (i.e., Electoral Area Administrators (EA Administrators) and Grant Management Team (GMT), Legal, other CRD Services, etc.).



Program Administrator (UBCM)



Pre-screening Form



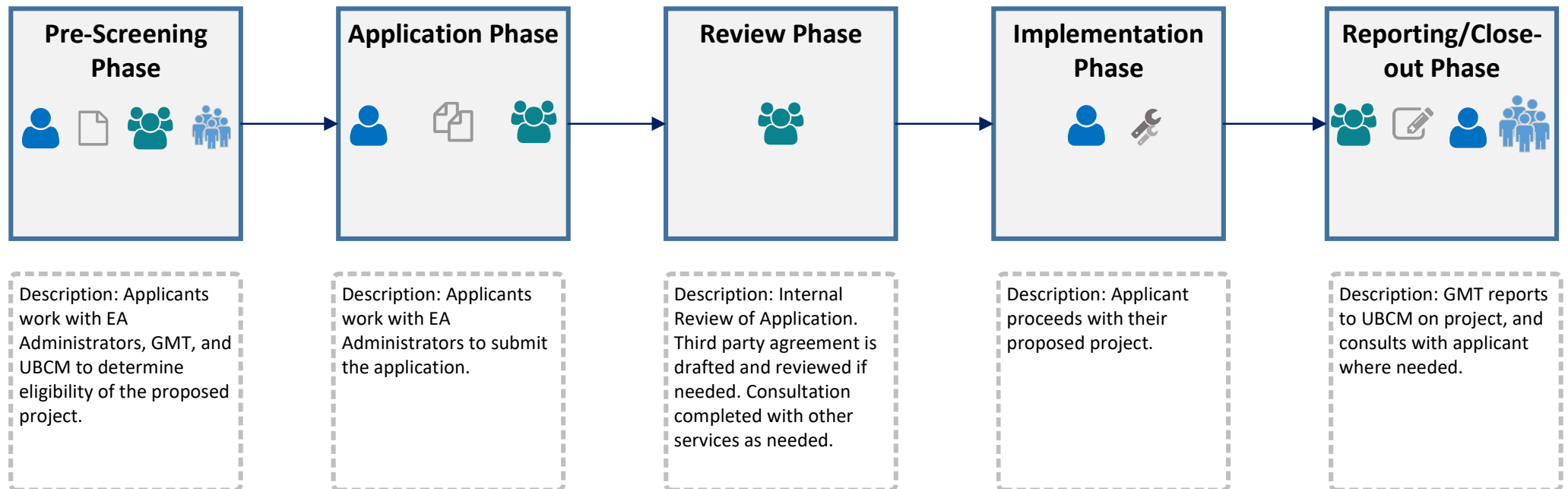
Application Form



Develop/Build/Acquisition



Report



Appendix C: Summary of CWF Funding and Average Rate of Projects Awarded

Table 1 – Summary of CWF Funding with Future Projections (\$ in Millions).

Table 1 provides a summary of CWF funding remaining at the end of 2020, and includes funds received in 2021, and future allocation projections as the CRD enters the remaining years of the agreement (2024).

EA	31-Dec-20 Year-end Balance	2021*	2022 (projection)	2023 (projection)	Total
JDF	1.1	0.6	0.3	0.3	2.3
SSI	3.0	1.2	0.6	0.6	5.4
SGI	0.3	0.5	0.3	0.3	1.4
Total	4.4	2.3	1.2	1.2	9.1

*2021 includes payment and top-up.

Table 2 – Average Amount of Projects Awarded (\$ in Millions)

Table 2 provides a summary of the average amount of projects awarded (\$0.8M) in the last seven years (2014-2020). To fully allocate CWF funds by the end of the agreement (2024), this will involve increasing the average amount awarded to \$3.0M a year. Comparing this increase to the \$0.8M average awarded, this represents a 3.75 times increase.

EA	2014-2020		2021-2024		
	Total Amount Awarded (\$)	Average Awarded/Year (\$)	Total Remaining to Award (\$)	Projected Average Awarded/Year (\$)	Increased Rate to Award
JDF	1.3	0.2	2.3	0.8	4.0
SSI	2.4	0.3	5.4	1.8	6.0
SGI	2.4	0.3	1.4	0.4	1.3
Total	6.1	0.8	9.1	3.0	3.75 (Average)



Making a difference...together

REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY SEPTEMBER 8, 2021

SUBJECT Canada Community Revitalization Fund - Motion of Support

ISSUE SUMMARY

To seek support to submit a Canada Community Revitalization Fund grant application for the Revitalization of Centennial Park in Ganges Village, Salt Spring Island.

BACKGROUND

The Salt Spring Island Parks and Recreation 2019 Strategic Plan identified the following as a top priority: “continue implementing the Centennial Park Master Plan through a phased approach to replace aging infrastructure, improve the parks visibility, accessibility, safety and aesthetics for all park users.” Further, both the Provincial and Federal Government have budgeted for and prioritized supporting people and businesses to build a strong resilient community and more secure future through a robust and resilient economic recovery plan in response to the Covid-19 pandemic.

Salt Spring Island is a small rural community with a population of approximately 10,000. Centennial Park is located in the core of Ganges Village, is the jewel of Salt Spring Island, and the most frequently used park. It hosts a number of events, concerts and most notably the Saturday Market which can see over 1500 visitors on a busy day. During the Covid-19 pandemic, the Market was shut down and once open was scaled back to provide adequate social distancing. The economic impacts to this reached a number of independent artisans and businesses. The Revitalization of Centennial Park in Ganges Village project will support the economic recovery and resiliency of this rural community by bringing increased traffic and tourists to the Tuesday and Saturday market as well as surrounding businesses in the Village core.

In addition, Centennial Park requires significant upgrades to address the age and deterioration of infrastructure. The current plaza hardscape includes a mix of different patchwork materials. The surface is lifting due to eroded tree root systems and needs improvements to meet accessibility standards. The plan is to upgrade and revitalize the open space, walkway and parking lot, including accessibility features for barrier-free mobility.

The Canada Community Revitalization Fund is intended to help communities across Canada build and improve community infrastructure so they can rebound from the effects of the Covid-19 pandemic. With a national allocation of \$500 million over two years, the Fund’s purpose is to support not-for-profit organizations, municipalities and other public institutions, as well as Indigenous communities on the road to economic recovery. The focus of the funding will be for projects that assist with community vitality, support social and economic cohesion and help reanimate communities. The Revitalization of Centennial Park in Ganges aligns with two main priorities of the program: 1) Priority will be given to projects that aim to revitalize main streets or downtown cores. This priority directly coincides with supporting and rebuilding the social and economic recovery of the community of Salt Spring as Centennial Park is centrally located

downtown and provides economic support to local market vendors and small businesses. 2) Increase accessibility to public spaces for everyone to enjoy inclusive of people with disabilities. This project will address upgrades to accessibility standards at the park.

In 2016, Salt Spring Island Parks and Recreation Commission (PARC) completed a 20 year Master Plan for Centennial Park. The process included extensive community consultation and resulted in conceptual designs of the future park with work to be done in a phased approach. Two of the five phases have already been completed, these include: replacement of the washroom building, and the construction of a new playground facility.

The remaining phases include:

- Construction of a new entrance plaza, increased lighting and parking restoration.
- Construction of a new band shell/public stage and all associated items.
- Constructing a new loop pathway, extending the existing boardwalk and creating a new soft lawn along with all associated items.

This staff report seeks approval to make an application to the Canada Community Revitalization Fund grant program. The grant funds would be used to address the following issues:

- Removal of the existing plaza hardscape
- Underground ditching to address eroded tree root systems
- Replacement of the hardscape with a permeable surface (interlocking brick with Coast Salish design)
- The design will emphasize the entry and exit points as well as provide more/adequate space for the vendor stalls
- Replace and relocate the band shell/ public stage
- Address topography and drainage issues at the park that occur during rainy season
- Improve circulation and pedestrian flow of traffic
- Improve accessibility standards for barrier-free mobility
- Install additional and improved lighting
- Restoration of parking lot

ALTERNATIVES

Alternative 1

The Electoral Areas Committee recommends to the Capital Regional District Board (the Board):

That the Board authorize staff to submit an application for grant funding (\$599,940) for the Revitalization of Centennial Park in Ganges Village project through the Canada Community Revitalization Fund; and that the Board supports the project and commits to its share (\$200,000) of the project.

Alternative 2

That staff be directed to report back with additional information.

Social Implications

Salt Spring Island is a community of independent artisans and small business. This community was disproportionately impacted by the Covid-19 pandemic. Rebuilding the economic resiliency of Salt Spring is a priority and this grant funding provides the opportunity to revitalize Centennial Park which is the central hub for community events and most notably the markets.

Financial Implications

The Salt Spring Island Community Parks Service has planned \$200,000 towards Centennial Park Upgrades project in 2021 Capital Plan, funded by \$100,000 of Capital Reserve Fund (CRF) and \$100,000 of Community Works Funds. A project charter has been approved by PARC to use this funding for designs and costing for the park plaza and to fund a portion of construction. If our grant application for an additional \$599,940 is approved, the scope of this project will be increased to include full construction costs of the plaza, replacement of the band shell and upgrades to existing pathways in the park. Table below outlines the project costs estimation for revised project scope. If the grant application is not successful, we will proceed with the original project scope for total project budget of \$200,000 as approved.

Project Costs Estimation	Amount
Materials and Supplies	\$95,300
Contractors/Professional Fees/Consulting Fees	\$58,000
Capital Costs	\$542,360
Incremental Salaries and Benefits	\$34,780
Other (contingency)	\$69,500
Total	\$799,940

CONCLUSION

Canada Community Revitalization Fund is offering grant funding to build and improve infrastructure in an effort to rebound from the effects of the Covid-19 pandemic. Salt Spring Island is a small rural community of independent artisans and small business owners who rely on a vibrant community as well as tourism for their financial vitality. The Revitalization of the Centennial Park in Ganges Village project would address deficiencies, end of life infrastructure and provide necessary upgrades to the park bringing traffic and tourism back to the park which is the central hub and gathering place for events, activities and the Markets.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board (the Board):

That the Board authorize staff to submit an application for grant funding (\$599,940) for the Revitalization of Centennial Park in Ganges Village project through the Canada Community Revitalization Fund; and that the Board supports the project and commits to its share (\$200,000) of the project.

Submitted by:	Dan Ovington, Manager, Parks and Recreation
Concurrence:	Karla Campbell, Senior Manager, Salt Spring Electoral Area
Concurrence:	Nelson Chan, Chief Financial Officer, Acting Chief Administrative Officer

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, SEPTEMBER 08, 2021**

SUBJECT **Bylaw 4441: Contribution Service Establishment for the Pender Islands Health Care Centre – Amendment to Bylaw 4441 Synopsis**

ISSUE SUMMARY

The Pender Islands Health Care Society has requested the CRD establish a contribution service for the Pender Islands Health Care Centre.

BACKGROUND

On July 14, 2021 the CRD Board approved proceeding to a referendum on North and South Pender Islands to seek approval of Bylaw No. 4441, a bylaw to establish a contribution service to fund the Pender Islands Health Care Centre, operated by the Pender Islands Health Care Society ("PIHCS"). At that meeting, the Board approved a synopsis of Bylaw No. 4441 that will be used for the purpose of statutory advertising. The approved synopsis is attached as Appendix A to this report.

On review, staff detected an error in the approved synopsis in the description of the property tax rate. Where the synopsis states, "\$1.1803 per one thousand dollars (\$1,000)" it should instead state, "\$0.1803 per one thousand dollars (\$1,000)" in accordance with the maximum requisition specified in the bylaw. A corrected version of the synopsis of Bylaw No. 4441 is attached as Appendix B.

CONCLUSION

The Board-approved synopsis of Bylaw No. 4441 requires a correction prior to publishing statutory advertisements related to the Pender Islands Health Care Centre referendum. A corrected version of the synopsis is attached at Appendix B.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:
That the revised synopsis of Bylaw No. 4441, attached as Appendix B, be approved for advertising purposes.

Submitted by:	Kristen Morley, J.D., General Manager, Corporate Services and Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Original Synopsis of Bylaw No. 4441
Appendix B: Revised Synopsis of Bylaw No. 4441
Appendix C: Bylaw No. 4441 (at third reading)

Appendix A

Synopsis of Bylaw No. 4441 - ORIGINAL

The intent of Bylaw No. 4441, the “Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021”, is to establish a new service to contribute to the costs incurred by the Pender Islands Health Care Society in operating the Pender Island Health Care Centre. The bylaw permits the CRD to raise a maximum annual requisition for the purpose of funding the operating costs of the service to the greater of two hundred and thirty-five thousand dollars (\$235,000) or **\$1.1803** per one thousand dollars (\$1,000) of taxable land and improvements in the service area. It is estimated that the participants will pay an additional \$93.00 per average household on an annual basis if the bylaw is approved.

Please note that this synopsis of Bylaw No. 4441 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and this notice may be viewed at the Capital Regional District offices located at 625 Fisgard Street, Victoria B.C. during business hours. This information may also be viewed on the website at www.crd.bc.ca.

Appendix B

Synopsis of Bylaw No. 4441 - REVISED

The intent of Bylaw No. 4441, the “Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021”, is to establish a new service to contribute to the costs incurred by the Pender Islands Health Care Society in operating the Pender Island Health Care Centre. The bylaw permits the CRD to raise a maximum annual requisition for the purpose of funding the operating costs of the service to the greater of two hundred and thirty-five thousand dollars (\$235,000) or **\$0.1803** per one thousand dollars (\$1,000) of taxable land and improvements in the service area. It is estimated that the participants will pay an additional \$93.00 per average household on an annual basis if the bylaw is approved.

Please note that this synopsis of Bylaw No. 4441 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and this notice may be viewed at the Capital Regional District offices located at 625 Fisgard Street, Victoria B.C. during business hours. This information may also be viewed on the website at www.crd.bc.ca.

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4441

A BYLAW TO ESTABLISH A CONTRIBUTION SERVICE FOR
THE PENDER ISLANDS HEALTH CARE CENTRE

WHEREAS:

- A. The Capital Regional District may, under section 332 of the *Local Government Act*, RSBC 2015, c 1, establish and provide any service that the Board considers necessary or desirable for all or part of the Capital Regional District;
- B. The Regional Board of the Capital Regional District wishes to establish a service for the purpose of contributing financially to the administration and operation of the Pender Islands Health Care Centre which is owned and managed by the Pender Islands Health Care Society;
- C. Participating area approval is required and assent of the electors will be obtained under Section 336 of the *Local Government Act*;
- D. The approval of the Inspector of Municipalities is required under Section 341(1)(a) of the *Local Government Act*.

NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

Service

- 1. The Capital Regional District hereby establishes a service for the purpose of contributing to the costs of administration and operation of the Pender Islands Health Care Centre.

Boundaries

- 2. The boundaries of the Service Area are shown on the map attached hereto as Schedule A.

Participating Area

- 3. The participating areas for the service are North and South Pender Islands, being a portion of the Southern Gulf Islands Electoral Area, as shown in Schedule A.

Cost Recovery

- 4. As provided in Section 378 of the *Local Government Act*, the annual costs of providing the Service, net of grants and revenue, shall be recovered by one or more of the following:
 - (a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*], Part 11 of the *Local Government Act*;
 - (b) Fees and charges imposed under Section 397 of the *Local Government Act*;
 - (c) Revenues raised by other means authorized under the *Local Government Act* or another Act;
 - (d) Revenues received by agreement, enterprise, gift, grant or otherwise.

Maximum Requisition

5. In accordance with Section 339(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
- a) Two Hundred and Thirty Five Thousand Dollars (\$235,000); or
 - b) An amount equal to the amount that could be raised by a property value tax rate of \$0.1803 per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the Service.

Agreement

6. A contribution agreement will be established between the Capital Regional District and the Pender Islands Health Care Society.

Citation

7. This Bylaw may be cited as the "Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021".

READ A FIRST TIME THIS	14 th	day of	July	2021
READ A SECOND TIME THIS	14 th	day of	July	2021
READ A THIRD TIME THIS	14 th	day of	July	2021

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS		day of		202_
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RECEIVED THE ASSENT OF THE ELECTORS UNDER SECTION 336 OF THE <i>LOCAL GOVERNMENT ACT</i> THIS		day of		202_
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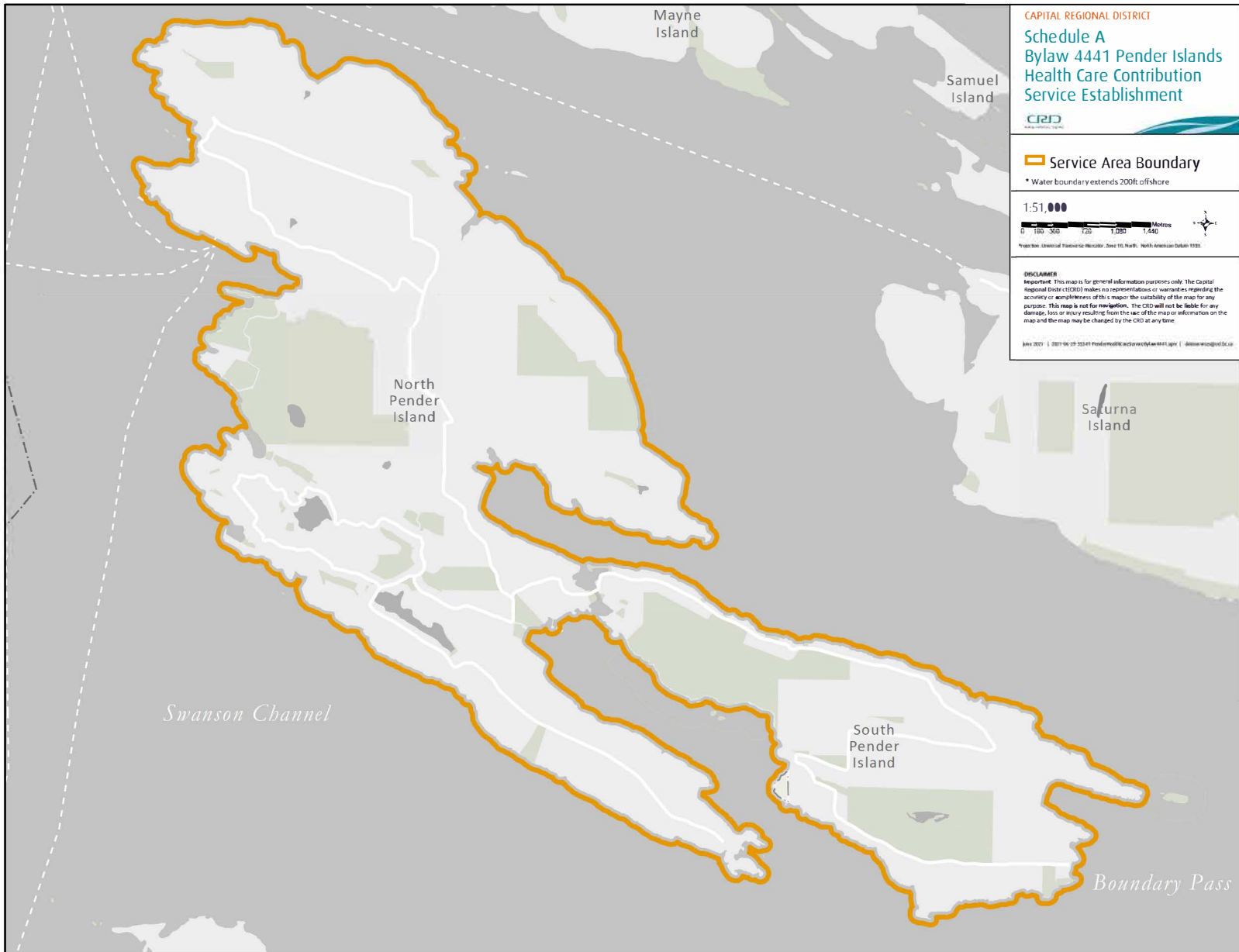
ADOPTED THIS		day of		202_
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CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS	__	day of		202_
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SCHEDULE A



**REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, JULY 21, 2021**

SUBJECT **Millstream Meadows Remediation Project Update**

ISSUE SUMMARY

To update the committee of the current South Highlands Local Area Planning process, and the potential implications on the Millstream Meadows remediation project.

BACKGROUND

The Millstream Meadows site is a 32-acre property in the District of Highlands (Highlands) that was used for the unregulated disposal of septage and other trucked liquid waste between the early 1940s and 1985 (Appendix A). Since 2005, the CRD and the Government of British Columbia (the Province) have worked cooperatively to investigate and remediate contamination at the property, with the end goal of divestiture. The overall project approach, schedule and budget is managed in cooperation with, and is approved by, the Province.

Upon completion of remediation, the Capital Regional District (CRD) plans to obtain a risk-based, commercial land use Certificate of Compliance to demonstrate compliance with provincial contaminated sites legislation. This provincial certification will confirm that site remediation and the management plan will protect human health and the environment, and will allow the site's redevelopment potential to be fully realized to generate economic development opportunities within the Highlands. Commercial land use was set as the remedial target, in accordance with Highlands' Official Community Plan (OCP).

In 2007-2008, contractors removed 76,000 tonnes of contaminated soil from the site, and although a significant portion of the contamination was removed at that time, soil and groundwater contamination remains. Since 2016, the CRD has implemented a multi-phase Detailed Site Investigation intended to fully delineate the degree and extent of contamination, which is a requirement of the BC Ministry of Environment and Climate Change Strategy (ENV).

In the fall of 2020, the District of Highlands began developing a Local Area Plan (LAP) for the South Highlands, including the Millstream Meadows site, which will ultimately inform an update of its Official Community Plan. Several task force meetings have been held in recent months and the summaries have been uploaded to the District's website. According to published LAP task force meeting minutes, there is a forthcoming proposal for a new "Green Economy Land Use" or "Sustainable Gateway Land Use" designation for the Millstream Meadows site and surrounding properties. The proposed future land uses include: green campus, conservation, eco-industrial, recreation, climate change mitigation/amelioration, carbon off-setting, and community uses. The most recent task force meeting has also proposed alternative land use, "Greenbelt Land Use", which would seek to restrict further development of these lands (i.e., no additional commercial, industrial or residential use), with the objective of allowing the land to passively regenerate over time.

The land use changes, as proposed, would have significant implications on the Millstream Meadows site remediation and the future of the site. The proposed land uses do not align with the remediation target land use for the site (i.e., contaminated sites regulation [CSR] commercial land use). Rather, it aligns more closely with CSR high-density residential or park land uses. Changing the site's remedial target at this stage in the project would significantly increase the overall cost and delay the remedial timeline.

IMPLICATIONS

Financial Implications

The CRD Board has approved an overall project budget of \$14.7M. Project costs are shared between the CRD and the province at 61% and 39%, respectively. The CRD's 61% share has been funded through: Municipal Finance Authority debt, requisition, Hartland tipping fees and the septage disposal service capital reserve.

While the financial implications of the proposed change in land use designation at the site have not been formally evaluated, altering the remedial target to a more stringent land use would result in a significant increase in environmental consulting, investigation and remediation costs. The proposed land use changes could also negatively affect cost recovery for the project, if the value of the property is negatively affected by rezoning.

Environmental & Climate Implications

The current remediation will ensure there are no unacceptable current or future risks associated with the site, provided the future land use is for commercial or industrial purposes.

Intergovernmental Implications

In 2019, the CRD reinitiated an application for rezoning to Highlands Industrial Zone (M1). The rezoning is consistent with the Official Community Plan and would maximize potential redevelopment opportunities for the site and land value upon divestment. The Highlands placed a hold on the CRD application, pending the Local Area Plan process. If the zoning, as determined by the Highlands, is inconsistent with the land use assumptions from the site remediation, the property would be at risk of becoming an undevelopable brownfield.

The proposed land use changes are not consistent with the cost-share agreement between the CRD and the Province and will have financial implications on the Millstream Meadow site remediation, and will compromise the future development and use of the site. Staff have committed to meeting with provincial representatives to determine their expectations for cost recovery of remedial funds. The CRD and the Province may be aligned in a position to oppose the potential changes in land use under the OCP.

CONCLUSION

After 14 years, the Millstream Meadows property remediation project is nearing completion, at a total cost of approximately \$14.7M. The remedial target of commercial land use under provincial legislation was selected to best reflect the zoning listed in the District of Highlands' Official Community Plan (OCP). Recently, under the local area planning process for the South Highlands,

there is a proposal to alter the land use designation for the Millstream Meadows site and surrounding properties under the OCP. Proposed land use changes do not reflect the agreed-upon remedial target for the site, and will have negative financial implications to the Millstream Meadow site remediation, and will put future divestment of the site at risk.

RECOMMENDATION

The Environmental Services Committee recommends to the Capital Regional Board:

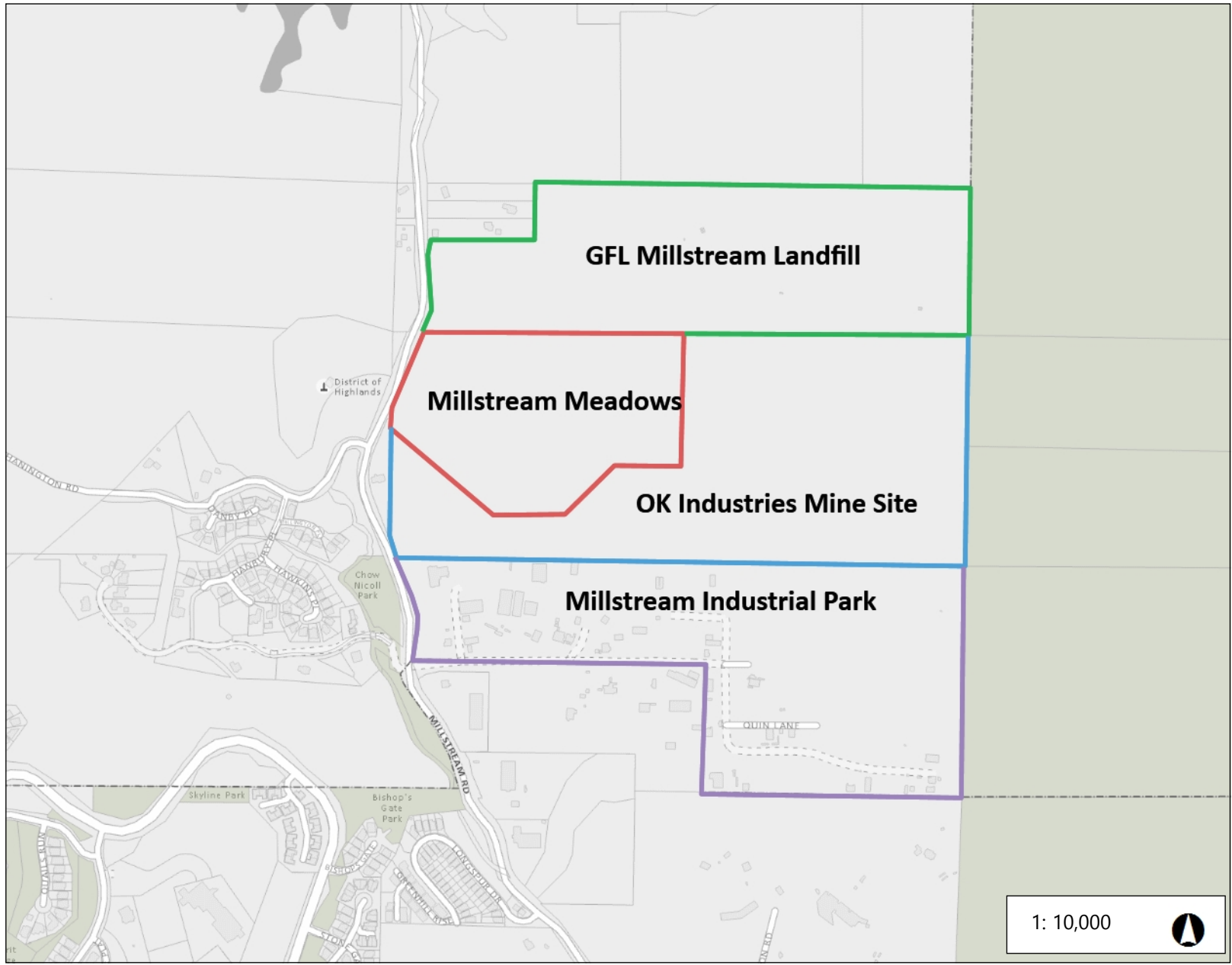
That this staff report be received for information.

Submitted by:	Glenn Harris, Ph.D., R.P.Bio., Senior Manager, Environmental Protection
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: Site Location Plan

Millstream Meadows and Surrounding Properties



Legend

Notes

508.0 0 254.0 508.0 Meters

NAD_1983_UTM_Zone_10N
© Capital Regional District

Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

**REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, JULY 21, 2021**

SUBJECT Recycling Regulation Policy Intentions Paper – Feedback and Next Steps

ISSUE SUMMARY

To provide the committee with a synopsis of the results of the BC Ministry of Environment & Climate Change Strategy's (ENV) consultation process regarding its September 2020 Recycling Regulation Policy Intentions Paper.

BACKGROUND

On September 12, 2020, the ENV released an Intentions Paper to solicit feedback on expanding extended producer responsibility (EPR) by including more products under the BC Recycling Regulation to ensure these products are managed properly. The Intentions Paper sought feedback on expanding EPR to include:

- Mattresses and foundations
- Additional residual household hazardous waste products, including:
 - pool chemicals
 - fire extinguishers
 - compressed gas cylinders (fuel and helium)
 - flares
 - medical syringes
 - bear spray
 - fertilizer
 - additional paints, sealers and adhesives
 - additional pest control and rodenticides
 - automotive additives
 - veterinary pet medicines
- An expanded range of electric and electronic products, including electric car batteries and charging equipment, solar power equipment and other electric products, such as drones, motorized yard decorations and e-cigarettes.
- Non-residential industrial, commercial and institutional (ICI) packaging and paper products (PPP).

Though not explicitly being considered for EPR, ENV also sought feedback on how to manage lost and abandoned fishing gear. Comments were accepted up to November 20, 2020 and a total of 165 responses from stakeholders and individuals were received. A copy of the Summary of Feedback Report is provided for information in Appendix A.

Approximately 90% of respondents expressed support for adding mattresses and box springs/foundations to the BC Recycling Regulation. There were also suggestions that exemptions be made for contaminated mattresses due to health and safety concerns, as well as for waterbeds and hospital beds that contain electronic equipment.

Approximately 80% of respondents expressed support for expanding the list of household hazardous waste products that would be subject to the BC Recycling Regulation, including all local government respondents. Conversely, none of the responding product sellers indicated support for their products becoming subject to extended producer responsibility (EPR).

About 74% of respondents expressed support for expanding the electronic and electrical product category of the BC Recycling Regulation to include electric and hybrid car batteries and their charging equipment, solar panels, as well as other powered products, including drones, motorized yard decorations and e-cigarettes. Electric car batteries were most commonly suggested as the product type that should be prioritized for EPR, though some concern was raised by industry stakeholders with regard to potential challenges with securing insurance for handling these items.

There was a split in the responses received with regard to including industrial, commercial and institutional (ICI) packaging and paper products (PPP) under the BC Recycling Regulation. Most local government and public respondents indicated support for expanding EPR to include ICI PPP. In contrast, the majority of product sellers expressed opposition to the idea. Of the ICI sources of PPP, food services, sports stadiums, office buildings and medical facilities were identified as those that should be prioritized for EPR first.

Finally, the majority of respondents expressed support for the use of policy approaches to better manage fishing gear. There was general support expressed for the use of EPR or similar policy approaches and some support indicated for the use of alternate forms of management, such as licences.

Respondents indicated that prioritization in order of highest to lowest for the product categories being considered for EPR should be: additional residual household hazardous waste products tied with mattresses, then ICI PPP, followed by expanded range of electric and electronic products and, lastly, fishing gear/marine debris.

Expanded EPR programs are a key component of the new CRD Solid Waste Management Plan. Staff believe this is particularly true with respect to ICI PPP, which comprises an estimated 18% of the waste being received at Hartland Landfill. While ENV has not yet identified any next steps with regard to adding materials to the BC Recycling Regulation, staff will continue to advocate for the continued and rapid expansion of this important regulation, and updates will be provided as additional information becomes available.

CONCLUSION

In September 2020, the BC Ministry of the Environment & Climate Change Strategy released an Intentions Paper soliciting feedback on expanding the extended producer responsibility to include more products under the BC Recycling Regulation. The results of the consultation process have now been released and indicate overall strong support for expanding the BC Recycling Regulation, and particularly for the mattresses and residual household hazardous wastes. Staff support an expansion of the BC Recycling Regulation and believe doing so will be key, particularly insofar as industrial, commercial and institutional packaging and printed products are concerned, to achieve the targets in the new Solid Waste Management Plan. The Ministry has not yet identified any next steps but staff will continue to advocate for the expansion of the BC Recycling Regulation and will provide updates as new information becomes available.

RECOMMENDATION

The Environmental Services Committee recommends to the Capital Regional District Board:

That this report be received for information.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: BC Recycling Regulation Policy Intentions Paper – Summary Feedback Report
(March 8, 2021)

Recycling Regulation Policy Intentions Paper

Summary of Feedback Report

Final Report

March 8, 2021



Recycling Regulation Policy Intentions Paper – Summary of Feedback

Prepared for: Environmental Standards Branch, Extended Producer Responsibility Section
British Columbia Ministry of Environment and Climate Change Strategy

Prepared by: Pinna Sustainability Inc.

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Abbreviations

EPR	Extended Producer Responsibility
EV	Electric Vehicle
HHW	Household Hazardous Waste
ICI	Institutional, Commercial and Industrial sector
PPP	Packaging and Paper Products
ZEV	Zero Emission Vehicle

A. Introduction

In the fall of 2020, the British Columbia (B.C.) Ministry of Environment and Climate Change Strategy (the ministry) published a [Recycling Regulation Policy Intentions Paper](#) to engage with key partners and stakeholders on proposed priorities to regulate more products for recycling and expand Extended Producer Responsibility (EPR).

B.C. currently regulates EPR for many products, requiring producers (manufacturers, distributors and retailers) of designated products to take responsibility for the life cycle of their products, including collection and recycling. This shifts the responsibility from local and Indigenous governments and taxpayers to the producers and consumers of products.

The [Recycling Regulation](#) (the regulation) sets out the requirements for EPR in B.C., giving producers the flexibility to find efficient and innovative ways to meet regulated outcomes that prevent waste disposal, improve recycling, and support reuse and resource recovery. New products and packaging are added to the regulation through the addition of new or amended Schedules and associated Product Categories.

The purpose of this engagement was to solicit feedback on expanding EPR by including more products under the regulation and other waste reduction policy approaches to ensure that these items are managed responsibly, including:

- Adding mattresses and foundations as a new product category.
- Expanding the residual product category to include more moderately hazardous products.
- Expanding the electronic and electrical product category to include more items and batteries.
- Expanding the packaging and paper product category beyond residential sources.

Lost or abandoned fishing gear in the marine environment is a significant source of marine pollution in B.C. Given the complex and unique challenges associated with managing lost fishing gear, the Intentions Paper (IP) also provided further opportunity for people to provide feedback on approaches to improve fishing gear collection and management.

How will my contribution make a difference?

The ministry welcomed input regarding potential products for inclusion in the regulation, or other policy initiatives to minimize waste. All consultation comments and feedback will be considered during the development of a multi-year strategy, which may include further outreach on proposed priorities.

Purpose of This Report

The purpose of this report is to summarize the input received in response to the questions posed in the Intentions Paper into a cohesive public report. Contents of this report do not represent the viewpoint of the ministry or the author (Pinna Sustainability Inc.), rather the report aims to represent the breadth and depth of input as submitted by respondents.

Additional clarification on how to interpret this report

The primary focus of the Intentions Paper and engagement was to garner feedback on what specific product types should be added to the Recycling Regulation, along with the priority order in which the different product categories being considered should be regulated, or the rationale for possible exemptions. However, numerous submissions included comments that went beyond identifying what

products should be regulated and provided opinions and information on how industry-led EPR programs should be developed, funded, and operated. While obligated producers must have an EPR plan for regulated products approved by the ministry, the day-to-day business decisions, such as contractual relationships with collection facilities, transporters, and processing facilities, are left up to industry. To find out more about the content of EPR plans, refer to the [Recycling Regulation, Section 5](#). Although this additional feedback was beyond the scope of the consultation process, most of the comments have been included in this report for transparency and to help inform future policy review.

B. Process Overview and Summary of Respondents

Background to the Intentions Paper and Consultation Process

The Recycling Regulation Policy Intentions Paper was published on September 14th with feedback solicited until November 20th, 2020. Comments on the information outlined in the Intentions Paper were submitted by completing an online survey, which repeated the questions listed in the Intentions Paper, or through written submissions emailed to ExtendedProducerResponsibility@gov.bc.ca. Both the Intentions Paper and the online survey listed 13 questions, categorized by relevant topic headings. The online survey also requested identification by means of a self-selected role, and optional contact information if the respondent wished to receive updates on this matter.

Summary of Response Formats and Respondent Background

In total, the ministry received 165 submissions from a variety of individuals, stakeholders, and key partners, of which, 76 responded to the online survey and 89 submitted feedback by email. In some cases, two submissions were received from the same organization/organizational unit and these were combined in the tables below to count as one submission.

Respondents that completed the online survey were anonymous, however, respondents self-identified by selecting from a list of eight options under the question “What role best describes your interest in the topic?” In response, respondents self-identified by the following roles:

- | | |
|--|--|
| • 13 Local governments | • 3 Waste management companies |
| • 3 First Nations | • 13 Community or environmental groups |
| • 6 Producers (manufacturer, distributor, retailer) of products outlined in the Intentions Paper | • 16 Interested individuals with no affiliations |
| • 6 Recyclers and/or processing facilities | • 13 Other |

Respondents that submitted email responses included the following, grouped by the author:

- | | |
|---|---|
| • 19 Local governments | • 3 Waste management companies |
| • 1 Federal government | • 11 Community or environmental groups |
| • 17 Industry associations | • 3 Interested individuals with no affiliations |
| • 21 Producers (manufacturer, distributor, retailer) of products outlined in the Intentions Paper | |
| • 5 Recyclers and/or processing facilities | |

Analysis Approach and Format of this Report

The input summarized in this report is organized in the same manner as the headings taken from the published Intentions Paper, along with the questions asked in the Intentions Paper and online survey. To assist with summarizing the responses, the following groupings were used when counting responses, based on the self-identified groupings outlined above:

- **Local and federal governments**, including municipalities, regional districts, and federal government departments.
- **First Nations**, as self-identified in the survey.¹
- **Industry – sellers**, including producers, retailers, and relevant industry associations.
- **Industry – service providers**, including collection facilities/depos, recyclers (processors), waste management companies (transportation), and relevant industry associations.
- **Organizations and public respondents**, including community, environmental, Indigenous, and other organizations, and individuals with no affiliations.

For ease of review, the online survey comments that pertained to more than one question or a different question were moved and analyzed under the applicable subject heading. Additionally, a best effort was made to analyze and allocate comments from email responses under the applicable heading and/or question. Comments that do not relate to products explicitly identified in the Intentions Paper are summarized in the “Cross-cutting themes and other product types outside of this consultation” section of the report.

Quotes from respondents are in *“italics and quotation marks”*. Note that respondent quotes have not been edited and may include grammar or spelling errors, except to remove a respondent’s name. In these cases, the name is replaced with *[respondent]*.

Some respondents provided technical information regarding certain product types or categories that will be reviewed and considered by the ministry.

¹ The online survey included the voluntary question: “What role best describes your interest in the topic?” Therefore, for this report, respondents that self-identified their role as “First Nations” are grouped, although those respondents may represent an individual or an Indigenous government.

C. Summary of Input by Topic Area and Question

This section contains a summary of the responses received during the consultation period, organized using the same section headings and questions as presented in the Intentions Paper, with one additional section to summarize broad EPR-related themes and suggested product types that were outside of the scope of this consultation. The headings and associated questions are as follows:

1. New Schedule for Mattresses: Questions 1-2
2. Existing Schedule 2 – Residual Product Categories: Questions 3-6
3. Existing Schedule 3 – Electronic and Electrical Product Category: Questions 7-9
4. Existing Schedule 5 – Packaging and Paper Product Category: Questions 10-11
5. Marine Debris in B.C. – End-of-Life Management of Lost Fishing Gear: Question 12
6. Implementation: Question 13
7. Cross-Cutting Themes and Other Product Types Outside of this Consultation

1. New Schedule for Mattresses

Question 1: Do you have comments or suggestions on the intention to add mattresses and foundations to the regulation? [82 responses]

Respondents were either supportive of regulating mattresses and foundations, or provided neutral comments. Though no responses explicitly expressed opposition, some respondents raised concerns and identified potential impacts of regulating mattresses.

- **Local governments** (29): most expressed support (26) for inclusion of mattresses, while some remained neutral (3).
- **First Nations** (3): all expressed support.
- **Industry-sellers** (6): expressed support (2), provided neutral comments or concerns (4).
- **Industry-service providers** (8): expressed support (5), provided neutral comments (3).
- **Organizations and public respondents** (36): almost all expressed support (35), provided neutral comments (1).

Supportive comments

- Both local governments and an industry-seller noted that mattresses contain recyclable materials that would be ideal to reuse and divert from landfills.
 - As one local government noted, *“Adding mattresses and box spring foundations to the regulation as an EPR program expands opportunity and creates incentives to capture those used materials for deconstruction and material reuse.”*
- Many local governments, and one organization, discussed the cost of recycling mattresses and foundations for local government, both in terms of the recycling itself, and collection of mattresses following illegal dumping.
 - One regional district cited that in 2019, 60,000 mattresses and foundations were collected at facilities and transported to recyclers at a cost of \$2.18 million.
 - One municipality noted receiving over 3,500 abandoned mattress calls and collecting about 5,000 abandoned mattresses from lanes and other public spaces each year.

- A few local governments suggested regulating items based on their function as it is easier for the public to understand.
 - As one local government noted, *“The regulation should encompass all forms of mattresses, including waterbeds, mattress toppers, sleeper couches, pet beds, and other cushioned pads, cots and bases intended to provide a surface for sleep. Regulating items based on function provides ease of understanding to the public and helps ensure there are no gaps whereby seemingly similar products are not covered.”*
- Several local governments also spoke of the difficulty of managing mattresses at their waste management facilities due to their size and bulk, and hoped this regulation would alleviate the pressure mattresses and box springs were putting on their facilities.
- A recycler expressed their intention to expand their facility allowing them to store and manage more mattresses, followed by installing more machinery to double their processing capacity.

General comments and/or concerns

- A few respondents (including industry-sellers, an industry-service provider, and public respondents) expressed the need to consider online mattress retailers within the regulation to ensure retailers without a physical presence in B.C. are compliant and that B.C. retailers are not left to pay for the end-of-life management costs of products sold by non-compliant businesses.
- Many respondents from across the spectrum (industry, government, public) stated the need to ensure the regulation does not harm local facilities that already recycle mattresses and provide social benefit within communities.
- Several respondents (from recycling facilities and industry) noted the difficulty of recycling mattresses with electric components, as well as plastics from blow-up mattresses or waterbeds.
- Respondents (from local government and organizations) raised specific considerations for rural and remote communities, such as ensuring they have adequate access to collection facilities, and facilities are regularly serviced to prevent product build up.
- Several respondents from local governments discussed health and safety considerations of handling contaminated mattresses and foundations.
- One industry-seller and an industry-seller association requested that reuse and repair be recognized as coequal options during development of an EPR program, along with recycling, to ensure the social and environmental benefits of donating and reusing mattresses are not minimized or lost as a result of regulating.
- Respondents (from local government and an industry-service provider) noted that storing mattresses requires substantial storage space, particularly if mattresses must be kept dry, and should be considered during EPR program development.
- Several respondents (from local government, as well as members of the public) mentioned considering free curb-side pick-up for mattresses and foundations, as well as retailer take-back options when new mattresses are purchased, due to the persistence of illegal dumping of mattresses, and the significant cost this incurs for local governments.
- An industry-seller and association urged that adding mattresses should not disrupt existing voluntary producer-led mattress recovery programs, allowing retailers that already offer consumers a take-back option to continue to do so.
- There was a range of comments related to fees for mattress and box spring recycling:
 - Several respondents (from local government, organizations and public respondents) requested the removal of disposal fees altogether, or provide a few calendar days a year where transfer stations allow free disposal of mattresses.

- Two local governments suggested fees be relative to the size of the mattress or box spring, as well as the materials that make up the items (i.e. coils can be costly to remove and recycle)
- One industry-seller association noted the eco-fees will be significant, and highlighted the concern about ‘free-rider’ entities that avoid compliance leaving higher fees for those in compliance. *“The result is unfair in two respects: some entities are able to sell their products and packaging without the eco-fee, and, the entities who are participating are left to pay for the end-of-life costs of the products sold by the non-compliant businesses.”*
- A few community organizations supported adding a recycling fee at the time of purchase.

Question 2: Are there exemptions to this new product category that you believe should be considered? [55 responses]

Comments on what product types should be exempt

Nineteen (19) respondents made suggestions on exemptions of products types, including: local governments (7), industry-sellers (2), industry-service providers (3), and organizations and public respondents (7). Suggestions included:

- Several respondents from a local government, recycling facilities (2), and organizations and public respondents (4) requested exemptions for plastic mattresses and waterbeds, as these have components that may not be able to be recycled.
 - One recycler noted that inflatable and waterbed mattresses, *“contain vinyl and other materials that are not typically found in regular beds and would not be recyclable at a mattress recycling facility.”*
- Several responses from local governments (4), industry-service provider (1), and organizations (2) expressed the need to exempt contaminated mattresses and foundations due to health and safety concerns.
- One industry-seller association expressed the need to exempt hospital beds as they include electronic equipment that are difficult to recycle and environmental handling fees on hospital beds would increase procurement costs for hospitals.
- One local government and industry-seller association recommended a phased approach, for example including only mattresses and foundations in phase 1, then at later phases adding other types of mattresses. The industry-seller association *“advocates gradualism to minimize both market disruption and consumer impact. Creation of a mattress recycling program will itself be a significant undertaking. Adding those other items would create very significant complications.”*

Comments opposed to product type exemptions

The majority of responses (35) expressed that they believe no exemptions should be considered at this time, including: local governments (13), First Nations (2), industry-service providers (3), and organizations and public respondents (17). Rationale provided for no exemptions included:

- Having exemptions for product types is the greatest issue for collection facilities, and has created confusion in other EPR programs.
- Several local governments expressed that a comprehensive inclusion is easier to administer and regulate.

2. Existing Schedule 2 – Residual Product Categories

Question 3: Do you have comments or suggestions on the intention to regulate more product types? [71 responses]

Overall, the majority of respondents were supportive of updating the existing residual product category; however, most industry-sellers were not supportive of updating this category:

- **Local governments** (29): all expressed support for inclusion of more products in the residual product category.
- **First Nations** (1): expressed support for regulating more product types.
- **Industry-sellers** (8): expressed concern or disagreement with expanding this category (4), provided neutral comments (3), supported expansion (1).
- **Industry-service providers** (6): expressed support (3), provided neutral comments (3).
- **Organizations and public respondents** (27): most expressed support (23), while some provided neutral comments (4).

Supportive comments

Among those who were supportive (57) of the ministry considering EPR expansion for this category, many (23) stated the rationale behind their beliefs, including:

- Reduce financial and administrative burden on local governments (9): local governments (8), organization (1).
- Encourage proper disposal to prevent potentially dangerous products entering the solid waste stream, and reduce negative environmental impacts (8): local governments (7), organization (1).
- Benefit consumers by increasing disposal options and lessening confusion (4): local governments (3), public respondent (1).
- Provide more options for rural areas without takeback programs (1): local government.
- Regulating these products would provide means to minimize health and safety risk for recycling facility staff, landfill operators and the public (13): local government (11), industry-service provider (1), public respondent (1).

Non-supportive comments and/or concerns

Feedback from respondents who disagreed with expanding this category included:

- Three responses, all industry-sellers, indicated the following:
 - Several products listed in the Intentions Paper have very limited volumes available for collection.
 - Several products listed in the Intentions Paper have different formulations in industrial or agricultural use compared to household products, and that industrial and agricultural products are better managed through existing private collection programs.
- Four industry-sellers suggested the existing voluntary collection system for veterinary pet medications is sufficient and they do not see the need to regulate a product category already being managed voluntarily by industry. Three of these industry-sellers made the same comment regarding medical sharps and the existing industry-led voluntary collection program.
- An industry-service provider suggested the ministry should consult with industry associations, their partners, and the appropriate stewardship organizations to properly define new or existing product categories to “ensure that any new or existing product categories are properly defined

and exclude products and packaging that Cleanfarms currently manages. This will ensure that farmers can continue to manage items like empty pesticide and fertilizer containers, and unwanted pesticides and old livestock/equine medications collections through Cleanfarms and minimize confusion for industry.”

General comments

- Three responses, all industry-sellers, suggested that the ministry consider five key criteria for the EPR expansion of this category, including:
 - Hazardous or negatively impact the environment unless managed
 - Available in sufficient quantities that need management
 - Managed/manageable through cost-effective solutions
 - In need of management (e.g., there are not already solutions in place)
 - Generally consistent with what is considered household hazardous waste in other provinces: harmonization
- Another industry-seller suggested the following:
 - *“In the interests of achieving clarity for producers on which products and their packaging should be added to Schedule 2 and Schedule 5, we suggest that the Ministry convene a group of appropriate stakeholders (including [respondent]) to develop a plan on products that should be designated and their appropriate Schedule under the Recycling Regulation. Once that work is completed, we suggest that the Ministry also develop a guideline or ‘Explanatory Notes’ document similar to the one published with the 2020 Amendments to the Recycling Regulation, that sets out example lists of designated items.”*
 - Further to this, the respondent stated that based on this document, *“EPR programs can then undertake information campaigns to assist consumers in appropriately disposing of these materials and their empty containers.”*
- One industry-seller highlighted that *“costs to municipalities should not be the key driver for inclusion. Recycling policy and regulations should be designed and implemented in an effective and efficient manner, in line with sound environmental principles that are truly protective of the environment. Inclusion of materials should be based on a demonstrated risk to the environment. Criteria for what constitutes an obligated material should be established and clearly communicated to stewards and the public. These criteria should be established using science-based decisions aimed at managing environmental risk.”*
- One local government noted the environmental impact of improperly disposing unregulated residual products can be extremely damaging.
- Five respondents highlighted that local drop-off and/or take-back options should be considered for both urban and remote locations, including local governments (2), industry-service providers (2), and an organization (1).
- One industry-seller commented that *“In general, EPR is good policy approach to address consumer products under the residuals product category, that are frequently used but not for commercial/industrial products or products that are infrequently used or only used by a small segment of consumers.”*

Question 4: What product types should be prioritized for regulation? [51 responses]

Comments on what product types should be prioritized

Respondents identified the following items to be prioritized:

- Compressed gas in canisters – fuel and helium (29): local governments (15), industry-service providers (3), organizations and public respondents (11). Several respondents suggested specific products under this category including:
 - Propane and butane canisters; especially 1-pound single-use propane canisters
 - Spray foam tanks, aerosol cans and torch canisters
- Fire extinguishers (14): local governments (9), organizations and public respondents (5)
- More paint, sealers and adhesives (17): local governments (11), industry-service providers (2), organizations and public respondents (4)
- Automotive additives and touch-up paint (6): local governments (4), organizations and public respondents (2)
- Pool and spa chemicals (12): local governments (8), industry-service provider (1), organizations and public respondents (3)
- Water testing products (1): First Nation
- More pest control and rodenticides (12): local governments (8), industry-service provider (1), organizations and public respondents (3)
- Fertilizer and weed control (10): local governments (9), public respondent (1)
- Veterinary medicine for pets (3): all local governments
- Bear spray and flares (10): local governments (5), organizations and public respondents (5)
- Medical syringes (8): local governments (6), organizations and public respondents (2)
- Cleaning products (4): local government (2), industry-service providers (2)
- Mercury containing products (3): all local governments
- Diesel fuel, diesel exhaust fluid (DEF), kerosene (5): local governments (4), public respondent (1)

General comments

- A number of responses (16) noted that priority should be driven by waste volume, environmental impact, and/or safety hazard level. Products that are difficult to recycle through conventional recycling programs and, if disposed of improperly, have the highest risk of harm to human health and the environment should be prioritized for regulation. Some respondents also suggested that the ministry should consult with key stakeholders to identify products generated in the largest waste volumes to better inform the prioritization.
- Four responses, local governments (2), industry-service provider (1), public respondent (1), believed that all products listed in the Intentions Paper under Schedule 2 - Residual Product Category should be prioritized.
- One local government stated that *“The program should also include items currently rejected due to missing labels, damaged containers, no tight-fitting lids, not in their original containers, etc.”*

Question 5: Do you have comments or suggestions on how to clearly define/classify product categories in the regulation that are user friendly? [44 responses]

Most comments and suggestions to this question focused on two areas: product category definition and classification, and consumer-oriented communication and labelling.

Product category definition and classification

Among those responses that expressed views towards product category definition and classification:

- Fourteen responses, local governments (3), industry-seller (5), organizations and public respondents (6), suggested using clear and simple language and labelling that can be understood by consumers; avoiding technical terms.
- Six responses, local governments (4), organizations (2), suggested that product categorization should be based on product type and its application. Conversely, one industry-service provider stated that *“accepted items should NOT be defined by the intention of use; anything that has its acceptance defined by reasoning beyond labels, is headed for confusion.”*
- Five responses, local governments (3), organizations and public respondents (2), suggested that product categories should be inclusive with limited exemptions.
- Four responses, all industry-sellers, highlighted that product definitions should be harmonized with existing programs in other jurisdictions.
- Four responses, local governments (3), public respondent (1), suggested using existing warning symbols already required on product labels (e.g., flammable, corrosive, toxic and explosive)
 - *“Warning symbols provide an easy, pre-existing method of identification.”*
- Three responses, local governments (1), organizations (2), suggested collaboration with consumers, retailers and collection facility staff, and utilizing focus group to identify best approaches.
- Two responses, a local government and an industry-seller, indicated that the inclusion or exclusion of products in each category should not be based on chemical properties.
- Two responses, both industry-sellers, suggested the use of a tool, such as the British Columbia HHW (household hazardous waste) Flammables Decision Tree, to help to define these products.
- One industry-service provider stated:
 - *“Improper labelling and complex ingredient mix for hazardous products often cause problems for the collection.”*
 - There is a need for the implementation of a *“highly visible classification label and resolution to unaffordable insurance cost for depots due to the collection of hazardous waste before expanding the current program.”*
- One industry-seller suggested that residual products packaging should continue to be managed through the Paper and Packaging Product (PPP) program, stating: *“There is no scientific or economic reason to make changes to this effective solution for empty, end of life packaging. Requiring consumers to source-separate some empty packaging from other empty packaging would create consumer confusion and inconvenience. Already-empty HHW packaging is not hazardous and should not be stigmatized as such, and not subject to a costly, third program in parallel to the HHW and PPP programs.”*

Consumer-oriented communication and labelling

Comments and suggestions that highlighted consumer-oriented communication and labelling included:

- Five responses, local government (1), organizations and public respondents (4), suggested labels that identify the impact of improper disposal and provide instructions on how to recycle.
- Two responses, industry-seller (1), public respondent (1), suggested displaying informative posters, signs, cards, and stickers at retail locations.
- One response from a local government suggested labelling products with multiple identifiers, such as both text identification and warning symbols.
- Three responses, local government (1), organizations and public respondents (2), suggested standardizing provincial labelling and ensuring consistency with federal labelling.
- Four responses, industry-seller (1), organizations and public respondents (3), suggested developing a mobile application to help consumers identify what product can be recycled and where to recycle them.
- Two responses, a local government and an industry-seller, suggested launching education and communication programs to help consumers manage products that require proper disposal.

Question 6: Are there product types you believe should be exempt from the regulation, beyond products such as cleaners that are intended for use down the drain? [54 responses]

Comments on what product types should be exempt

Several respondents made suggestions on exemptions of products types from the regulation, including: local government (4), industry-sellers (8), industry-service providers (4), organizations and public respondents (6). Suggestions included:

- Fertilizer products (5), all industry-sellers, providing the following reasons:
 - They pose minimal risk to human, animal, and the environment.
 - They normally don't have an expiry date and should be reused rather than recycled.
 - They are not regulated in any other province in Canada, except for Ontario. Ontario is anticipating to remove fertilizer products from their new regulations.
- Additional pesticides and rodenticides (3), all industry-sellers.
 - One industry-seller indicated that designating "*more pest control and rodenticides*" as stated in the Intentions Paper is not needed because the current definition of pesticides within the Residual Products Program is appropriately inclusive and harmonized with other provincial jurisdictions.
- Veterinary medications for pets with existing voluntary initiative to manage the collection and safe disposal of these products (4), all industry-sellers.
- Two industry-sellers are opposed to including any products listed in the Intentions Paper in the regulation, noting:
 - There are existing successful programs in place for the management of certain listed product categories.
 - The inclusion of more products creates a competing market with private waste management businesses and system.
 - Some products are already regulated under other regulatory bodies.
- An industry-service provider suggested exempting material that is not regularly produced or is very industry specific.

Comments opposed to product type exemptions

Several respondents stated there should be no exemptions, including First Nations (2), local governments (14), industry-service providers (2), and organizations and public respondents (14).

- Several respondents, local governments (3), industry-service provider (1), and organizations and public respondents (4), suggested that products such as cleaners that are “down the drain” should not be exempt from the regulation, as opposed to what was stated in the Intentions Paper. These respondents highlighted that “drown the drain” products have detrimental human health and environmental impacts and the exemption encourages contamination of waterways.

3. Existing Schedule 3 – Electronic and Electrical Product Category

Question 7: Do you have comments or suggestions on the intention to regulate more electronic and electrical products, including batteries? [74 responses]

Overall, the majority of respondents were supportive of regulating more electronic and electrical products, including batteries, according to the following breakdown:

- **Local governments** (27): support (22) for inclusion of more electronic and electrical products, including batteries, neutral (5).
- **First Nations** (2): all expressed support.
- **Industry-sellers** (10): support (4), neutral (4), concern or disagreement specifically about electric vehicle batteries (2).
- **Industry-service providers** (10): support for certain categories (6), neutral (2), concern or disagreement with one or more categories (3).
- **Organizations and public respondents** (25): support (21), neutral comments and considerations (4).

Several respondents expressed broad support for EPR for this category (37), but did not provide specific comments on specific product types. The following section outlines reasons for support, dissent and additional comments by category listed in the Intentions Paper:

Electronics and other batteries

Supportive comments

- Several local governments explicitly expressed support for accepting all electronics and batteries (15), and three more expressed general support for expanding Schedule 3 categories.
- One industry-service provider stated that *“generally electronic collection programs (without batteries) can be easily added to the collection mix of a depot,”* but warned about issues with accepting batteries (see non-supportive).
- A local government noted this as an opportunity to improve safe collection, storage and dismantling of batteries and increase diversion of these products from landfills where they pose a significant fire risk.
- Another local government highlighted the opportunity to incentivize producers to make batteries easier to disassemble for recycling and reuse and creates a more level playing field.
- One industry-seller supports the inclusion of printer cartridges in order to *“level the playing field with ‘Clone’ or ‘New Build Compatible’ cartridges,”* which are typically not taken back and are more difficult to recycle.
- Numerous local governments, organizations and public respondents requested that all electronics be accepted – anything with a cord or battery (10), and a few also suggested the scope of products accepted should be broad and simple to enhance participation and provide flexibility to capture future products (3). Specific recommendations included:
 - Suggestion to use two broad categories: one for anything with batteries and one for all other electronics.
 - Clear and broad categories may improve education, and reduce unsafe disposal in the blue box program and at landfills.

Non-supportive comments and/or concerns

- One industry-service provider noted concern that requirements to accept batteries at current depots are problematic and stated four key reasons:
 - that insurance coverage is difficult to get if accepting batteries,
 - that current fees do not cover the costs of handling these materials,
 - that current facilities may not be able to accommodate large items, and
 - that these may trigger additional WorksafeBC concerns.
- An industry-service provider opposed to regulating ink and toner cartridges highlighted there are limited downstream processing options for these products, noting they are being shipped to a California waste-to-energy facility. The respondent suggested the following alternative policy approach:
 - *“Allow landfilling of Ink and Toner Cartridges. The carbon footprint of transporting and incinerating the material in California is most certainly higher than the environmental cost of landfilling the material in BC.”*
- An industry-service provider noted that battery-containing devices cannot be handled with current processing technologies and that hand dismantling is required, making it unfeasible based on the fees collected.

General comments

- One industry-seller noted that *“e-cigarettes, vaping products and motorized yard decorations can be successfully managed under one of the nine existing plans for electronics.”*
- One industry-service provider recommended the following considerations when establishing EPR for more electronics:
 - clearly establish the primary function of products to help identify obligated producers, determine whether products should be repurposed or recycled at end-of-life, stipulate clear consistent reporting requirements, and provide clear guidance for adding new products to existing EPR program plans.
- One local government expressed support for expanding the category to accept all electronics and batteries, but also expressed concern about the way the current system is operated. They *“would propose creating an umbrella program for all electronics - to bring these programs together rather than continue to operate them separately.”*
- One local government recommended *“EPR for any gas-powered counterparts to the electrical or electronic equipment covered in the Recycling Regulation, since these products can also be recovered in circular models, and doing so would increase convenience and reduce confusion for consumers.”*

Electric and hybrid vehicle batteries

Supportive comments

- Of respondents that specifically addressed electric or hybrid vehicle batteries (17), supportive comments were provided by local governments (12), industry-sellers (2), industry-service providers (2), and a public respondent (1).
- One industry-seller expressed general support for *“well-crafted”* EPR programs, stating that *“any framework that regulates the management of battery waste must provide flexibility to suit the needs of a broad range of battery types, sizes, weights, applications and users.”* The seller also made five recommendations:
 - *“Establishing a landfill ban for industrial batteries.*
 - *Collecting EV batteries through the safest and most practical channels.*
 - *Taking the residual value of industrial batteries into consideration.*

- *Mandating industrial battery producers to take back the EV and residential batteries they produce on request when the market does not otherwise respond.*
 - *Should not prescribe collection rates for industrial batteries.”*
- Another industry-seller stated *“there is a need for an Extended Producer Responsibility Program for ZEV lithium-ion batteries,”* but also requested more consultation (see general comments below).
- One industry-service provider stated *“I have direct experience with handling / processing / commercializing these vehicles at end of life, and based on this I am a strong advocate for EPR in this application.”* This respondent noted the metal recycling business is the appropriate destination for EV and hybrid batteries, and that EPR would ensure this entrepreneurial sector would respond to the economic incentive provided through EPR.
- Local governments noted that they anticipate a significant increase in electric vehicle batteries, in line with local climate action strategies being adopted. *“There is already an existing need for end of life management of electric vehicle batteries and this need will only increase as more BC residents transition to electric vehicles in place of their traditional fossil fuel powered vehicles.”*

Non-supportive comments and/or concerns

- Of respondents that specifically addressed electric or hybrid vehicles, non-supportive comments included two industry-sellers and one industry-service provider.
- One association representing industry-service providers expressed that the aftermarket electric vehicle industry is not sufficiently mature for EPR regulation. Key challenges include identification of battery chemistry, need for safety protocols for safe dismantling and storage, insufficient capacity in current system and inability to track electric vehicles moving out of province.
- An industry-seller stated *“British Columbia should not regulate electrified vehicle batteries until a full assessment, involving all key stakeholders, is conducted to identify management practices in place in the province and to determine the current demand for EV battery recycling.”* And that *“from the perspective of manufacturers, all efforts are being made to capture spent batteries at their end of life for either refurbishment, recycling, or research purposes. While we acknowledge that no province-wide system is in place to manage this material, the Ministry offers no evidence that the current demand for EV recycling is not being met.”*
- Another industry-seller noted that early use of the regulation may risk disrupting the development of a nascent circular economy for electric vehicle batteries, may add costs to electric vehicles and hamper their uptake, add administrative burden to original equipment manufacturers (OEMs), and more.

General comments

- One recycler made several recommendations to consider when including electric vehicles and other alternative-fuel vehicles at end-of-life (e.g. facility certification, training, sufficient financial incentive, public awareness campaign) and requested additional consultation on the matter. This respondent emphasized the importance of accepting all alternative-fueled vehicles (e.g. hybrid and liquified natural gas (LNG)-fueled vehicles), not just electric vehicle batteries.
- One industry-seller who is supportive noted that the regulation needs to be carefully timed in consultation with industry to ensure sufficient end-of-life batteries to enable industry to invest, while not being too slow and potentially losing to other jurisdictions.
- One industry-seller who is supportive recommended *“If British Columbia elects not to create a new regulation for industrial batteries, an alternative, but suboptimal approach would be for BC*

to exclude all industrial batteries from the Recycling Regulation and manage EV batteries through the Vehicle dismantling and recycling Industry Environment Planning Regulation.”

- Although e-bicycle batteries are included in existing EPR regulation, three local governments highlighted that these should be added.

Solar panels

Supportive comments

- Of respondents that addressed solar panels, all were supportive (12). This includes eight local governments, two industry-service providers, and one public respondent.
- One industry-service provider noted that solar panels are an excellent candidate for EPR and highlighted several options for end-of-life collection, including expanding the current depots, to using local government landfill sites for collection, to modelling after Alberta’s approach.
- Another industry-service provider expressed that EPR would provide clarity on who is responsible for funding the recycling.
- One local government noted that standardizing and centralizing solar panel recycling makes sense as they often contain valuable components.

Non-supportive comments and/or concerns

- No respondents expressed opposition to the proposal to regulate solar panels.

General comments

In addition to the responses about product types, other key themes that emerged across the responses included the following:

- The regulation should seek ways to support a circular economy that increases reparability and right to repair, while reducing planned obsolescence. This was cited generally by several respondents and specifically by industry members in relation to electric vehicle batteries, and in particular that the regulation should consider the residual value of these batteries.
- Adding products to EPR supports expansion of a B.C.-based recycling system.
- Anticipated increase in use of electronics in all categories, with particular emphasis on electric vehicles and solar panels, will require a program to manage this waste stream safely and effectively.

Question 8: What product types should be prioritized for regulation? [52 responses]

Comments on what product types should be prioritized

Respondents identified the following items be prioritized for regulation:

- Electric vehicle batteries (21): local governments (12), industry-service provider (1), organizations and public respondents (8)
- Solar panels (13): local governments (6), industry-service providers (3), organizations and public respondents (4)
- All batteries, with several noting lithium-ion batteries in particular (12): local governments (5), industry-service provider (2), organizations and public respondents (5)
- E-cigarettes and vaping products (5): all local governments
- Printer ink cartridges and paper shredders (4): local governments (2), industry-seller (1), public respondent (1)

- Several other product types were suggested by individual respondents, such as, but not limited to: large drones, yard decorations, motorized furniture, extension cords, wind turbines and energy storage equipment, and materials of the electrification of the power grid and transportation.

General comments

- Rather than listing specific products to prioritize, a number of responses (11) noted that priority should be driven by factors rather than specific products, including:
 - Environmental impact, containing heavy metal
 - Safety hazard level, higher risk of landfill fires
 - Waste volume
 - Those often subject to illegal dumping
- One local government suggested that the ministry should reach out to the e-waste transporters and processors to identify non-program items in the collection stream.

Question 9: Are there product types you believe should be exempt from the regulation and may be better managed through alternative policy approaches? [40 responses]

Comments on what product types should be exempt

Fourteen respondents made suggestions on exemptions of products types from the regulation, including: local government (1), industry-sellers (6), industry-service providers (2), and organizations and public respondents (5). Suggestions included:

- Electric vehicle batteries (4): industry-sellers (3), industry-service providers (1)
- Electric vehicle charging equipment, general: industry-seller (1)
- Level 3 electric vehicle charging equipment (1): an industry-seller respondent, however, the respondent supports the inclusion of level 1 and 2 charging equipment
- Large imaging equipment, such as Magnetic resonance imaging (MRI), X-Ray and Ultrasound devices / medical devices (2): industry-seller association (1), local government (1)
- Large-scale electronics purchased through lease or monthly fee (e.g. photocopiers) (1): local government
- Ink and toner cartridges (1): industry-service provider
- Fixed installation building components (2): organizations and public respondents

Comments opposed to product type exemptions

The majority of responses (25) believed that no product types should be exempt from the regulation or being managed through alternative policy approaches, including: local governments (9), First Nations (2), industry-service providers (3), and organizations and public respondents (11). Some local governments provided rationale behind their beliefs, including:

- Exempting products types from the regulations could cause consumer illegal dumping.
- Having exemptions for product types is the greatest issue for their local government facilities.
- None should be exempt, but some could be considered as second tier products in the regulation, including vape pens, e-cigarettes and gadgets like singing balloons and electronic lawn ornaments.

4. Existing Schedule 5 – Packaging and Paper Product Category

Question 10: Do you have comments or suggestions on EPR or alternative policy approaches that address the need for greater diversion from landfills and to better manage ICI materials? [89 responses]

There was a diversity of responses to this question, ranging from full support for EPR regulation, to partial support, to disagreement with using EPR but offering alternative policy approaches. The following outlines the general sentiments of respondents:

- **Local Governments** (28): most expressed support for EPR regulation (21), though there were differences in both the level of support and the reasons provided, while some provided neutral comments (7). Neutral comments towards EPR regulation generally cautioned that the ministry be flexible and explore solutions that do not disrupt existing market-based systems.
- **First Nations** (2): respondents provided comments about improving management of this material but did not specify support or opposition for EPR or alternative policy approaches (2).
- **Industry-sellers** (21): most respondents expressed opposition to EPR regulation for this sector (13), while some expressed support (3), and some were neutral or provided alternative policy approaches for consideration (5).
- **Industry-service providers** (9): expressed support (4), expressed neutral comments (2), and expressed opposition (3).
- **Organizations and public respondents** (29): most expressed support (19), while several provided neutral comments and considerations (10). None expressed opposition to EPR regulation for this sector, though some supportive comments were general in nature.

Supportive comments – EPR and/or better waste management

Supportive comments of EPR that related to specific topics are provided in groupings (rural and remote communities, sub-sectors) after these general points. Many respondents (30) gave general reasons, including the following:

- Many local governments acknowledged the complexity of this category, but expressed support for EPR because *“Though very complex, this category is the broadest in scope and impact if implemented. It is past the time for the ICI sector to be added to the recycling regulations. Switching to Recycle BC’s residential collection has vastly increased recycling rates in many communities as allowable contamination rates were stringent. It has also had the co-benefit of resiliency (NA processing) as foreign markets shut down.”*
- Another local government stated *“We see a significant amount of PPP entering our landfills from the commercial sector and feel that expanding EPR for PPP into the commercial sector would be a good approach to diverting recyclable material from landfill.”* Several organizations and public respondents expressed similar concerns.
- Some local governments, organizations and public respondents noted that a large portion of this waste stream is similar to residential packaging and should be treated in the same manner.
- One industry-seller highlighted this as a high priority, believing this will play a major role in making progress towards a circular economy.

Supportive comments – EPR in rural and remote communities

Numerous respondents (22) discussed the need for EPR for ICI waste in smaller, rural, or remote communities. For example:

- Several noted that any community outside of Metro Vancouver would benefit from EPR for the ICI sector, as recycling services are more limited. For example, *“It is understood that some ICI PPP materials, such as cardboard, have been successfully managed through the private sector in higher density population areas of the province, like the Lower Mainland. However, these collection models are not feasible in less populous areas of the province where lower material volumes and longer shipping distances significantly reduce the potential profitability of private recycling services.”*
- Some local governments from outside the lower mainland highlighted that landfill tipping fees are lower than recycling options, so haulers choose to landfill this waste.
- One local government and an industry-service provider noted that EPR would be beneficial because current transportation costs are too high to support recycling businesses in these regions.
- Two local governments and an organization highlighted that some local governments currently fund programs to collect and transport ICI PPP to increase diversion from landfill, but at much higher costs than landfilling, which increases the local tax burden.
- One local government *“believes managing all ICI PPP as Extended Producer Responsibility materials through the Recycling Regulation is the most reliable way to ensure all areas of the province receive equitable access to ICI PPP end-of-life management.”*
- One public respondent noted that businesses want to recycle in these communities, but have no place to bring their recycling.

Supportive comments – Regarding ICI sub-sectors

Some respondents specifically referred to the applicability of EPR to sub-sectors as follows:

- Small businesses: Several respondents (15) from local governments, industry-service providers, and organizations highlighted that currently small businesses have limited to no option for recycling their waste, and stated that adding this sector to EPR could improve this. One industry-seller is opposed to broad application of EPR to the ICI sector, but acknowledged it may be appropriate for some small businesses:
 - *“We recognize that some ICI “sectors” are analogous to the residential retail economy. For example, some small businesses buy their office supplies exactly as a household does and are effectively indistinguishable from residential consumers. In this narrow set of cases, EPR may be appropriate.”*
- Office buildings: Some respondents noted that waste from office buildings would be well suited to EPR.
- Food services: One local government in favour of EPR regulation noted that materials from *“large volume food operations (food services sector, hotels, cinemas and sports stadiums) should be collected and processed separately due to the higher contamination rates experienced at those types of locations.”*

Non-supportive comments and/or concerns on EPR

Many respondents, including industry-sellers (14) and industry-service providers (2), expressed concern about applying EPR to the ICI sector. Reasons included:

- Industry respondents described the existing system as efficient, cost-effective, and supplying local jobs. Concerns were that EPR would increase complexity, disrupt supply chains, and shift from local jobs to larger firms.

- Several noted their strong opposition and provided alternative suggestions (see section below). For example, one industry-seller association stated: *“To be clear up front, our industry is strongly opposed to the obligation of commercial packaging and paper products under the Recycling Regulation. Our view is that there is a much better and less disruptive alternative available.”*
- One industry-service provider expressed concern that *“EPR for this sector will eliminate local jobs, and consolidate the industry into large companies managed out of province.”*
- One industry-seller noted *“These levels of increases are unrealistic and unsustainable and will ultimately impact consumer affordability, selection and availability of goods in the B.C. market.”*
- Another industry-seller noted that it could disrupt innovation in the sector: *“If extended producer responsibility regime were to include ICI, their efficiencies, competitiveness, and their self created green economies would be lost. We highly discourage the inclusion of ICI sector under the Recycling Regulation.”*
- Concern that EPR would lead to more contamination – that the current market-based approach ensures clean and marketable ICI waste streams.
- Several noted concern that generators, not producers, should be responsible for the waste in this sector, stating that it is much more complex than the residential sector, and that producers have no influence on how the waste is managed.
- One industry-seller association noted this move would be punitive for industry leaders that are already managing and reducing their waste – raising their costs to pay for those lagging in their waste management efforts.
- Two respondents speaking about agricultural waste noted the CleanFarms voluntary initiative is effective and should be consulted before considering including this part of the sector.

Comments regarding data, tracking and reporting

Many respondents (12) highlighted the need for better data, tracking and/or reporting of the collection and ultimate destination of recycled materials in the ICI sector. Seven of these respondents were opposed to EPR for this category and suggested the ministry focus in this area as an alternative policy approach, including industry-sellers (6) and industry-service provider (1). Four were neutral to EPR regulation, including industry-sellers (2) and organizations and public respondents (2). One local government made suggestions in this area and was supportive of applying EPR to this category. Comments included:

- There needs to be a better understanding of where waste is going before applying EPR, with one industry-seller association stating they understand that there is currently a 75% diversion rate for paper products among members and that EPR would not provide much benefit, only costs.
- An industry-seller stated their support for ministry to improve understanding of how these products are managed, but suggested that more research is needed to understand the system, and that industry plans to do a research project on this subject in 2021.
- An industry-service provider noted *“We acknowledge the value of and need for more transparent tracking and measuring of materials collected and diverted through the ICI service provider sector, and would support efforts to establish such requirements.”*
- An industry-seller noted support for an alternative policy approach that introduces ICI environmental performance standards, with mandatory reporting for collectors and processors.
- An industry-service provider indicated that the current ICI system works well, but is missing tracking and reporting. Regulation and policy should focus on this.
- One local government stated that better understanding the destination of this waste is important to increase transparency for businesses wanting to understand how their waste is managed.

Comments on alternative policy approaches

Several (9) respondents provided a mix of alternative policy approaches for consideration, including those opposing EPR for this category (6), those providing neutral comments (2), and those supporting (1).

- One industry-seller stated *“Our view is that there is a much better and less disruptive alternative available: requiring that businesses ensure end-of-life materials are appropriately managed – be the result reuse, recovery or recycling, and whether those materials are products or packaging.”* And continued by stating *“The alternative government should use is to obligate industrial, commercial and institutional entities to manage their waste appropriately and undertake compliance or enforcement action against those who do not do so.”* Other industry-sellers concurred with this point.
- An industry-service provider *“recommends that the provincial government adopt a model similar to existing regulations governing contaminated soils and hazardous waste for the BC IC&I sector. This outcomes-based approach would be focused on diverting and beneficially repurposing as much material before disposal. Under this approach there are no prescribed source separation technologies, but rather, given the volume and diverse composition of materials that are generated by the IC&I sector, there could be a wide range of diversion and recycling technologies employed.”* Two industry-sellers made similar statements, noting this approach would have the benefit of not burdening regional districts or taxpayers.
- An industry-seller recommended the ministry increase enforcement, fines, and penalties to ensure compliance with existing framework.
- One local government suggested an alternative would be to establish processing requirements, for example, requiring waste to go through a material recovery process before disposal.

General comments

- Several expressed that stakeholder consultation with various industry groups is needed to develop innovative solutions that incorporate circular economy principles, with several noting that generators should be the focus of consultation.
- One local government suggested expanding EPR to this sector, but extending the current allowance for producers to opt out as long as they provide their own recycling for end-of-life management.
- One local government suggested moving forward with expanding EPR to ICI, but excluding cardboard, since this seems to be most contentious and is delaying moving forward with other important categories.
- Currently, the Recycling Regulation dictates that producers are responsible for determining how to collect and manage their products; however, several respondents, including two local governments, an organization, and an industry-service provider suggested that the existing industry-led EPR program for residential PPP should also manage ICI PPP materials.
- One local government stated *“It should also be noted that all approved stewardship plans should also include verifiable strategies for the packaging materials used in the recycling process. For example, shrink wrap, pallets and bulk packaging containers need to be recycled or reused as well.”*
- One local government highlighted challenges with multi-family buildings and stated *“A province-wide program that is consistent and efficacious across all sectors will be easier for the public to participate effectively in and will likely result in higher recovery and lower contamination rates.”*

- An industry-seller noted that fees on single-use items would steer consumers and retailers towards reusables. Several organizations and public respondents also expressed support for the concept as it would incent more innovation in package design.

Question 11: Are there sources of ICI waste that should be the primary focus for better management, such as food services, office buildings, or sports stadiums? [45 responses]

Comments on what sources of ICI waste should be prioritized

Forty-five responses identified specific sources of ICI waste that should be the primary focus for better management. Priority sources for the identified included:

- Food services (28): local governments (13), industry-service providers (2), organizations and public respondents (13)
- Sport stadiums (14): local governments (9), organizations and public respondents (5)
- Office buildings (19): local governments (11), industry-seller (1), organizations and public respondents (7)
- Medical facilities, such as hospitals and clinics (12): local governments (6), industry-service provider (1), organizations and public respondents (5)
- Educational institutions, such as schools, universities (12): local governments (8), industry-service provider (1), organizations and public respondents (3)
- Various other suggested priority sources were highlighted by one to five respondents, including:
 - Retailers, including grocery stores
 - Shopping centres
 - Public buildings, such as libraries, community and recreational centres, and museums
 - Ferries
 - Hotels
 - Ski resorts
 - Campgrounds, work camps, and mines
 - Airport and cruise terminals

General comments

Four local government and one public respondent stated that sources generating the most volume of ICI waste should be the primary focus for better management.

5. Marine Debris in B.C. – End-of-Life Management of Lost Fishing Gear

Question 12: Do you have comments or suggestions on policy approaches to better manage fishing gear? [71 responses]

Overall, the majority of responses were supportive of policy approaches to better manage fishing and aquaculture gear according to the following breakdown:

- **Local and federal governments** (24): most expressed support (19) for better end-of-life gear management, while some remained neutral (5) with no unsupportive responses.
- **First Nations** (1): expressed support.
- **Industry-sellers** (5): supportive (4), and unsupportive (1).
- **Industry-service providers** (5): all responses expressed support.
- **Organizations and public respondents** (36): majority of comments were positive (32), while some provide neutral comments (4).

The following section outlines key themes that emerged across the responses to this question.

Supportive comments on EPR and/or alternative policy approaches

Many respondents expressed support for an EPR and/or alternative policy approaches to manage gear (24): local government (6), industry-sellers (4), industry-service providers (2), organizations and public respondents (12). Comments included:

- Seven organizations and public respondents, one local government, one industry-service provider, and three industry-sellers believe that all producers need to participate in an EPR program to ensure financial sustainability, including producers from other jurisdictions selling products into B.C.
- Two local government respondents suggested a hybrid model.
 - *"In a paper published in December 2019,1 the National Zero Waste Council recommends EPR for marine fishing debris delivered in conjunction with senior governments, with immediate priority placed on abandoned fishing nets as a high-ranking problematic ocean plastic. However, the paper acknowledges that while EPR is usually funded entirely by product brand owners, the high cost, low turnover, and small number of fishing net manufacturers will likely require a hybrid model to allow for rapid implementation, possibly with partial funding from the federal government, and strict enforcement of minimum recovery rates. We recommend the Government of BC explore this option with Environment and Climate Change Canada as they consider methods for addressing plastic marine debris through their national plastics plan."*
- Two industry-sellers, one local government, four respondents involved in an organization, and one public respondent felt that development of a program needs to be in consultation with stakeholders.

Non-supportive comments and/or concerns on EPR

Industry-sellers expressed concern about using an EPR approach to manage existing marine and fishing products, with an industry-seller association stating: *"In our view, extended producer responsibility does not form part of a solution for the existing debris because doing so would result in eco-fees on commercial and consumer marine and fishing products that would drive those sales out of our jurisdiction and underground."* The response goes on to state that EPR *"may be an appropriate policy*

option to help prevent new marine debris. However, there is a complete lack of data available about what is happening to that waste at present – which complicates any analysis of a potential obligation of these products.”

Comments on labelling systems and tracking devices

Several respondents (13) suggested using a labelling/registration system and tracking devices (potentially GPS) as a means of locating lost gear and connecting it back to its owner: local governments (5) and public respondents (8).

Comments on increasing disposal and recycling capacity

Several respondents (13) suggested expanding recycling options to deal with gear: local governments (5), industry-service provider (1), organizations or public respondents (7). Comments included:

- A local government suggested that fishing stores be collection sites. Another local government suggest that drop-off locations are free, and a public respondent suggested that recycling locations are close to marinas.
- A public respondent shared that the recycling facilities could employ coastal and/or First Nations communities.
- Four respondents shared details on implementation. One organization suggested that eco-fees would support the expansion of recycling for marine debris, and an organization and an industry-service provider suggested recycling capacity would be supported by EPR regulation.
- A local government suggested *“the government should support and promote partnerships between local organizations that collect used fishing gear and businesses that can recycle the waste.”*

Comments on fishing licensing requirements

Some respondents (5) provided suggestions about licensing requirements to help fund and improve end-of-life management of lost gear: local governments (2), and organizations and public respondents (3). For example:

- One local government and one organization suggested an increase to fishing licensing fees to fund marine cleanup efforts. One organization did not specify the type of licensing however wanted the funds to support a clean-up fund.
- One local government specified that commercial fishing should require a fee: *“the funds should be directed to clean-up efforts within the region that the activity is taking place, especially when it is a fixed operation like shellfish aquaculture or fish farming.”*
- One local government, suggested *“At the point of issuing fishing licenses require submission of a solid waste management plan that accounts for the life-cycle management of the fishing gear used.”*
- One local government and one public respondent suggested awareness campaigns or videos as part of the licensing program.

Comments on government-funded programs

Some respondents (3) discussed funding programs: one local government, one organization, and one public respondent. Comments included:

- One local government recommended incentives for removal of ghost gear (e.g., financial incentives to scuba divers to collect waste.)

- One public respondent suggested that funding for cleanup organizations be provided from the provincial government.
- One local government suggested the continuation of the Clean Coast, Clean Waters Initiative Fund after pandemic.
- One local government suggested a deposit disposal fee that is returned to the buyer at time of proper disposal.

Comments on the type of gear

Respondents recommended that the following should be included in a gear recycling program:

- Nets, lines, hooks, buoys, lead weights, hemp fibers, foam floats, foam filled tires, rope, floats/buoys, barrels, fishing line, oyster trays, crab pots, polystyrene encased billets, abandoned vessels, ghost gear, PVC pipes, all netting for fishing and aquaculture, recreational fishing tackle, dock materials.

General comments

Some additional suggestions and comments include:

- Some respondents (5), local government (1), and organizations and public respondent (4), suggested banning marine Styrofoam plastics (polystyrene foam) – including both encapsulated and non-encapsulated foams.
- Ensure policy does not burden local communities with brunt of costs.
- Several respondents noted the opportunity to employ indigenous communities: *“We also encourage the government to direct a portion of the CCCW toward capacity building amongst coastal indigenous communities to carry out cleanups.”*

6. Implementation

Question 13: To help inform the development of the multi-year strategy, do you have comments or suggestions on what product categories outlined in this Intentions Paper should be prioritized for regulation? [60 responses]

Fifty-nine responses discussed the product categories outlined in the Intentions Paper that should be prioritized for regulation to help inform the development of a multi-year strategy. Suggested priorities appeared in every topic area. In some cases, respondents specifically noted first and second order priorities, however, these are all combined into the following priority areas:

- Residual product category (27): local governments (18), industry-service providers (3), organizations and public respondents (6)
- Mattress category (27): local governments (16), industry-seller (1), industry-service providers (3), organizations and public respondents (7)
- Packaging and paper product category, from ICI sources (23): local governments (13), industry (3), organizations and public respondents (7)
- Electronic and electrical product category, including batteries (16): local governments (7), industry-seller (1), industry-service providers (2), organizations and public respondents (6)
- Marine debris (14): local governments (6), industry-service providers (2), organizations and public respondents (6)

General comments

- Product category prioritization should be based on waste volume, environmental impact, management cost, and/or safety hazard level.
- A mattress category could be easier to proceed with as other categories would require a longer time to set up an EPR program.
- The ministry should engage stakeholders in identifying and prioritizing product categories.

7. Cross-Cutting Themes and Other Product Types Outside of this Consultation

Several respondents provided comments that were deemed beyond the scope of the information provided in the Intentions Paper, however, this input is summarized below as it raises other potential product categories or considerations brought forward for review by the ministry.

A few themes that were beyond the scope of the questions posed in the Intentions Paper appeared across several different responses, including:

Concerns about regulating and enforcing e-commerce sales

- Industry-sellers, industry-service providers, and organizations and public respondents raised concerns about how EPR can encompass online sales. For example, in reference to mattresses, one industry-service provider stated: *“We are interested because there are several online sellers of mattresses and because the ever-increasing volumes of online sales by non-resident e-commerce sellers is a perennial, and as yet, unsolved, issue for EPR programs in British Columbia, across Canada and around the world. If the Ministry wishes to ensure that mattresses are properly recycled, then it will likely want to legally obligate e-commerce sellers of those mattresses to the greatest extent possible.”* Further to this, the respondent: *“suggests that the Ministry may want to consider expanding its scope of obligated parties to include e-commerce marketplace facilitators and marketplace sellers that are resident in BC. While this does not fully address the issue of non-resident e-commerce sellers, it could capture a significant amount of non-stewarded e-commerce packaging currently (and unfairly) being managed by [respondent] members.”*
- An industry-seller association provided some suggestions on managing sales from outside BC: *“[Respondent] has previously argued that Government needs to address the substantial ‘free-rider’ issue by obligating those entities and enforcing that obligation. One direction could be to obligate on-line marketplaces as producers.”* And: *“Alternatively, Government could obligate shipping companies as producers to ensure compliance. It would be very unfair to obligate mattresses and foundations if those obligations are not equally spread across all entities selling the products.”*

Accessibility

- Ensuring convenient access to recycling services in rural areas appeared in many topic areas, including mattresses, residuals, ICI packaging and paper products, and marine gear.
- In more urban areas, convenient access to depots without the need for a vehicle was highlighted by local governments.

Making recycling easier for consumers

- Another theme that appeared in several questions is the need for clear, consistent messaging about what can be recycled. One local government *“encourages the Province to require that stewardship programs better manage depots and other return collection facilities accepting their products to ensure a consistent standard for accessibility, signage and cleanliness is achieved. This will help maximize participation in the various EPR programs.”* While one industry association stated *“you shouldn’t require a PhD to know which products are included in BC’s recycling programs.”*

Regulatory framework considerations

- Improved data and more dialogue with industry stakeholders were common themes from several industry respondents in a few categories.
- Changes to the EPR framework that address existing loopholes were suggested across several categories.
- An industry association strongly urged the province to rewrite the regulation in a more consistent, easy-to-follow manner.
- The need for further clarity around definitions (e.g. producer), and more consistent and easy-to-follow regulations were also recommended.

Full cost recovery

- It was noted in several questions that some product categories have insufficient cost recovery at this time, and that the system should work toward full producer responsibility and full cost recovery.

Circular economy

- Several respondents noted that the ministry should look for ways to foster reuse before recycling, and ensure all regulations support the ultimate goal of a circular economy. One local government states they encourage the ministry *“to pursue new programs and policies that help move producers up the pollution prevention hierarchy towards a circular economy where resources are never tossed, but are reused, repaired and reintroduced in new products. This could include right-to-repair incentives and/or regulatory requirements, formalizing practices for extended producer responsibility programs around reporting on reuse and repair activities; and increased recycled content in products. These new programs and policies could complement the Recycling Regulation and move the province towards a circular economy.”*

Other product categories not identified in the Intentions Paper

- Many respondents from local government (12), to industry (1), to organizations and public respondents (4), mentioned the desire to expand the regulation to include large upholstered furniture such as couches and armchairs.
 - One local government stated, *“Consider adding other bulky items (such as upholstered furniture like chairs, couches etc.) that have similar construction and are already recovered in some communities through existing mattress recycling businesses.”*
- Seven local governments and one individual highlighted the need to add car seats to the regulation.
- One local government *“recommends consideration of a number of other products not currently included in the Recycling Regulation and not specified in this Policy Intentions Paper, including: the remaining product categories identified in the Canadian Council of Ministers of the Environment Canada-Wide Action Plan on Extended Producer Responsibility, as well as a number of household items such as single use wipes, canning jars, coat hangers, pots and pans (metal), and toys (plastic).”*
- Several others noted the products listed in the Canadian Council of Ministers of the Environment Canada-Wide Action Plan on Extended Producer Responsibility and also specifically listed the need to include:
 - Hard plastic toys, high chairs, strollers, and other toddler equipment.
 - Garden furniture made from PVC and plastics.
 - Carpet, furniture, textiles, building materials.

- Gypsum and asphalt shingles.
 - Construction and demolition waste.
 - Cigarette butts.
- Textiles that are 100% non-biodegradable, for example, aromatic-polyamides (e.g. Kevlar, Nomex) used in firefighting uniforms.
- Some respondents noted adding recreational boats, marine vessels, docks, recreational vehicles, fifth wheels and trailers.
- One industry-service provider noted the importance of addressing construction waste, including: EPS foam, PVC or ABS pipes, tarps, plastic banding, rigid Styrofoam, carpet, wood pallets, etc.

D. Closing

The ministry would like to thank all respondents for their feedback. All comments will be considered before developing an outreach strategy, amending the regulation, or pursuing other policy approaches.

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, SEPTEMBER 08, 2021**

SUBJECT **Capital Regional District External Grants Update**

ISSUE SUMMARY

A bi-monthly update on external grants activity for the period of June 14 through August 9, 2021.

BACKGROUND

This report summarizes activities and outcomes since the CRD External Grants Update was last presented at the July 2021 Finance Committee and Board meetings. Additionally, the CRD External Grants Dashboard (Appendix A) details grant applications, awards, and status of projects in progress.

IMPLICATIONS

Financial Implications

Grants / Contributions Awarded

1. \$137,907 through UBCM's 2021 FireSmart Economic Recovery Fund-Community Resiliency Investment Program to support the Capital Regional FireSmart Economic Recovery project.
2. \$25,000 through UBCM's 2021 Emergency Operations Centres & Training-Community Emergency Preparedness Fund to support the CRD Electoral Area EOC Functional Exercises.
3. \$25,000 through UBCM's 2021 Community Emergency Support Services – Emergency Support Services: CRD ESS Drills and Equipment Funds.

Four other grants awarded are under news embargo.

Applications Submitted

Six applications were submitted:

1. \$600,000 through Canada Community Revitalization Fund for the Revitalization of Centennial Park in Ganges Village.
2. \$457,500 (total) through Natural Resources Canada – Zero Emission Vehicle Infrastructure Program for the Capital Regional Electric Vehicle Charging Initiative.
 - a. Application submitted in partnership with the City of Victoria, Township of Esquimalt, and Town of View Royal.
 - b. 110 Level 2 charge points across 17 sites and includes public, fleet, and workplace charging.

- c. 63 of these chargers are allocated to CRD sites, with 56 for CRD fleet vehicles and 7 for public or mixed-use charging, grant request for CRD is \$315,000.
3. \$87,000 through the Province of BC's Climate Action Revenue Incentive Program.
4. \$30,000 through BC's Active Transportation Network Planning Grant Program for an Update of the Pedestrian and Cycling Master Plan – SSI edition with a focus on a Master Transportation Plan for Ganges Village.
5. \$6,500 through TD Friends of the Environment Foundation Program for the Galiano Island Parks and Recreation Commission Zuker Native Plant Restoration project.
6. \$3,000 through CRD Traffic Safety Commission for the CRD Walk and Wheel to School 2021 project.

Core Area Wastewater Treatment Plant Project Update

The Core Area Wastewater Treatment Plant project is partially funded by the Federal Government, the Province of BC, and the Federation of Canadian Municipalities Green Municipal Fund grant/loan program. During the months of June and July, the CRD received the final \$5M holdback of federal funding from the Green Infrastructure Fund. The CRD also received the \$20M loan from FCM, and the additional \$2.75M in grant funding. The remaining payments remain subject to holdback until the project and reporting are complete. Cumulatively, the CRD has received \$359M of the estimated revised total of \$462M in grant revenues. The remaining (up to) \$103M is expected to be received in 2021 based on timing of eligible expenditures and achievement of target milestones.

Service Delivery Implications

New Grant Opportunities

Sixteen new grant calls were issued during the reporting period. Grant Calls in Progress for which the CRD is eligible to apply are featured in Appendix A (see pages 8-9), and in the table below:

Grant	Deadline	Information
THRIVE – Small Capital Program- Island Coastal Economic Trust	Two intakes: 1. 09-Jul-21 2. 17-Sept-21	Provides funding for small capital projects to support downtown renewal or commercial area vitality.
BC Active Transportation Grant Program	Two streams: 1. 30-Jul-21 2. 30-Jul-21	Two streams to support active transportation: 1. Active Transportation Network Planning Grant. 2. Active Transportation Infrastructure Grant.
Jumpstart-Sports Relief Fund	Extended to 08-Aug-21	Provides funding for operational and delivering program support for sports/recreational programming.
Local Food Infrastructure Fund	13-Aug-21	Provides funding to help improve access to food by funding infrastructure needs.
Zero Vehicle Awareness Initiative- Natural Resources Canada	16-Aug-21	Supports projects that promote education, outreach, and awareness activities for ZEVs, public charging, and refueling infrastructure.

Grant	Deadline	Information
CleanBC Go Electric Public Charger Program	27-Aug-21	Provides funding (rebates) for public Direct Current Fast Chargers.
Community to Community Forum	Two intakes: 1. 10-Sept-21 2. 03-Dec-21	Provides funding to host a Regional Community to Community Forum.
Zero Emission Vehicle Infrastructure Program-Natural Resources Canada	8-Sept-21	Provides funding for EV charging infrastructure for on-road, off-road commercial and public fleets.
Asset Management Planning Program-UBCM	24-Sep-21	Provides funding to support asset management development (planning/training/resources, etc.).
Clean Fuels Program-Building New Domestic Production Capacity	29-Sept-21	Provides funding for fuel production technology projects and studies for low carbon fuel production facilities.
Disaster Mitigation and Adaptation Fund-Infrastructure Canada	Two streams: 1. 15-Oct-21 2. 15-Nov-21	Provides funding to infrastructure projects to mitigate climate-related risks and disasters. 1. Large-scale projects. 2. Small-scale projects.
2022 FireSmart Community Funding & Supports-UBCM	08-Oct-21	Provides funding to increase community resilience and reduce risk of wildfire.
Rural Transit Solutions Fund-Planning and Design Projects	08-Oct-21	Provides funding to rural and remote communities to support transit planning activities, including development of new solutions.
Active Transportation Fund	TBC	Provides funding to support active transportation infrastructure and planning projects.

Forthcoming Funding Initiatives

1. Rural and Transit Solutions Fund: Capital Projects Stream, intake will open August 27 and will close October 28, 2021.

CONCLUSION

The CRD recognizes grants are a supplementary funding source to address the needs of services provided to the region. The External Grants Update outlines how the CRD continues to integrate and consider these grant opportunities relative to service needs, as well as informing local partners of these opportunities through the grants dashboard. The CRD will continue to provide a summary of activities and outcomes in the External Grants Update on a bi-monthly basis.

RECOMMENDATION

That the Capital Regional District External Grants Update be received for information.

Submitted by:	Lia Xu, MSc., CPA, CGA, Finance Manager, Local Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Acting Chief Administrative Officer

ATTACHMENT(S)

Appendix A: External Grants Dashboard

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND: Intent to apply Work in Progress (=delay) Application Done - Outcome pending Project Done (=payment pending) Application Declined Links to information								
Grant Program Links		Application Deadline	Project	Status	Board Resolution	Comments	Grant Ask	% of Total Project (Eligible & Ineligible Costs)
GRANT APPLICATIONS IN PROGRESS	Disaster Mitigation and Adaptation Program	17-Jul-20	Construction of Regional and Sub-Regional Seismically Resilient Water Supply		N/A	IWS - Infrastructure Operations is the lead	\$ 36,900,000	42%
	CleanBC - BC Hydro Commercial Custom Program	N/A	Panorama Energy Recovery Project		N/A	PES - Panorama is the lead	\$ 200,000	7%
	Jumpstart Community Development Program	01-Feb-20	Swim Program for Indigenous Children and Youth		N/A	PES - Panorama is the lead. Postponed due to COVID-19	\$ 2,692	TBC
	Island Health Community Wellness Grant	26-Feb-20	Lifeguard Academy for Indigenous Youth		N/A	PES - Panorama is the lead. Postponed due to COVID-19	\$ 13,264	TBC
	Investing in Canada Infrastructure Program – Green Infrastructure – Environmental Quality Program	26-Feb-20	Juan de Fuca Water Distribution Service for Anderson Cove		12-Feb-20	IWS - Infrastructure Operations is the lead	\$ 1,460,000	71%
	Investing in Canada Infrastructure Program – Green Infrastructure – Environmental Quality Program	26-Feb-20	Magic Lake Estates Wastewater System Renewal		12-Feb-20	IWS - Infrastructure Operations is the lead	\$ 5,390,000	44%
	Investing in Canada Infrastructure Program-Community, Culture, and Recreation Stream	01-Oct-20	Elk/Beaver Lake Oxygenation System		9-Sep-20	Regional Parks is the lead	\$ 700,000.00	42%
	Investing in Canada Infrastructure Program-Community, Culture, and Recreation Stream	01-Oct-20	Fernwood Elementary School Athletic Field Upgrades		9-Sep-20	SSI Administration is the lead	\$ 646,587.00	73%
	Investing in Canada Infrastructure Program-Rural and Northern Communities Stream	22-Oct-20	Maliview Wastewater Treatment Plant Upgrade		9-Sep-20	SSI Administration is the lead	\$ 1,989,000.00	88.47%
	Investing in Canada Infrastructure Program-Rural and Northern Communities Stream	22-Oct-20	Lyall Harbour Boot Cove Water Service Improvements Project		9-Sep-20	IWS is the lead	\$ 1,110,600.00	95.69%
	Investing in Canada Infrastructure Program-Rural and Northern Communities Stream	22-Oct-20	Port Renfrew Water Supply Line Replacement Project		14-Oct-20	IWS is the lead	\$ 1,573,918.00	96.92%
	Investing in Canada Infrastructure Program-CleanBC Communities Fund	12-Nov-20	Panorama Recreation Energy Recovery project		14-Oct-20	PES - Panorama is the lead	\$ 1,972,430.00	70%
	New Horizons for Seniors Program	20-Oct-20	Community Garden Improvements at Greenglade Community Centre		N/A	PES - Panorama is the lead	\$ 25,000.00	100%
	Building BC - Community Housing Fund	04-Sep-20	2780 Spencer Rd project in partnership with CRHC		N/A	Regional Housing is the lead. Approved for \$5.9M	\$ 5,900,000.00	29.65%

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND: Intent to apply Work in Progress (=delay) Application Done - Outcome pending Project Done (=payment pending) Application Declined Links to information									
GRANT APPLICATIONS IN PROGRESS	Investing in Canada Infrastructure Program-COVID-19 Resilience Infrastructure Stream	27-Jan-21	Regional Galloping Goose Bridge Replacements & Repair Project		10-Feb-21	Regional Parks is the lead	\$	1,000,000.00	88.89%
	Investing in Canada Infrastructure Program-COVID-19 Resilience Infrastructure Stream	27-Jan-21	JDF Willis Point Fire Department Water Supply Expansion		10-Feb-21	JDF EA Planning and Willis Point Fire Protection and Recreation Commission	\$	41,865.00	100.00%
	Investing in Canada Infrastructure Program-COVID-19 Resilience Infrastructure Stream	27-Jan-21	SSI Drake Road Trail Upgrade Project		10-Feb-21	SSI Administration is the lead	\$	90,127.00	81.93%
	Investing in Canada Infrastructure Program-COVID-19 Resilience Infrastructure Stream	27-Jan-21	SGI Pender Island Alice Church Multi-Modal Trail		10-Feb-21	SGI Administration and Pender Island Parks and Recreation Commission.	\$	235,778.00	90.36%
	Community Emergency Support Services – Emergency Support Services	29-Jan-21	CRD ESS Drills and Equipment Funds		10-Mar-21	Protective Services. Approved for \$25,000.	\$	25,000.00	100.00%
	CleanBC Organic Infrastructure and Collection Program – Organic Processing Infrastructure	04-Feb-21	Salt Spring Island Composting Project		10-Feb-21	Environmental Resource Management - Partnership project TBC	\$	168,462.00	44.44%
	Canada Summer Jobs	03-Feb-21	SEAPARC 1 (\$24,320), Regional Parks (\$3,192), IWS (\$4,964), Panorama – Tennis (\$9,728), Panorama – Aquatics (\$21,888), Panorama – Summercamp (\$3,344). Panorama – Daycamp (\$25,992), and SSI – Parks & Rec (\$6,080).		N/A	Human Resources is the lead	\$	99,508.00	TBC
	Natural Resources Canada – Zero Emission Vehicle Infrastructure Program, MURBS, Workplaces and LDV Fleets	04-Jun-20	Eight Level Two Electric Vehicle Chargers, applied for up to \$40,000 for corporate fleet chargers.		N/A	Climate Action is the lead		TBC	TBC
	Habitat Stewardship Program for Species at Risk	02-Mar-21	State of Species at Risk project for Regional Parks		N/A	Regional Parks is the lead	\$	49,806.00	39.45%
	Salt Spring Island Foundation	31-Mar-21	Centennial Park Gazebo		N/A	SSI Parks and Recreation is the lead	\$	9,000.00	31.03%
	2021 FireSmart Economic Recovery Fund-Community Resiliency Investment Program-UBCM	19-Mar-21	Capital Regional FireSmart Economic Recovery		Required	Protective Services is the lead. Approved for \$137,907.	\$	137,907.00	100.00%
	2021 Emergency Operations Centres & Training-Community Emergency Preparedness Fund	26-Mar-21	CRD Electoral Area EOC Functional Exercises		Required	Protective Services is the lead. Approved for \$25,000.	\$	25,000.00	100.00%

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND:  Intent to apply  Work in Progress ( =delay)  Application Done - Outcome pending  Project Done ( =payment pending)  Application Declined  Links to information									
GRANT APPLICATIONS IN PROGRESS	Canada Healthy Communities Initiative-Intake 2	25-Jun-21	Centennial Park Plaza Project		N/A	SSI Parks and Recreation is the lead	\$	100,000.00	33.33%
	Strengthening Communities' Services-UBCM	16-Apr-21	Salt Spring Island Homelessness COVID Response project		Required	Regional Housing is the lead	\$	308,520.00	94.76%
	Canadian Parks and Recreation Association-Youth Employment Experience	14-May-21	Salt Spring Island Parks Attendant Position		N/A	SSI Parks and Recreation is the lead	\$	31,309.00	100.00%
	Zero Emissions Vehicle Incentive Program-Natural Resources Canada	22-Jun-21	Capital Region Electric Vehicle Charging Initiative		N/A	Climate Action coordinated a joint partnership application with City of Victoria, Township of Esquimalt, and Town of View Royal. Total grant request, \$457,500. The CRD's individual grant request is \$315,000.	\$	315,000.00	34.43%
	Canada Community Revitalization Fund	23-Jul-21	Revitalization of Centennial Park		Required	SSI Parks and Recreation is the lead	\$	600,000.00	75.01%
	BC Active Transportation Network Planning Grant Program	30-Jul-21	Update of the Pedestrian and Cycling Master Plan – SSI edition with a focus on a master transportation plan for Ganges Village		Required	SSI Administration is the lead	\$	30,000.00	50.00%
	TD Friends of the Environment Foundation Program	15-Jul-21	Galiano Island Parks and Recreation Commission Zuker Native Plant Restoration		N/A	SGI Administration and Galiano Island Parks and Recreation Commission	\$	6,500.00	TBC
	CRD Traffic Safety Commission	30-Jul-21	CRD Walk and Wheel to School 2021 project		N/A	Climate Action is the lead	\$	3,000.00	60.00%
	Climate Action Revenue Incentive Program	06-Aug-21	2020 CARIP Grant Report		N/A	Climate Action is the lead	\$	87,000.00	N/A
	TOTAL GRANT ASKS IN PROGRESS (EXCLUDING CORE AREA LIQUID WASTE MANAGEMENT)							\$	102,438,558

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND:  Intent to apply  Work in Progress ( =delay)  Application Done - Outcome pending  Project Done ( =payment pending)  Application Declined  Links to information									
CORE AREA LIQUID WASTE MANAGEMENT - GRANT FUNDING STATUS									
Grant Program Links		Contribution Terms and Purpose	Status	Board Resolution	Comments	Grant Award Maximum		Redeemed to Date	
CORE AREA GRANTS	Infrastructure Canada - 3P Funding Agreement (Federal funding)	Lesser of 25% of eligible costs or \$83.4M for a bio-solids energy centre treatment facility for wastewater sludge.				\$	41,000,000	\$	-
	Infrastructure Canada - Building Canada Fund (Federal funding)	Up to 50% of eligible costs to a maximum of \$120M for construction of the McLoughlin Point Wastewater Treatment Plant, marine outfall pipe, and completion of the Victoria Harbour crossing.			Funding agreements executed. Construction to start in April 2017 as per March 16, 2017 joint media release (Canada, BC, CRD)	\$	120,000,000	\$	120,000,001
	Infrastructure Canada - Green Infrastructure Fund (Federal funding)	Up to 50% of eligible costs to a maximum of \$50 M to upgrade Clover Point and Macaulay Point pump stations, implement attenuation tanks, and upgrade existing pump stations and piping systems.				\$	50,000,000	\$	50,000,001
	Provincial Funding	The lesser of 1/3 total cost (excluding land acquisition cost) or \$248M for construction of the wastewater treatment plant, the energy centre for sludge treatment, and conveyance system upgrades - all serving the Core Area.		08-Mar-17	CRD Board approved execution of the Provincial Agreement	\$	248,000,000	\$	186,000,000
	FCM - Green Municipal Fund - Water Capital Projects	\$3M grant in combination with a \$20M loan.				\$	3,000,000	\$	2,750,000
TOTALS						\$	462,000,000	\$	358,750,002

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND:  Intent to apply  Work in Progress ( =delay)  Application Done - Outcome pending  Project Done ( =payment pending)  Application Declined  Links to information									
Grant Program Links		Dept.	Project Deadline	Project	Status	Lead	Project Cost (Estimate)		Grant Award
PROJECTS IN PROGRESS	Regional District Grant 2020	FT	N/A	Unconditional grant to fund administrative costs.		Financial Services	N/A	\$	60,000
	Bike BC Cycling Infrastructure Program	PES	30-Jun-21	E&N Rail Trail Phase 3: Atkins Ave. to Savory School		PES: Infrastructure Engineering and Facility Management	\$	4,157,536	\$ 1,000,000
	Building BC - Community Housing Fund	PPS	2023	Caledonia Housing Project		CRD Housing is the lead. Application is also seeking mortgage subsidy of \$666,500 per year. Supported by CRHC resolution 24-Jul-2018.	\$	50,225,725	\$ 15,500,000
	FCM Green Municipal Fund - Pilot Project	F&T	31-Oct-21	Zero Emissions Fleet Initiative		Risk Management - Climate Action	\$	1,087,000	\$ 350,000
	BC Rural Dividend	PES	22-Mar-21	Engineering Design for SGI Regional Trails		Regional Parks	\$	200,000	\$ 100,000
	BC Rural Dividend	SSI	22-Mar-21	Shared Service Business Model		SSI Administration	\$	100,000	\$ 90,750
	Invasive Plant Management	PES	31-Mar-21	Invasive Plant Management Project		Environmental Protection Division	\$	32,000	\$ 32,000
	Infrastructure Planning Grant	SSI	31-Mar-21	North Salt Spring Waterworks Infrastructure Assessment		SSI Administration	\$	10,000	\$ 10,000
	Child Care Space Creation Program	SSI	15-Apr-21	SSI PARC Licensed Preschool Child Care Space		SSI Administration	\$	296,460	\$ 214,600
	Affordable Rental Innovation - CMHC	PPS	31-Dec-21	Regional Housing First Program		Regional Housing: Partners include CRD, BC Housing, CMHC at \$40M each.	\$	120,000,000	\$ 120,000,000
	Reaching Home-Designated Communities	PPS	31-Mar-24	For community homelessness service projects		PPS: Regional Housing	\$	4,772,699	\$ 4,772,699
	Reaching Home-Indigenous Homelessness	PPS	31-Mar-22	For community homelessness service projects		PPS: Regional Housing	TBC	\$	1,011,768
	Reaching Home-COVID-19 Response	PPS	30-Jun-21	For community homelessness service projects		PPS: Regional Housing	TBC	\$	3,231,049
	Island Health Community Wellness	PPS	1-Mar-20	Monitoring the Determinants of Health and Wellness in the Capital Regional		Community Social Planning Council	\$	50,000	\$ 50,000
	BC Hydro Sustainable Communities Program	PES	30-Sep-21	BC Hydro Community Energy Manager staff support		PES - Environmental Protection - Climate Action	TBC	\$	100,000
	City of Victoria Housing Reserve Fund	PPS	2023	Michigan Housing Project		PPS-Regional Housing-CRHC	\$	1,395,000	\$ 1,020,000
	Rick Hansen Foundation BC Accessibility Grants	PES	30-Sep-20	Panorama Accessibility Improvements		PES - Panorama is the Lead	TBC	\$	20,000
	Provincial Urban Deer Cost - Sharing Program	SGI	2020	Program to reduce fallow deer populations on Mayne Island		SGI Administration	TBC		TBC
	Pacific Institute for Climate Solutions Internship Program	PES	31-Dec-20	Climate action student intern		PES - Environmental Protection - Climate Action	TBC	\$	12,000
	UBCM-Community Emergency Preparedness Fund-Volunteer & Composite Fire Departments Equipment & Training	PPS	TBD	Joint CRD Volunteer Fire Department Equipment and Training Project		PPS	\$	128,372	\$ 114,191
	UBCM-Community Resiliency Investment Program-FireSmart Community Funding & Supports	PPS	TBD	CRD Firesmart Project 2020		Parks and PPS	\$	50,900	\$ 49,900

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND:  Intent to apply  Work in Progress ( =delay)  Application Done - Outcome pending  Project Done ( =payment pending)  Application Declined  Links to information									
PROJECTS IN PROGRESS (cont)	Community to Community Forum	PES	31-Mar-20	Watershed Management Engagement: Elk/ Beaver Lake		PES-Environmental Protection	TBC	\$	4,125
	UBCM Housing Needs Reports Program Grant	PPS	2021	Regional Housing Needs Report-Capital Region		CRD Development and Planning Advisory Committee	\$	150,000	\$ 150,000
	Community Child Care Space Creation Program	SSI	TBD	Multipurpose room for licensed child care and recreation programs		SSI Administration	TBC	\$	832,725
	Community Emergency Preparedness Fund - Emergency Support Services	PPS	2021	Electoral Area Equipment and Training for Emergency Support Services Modernization		Protective Services	TBC	\$	24,983
	BC Rural Dividend - Rural Community Development Grants	SGI	TBD	SGI Broadband Connectivity - Planning Project		SGI Administration	TBC	\$	50,000
	BC Active Transportation Infrastructure Grants Program: Active Transportation Network Planning Grant and Active Transportation Infrastructure Grant	SSI	Mar-21	Lower Ganges Road Pathways Phase 2: Booth Canal to Baker Road		SSI Administration	\$	700,000	\$ 490,000
	Investing in Canada - Community, Culture, Recreation	PES	TBD	Mayne Island Regional Trail - Phase One Development		PES - Regional Parks	TBC	\$	2,778,393
	2020 Emergency Operations Centres and Training Program-Community Emergency Preparedness Fund	PPS	2021	Electoral Areas (JDF, SSI, SGI) EOC Supplies Procurement Project		Protective Services	\$	25,000	\$ 25,000
	BC Hydro Sustainable Communities Implementation Fund	PES	2021	Capital Region Electric Vehicle Infrastructure Road		PES - Environmental Protection - Climate Action	\$	71,500	\$ 36,000
	Active Transportation Planning Program	SGI	2021	Active Transportation Plan for the Southern Gulf		SGI Administration	\$	28,240	\$ 20,000
	Rapid Housing Initiative-Major Cities Stream Immediate Support-Canada Mortgage and Housing Corporation	PPS	TBD	Permanent Affordable Housing under Rapid Housing Initiative		Regional Housing. Allocation of \$13,056,502	N/A	\$	13,056,502
	COVID-19 Safe Restart Grants for Local Governments	FT	2021	Funding for local operations impacted by COVID-19		Finance	N/A	\$	1,996,000
	2021-21 Salt Spring Island Transit Annual Operating Agreement	SSI	2021	Salt Spring Island Paratransit System funding through Safe Restart.		SSI Administration	N/A	\$	224,354
	Provincial Urban Deer Cost-Share Program	SGI	2021	Enhanced Eco-Cultural Restoration Partnership Proposal – Fallow Deer Management on Mayne Island		SGI Administration	\$	43,000	\$ 18,000
	Community Economic Recovery Infrastructure Program-Unique Heritage Infrastructure Stream	IWS	2022	Goldstream Powerhouse Roof		Regional Water Supply Service	\$	77,160	\$ 76,000
	Municipal Asset Management Program-FCM	AM	2022	Asset Life-Cycle Assessment Policy and Procedures		Asset Management	\$	62,500	\$ 50,000
	Community Energy Financing - FCM	PES	TBD	Capital Regional Residential Energy Retrofit		PES - Environmental Protection - Climate Action	\$	320,000	\$ 175,000
	ParticipACTION Community Better Challenge	SSI	2021	Swim the Southern Gulf Islands		SSI Parks and Recreation	\$	1,000	\$ 400
	Province of BC-Ministry of Forests, Lands, Natural Resource Operations and Rural Development	PES	2022	Elk/Beaver Lake Oxygenation System project		PES - Regional Parks	\$	1,667,000	\$ 750,000
	Salt Spring Island Foundation-Foundations of Youth Grant	SSI	2021	Salt Spring Lifeguard School program		SSI Parks and Recreation	\$	2,875	\$ 500
GRANTS AWARDED as of August 9, 2021							\$ 220,892,770	\$	187,590,950

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND:  Intent to apply  Work in Progress ( =delay)  Application Done - Outcome pending  Project Done ( =payment pending)  Application Declined  Links to information						
Grant Program Links		Launch Date	Application Deadline	Resolution Needed	Departments Alerted	Status
GRANT CALLS IN PROGRESS	Community Gaming Grant	Ongoing		Not applicable; CRD's role can be to support a not-for-profit in pursuing these grants.	All	Grant alert sent. Featured in CRD Grants Weekly 2019-06-24
	Human and Social Programs		30-Nov-21			
	Green Municipal Fund - Plans, Feasibility Studies, Pilot Projects Capital Projects	Ongoing	Ongoing	Depends on \$ value	Standing Item	
	Address Improvement Grant	Ongoing	Ongoing	Not Specified	IT	Grant alert sent. Featured in CRD Grants Weekly 2019-07-12
	BC Hydro Sustainable Communities Program	Ongoing	Ongoing	N/A	Standing Item	
	Efficiency BC - Online hub of energy efficiency initiatives	Ongoing	Ongoing	N/A	Standing Item	
	Federal Gas Tax - Community Works Fund Update	Ongoing	Ongoing	N/A	Standing Item	Comprehensive CRD process in place for assignment of funds to Electoral Area Projects. Featured in CRD Grants Weekly 2019-04-05
	Ship-source Oil Pollution Fund	Ongoing	Ongoing	TBD	Standing Item	Grant alert sent; featured in CRD Grants Weekly 2019-05-03
	Ecological Gifts Program	N/A	Ongoing	Not Specified	All	Grant alert sent
	Family Violence Initiative	N/A	Ongoing	Not Specified	All	Grant alert sent
	Multi-sectoral Partnerships to Promote Healthy living and Prevent Chronic Disease – Canada’s Tobacco Strategy	N/A	Ongoing	Not Specified	All	Grant alert sent
	Federal Lands Initiative	N/A	Ongoing	Not Specified	All	Grant alert sent
	National Housing Co-Investment Fund (New Construction, Housing Repair and Renewal, and Rental Construction Financing)	N/A	Ongoing	Not Specified	All	Grant alert sent
	Canada Arts Presentation Fund-Development	N/A	Continuous	Not Specified	All	Grant alert sent
	Green Municipal Fund: Local Home-Energy Upgrade Financing Program	N/A	Continuous	Required	All	Grant alert sent
	Economic Development Readiness Program	N/A	Continuous	Not Specified	All	Grant alert sent
	Municipal Asset Management Program - FCM	N/A	Continuous	Required	All	Grant alert sent
	Sustainable Affordable Housing-Green Municipal Fund-FCM	N/A	Continuous	Required	All	Grant alert sent

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND:  Intent to apply  Work in Progress ( =delay)  Application Done - Outcome pending  Project Done ( =payment pending)  Application Declined  Links to information						
GRANT CALLS IN PROGRESS	Clean Transportation Targets and Planning-Emotive Community Outreach Incentive Program	15-Apr-21	17-Jun-21	May be required	All	Grant alert sent
	Community Energy Association-Game-Changer Grant	20-Apr-21	21-Jun-21	Required	All	Grant alert sent
	Zero Emission Vehicle Infrastructure program	N/A	22-Jun-21	Not Specified	All	Grant alert sent
	Canada Healthy Communities Initiative (Intake 2)	14-May-21	25-Jun-21	Not Required	All	Grant alert sent
	Women’s Employment Readiness Pilot Program	02-Jun-21	30-Jun-21	Not Specified	All	Grant alert sent
	Social Development Partnerships Program-Children and Families	N/A	06-Jul-21	Not Specified	All	Grant alert sent
	Green and Inclusive Community Buildings	N/A	06-Jul-21	Required	All	Grant alert sent
	Island Coastal Economic Trust-THRIVE-Small Capital Program	25-May-21	09-Jul-21	Not Specified	All	Grant alert sent
	Intersectoral Action Fund	N/A	12-Jul-21	Not Specified	All	Grant alert sent
	Infrastructure Planning Grant Program	Year-round	16-Jul-21	Required	All	Grant alert sent
	Enabling Accessibility Fund-Mid-Sized Projects	04-Jun-21	29-Jul-21	Not Specified	All	Grant alert sent
	BC Active Transportation Infrastructure Grants Program: Active Transportation Network Planning Grant and Active Transportation Infrastructure Grant	24-Jun-21	30-Jul-21	Required	All	Grant alert sent
	Jumpstart-Sports Relief Fund	04-Jun-21	08-Aug-21	Not Specified	All	Grant alert sent
	Local Food Infrastructure Fund	N/A	13-Aug-21	Not Specified	All	Grant alert sent
	Zero Vehicle Awareness Initiative-Natural Resources Canada	N/A	16-Aug-21	Not Specified	All	Grant alert sent
	CleanBC Go Electric Public Charger Program	N/A	27-Aug-21	Not Specified	All	Grant alert sent
	Zero Emission Vehicle Infrastructure Program-Natural Resources Canada	N/A	08-Sep-21	Not Specified	All	Grant alert sent
	Community to Community Forum-UBCM	N/A	10-Sep-21	Not Specified	All	Grant alert sent
	Island Coastal Economic Trust-THRIVE-Small Capital Program	19-Jul-21	17-Sep-21	Not Specified	All	Grant alert sent

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND:  Intent to apply  Work in Progress ( =delay)  Application Done - Outcome pending  Project Done ( =payment pending)  Application Declined  Links to information						
GRANT CALLS IN PROGRESS	Asset Management Planning Program	N/A	24-Sep-21	Required	All	Grant alert sent
	Clean Fuels Program – Building New Domestic Production Capacity-Natural Resources Canada	N/A	29-Sep-21	Not Specified	All	Grant alert sent
	Canada Arts Presentation Fund: Professional Arts Festivals and Performing Arts Series Presenters-Programming Stream	N/A	01-Oct-21	Not Specified	All	Grant alert sent
	2022 FireSmart Community Funding & Supports-UBCM	N/A	08-Oct-21	Required	All	Grant alert sent
	Rural Transit Solutions Fund-Planning and Design Projects	N/a	08-Oct-21	Required	All	Grant alert sent
	Disaster Mitigation and Adaptation Fund-Infrastructure Canada-Large-scale projects	N/A	15-Oct-21	Required	All	Grant alert sent
	Museum Assistance Program-Canadian Heritage	N/A	01-Nov-21	Not Specified	All	Grant alert sent
	Disaster Mitigation and Adaptation Fund-Infrastructure Canada-Large-scale projects	N/A	15-Nov-21	Required	All	Grant alert sent
	Community to Community Forum-UBCM	N/A	03-Dec-21	Not Specified	All	Grant alert sent
	CleanBC Go Electric Fleets Program	N/A	31-Mar-23	Not Specified	All	Grant alert sent
	Active Transportation Fund	N/A	TBC	Not Specified	All	Grant alert sent
	Federation of Canadian Municipalities: Community Buildings Retrofit Initiative	N/A	Continuous	Required	All	Grant alert sent
	Smart Renewables and Electrification Pathways Program	N/A	Continuous	Not Specified	All	Grant alert sent
	Municipal Natural Assets Initiative-Expressions of Interest	08-Oct-19	TBD	Not Specified	All	Grant alert sent

Grants Administration Dashboard

Externally Sourced Grant Funding

STATUS LEGEND:  Intent to apply  Work in Progress ( =delay)  Application Done - Outcome pending  Project Done ( =payment pending)  Application Declined  Links to information				
Funding Sources / Plans		Description	Possible Timing	Links
UBCM Funding and Resource updates 2021		List of Local Government Programs and Services		
FUNDING INITIATIVES: ONGOING SCAN	GRANTS FORECAST		UBCM Grants: Age-Friendly Communities, anticipated 2021	
			Community Energy Leadership Program (CELP) 2019 launched; Next round unknown	
			BC's Active Transportation infrastructure Grants Program 2021/22 Intake, forthcoming	
			Island Health Community Wellness Granting Program 2021/22 intake, anticipated 2021	
			Investing in Canada Infrastructure Program: COVID-19 Resilience Stream – Ventilation Improvement	
			Rural and Transit Solutions Fund	



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REPORT TO HOSPITALS AND HOUSING COMMITTEE MEETING OF WEDNESDAY, SEPTEMBER 01, 2021

SUBJECT Reaching Home Update

ISSUE SUMMARY

An information report is being provided to update the Capital Regional District (CRD) Board on the ongoing implementation of the Reaching Home Program – Canada's Homelessness Strategy (RHP) and Reaching Home – COVID-19 Emergency Response Program (RHP-COVID).

BACKGROUND

In March 2019, the CRD entered into two agreements with the Government of Canada to fulfill the role of Community Entity (CE) in administering \$7.3 million (M) through the RHP for the Designated Funding Stream and \$2.3M through the Indigenous Funding Stream. In April 2020, the CRD entered into a third agreement with the Government of Canada to fulfil the role of CE in administering \$3.2M through RHP-COVID. This agreement includes both a Designated Funding Stream - COVID and an Indigenous Funding Stream - COVID. As of September 2021, the CRD is working to administer a total of \$12.8M on behalf of the Government of Canada through all funding streams associated with the Reaching Home Program.

The CRD, through its agreements with the Government of Canada, is assigned the role of CE responsible for the administration of funding and the provision of financial contributions through sub-project agreements to non-profit organizations based on a community plan, which is approved by a Community Advisory Board (CAB).

The CAB supports the implementation of Reaching Home through undertaking the following activities:

- Helps to guide the development of the community plan and provide official approval;
- Assesses and recommends projects for funding to the CE;
- Is representative of the community;
- Supports CE in the planning and implementation of coordinated access; and
- Approves the Community Homelessness Report as required by the Government of Canada.

The Greater Victoria Coalition to End Homelessness (GVCEH), as outlined in the CAB Terms of Reference, is responsible for:

- Coordinating government agencies, non-profits, health services and community organizations around the delivery of housing and services directed toward efforts to reduce homelessness in the region, and report to the CAB through the GVCEH Executive Director;
- Supporting engagement in the development of a Community Plan that includes outcomes and indicators to be used to guide action and monitor progress toward effectively addressing issues related to homelessness in the Greater Victoria area;
- Engaging with key community organizations and individuals, including Indigenous, in the community beyond the homeless serving sector and gather all available information related to the community's local homelessness priorities, and develop a coordinated approach to addressing homelessness in the region;

- Receiving and report on quantitative and qualitative data that outlines progress toward the achievement of the goals of the regional Community Plan to End Homelessness; and
- Providing advice and feedback on any plans or strategies required by the Government of Canada related to the CE's delivery of the Reaching Home Program.

ALTERNATIVES

Alternative 1

The Hospitals and Housing Committee recommends to the Capital Regional District Board: That the Reaching Home Update report be received for information.

Alternative 2

That the Reaching Home Update report be referred back to staff for additional information based on Hospitals and Housing Committee direction.

IMPLICATIONS

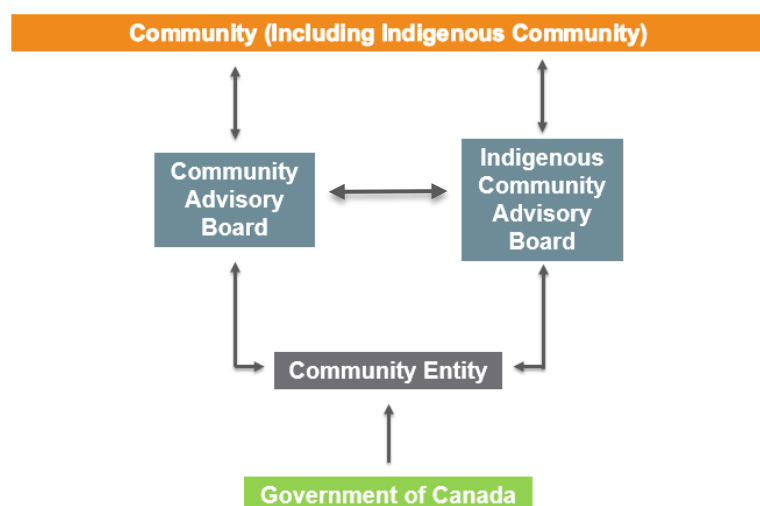
Governance

Historically, the Board of Directors of the GVCEH has fulfilled the function of CAB. In January of 2021, the Board approved the formation of a new Designated Communities CAB with the purpose of aligning the CAB with the CRD and supporting its role as CE for administering the Reaching Home Program. The Designated Communities CAB meets quarterly, with recent meetings occurring on February 11 and May 27, 2021. At these meetings the CAB provided direction to the CE on future funding and how to direct an upcoming call for proposals closing September 17, 2021.

As an outcome of consultation with Indigenous stakeholders, the Government of Canada convened the first meeting of an Indigenous CAB on May 28, 2021. The Indigenous CAB continues conversations on the future of Reaching Home funding in the Victoria Census Metropolitan Area including giving direction on a call for proposals for new sub-projects closing September 10, 2021.

An overview of the governance structure can be found in Figure 1.

Figure 1:



Financial

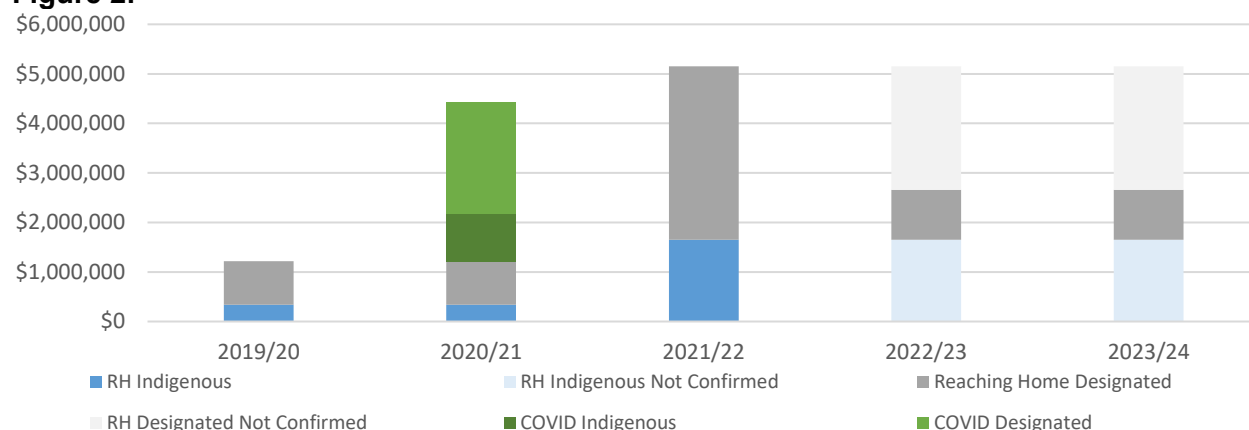
As of September 1, 2021, the CRD is administering a total of \$12.8M in Reaching Home funds through a total of four funding streams. Chart 1 shows a total of \$8.3M in unconfirmed funding that is anticipated to be available starting April 1, 2022 through to the end of the current contribution agreement. If the CRD does receive these additional funds, the CRD can expect to be responsible for the administration of a total of \$21.1M on behalf of the Government of Canada from 2019 – 2024.

Chart 1:

Funding Stream	Confirmed Funding		Unconfirmed Funding	
	Date Range	Funding Amount	Date Range	Funding Amount
Designated	Apr 1, 2019 – Mar 31, 2024	\$7.3M	Apr 1, 2022 – Mar 31, 2024	\$5.0M
Indigenous	Apr 1, 2019 – Mar 31, 2022	\$2.3M	Apr 1, 2022 – Mar 31, 2024	\$3.3M
Designated (COVID)	Apr 1, 2020 – Aug 31, 2021	\$2.3M		
Indigenous (COVID)	Apr 1, 2020 – Aug 31, 2021	\$972K		
Total		\$12.8M		\$8.3M

Figure 2 shows the total confirmed and unconfirmed funds expected to be available through Reaching Home by year from 2019 through to 2024.

Figure 2:



Social Implications

Reaching Home funding supported a number of community outputs and is arranged in the following three streams:

Designated Funding Stream

Six sub-projects currently underway, include:

1. Streets to Homes
2. Housing Outreach and Support
3. Youth Homelessness Prevention and Housing Stabilization
4. Indigenous Tenant and Cultural Supports
5. Homelessness Prevention Fund
6. Positive Flow Client Service Worker

On August 16, 2021 the CRD issued a Call for Proposals for a total of \$1.8M through the Designated Funding Stream seeking sub-projects up to March 31, 2022. The call closes on September 17, 2021.

Indigenous Funding Stream

Three sub-projects currently underway, include:

1. Advocacy and System Improvements
2. Aboriginal Housing Advocate
3. Siem Lelum/Fernwood House

On August 10, 2021 the CRD issued a Call for Proposals for a total of \$1.2M through the Indigenous Funding Stream seeking sub-projects up to March 31, 2022. The call closes on September 10, 2021.

COVID-19 Funding Stream

25 community-based sub-projects supported through COVID-19 Funds

- Specific to temporarily supporting people at risk of or experiencing homelessness during the COVID-19 outbreak.

The COVID Funding Stream has been fully expended with no slippage and the final report submitted to the Government of Canada on August 31, 2021.

In addition to the specific sub-projects funded through Reaching Home, the community, with support from the CRD, is also undertaking the following project:

Coordinated Access and Assessment

Reaching Home funded communities must use a common assessment tool for all population groups so there is a shared approach to understanding people's depth of need. To support this work, a Coordinated Access and Assessment (CAA) Advisory Group, with leadership from Island Health, BC Housing and the CRD, has set up two working groups (CAA, and Homelessness Individuals and Families Information System (HIFIS)) that are supported by the CRD community planner. The intention of these working groups is to develop, document and implement integrated, streamlined processes and policies to support people at risk of or experiencing homelessness to access housing and supports, using an outcomes based approach. The CAA working group has met twice and is reviewing best practices and the system resource map. The HIFIS working group will be meeting in the fall.

CONCLUSION

The CRD has established a CAB and Indigenous CAB to support the Reaching Home Program in order to fulfill its obligations to the Government of Canada. The CAB and Indigenous CAB are providing direction on a call for proposals for new sub-projects closing September 10, 2021 for the Indigenous Funding Stream and September 17, 2021 for the Designated Funding Stream.

RECOMMENDATION

The Hospitals and Housing Committee recommends to the Capital Regional District Board:
That the Reaching Home Update report be received for information.

Submitted by:	Don Elliott, MUP, Senior Manager, Regional Housing
Concurrence:	Michael Barnes, MPP, Acting General Manager Planning & Protective Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Acting Chief Administrative Officer



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY JULY 20, 2021**

SUBJECT **Development Permit with Variance for Lot 3, Sections 45-A and 46-A,
Highland District, Plan 22641 – 6606 Mark Lane**

ISSUE SUMMARY

A request has been made for a development permit with variance to address the Steep Slope development permit (DP) guidelines and to vary the front yard setback requirement for the purpose of constructing an accessory building in the Community Residential - One (CR-1) zone.

BACKGROUND

The subject property is located at 6606 Mark Lane in Willis Point (Appendix A) and is within the Steep Slope development permit areas designated by the Comprehensive Community Plan for Willis Point, Bylaw No. 3027. The parcel is split into two separate parts by Mark Lane, with that part of the subject property on which the dwelling is situated being on the west side of the right-of-way. The parcel is located adjacent to CR-1 zoned land to the north and south, Mark Lane to the east, and Gowlland Tod Provincial Park to the west.

Variance VA000143 was approved to reduce the minimum front yard setback requirement from 6.0 m to 5.0 m, and the rear yard setback from 6.0 m to 0.91 m, for the purpose of allowing the existing non-confirming siting of the single-family dwelling and construction of a deck.

The applicant now wishes to construct a carport adjacent to Mark Lane (Appendix B). A report has been provided from Ryzuk Geotechnical to address the Steep Slope DP guidelines. The Comprehensive Community Plan for Willis Point, Bylaw No. 3027, requires that all buildings and structures located in the CR-1 zone be a minimum of 6.0 m from the front parcel line. Since the southern-most corner of the structure is located 1.5 m from the front parcel line, a variance is also required (Appendix C). Development Permit with Variance DV000077 is included as Appendix D for consideration.

ALTERNATIVES

Alternative 1:

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

That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.5 m for construction of a carport be approved.

Alternative 2:

That Development Permit with Variance DV000077 be denied.

Alternative 3:

That the application be referred back to staff for more information.

IMPLICATIONS

Legislative Implications

The Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule A, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Steep Slopes DPA and a development permit is required prior to alteration of land. CRD Delegation of Development Permit Approval Authority Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the power to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

The Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22, specifies setback requirements for the CR-1 zone. The proposed construction does not meet these requirements; therefore, a variance is being requested.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the July 20, 2021, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

Land Use Implications:

Development Permit:

The entire property is designated within the Steep Slope DPA in Bylaw No. 3027. The applicant has submitted a geotechnical report prepared by Ryzuk Geotechnical to address the Steep Slope DP guidelines.

The geotechnical report describes the parcel as transected by Mark Lane, with the western portion of site sloping steeply westwards towards the foreshore. A benched area is occupied by the existing driveway and residence. The proposed site of the carport is located over bedrock controlled slope and considered stable. Evidence of previous rockfall is noted on the undeveloped upland portion of the parcel; however, no potential risk for slope instability or erosion is noted at the proposed development site.

The construction will generally be limited to the eastern portion of the property. The work will require local excavation such that new foundations for the roof of the carport extend to bedrock. The proposal is feasible from a geotechnical perspective and considered safe for the use intended. No alteration of drainage or sloped areas are to occur. All foundations and retaining wall preparations will require further geotechnical review through the building permit process.

Variance:

The Community Residential - One (CR-1) zone regulations specify that the front yard setback shall be a minimum of 6 m. The applicant is requesting consideration of a variance in order to construct a carport located 1.5 m from the eastern parcel boundary adjacent to Mark Lane. The proposal otherwise meets requirements for the zone. Structure permit #2020-03511 from the Ministry of Transportation and Infrastructure has been issued for works in proximity to the highway.

Development Permit with Variance DV000077 has been prepared for consideration to authorize the construction of a carport located within a Steep Slope Development Permit Area, and to vary the siting by reducing the front yard setback from 6 m to 1.5 m (Appendix D). Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a Steep Slopes development permit with a variance to reduce the front yard setback requirement for the proposed construction of a carport at 6606 Mark Lane in Willis Point. Since there will be minimal impact to the Steep Slope development permit area, staff recommend approval of the development permit with variance subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

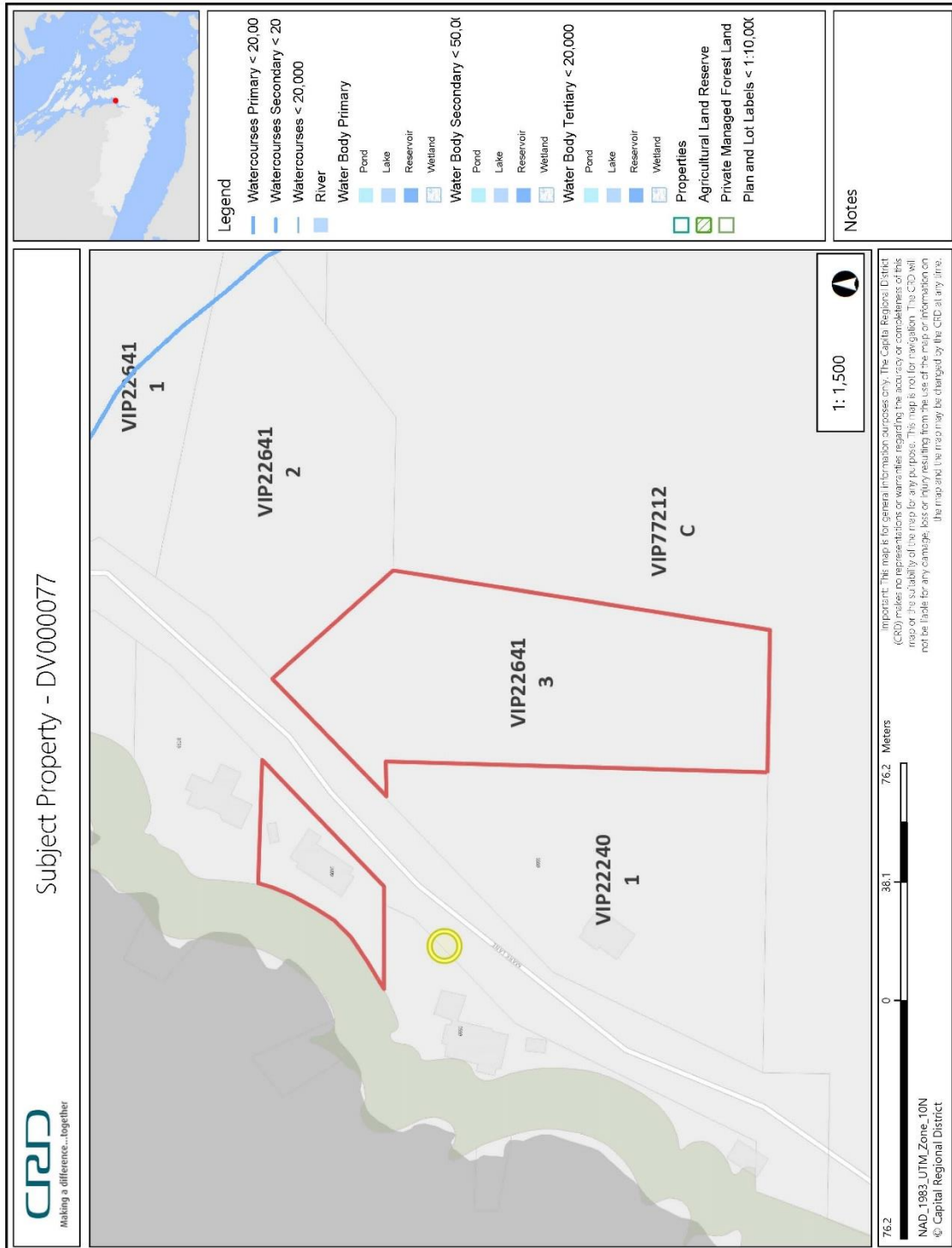
The Land Use Committee recommends to the Capital Regional District (CRD) Board:
That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.5 m for construction of a carport be approved.

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

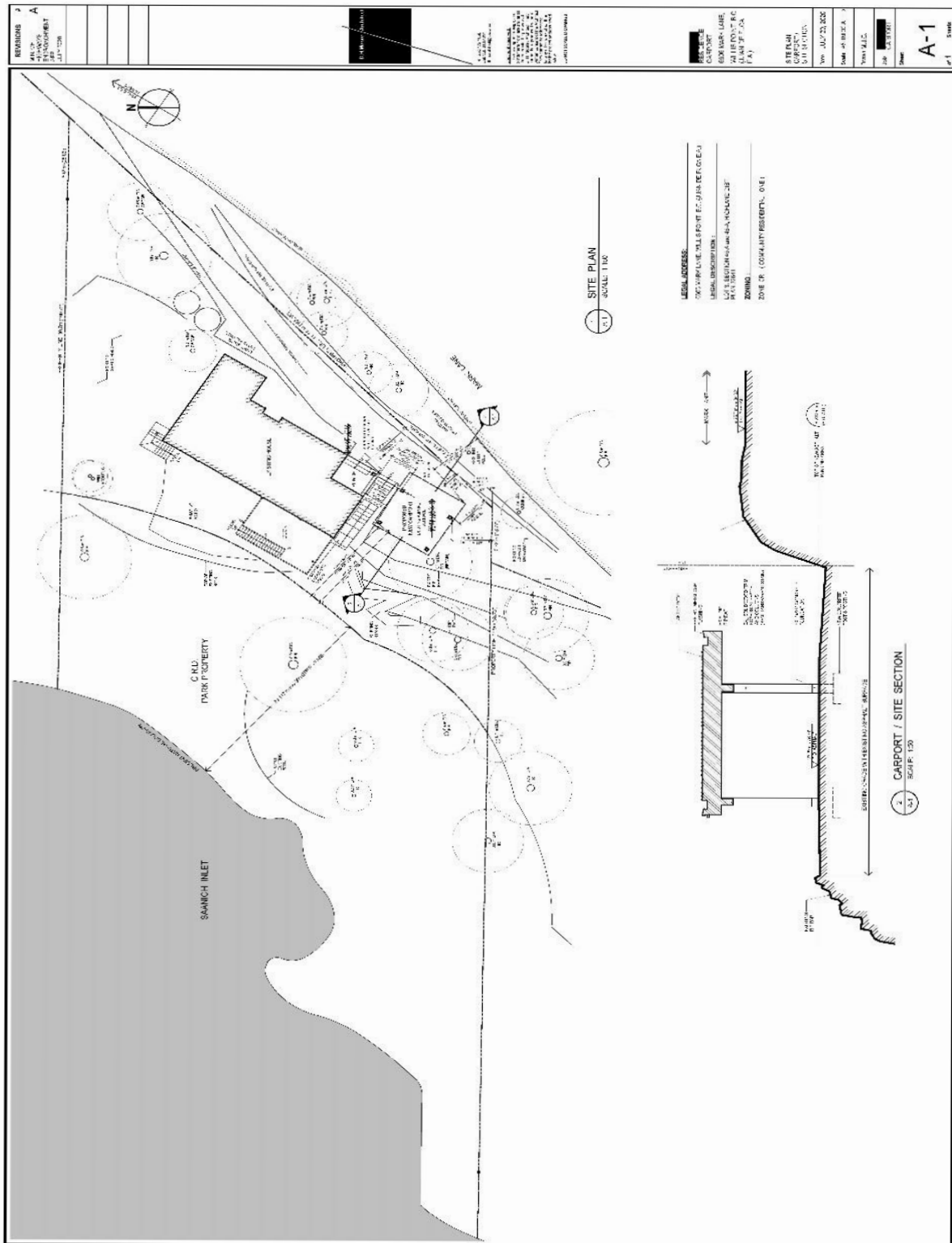
Attachments:

Appendix A: Subject Property Map
Appendix B: Site Plan
Appendix C: Variance Request
Appendix D: Permit DV000077

Appendix A: Subject Property Map



Appendix B: Site Plan



Appendix D: Permit DV000077



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE DV000077

1. This Development Permit with Variance is issued under the authority of Sections 490, and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:
PID: 000-773-182;
Legal Description: Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641
3. This development permit authorizes construction of an accessory building (the "development") on the Land, located within the development permit areas established under the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, 2003, Section 4.10.3 (Steep Slopes), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a. That the proposed development comply with the Building Plans;
 - b. That the proposed development of the property comply with the Building Location Certificate prepared by Wes Mayenburg Land Surveying Ltd., dated September 9, 2020;
 - c. That the proposed development comply with the recommendations outlined in the report prepared by Ryzuk Geotechnical, dated March 29, 2021.
5. The Capital Regional District's **Bylaw No. 3027** is varied under Section 498 of the *Local Government Act* as follows:
 - a. That Schedule B, Part III, Section 22(2)(d)(i) be varied by decreasing the minimum front yard setback from 6 m to 1.5 m.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000077) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
9. The following plans and specifications are attached to and form part of this Permit:
Appendix A: Building Plans
Appendix B: Building Location Certificate
Appendix C: Geotechnical Assessment Report
10. This Permit is NOT a Building Permit.



DV000077

11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2021.

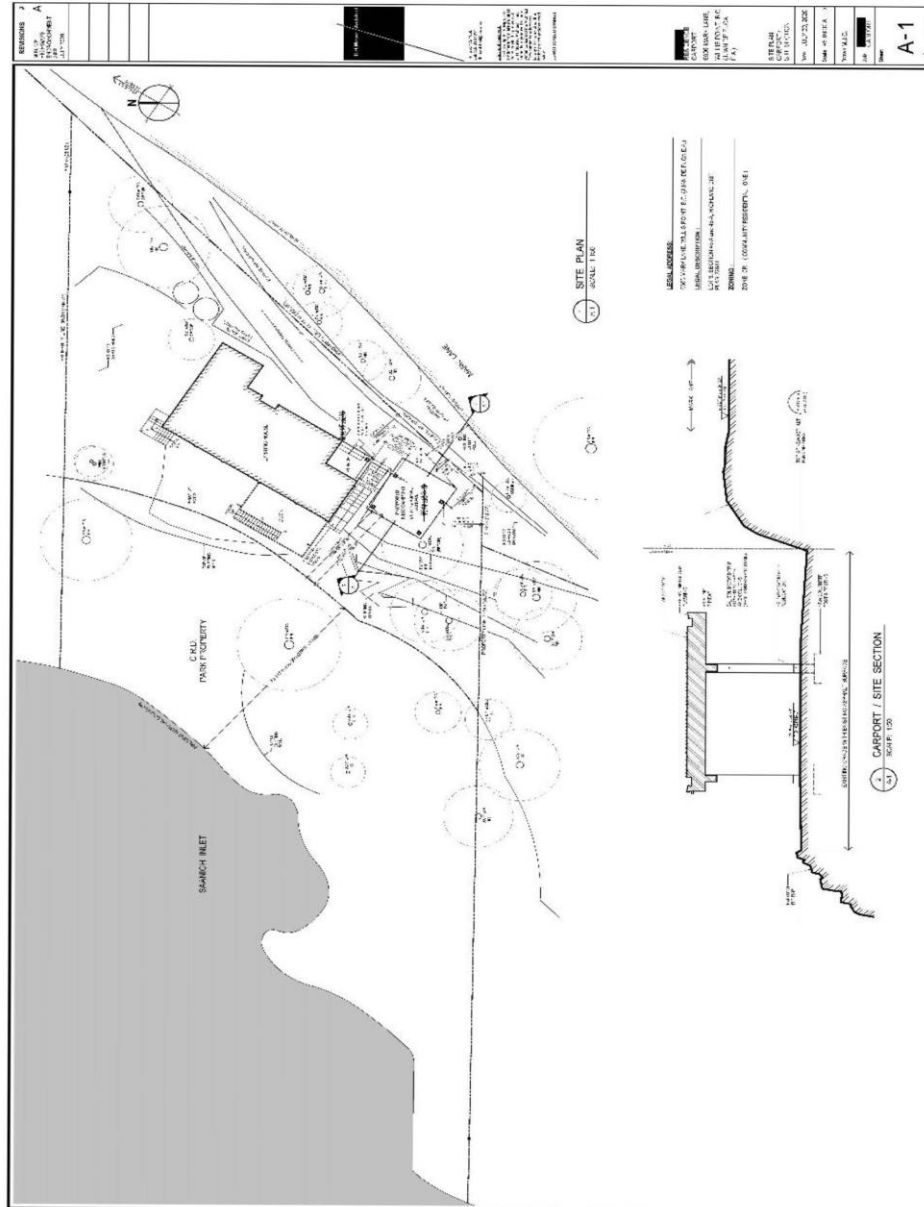
ISSUED this ____ day of _____, 2021

Kristen Morley
Corporate Officer



DV000077

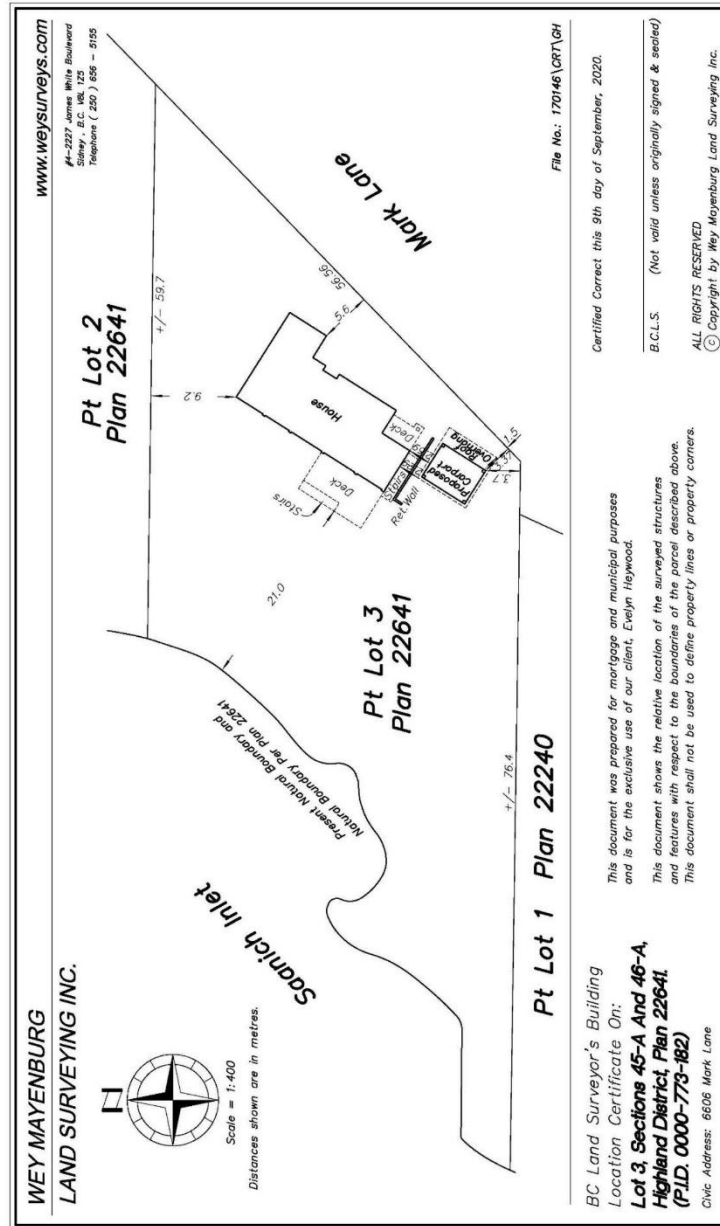
Appendix A: Building Plans





DV000077

Appendix B: Building Location Certificate





DV000077

Appendix C: Geotechnical Report



March 29, 2021
File No: 10313-1

██████████
6606 Mark Lane
Victoria, BC
V9E 2A1

(by email: ██████████)

Dear Sir,

Re: Proposed Carport
6606 Mark Lane – Victoria, BC

As requested, we attended the referenced property December 31, 2020, to assess the existing geotechnical conditions as such relate to the proposed carport. The property is located within Development Permit Area No. 1: Steep Slopes as set out in Schedule "A" of the Capital Regional District (CRD) Bylaw No. 3027. Our associated comments and recommendations are contained herein to satisfy the requirement of the Bylaw. Our work has been undertaken in accordance with, and is subject to, the previously submitted Terms of Engagement.

Our review has consisted of both office based study and our site attendance to complete a visual assessment of the proposed carport location as well as the surrounding area. The office based work included review of development drawings as well as perusal of geological/terrain mapping. During our site reconnaissance we traversed the areas downslope and upslope of the carport location, to identify any notable features typically associated with steep slopes, including past/current indication of erosion, land slip, overland flow, and rock fall.

The subject property is irregularly shaped and approximately 2 Acres in size. See attached CRD Atlas Site Plan extract. The site is bounded by the foreshore of Saanich Inlet to the west, and neighboring residential properties to the north and south, and undeveloped upland areas to the east. Mark Lane transects the property. The proposed development consists of construction of a carport to the south of the dwelling, in an area currently occupied by a paved parking area. We understand the carport will consist of four corner posts and a roof. No walls will be constructed.

Terrain mapping indicates that the grade rises steeply from the foreshore area up to a flatter benched area that incorporates the dwelling and Mark Lane, before rising steeply again, up to and beyond the eastern property line. Overall relief across the subject property is around 80 m or so. Geological mapping indicates that the area is bedrock controlled, with outcropping bedrock present in much of

Ryzuk Geotechnical



DV000077

Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021

the area. Where not present at the surface, bedrock will be at shallow depth, covered by a veneer of organic and colluvial mineral soils. This is consistent with our experience in the area.

During our site attendance, we traversed areas below and above the proposed development site, including upslope areas beyond the eastern property line. Our observations were generally consistent with our office based work and experience in the area. The dwelling, driveway access, parking area, and Mark Lane alignment are located in a flatter benched area in the northwest corner of the property, with grade falling steeply down to the west towards the foreshore of the Saanich Inlet, and rising steeply to the east above Mark Lane and beyond. The flatter bench appears to have been created by past excavation cut and fill. The area of the proposed carport is currently occupied by an approx. 12 m wide paved bench (see attached Photograph 1) which is retained on the low (west) side by an approx. 2 to 3 m high arrangement of stacked boulders, with a similar arrangement of boulders to the east side. We understand backfill behind the western boulder arrangement consists of well compacted blast rock fill.

As noted, grade falls steeply down to the west from the benched area towards the bedrock controlled foreshore of Saanich Inlet. Grades in the range of 35 to 40° were measured with hand-held inclinometer, although were locally flatter and steeper in areas. The slope is bedrock controlled and considered to be largely stable. Some weathering of the exposed rock, as well as root action from trees, has created some smaller surface rock (talus) that could exhibit mobility. Upslope of the benched area, the grade rises gently to the approx. 8 m wide Mark Lane right-of-way, before rising again to another 4 m wide flatter area associated with a roughed-in driveway (see attached Photograph 2). Beyond the roughed-in driveway, grade generally rises up at around 30°, aside where such is interrupted by exposed near vertical bedrock bluffs. See attached Photographs 3 and 4. The first bluff is some 50 m upslope of Mark Lane and was around 5 m in height. The second bluff was a further 50 m or so east of the first and was estimated at 15 m or so in height. We did not traverse upslope of the second bluff. The slope is vegetated with occasional smaller diameter Fir and Cedar. We observed smaller blocks of talus (0.3 to 0.6 m) on the flatter slopes. This material likely has originated from the bluffs, detaching due to weathering, tree root action, and/or past seismic event. Some larger orthogonal rock blocks to 1.5 m in dimension were observed near the crest of the lower bluff and may have detached from the upslope bluff. See Photograph 5. Although the noted observations are indication of past rockfall, we saw no larger rock blocks at the base of the slope, adjacent to Mark Lane. In addition, there was no indication of past/current large scale instability, landslip, erosion, or overland flow.

Further to our site attendance, we assessed the potential for future rockfall to reach the proposed carport development site. We utilized our rockfall modeling software and completed numerous simulations to initially prove the model by replicating site observations, and then to determine the maximum run out envelope for various sizes of rock blocks being detached from the bluffs. The rock blocks were imparted with rotational velocities to simulate the energy equivalent to that associated with the design seismic event. Our review indicates that although the rock blocks will travel down slope, the run out will only reach the base of the slope and the Mark Lane right-of-way.



DV000077

Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021

We consider that the proposed carport can be constructed without adverse impact to existing slope stability. However, we note the presence of existing retained fills at the location. We were not involved in the selection, placement, and compaction of this material, nor the adjacent boulder retaining wall. Unless there is prior engineering approval of such, we would recommend taking the supports for the carport roof down to intact level bedrock by locally excavating through the fills. We recommend the posts be pinned/dowelled to clean/intact bedrock so that such will be stable should there be any settlement or lateral movement of the wall/fill in the long term. Footings cast upon intact, level bedrock can be dimensioned using a factored bearing resistance of 1000 kPa (SLS). Alternatively, and to minimize excavation and reinstatement, installation of a drilled micro piles through the asphalt/fill and embedment into the bedrock may prove attractive.

As materials exposed during excavation will predominantly consist of blast rock fill and bedrock, we do not expect erosion to be an issue during the works, and no specific measures to mitigate erosion or silt laden run off are considered necessary. As the proposed building area is already comprised of impermeable surface, we do not anticipate any change in existing stormwater runoff. Any collected/concentrated stormwater can be readily dispersed on a non-erodible bedrock surface downslope of the carport.

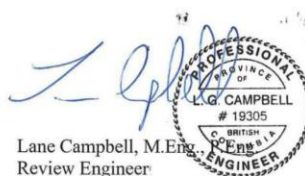
In summary, and based on our visual assessment and subsequent analysis, we considered the proposed building area to be safe for the use intended, that being construction of a carport structure in accordance with the current BC Building Code. Our assessment considers a design seismic occurrence with a probability of exceedance of 2% in 50 years. This is pursuant to Section 56 of the Community Charter and in accordance with the noted CRD Bylaw.

We trust the preceding is suitable for your purposes at present. If you have any questions, or require anything further, please do not hesitate to contact us.

Kind regards,
Ryzuk Geotechnical



Scott Currie, P.Eng.
Geotechnical Engineer



Lane Campbell, M.Eng.
Review Engineer

Attachments – Site Photographs
CRD Atlas Site Plan
Landslide Assurance Statement



DV000077

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Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021



Photograph 1 – Looking North over the existing driveway and parking area



Photograph 2 – Looking South over Mark Lane and roughed-in driveway



DV000077

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Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021



Photograph 3 – Slope rising up to the east from Mark Lane



Photograph 4 – Slope rising up from from Mark Lane



DV000077

██████████
Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021



Photograph 5 – Example of a larger rock block on the slope



DV000077





DV000077

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for landslide assessments (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority
CAPITAL REGIONAL DISTRICT

Date: 29 MARCH 2021

Jurisdiction and address

With reference to (check one):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☐ Local Government Act (Sections 919.1 and 920) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- ☐ British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property: 6606 MARK LANE - VICTORIA, B.C.

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer or Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- ☒ 1. Collected and reviewed appropriate background information
- ☐ 2. Reviewed the proposed *residential development* on the Property
- ☒ 3. Conducted field work on and, if required, beyond the Property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
 - ☒ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
 - ☒ 6.2 estimated the *landslide hazard*
 - ☒ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - ☒ 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
 - ☒ 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
 - ☒ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
 - ☐ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* I have:



DV000077

- ☐ 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
- ☐ 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- ☐ 8.3 compared this guideline with the findings of my investigation
- ☐ 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- ☐ 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- ☒ 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

- Check one
- ☒ the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
 - ☐ the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions^[1] contained in the attached *landslide assessment* report,

- Check one
- ☐ for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"
 - ☐ for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".
 - ☒ for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"
 - ☐ for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
 - ☐ for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

SCOTT CURRIE
Name (print)

Signature

29 MARCH 2021
Date

^[1] When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005). Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion, in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".



DV000077

#6 - 40 CADILLAC AVE
Address
VICTORIA, BC V8Z 1T2
250 475 3131
Telephone



If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm REUR GEOTECHNICAL LTD
and I sign this letter on behalf of the firm. (Print name of firm)

MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That a statement of concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580.

CARRIED

7. Development Permit with Variance Applications

a) DV000077 – Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641 (6606 Mark Lane)

Iain Lawrence spoke to the staff report for the application for a development permit with variance to address the Steep Slope development permit (DP) guidelines and to vary the front yard setback requirement for the purpose of constructing an accessory building in the Community Residential - One (CR-1) zone.

Iain Lawrence highlighted the subject property map and site plan with proposed garage location. It was advised that the staff recommendation should note that the request is to reduce the front setback from 6 m to 1.3 m.

Iain Lawrence directed attention to the submissions of support included in the supplementary agenda.

The Chair confirmed that the applicant was not present.

MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.3 m for construction of a carport be approved.

CARRIED

b) DV000079 – Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413 (6402, 6410, and 6340 Cerantes Road)

Iain Lawrence spoke to the staff report for the application for a development permit with variance to address the Shoreline Protection development permit (DP) guidelines, to vary the maximum height of an accessory building, and to address the minimum required exterior side yard setback for the purpose of authorizing a two lot subdivision and construction of a garage.

Iain Lawrence highlighted the subject property map, proposed subdivision plan and site plan with variance. It was advised that the staff recommendation should state that the requested variance is to increase the maximum height of an accessory building from 4.8 m to 6.9 m, not 5.8 m as was noted in the staff report.

Iain Lawrence confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair confirmed that the applicant was not present.



Making a difference...together

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

SUBJECT **Development Permit with Variance for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413 – 6402, 6410, and 6340 Cerantes Road**

ISSUE SUMMARY

A request has been made for a development permit with variance to address the Shoreline Protection development permit (DP) guidelines, to vary the maximum height of an accessory building, and to address the minimum required exterior side yard setback for the purpose of authorizing a two lot subdivision and construction of a garage.

BACKGROUND

The subject property is located on Cerantes Road in Port Renfrew (Appendix A) and is within the Shoreline Protection development permit area as designated under the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The western portion of the subject property contains a recreational vehicle (RV) park (6340 Cerantes Road), while the eastern portion of the parcel contains two dwellings (6402 and 6410 Cerantes Road). The parcel is located adjacent to an undeveloped road right of way to the east, Cerantes Road to the south, Juan de Fuca Provincial Park to the west, and Port San Juan to the north.

The applicant has submitted an application for a two lot subdivision (SU000702) to separate the RV and residential uses on the parcel (Appendix B). Issuance of a Development Permit is required to authorize subdivision when there are designated DPAs on proposed parcels. The Environmental Assessment report provided with the application addresses the creation of proposed Lot A relative to the Shoreline Protection DP guidelines.

In addition to subdivision, the applicant wishes to construct a garage for boat storage that would be located to the west of the two dwellings on proposed Lot A (Appendix C). The applicant has also requested a variance to increase the maximum height of an accessory building as the TC-1 zone outlines a maximum height of 4.8 m for accessory buildings and the proposed height of the structure is 5.6 m (Appendix D).

The deck stairs for the dwelling located at 6402 Cerantes Road encroaches into the exterior side yard setback. Any non-conforming setback should be addressed prior to subdivision approval. The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, requires that all buildings and structures located in the TC-1 zone be a minimum of 4.6 m from the exterior side parcel line. Since the stairs on the south-eastern corner of the deck are located 0.9 m from the exterior side parcel line (Appendix E), an additional variance is required.

ALTERNATIVES

Alternative 1:

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

That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:

- a) Part IV, Section 22(2)(f) be varied by increasing the maximum height of an accessory building from 4.8 m to 5.6 m in accordance with the Garage Design Drawings; and
- b) Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of the existing deck in accordance with the Dwelling and Deck Site Plan;

be approved.

Alternative 2:

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

That Development Permit with Variance DV000079 be denied.

Alternative 3:

That the application be referred back to staff for more information.

IMPLICATIONS

Legislative Implications

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Schedule A, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Shoreline Protection DPA and a development permit is required prior to construction or the alteration of land. CRD Delegation of Development Permit Approval Authority Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the power to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Part IV, Section 22(2)(f), specifies the maximum height for an accessory building, and Part IV, Section 22(2)(g)(iii), specifies the exterior side yard setback required for the TC-1 zone. The proposed garage construction and existing deck stairs do not meet these requirements; therefore, variances are requested.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government proposes to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the July 20, 2021, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

Land Use Implications

Development Permit:

Any land located within 15 m from the natural boundary of the sea is designated within the Shoreline Protection Development Permit (DP) area in Bylaw No. 3109. The applicant has submitted an Environmental Assessment report to address the DP guidelines.

The Report described the shoreline noting it consists of rocky outcrops leading up to a steeply sloped forested foreshore area along the eastern portion of the property. Sections of the foreshore in this area are steep cliffs of approximately 20-50 m. The parcel is roughly transected by two streams. The western portion of site has been developed as an RV park and the eastern portion of the parcel contains two single family dwellings. A subdivision is proposed to separate the uses, and an accessory building is to be constructed near the dwellings and within 15 m of the shoreline.

The biologist recommended erosion and sediment control measures, the eradication of invasive species, and replanting of native vegetation to minimize any impacts of the proposed development. Since no further works are required for subdivision, and due to the current setback distance of the proposed garage, the biologist noted the marine environment will be protected.

Variances:

The Tourism Commercial - One (TC-1) zone regulations specify that the maximum height for accessory buildings shall be 4.8 m, and that the exterior side yard setback for any structure shall be a minimum of 4.6 m. The applicant has requested consideration of a variance in order to construct a garage 5.6 m in height, and to address the siting of a set of existing deck stairs built 0.9 m from the southern parcel boundary, adjacent to Cerantes Road, in contravention of the requirements of the TC-1 zone. Setback permit #2020-02320 has been issued by the Ministry of Transportation and Infrastructure to allow the stairs to be located within 4.5 m of a public highway right-of-way. The proposal otherwise meets specifications of the zone.

Development Permit with Variance DV000079 (Appendix F) has been prepared for consideration to authorize the construction of a garage located within a Shoreline Protection DPA, to vary the maximum height of an accessory building from 4.8 m to 5.6 m, and to reduce the exterior side yard setback from 4.6 m to 0.9 m for the existing deck stairs. Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a Shoreline Protection development permit with a variance to increase the maximum height of an accessory building for the proposed construction of a garage, and to reduce the exterior side yard setback requirement for a set of deck stairs. Since there will be minimal impact to the Shoreline Protection development permit area, staff recommend approval of the development permit with variance subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

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

That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:

- a) Part IV, Section 22(2)(f) be varied by increasing the maximum height of an accessory building from 4.8 m to 5.6 m in accordance with the Garage Design Drawings; and
- b) Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of the existing deck in accordance with the Dwelling and Deck Site Plan;

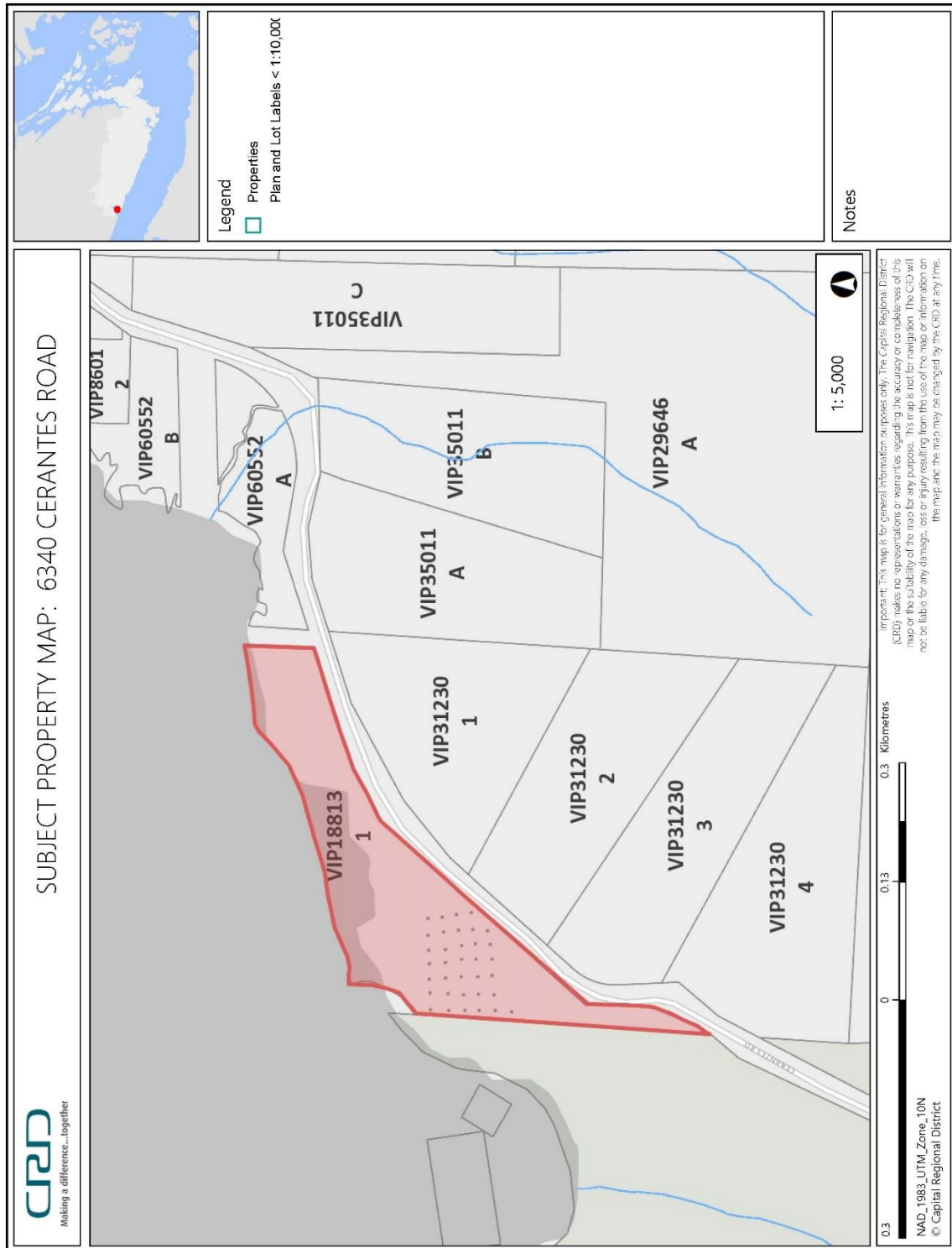
be approved.

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

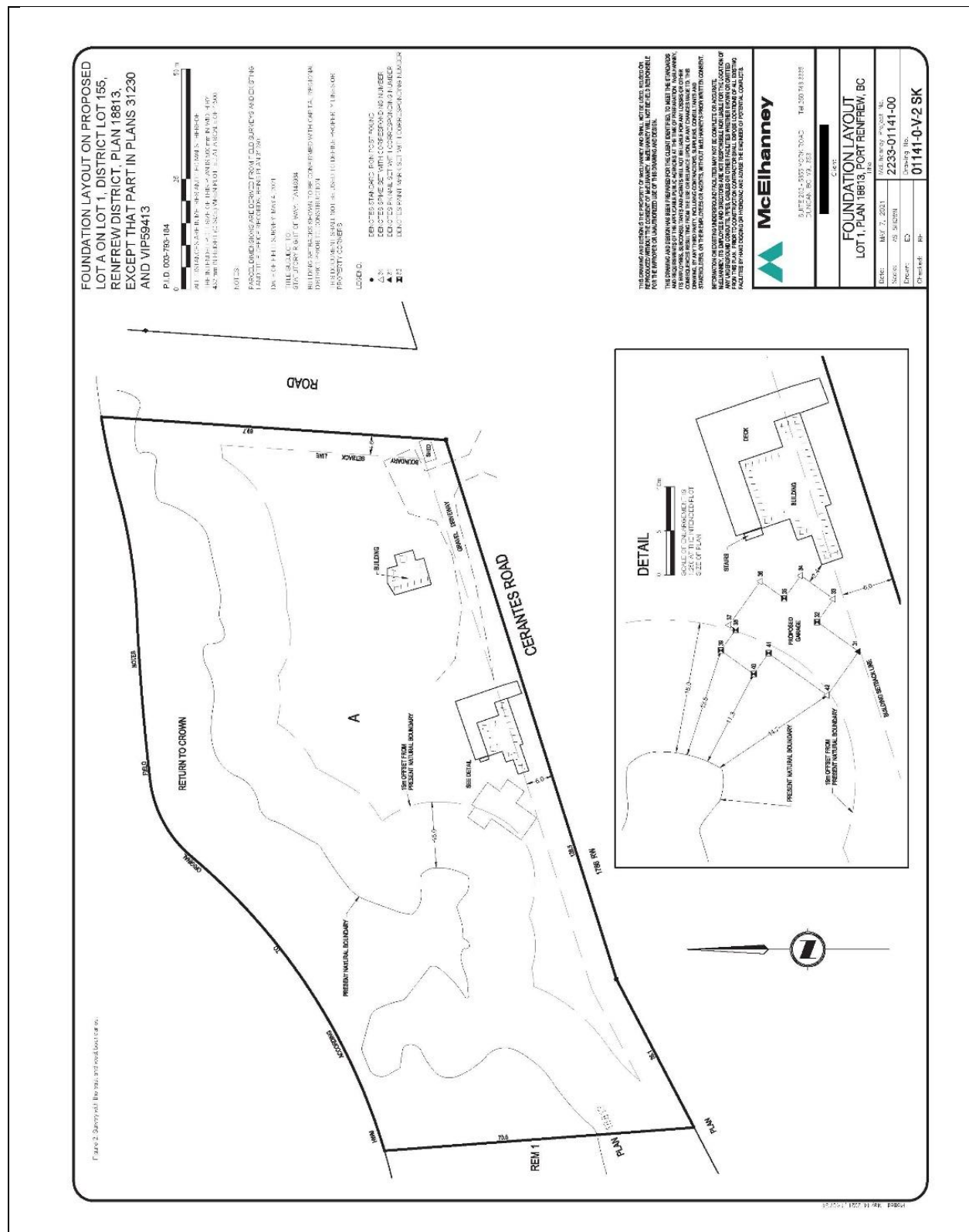
Attachments:

- Appendix A: Subject Property Map
- Appendix B: Proposed Subdivision Plan
- Appendix C: Garage Site Plan
- Appendix D: Garage Design Drawings
- Appendix E: Dwelling and Deck Site Plan
- Appendix F: Permit DV000079

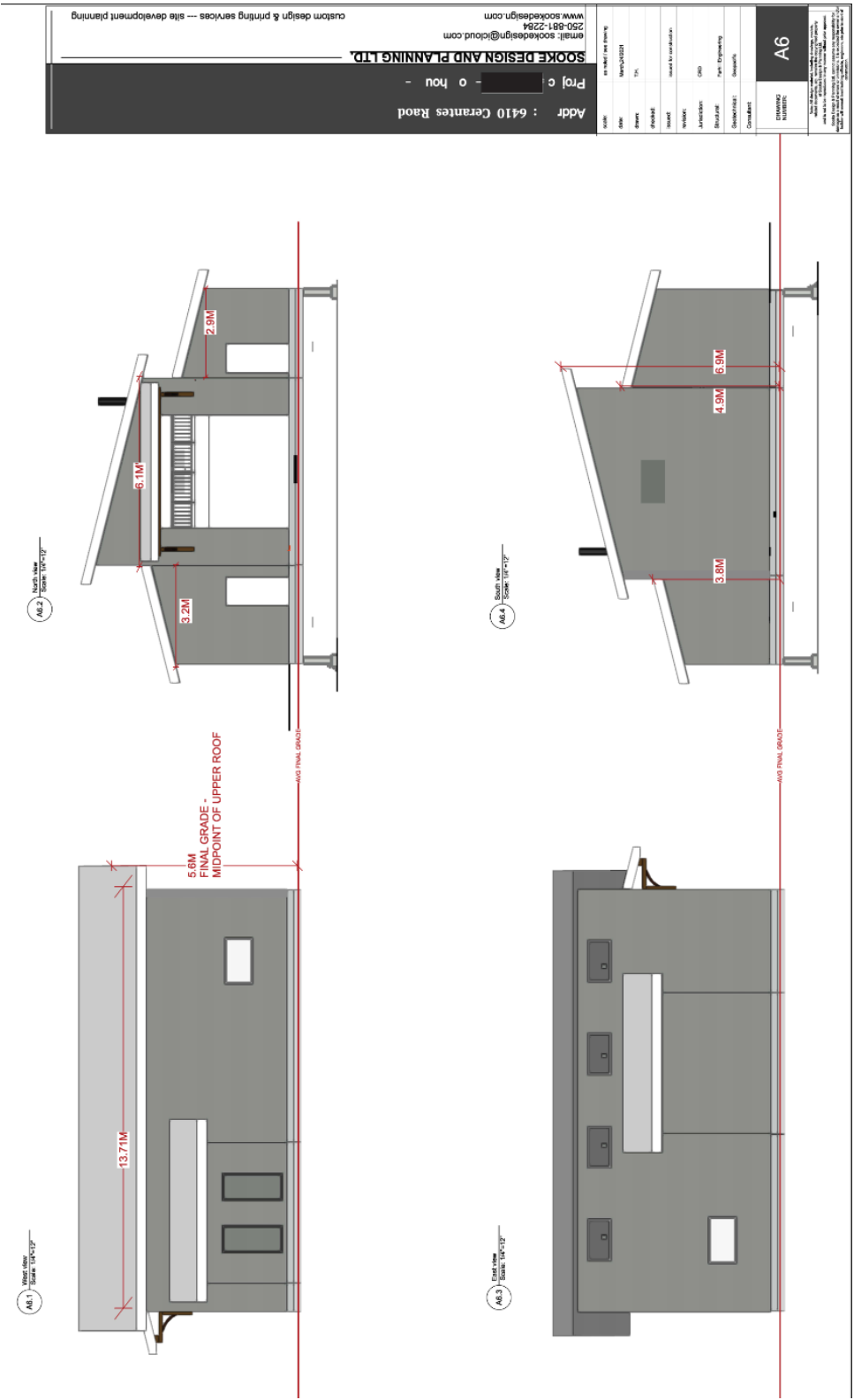
Appendix A: Subject Property Map



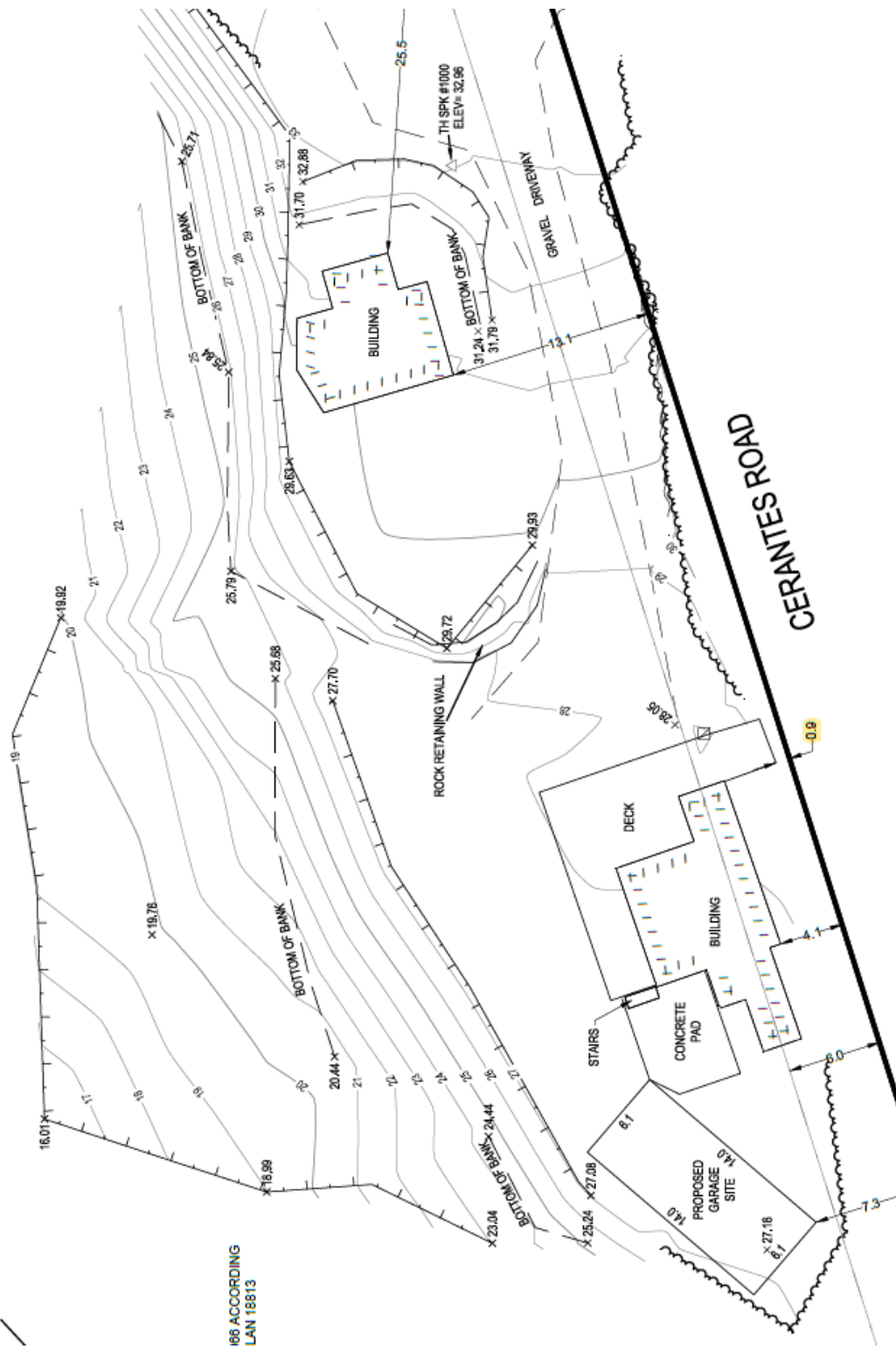
Appendix C: Garage Site Plan



Appendix D: Garage Design Drawings



Appendix E: Dwelling and Deck Site Plan



Appendix F: Permit DV000079



CAPITAL REGIONAL DISTRICT
DEVELOPMENT PERMIT WITH VARIANCE DV000079

1. This Development Permit with Variance is issued under the authority of Sections 490, and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:
PID: 003-793-184;
Legal Description: Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413
3. This development permit authorizes a two-lot subdivision and construction of an accessory building (the "development") on the Land, located within the development permit areas established under the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, 2003, Section 6.4 (Shoreline Protection), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a. That the development comply with the Garage Site Plan, Garage Design Drawings and the Plan of Proposed Subdivision dated October 14, 2020, prepared by McElhanney;
 - b. That the proposed development comply with the recommendations outlined in the Environmental Assessment Report prepared by Corvidae Environmental Consulting Inc., dated May, 2021.
 - c. That upon substantial completion of the development, a final report be submitted from a qualified professional confirming that the recommendations outlined in the Environmental Assessment Report have been completed in accordance with the report.
5. The Capital Regional District's **Bylaw No. 3109** is varied under Section 498 of the *Local Government Act* as follows:
 - a. Part IV, Section 22(2)(f) be varied by increasing the maximum height for an accessory building from 4.8 m to 5.6 m in accordance with the Garage Design Drawings; and
 - b. Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of an existing deck in accordance with the Dwelling and Deck Site Plan.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000079) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.



DV000079

9. The following plans and specifications are attached to and form part of this Permit:

- Appendix A: Garage Site Plan
- Appendix B: Garage Design Drawings
- Appendix C: Plan of Proposed Subdivision
- Appendix D: Environmental Assessment Report
- Appendix E: Dwelling and Deck Site Plan

10. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2021.

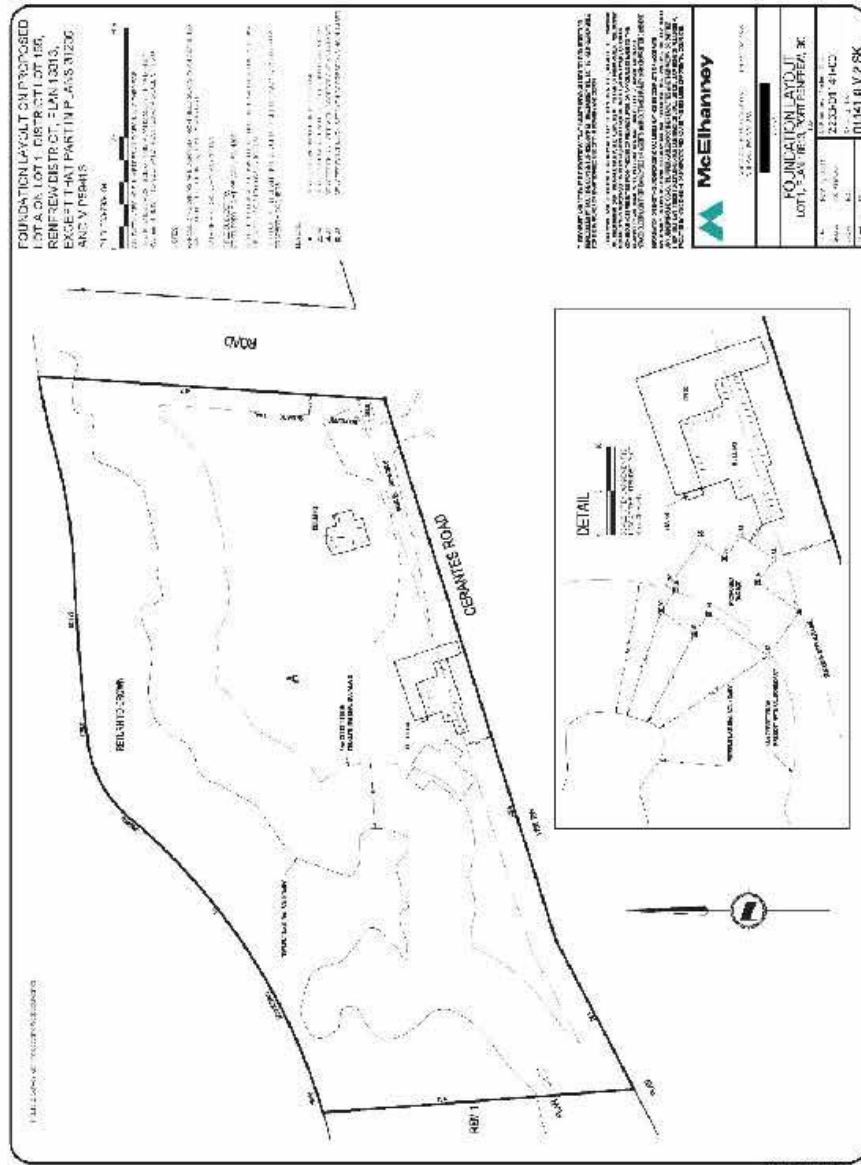
ISSUED this ____ day of _____, 2021

Kristen Morley
Corporate Officer



DV000079

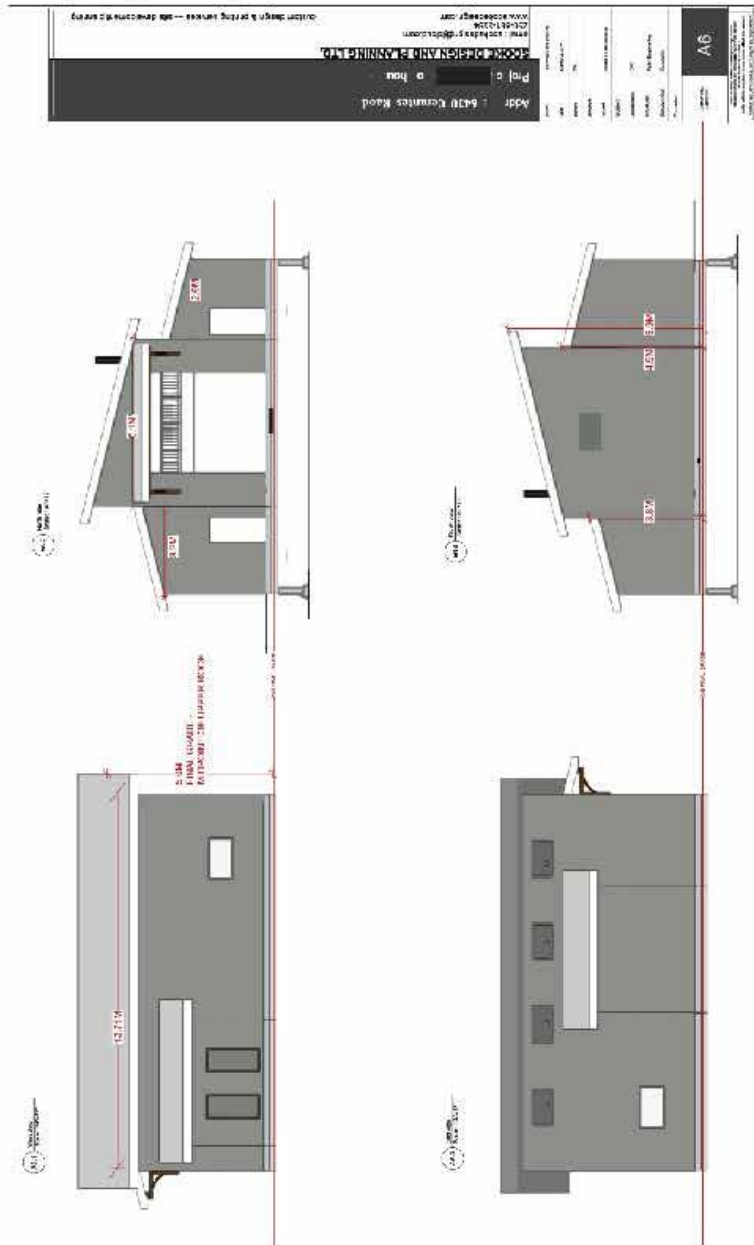
Appendix A: Garage Site Plan





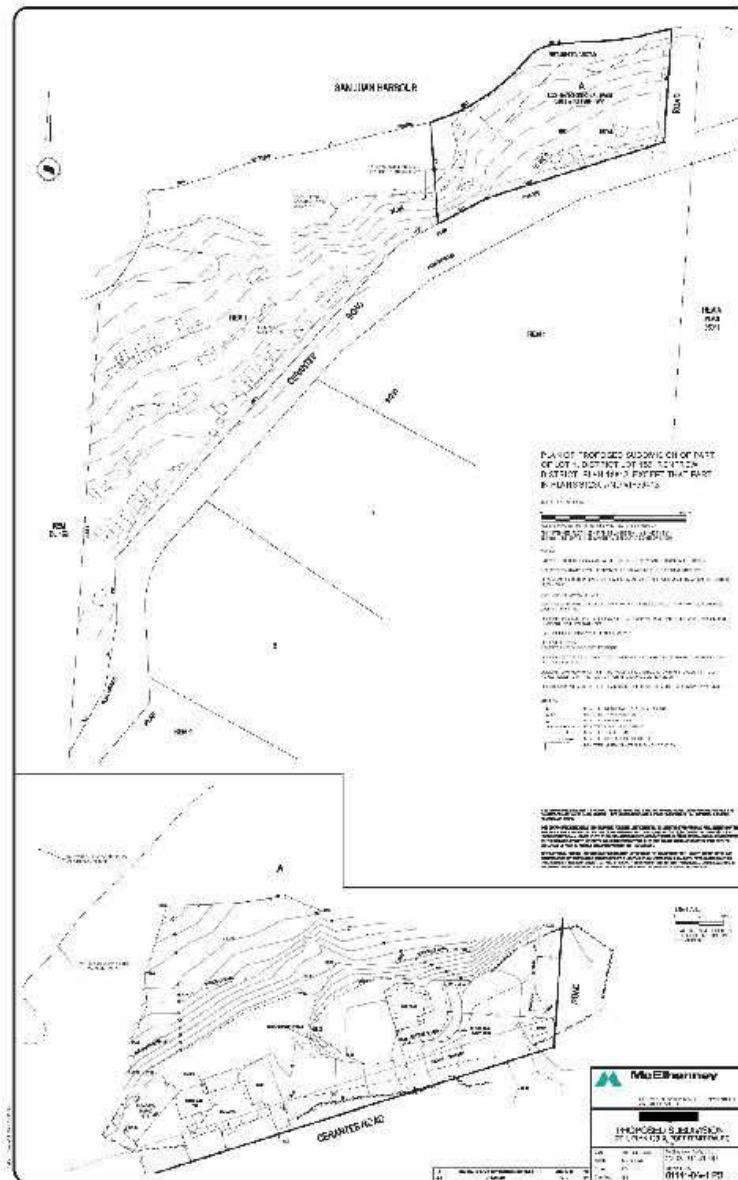
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Appendix B: Garage Design Drawings



DV000079

Appendix C: Plan of Proposed Subdivision





DV000079

Appendix D: Environmental Assessment Report



ENVIRONMENTAL ASSESSMENT FOR 6402 CERANTES ROAD DEVELOPMENT

PREPARED FOR:

6402 CERANTES ROAD
PORT RENFREW, BC V0S 1K0

AND

CAPITAL REGION DISTRICT
3-7450 BULTER ROAD
Sooke, BC V9Z 1N1

CORVIDAE PROJECT #2021-006
MAY 2021

CORVIDAE
ENVIRONMENTAL CONSULTING INC.

6520 WATER STREET SOOKE, BC

SOLUTION ORIENTED, PROTECTION OF THE ENVIRONMENT, ABSOLUTE INTEGRITY, OPEN COMMUNICATION, RESPECT.



DV000079

Environmental Assessment for 6340 Cerantes Road

May 2021

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Environmental Assessment for 5402 Cerantes Road

May 2021

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CAVEAT

This (EA) has been prepared with the best information available at the time of writing, including the Official Community Plan, communications with the client and regulators, site visits, review of site plans and design drawings and other documentation relevant to the project. This EA has been developed to assist the project in remaining in compliance with relevant environmental regulations, acts and laws pertaining to the project and to identify and mitigate the expected impacts of the project and reclamation activities directly related to the project.





DV000079

Environmental Assessment for 6402 Cerantes Road

May 2021

1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Environmental Assessment (EA) for the proposed changes to 6402 Cerantes Road (the property PID 0C3793184; Plan VI-15813). The property is currently zoned as IC-1 Tourism Commercial 1.

The property currently has a developed trailer park on the western portion of the lot and two residential buildings with gravel parking areas to the east. The landowner is planning on subdividing the property into two separate lots, dividing the western trailer park from the eastern residential property (Figure 1). The entire property slopes steeply to the north and borders the San Juan Fort. No work is being completed on the western portion of the property. This environmental assessment is for the proposed development of a garage adjacent to the more westerly residential building (Figure 1). The proposed development is adjacent to steep rocky cliffs (approximately 5m) of an inlet that enters the eastern portion of the lot. The garage is within 15m of the present natural boundary of the inlet (San Juan Port). The northern corner of the proposed garage is 11.3 m south of the present natural boundary at its closest point (Figure 2). The landowner has discussed the development with the Capital Region District and may approve the encroachment based on a geotechnical report and the recommendations detailed in this report.

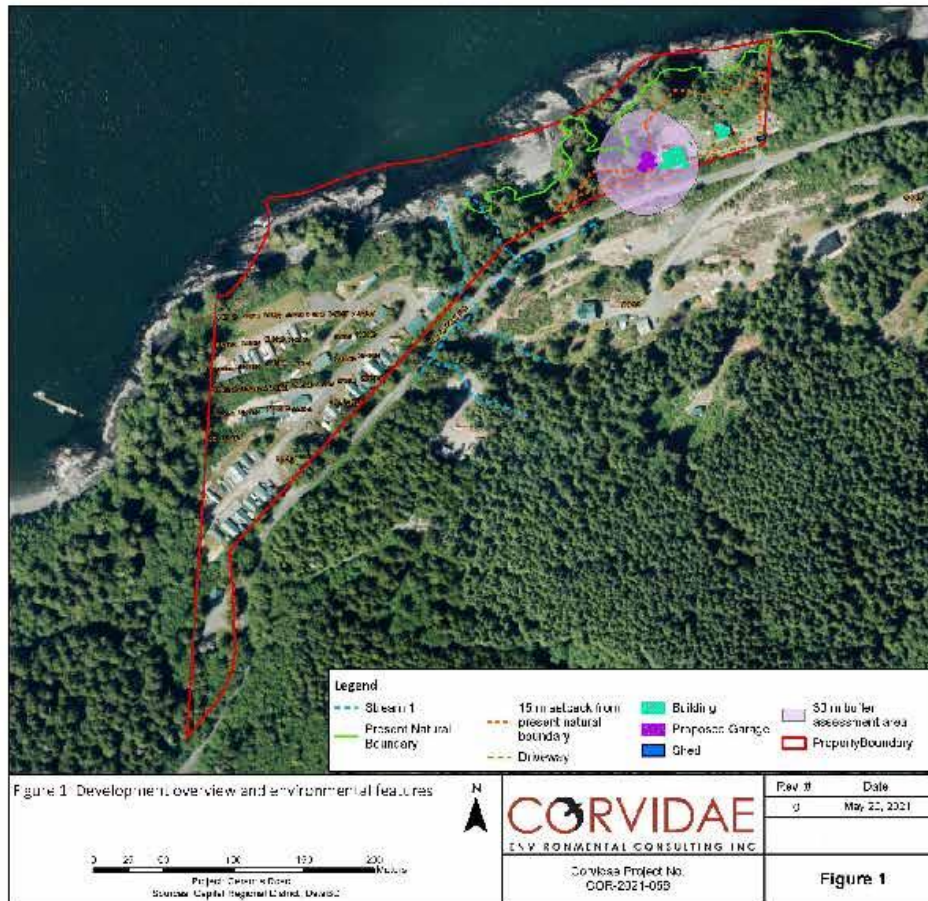
Two streams were identified on the property flowing north into the San Juan inlet, but are outside of the 30 m Riparian Assessment Area (Figure 1) and are not subject to the Riparian Area Protection Regulation for this development.

This document addresses the requirements in Section 4 of the Comprehensive Community Development Plan for Port Renfrew Bylaw No. 1 (2004) and provides an assessment on the environmental conditions on the property, potential impacts of the proposed development and recommendations on the protection of environmentally sensitive features and methods to minimize impacts of the proposed development.

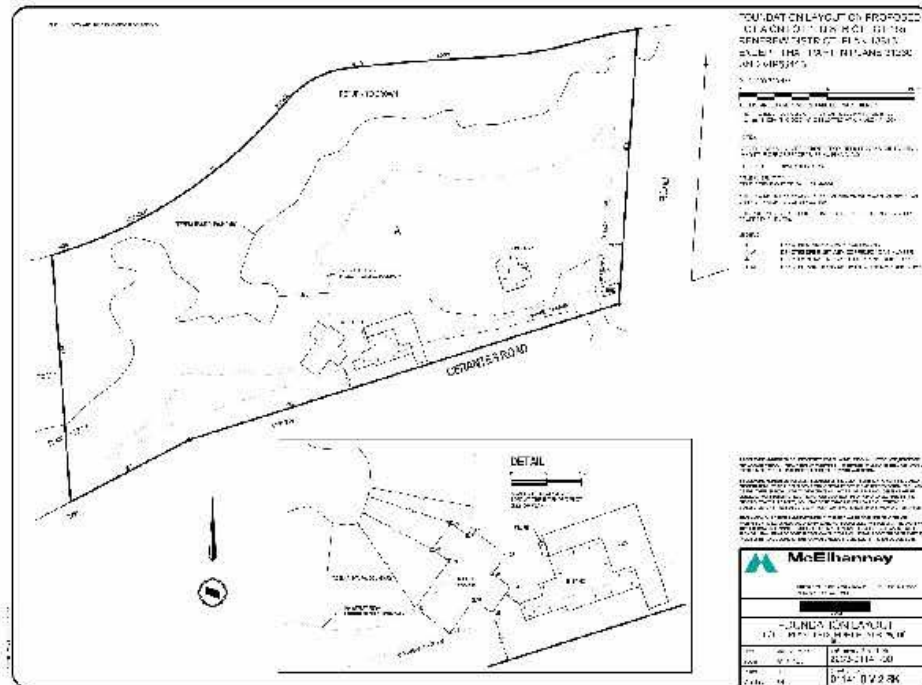




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Environmental Assessment for 5402 Celanese Road

May 2021

1.1 REGULATORY FRAMEWORK

This environmental assessment is designed to comply with the provisions set out in the Port Renfrew Official Community Plan (OCP) for development permit areas and for compliance with the provisions for environmental protection contained in the following relevant legislation:

Municipal

- Port Renfrew OCP, Bylaw No. 1

4.1 - The Residential designation signifies that the predominant land use is for residential purposes. The primary focus of this policy is to ensure that the housing stock available in the plan area meets the needs and requirements of the marketplace for at least five (5) years. This includes but is not limited to private ownership, special needs housing, rental and affordable housing. The housing stock may or may not be occupied on a full-time basis. Home-based business and mixed commercial/residential/tourism commercial uses may be considered as a venue for additional economic development activities for the individuals situated in an area with the residential designation. 1 a. The site will have minimal impacts on the existing man-made and natural physical features of the area.

4.6 - General Development Policies – applicable to all land use designations

3) The Capital Regional District will assist the Provincial Ministry of Water Land and Air Protection, the Federal Department of Fisheries and Oceans in protecting the ecosystem along the foreshore area and estuaries in the planning area with regards to:

- a. Prohibit the construction of and the placement of habitable buildings or structures along the marine foreshore area or any riparian setback area;
- b. Prohibit the removal or the fill of gravel, sand and soil, or any other material in the marine foreshores area; and
- c. Encourage the retention of natural vegetation foreshore area.

A 15-meter marine shoreline Development Permit Area starting from the highwater mark and a 30-meter Riparian Assessment Area (RAA) from the development apply.

The guiding principle for the use of Development Permits is found within the Local Government Act. Development Permit Areas can be designated for purposes such as, but not limited to the following:

- Protects, enhances and restores the biodiversity and ecological values and functions of environmentally sensitive areas;
- Fosters compatibility between development, existing land uses and environmentally sensitive areas;
- Maintains connectivity between sensitive ecosystems; and
- Protects water quality and quantity.

Provincial

- Wildlife Act (1996)

4 of 24





DV000079

Environmental Assessment for 5402 Celanese Road

May 2021

- Invasive Species Council of BC
- *Weed Control Act* (1996, current as of October 2016)
- Riparian Areas Protection Regulation (2013)

Federal

- Migratory Birds Convention Act (1994)
- Species at Risk Act (SARA) (2002)
- Fisheries Act (2019)

2 SCOPE OF WORK

Corvidae completed an environmental assessment for the property. The environmental assessment documented the ecological features on the property along the shoreline, foreshore and steep slope and riparian areas. Background information was reviewed, including applicable databases. During the assessment, the following features were documented in this report:

- Areas of sensitivity, habitat and biodiversity values;
- Plant communities and plant species on site;
- Potential wildlife presence and wildlife habitat;
- Soil types and properties;
- Terrain; and
- Surface water flow patterns.

Following the field assessment, the biophysical features and cleared areas were mapped and buffer areas have been identified. Mitigations to minimize the impacts of the proposed residential development on the environment have been provided in Section 6.

3 METHODS

3.1 DESKTOP REVIEW

Baseline biophysical conditions were compiled by reviewing the best available data and information including existing reports for the area and conducting searches of online provincial and federal databases:

- BC Conservation Data Centre (BC CDC 2021a and 2021b);
- BC Habitat Wizard (Province of BC 2021);
- Aerial photographs of the property (Google Earth 2021);
- CRD mapping system and database (CRD 2021); and
- Port Renfrew Official Community Plan Bylaw No. 1 (CRD 2004)

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3.2 FIELD ASSESSMENT

A field assessment of the property was completed by a Qualified Environmental Professional (QEP) from Corvidee. The assessment included characterization of vegetation and habitat types, wildlife sign and species observations, wildlife habitat, and assessed the current conditions of the property.

4 ENVIRONMENTAL SITE ASSESSMENT

Corvidee completed a site visit on May 14, 2021. Appendix A shows photos of the property including the marine shoreline, identified streams and surrounding area. Areas mapped during the site assessment, including the unnamed streams, are detailed on Figure 1.

4.1 CLIMATE AND BIOGEOCLIMATIC ZONE

The project is located in the Coastal Western Hemlock Very Dry Maritime Subzone (CWHxm1). The CWHxm1 occurs at lower elevations along the coast of Vancouver Island (above the CDF where present) at typical elevations of 150 m to 450 m above sea level. The CWHxm1 has warm, dry summers and moist, mild winters with relatively little snowfall. Growing seasons are long, and feature water deficits on zonal sites (Green and Klirka 1994).

4.2 TERRAIN AND SOILS

Soils in the CWHxm1 are typically classified as Hummo-Ferric Podzols (Jungen 1995). A search of British Columbia Soil Information Finder Tool (2018) indicated that the 100 percent of the property has HATZITE soils that are well drained and loam in texture with no coarse fragments.

The property slopes sharply to the north with rocky cliffs occupying portions of the shoreline. Approximately 5m North of the proposed development, there are cliffs of ~15m which lead to an inlet off of the northern shore. Soil from the development area has recently been excavated and placed along the northern boundary of the previously developed area onsite outside of the 15m Shoreline Protection DPA.

4.3 VEGETATION

Coniferous forests in the CWHxm1 zone are dominated by Douglas-fir, western hemlock and western redcedar. Understory species include salal, dull Oregon-grape, red huckleberry, vanilla-leaf, sword fern, twinflower, and bracken, step moss, and Oregon beaked moss (Green and Klirka 1994).

The western and eastern portions of the property have been developed and most of the vegetation has been removed. However, the foreshore and central portion of the property remain vegetated. The canopy in these areas is dominated by western redcedar and western hemlock, while the understory is dominated with sword fern, salal and salmon berry.

Mature cedar trees and understory vegetation have recently been cut on the northern edge of the proposed development area.

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Two streams were identified onsite the portions of these streams were forested and were dominated by western redcedar and salmonberry, while other portions occurred along the ditch of Cerantes Road. The riparian vegetation in these areas consisted of grass species, common rush and sedge species.

During the site assessment the species in Table 1 were found on the site.

Table 1. Plant species observed on site during field visit on May 14, 2021.

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Brechen fern	<i>Pteridium aquilinum</i>	Yellow	--
Common foxglove	<i>Digitalis purpurea</i>	Exotic	--
Common rush	<i>Juncus rospaurus</i>	Yellow	--
Douglas-fir	<i>Pseudotsuga menziesii</i>	Yellow	--
Elderberry	<i>Sambucus racemosa</i>	Yellow	--
False lily-of-the-valley	<i>Maianthemum dilatatum</i>	Yellow	--
Fringecup	<i>Tellima grandiflora</i>	Yellow	--
Geatsbeard	<i>Anulus ciliatus</i>	Yellow	--
Grass sp.	<i>Poa sp.</i>	--	--
Himalayan blackberry	<i>Rubus americanus</i>	Invasive/ Exotic	--
Licorice fern	<i>Polypodium glycyrrhiza</i>	Yellow	--
Madonnen fern	<i>Adiantum pedatum</i>	Yellow	--
Osoberry	<i>Cornus serotina</i>	Yellow	--
Paper birch	<i>Betula papyrifera</i>	Yellow	--
Red huckleberry	<i>Vaccinium parvifolium</i>	Yellow	--
Salal	<i>Gaultheria shallon</i>	Yellow	--
Salmonberry	<i>Rubus spectabilis</i>	Yellow	--
Sedge sp.	<i>Carex sp.</i>	--	--
Storckian minor's lettuce	<i>Corydon sinica</i>	Yellow	--
Shunk cabbage	<i>Lysichiton americanus</i>	Yellow	--
Sword fern	<i>Polystichum munifrons</i>	Yellow	--
Thimbleberry	<i>Rubus parviflorus</i>	Yellow	--
Western buttercup	<i>Ranunculus occidentalis</i>	Yellow	--
Western Hemlock	<i>Tsuga heterophylla</i>	Yellow	--
Western redcedar	<i>Thuja plicata</i>	Yellow	--
Wall lettuce	<i>Myosotis muralis</i>	Exotic	--

¹ BC CDC 2021a

² Government of Canada 2021

4.4 WILDLIFE

The forested habitat is found in the Coastal Western Hemlock biogeoclimatic zone is home to many wildlife species. Black-tailed deer, black bear, marten and gray wolf are the most common large mammals in this zone on Vancouver Island. For bird species in this zone, the following typically occur: great horned owl, barred owl, ruffed grouse, band-tailed pigeon, northern flicker, hairy woodpecker, common raven, Steller's jay, chestnut-backed chickadee, red-breasted nuthatch, varied thrush, red-





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tailed hawk, Townsend's warbler. The following amphibians may occur in this biogeoclimatic zone: western toad, Pacific treefrog, western redbacked salamander (Pojar et al. 1991).

There was much bird activity on the property. This could be due to the development on the property and proximity to the roadway. No nests or dens were identified during the site visit.

During the site assessment the species in Table 2 were found on the site.

Table 2. Wildlife Species observed on site during field visit on May 14, 2021.

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
American Robin	<i>Turdus migratorius</i>	Yellow	--
Common Raven	<i>Corvus corax</i>	Yellow	--
Rufous Hummingbird	<i>Selasphorus rufus</i>	Yellow	--
Spotted Towhee	<i>Pipilo maculatus</i>	Yellow	--

¹ BC CDC 2021a

² Government of Canada 2021

4.5 SPECIES AT RISK

A query of the BC CDC Map tool yielded occurrences of the following 2 species at risk within a two-kilometer radius of the property (BC CDC 2021b). Species are listed in Table 3 and the location of occurrences in relation to the property is provided in Figure 3.

Table 3. Species at risk that may occur in the vicinity of 5340 Cerantes Road

Occurrence ID	Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
6782	Northern red-legged frog	<i>Rana aurora</i>	Blue	Special Concern
7602	Warty Jumping slug	<i>Hemphillia glandulosa</i>	Red	Special Concern

¹ BC CDC 2021a

² Government of Canada 2021

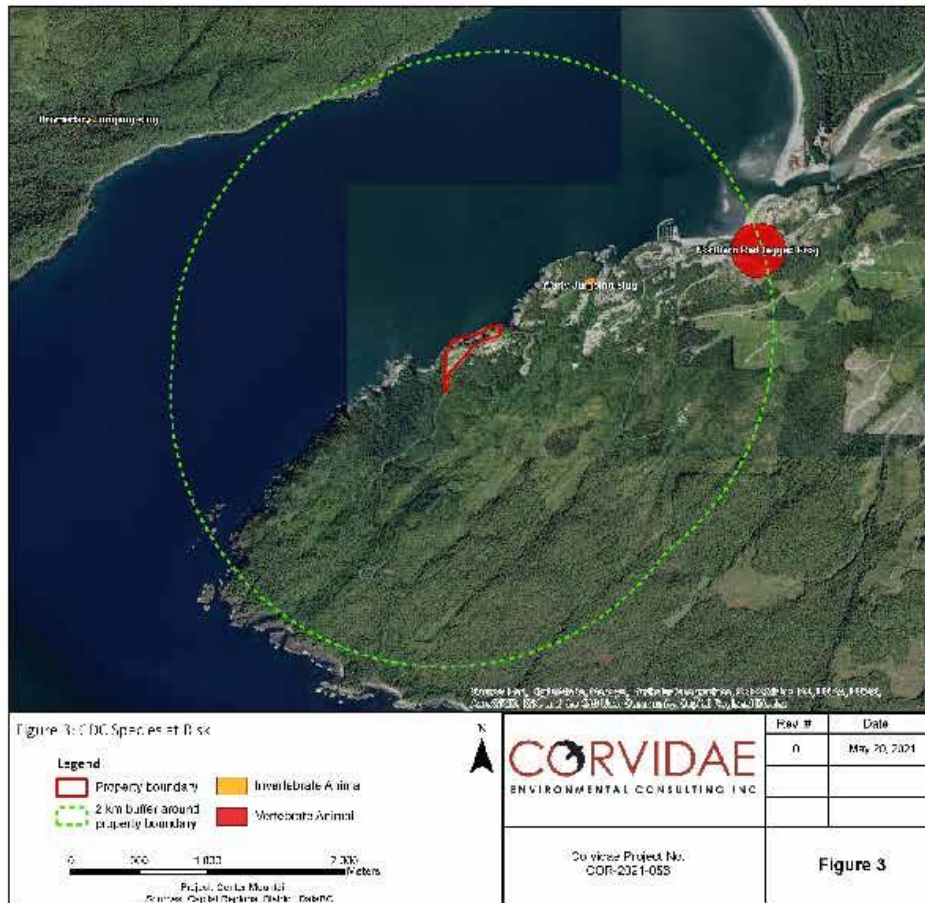
CRITICAL HABITAT

The project overlaps mapped Marbled Murrelet critical habitat over the entirety of the property (Province of BC 2021b). The Marbled Murrelet is a small seabird that spends most of its time at sea within 0.5 kilometre (km) of shore. Marbled Murrelets are secretive and nest as solitary pairs at low densities, typically in old-growth forests within 30 km of the sea (Government of BC 2015). There is no old growth forest on the property and there was no indication of Marbled Murrelet nesting in the project area.





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4.6 RIPARIAN AREAS AND FISHERIES

Two unnamed streams were identified on the central portion of the property (Figure 1). These streams are fed from a ditch along the south of Cerantes Road and two tributaries flowing north from a southern forested area. The wetted area of the ditch did not extend east into the 30m RAA due to the topography of the area. Water in that portion of the ditch flows west from the highpoint at the eastern edge of the ditch (Figure 1). Both of the streams flow into the San Juan Port via rocky cliffs along the northern boundary acting as a barrier to fish passage. Additionally, both of these streams do not require a RAPR due to them being outside of the 30m RAA for the garage development and are not identified on the Riparian Development Permit Areas in the Port Renfrew OCP.

The streams do not show up on the BC Habitat Wizard (2021) so no fish points were identified in both streams.

4.7 SHORELINE AND FORESHORE AREA

The shoreline consists of rocky steep rocky outcrops leading up to a steeply sloped forested foreshore area along the eastern portion of the property. Sections of the foreshore in this area are steep rocky cliffs of approximately 20-50m. The proposed garage development is adjacent to one of the cliffs and is 11.3m south of the present natural boundary at its closest extent (Figure 2). The landowner has discussed the encroachment of the development into the Shoreline Protection Development Permit Area of 15m from the natural present boundary with the CRD and they may approve it with the findings of this report.

The shoreline along the western portion of the property also consists rocky outcrops with a steeply sloped forested foreshore; however, no rocky cliffs were observed in this portion of the property.

4.8 STEEP SLOPES

The northern edge of the property steeply slopes to the north with a gradient > 30% for more than 10m. The foreshore of the entire property remains forested and bedrock which aids in stability. However, the development of the garage is in close proximity (11.3m) to rocky cliffs and a geotechnical review has been completed to ensure that the proposed development does not compromise the stability of the rocky slopes.





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5 POTENTIAL ENVIRONMENTAL EFFECTS

The potential impacts of the proposed development of the property on the environment are:

- loss of existing vegetation and disturbance of soils,
- introduction of invasive plant species,
- change in wildlife habitat availability and wildlife mortality risk,
- sediment movement in the project area to the marine shoreline.

The residual environmental impacts of the activities on the property will be reduced by the implementation of the mitigation and restoration measures recommended in Section 6 of this report.

VEGETATION

The effects of tree and vegetation removal may include loss of biodiversity of plant species and increased susceptibility to invasive plants not only in the cleared area but also in adjacent plant communities. Vegetation immediately adjacent to cleared areas may experience changes to the canopy structure and understory plant species due to windthrow and increased light and moisture penetration.

INVASIVE SPECIES

Invasive plants are particularly adept at colonizing degraded plant communities and disturbed soils in high traffic areas, such as the margins of roads, trails and parking areas. Invasive plants establish readily in disturbed areas as they have a wide ecological tolerance and grow and propagate quickly. The effects of invasive plant establishment may be the reduction or displacement of native species by capturing resources and occupying habitats.

WILDLIFE AND WILDLIFE HABITAT

Habitat loss and alteration from vegetation clearing can cause displacement of wildlife, use of less suitable habitat, reduced foraging ability, increased energy expenditure and lower reproductive success. Reduced habitat effectiveness can occur as a result from the creation of habitat edges and the introduction of buildings with many windows into previously unused spaces can increase mortality risk for birds.

MARINE FORESHORE AND UPLAND HABITAT

The removal of trees and vegetation in the foreshore area results in the loss of features, functions and conditions that are vital for maintaining shoreline stability. Vegetation in the foreshore area controls surface water run-off from the upland areas, preventing excessive silt and surface run-off pollution from entering the marine environment.

STEEP SLOPES

Removal of vegetation on steep slopes can result in destabilization of the soil. Removal of trees can alter the incidence of rain on the forest floor surface, resulting in erosion of the slope and sediment movement downslope.





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EROSION AND SEDIMENT

Removal of vegetation and ground disturbance may expose soils to erosion and can result in the movement of sediment on the property. Damage or degradation of soil surfaces during construction can include loss of soil structure, increased erosion, and soil compaction which can negatively affect post-construction reclamation efforts.

6 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

The mitigation measures provided in this report are designed to protect sensitive ecosystems and were developed in accordance with:

- the Port Renfrew OCP (CRD 2003);
- Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) (BC Ministry of Environment [MOE] 2014a);
- Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Government of BC 2014); and
- Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water, Land and Air Protection 2004)
- Green Shores Certification (http://stewardshipcentrebc.ca/Green_shores/)

PROTECTION OF THE MARINE FORESHORE

We recommend the removal of the blackberries from the foreshore to reduce further spreading. Replanting of vegetation at the top of the bank, and any other resulting bare areas from the removal (that are not bedrock), will have to occur within that growing season (prior to wet weather) to decrease the risk of erosion and recolonization of invasive species. The area should be replanted with native species, including the recommended revegetation species provided in Table 3. If any additional work to the shoreline is needed the Green Shore methods and shoreline stewardship are recommended (<https://stewardshipcentrebc.ca/green-shores-home/>).

The current garage design encroaches into the Shoreline Protection and Riparian Development DPA (Figure 1). This encroachment into the DPA will not have a significant impact on the marine foreshore environment because the majority of the foreshore vegetation has been cleared from this area and no significant erosion has occurred to the adjacent cliff. Additionally, all the of the vegetation that lives on the surface of the cliff will remain (ferns, lichen, moss and forbs), meaning there will be no significant alteration to the species composition of the foreshore habitat.

VEGETATION

As much native vegetation should remain in place to compete with invasive species and protect the area from erosion. The SPCAs flagged on site absolutely must remain vegetated and protected in perpetuity.

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For disturbed areas on the property, native plants are recommended. Table 4 provides recommended species that regularly occur in the area. Two years of irrigation is recommended following planting. After a two-year period the native species have generally become established and do not need irrigation.

Table 4. Recommended native vegetation to plant in disturbed areas

Common Name	Species
Sala	<i>Ranunculus repens</i>
Salmonberry	<i>Rubus spectabilis</i>
Nootka rose	<i>Rosa nutkana</i>
Red currant	<i>Ribes sanguineum</i>
Evergreen huckleberry	<i>Vaccinium cereum</i>

INVASIVE SPECIES

Small, localized and Himalayan blackberry were observed on the property in the foreshore area and did not pose an immediate threat. However, Invasive weed control is difficult for established populations. Immediate eradication of new and small infestations should be a high priority.

Species should be removed using the most appropriate methods, at the correct time of year, and plant material must be disposed of correctly to avoid re-establishment or spread. Chemical control not recommended. Details of removal methods for the invasive species on the property are below in Table 4.

Table 5. Removal and disposal methods for invasive species

Species	Removal Method	Removal Timing	Plant Disposal
Himalayan blackberry	Himalayan blackberry can be removed by the root system. Using equipment is the easiest to get to the main roots.	Early spring or fall/winter when not flowering or bearing fruit.	Bagged and disposed of properly in a landfill. Do not 'recycle' garden debris or compost.

To control and minimize the spread of invasive weeds on the site the following measures will be followed:

- Clean all machinery before arrival onto the site to ensure that more weed seeds and other propagules (e.g. pieces of root) are not brought into the project area.
- Use available soil on site where possible. If topsoil is imported from external areas, ensure that it is from a weed-free source.
- Following topsoil application – seed/plant immediately with landscape plants and grasses to reduce weeds occupying bare soil. If construction is in the winter, complete planting/seeding in the early spring, immediately prior to the first growing season.

WILDLIFE AND WILDLIFE HABITAT

The following measures should be taken to minimize impacts on wildlife and wildlife habitat.

- Vegetation clearing should be completed outside of the migratory bird window (prior to March 15th or after August 31st; Environment and Climate Change Canada 2020). If clearing is to occur





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during within this time period, a QEP should conduct a survey for nests prior to commencement of activities.

- Avoid additional removal of trees or shrubs outside of the project clearing footprint, with the exception of identified danger trees.
- Where suitable, retain habitat that provides shelter for wildlife, such as downed logs and standing dead trees.

STEEP SLOPES

The edge of the northern edge of the garage development boundary should be replanted with native vegetation where there is soil, to increase species composition and soil stability in the area. Additional mitigating measures relating to the steep slopes will be addressed in the geotechnical report provided in a different document.

EROSION AND SEDIMENT CONTROL

The primary focus of erosion and sediment control planning is erosion control; if there is no erosion then there is no sediment. Erosion control is far more cost effective to implement and manage than sediment control.

The following mitigation measures should be implemented to minimize the potential effects of the project on the natural environment:

- Install sediment fences downslope from the construction areas and at the top of bank of the foreshore slope.
- Regularly inspect and maintain the erosion and sediment control measures during all phases of the project.
- Keep the erosion and sediment control measures in place until all disturbed ground has been permanently stabilized.
- Heed weather advisories and scheduling work to avoid wet, windy and rainy periods that may result in high flow volumes and/or increase erosion and sedimentation.
- Any loose soil storage should be in flat areas, covered and protected with a sediment fence below.
- Minimize amount of time soils are exposed by seeding and planting as soon as disturbance or construction is complete. Cover exposed soil areas with tarps if for a prolonged period or during rainfall events (specifically adjacent to waterbodies and foreshore areas).

An Erosion and Sediment Control Plan should be developed prior to construction, including drawings of the final plans showing locations of erosion and sediment control measures.





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7 CONCLUSION

The environmental impacts of the proposed development at 6402 Cerantes Road have been presented in this report. During site preparation, implementation of the mitigation and restoration measures recommended in this report, application of erosion and sediment control measures, the eradication of invasive species and replanting of native vegetation, will minimize the impacts of the proposed development on the environment. Due to the current setback distance of the proposed garage, and the implementation of these protection measures, the marine environment will be protected.

Report Prepared By



Julie Budgen R.P.Biol., B.Sc.,
Environmental Planner
Corvidae Environmental Consulting Inc.

Brent Rutley BIT, B.Sc.
Environmental Biologist
Corvidae Environmental Consulting Inc.





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APPENDIX A – SITE PHOTOGRAPHS

Photo 1. View looking west at the residential buildings on the eastern portion of the property. May 14, 2021.



Photo 2. View looking west at the foreshore just north of the residential buildings on the east portion of the property. May 14, 2021.



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Photo 3. View looking south at the purposed garage location. May 14, 2021.



Photo 4. View looking south at the excavated soil being placed along the northern development boundary outside of the 15m Shoreline Protection DPA. May 14, 2021.



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Photo 5. View looking south at the inlet and rocky cliffs adjacent to the proposed garage development area. May 14, 2021.



Photo 6. View looking east at the proposed garage development area. May 14, 2021.



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Photo 7. View looking north from the northern edge of the proposed garage development to the adjacent inlet. May 14, 2021.



Photo 8. View of the wet ditch along the south side of Cerantes Road.



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Photo 9. View looking east of the most eastern unnamed stream identified in the central portion of the property. May 14, 2021.



Photo 10. View looking north at the most western unnamed stream identified in the central portion of the property. May 14, 2021.



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Photo 11. View looking east at the trailer park on the western portion of the property. May 14, 2021.



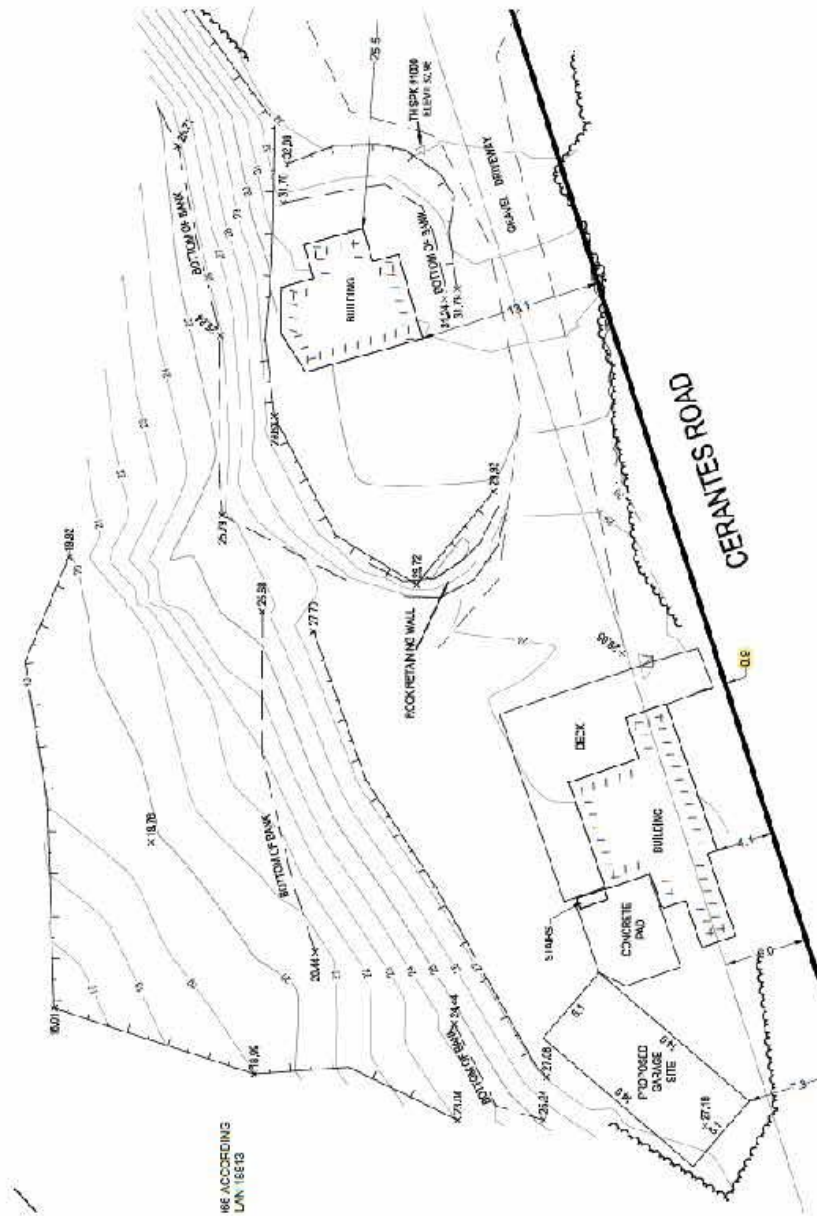
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Appendix E: Dwelling and Deck Site Plan



MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That a statement of concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580.

CARRIED

7. Development Permit with Variance Applications

a) DV000077 – Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641 (6606 Mark Lane)

Iain Lawrence spoke to the staff report for the application for a development permit with variance to address the Steep Slope development permit (DP) guidelines and to vary the front yard setback requirement for the purpose of constructing an accessory building in the Community Residential - One (CR-1) zone.

Iain Lawrence highlighted the subject property map and site plan with proposed garage location. It was advised that the staff recommendation should note that the request is to reduce the front setback from 6 m to 1.3 m.

Iain Lawrence directed attention to the submissions of support included in the supplementary agenda.

The Chair confirmed that the applicant was not present.

MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.3 m for construction of a carport be approved.

CARRIED

b) DV000079 – Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413 (6402, 6410, and 6340 Cerantes Road)

Iain Lawrence spoke to the staff report for the application for a development permit with variance to address the Shoreline Protection development permit (DP) guidelines, to vary the maximum height of an accessory building, and to address the minimum required exterior side yard setback for the purpose of authorizing a two lot subdivision and construction of a garage.

Iain Lawrence highlighted the subject property map, proposed subdivision plan and site plan with variance. It was advised that the staff recommendation should state that the requested variance is to increase the maximum height of an accessory building from 4.8 m to 6.9 m, not 5.6 m as was noted in the staff report.

Iain Lawrence confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair confirmed that the applicant was not present.

LUC comments included:

- Botanical Beach (Juan de Fuca Provincial Park) is adjacent to the subject property
- the applicant has submitted an Environmental Assessment report to address the creation of proposed Lot A relative to the Shoreline Protection DP guidelines
- adjacent property views will not be impacted by the proposal

MOVED by Roy McIntyre, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:

- a) Part IV, Section 22(2)(f) be varied by increasing the maximum height of an accessory building from 4.8 m to 6.9 m in accordance with the Garage Design Drawings; and
- b) Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of the existing deck in accordance with the Dwelling and Deck Site Plan;

be approved.

CARRIED

c) DV000080 - Lot A, Section 7, Otter District, Plan VIP75055 (8709 West Coast Road)

Iain Lawrence spoke to the staff report for the application for a development permit with variance to address the Marine Shoreline Development Permit (DP) Area guidelines for a seawall and single-family dwelling, and to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, by allowing height to be measured from finished grade, by allowing the elevation of the lot to be increased and by decreasing the front yard setback.

Iain Lawrence highlighted the subject property map, proposed strata plan, site plan and building drawings.

Iain Lawrence advised that:

- the property was rezoned to Gordon's Beach Recreation Residential 4 (R-4) in 2000 and would have allowed the property to be subdivided into 500 m² parcels, each with a single dwelling unit
- the property has not been subdivided and the R-4 zone allows existing dwellings shown on the proposed strata plan to be rebuilt in their present locations; however, the zone prohibits changes to the elevation of the lot and allows a maximum building height of 7.5 m as measured from average natural grade
- since the time that the bylaw introducing the R-4 zone was adopted, the Province has updated the flood hazard guidelines for coastal areas, which affects how flood construction level (FCL) is determined
- to meet flood construction elevation and maximum building height requirements, variances to permit an increase in the elevation of the lot is required
- since the final height of the building depends on the amount of fill required, it is not known with certainty what the final height of the building would be above natural grade.
- it is known, however, that the final height will be less than 7.5 m above final grade
- the applicant has submitted geotechnical reports which provide a FCL, address the Marine Shoreline DP Area guidelines and provide recommendations for the



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

SUBJECT **Development Permit with Variance for Lot A, Section 7, Otter District, Plan VIP75055 – 8709 West Coast Road**

ISSUE SUMMARY

A request has been made for a development permit with variance to address the Marine Shoreline Development Permit (DP) Area guidelines for a seawall and single-family dwelling, and to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, by allowing height to be measured from finished grade, by allowing the elevation of the lot to be increased and by decreasing the front yard setback.

BACKGROUND

The 1.9 ha subject property is located at 8645 – 8749 West Coast Road in Otter Point and is zoned Gordon's Beach Recreation Residential 4 (R-4) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property is bounded by Rural Residential 3 (RR-3) zoned properties to the south, Rural Residential Orveas Bay (RR-OB) zoned properties to the north, West Coast Road and Agriculture (AG) zoned properties to the east, and the Strait of Juan de Fuca to the west (Appendix A). The R-4 zone allows existing dwellings shown on the proposed strata plan accompanying the zone (Appendix B) to be rebuilt in their present locations; however, the zone prohibits changes to the elevation of the lot and allows a maximum building height of 7.5 m as measured from average natural grade. The property is designated as a Marine Shoreline DP Area by the Otter Point Official Community Plan (OCP), Bylaw No. 3819.

The applicant has requested a development permit with variance to construct a seawall and to replace the existing dwelling located at 8709 West Coast Road (Appendices C and D). In order to establish a minimum flood construction level, address the Marine Shoreline DP guidelines and to allow the dwelling to be located within 7.5 m of the natural boundary of the sea, as per Juan de Fuca Land Use Bylaw No. 2040, Schedule D, Section 3.0, the applicant has submitted geotechnical reports (Appendix E), prepared by Scott Currie, P.Eng. (Ryzuk Geotechnical). Schedule D, Section 3.0, allows coastal development to be permitted a setback of 7.5 m from the natural boundary of the sea where the sea frontage is protected from erosion by a natural bedrock formation or by works designed by a Professional Engineer and maintained by the owner of the land. The report also specifies a minimum flood construction elevation.

In order to meet the flood construction elevation and maximum building height requirements, variances to permit an increase in the elevation of the lot and to allow height to be measured from average finished grade are required.

Development Permit with Variance DV000080 has been included as Appendix F for consideration.

ALTERNATIVES

Alternative 1

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

- 1) That Development Permit with Variance DV000080, for Lot A, Section 7, Otter District, Plan VIP75055, to authorize construction of a seawall and a single-family dwelling in a Marine

Shoreline Development Permit Area, and to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, as follows:

- a) Part 1, Section 2.0 by varying the definition of *height* as it applies to the proposed building to mean the average vertical distance from finished grade at the outermost corners of the building to the mean level of the highest roof plan between the eaves and the ridge of a sloping roof;
- b) Part 2, Section 13A.11(b) to allow that the elevation of the lot may be increased in accordance with the Building Design Drawings and the Geotechnical Reports; and
- c) Part 2, Section 13A.13(a) to reduce the front yard setback from 4.5 m to 2.3 m in accordance with the Site Plan;

be approved.

- 2) That a restrictive covenant be registered on the title of the lands securing the geotechnical reports for 8709 West Coast Road, certified by Scott Currie, P. Eng., dated March 23, 2021, and June 14, 2021, and saving the CRD harmless in accordance with Section 219 of the *Land Title Act* and Section 56 of the *Community Charter*.

Alternative 2

The Land Use Committee recommends to the Capital Regional District Board:
That Development Permit with Variance DV000080 be denied.

Alternative 3

That the application be referred back to staff for additional information.

IMPLICATIONS

Legislative Implications

The Otter Point OCP, Bylaw No. 3819, Schedule A, Section 6.4.4, designates development permit areas and outlines development permit guidelines. The property and proposed development is within the Marine Shoreline DP area; therefore, a development permit is required.

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 2, Section 13A.0 specifies that there be no increase in lot elevation, and that the maximum height of buildings and structures is 7.5 m. Part 1, Section 2 of the Bylaw defines height as being measured from average natural grade. To vary these requirements, a development variance permit is required.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government proposes to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the July 20, 2021, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

Land Use Implications

Development Permit:

The applicant has submitted geotechnical reports prepared by Scott Currie, P.Eng. (Ryzuk Geotechnical), dated March 23, 2021, and June 14, 2021, to establish a flood construction level (FCL), address the Marine Shoreline DP Area guidelines and to provide recommendations for

the development to be located within 7.5 m of the natural boundary of the sea in accordance with Bylaw No. 2040, Schedule D, Section 3.0.

The March 23, 2021, report commented that the elevation of the lot was approximately 4 m geodetic and established an FCL for the underside of the floor system of 5.3 m when considering storm surge, estimated wave effect, regional tectonic uplift, sea level rise and free board factor. The Engineer noted that the most recent amendment to the Provincial Flood Hazard Area Land Use Management Guidelines indicates that for new building lots, a setback of 15 m for the Year 2100 FCL should be implemented. However, for existing lots, where meeting such a setback would render the lot sterile, the approving authority may agree to modify the setback requirement. Bylaw No. 2040 allows that for development adjacent to the sea, the setback may be reduced to 7.5 m from the natural boundary where the development is protected from erosion by bedrock formations or by works designed by an Engineer and maintained by the owner.

The June 14, 2021, report provided recommendations for the re-construction of the seawall in order to provide protection from active erosion of the shoreline frontage over the long-term and included a Seawall Construction Detail drawing. Installation of the seawall is not considered to increase the erosion of adjacent properties and the report included recommendations to prevent sediment ingress to the foreshore and for working close to the shoreline. Since the Engineer has recommended that the sea wall be replaced and provided specifications for its design, in accordance with Bylaw No. 2040, the flood plain setback may be reduced. Staff recommend that a covenant stipulating the hazard and building requirements, and saving the CRD harmless, in accordance with Section 219 of the *Land Title Act* and Section 56 of the *Community Charter*.

Variances:

The Engineer's report commented that the existing elevation of the lot is approximately 4 m geodetic. In order to meet the 5.3 m flood construction elevation specified by the geotechnical engineer, the elevation of the lot must be increased by approximately 1.3 m. However, the R-4 zone regulations do not permit the elevation of the lot to be increased or decreased. Therefore, a variance is required.

Bylaw No. 2040 defines the height of a building as being measured from average *natural grade* and the R-4 zone specifies a maximum height of 7.5 m. Based on the building drawings dated May 13, 2021, the maximum height of the building should be between 8.23 m and 8.53 m above average *natural grade*. However, given the nature of the grade across the site, the final height above *natural grade* cannot be specified with certainty. It is known, however, that the final building height will be less than 7.5 m above average *finished grade*. Therefore, staff recommend that a variance to the definition of height be considered rather than a variance to the maximum height specification of the R-4 zone.

The R-4 zone specifies a minimum front yard setback for residential buildings and structures of 4.5 m. In order to move the building away from the natural boundary of the sea and meet the 7.5 m flood plain setback, a variance to reduce the front yard setback to 2.3 m is required. It is noted that the building drawings refer to the structure that is closest to the front lot line as an "accessory building"; however, the structure is attached to the dwelling by a common roofline; therefore, the "accessory building" is considered part of the residential building.

CONCLUSION

The applicant has requested a Marine Shoreline development permit with variance to allow the elevation of the lot to be increased in order to meet the required flood construction level, to allow height to be measured from finished grade, and to decrease the front yard setback from 4.5 m to 2.3 m in order to move the dwelling away from the natural boundary of the sea and meet the 7.5 m flood plain setback where development is protected from erosion by works designed by a qualified

professional. Based on the regulations of the R-4 zone that permit the reconstruction of existing dwellings, and the reports from the qualified professionals that provide recommendations for development of the dwelling and seawall that consider the Otter Point OCP DP guidelines, Provincial sea level rise guidelines and flood construction requirements, staff recommend approval of the development permit with variance subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

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

- 1) That Development Permit with Variance DV000080, for Lot A, Section 7, Otter District, Plan VIP75055, to authorize construction of a seawall and a single-family dwelling in a Marine Shoreline Development Permit Area, and to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, as follows:
 - a) Part 1, Section 2.0 by varying the definition of *height* as it applies to the proposed building to mean the average vertical distance from finished grade at the outermost corners of the building to the mean level of the highest roof plan between the eaves and the ridge of a sloping roof;
 - b) Part 2, Section 13A.11(b) to allow that the elevation of the lot may be increased in accordance with the Building Design Drawings and Geotechnical Reports; and
 - c) Part 2, Section 13A.13(a) to reduce the front yard setback from 4.5 m to 2.3 m in accordance with the Site Plan;
- be approved.
- 2) That a restrictive covenant be registered on the title of the lands securing the geotechnical reports for 8709 West Coast Road, certified by Scott Currie, P. Eng., dated March 23, 2021, and June 14, 2021, and saving the CRD harmless in accordance with Section 219 of the *Land Title Act* and Section 56 of the *Community Charter*.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

ATTACHMENT(S)

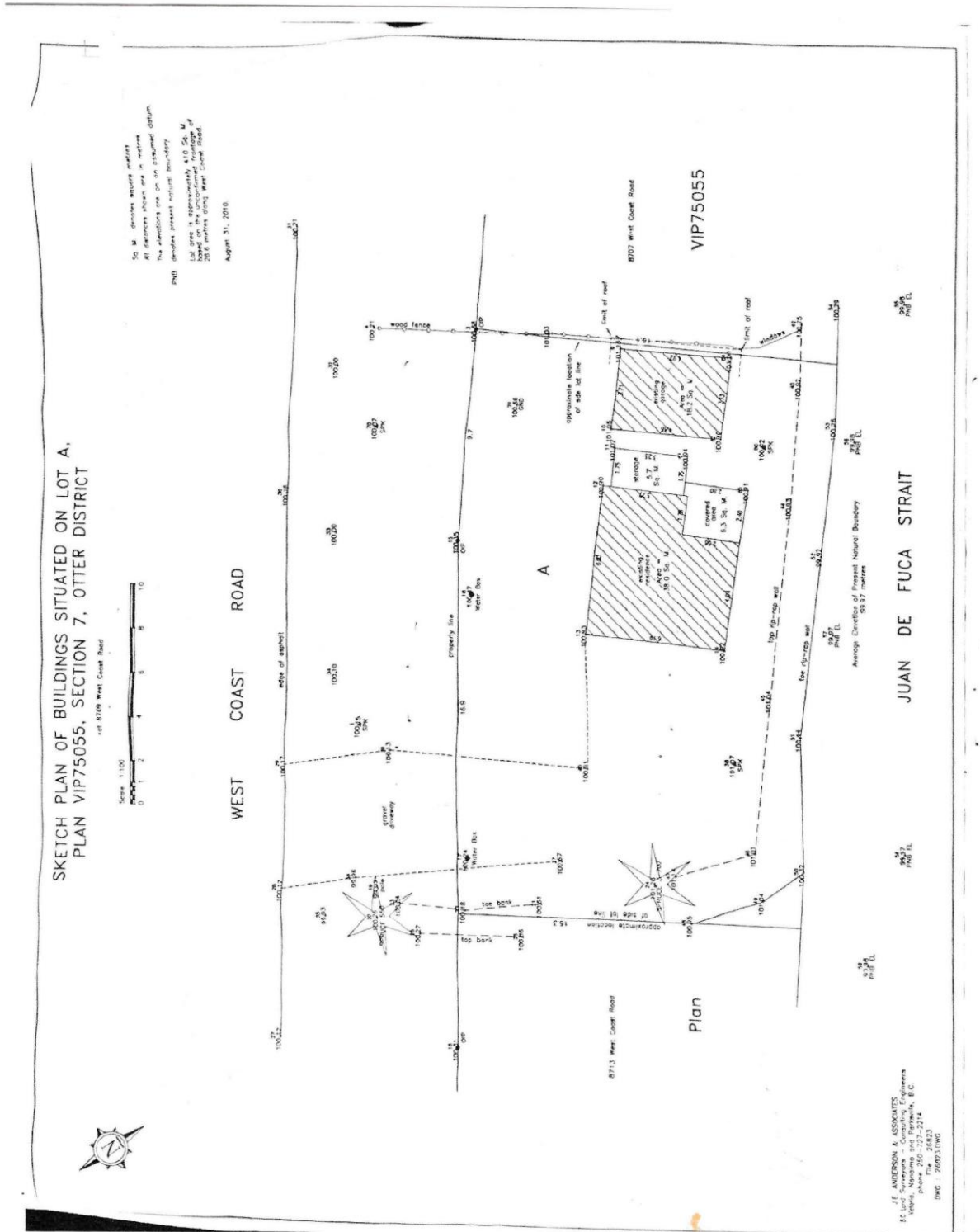
- Appendix A: Subject Property Maps
- Appendix B: Proposed Strata Plan for Gordon's Beach Recreation Residential 4 (R-4) Zone
- Appendix C: Site Plan
- Appendix D: Building Design Drawings
- Appendix E: Geotechnical Reports
- Appendix F: Development Permit with Variance DV000080

Appendix A: Subject Property Maps





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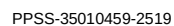


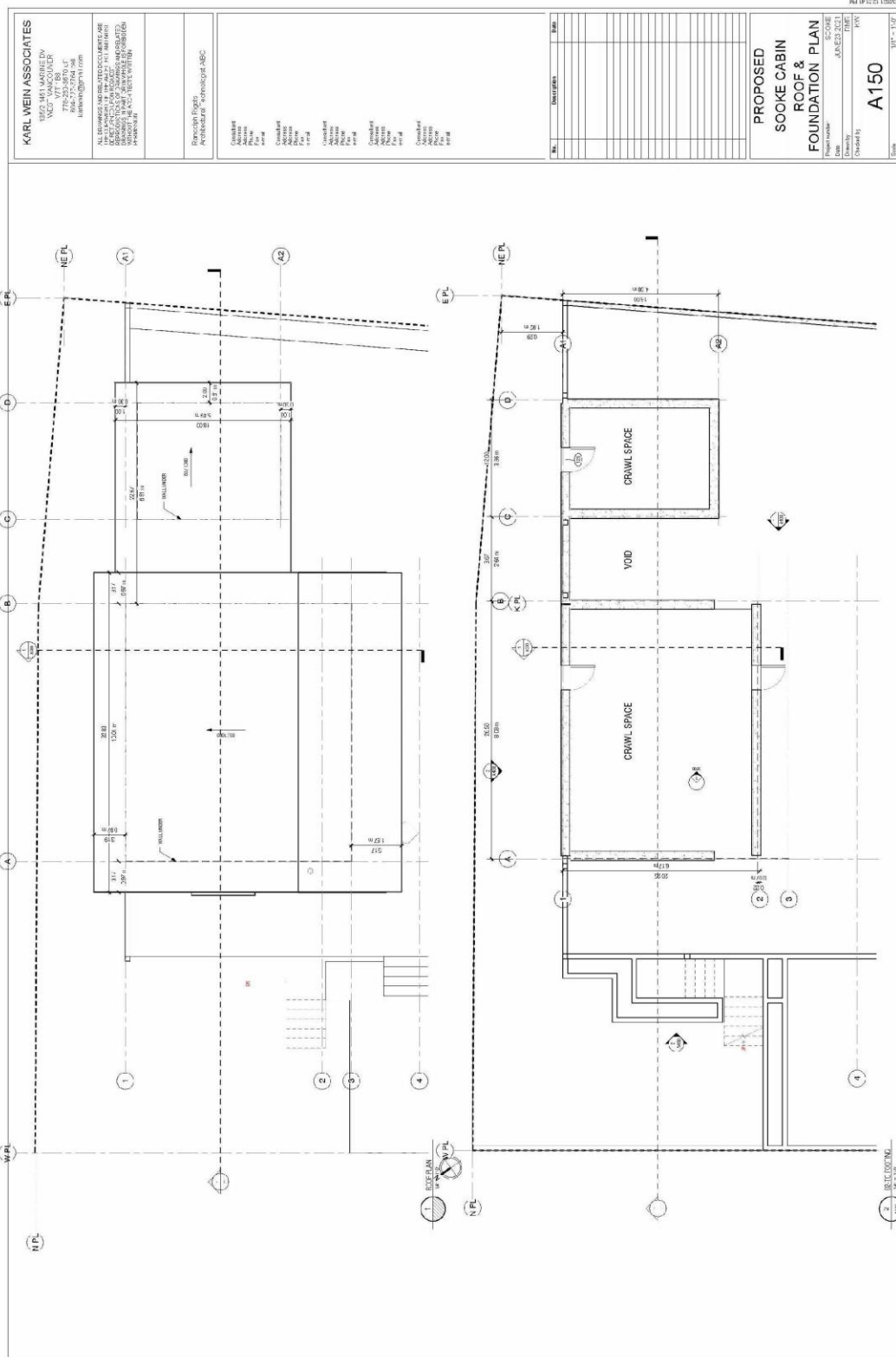
PROPOSED SOOKE CABIN SITE PLAN

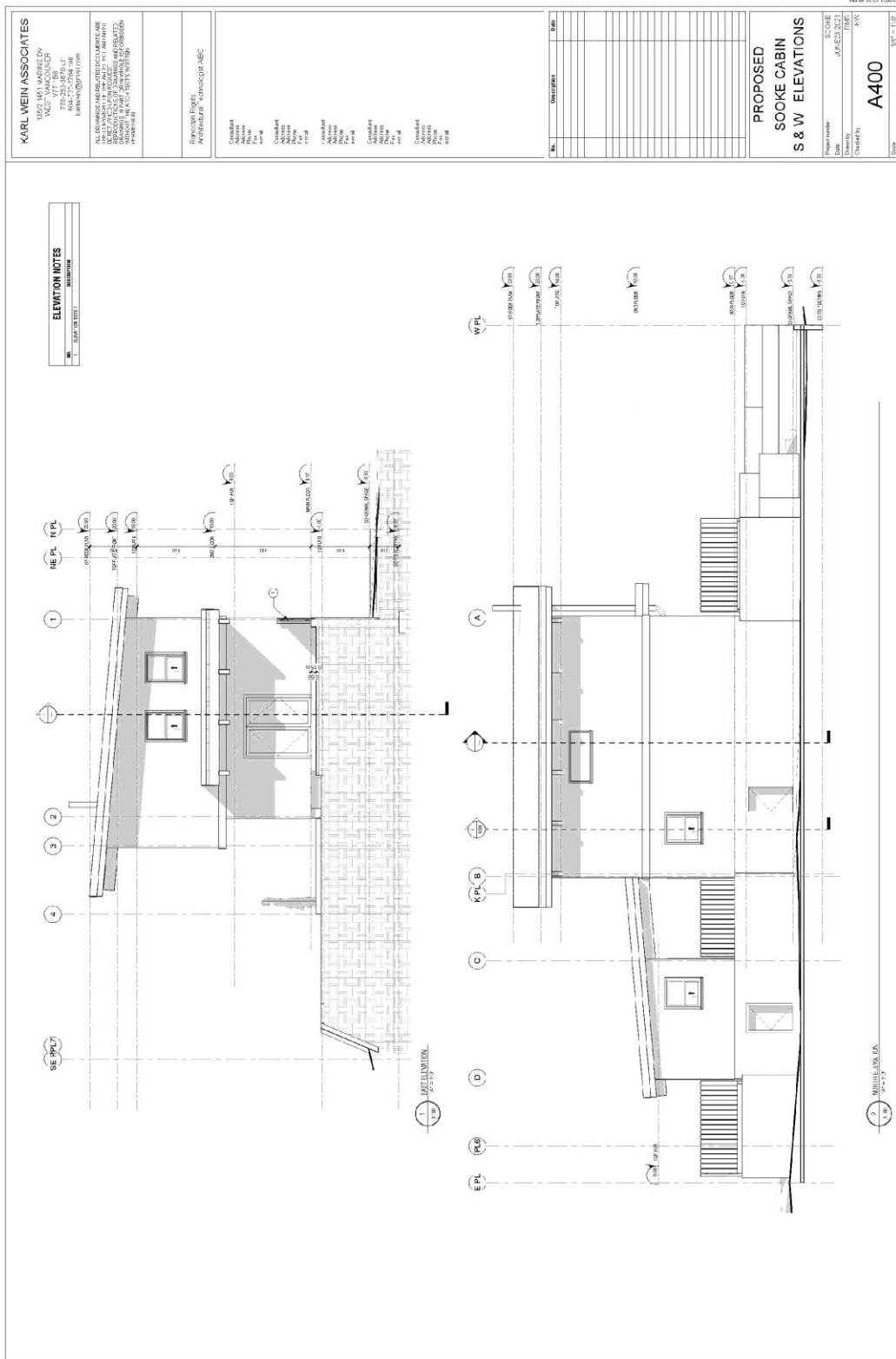
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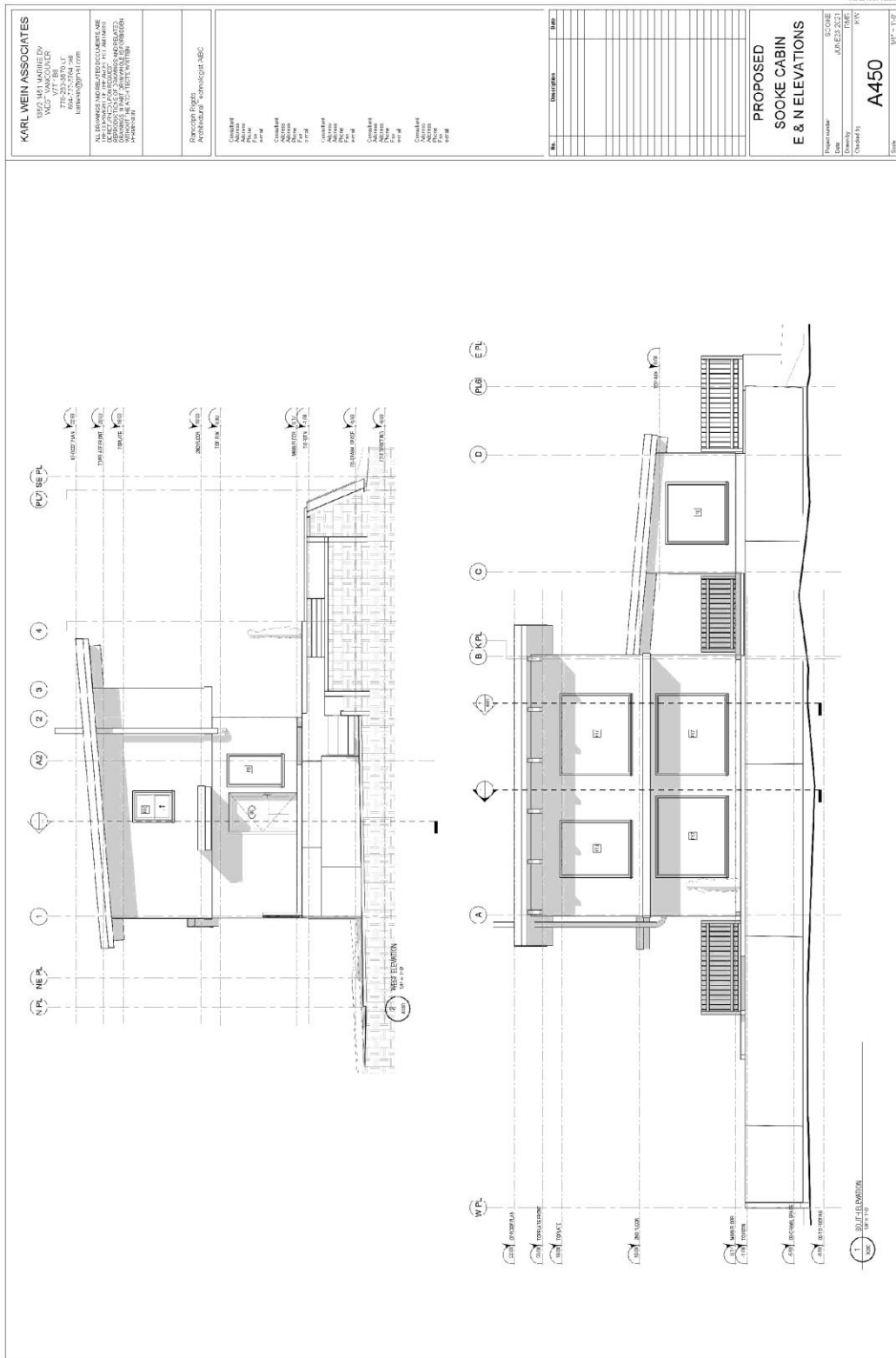
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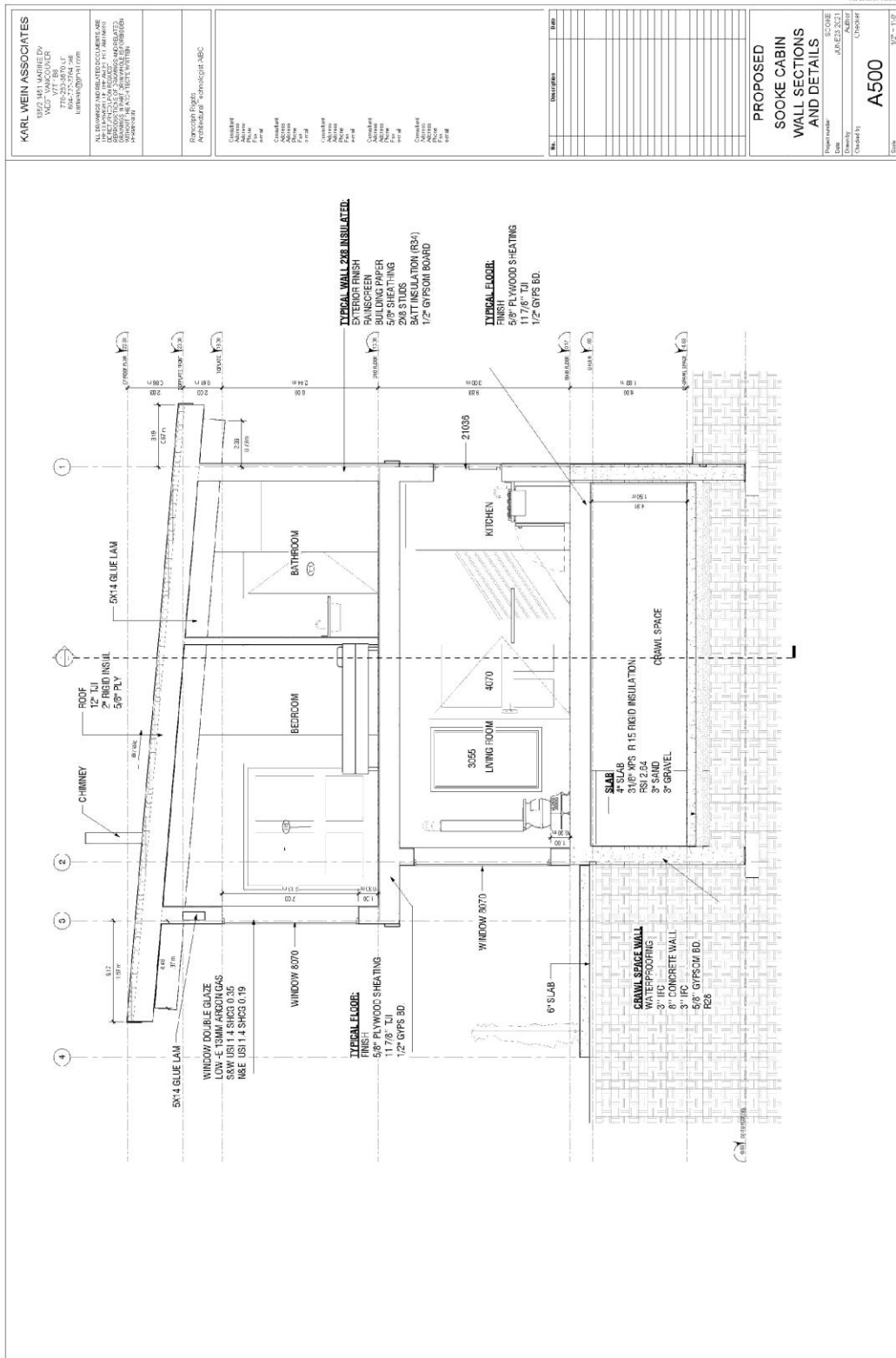
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Appendix E: Geotechnical Reports



June 14, 2021
File No: 4013-2

MCM Excavating Inc.
(by email: [REDACTED])

Attn: [REDACTED]

Dear Sir,

Re: Proposed Residential Development
8709 West Coast Road Otter Point, BC

As requested, we have attended site to carry out a geotechnical assessment as such relates to the construction of a new dwelling (cottage). The site is located within Development Permit Area No.2: Marine Shorelines Areas, as defined by the Otter Point Official Community Plan, Bylaw No. 3819. The proposed dwelling footprint is located within the 15 m setback from the Present Natural Boundary (PNB) noted in DPA No.2, with the current proposal indicating that a 7.5 m setback is being sought. We understand that imposition of the 15 m setback may render the existing lot sterile to development due to the accompanying front yard setback from West Coast Road. We understand that geotechnical commentary is required in order to support the requested setback relaxation. Our work has been completed in accordance with the previously accepted Terms of Engagement.

Previous Ryzuk Geotechnical Ltd. (Ryzuk) involvement at the site has included preparation and submission of our letter report of March 3, 2021, where commentary and recommendations were provided in relation to a suitable Flood Construction Level (FCL) for this development site. The elevation determined for underside of floor system was 5.3 m Geodetic.

The site is located within the central portion of Gordon's Beach, generally bounded by similar residential properties to the northwest and southeast, Highway 14 to the northeast, and the foreshore of the Strait of Juan de Fuca to the southwest. The terrain slopes gently up from the edge of the road to a level area which is noted on the attached survey drawing to have an elevation of approximately 4 m geodetic. An original cottage present in this area of the site had been demolished prior to our attendance. An existing arrangement of stacked boulders forms a seawall that defines the southwestern property line (Present Natural Boundary) with the beach beyond. Soils at the site, where visible at the surface, were generally noted to consist of compact gravel, similar to the shoreline deposits present with the adjacent beach, although some

Ryzuk Geotechnical

Proposed Residential Development
8709 West Coast Road – Otter Point, BC

June 14, 2021

disturbance to native deposits should be expected as a result of past use. See attached Site Photograph and the JE Anderson Site Plan, dated Feb 16/21.

It is proposed that a new cottage be constructed at the site. We understand that such will be a two storey wood framed structure utilizing conventional shallow concrete foundations and crawl space. Foundation loads are expected to be light. Associated landscaping and civil infrastructure is anticipated. See attached Cross Section A450 by Karl Wein Associates. We understand that the height of the main floor has been position in accordance with the recommendations of our previous FCL report.

We understand from discussions with the CRD that as part of consideration being given to this development and the requested relaxation, that confirmation of the suitability of the existing seawall is required. As we were noted involved with the construction of the original wall, we would recommend that such be re constructed to provide protection from active erosion of the shoreline frontage over the long term. We consider the shoreline within the location to be subject to moderately high wave energy, particularly during winter storms. This is evident by the presence of a relatively steep shoreline slope. When coupled with high tides, the wave impact area extends up to the current arrangement of stacked boulders, as indicated by the presence of driftwood along the backshore.

We recommend that new (or reconstructed) seawall of sound, durable, 1.2 m to 1.5 m diameter boulders be placed just back from the PNB to create a wave barrier. The base row of boulders should be embedded by ½ boulder dimension and fit tightly together with the rough facing profile acting to reduce longshore wave amplification effects. The boulders must be backfilled with a nominal 1 m wide thickness of compacted 10 kg class rip rap and then a layer of heavy weight filter fabric to prevent migration of fines from the site due to wave action. See attached Seawall Construction Detail drawing. The boulders should also be returned along the side yard property boundaries by several meters to retain the fill as required. This seawall/barrier may require maintenance from time to time and should be adequate to provide protection over the next 50 to 75 years. Existing boulders from the current seawall may be suitable for re use, subject to inspection. Further, we do not consider this installation will result in an increase of erosion to adjacent properties over the noted design life. The top of the boulder sea wall must be sufficient in order to provide cover and protection for the foundations of the new dwelling but does not necessarily need to extend up to the FCL level. We note on the architectural plans/sections that concrete landscaping walls are utilized to raise the site grade to the main floor level.

We consider that the undisturbed native mineral soils at the site, or engineered fill placed upon such, will be suitable for support of the proposed foundations. A bearing resistance of 145 kPa (SLS) / 215 kPa (ULS) is considered suitable for design purposes. All subgrade bearing must be inspected and approved by a geotechnical professional prior to foundation pour. We consider that the collected drainage from the residence and hard surfaces could be directed to a shallow infiltration pit filled with drain rock and dug into the coarse native gravels. We do not expect that the site work would create a significant risk of sediment ingress to the foreshore. However, disturbed soils should be revegetated as soon as possible following disturbance, and all fills should be placed and compacted in thin lifts and not loosely stockpiled within 5 m of the PNB. Furthermore, the equipment operation and site work should be compliant with the DFO procedures due to working close to the shoreline.

Proposed Residential Development
8709 West Coast Road – Otter Point, BC

June 14, 2021

Given the above, we consider the proposed construction of a single family residence to be feasible at the proposed site location. We consider that the land may be used safely for the use intended, pursuant to Section 56 of the Community Charter and Section 219 of the Land Title Act. Our assessment considers a design seismic occurrence with a 2% probability of exceedance in 50 years.

As climate change and sea level rise occur, the impact of flooding events beyond the current boundary of the sea can be expected to advance incrementally with time. Accordingly, advance notice of months or even years would be available to owners/users to allow safe access and egress, removal of personal effects, as well as to consider flood proofing improvements to the building to mitigate the increasing level of risk. This is not the case where instantaneous and devastating conditions could occur, as might be anticipated with a high energy seismic event resulting in tsunami. Commentary on the hazard and risk associated with tsunami was provided in our FCL report.

We trust the preceding is suitable for your purposes at present, if you have any questions or require further clarification, please contact us.

Yours truly,
Ryzuk Geotechnical


RS Currie, P.Eng.
Geotechnical Engineer



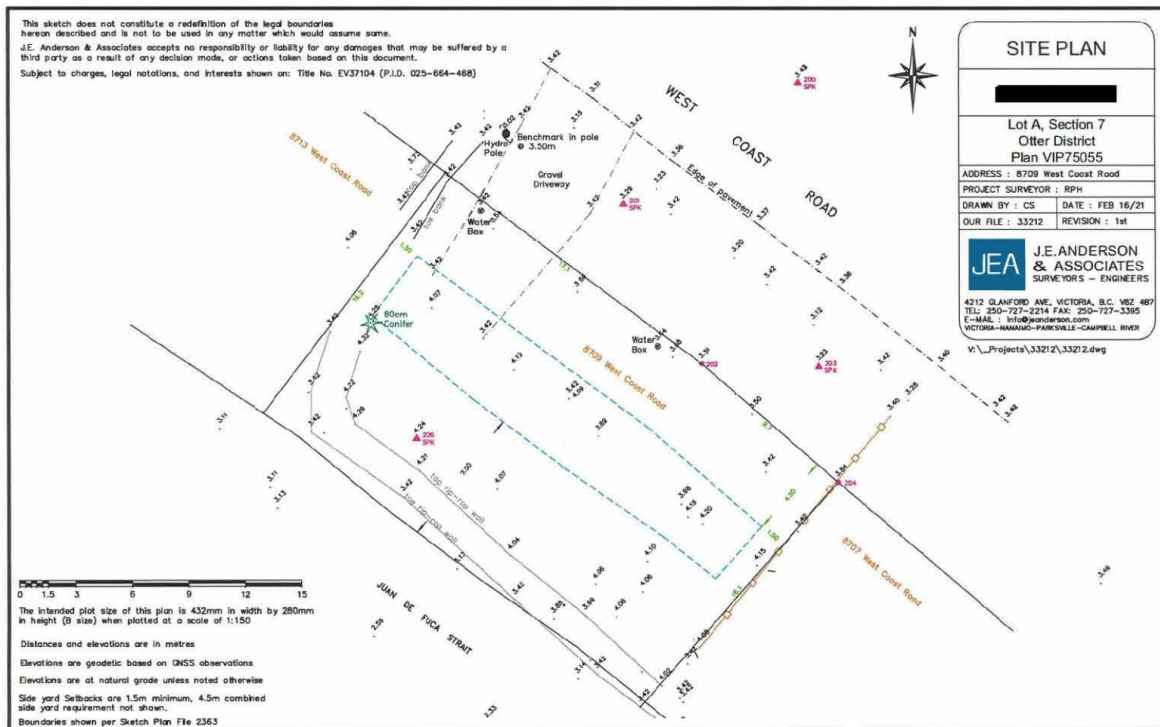
Attachments Site Photograph
JE Anderson Site Plan
Architectural Cross Section
Seawall Construction Detail

Proposed Residential Development
8709 West Coast Road – Otter Point, BC

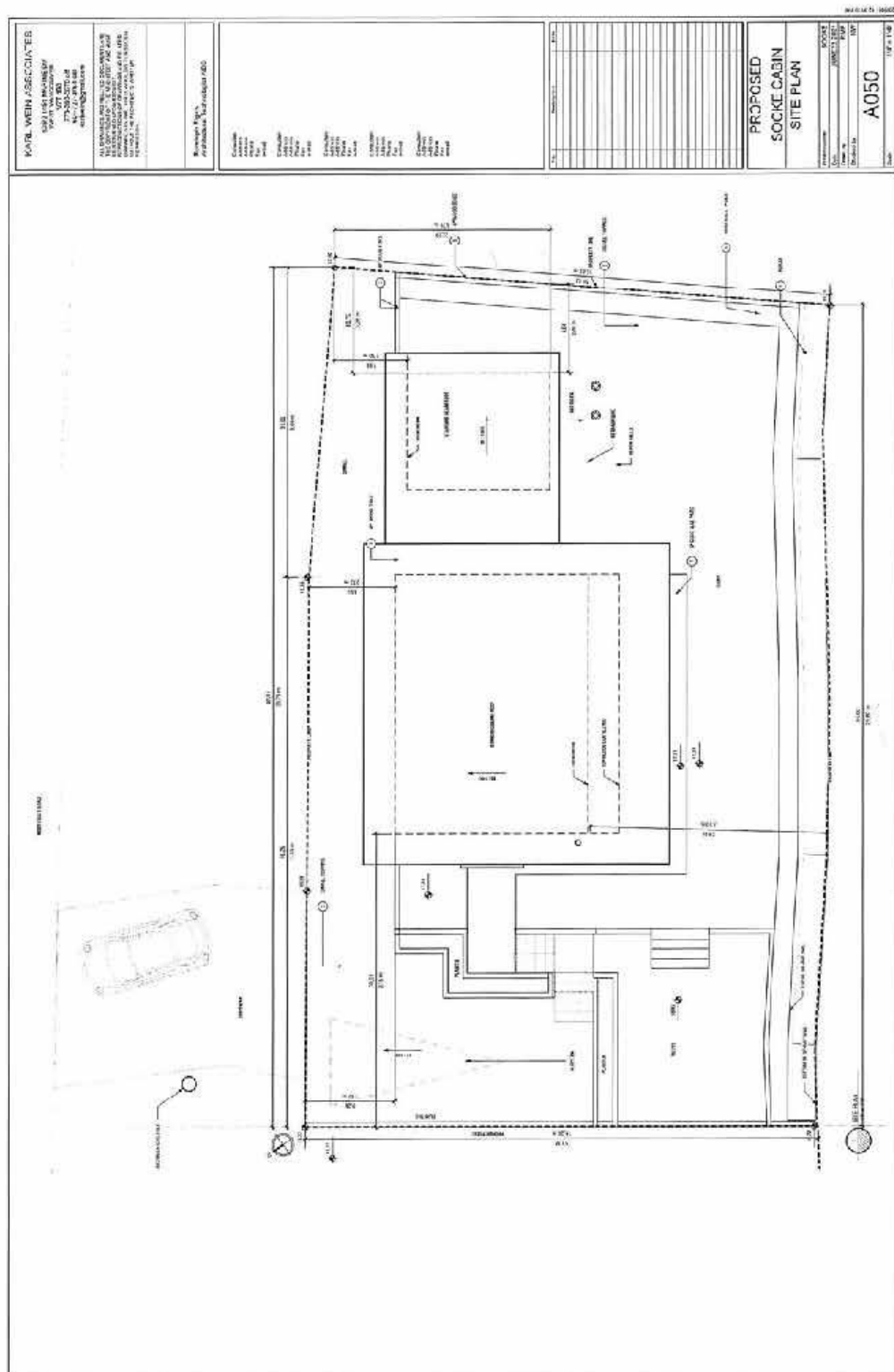
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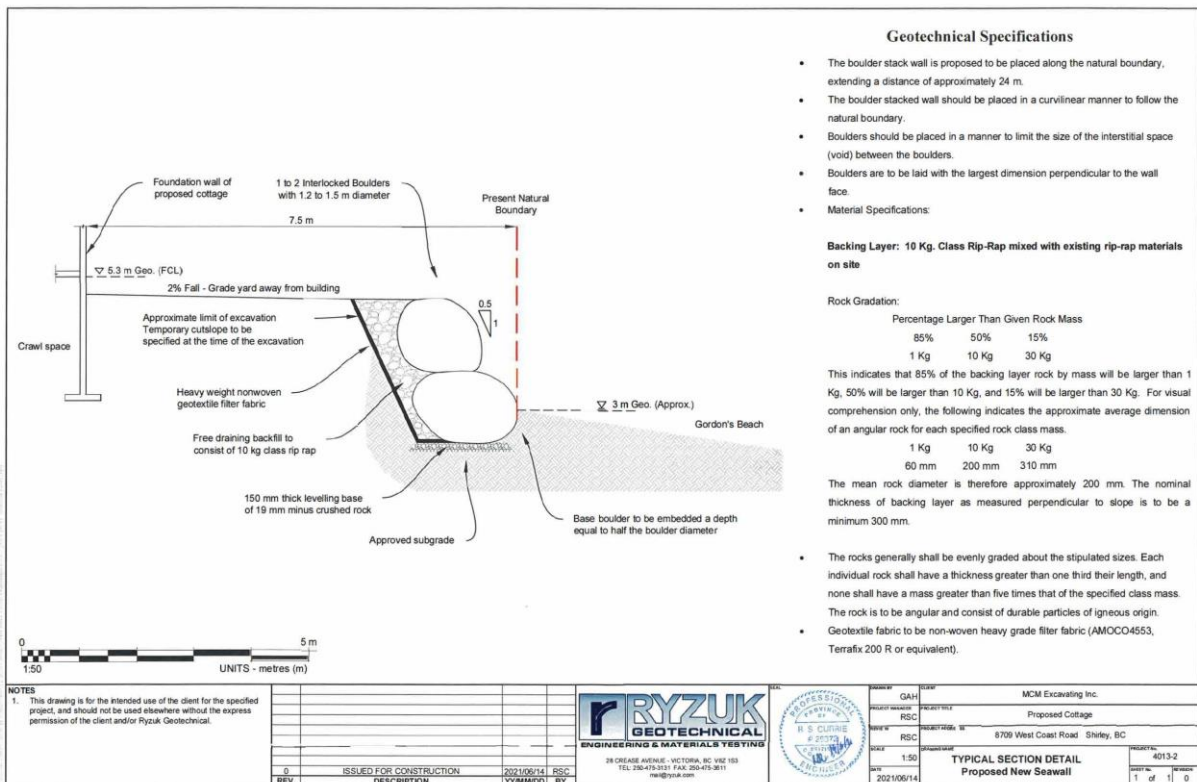


Site Photograph Looking to Southeast across development site











RYZUK GEOTECHNICAL
Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

March 23, 2021
File No: 4013-2

MCM Excavating Inc.
(by email: [REDACTED])

Attn: [REDACTED]

Dear Sir,

Re: Flood Construction Level Assessment
8709 West Coast Road - Shirley, BC

As requested, we have undertaken a geotechnical background review and analysis of the flooding hazard at the referenced site in order to determine the Flood Construction Level (FCL) as such relates to the proposed construction of new cottage. Our work and recommendations herein have been provided in accordance with, and are subject to, the attached Terms of Engagement.

PROPOSED DEVELOPMENT

The site is located within the central portion of Gordon's Beach, generally bounded by similar residential properties to the northwest and southeast, Highway 14 to the northeast, and the foreshore of the Strait of Juan de Fuca to the southwest. The terrain slopes gently up from the edge of the road to a level area which is noted on the attached survey drawing to have an elevation of approximately 4 m geodetic. The original cottage present in this area of the site had been demolished prior to our attendance. An arrangement of stacked boulders likely defines the southwestern property line (Present Natural Boundary) with the beach beyond. Soils at the site, where visible at the surface, were generally noted to consist of compact gravel, similar to the shoreline deposits present with the adjacent beach. See attached JE Anderson Site Plan, dated Feb 16/21, and site photograph.

We consider the shoreline within the location to be subject to moderately high wave energy, particularly during winter storms. This is evident by the presence of a relatively steep shoreline slope. When coupled with high tides, the wave impact area extends up to the stacked boulders, as indicated by the presence of driftwood and littoral drift along the backshore.

Ryzuk Geotechnical

Flood Construction Level Assessment
8709 West Coast Road - Shirley, BC

March 23, 2021

DETERMINATION OF FLOOD CONSTRUCTION LEVEL (FCL)

The FCL may be defined as the minimum required elevation of the underside of a wooden floor system or the top of a grade supported concrete slab floor, for habitable buildings. The FCL for the site was determined considering the methodology outlined in the following Guideline documents:

- Aecom – Capital Regional District, Modelling of Potential Tsunami Inundation Limits and Run-Up, June 2013.
- Aecom – Capital Regional District, Sea Level Rise Risk Assessment, January 2015.
- Ausenco Sandwell – Climate Change Adaption Guidelines for Sea Dikes and Coastal Flood Hazard Land Use; Guidelines for Management of Coastal Flood Hazard Land Use, 27 January 2011.
- Engineers and Geoscientists BC – Professional Practice Guidelines, Legislated Flood Assessments in a Changing Climate in BC, v2.1, 28 August 2018.
- James, T.S., Henton, J.A., Leonard, L.J., Darlington, A., Forbes, D.L., and Craymer, M. Relative Sea-level Projections in Canada and the Adjacent Mainland United States, Geological Survey of Canada, Open File 7737, 2014.
- Kerr Wood Leidel – Provincial Guidelines for Coastal Floodplain Mapping, June 2011.
- Province of British Columbia – Flood Hazard Area Land Use Management (FHALUM) Guidelines, May 2004, Amended January 2018 (Sections 3.5 and 3.6).
- Capital Region Coastal Flood Inundation Mapping Project Summary (2020)

The Flood Construction Level for coastal areas was determined following the methodology outlined in the Provincial “Guidelines for Management of Coastal Flood Hazard Land Use,” published in January 2011 and the Provincial Guidelines for “Coastal Floodplain Mapping” published in June 2011. Further, the “Flood Hazard Area Land Use Management Guidelines” with amendments of January 1, 2018, specifically related to coastal flood construction levels was also reviewed.

The FCL was calculated following the “Combined Method” provided in the FHALUM Guidelines. Additional information required to establish the FCL was obtained from the Canadian Hydrographic Service (CHS). The FCL methodology utilizes the highest predicted tide (HHWLT) which was provided by the CHS as a base, upon which the predicted Sea Level Rise (SLR), storm surge, wave effect, local uplift, as well as an additional free board factor were considered.

The Provincial Guidelines outline a 1.0 m sea level rise, and accordingly, a factor of 1.0 m was applied to account for the predicted 100-year sea level rise (Ausenco Sandwell). In addition, a correction factor has been added to account for regional uplift and isostatic rebound. A regional uplift rate of – 3 mm/year was selected for the area based on “Relative Sea-level Projections in

Flood Construction Level Assessment
8709 West Coast Road - Shirley, BC

March 23, 2021

Canada and the Adjacent Mainland United States” by James et al. (2014), therefore the FCL has been reduced by 0.3 m over the 100-year sea level rise period. An estimated wave effect of 1 m, and a freeboard amount of 0.6 m have also been included in the analysis. The following table summarizes how the FCL was determined.

Table 1: Summary of FCL calculations (geodetic)

Item:	(m geo)	Notes:
Higher High Water Large Tide (HHWLT)	1.7	As per CHS ¹ – based on the Sooke Tidal Station
Total Storm Surge during “designated storm”	1.3	As per Guidelines for Victoria – 1:500 annual probability of exceedance storm event
Estimated wave effect	1.0	0.35 m above Guidelines
Regional Uplift	-0.3	3 mm/year for Juan De Fuca Area
Sea Level Rise (SLR)	1.0	As per Guidelines
Free Board Factor	0.6	0.3 m above Guidelines
FLOOD CONSTRUCTION LEVEL (m geodetic)	+5.3	

¹ Canadian Hydrographic Service

The storm surge and estimated wave effect components of the FCL were estimated based on recommendations for the area in the Guidelines. However, the storm surge and wave effect will vary based on the local conditions of a given site. No site-specific analyses were completed to quantify the effect of local conditions at the site on the storm surge and wave effect.

We have not undertaken detailed wave run-up analyses or associated magnitude return period frequency analyses of tsunami events to quantify the risk at the referenced site. A review of the Capital Region Coastal Flood Inundation Mapping Project Summary (2020) indicates a maximum water level of 4.9 m for the Juan De Fuca Electoral Area (inclusive of the mean tidal elevation) for a design 1:500 annual probability of exceedance earthquake (CSZ-NS). As per Amendment Section 3.5 of “Flood Hazard Area Land Use Management Guidelines” (2018) the greater of the tsunami maximum water level and FCL shall apply. The FCL is the greater of the two for the subject site, and as such the FCL of 5.3 m is recommended. However, we do recommend that residents review and understand the Provincial Tsunami Advanced Warning System as modelling indicates that water levels may reach 7.4 m geodetic for a tsunami with a 1:2500 annual probability of exceedance (CSZ-L1).

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Based on the above, and in general accordance with the Guidelines, a FCL (or minimum elevation for habitable spaces) of **5.3 m Geodetic** is recommended for the site.

ROLE OF QUALIFIED PROFESSIONALS

Section 3.7.2.1 of the EGBC Guidelines notes that the Province of BC has not adopted Flood Risk tolerance criteria, yet professional practice standards generally imply some level of risk tolerance. Commentary within this Section advises that when a Qualified Professional (QP) provides the statement that “the land may be safely used for the use intended” that the QP is declaring that the risks and consequences of a given Hazard Scenario are tolerable or acceptable. As defined by the Guidelines, “tolerable” risks are “those that society can live with given the perceived or real benefit that emerges by developing in a hazardous area”, while “acceptable” risks are those broadly accepted by society. In the case of tolerable risks, such require monitoring and typically there are conditions associated with the safe land use. It is not for the QP to stipulate the tolerable or acceptable risk criterion and accordingly the definition of safe use must be clearly outlined in the report such that the Regulatory Agency is aware of the implications in their decision making.

It is important to note that the objectives of the FHALUM Guidelines and as elaborated upon in the EGBC Professional Practice Guidelines is “to reduce or prevent injury, human trauma, and loss of life and to minimize property damage from flooding events in B.C.” It is also important to recognize that both documents have been prepared to address *all* types of flooding, not simply coastal flooding due to sea level rise. The potential for injury, trauma, loss of life and property damage is orders of magnitude greater when one considers flooding of major systems such as the Fraser River, or high energy events such as debris flows, torrents or major channel avulsion. Sea level rise is foreseeable and in conjunction with extreme tides the design event will be highly predictable such that the public has sufficient time to protect themselves and their assets before inundation would occur.

It also must be recognized that it is not an absolute requirement for a QP to adhere to each and every stipulation within either the EGBC Guidelines or the FHALUM Guidelines. This is clearly stated in Section 1.4 of the EGBC Guidelines:

“Notwithstanding the purpose and scope of these guidelines, an Engineering/Geoscience Professional’s decision not to follow one or more aspects of the guidelines does not necessarily represent a failure to meet required professional obligations. Such judgements and decisions depend upon weighing facts and circumstances to determine whether another reasonable and prudent QP, in a similar situation, would have conducted himself/herself similarly.”

We maintain that the calculated FCL is conservative and such is expressly stated in the EGBC Guidelines. Section G5 reads, with emphasis added:

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“Recent studies (Mazzotti et al. 2008) project relative sea level rise on the BC coast to 2100. For the Fraser River delta, the rise is expected to be between 32 and 68 cm, with a contribution of 1 to 2 mm/a (10 to 20 cm for a century) from sediment consolidation (Mazzotti et al. 2009). (On loaded sites, short-term subsidence may be an order of magnitude higher.) At Victoria, the range of expected sea level rise is 17 to 34 cm, and at Prince Rupert it is 18 to 75 cm (from projection of GPS trends). These results are different than global averages. On the outer coast of Vancouver Island, however, sea level is expected to fall because of tectonic effects, but that effect might be offset by the occurrence of a major earthquake. There is evidence for past sudden coastal subsidence of up to 2 m (Hyndman and Rogers 2010). In view of changing rates of sea level rise, however, a recent conservative estimate for planning purposes is that sea level rise on the BC coast may be as much as 1 m by the end of the century (Ausenco Sandwell 2011). Ausenco Sandwell (2011) further discusses issues and guidelines to be incorporated into a program of upgrading sea defenses to meet the circumstances of rising sea level.”

We draw a parallel between flood hazard and seismic hazard. Except in the case of Post Disaster structures, it is generally accepted that many new buildings will sustain significant damage and may not be habitable subsequent to the design event. The critical test is that the building must remain safe for egress to protect against loss of life and human trauma. It is unlikely that lives will be lost or human trauma at site will result, as the result of flooding associated with sea level rise. It is highly likely that economic losses will occur in the area, but this will occur regardless of whether development proceeds at the subject site.

As climate change and sea level rise occur, the impact of flooding events beyond the current boundary of the sea can be expected to advance incrementally with time. Accordingly, advance notice of months or even years would be available to owners/users to allow safe access and egress, removal of personal effects, as well as to consider floodproofing improvements to the building to mitigate the increasing level of risk. This is not a case where instantaneous, devastating, or unforeseeable conditions could occur, as might be anticipated with a high energy channel avulsion or debris flow path, high flow velocities, or deep flood water.

SUMMARY

For the structure proposed, we understand that it will be possible to achieve underside of a wooden floor system or the top of a concrete slab floor, for both the habitable and non-habitable buildings at 5.3 m geodetic. Accordingly, we consider that the land may be used for the use intended in accordance with Section 56 of the Community Charter. A Flood Assessment Statement is attached.

Amendment to Section 3.5 and 3.6 of “Flood Hazard Area Land Use Management Guidelines” (2018) also indicates that for new building lots, a setback of 15 m from the calculated Year 2100 FCL should be implemented. However, on established lots, where meeting such would render the lot sterile, the approving official may agree to modify setback requirements, provided that this is augmented through a restrictive covenant stipulating the hazard, building requirements, and

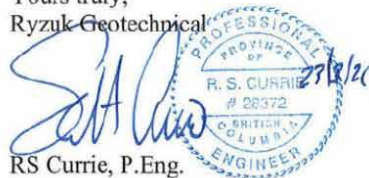
Flood Construction Level Assessment
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liability disclaimer. Accordingly, and in lieu of meeting the FCL setback guideline, a restrictive covenant will likely be required on title such that current and future owners are aware of the risk for any part of the structure that is constructed within the Year 2100 setback, while insurers and the Capital Regional District are held harmless.

We trust the preceding is suitable for your purposes at present, if you have any questions or require further clarification, please contact us.

Yours truly,
Ryzuk Geotechnical



R.S. Currie, P.Eng.
Geotechnical Engineer



Andrew Jackson, P.Geo. P.L.Eng.
Review Geoscientist

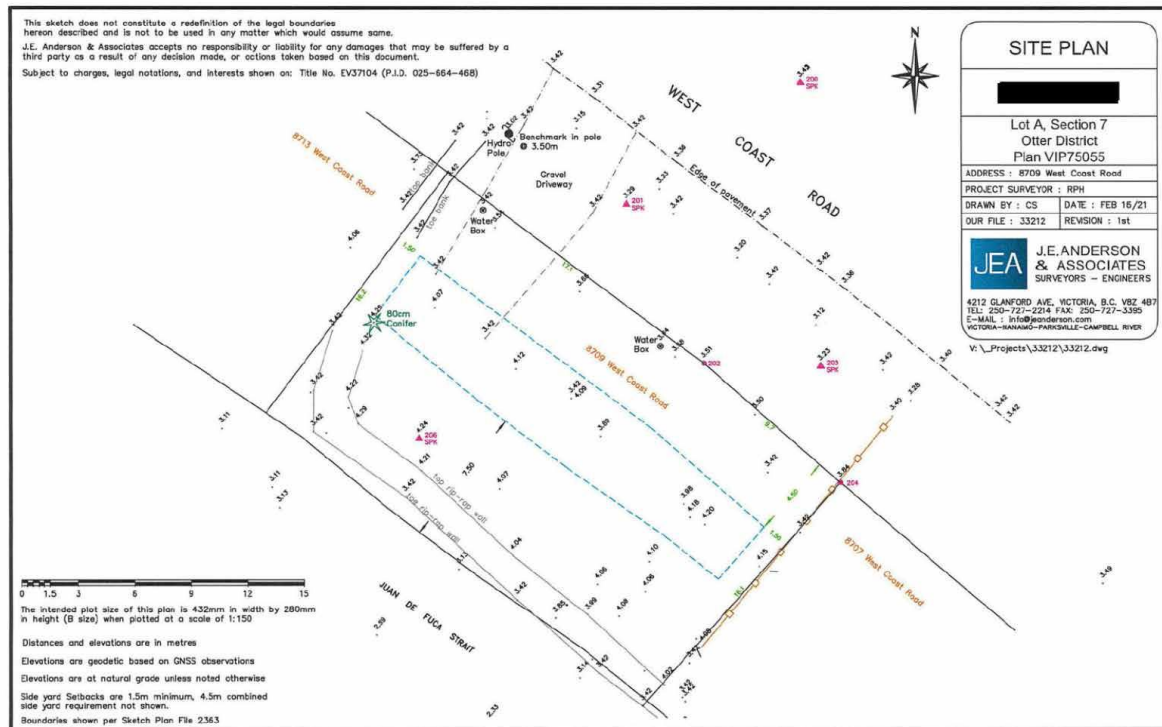
Attachments Site Photograph
JE Anderson Site Plan
Flood Assessment Statement

Flood Construction Level Assessment
8709 West Coast Road - Shirley, BC

March 23, 2021



Site Photograph – Looking to Southeast across development site



FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC (the guidelines) and is to be provided for flood assessments for the purposes of the Land Title Act, Community Charter, or the Local Government Act. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

Date: 23 March 2021

CAPITAL REGIONAL DISTRICT
P.O. Box 1000 Victoria BC V8B 2S6
Jurisdiction and address

With reference to (CHECK ONE):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☐ Local Government Act (Part 14, Division 7) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 524) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 524) – Flood Plain Bylaw Exemption

For the following property ("the Property"):

8709 WEST COAST ROAD - SHIRLEY, BC
Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

- ☐ 1. Consulted with representatives of the following government organizations:

- ☒ 2. Collected and reviewed appropriate background information
- ☒ 3. Reviewed the Proposed Development on the Property
- ☐ 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- ☒ 5. Conducted field work on and, if required, beyond the Property
- ☒ 6. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 7. Considered any changed conditions on and, if required, beyond the Property
- 8. For a Flood Hazard analysis I have:
 - ☒ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
 - ☒ 8.2 Estimated the Flood Hazard on the Property
 - ☒ 8.3 Considered (if appropriate) the effects of climate change and land use change
 - ☒ 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others
 - ☐ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report
- 9. For a Flood Risk analysis I have:
 - ☐ 9.1 Estimated the Flood Risk on the Property
 - ☐ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
 - ☐ 9.3 Estimated the Consequences to those Elements at Risk

PROFESSIONAL PRACTICE GUIDELINES
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☒ 10.1 A standard-based approach
 - ☐ 10.2 A Risk-based approach
 - ☐ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
 - ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☒ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
 - ☒ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
 - ☒ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
 - ☐ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
 - ☐ 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
 - ☐ 12.4 Compared the guidelines with the findings of my flood assessment
 - ☐ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
- ☐ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
- ☐ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- ☒ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☐ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

[CHECK ONE]

- ☐ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":

[CHECK ONE]

- ☐ With one or more recommended registered Covenants.
- ☐ Without any registered Covenant.
- ☐ For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".

- ☒ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":

[CHECK ONE]

- ☒ With one or more recommended registered Covenants.
- ☐ Without any registered Covenant.
- ☐ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".
- ☐ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

PROFESSIONAL PRACTICE GUIDELINES
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

23 MARCH 2021
Date

RIZUK GEOTECHNICAL LTD
Prepared by

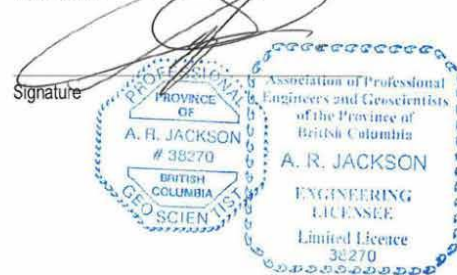
Scott Currie
Name (print)
[Signature]
Signature

Unit #6-40 CADILLAC AVE
Address
VICTORIA BC V8Z 1T2

250 475 3131
Telephone

Scott@ryzuk.com
Email

Reviewed by
[Signature]
Name (print)



If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm RIZUK GEOTECHNICAL LTD
and I sign this letter on behalf of the firm. (Name of firm)

PROFESSIONAL PRACTICE GUIDELINES
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

Appendix F: Development Permit with Variance DV000080



CAPITAL REGIONAL DISTRICT
DEVELOPMENT PERMIT WITH VARIANCE DV000080

1. This Development Permit with Variance is issued under the authority of Sections 490, and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:

PID:	025-664-468;
Folio:	762.16032.039
Legal Description:	Lot A, Section 7, Otter District, Plan VIP75055
3. This development permit authorizes construction of a single-family dwelling (the "development") on the Land, located within the development permit areas established under the Otter Point Official Community Plan, 2014, Bylaw No. 3819, Section 6.4 (Marine Shoreline Areas), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a. That the proposed development comply with the Site Plan dated May 19, 2021;
 - b. That the proposed development comply with the Building Design Drawings May 13, 2021;
 - c. That the proposed development comply with the recommendations outlined in the Geotechnical Reports certified by Scott Currie, P.Eng., dated June 14, 2021, and certified by Scott Currie, P.Eng. and Andrew Jackson, P.Geo., L.Eng., dated March 23, 2021; and
 - d. That upon substantial completion of the development, a final report be submitted from a qualified professional confirming that the recommendations outlined in the Geotechnical Reports have been completed in accordance with the reports.
5. The Capital Regional District's **Bylaw No. 2040** is varied under Section 498 of the *Local Government Act* as follows:
 - a. Part 1, Section 2.0 by varying the definition of *height* as it applies to the proposed single-family dwelling to mean the average vertical distance from finished grade at the outermost corners of the building to the mean level of the highest roof plane between the eaves and the ridge of a sloping roof;
 - b. Part 2, Section 13A.11(b) to allow that the elevation of the lot may be increased in accordance with the Building Design Drawings and Geotechnical Reports; and
 - c. Part 2, Section 13A.13(a) to reduce the front yard setback from 4.5 m to 2.3 m in accordance with the Site Plan.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000080) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.



DV000080

9. The following plans and specifications are attached to and form part of this Permit:
 - Appendix A: Site Plan
 - Appendix B: Building Design Drawings
 - Appendix C: Geotechnical Reports
10. This Permit is NOT a Building Permit.
11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2021.

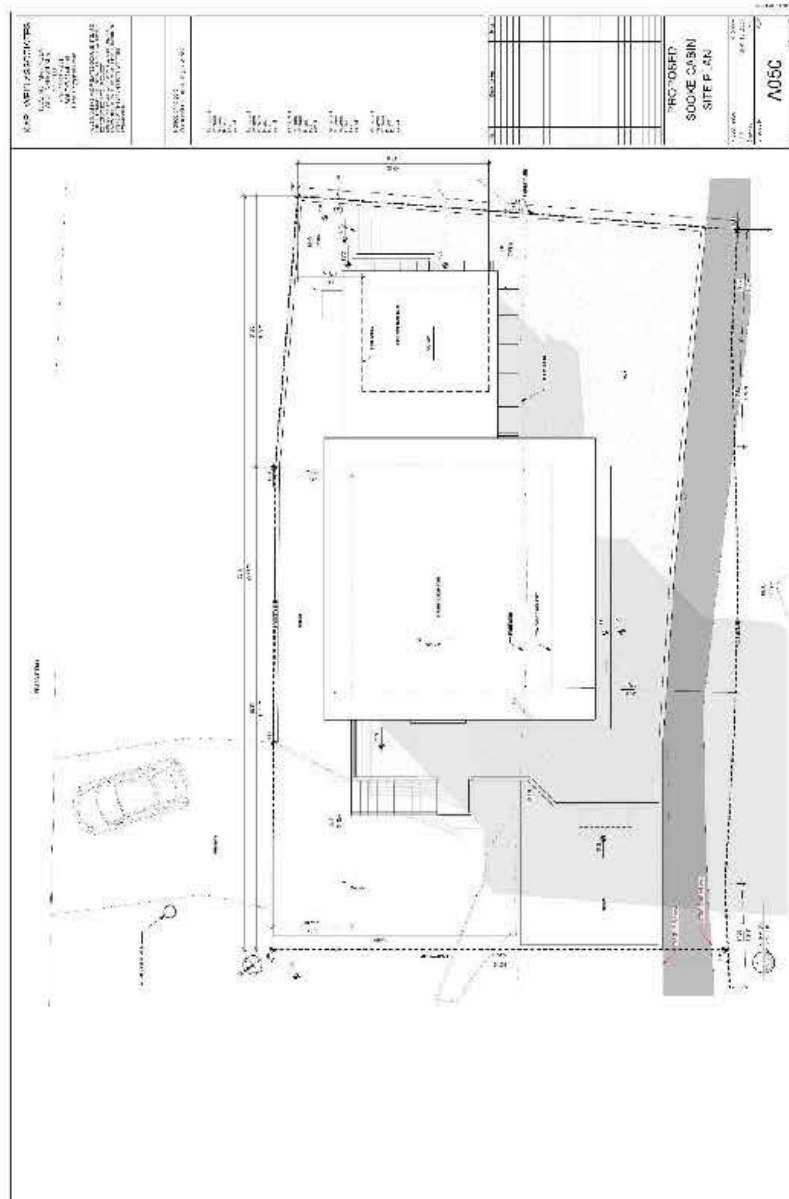
ISSUED this ____ day of _____, 2021

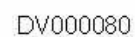
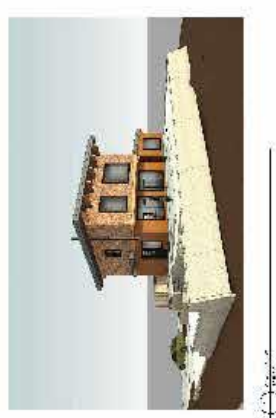
Kristen Morley
Corporate Officer



DV000080

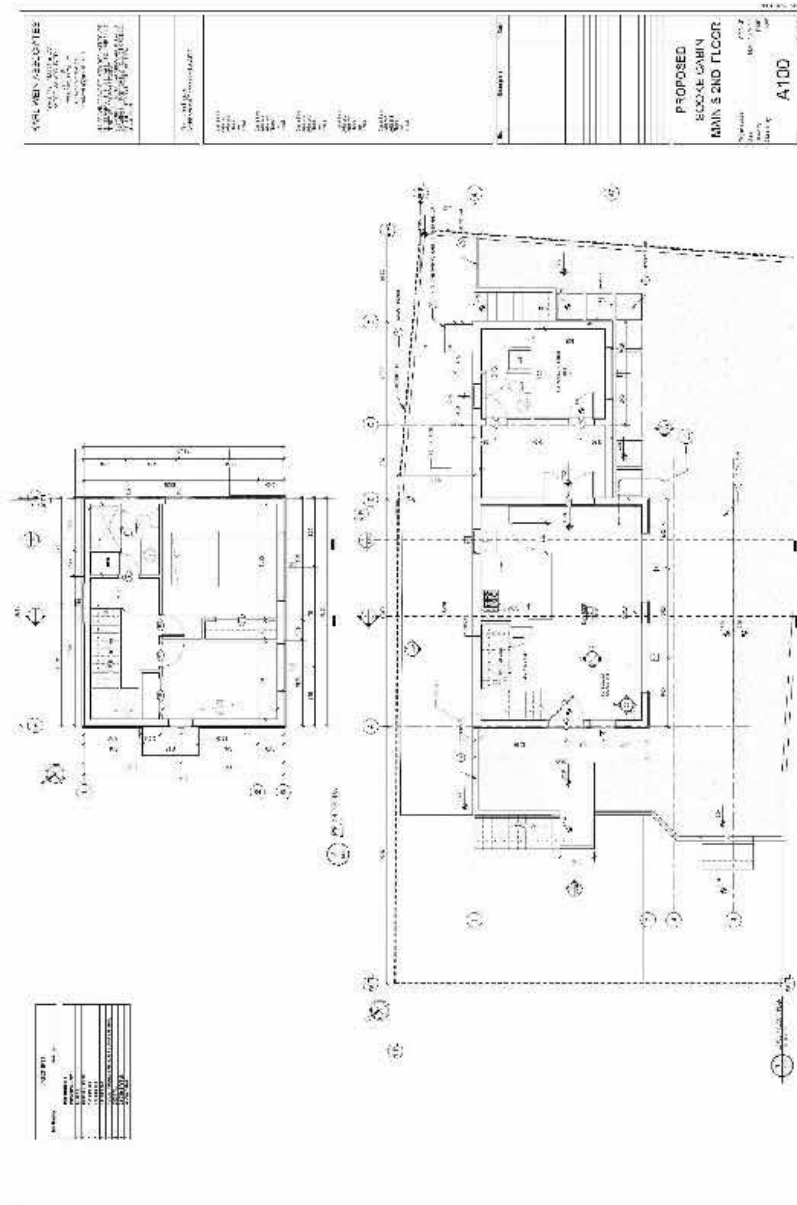
Appendix A: Site Plan



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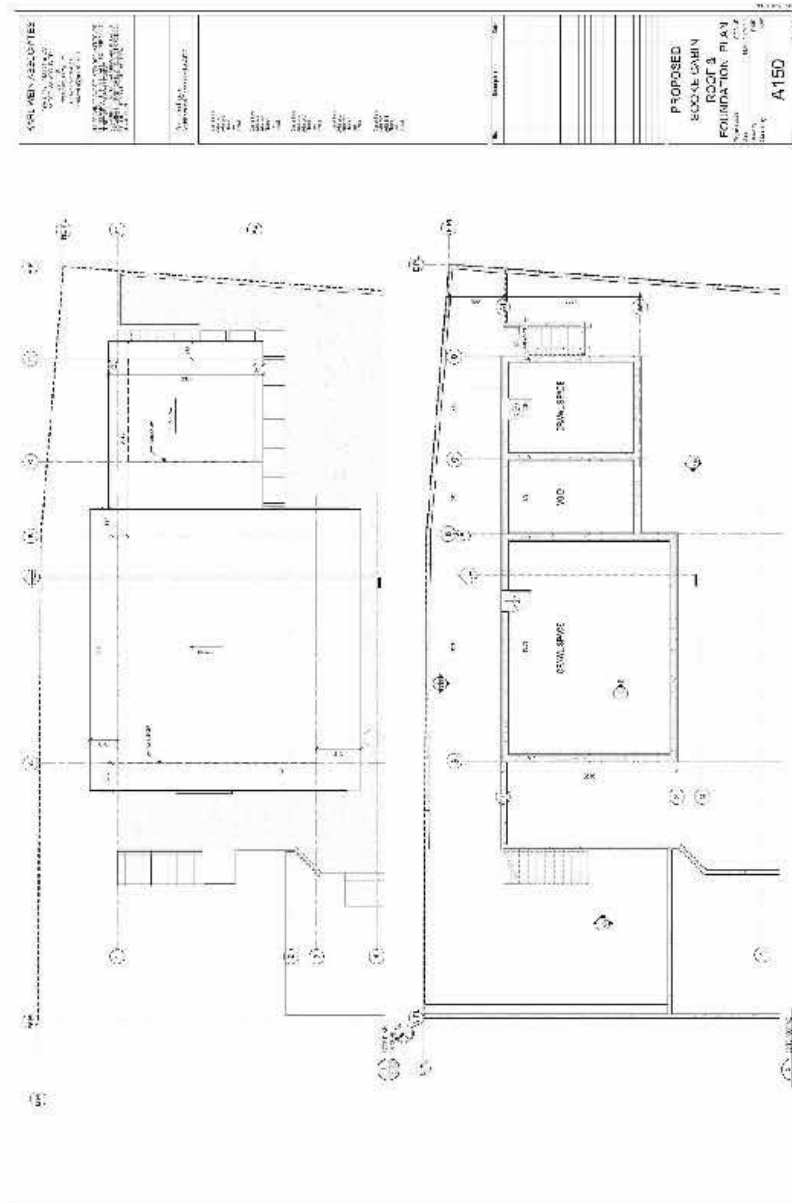


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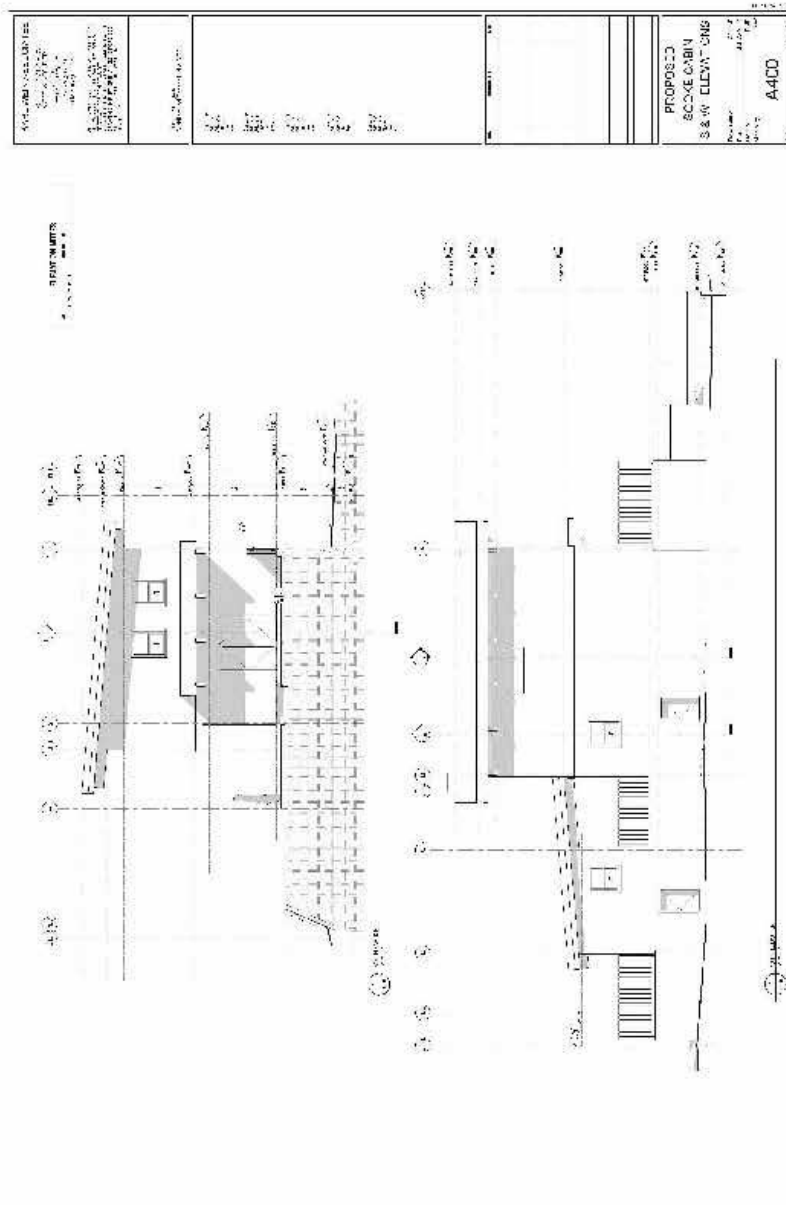


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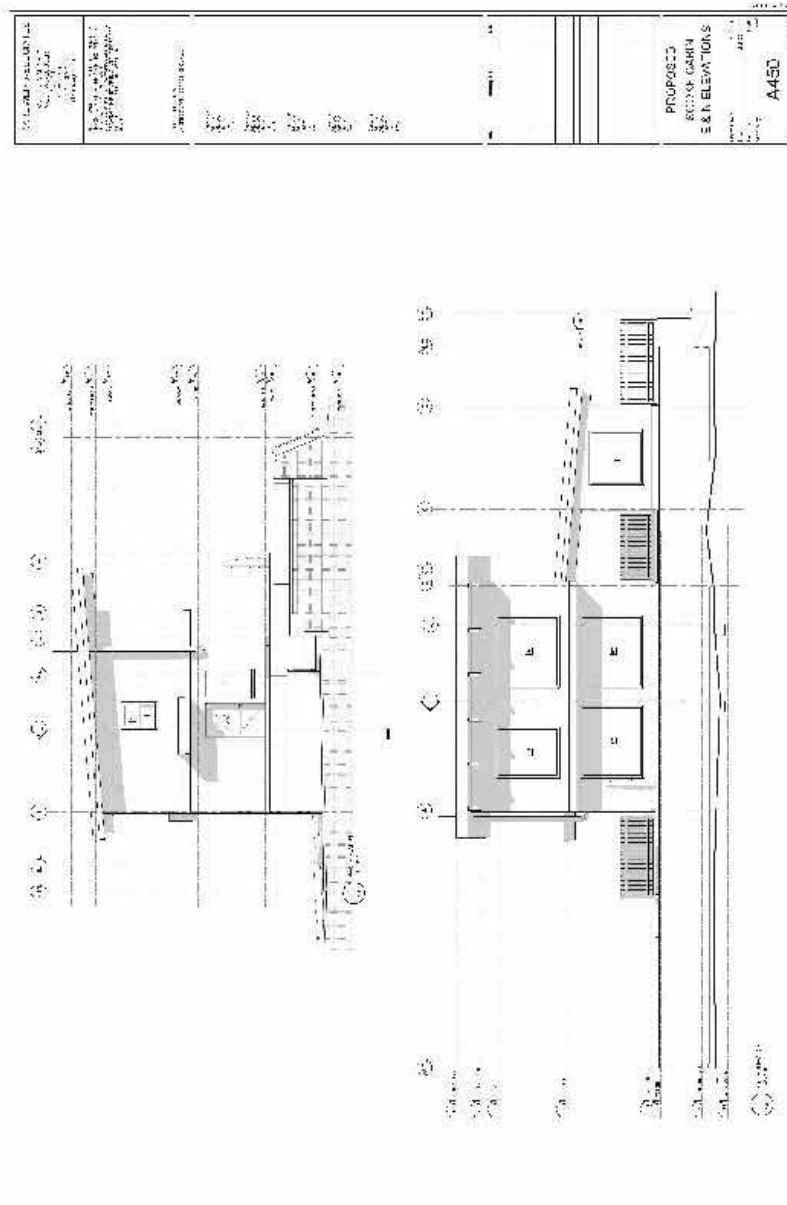


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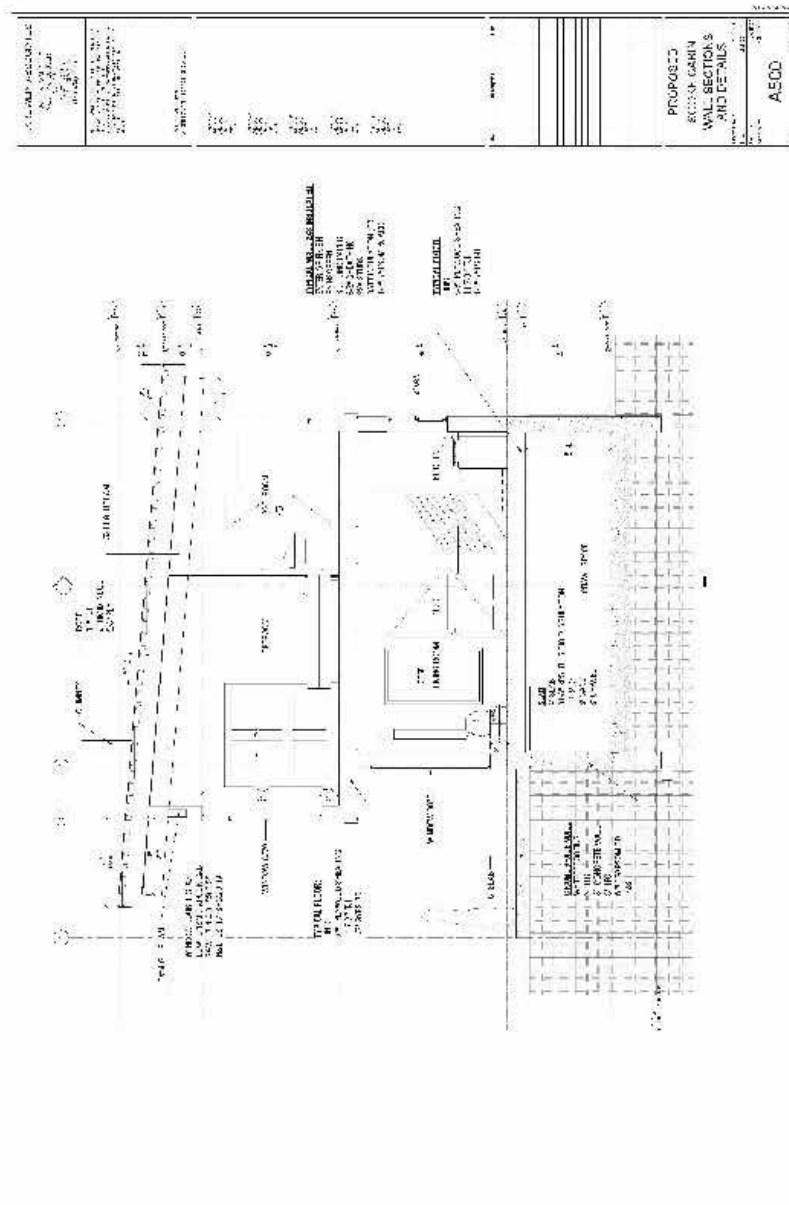


DV000080





DV000080





DV000080

Appendix C: Geotechnical Reports



June 14, 2021
File No: 4013-2

MCM Excavating Inc.
(by email: [REDACTED])

Attn: [REDACTED]

Dear Sir,

Re: Proposed Residential Development
8709 West Coast Road Otter Point, BC

As requested, we have attended site to carry out a geotechnical assessment as such relates to the construction of a new dwelling (cottage). The site is located within Development Permit Area No.2: Marine Shorelines Areas, as defined by the Otter Point Official Community Plan, Bylaw No. 3819. The proposed dwelling footprint is located within the 15 m setback from the Present Natural Boundary (PNB) noted in DPA No.2, with the current proposal indicating that a 7.5 m setback is being sought. We understand that imposition of the 15 m setback may render the existing lot sterile to development due to the accompanying front yard setback from West Coast Road. We understand that geotechnical commentary is required in order to support the requested setback relaxation. Our work has been completed in accordance with the previously accepted Terms of Engagement.

Previous Ryzuk Geotechnical Ltd. (Ryzuk) involvement at the site has included preparation and submission of our letter report of March 3, 2021, where commentary and recommendations were provided in relation to a suitable Flood Construction Level (FCL) for this development site. The elevation determined for underside of floor system was 5.3 m Geodetic.

The site is located within the central portion of Gordon's Beach, generally bounded by similar residential properties to the northwest and southeast, Highway 14 to the northeast, and the foreshore of the Strait of Juan de Fuca to the southwest. The terrain slopes gently up from the edge of the road to a level area which is noted on the attached survey drawing to have an elevation of approximately 4 m geodetic. An original cottage present in this area of the site had been demolished prior to our attendance. An existing arrangement of stacked boulders forms a seawall that defines the southwestern property line (Present Natural Boundary) with the beach beyond. Soils at the site, where visible at the surface, were generally noted to consist of compact gravel, similar to the shoreline deposits present with the adjacent beach, although some

Ryzuk Geotechnical



DV000080

Proposed Residential Development:
8709 West Coast Road – Otter Point, BC

June 14, 2021

disturbance to native deposits should be expected as a result of past use. See attached Site Photograph and the JB Anderson Site Plan, dated Feb 16/21.

It is proposed that a new cottage be constructed at the site. We understand that such will be a two storey wood framed structure utilizing conventional shallow concrete foundations and crawl space. Foundation loads are expected to be light. Associated landscaping and civil infrastructure is anticipated. See attached Cross Section A430 by Karl Wein Associates. We understand that the height of the main floor has been positioned in accordance with the recommendations of our previous FCL report.

We understand from discussions with the CRD that as part of consideration being given to this development and the requested relaxation, that confirmation of the suitability of the existing seawall is required. As we were not involved with the construction of the original wall, we would recommend that such be re-constructed to provide protection from active erosion of the shoreline frontage over the long term. We consider the shoreline within the location to be subject to moderately high wave energy, particularly during winter storms. This is evident by the presence of a relatively steep shoreline slope. When coupled with high tides, the wave impact area extends up to the current arrangement of stacked boulders, as indicated by the presence of driftwood along the backshore.

We recommend that new (or reconstructed) seawall of sound, durable, 1.2 m to 1.5 m diameter boulders be placed just back from the PNB to create a wave barrier. The base row of boulders should be embedded by 1/3 boulder dimension and fit tightly together with the rough facing profile acting to reduce longshore wave amplification effects. The boulders must be backfilled with a nominal 1 m wide thickness of compacted 10 kg class rip rap and then a layer of heavy weight filter fabric to prevent migration of fines from the site due to wave action. See attached Seawall Construction Detail drawing. The boulders should also be rammed along the side yard property boundaries by several meters to retain the fill as required. This seawall/barrier may require maintenance from time to time and should be adequate to provide protection over the next 50 to 75 years. Existing boulders from the current seawall may be suitable for re-use, subject to inspection. Further, we do not consider this installation will result in an increase of erosion to adjacent properties over the noted design life. The top of the boulder sea wall must be sufficient in order to provide cover and protection for the foundations of the new dwelling but does not necessarily need to extend up to the FCL level. We note on the architectural plans/sections that concrete landscaping walls are utilized to raise the site grade to the main floor level.

We consider that the undisturbed native mineral soils of the site, or engineered fill placed upon said, will be suitable for support of the proposed foundations. A bearing resistance of 145 kPa (SLS) / 215 kPa (ULS) is considered suitable for design purposes. All subgrade bearing must be inspected and approved by a geotechnical professional prior to foundation pour. We consider that the collected drainage from the residence and hard surfaces could be directed to a shallow infiltration pit filled with drain rock and dug into the coarse native gravels. We do not expect that the site work would create a significant risk of sediment ingress to the foreshore. However, disturbed soils should be revegetated as soon as possible following disturbance, and all fills should be placed and compacted in thin lifts and not loosely stockpiled within 5 m of the PNB. Furthermore, the equipment operation and site work should be compliant with the DFO procedures due to working close to the shoreline.

Ryzuk Geotechnical

Page 2



DV000080

Proposed Residential Development
8709 West Coast Road – Otter Point, BC

June 14, 2021

Given the above, we consider the proposed construction of a single family residence to be feasible at the proposed site location. We consider that the land may be used safely for the use intended, pursuant to Section 56 of the Community Charter and Section 219 of the Land Title Act. Our assessment considers a design seismic occurrence with a 2% probability of exceedance in 50 years.

As climate change and sea level rise occur, the impact of flooding events beyond the current boundary of the sea can be expected to advance incrementally with time. Accordingly, advance notice of months or even years would be available to owners/users to allow safe access and egress, removal of personal effects, as well as to consider flood proofing improvements to the building to mitigate the increasing level of risk. This is not the case where instantaneous and devastating conditions could occur, as might be anticipated with a high energy seismic event resulting in tsunami. Commentary on the hazard and risk associated with tsunami was provided in our FCL report.

We trust the preceding is suitable for your purposes at present, if you have any questions or require further clarification, please contact us.

Yours truly,
Ryzuk Geotechnical

RS Currie, P.Eng.
Geotechnical Engineer

Attachments: Site Photograph
JE Anderson Site Plan
Architectural Cross Section
Seawall Construction Detail



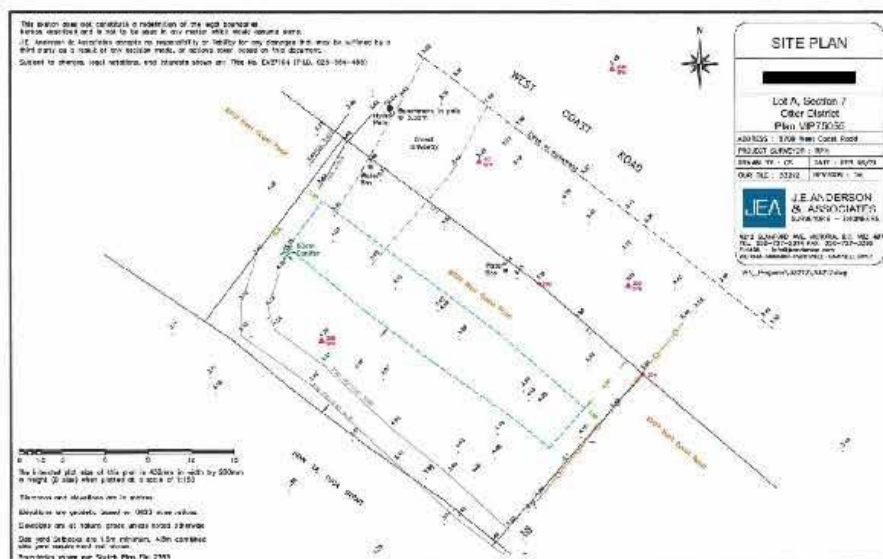
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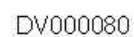
Proposed Residential Development
8709 West Coast Road – Otter Point, BC

June 14, 2021



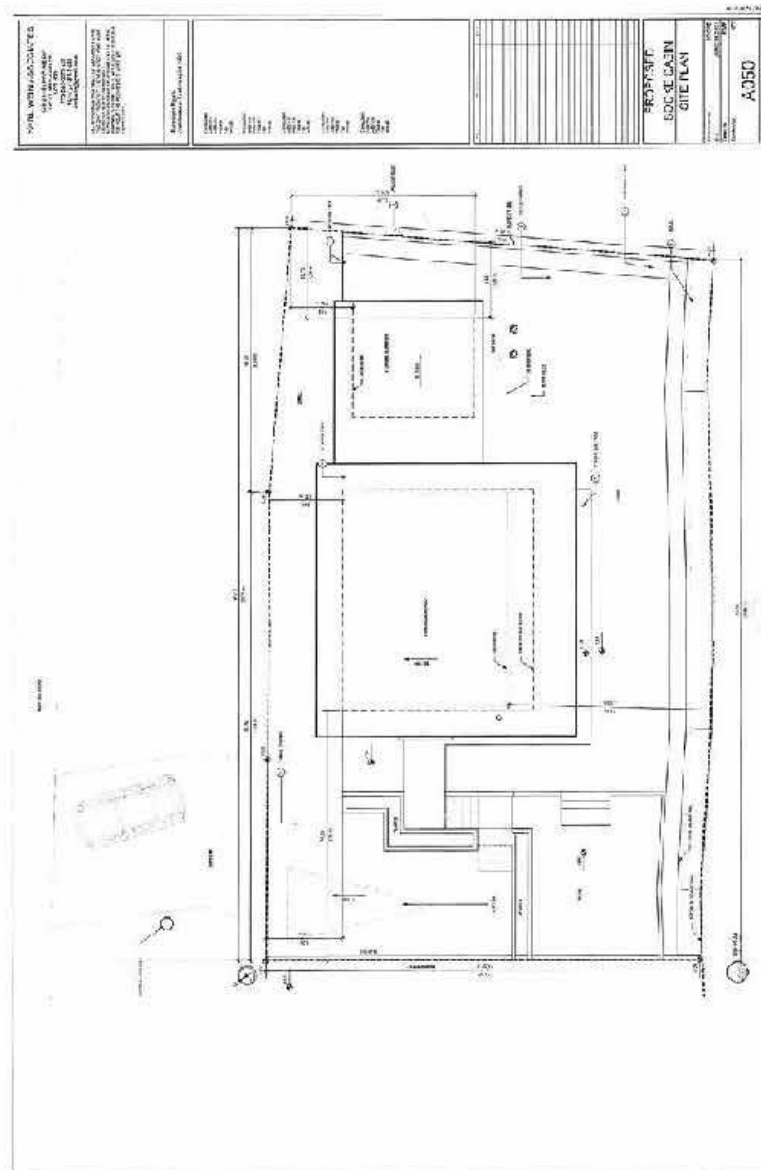
Site Photograph Looking to Southeast across development site

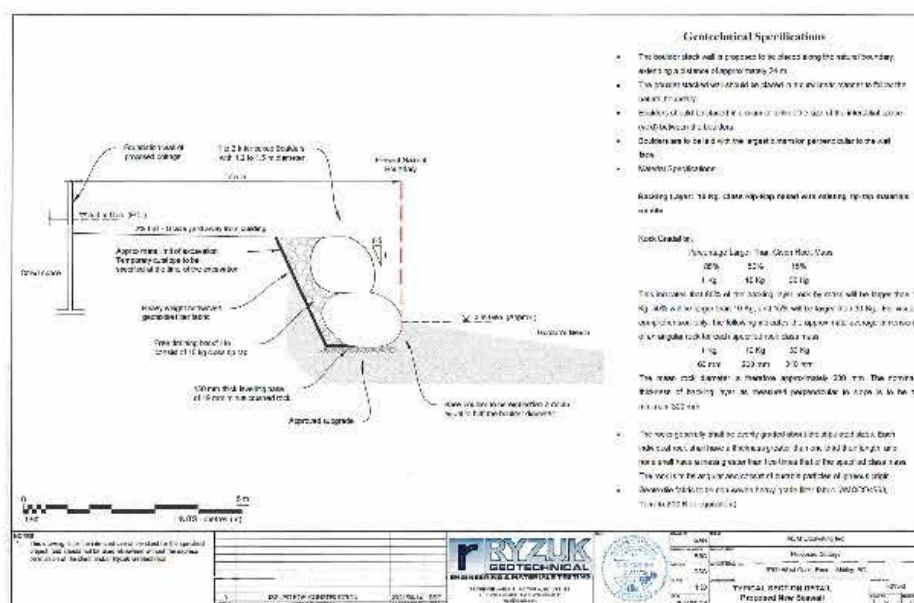






DV000080







DV000080



March 23, 2021
File No. 4013-2

MCM Excavating Inc.
(by email: [REDACTED])

Attn: [REDACTED]

Dear Sir,

Re: Flood Construction Level Assessment
8709 West Coast Road - Shirley, BC

As requested, we have undertaken a geotechnical background review and analysis of the flooding hazard at the referenced site in order to determine the Flood Construction Level (FCL) as such relates to the proposed construction of new cottage. Our work and recommendations herein have been provided in accordance with, and are subject to, the attached Terms of Engagement.

PROPOSED DEVELOPMENT

The site is located within the central portion of Gordon's Beach, generally bounded by similar residential properties to the northwest and southeast, Highway 14 to the northeast, and the foreshore of the Strait of Juan de Fuca to the southwest. The terrain slopes gently up from the edge of the road to a level area which is noted on the attached survey drawing to have an elevation of approximately 4 m geodetic. The original cottage present in this area of the site had been demolished prior to our attendance. An arrangement of stacked boulders likely defines the southwestern property line (Present Natural Boundary) with the beach beyond. Soils at the site, where visible at the surface, were generally noted to consist of compact gravel, similar to the shoreline deposits present with the adjacent beach. See attached JE Anderson Site Plan, dated Feb 16/21, and site photograph.

We consider the shoreline within the location to be subject to moderately high wave energy, particularly during winter storms. This is evident by the presence of a relatively steep shutecline slope. When coupled with high tides, the wave impact area extends up to the stacked boulders, as indicated by the presence of driftwood and littoral drift along the backshore.

Ryzuk Geotechnical



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Flood Construction Level Assessment
8709 West Coast Road - Shirley, BC

March 23, 2021

DETERMINATION OF FLOOD CONSTRUCTION LEVEL (FCL)

The FCL may be defined as the minimum required elevation of the underside of a wooden floor system or the top of a grade supported concrete slab floor, for habitable buildings. The FCL for the site was determined considering the methodology outlined in the following Guideline documents:

- Accorn – Capital Regional District, Modelling of Potential Tsunami Inundation Limits and Run-Up, June 2013.
- Accorn – Capital Regional District, Sea Level Rise Risk Assessment, January 2015.
- Ausenco Sandwell – Climate Change Adaption Guidelines for Sea Dikes and Coastal Flood Hazard Land Use; Guidelines for Management of Coastal Flood Hazard Land Use, 27 January 2011.
- Engineers and Geoscientists BC – Professional Practice Guidelines, Legislated Flood Assessments in a Changing Climate in BC, v2.1, 28 August 2018.
- James, T.S., Henton, J.A., Leonard, L.J., Darlington, A., Forbes, D.L., and Craymer, M. Relative Sea-level Projections in Canada and the Adjacent Mainland United States, Geological Survey of Canada, Open File 7737, 2014.
- Kerr Wood Leidel – Provincial Guidelines for Coastal Floodplain Mapping, June 2011.
- Province of British Columbia – Flood Hazard Area Land Use Management (FHALUM) Guidelines, May 2004, Amended January 2018 (Sections 3.5 and 3.6).
- Capital Region Coastal Flood Inundation Mapping Project Summary (2020)

The Flood Construction Level for coastal areas was determined following the methodology outlined in the Provincial "Guidelines for Management of Coastal Flood Hazard Land Use," published in January 2011 and the Provincial Guidelines for "Coastal Floodplain Mapping" published in June 2011. Further, the "Flood Hazard Area Land Use Management Guidelines" with amendments of January 1, 2018, specifically related to coastal flood construction levels was also reviewed.

The FCL was calculated following the "Combined Method" provided in the FHALUM Guidelines. Additional information required to establish the FCL was obtained from the Canadian Hydrographic Service (CHS). The FCL methodology utilizes the highest predicted tide (HHWLT) which was provided by the CHS as a base, upon which the predicted Sea Level Rise (SLR), storm surge, wave effect, local uplift, as well as an additional free board factor were considered.

The Provincial Guidelines outline a 1.0 m sea level rise, and accordingly, a factor of 1.0 m was applied to account for the predicted 100-year sea level rise (Ausenco Sandwell). In addition, a correction factor has been added to account for regional uplift and isostatic rebound. A regional uplift rate of – 3 mm/year was selected for the area based on "Relative Sea-level Projections in



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Flood Construction Level Assessment
8709 West Coast Road - Shirley, BC
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Canada and the Adjacent Mainland United States" by James et al. (2014), therefore the FCL has been reduced by 0.3 m over the 100-year sea level rise period. An estimated wave effect of 1 m, and a freeboard amount of 0.6 m have also been included in the analysis. The following table summarizes how the FCL was determined.

Table 1: Summary of FCL calculations (geodetic)

Item:	(m geo)	Notes:
Higher High Water Large Tide (HHWLT)	1.7	As per CHS ¹ – based on the Sooke Tidal Station
Total Storm Surge during "designated storm"	1.3	As per Guidelines for Victoria – 1:500 annual probability of exceedance storm event
Estimated wave effect	1.0	0.35 m above Guidelines
Regional Uplift	-0.3	3 mm/year for Juan De Fuca Area
Sea Level Rise (SLR)	1.0	As per Guidelines
Free Board Factor	0.6	0.3 m above Guidelines
FLOOD CONSTRUCTION LEVEL (m geodetic)	+5.3	

¹ Canadian Hydrographic Service

The storm surge and estimated wave effect components of the FCL were estimated based on recommendations for the area in the Guidelines. However, the storm surge and wave effect will vary based on the local conditions of a given site. No site-specific analyses were completed to quantify the effect of local conditions at the site on the storm surge and wave effect.

We have not undertaken detailed wave run-up analyses or associated magnitude return period frequency analyses of tsunami events to quantify the risk at the referenced site. A review of the Capital Region Coastal Flood Inundation Mapping Project Summary (2020) indicates a maximum water level of 4.9 m for the Juan De Fuca Electoral Area (inclusive of the mean tidal elevation) for a design 1:500 annual probability of exceedance earthquake (CSZ-NS). As per Amendment Section 3.5 of "Flood Hazard Area Land Use Management Guidelines" (2018) the greater of the tsunami maximum water level and FCL shall apply. The FCL is the greater of the two for the subject site, and as such the FCL of 5.3 m is recommended. However, we do recommend that residents review and understand the Provincial Tsunami Advanced Warning System as modelling indicates that water levels may reach 7.4 m geodetic for a tsunami with a 1:2500 annual probability of exceedance (CSZ-L1).



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Flood Construction Level Assessment
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Based on the above, and in general accordance with the Guidelines, a FCL (or minimum elevation for habitable spaces) of **5.3 m Geodetic** is recommended for the site.

ROLE OF QUALIFIED PROFESSIONALS

Section 3.7.2.1 of the EGBC Guidelines notes that the Province of BC has not adopted Flood Risk tolerance criteria, yet professional practice standards generally imply some level of risk tolerance. Commentary within this Section advises that when a Qualified Professional (QP) provides the statement that "the land may be safely used for the use intended" that the QP is declaring that the risks and consequences of a given Hazard Scenario are tolerable or acceptable. As defined by the Guidelines, "tolerable" risks are "those that society can live with given the perceived or real benefit that emerges by developing in a hazardous area", while "acceptable" risks are those broadly accepted by society. In the case of tolerable risks, such require monitoring and typically there are conditions associated with the safe land use. It is not for the QP to stipulate the tolerable or acceptable risk criterion and accordingly the definition of safe use must be clearly outlined in the report such that the Regulatory Agency is aware of the implications in their decision making.

It is important to note that the objectives of the FHALUM Guidelines and as elaborated upon in the EGBC Professional Practice Guidelines is "to reduce or prevent injury, human trauma, and loss of life and to minimize property damage from flooding events in B.C." It is also important to recognize that both documents have been prepared to address *all* types of flooding, not simply coastal flooding due to sea level rise. The potential for injury, trauma, loss of life and property damage is orders of magnitude greater when one considers flooding of major systems such as the Fraser River, or high energy events such as debris flows, torrents or major channel avulsion. Sea level rise is foreseeable and in conjunction with extreme tides the design event will be highly predictable such that the public has sufficient time to protect themselves and their assets before inundation would occur.

It also must be recognized that it is not an absolute requirement for a QP to adhere to each and every stipulation within either the EGBC Guidelines or the FHALUM Guidelines. This is clearly stated in Section 1.4 of the EGBC Guidelines:

"Notwithstanding the purpose and scope of these guidelines, an Engineering/Geoscience Professional's decision not to follow one or more aspects of the guidelines does not necessarily represent a failure to meet required professional obligations. Such judgements and decisions depend upon weighing facts and circumstances to determine whether another reasonable and prudent QP, in a similar situation, would have conducted himself/herself similarly."

We maintain that the calculated FCL is conservative and such is expressly stated in the EGBC Guidelines. Section G5 reads, with emphasis added:

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Flood Construction Level Assessment
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"Recent studies (Mazzotti et al. 2008) project relative sea level rise on the BC coast to 2100. For the Fraser River delta, the rise is expected to be between 32 and 68 cm, with a contribution of 1 to 2 mm/a (10 to 20 cm for a century) from sediment consolidation (Mazzotti et al. 2009). (On loaded sites, short-term subsidence may be an order of magnitude higher.) At Victoria, the range of expected sea level rise is 17 to 34 cm, and at Prince Rupert it is 18 to 75 cm (from projection of GPS trends). These results are different than global averages. On the outer coast of Vancouver Island, however, sea level is expected to fall because of tectonic effects, but that effect might be offset by the occurrence of a major earthquake. There is evidence for past sudden coastal subsidence of up to 2 m (Hyneman and Rogers 2010). In view of changing rates of sea level rise, however, a recent conservative estimate for planning purposes is that sea level rise on the BC coast may be as much as 1 m by the end of the century (Ausenco Sandwell 2011). Ausenco Sandwell (2011) further discusses issues and guidelines to be incorporated into a program of upgrading sea defenses to meet the circumstances of rising sea level."

We draw a parallel between flood hazard and seismic hazard. Except in the case of Post Disaster structures, it is generally accepted that many new buildings will sustain significant damage and may not be habitable subsequent to the design event. The critical test is that the building must remain safe for egress to protect against loss of life and human trauma. It is unlikely that lives will be lost or human trauma at site will result, as the result of flooding associated with sea level rise. It is highly likely that economic losses will occur in the area, but this will occur regardless of whether development proceeds at the subject site.

As climate change and sea level rise occur, the impact of flooding events beyond the current boundary of the sea can be expected to advance incrementally with time. Accordingly, advance notice of months or even years would be available to owners/users to allow safe access and egress, removal of personal effects, as well as to consider floodproofing improvements to the building to mitigate the increasing level of risk. This is not a case where instantaneous, devastating, or unforeseeable conditions could occur, as might be anticipated with a high energy channel avulsion or debris flow path, high flow velocities, or deep flood water.

SUMMARY

For the structure proposed, we understand that it will be possible to achieve underside of a wooden floor system or the top of a concrete slab floor, for both the habitable and non-habitable buildings at 5.3 m geodetic. Accordingly, we consider that the land may be used for the use intended in accordance with Section 56 of the Community Charter. A Flood Assessment Statement is attached.

Amendment to Section 3.5 and 3.6 of "Flood Hazard Area Land Use Management Guidelines" (2018) also indicates that for new building lots, a setback of 15 m from the calculated Year 2100 FCL should be implemented. However, on established lots, where meeting such would render the lot sterile, the approving official may agree to modify setback requirements, provided that this is augmented through a restrictive covenant stipulating the hazard, building requirements, and



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Flood Construction Level Assessment
8709 West Coast Road - Shirley, BC

March 23, 2021

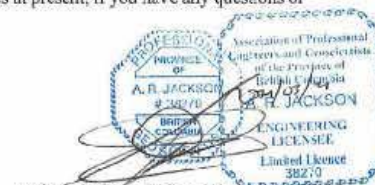
liability disclaimer. Accordingly, and in lieu of meeting the FCL setback guideline, a restrictive covenant will likely be required on title such that current and future owners are aware of the risk for any part of the structure that is constructed within the Year 2100 setback, while insurers and the Capital Regional District are held harmless.

We trust the preceding is suitable for your purposes at present, if you have any questions or require further clarification, please contact us.

Yours truly,
Ryzuk Geotechnical



RS Currie, P.Eng.
Geotechnical Engineer



Andrew Jackson, P. Geo. P.L. Eng.
Review Geoscientist

Attachments Site Photograph
JE Anderson Site Plan
Flood Assessment Statement



DV000080

Flood Construction Level Assessment
8709 West Coast Road - Shirley, BC

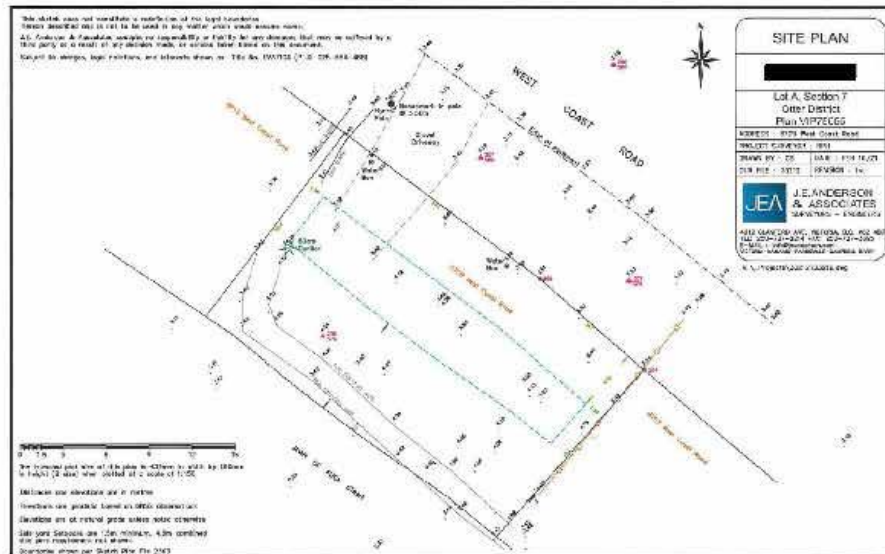
March 23, 2021



Site Photograph – Looking to Southeast across development site



DV000080





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FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC (the guidelines) and is to be provided for flood assessments for the purposes of the Land Title Act, Community Charter, or the Local Government Act. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

Date: 23 March 2021

CHARTERED PROFESSIONAL ENGINEER
PO BOX 10000 VICTORIA BC V8B 2S6
Jurisdiction and address

With reference to (CHECK ONE):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☐ Local Government Act (Part 14, Division 7) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 524) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 524) – Flood Plain Bylaw Exemption

For the following property, "the Property":

8709 WEST COAST ROAD - SHIRLEY, BC
Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

- ☐ 1. Consulted with representatives of the following government organizations: _____
- ☒ 2. Collected and reviewed appropriate background information
- ☒ 3. Reviewed the Proposed Development on the Property
- ☐ 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- ☒ 5. Conducted field work on and, if required, beyond the Property
- ☒ 6. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 7. Considered any changed conditions on and, if required, beyond the Property
- 8. For a Flood Hazard analysis I have:
 - ☒ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
 - ☒ 8.2 Estimated the Flood Hazard on the Property
 - ☒ 8.3 Considered (if appropriate) the effects of climate change and land use change
 - ☒ 8.4 Relied on a previous Flood Hazard Assessment (PHA) by others
 - ☐ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report
- 9. For a Flood Risk analysis I have:
 - ☐ 9.1 Estimated the Flood Risk on the Property
 - ☐ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
 - ☐ 9.3 Estimated the Consequences to those Elements at Risk

PROFESSIONAL PRACTICE GUIDELINES
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

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FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☒ 10.1 A standard-based approach
 - ☐ 10.2 A Risk-based approach
 - ☐ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
 - ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☒ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
 - ☒ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
 - ☒ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
 - ☐ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
 - ☐ 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
 - ☐ 12.4 Compared the guidelines with the findings of my flood assessment
 - ☐ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
- ☐ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
- ☐ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- ☒ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☐ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

[CHECK ONE]

- ☐ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":
[CHECK ONE]
 - ☐ With one or more recommended registered Covenants.
 - ☐ Without any registered Covenant.
- ☐ For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".
- ☒ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":
[CHECK ONE]
 - ☒ With one or more recommended registered Covenants.
 - ☐ Without any registered Covenant.
- ☐ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section E24), "the development may occur safely".
- ☐ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

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FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

23 March 2021
Date

Rizuk Geotechnical Ltd
Prepared by

Scott W. Rizuk
Name (print)

[Signature]
Signature

Unit #6 - 40 Cadogan Ave
Address

Victoria, BC V8Z 1T2

250 475 3131
Telephone

Scott@rizuk.com
Email

Reviewed by

Andrew Jackson
Name (print)

[Signature]
Signature



(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm Rizuk Geotechnical Ltd
and I sign this letter on behalf of the firm. (Name of firm)

PROFESSIONAL PRACTICE GUIDELINES
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LUC comments included:

- Botanical Beach (Juan de Fuca Provincial Park) is adjacent to the subject property
- the applicant has submitted an Environmental Assessment report to address the creation of proposed Lot A relative to the Shoreline Protection DP guidelines
- adjacent property views will not be impacted by the proposal

MOVED by Roy McIntyre, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:

- a) Part IV, Section 22(2)(f) be varied by increasing the maximum height of an accessory building from 4.8 m to 6.9 m in accordance with the Garage Design Drawings; and
- b) Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of the existing deck in accordance with the Dwelling and Deck Site Plan;

be approved.

CARRIED

c) DV000080 - Lot A, Section 7, Otter District, Plan VIP75055 (8709 West Coast Road)

Iain Lawrence spoke to the staff report for the application for a development permit with variance to address the Marine Shoreline Development Permit (DP) Area guidelines for a seawall and single-family dwelling, and to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, by allowing height to be measured from finished grade, by allowing the elevation of the lot to be increased and by decreasing the front yard setback.

Iain Lawrence highlighted the subject property map, proposed strata plan, site plan and building drawings.

Iain Lawrence advised that:

- the property was rezoned to Gordon's Beach Recreation Residential 4 (R-4) in 2000 and would have allowed the property to be subdivided into 500 m² parcels, each with a single dwelling unit
- the property has not been subdivided and the R-4 zone allows existing dwellings shown on the proposed strata plan to be rebuilt in their present locations; however, the zone prohibits changes to the elevation of the lot and allows a maximum building height of 7.5 m as measured from average natural grade
- since the time that the bylaw introducing the R-4 zone was adopted, the Province has updated the flood hazard guidelines for coastal areas, which affects how flood construction level (FCL) is determined
- to meet flood construction elevation and maximum building height requirements, variances to permit an increase in the elevation of the lot is required
- since the final height of the building depends on the amount of fill required, it is not known with certainty what the final height of the building would be above natural grade.
- it is known, however, that the final height will be less than 7.5 m above final grade
- the applicant has submitted geotechnical reports which provide a FCL, address the Marine Shoreline DP Area guidelines and provide recommendations for the

development to be located within 7.5 m of the natural boundary of the sea in accordance with Bylaw No. 2040

Iain Lawrence directed attention to the submissions included in the supplementary agenda. Further to comments received from the public, it was advised that there is a strip of land between the subject property and the ocean that was once held under licence of occupation. The land that was subject to the licence of occupation has been returned to the Crown.

The Chair confirmed that the applicants were present.

Iain Lawrence responded to questions from the LUC and the public advising that:

- the Ministry of Transportation and Infrastructure has granted an access permit
- R-4 zoned properties may have a crawl space provided that goods that may be damaged by flood waters, including mechanical and electrical services, are not below the FCL
- the proposed accessory building has its own entrance and is only attached to the proposed dwelling by a common roof/breezeway
- the accessory space cannot be used for dwelling purposes
- the natural boundary of the sea is at the base of the seawall
- similar variance applications are anticipated in future for properties at Gordon's Beach

Lynne Masse Danes, Otter Point:

- concerned that the accessory building will be used as a living space, which would exceed the allowable footprint
- proposal is not in keeping with the character of Gordon's Beach

Dana LeComte, Otter Point:

- owns property directly across from Gordon's Beach
- questioned if there is a maximum height above road level
- structures at Gordon's Beach are getting higher and higher
- supports a maximum height above road level

Bob Liptrot, Otter Point:

- expansion of Highway 14 is underway
- highway right of way will be located closer to Gordon's Beach
- residential parking is already tight at Gordon's Beach
- has lived in the subject area for twenty-five years and have witnessed numerous accidents
- it appears the proposed structure will be built on a large concrete berm adjacent to the highway
- information on the highway access permit is required
- flooding is an issue on the adjacent property
- road culvert is blocked during storms/high tide events and regularly floods Highway 14 and the property across the highway from the subject property
- the raised foundation, regardless of an engineer's recommendation, will be undermined by these water events

Heather Phillips, Otter Point:

- understood that the seawall was going to be riprap
- drawings show a solid concrete seawall

- subject area is a low bank area
- low bank area has an increased probability of being impacted by natural erosion
- Highway 14 regularly floods
- one side of the seawall be impacted by sea level rise and storm surge; the other side will be impacted by flooding
- the community should have a say in what it considers to be an acceptable risk

LUC comments included:

- proposal does not directly infringe on adjacent property owners
- a geotechnical engineer has recommended a FCL
- proposal is in keeping with provincial requirements

Iain Lawrence responded to questions from the LUC advising that:

- properties being rebuilt at Gordon's Beach can be anticipated to be elevated 1.5 m
- some properties were elevated before the new provincial guideline
- liability is mitigated through the requirement for a geotechnical report and reliance on a qualified professional, as well as registration of a covenant saving the CRD harmless

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

- 1) That Development Permit with Variance DV000080, for Lot A, Section 7, Otter District, Plan VIP75055, to authorize construction of a seawall and a single-family dwelling in a Marine Shoreline Development Permit Area, and to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, as follows:
 - a) Part 1, Section 2.0 by varying the definition of *height* as it applies to the proposed building to mean the average vertical distance from finished grade at the outermost corners of the building to the mean level of the highest roof plan between the eaves and the ridge of a sloping roof;
 - b) Part 2, Section 13A.11(b) to allow that the elevation of the lot may be increased in accordance with the Building Design Drawings and Geotechnical Reports; and
 - c) Part 2, Section 13A.13(a) to reduce the front yard setback from 4.5 m to 2.3 m in accordance with the Site Plan;

be approved.

- 2) That a restrictive covenant be registered on the title of the lands securing the geotechnical reports for 8709 West Coast Road, certified by Scott Currie, P. Eng., dated March 23, 2021, and June 14, 2021, and saving the CRD harmless in accordance with Section 219 of the *Land Title Act* and Section 56 of the *Community Charter*.

CARRIED

8. Zoning Amendment Application

- a) **RZ000273 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)**

Iain Lawrence spoke to the staff report for the application to rezone a portion of the subject property to permit a range of general industrial and commercial uses.

Iain Lawrence highlighted the subject property map, proposed subdivision plan (SU000711) and proposed Bylaw No. 4423.



Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 20, 2021**

SUBJECT **Radio Communication and Broadcasting Antenna Systems Application for
Section 42, Otter District – 2540 Aythre Way**

ISSUE SUMMARY

An application has been received by Rogers Communications for a 45 metre (m) radio communication tower with attached antennas and satellite dishes for the purpose of expanding telecommunications services.

BACKGROUND

Rogers Communications has requested a statement of concurrence from CRD to construct a 45 m radio communication tower on the subject property to increase their telecommunications service west of Sooke as part of an initiative to expand service between Sooke and Port Renfrew. The approximately 55 hectare (ha) subject property is located on Clark Road and Aythre Way in Otter Point (Appendix A). The proposed tower is a 45 m tri-pole with a 3.2 m antenna extending above (Appendix B). A 132 m² fenced equipment compound would be located at the base of the tower. The property owners have granted permission to the applicant to pursue this development.

The subject property is designated as Rural Land in the Otter Point Official Community Plan (OCP), Bylaw No. 3891, and is zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The parcel is within the Otter Point Fire Protection Service Area and outside of a community water service area. Portions of the property are designated as steep slope, sensitive ecosystems and watercourses and wetlands development permit areas in Bylaw No. 3819.

There is a single-family dwelling being constructed on the property, as well as an active soil deposit permit (SP000092), development permit (DP000291), and 10-lot subdivision application (SU000704). An application is also underway to rezone an 11 ha portion of the property to permit a residential density of one one-family dwelling and suite per 4 ha, agriculture, and an equestrian riding facility with ancillary campground (RZ000272).

Staff initiated public consultation for the proposed tower application between April 29 and May 31, 2021. Comments were received from members of the public and CRD departments and the applicant has submitted responses to the questions and concerns (Appendices C and D). As the land use authority for the application, the CRD Board is required to provide a statement of concurrence or non-concurrence on the application.

ALTERNATIVES

Alternative 1

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:
That a statement of concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580.

Alternative 2

The Juan de Fuca Land Use Committee recommends to the CRD Board:
That a statement of non-concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580.

Alternative 3

That the application be referred back to staff for more information.

IMPLICATIONS

Legislative

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radio communication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in Industry Canada's *Spectrum Management and Telecommunications Client Procedures Circular* when installing or modifying an antenna system.

Part of the process includes contacting the land use authority and following the required consultation process. The CRD is the land use authority for the Juan de Fuca Electoral Area where the subject property is located.

The CRD Board approved Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, and the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy (the "Policy") in 2019, which establishes a public consultation process and procedures.

Public Consultation

In accordance with the Policy, a notice was published in the newspaper and a notice delivered to property owners and occupants within 500 m of the subject property advising the public of the application and the opportunity to provide written comments and questions. The notice was published on April 29, 2021, and submissions were to be received by 4:00 pm on May 31, 2021. A request for comment was also circulated to relevant CRD departments. CRD Protective Services and the Otter Point Volunteer Fire Department indicated their support the application. One letter of support and ten submissions stating objection were received from members of the public. The applicant was provided the submissions and has responded to the concerns and questions raised (Appendices C and D).

All objections stated health concerns; however, concerns that pertain to debating the validity of Health Canada's Safety Code 6, which regulates radiofrequency emitting infrastructure, are beyond the scope of local government consultation. The proponent has no influence over the safety code and is required to comply. Similarly, the three comments stating concern over potential negative impacts to property values as a result of a nearby tower are also outside the scope of local government consultation, as outlined by Industry Canada in the *Spectrum Management and Telecommunications Client Procedures Circular*. Other concerns noted included: proximity to residences, visual impacts, alternative locations, power supply and funding.

In advance of the July 20, 2021, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the applicant's responses received and the opportunity to be heard and provide additional comment at the meeting.

The public consultation process is to be complete within 120 days from initial contact with the application. A recommendation from the Land Use Committee along with any additional public comments received will be considered by the CRD Board and forwarded to the applicant and Industry Canada.

Land Use

The AF zone does not expressly permit radio communication towers; however, it is considered a use permitted in all zones in accordance with Part 1, Section 4.15 of Bylaw No. 2040, which states: "Except where specifically excluded, the following uses shall be permitted in any zone: public utility poles, pipelines, radio, television, and transmission towers and wires; traffic control devices; and underground or submarine utility systems, the installation of which may be sited on any portion of a lot."

The subject property was selected by the proponent based on consideration for meeting service coverage objectives along Highway 14, the ability to connect to the existing telecommunications network, proximity to end users while being distanced from residences, having an agreeable property owner, and the feasibility of construction.

Development of the site will involve improving the existing driveway and clearing land for erecting the tower and installing a cement pad and fenced compound. Prior to site alteration, issuance of a development permit

may be required to address the steep slope and watercourse development permit guidelines in the Otter Point OCP. CRD Building Inspection has indicated that a building permit is not required for the tower.

Evaluation criteria to be considered by the CRD when reviewing an application for a radio communication and broadcasting antenna system is outlined in the Policy and included in Appendix E.

Rational for proposed location: Rogers Communications states that the service coverage objectives to provide strong and reliable service to Highway 14 corridor and the surrounding community require a site with appropriate elevation, a clear line of site to other towers in the networks, plus proximity to customers while being distanced from residences. The location also requires a site with good conditions such as electricity, access, minimal environmental impacts. The subject property offers many of these requirements compared to other sites considered. The applicant has also received permission from the subject property owner to submit the application to pursue approval for the tower.

Proximity to residential uses, institutions, and public lands: Six submissions from members of the public indicated concern over proximity of the proposed tower to existing residences. The proposed tower site is adjacent to Crown land to the south, vacant land to the north, and Rural A and AF zoned properties to the east and west with existing residences. The closest residence to the proposed tower is approximately 300 m which is greater than the CRD Policy guideline of 135 m (three times the height of the antenna system) from adjacent dwellings. The applicant's response indicates the setback is considered relatively large and that the facility needs to be sited in reasonable proximity to the end users connecting to the network.

Visibility and measures to integrate the tower in to local surroundings: The applicant mentions the proposed location is in a cleared area surrounded by mature trees.

Security measures: The applicant proposes to install perimeter fencing at the base of the tower to restrict public access to the tower.

Alternatives/mitigation measures: The proposed location for the tower offers the applicant the required conditions including proximity to Highway 14, access, electricity, cleared land and a willing property owner. Other locations in the vicinity did not meet the applicant's technical requirements for providing coverage or did not have an agreeable property owner.

Hazardous areas: Portions of the property are designated as steep slope development permit areas in the Otter Point Official Community Plan Bylaw No. 3819. A development permit may be required for alteration of land in these areas.

Environmentally sensitive areas: Portions of the property are designated as Watercourses and Wetlands and Sensitive Ecosystem development permit areas in the Otter Point Official Community Plan Bylaw No. 3819. A development permit may be required for alteration of land in these areas.

Aeronautical safety requirements: The applicant will confirm with Transport Canada regarding whether lights are required for the proposed tower.

Impact on community: The proposed project is part of a larger initiative supported by the Province to provide reliable telecommunications service along the Highway 14 corridor and to surrounding communities between Sooke and Port Renfrew. A member of the public inquired about the applicant's funding sources, partnerships and service coverage to the community. Rogers Communications responded to clarify that \$4.9 million will be contributed by the provincial government to support the expansion of telecommunication service along Highway 14. Other service providers may co-locate on the tower in future. The applicant provided an anticipated coverage map for the proposed tower site.

Designs that address the guidelines: The proposed tower is to be located amongst an already cleared area surrounded by mature forest in order to minimize visibility from surrounding properties. The proximity of the proposed tower to adjacent residences is greater than 135 m (three times the 45 m tower height) recommended in the CRD policy.

Based on a review of the application and comments received, the proposed tower satisfies the evaluation criteria outlined in the CRD policy. While there were several letters of opposition submitted raising valid considerations, comments related to health and safety and property values are outside the scope of the

consultation mandated by Industry Canada. The applicant has presented rationale for the proposed location and demonstrated consideration of alternatives and mitigation measures. Therefore, staff recommend that a statement of concurrence for the proposed 45 m telecommunications tower be provided.

CONCLUSION

An application has been received by Rogers Communications to construct a 45 m telecommunications tower for the purpose of expanding telecommunications coverage in the Otter Point area, and as part of a larger initiative to improve service along Highway 14 to Port Renfrew. The proposal addresses the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy. Through the public consultation process, two responses supporting the application from emergency services personnel and one response from a member of the public were received in support, while ten responses were received objecting the application. The majority of the concerns, however, related to issues beyond the scope of local government consultation. The applicant has responded to the questions and concerns related to the proposal. Staff recommend that a statement of concurrence be provided for the application.

RECOMMENDATION

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:
That a statement of concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580.

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

ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Development Proposal
Appendix C: Letters of Support
Appendix D: Letters of Opposition and Applicant Responses
Appendix E: Evaluation Criteria

CRPD
Making a difference...together

Subject Property

Legend

Scale: 0 127.00 254.0 Meters

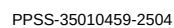
Notes

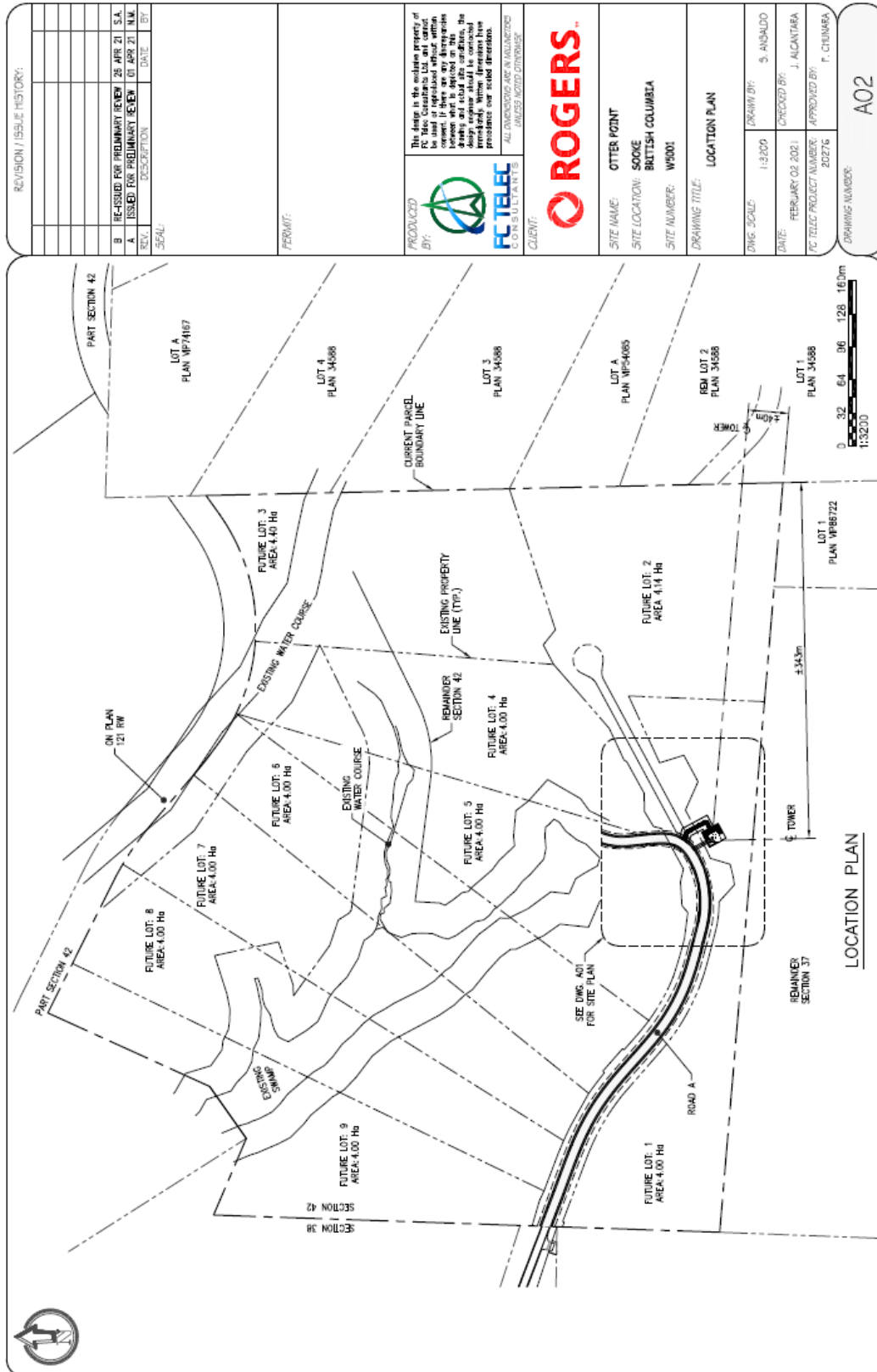
Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. The map is provided as a reference only and should not be used for any legal or financial purposes. The map may be changed by the CRD at any time without notice.

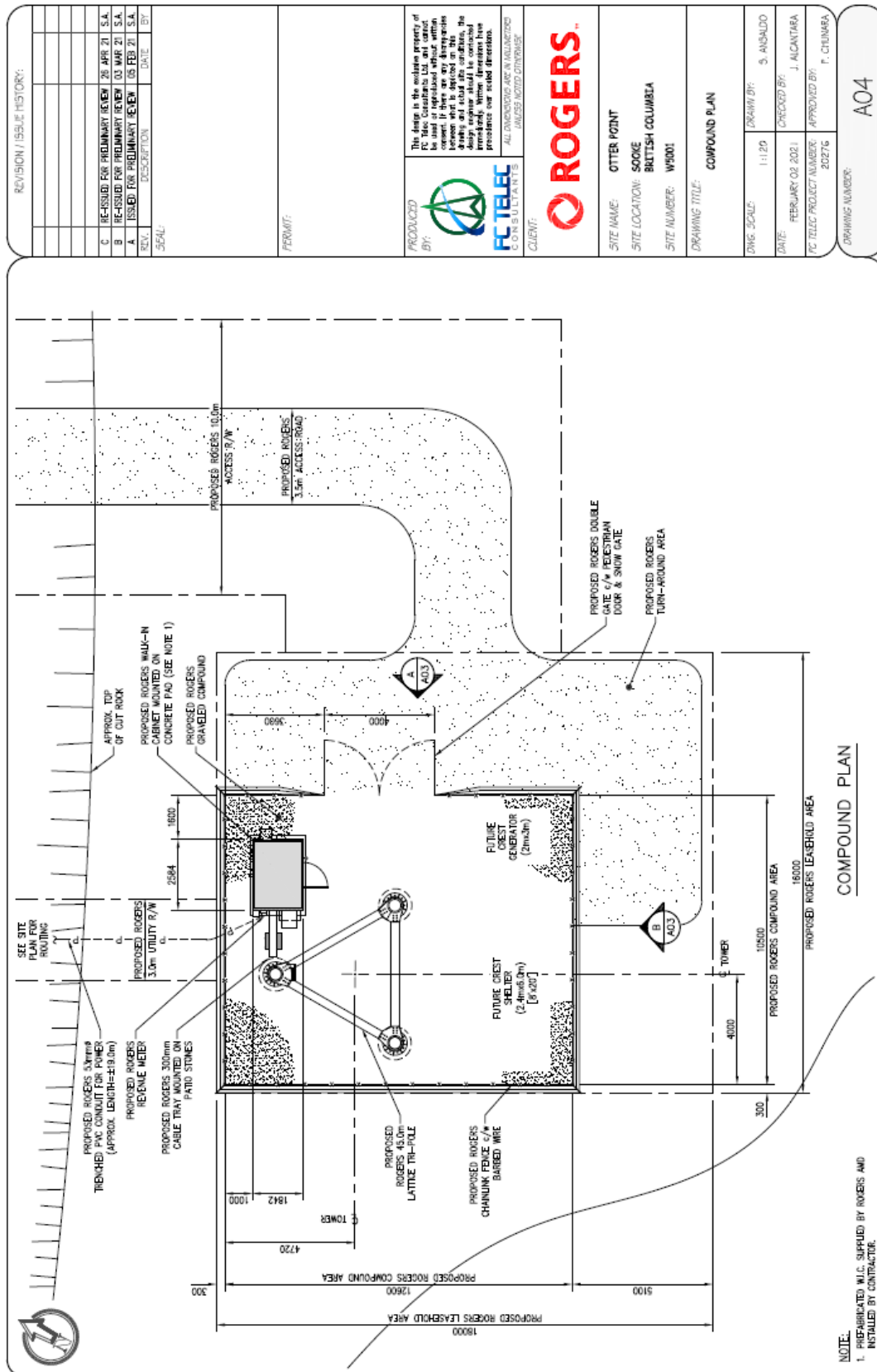
Appendix B: Development Proposal

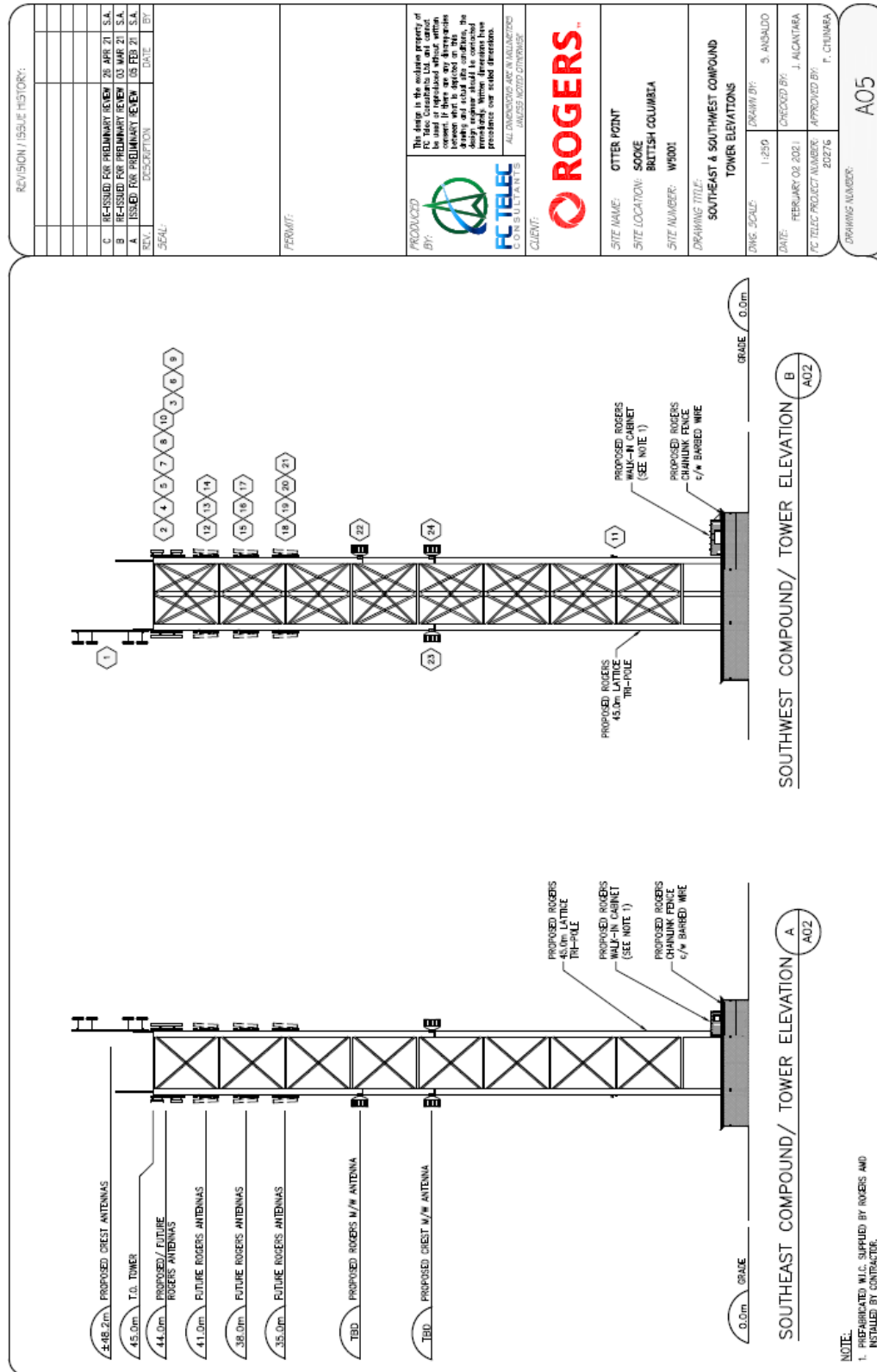
DRAWINGS PRODUCED BY:  FC TELECOM CONSULTANTS 1001-2901 ELWOOD DRIVE SW VANCOUVER, BC V6X 4E6 TEL: (778) 421-8336 FAX: (778) 724-0812 WWW.FCTELECOM.COM		CLIENT: 		DRAWING LIST: DRAWING NUMBER: 601 A COVER PAGE DRAWING REVISION:																					
PROJECT INFORMATION: SITE ID: W5001 SITE NAME: OTTER POINT ADDRESS: SOOKE, BRITISH COLUMBIA MUNICIPALITY: LEGAL DESCRIPTION: SITE COORDINATES: LATITUDE 48° 22' 44.4" N LONGITUDE -123° 49' 23.2" W INSTALLATION: WALK-IN CABINET CONFIGURATION: 45.0m LATTICE TRI-POLE RE-ISSUED FOR: PRELIMINARY REVIEW DATE: APRIL 26 2021		PROJECT CONTACTS: ROGERS PROJECT MANAGER: GARY JONES (604) 331-4203 DESIGN ENGINEER: FC TELECOM CONSULTANTS LTD. (778) 421-8336		BRITISH COLUMBIA KEY MAP: 																					
MAP: 		SATELLITE IMAGE: 		GENERAL DRAWINGS: 001 D COVER PAGE 001 C ANTENNA CHART ARCHITECTURAL DRAWINGS: A01 A KEY PLAN A02 B LOCATION PLAN A03 D SITE PLAN A04 C COMPOUND PLAN A05 C SOUTHEAST & SOUTHWEST COMPOUND TOWER ELEVATIONS A06 C COMPOUND ISOMETRIC																					
APPROVALS:		REVISIONS: <table border="1"> <thead> <tr> <th>REV.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>D</td> <td>RE-ISSUED FOR PRELIMINARY REVIEW</td> <td>26 APR 21</td> <td>S.A.</td> </tr> <tr> <td>C</td> <td>RE-ISSUED FOR PRELIMINARY REVIEW</td> <td>01 APR 21</td> <td>N.M.</td> </tr> <tr> <td>B</td> <td>RE-ISSUED FOR PRELIMINARY REVIEW</td> <td>03 MAR 21</td> <td>S.A.</td> </tr> <tr> <td>A</td> <td>ISSUED FOR PRELIMINARY REVIEW</td> <td>05 FEB 21</td> <td>S.A.</td> </tr> </tbody> </table>		REV.	DESCRIPTION	DATE	BY	D	RE-ISSUED FOR PRELIMINARY REVIEW	26 APR 21	S.A.	C	RE-ISSUED FOR PRELIMINARY REVIEW	01 APR 21	N.M.	B	RE-ISSUED FOR PRELIMINARY REVIEW	03 MAR 21	S.A.	A	ISSUED FOR PRELIMINARY REVIEW	05 FEB 21	S.A.	DRAWING NUMBER: 601	
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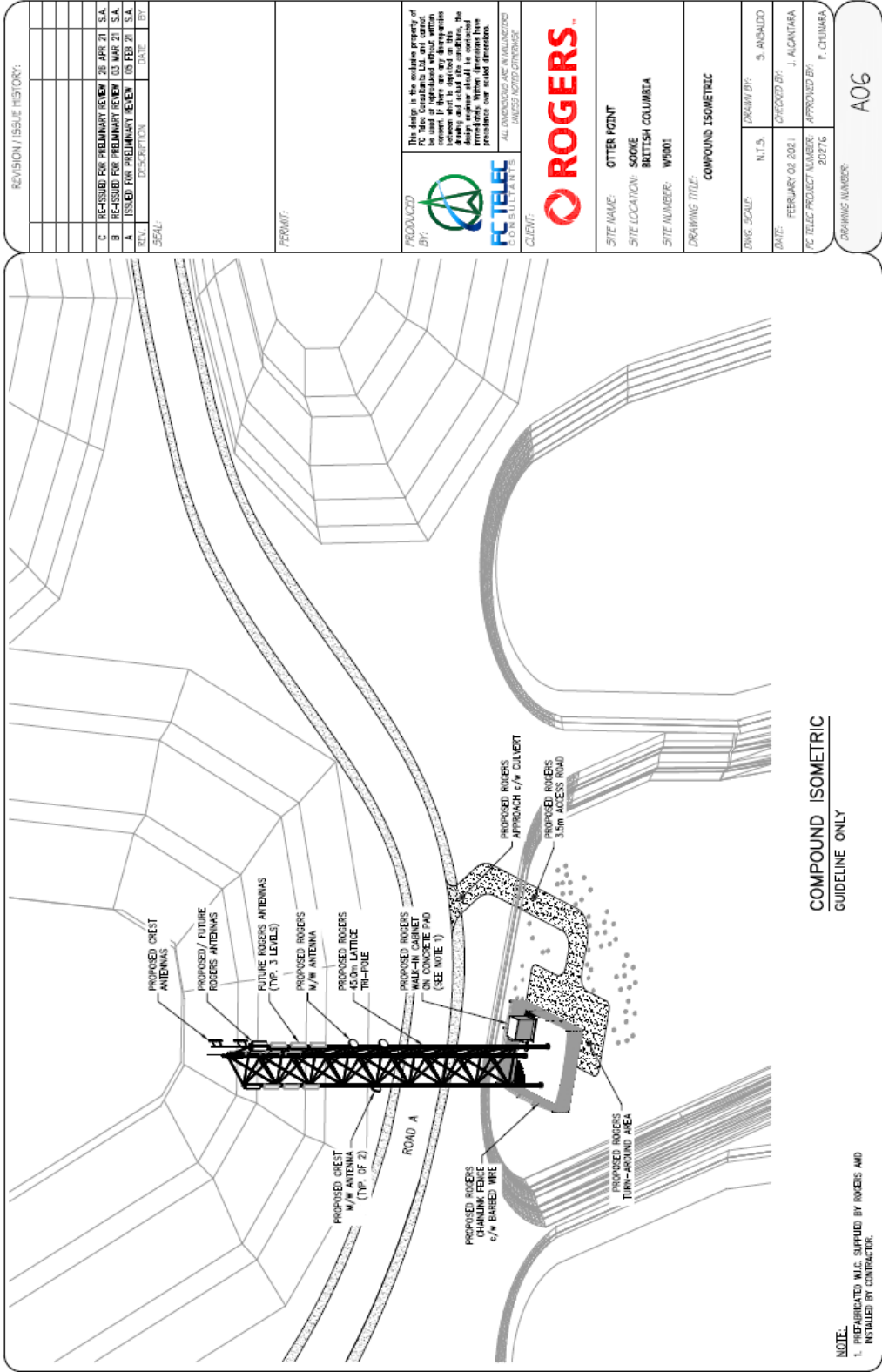
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Appendix C: Letters of Support

Submission #1: Otter Point Fire Department



**OTTER POINT VOLUNTEER
FIRE DEPARTMENT**

Office Phone: (250) 642-6211
Office Fax: (250) 642-2673
E-mail: jmccrea@otterpointfire.bc.ca

3727 Otter Point Road
Sooke, BC V9Z 0K1

May 31, 2021

Dear Emma Taylor

Re: Rogers and Crest Tower at 2540 Aythree Road in Otter Point

Communications is a key part in providing both emergency response and in providing safety for First Responders at an emergency scene. For over 20 years the Otter Point Fire Department has been voicing our concerns about the lack of reliable communications in much of the western end of our district.

The Otter Point Fire Department fully endorses the erection of a communication tower at 2540 Aythree Road. A communication tower at this location should resolve most, if not all, of our communication challenges in the western area of Otter Point as well as out into Shirley Fire District. This will improve the response and safety for police, fire and ambulance crews. It will also provide better cell coverage which is critical to the public making those calls for assistance.

*Thank you,
John*

A handwritten signature in blue ink, appearing to read "John McCrea", is written over a faint, larger blue signature.

John McCrea, Fire Chief
Otter Point Fire Department

Submission #2: CRD Protective Services



Fri 16/04/2021 12:52 PM

Jonathan Reimer

RE: Referral: Rogers Radiocommunications Tower Application at Clark Rd, Section 42, Otter District (LP000021)

To Emma Taylor

Cc Alexandria Organ; JDFEPC - Jeri Grant; Vidie Weber

 You replied to this message on 16/04/2021 1:17 PM.

Thank you Emma. CRD Protective Services is strongly in favor of increasing reliable communications in Juan de Fuca and supports Rogers Radiocommunications Tower applications in the region.

Jonathan Reimer

Submission #3: Howard Taylor and Sharon Sterling

To: Iain Lawrence
Manager, Community Planning
Juan de Fuca Community Planning
Sooke, BC

As owners of a property within 500 meters of the subject site, we would like to express our support for this project. We feel it will provide much-needed enhanced telecommunications coverage for Otter Point and will also assist with emergency response.

Thanks,

Howard Taylor and Sharon Sterling

Appendix D: Letters of Opposition and Applicant Responses

Submission #1a: Jo Phillips

From: j phillips
Sent: Tuesday, May 11, 2021 4:49 PM
To: Emma Taylor <etaylor@crd.bc.ca>
Subject: query re: FC Telec

Hello Emma.....

As a resident that lives within 500m of the proposed CREST/Rogers 45m. antenna I have a few questions. I was hoping to contact FC Telec consultants who have put this proposal together, but they do not seem to have an internet presence nor any email contact info. Perhaps you can provide me with an email contact for this company.

1. My first question is if they can please provide a map for the neighborhood showing the anticipated exposure levels (peak levels) with this antenna.
2. We need a location for this antenna where there is the least exposure expected for area residents. This does not seem to be it. Are there other non-inhabited by people areas where this antenna can be sited?
3. Are all of these services really necessary?

Thanks,
Jo phillips

Applicant's Response #1a

My initial comments are below in [bold] text. I will also ask our engineering team at Rogers if we can garner more data.

1. My first question is if they can please provide a map for the neighborhood showing the anticipated exposure levels (peak levels) with this antenna.

We do not currently have such a map readily available, however we will ask the engineering team at Rogers if we can put together such a map or visual representation for the purposes of this public consultation. If we are able to produce such a map for public consumption we will follow up and provide it. For now, please find below some relevant general information.

Health and Safety

Regarding health and safety, I can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

2. We need a location for this antenna where there is the least exposure expected for area residents. This does not seem to be it. Are there other non-inhabited by people areas where this antenna can be sited?

While this may seem counterintuitive, having a higher density siting of lower powered installations enables us to deliver service in greater compliance with the safety code. When one's phone is connecting to a far away tower, their device has to work harder and at a higher power output to obtain and transmit a dependable signal. Further, while we used to be able site our towers further away from the populations we were serving as we were only delivering voice (cell phone) service, the technology is evolving and as you know many people are downloading data (e.g. video content, emails, large files, etc.). In order to enable reliable wireless high speed internet access or data service, the towers need to be sited closer to the end users, many of whom are increasingly located in residential areas.

Ultimately, via this proposal we are responding to demands that have been rising on our network and the COVID pandemic has caused demand to skyrocket in residential areas due to enhanced levels of remote working. Ultimately, we propose infrastructure where there is demand and generally speaking we do not propose towers in completely unpopulated areas. However, the subject location is indeed rather sparsely populated and affords reasonably large setbacks to adjacent residences.

3. Are all of these services really necessary?

Certainly, that is a matter of opinion. As noted above, we are seeing skyrocketing demand on our wireless networks. Increasingly, people rely on their wireless devices to connect with friends,

family and business associates. This is important to support remote working (especially critical during the COVID-19 pandemic with rising rates of remote working) as well as public safety given that more than 70% of calls to 9-11 are now placed via cell phones. Further, the proposed tower, if approved, will house equipment from CREST in support of emergency responders. This tower will therefore not only provide voice and data services but also communication services for emergency service providers.

<https://crest.ca>

Brian Gregg | SitePath Consulting Ltd.

I spoke with our Radio Engineer on Friday about question #1 below. He clarified a number of points and has provided the following analysis:

Maps are not a particularly useful tool for demonstrating safety limits for towers in rural areas. EMF levels are measured at a scale of 1m. The safety concern is ensuring that people will not be operating within tens of meters of the antennas. For antennas mounted on a tall tower, the signal is propagated in an outward pattern which means there is minimal exposure at ground level. This tower has deliberately been located away from any structures or buildings which may bring the public near the antennas.

Our engineer has conducted an analysis and determined that the highest exposure will be ~55m from the tower. At a theoretical peak, the levels would be at 3.87% of Health Canada's Safety Code 6 allowable limits. This level is unlikely to be reached as the demand and tower loading will unlikely ever be at its peak. The tower will more likely be operating at a fraction of this level. As one moves, further away for this point, the energy of the signal dissipates exponentially and so the levels continued to fall.

For context, here is a map with a circle showing 55m from the tower location.



If you have any further questions, please let me know.

Garth Jones
Municipal Project Manager
British Columbia
Rogers Communications

Submission #1b: Jo Phillips

jdf info

From: j phillips [REDACTED]
Sent: Thursday, May 27, 2021 10:35 AM
To: jdf info
Subject: submission re: Tower Application LP000021 letter

To the CRD Juan de Fuca Community Planning.....

As a resident living within the 500m unsafe limit for cell antenna radiation I am declaring my objections to the siting of a 45m antenna on property #42 Clark Rd. and Aythree in Otter Point.

Communication antennas do not need to be sited near residences. They lower property values and are a danger to people, animals, plants, including trees, and insects, especially pollinators. In the neighborhood are several organic farms and an apiary, not to mention children and elderly people.

I am including at the end of this page a list of peer reviewed studies detailing the serious health effects of living near a cell tower. I realize that the Canadian Safety Code 6 declares that the radiation from cell antennas is safe and that's what you currently go on, so you are likely not accepting safety studies as a valid objection to this antenna siting. I am including them anyway so you cannot say you were not informed about the health effects of living near a tall and loaded antenna.

I encourage you to keep in mind that the safety of cell antennas on humans, animals, insects and plants is starting to be legally challenged in several places in the world and, understanding the current precariousness of safety claims such as Canadian Safety Code 6, no majors insurers will cover health claims due to RF exposure. As has happened in many instances of a government body declaring something to be safe when studies questioning these claims were not being reviewed and/or made public (glyphosate, tobacco, viox, teflon, silicon breast implants, asbestos, to name a few), there is a good chance that there could be cell antenna safety liability lawsuits in the future if someone living near such a tower develops one of the cancers very clearly associated with them or other long term health problems occur in residents or farm animals. In fact, a Dutch court just ruled that cell phone towers' low EMF radiation cannot be excluded as a cause of health effects. *"In the opinion of the court, considering all arguments, with reference to scientific literature, it cannot be ruled out that even at a field strength lower than 1V/m, and therefore also in the plaintiff's case, there are increased health risks"*. It seems advisable under all these circumstances to consider abiding by the precautionary principle and not site such a large and loaded antenna near residences.

As an example of possible health effects, here is a summary of a very recent study on the long term effects of exposure to **low level EMF radiation** (levels far lower than those considered safe by Canada Safety Code 6) done by a Swiss expert group that advises the Swiss government.

"...a tendency becomes apparent that EMF exposure, even in the low dose range, can lead to changes in oxidative balance. Organisms and cells are generally able to react to oxidative stress and many studies showed adaptation to EMF exposure after a recovery phase. Pre-existing conditions such as immune deficiencies or diseases (diabetes, neurodegenerative diseases) compromise the body's defense mechanisms including oxidative protection and it is therefore possible that individuals with these conditions experience more severe health effects. In addition the studies show that the very young and elderly individuals can react less efficiently to oxidative stress induced by EMF, which, of course, also applies to other stressors that cause oxidative stress."

In case you are wondering what the possible health effects of oxidative imbalance are, they note that *"oxidative imbalance has an effect on many important physiological processes and functions such as inflammation, cell proliferation and differentiation, wound healing, neuronal activity, reproduction and behaviour by altering biochemical processes or even leading to DNA damage....In particular changes in cell proliferation and differentiation are closely related to carcinogenesis and the growth and development of organisms"*.

To read the entire study: <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.bafu.admin.ch%2fbafu%2fen%2fhome%2ftopic%2felectrosmog%2fnewsletter%2dof%2dthe%2dswiss%2dexpert%2dgroup%2don%2delectromagnetic%2dfields%2da.h>

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Other recent studies on the health effects of living near cell towers can be found at:
Environmental Health Trust

<https://ehtrust.org/cell-towers-and-cell-antennae/compilation-of-research-studies-on-cell-tower-radiation-and-health/>

Physicians for Safe Technology

<https://mdsafetech.org/cell-tower-health-effects/>

Sincerely,
Jo Phillips



Applicant's Response #1b

This commenter appears to live a large distance away from the proposed facility and they should rest assured that their property will be located in an area that will fall far below the Health Canada safety code limits for radiofrequency energy. Further, as noted, debating the validity of Health Canada's Safety Code 6 is beyond the scope of this consultation. Below are the responses that I have shared on this topic nonetheless.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.canada.ca%2fen%2fnews%2farchive%2f2014%2f11%2ffact%2dsheet%2dwhat%2dsafety%2dcod%2d6.html&umid=a750876d-4507-4140-84a5-5e601db533a6&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-a4f7fdec27efbbcced56caf3aaae61535d9af0d5>
- <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.canada.ca%2fen%2fhealth%2dcanada%2fservices%2fhealth%2drisks%2dsafety%2fradiation%2foccupational%2dexposure%2dregulations%2fsafety%2dcode%2d6%2dradiofrequency%2dexposure%2dguidelines%2ftechnical%2dguide.html&umid=a750876d-4507-4140-84a5-5e601db533a6&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-b74546e0a64a2642255a678242c5418fb4867406>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thank you,

Brian Gregg | SitePath Consulting Ltd.

Submission #1c: Jo Phillips

Hello Mr. Gregg and CRD staff.....

I find it insulting to both my intelligence and my common sense that you are quoting me studies that are 7 and 10 years old and a "safety code" that has not had any major updates in 30 plus years to try and reassure me that there would be no effects from a 45 m. antenna 500 meters from my home when I, in my letter, referred you to a very recent study (along with a large cohort of other research papers) that showed that EMFs **even at very low doses** can lead to oxidative damage, especially among vulnerable populations (young, elderly, people with preexisting medical conditions). This is not something to be brushed off. Proper science does not chose a study or two and stick with them for 10 years in the face of newer research and information.

I am not reassured at all. In fact I am alarmed that people who are making these decisions and siting large, busy antennas "in many communities across B.C." are refusing to consider the research and studies that have been done in the past decade and/or which include children, older people and people with underlying health conditions.

Please include this reply with my original letter.
Thank you,
Jo Phillips

Submission #2a: Lynn Moss

From:
Sent: Monday, May 24, 2021 8:29 PM
To: Webdesk <Webdesk@crd.bc.ca>
Subject: Contact Us - Submission

The following message was received through the form at '<https://www.crd.bc.ca/contact-us>'. Neither the name nor the e-mail address can be confirmed as accurate.

Your Name:
Lynn Moss

Your Email Address:

Message:

Regarding the proposed Rogers Tower at Clarke Road and Aythree Way in Otter Point.

Hello : How many ways can I make it clear this proposed tower does not belong in this location?

First: I used to work at UVic where we used Crest for our own work and to communicate with the police and fire departments and I can tell you that it caused concerns with numerous dead spots where there was no communication. In spite of its shortcomings, I do understand people's desire for a Crest antenna. There is no need for twenty soon to be enabled and future Rogers antennae.

Second: World scientists agree that it is still very much an unknown technology and the short and long term effects on life are not known. Olle Johansson of Sweden and many other scientists not in the pay of the telecommunications companies clearly state that the effect of the radiation / transmission from any electromagnetic device can be harmful to plants, insects (like our dwindling bee population), birds, and bacteria, not to mention humans. I am EMF sensitive and it is a real effect of low grade nausea, brain fog and slight dizziness or instability which is not dramatic but nevertheless interferes with my quality of life.
<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.youtube.com%2fwatch%3f%3dhh%5fdOKKyU0M&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-f4b0577b85e1b72f230a39564267870147aae82a>

Third: Canada's "acceptable" level of EMF is one of the highest in the world other than mainland China- not something to be proud about, I'd think. C4ST, Canadians for Safer Technology has Frank Clegg, former President of Microsoft as its CEO, and he has been questioning Safety Code 6 for years as it is inadequate. Below I have attached some information for you on how one of the Presidents of Rogers has yet to show how 5 G and radio towers are safe. No response...

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.facebook.com%2fc4ST.ORG%2f&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-3365f3dbc609eeae47a0ea8f3ab46b86cf19b44d>

The letter Frank emailed to Mr. Prevost on April 13th can be found at

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fdocs.c4st.org%2fMedia%2fLetters%2fclegg%2dChallenge%5fLetter%2dto%2dPrevost%2dRogers%2dCommunications.pdf&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-68197053a14bd7b1243d457fdded0e9e2e4cf932>

As of April 28th, no response had been received.

The media release announcing the video is at

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fdocs.c4st.org%2fMedia%2fPress%2dReleases%2fMedia%2drelease%2dre%2dRogers%2dEORN%2dvideo.pdf&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-73b445aee49183ab1fcaa340962c253b4ab1ca85>

Thanks for helping to spread the word on this important issue,

The Suspend 5G Appeal Team

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.appel5gappeal.ca&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-9572805361a624bc2ef2efed241c339a9e56ce45>

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.facebook.com%2fgroups%2fAppel5GAppeal&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-222f6a4e93b2dbf4f8e7c9261c802804a25b081f>

Fourth: Canada's government is made up of politicians, most of whom are not trained scientists. How is it they correctly say "Trust the science" for Covid 19 but that does not apply for EMF where they ignore the science? Has the Canadian government ever been wrong before about approving such things as tobacco, asbestos, urea formaldehyde, thalidomide, Celebrex, DDT? Would this rush to approve have anything to do with the money being made off wireless telecommunications? Has anyone thought about the class action lawsuits when there are clearly proven adverse effects such as cancers, sperm deviation causing autism, ADHD, defibrillation, and disability including long term disability dependence due to EMF sensitivity just as there are similar lawsuits over the other things listed above and initially presumed to be safe? The conditions I mention are not simply health issues but affect lifestyle, self image and mental well being, ability and relationships.

Fifth and lastly: As Dr. Olle Johansson says, we just do not know yet of the full effects of radiation on all forms of life, bacteria, plants, insects, birds and people. Are we not creating enough havoc and destruction with the other acts causing climate change?

So I respectfully ask that you do not build this tower at all, which I am quite sure is a request which is not going to be heeded, so please do not build it so close to houses and an organic farm and where we have animal trails and wildlife habitat between the current residences. I'm settling for not in my back yard but prefer not in my universe.

Thank you

Lynn Moss

Otter Point.

Applicant's Response #2a

Although this commenter has broken their comments down into five (5) sections below, it appears that there are three (3) general concerns stated including: 1) tower siting; 2) concerns about the quality of service from CREST, and 3) health and safety.

Regarding tower siting, Rogers notes in its application to the CRD that the closest residential use is approximately 325 meters (1066 ft.) away. This is a large setback. Indeed, we have made all best efforts to site the infrastructure in a manner that will achieve both technical and/or service objectives as well as community planning and land use objectives. Rogers desires to be a good neighbour while delivering quality service. In many instances, cell sites are located in much closer proximity to neighbouring land uses and in fact we often have antennas situated on rooftops of buildings within a few meters of habitable space, including at UVic -- a location referenced by the commenter. The tower installation, as proposed, therefore represents a large setback from habitable space and it will thus easily comply with all safety standards.

Regarding the other two concerns -- health and quality of service from CREST -- I kindly note that our guiding policy document is Innovation, Science and Economic Development (ISED) Canada's *CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems*. Section 4.2 in the CPC policy document notes that concerns pertaining to service quality as well as debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Please see the relevant excerpts and link below (relevant sections are highlighted).

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html#sec4.2>

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, **Safety Code 6**, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

Nonetheless, below is some useful information regarding Health Canada's safety code that we have been sharing with other commenters who have questions on this topic.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health

Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

I trust that I have responded to each concern.

Thank you and please feel free to let the commenter know that they may call me directly if they desire further dialogue. My cell number is .

Brian Gregg | **SitePath Consulting Ltd.**

Submission #2b: Lynn Moss

Rogers Antenna round three

June 4, 2021

Dear Brian Gregg- Thank you for your prompt reply. I'm thinking in any job, some days are easier than others and this may not be one of the easiest for you. I realize you are expected to use the client's script or talking points no matter what you personally believe.

Let's pretend for a moment that the tower bristling with antennae is not a radiation emitting tower but a forest fire. If I am not standing in the fire itself (ie under the tower) then there are no worries- from a fire, there would be concerns of smoke, ash and sparks. Correct? From the tower there are concerns of EMF radiation. Are you really trying to convince me that there is no radiation at all outside of the perimeter of 325 meters? If this is the case, how do transmissions come and go? Why put up the tower if the effective radius is 325 meters and there are no emissions outside that zone? I realize this is a scripted talking point but how naive does Rogers think the public is? And if there is no radiation why are there repeater boxes on power poles every couple of hundred feet?

Yes, you are quite correct that the limits fit in with the Canadian Safety Code 6 and since the "guiding policy" made by Rogers means we cannot question the validity, ethics nor safety of Code 6, it is pretty much like offering to play dice with loaded die, isn't it? We are to ignore that the Canadian Safety Code 6 is far less stringent than many other countries where they actually take the grounded and accepted science to inform their guidelines. I realize that this public consultation is simply for show and the antenna is a likely done deal. I also remember having to say and do things I was not always proud about at a job, so I am feeling a bit sorry for you. When you get older and reflect back on your life at a time when the irrefutable evidence is exposed about the damage caused by these towers' emissions, don't be too hard on yourself. I think people who worked in positions which approved DDT, Thalidomide, PCBs and tobacco and the other detrimental materials and concoctions felt responsible for their actions after it was far too late to rectify them. These things were all legal and acceptable to the governments of their times- like the horrors of residential schools recently in the news and involuntary sterilization of people deemed to be mentally incompetent and putting innocent Canadian citizens into work camps during WW2 and the BC government kidnapping Doukhobor children in the 1960s and 70s. It was all legal and government approved so how could it be unhealthy or ethically wrong?

The hard and irrefutable fact is that we do not know enough about EMF and its effects on the environment, plants, animals, water and people. I am hard pressed to imagine why I would ever agree to being a guinea pig for the communications industry so I still argue against this tower being put in this location. There is simply too much at risk.

Thank you for your attention to my letter(s) and in closing I'd like to add that I know nothing about you or your life but if you are using a baby monitor or plan to do so, please do your research first – proper research not the manufacturer's specs.

Lynn Moss

Applicant's Response #2b

From: [Brian Gregg](#)
To: [Emma Taylor](#)
Cc: [Wendy Miller](#); [Garth Jones](#)
Subject: Re: another submission LP000021
Date: Wednesday, June 16, 2021 3:38:59 PM
Attachments: [CORRESP-RCVD-LMOSS-3RD-LP000021.pdf](#)

Hi Emma:

This comment (attached) appears to only focus on debating the validity of Health Canada's Safety Code 6. Since compliance with the safety code is a legal requirement and debating the validity of the safety code is beyond the scope of this consultation per ISED protocols, I will not respond further unless you feel it is critical.

I would respectfully suggest that if this commenter desires dialogue regarding Health Canada's protocols then they would find a direct discussion with the policy makers at Health Canada to be more fruitful. Rogers has no influence over the health policies and our only option is to comply with all laws and safety standards. We take this seriously.

Regards,

Brian Gregg | SitePath Consulting Ltd.

Submission #3a: Chris Moss

Your Name:

Chris Moss

Your Email Address:

[REDACTED]

Message:

Re: proposed communications tower at Clark Road and Aythree Way.

To Whom It May Concern,

We do not want a Cell Tower.

A new communication tower is being planned for the Otter Point area located off Clarke Road and Aythree. Despite the years of controversy about the use of microwaves for the use of communications it has become clear that these frequencies are very harmful to all organic life forms. The current Canadian threshold for radiation from the devices on such towers is the largest in the world, save for China. The European limits are all being reduced as new studies are proving the detrimental effects of this pulsed radiation.

The Crest system communication is the ONLY valid device we should be considering. There is a reason why fire departments will not allow such towers on their buildings and grounds.

Humans, animals, birds, insects, and plants are all affected by the radiation beamed out by the other twenty-one Rogers antennas which will be attached to the tower. New housing planned for the next section of land above the Fire Station will be on level with the emissions from this tower. Traditional animal corridors will be disrupted as animals will seek to avoid the area thus forcing them through the burgeoning residential areas off Otter Point Road.

Cell towers are essentially a way for companies to make money. Of course they will say anything to expand their systems. Thousands of scientific reports say that all of the G6 and lower frequencies are unhealthy and should not be used as long term consequences are unknown.

Here is a short video from Dr Olle Johansson.

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.youtube.com%2fwatch%3fv%3dhh%5fdOKKyU0M&umid=2b53104e-8efa-4c3d-b717-5fe71e18d7de&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-992dc77ef7954eefb9b471c40ff2681b3365f2fb>

Yours sincerely,

Chris Moss [REDACTED], Otter Point, [REDACTED]

Applicants Response #3a

This commenter appears to be stating concerns exclusively about perceived health impacts associated with wireless infrastructure. I kindly note that our guiding policy document is Innovation, Science and Economic Development (ISED) Canada's *CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems*. Section 4.2 in the CPC policy document notes that concerns pertaining to debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Please see the relevant excerpts and link below (relevant sections are highlighted).

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html#sec4.2>

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, **Safety Code 6**, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

Nonetheless, below is some useful information regarding Health Canada's safety code that we have been sharing with other commenters who have questions on this topic.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thank you and please feel free to let the commenter know that they may call me directly if they desire further dialogue. My cell number is .

Brian Gregg | **SitePath Consulting Ltd.**

Submission #3b: Chris Moss

From: [Chris Moss](#)
To: [Emma Taylor](#)
Cc: [Wendy Miller](#)
Subject: Re: Antenna System Application - LP000021
Date: Friday, May 28, 2021 11:14:10 AM

Hello Emma and Wendy- please pass this on.
Thanks **Chris Moss

It is difficult to imagine that cigarettes can cause Cancer, it must be a hoax. They are legally regulated and sold to the public. We follow the guidelines, so anyone who gets Cancer must have done so from another source.

It is difficult to imagine that RF transmissions can cause Cancer, it must be a hoax. They are legally regulated and sold to the public. We follow the guidelines, so anyone who gets Cancer must have done so from another source.

You should take a look at the Statistic Canada website on the declining fertility rate of Canadian women in the 20 to 30 year age range, particularly in Ontario. According to Stats Canada, the areas least affected by lowered fertility rates are NWT and Nunavut - the latter being the only area producing enough babies to maintain its population. Is it because these areas are the least affected by the cellular expansion of the southern provinces? Stats on male fertility are harder to find, but given that this cohort has grown up in the last twenty five years with the "advantages" of wireless communications, one has to wonder if the increasing levels of radiation waves in the areas around us are, in fact, at the cellular level, altering the fertility rates of the first generation exposed constantly to this wavelength of radiation. It is difficult to imagine that near sterility can be caused by something we can not see. It must be a hoax.

**Chris Moss

Applicant's Response #3b

From: [Brian Gregg](#)
To: [Wendy Miller](#)
Cc: [Emma Taylor](#); [Garth Jones](#)
Subject: Re: Antenna System Application - LP000021
Date: Monday, May 31, 2021 2:28:06 PM
Attachments: [Statement from CMHO re Cell Phones.pdf](#)

Hi Wendy and Emma:

As you are aware from my prior responses, concerns that pertain to debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Rogers has no influence over the safety code and is required to comply. If this commenter wishes to debate whether the safety code is valid, they may find the discussion to be more fruitful directly with the policy makers at Health Canada. Nonetheless, below is some feedback.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thanks,

Brian Gregg | SitePath Consulting Ltd.

Submission #4: Annette Moyer and James Isram

Juan de Fuca Community Planning
CRD
7450 Butler Road
Sooke BC
V9Z 1N1

May 19, 2021

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To the Planning Committee,

We are long-time Otter Point residents and homeowners writing to voice our opposition to the proposed Radio Communication & Broadcasting Antenna System Application (LP0000021 – Section 42) at Clark Road and Aythre Way. Our property is located approximately 340 meters out from the proposed antenna.

We understand the increasing necessity of reliable phone service in this current dead zone. The tower proposed is not the only solution to this issue. A CREST tower for 911 service would provide emergency contact, however the proposed tower has 11 additional commercial antennae. It is not necessary for such a high volume of electromagnetic radiation to be situated so close to residences and farms. Current research suggests that both short and long term health risks increase at distances between 300-400 meters. Given our residence is located 340 meters from the proposed tower, we are not comfortable with either its location or the volume of antennae proposed.

Improvements to the infrastructure in the JDF region should chiefly benefit its residents, not private companies. We are not interested in improved cell service at the detriment to our health and land value. We urge JDF Community Planning to reconsider this proposition.

Thanks for your time and consideration,
Annette Moyer and James Isram

This commenter has stated three (3) general concerns:

1. siting of the tower in proximity to their home;
2. health concerns;
3. property value concerns.

Below is some feedback according to each subject.

1. Siting

Regarding tower siting, Rogers notes in its application to the CRD that the closest residential use is approximately 325 meters (1066 ft.) away. This particular commenter states that their home is approximately 340 meters away.

This is a large setback for this type of low powered infrastructure. Indeed, we have made all best efforts to site the infrastructure in a manner that will achieve both technical and/or service objectives as well as community planning and land use objectives. Rogers desires to be a good neighbour while delivering quality service. In many instances, cell sites are located in much closer proximity to neighbouring land uses and in fact we often have antennas situated on rooftops of buildings within a few meters of habitable space or in towers that are directly beside buildings, including in nearby Sooke. The tower installation, as proposed, therefore represents a large setback from habitable space and it will thus easily comply with all safety standards.

2. Health and 3. Property Values

I will respond to these two subjects in the same section. The reason is because these subjects are beyond the scope of this consultation. I will elaborate below.

In sum, our guiding consultation policy document is Innovation, Science and Economic Development (ISED) Canada's *CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems*. Section 4.2 in the CPC policy document notes that concerns pertaining to property values and debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Please see the relevant excerpts and link below (relevant sections are highlighted).

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html#sec4.2>

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on **property values** or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, **Safety Code 6**, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

Nonetheless, below is some useful information regarding Health Canada's safety code that we have been sharing with other commenters who have questions on this topic. We have also provided some feedback below regarding property values.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Property Values

- Our understanding is that there is no consistent evidence to suggest a clear positive or negative impact on property values in relation to wireless infrastructure.
- Anecdotally, some people may prefer to live off the grid away from infrastructure and we also hear from some people who state that they cannot live in areas without dependable service and our infrastructure. I think this is therefore a subjective matter. We often hear from developers who want our infrastructure to service their subdivisions and likewise I sometimes hear from people like yourself who would prefer that the tower go elsewhere or further away.
- Perhaps a contrary perspective to consider is that BC Assessment will levy Rogers additional commercial property tax on the subject property if the tower is built as it is deemed an "infrastructure improvement" and is treated as an improvement that will add value to the property value rather than retract from it. This is a nearly \$1 million infrastructure investment and rather than reduce the value of property -- at least from a property tax perspective -- it is the opposite in BC Assessment's eyes.

Thank you and please feel free to let the commenter know that they may call me directly if they desire further dialogue. My cell number is

Brian Gregg | **SitePath Consulting Ltd.**

Submission #5: Sheila Hubbard

Site W5001 Non Concurrence

I STRONGLY OPPOSE to the application for the antenna installation at the proposed site in OTTER POINT at CLARK road and AYTHREE.

Subject: Non Concurrence - Otter Point Site W5001

The tower is less then 500 meters from my home and 300 meters from my property at [REDACTED] Sooke

It is not necessary to site this very busy antenna within the range of residences, including an organic farm, an apiary and children. There is plenty of space around here where no one lives. A CREST tower (for 911 services) stand alone. It does not need 11 (or 21) commercial antennas on its tower, needlessly escalating the amount of electromagnetic radiation our local flora, fauna and residents are exposed to.

I am very concerned about

affects of emissions of radiation, and electro magnetic transmissions.

-affects to local flora and fauna

- affects to my household residence and animals

-affects to local insects such as Bees, wild animals and all in the close vicinity

Also the negative impact it has on real estate values for the surrounding properties.

Please re consider this application for this proposed tower.

A Local Otter Point resident

Sheila Hubbard
[REDACTED]
[REDACTED]
[REDACTED]

Applicant's Response #5

This commenter states four (4) general concerns including:

1. Siting of the tower in proximity to residences;
2. Potential impacts on wildlife, including bees and insects specifically;
3. Health and safety; and
4. Property Values.

Prior to responding, I kindly note that the first two subjects listed above -- siting and potential wildlife impacts -- are considered within the scope of this consultation, whereas concerns about health and safety (debating Health Canada's safety protocols) and property values are beyond the scope of this consultation. Specifically, our guiding consultation policy document is Innovation, Science and Economic Development (ISED) Canada's *CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems*. Section 4.2 in the CPC policy document notes that concerns pertaining to property values and debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Please see the relevant excerpts and link below (relevant sections are highlighted).

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html#sec4.2>

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on **property values** or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, **Safety Code 6**, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

Nonetheless, below are our responses according to each subject.

Siting

As this commenter notes, the proposed facility is over 300 meters away from the nearest residences. This is a relatively large setback. In fact, we have many installations with similar frequencies and power outputs operating in much closer proximity to habitable spaces, including on the rooftops of buildings such as condos, apartments, hospitals, etc. There are also numerous examples within the community of Sooke and, of course, Victoria. The 300 meter setback will thus ensure that the tower will easily comply with all applicable safety standards.

The siting was selected for numerous reasons including the need to tie the site into Rogers' network via line of sight technology, proximity to existing access and power (supporting infrastructure), favorable topography and because Rogers has been able to secure its land rights for this location.

Wildlife

Rogers and other similar service providers have wireless infrastructure operating in many natural areas with no known impacts on wildlife. There are many examples including in National Parks. For example, there are numerous cell towers in Glacier National Park, on many of the Gulf Islands (Salt Spring, Mayne Island, Saturna Island, etc.) the Discovery Islands (Quadra, Cortes etc), in the Tofino/Ucluelet area, etc. Effectively, anywhere that one has a cell phone signal there is supporting infrastructure nearby. There are countless examples of places where there is natural beauty and wildlife living and thriving in proximity to wireless infrastructure.

I can also confirm that we have thousands of cell sites located in agricultural areas including directly on farm land where there are bees and insects. Indeed, the Agricultural Land Commission (ALC) recently advised me that our telecommunications infrastructure is exempt from a need for their approvals as long as we do not exceed 1000 sq. m of fill coverage. While we are not experts on insects or bees specifically, we are not aware of any policies or protocols that reflect a concern about radiocommunication facilities causing harmful effects to bees. You may wish to consult the Minister of Agriculture or a subject matter expert, however Rogers will comply with all applicable laws.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Property Values

- Our understanding is that there is no consistent evidence to suggest a clear positive or negative impact on property values in relation to wireless infrastructure.
- Anecdotally, some people may prefer to live off the grid away from infrastructure and we also hear from some people who state that they cannot live in areas without dependable service and our infrastructure. I think this is therefore a subjective matter. We often hear from developers who want our infrastructure to service their subdivisions and likewise I sometimes hear from people like yourself who would prefer that the tower go elsewhere or further away.
- Perhaps a contrary perspective to consider is that BC Assessment will levy Rogers additional commercial property tax on the subject property if the tower is built as it is

deemed an "infrastructure improvement" and is treated as an improvement that will add value to the property value rather than retract from it. This is a nearly \$1 million infrastructure investment and rather than reduce the value of property -- at least from a property tax perspective -- it is the opposite in BC Assessment's eyes.

I hope this detailed response is helpful. I would welcome a phone conversation if this person would like to discuss this further.

Thank you,

Brian Gregg | **SitePath Consulting Ltd.**

Submission #6: Deb and Mike Wiebe

jdf info

From: Deborah Wiebe <[REDACTED]>
Sent: Thursday, May 27, 2021 7:55 AM
To: jdf info
Subject: Re: Section 42 - Radiocommunications Tower

Thank you for the information that you have provided regarding the application to build a tower on Section 42 in the Otter District at Clark Road and Aythree Way.

We are in the process of completing a build on Lot 7, bordering Section 42. We have had some conversations with [REDACTED], who owns section 42, regarding this matter, as well as some of the other affected neighbours.

We recognize the need for increased cell service in our area and west to Port Renfrew, both with regards to communication, convenience, and safety. However, we do have some concerns about the location of the tower. I have done some research on Health Canada's current guidelines, and on the recent science that is continuing to emerge about the effects of the radiation that is being emitted on human beings (particularly children and those with compromised health), the land, and animals.

We do understand that our house does lie more than 400 metres from the tower, but due to the concerns mentioned above, we are wondering if it could be located in an alternate location. Our home is located on a hill that is pretty much in direct line with the tower and we are also curious about whether that impacts us differently than if we were at "ground level" with the tower, in that most research assumes surrounding homes to be at ground level.

We have been told that the owner is currently planning for just the first phase of the tower (emergency transponding). But the plan that you provided is also quite clear that the plan will eventually include a taller tower with numerous antennas. The latter is what concerns us. We are also wondering if Rogers or the CRD will have any legal responsibility if, in years to come, there do prove to be negative effects on health and wellness.

Finally, because information on the health effects of these towers is still emerging, I feel that it is prudent to err on the side of caution. We purchased our property with the goal of enjoying a healthy lifestyle in a beautiful part of the world, and we want to ensure our family, as well as all of our neighbours, are not put at risk.

We look forward to hearing how this process unfolds over the next weeks and months.

Thank you for your consideration,

Deb and Mike Wiebe

Applicant's Response #6

In the interests of being consistent, below is the response we have been providing to all people who have questions about health and safety.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Rogers will at all times comply with all applicable laws and safety protocols.

Brian Gregg | **SitePath Consulting Ltd.**

Submission #7a: Andrew MacKay

jdf info

From: Andrew MacKay [REDACTED]
Sent: Thursday, May 27, 2021 1:58 PM
To: jdf info
Subject: Proposed 45m Radio Communications Facility, Section 42, Otter District

PLEASE REPLY TO CONFIRM RECEIPT OF THIS EMAIL

Attention: CRD Juan de Fuca Community Planning

RE: Proposed 45m Radio Communications Facility, Section 42, Otter District

I am submitting this email to express my strong opposition towards the proposed Radio Communications Facility (the "Tower").

Questions for the Proponent

1) I visited the proposed Tower site, and met with the property owners in person. The property owners advised that Rogers would be "donating" the Tower, and the Tower would be used for local CREST services only. Further, the property owners emphatically assured me that the Tower would absolutely not be used for provision of Rogers cellular or retail services of any kind at any point in time, now or in future. The information provided by the property owners is in direct conflict with the information provided on drawing A03, which indicates a large number of "proposed" and "future" Rogers antennas ("Rogers Antennas").

Are the property owners not aware of the Rogers Antennas? Have the property owners been misinformed regarding the potential provision of Rogers cellular/retail service from this Tower?

2) Will the property owners receive financial compensation of any kind for permitting the Tower to be built on, and/or operate on, their property?

3) If the property owners will receive financial compensation, what is the dollar value of the compensation, is the payment one-time or recurring, and how is the payment arrangement structured and calculated?

4) What is the purpose/function of the "Proposed Rogers Revenue Meter" indicated on drawing A02?

5) Please explain very clearly: what are the main differences between the operation and function of a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

6) What is the difference in radiofrequency radiation ("RFR") generated by a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

7) What is the difference in the range/coverage of a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

8) Why was this specific location chosen for the proposed Tower?

9) What are the key specific attributes that make this proposed Tower location more desirable than other potential Tower locations?

10) Are there any other potential Tower locations which could be used where there would be no existing homeowners exposed to RFR? If not, why not?

11) It is not possible for both Rogers and the property owners to have "mutually initiated" the discussion which led to the proposed Tower on Section 42. Which of these two parties initially approached the other party? Did the property owner approach Rogers first to suggest Section 42 as a potential location for the Tower, or did Rogers approach the property owners first to suggest Section 42 as a potential location for the Tower? It is only possible that one of these two parties was the instigator - which one was it?

12) Please provide detailed maps for both the CREST service and the Rogers Antennas service. At minimum, these maps should clearly outline what coverage is provided in which areas, and the anticipated average and peak levels of RFR exposure in each specific area.

13) Why does the CREST service require a new, additional tower? Please provide a detailed explanation. What are the deficiencies, failings, shortfalls in the existing CREST system infrastructure which would be remedied via this new proposed Tower? How will this new proposed Tower significantly improve the existing CREST system? Or, is the proposed new Tower simply providing redundancy without any significant improvements or problem corrections?

Questions for CRD Juan de Fuca Community Planning

1) Please clearly outline the formal process via which impacted property owners are able to prevent the Tower from being built.

2) Is there a certain number of objections received from impacted property owners that will ensure this project is cancelled? If so, how is this specific number of objections calculated - a certain percentage of impacted property owners or some other calculation? Is a petition opposing the project with a certain number of signatures sufficient to cancel the project?

3) Why does the CREST service require a new, additional tower? Please provide a detailed explanation. What are the deficiencies, failings, shortfalls in the existing CREST system infrastructure which would be remedied via this new proposed Tower? How does this new proposed Tower significantly improve the existing CREST system? Or, is the proposed new Tower simply providing redundancy without any significant improvements or problem corrections?

4) Which government agencies/entities (local, municipal, provincial, federal) are responsible for regulating radio communications towers and/or ensuring radio communications towers do not present any potential danger/harm to the public and/or monitoring RFR exposure and ensuring RFR exposure does not potentially have an adverse impact on public health?

5) Are there any government agencies/entities at any level (local, municipal, provincial, federal) contributing funds to assist with this project? If so, please provide the dollar value of the contribution.

6) Why are only the property owners within 500 metres of the subject site notified and consulted regarding this project? Is the 500 metre "boundary" based on a scientific calculation, based on the cell tower coverage, based on RFR exposure levels, or is this simply an arbitrary figure based on nothing at all? How and by whom was the 500 metre figure arrived at and agreed upon?

7) Do property owners outside the 500 metre "boundary" have an opportunity to object to this project?

8) What is the immediate next step in this process, and how are impacted property owners able to engage in this next immediate step in the formal process?

Andrew MacKay



Applicant's Response #7a

1) I visited the proposed Tower site, and met with the property owners in person. The property owners advised that Rogers would be "donating" the Tower, and the Tower would be used for local CREST services only. Further, the property owners emphatically assured me that the Tower would absolutely not be used for provision of Rogers cellular or retail services of any kind at any point in time, now or in future. The information provided by the property owners is in direct conflict with the information provided on drawing A03, which indicates a large number of "proposed" and "future" Rogers antennas ("Rogers Antennas").

The proposed tower is meant to provide wireless services to the area with CREST, supplementing their emergency communication services to the area. That said, the tower built would provide service to Rogers' customers, as well as emergency 911 services for all carriers, and CREST who will be hosting their antenna on the tower will provide their emergency communication services. The future antennas identified on the drawings show what might be required to meet future service demand in the area.

Are the property owners not aware of the Rogers Antennas? Have the property owners been misinformed regarding the potential provision of Rogers cellular/retail service from this Tower?

Rogers has entered into an agreement with the property owner which includes the proposed design of the tower. Rogers would respectfully request that all questions be directed via the appropriate channels for this consultation, specifically via the CRD and from there through to Rogers. We cannot comment on or verify any discussions that may have been had beyond our sphere of direct influence. We desire an open and transparent discussion.

2) Will the property owners receive financial compensation of any kind for permitting the Tower to be built on, and/or operate on, their property?

As with any right of way agreement or lease agreement for use of land, there is typically always some form of compensation to the property owner for use of the space..

3) If the property owners will receive financial compensation, what is the dollar value of the compensation, is the payment one-time or recurring, and how is the payment arrangement structured and calculated?

The terms of the agreement are confidential.

4) What is the purpose/function of the "Proposed Rogers Revenue Meter" indicated on drawing A02?

This is in reference to the BC Hydro meter to record electricity consumption at the tower so that Rogers can cover its electricity consumption costs.

5) Please explain very clearly: what are the main differences between the operation and function of a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

This could be explained in numerous ways and would depend on site specific considerations. Whether an installation is for CREST, Rogers or any provider, the antennas will need to be above the tree line and topography so as to ensure there is line of sight and dependable wireless services to the community. Of course, a tower with equipment from multiple carriers will have more antennas on it and equipment at the base of the tower. A tower with only one provider will have fewer antennas and less equipment at the base. At the end of the day all entities will need a tower tall enough to clear the topography. The federal government requires carriers to share infrastructure and use existing towers whenever possible, given that both Rogers and CREST need to service the area, it makes sense to jointly cooperate on a single structure. This proposal mitigates the need for Rogers and CREST to have their own separate tower installations.

6) What is the difference in radiofrequency radiation ("RFR") generated by a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

RFR is determined by the power output of each antenna. For the Rogers antennas, they are pointed in different directions while the CREST antenna is a single antenna transmitting 360 degrees. Our engineer has conducted an analysis and determined that the highest exposure will be ~55m from the tower. At a theoretical peak, the levels would be at 3.87% of Health Canada's Safety Code 6 allowable limits. This level is unlikely to be reached as the demand and tower loading will unlikely ever be at its peak. The tower will more likely be operating at a fraction of this level. As one moves further away from this point the energy of the signal dissipates exponentially and so the levels continue to fall.

We can firmly commit to strict compliance with Health Canada's Safety Code 6 at all times. This is a strict obligation.

7) What is the difference in the range/coverage of a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

CREST and Rogers operate within their licensed frequencies, and as such, provide different services to the community. Rogers can provide wireless services and emergency 911 coverage to non-Rogers users, and CREST will through their own equipment and frequencies provide its emergency services. The tower has been designed to try and meet both parties wireless coverage requirements to ensure Rogers' customers stay connected, and CREST has the ability to transmit/remit information for emergency service providers. A stand alone tower for either party would have the same coverage footprint if it was in the same location/height. The two parties will not be building stand alone towers as this would be against the colocation requirements from ISED.

8) Why was this specific location chosen for the proposed Tower?

This location was selected as it provides excellent sight lines, coverage and meets the technical requirements in relation to the adjacent network sites. It is also respectfully sited over 300 meters from the closest residences. Supporting infrastructure such as power and access roads are reasonably nearby. We also require a willing property owner.

9) What are the key specific attributes that make this proposed Tower location more desirable than other potential Tower locations?

The reasons listed in section 8 above apply here.

10) Are there any other potential Tower locations which could be used where there would be no existing homeowners exposed to RFR? If not, why not?

We are not aware of other viable locations that meet Rogers' technical needs within 1km radius of where the coverage is warranted. Please feel free to share some ideas if you feel that you would like us to consider them. Please share specific coordinates and mapping and we can review them if desired. However, we intend to complete the subject consultation.

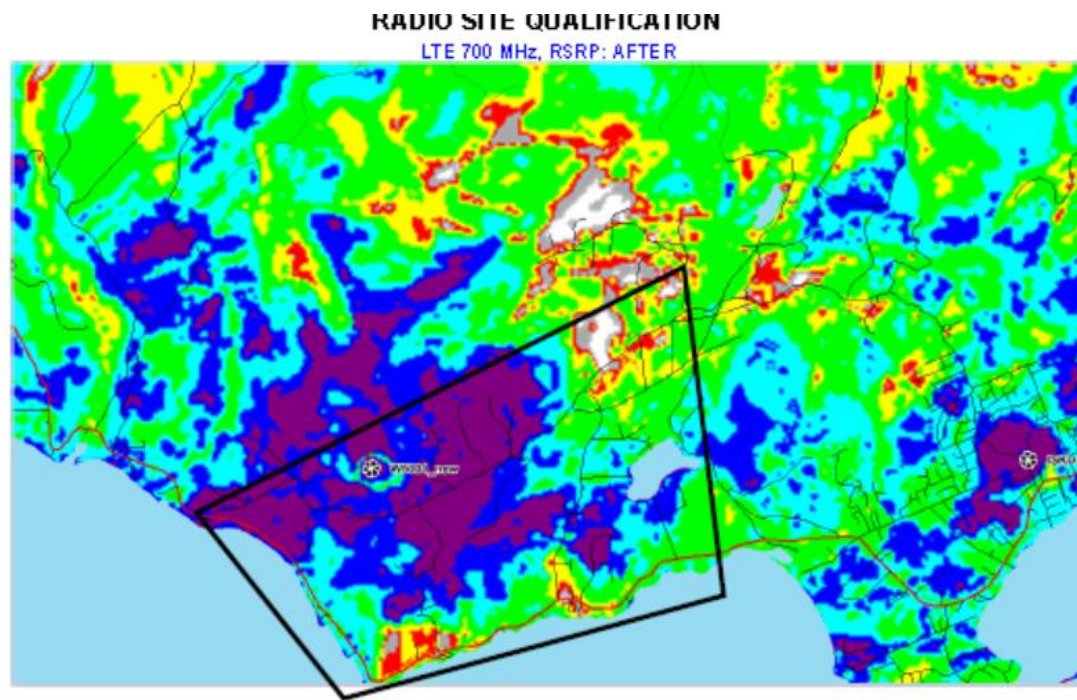
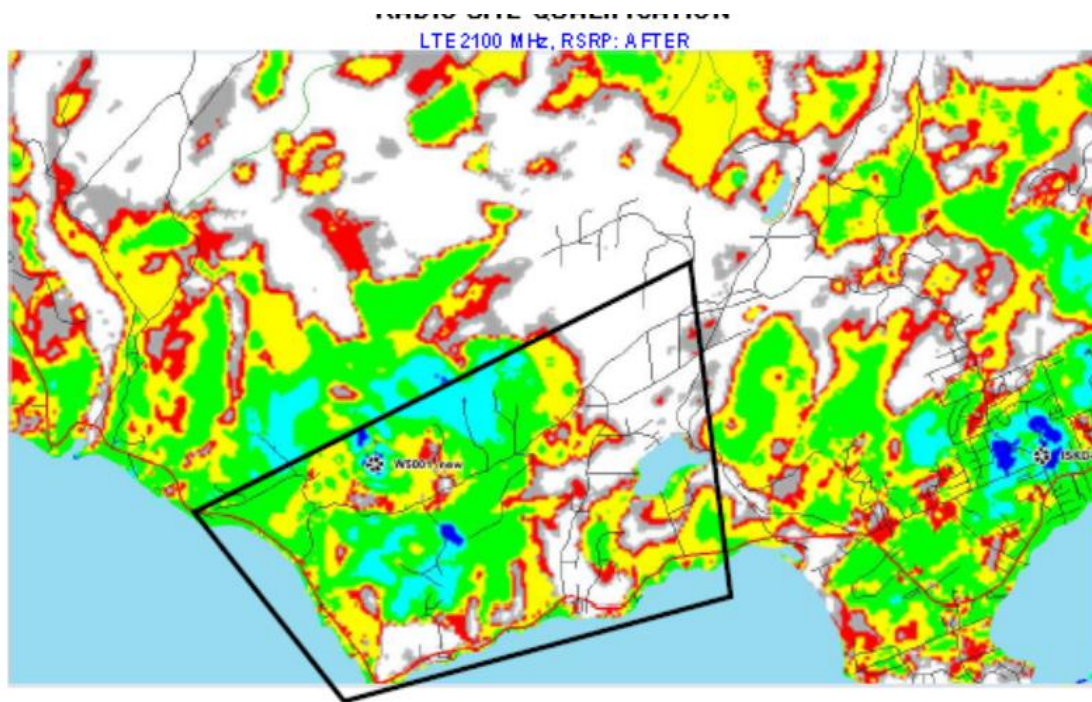
11) It is not possible for both Rogers and the property owners to have "mutually initiated" the discussion which led to the proposed Tower on Section 42. Which of these two parties initially approached the other party? Did the property owner approach Rogers first to suggest Section 42 as a potential location for the Tower, or did Rogers approach the property owners first to suggest Section 42 as a potential location for the Tower? It is only possible that one of these two parties was the instigator - which one was it?

Both Rogers and CREST have been aware of overlapping service needs for a number of years. The agreement is between Rogers and the property owner.

12) Please provide detailed maps for both the CREST service and the Rogers Antennas service. At minimum, these maps should clearly outline what coverage is provided in which areas, and the anticipated average and peak levels of RFR exposure in each specific area.

Maps are not a particularly useful tool for demonstrating safety limits for towers in rural areas. EMF levels are measured at a scale of 1m. The concern is ensuring that people will not be operating within tens of meters of the antennas. For antennas mounted on a tall tower, the signal is propagated in an outward pattern which means there is minimal exposure at ground level. The tower has been located away from any structures or buildings which may bring the public near the antennas. As mentioned in #6, the highest RFR is at 3.87% of SC6 allowable levels at ~55m from the tower.

The map below shows the Rogers proposed coverage for the 2100 band (left) / 700 band (right) – purple/blue is strong; green/yellow is good; red is poor; grey/white is no service. We have requested additional detail from CREST.



13) Why does the CREST service require a new, additional tower? Please provide a detailed explanation. What are the deficiencies, failings, shortfalls in the existing CREST system infrastructure which would be remedied via this new proposed Tower? How will this new proposed Tower significantly improve the existing CREST system? Or, is the proposed new Tower simply providing redundancy without any significant improvements or problem corrections?

Rogers is required to consider applications for tower sharing and CREST feels that another facility is needed for their services. Rogers does not dictate where other service providers desire their infrastructure.

According to CREST, their users have requested coverage improvements in this area. Currently, Broom Hill blocks signals from the nearest CREST site.

5) Are there any government agencies/entities at any level (local, municipal, provincial, federal) contributing funds to assist with this project? If so, please provide the dollar value of the contribution.

Northern Development Initiative Trust's Connecting BC program, which is funded by the provincial government, will contribute \$4.9M to provide cellular coverage along Highway 14."

Brian Gregg | SitePath Consulting Ltd.

Questions for CRD Juan de Fuca Community Planning

- 1) Please clearly outline the formal process via which impacted property owners are able to prevent the Tower from being built.

The CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy (the "policy") establishes the procedure for consideration of antenna systems in the Juan de Fuca Electoral Area. This policy is based on Industry Canada's Spectrum Management and Telecommunications Client Procedures Circular CPC-2-0-03 (attached).

Please be aware that the role of local government consultation is largely related to local preferences regarding antenna system siting and/or design and reasonable alternatives and/or mitigation measures. For example, concerns that are not relevant include: • disputes with members of the public relating to the proponent's service, but unrelated to antenna installations; • potential effects that a proposed antenna system will have on property values or municipal taxes; • questions whether the Radiocommunication Act, Client Procedures Circular, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

- 2) Is there a certain number of objections received from impacted property owners that will ensure this project is cancelled? If so, how is this specific number of objections calculated - a certain percentage of impacted property owners or some other calculation? Is a petition opposing the project with a certain number of signatures sufficient to cancel the project?

The Juan de Fuca Land Use Committee and CRD Board will consider the public submissions received as well as the applicant's response to address any issues or concerns noted. The attached policy includes application evaluation criteria that is considered in any resolution of concurrence or non-concurrence (note, the CRD does not make a decision, but must provide a resolution of concurrence for the application).

- 3) Why does the CREST service require a new, additional tower? Please provide a detailed explanation. What are the deficiencies, failings, shortfalls in the existing CREST system infrastructure which would be remedied via this new proposed Tower? How does this new proposed Tower significantly improve the existing CREST system? Or, is the proposed new Tower simply providing redundancy without any significant improvements or problem corrections?

These questions are best to be addressed by the applicant.

- 4) Which government agencies/entities (local, municipal, provincial, federal) are responsible for regulating radio communications towers and/or ensuring radio communications towers do not present any potential danger/harm to the public and/or monitoring RFR exposure and ensuring RFR exposure does not potentially have an adverse impact on public health?

The federal government regulates radio communications towers [Home - Spectrum management and telecommunications](#) and radiofrequency emissions [Radiofrequency Energy and Safety - Spectrum management and telecommunications](#)

See Industry Canada's Client Procedures Circular attached for the role of local government.

5) Are there any government agencies/entities at any level (local, municipal, provincial, federal) contributing funds to assist with this project? If so, please provide the dollar value of the contribution.

This question is best posted to the applicant. Some of the funding details are included in this article: [Rogers Expands its Wireless Network to Improve Safety and Provide Reliable Connectivity along Highways 16 and 14 in B.C. - About Rogers](#)

6) Why are only the property owners within 500 metres of the subject site notified and consulted regarding this project? Is the 500 metre "boundary" based on a scientific calculation, based on the cell tower coverage, based on RFR exposure levels, or is this simply an arbitrary figure based on nothing at all? How and by whom was the 500 metre figure arrived at and agreed upon?

The CRD Development Fees and Procedures Bylaw 3885 establishes the 500m public notification radius. [JdF Development Procedures bylaw \(crd.bc.ca\)](#) Notice is also posted in the Sooke News Mirror and on the website [JdF Community Planning | CRD](#). Land Use Committee and CRD Board meetings are open to the public (currently online only).

7) Do property owners outside the 500 metre "boundary" have an opportunity to object to this project? Yes, anyone may submit comment and attend the meetings when the application is considered.

8) What is the immediate next step in this process, and how are impacted property owners able to engage in this next immediate step in the formal process? As per the procedure outlined in the attached policy, the applicant has 45 days to respond to comments and questions received. Staff then prepare a report to Land Use Committee that outlines the application, the public comments and responses received, analyzes the policy criteria and land use implications. A second/final notice is then mailed to owner's occupants within 500m (and on web and newspaper) advising of the Land Use Committee meeting when the application will be considered for a recommendation to the CRD Board.

Submission #7b: Andrew MacKay

From: [Andrew MacKay](#)
To: [Emma Taylor](#)
Cc: [Wendy Miller](#)
Subject: Re: FW: LP000021 - submission received
Date: Wednesday, June 16, 2021 11:25:28 AM
Attachments: [image001.png](#)
[image002.png](#)

OK Emma - so they refuse to answer.

Can you ask them to clarify this response:

5) Are there any government agencies/entities at any level (local, municipal, provincial, federal) contributing funds to assist with this project? If so, please provide the dollar value of the contribution.

Northern Development Initiative Trust's Connecting BC program, which is funded by the provincial government, will contribute \$4.9M to provide cellular coverage along Highway 14."

I am asking about funding specifically for this proposed tower. The response is not clear. Is the Connecting BC program providing \$4.9M funding for this specific proposed tower, or is a portion of the \$4.9M funding directed towards this specific proposed tower? If this specific proposed tower is receiving a portion of an overall 4.9M program funding, how much funding is the Connecting BC program providing for this specific proposed tower? If you cannot provide the exact amount at this stage because funding is not yet approved then please provide the amount of funding requested and/or a high/low estimate of funding you expect to receive.

Andrew MacKay

Applicant's Response #7b

The Northern Development Initiative Trust's Connecting BC Program is contributing funds for the entire corridor. You are correct that we do not know how those funds are allocated at this time because we don't have final designs approved for this or the other sites along this corridor. The costs that end up being allocated to this tower will depend on the costs of the entire corridor. We anticipate knowing the final design for the corridor by September.

Cheers,

Garth

Submission #8: Hilary and Jason Childs

Hilary and Jason Childs


May 28, 2021

Land Use Committee
CRD Juan de Fuca Community Planning
3-7450 Butler Road
Sooke, BC V9Z 1N1

**Re: Radio Communication & Broadcasting Antenna System Application LP000021 -
Section 42, Otter District (Clark Road and Aythre Way)**

To the members of the Land Use Committee;

This letter is to express our opposition to Radio Communication and Broadcasting Antenna Systems Application (LP000021 - Section 42). While our residence is not within the 500m radius of the proposed tower location, we are just beyond that radius and we feel that voices beyond the 500m radius need to be heard in this matter.

In today's society cellular coverage is an expectation of many. Due to that expectation, I understand the current initiative to ensure there is cellular coverage from Sooke to Port Renfrew.

While we can all find scientific studies to prove or disprove the negative health effects that are felt by people living near cell towers, it is evident that living near a cell tower exposes people to more radiation than they would otherwise be exposed to. While some people may never feel negative health effects, it may have a detrimental effect on another and for that reason alone the location of this tower needs to be rethought.

We feel that there are more suitable locations that are farther from residences (current and planned). Yes, there are other towers located on Otter Point Road in Sooke that are very close to residences. However there is a different expectation when living outside of an urban centre. Part of that expectation is to not have cell towers built so close to our homes.

We understand that such towers require power to function. Do such tower systems require 'wired' power, or can they be powered through solar panels? Given today's solar technology, it is conceivable to think that solar panels would be effective at powering such a system and as such would greatly increase the suitable properties in this neighbourhood to areas where there are no residences within 500m or more.

Should alternative power sources not be effective at powering the tower, there are other suitable and less controversial locations within the neighbourhood that are just as far from the current infrastructure (paved roads and power) as is the proposed site and would cost just as much to the applicant to service. Were any other sites considered for this tower?

An article recently published in the journal Environmental Research suggests that where possible cell towers should be located as to minimize the public's exposure to radio frequency radiation and should not be located less than 500m from the population at a height of 50m (article citation and link below).

We would like to ask that you please give thoughtful and thorough consideration to our comments and well as the comments, questions and evidence presented by other residents of this neighbourhood.

Sincerely,

Hillary and Jason Childs

Pearce, Joshua M., Environmental Research, Volume 181, February 2020, Limiting liability with positioning to minimize negative health effects of cellular phone towers.

<https://www.academia.edu/41138898/>

Limiting Liability with Positioning to Minimize Negative Health Effects of Cellular Phone Towers

This commenter appears to state a few questions/concerns relating to the following topics:

- health and safety;
- alternative siting options;
- where solar panels can be used to power Rogers' facility.

I will respond to each topic below.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Alternative Siting Options

The subject property was selected as we trust that it is respectfully sited approximately 350 meters away from the nearest residences while also achieving Rogers' technical objectives. The subject property also has reasonable proximity to supporting infrastructure including power and access. While there may be other locations that could be explored, we caution that there is also a need for a willing landlord and we may not always have every option available to us for tower siting.

Solar

At this time, with rare exceptions, solar power and other forms of renewable energy are generally not used as the sole source to power wireless facilities. Indeed, people expect their cell phones to work during times of emergencies. Therefore, it is typical for cell sites to not only be tied into the power grid but also for each site to have back-up battery power as well as an emergency generator connection. Simply put, solar power is not currently deemed reliable enough to replace the other power systems however it is on our radar and may be considered in the future as the technology improves.

Thank you,

Brian Gregg | SitePath Consulting Ltd.

Submission #9: Paul and Glyse Clarkson

jdf info

From: Paul Clarkston [REDACTED]
Sent: Sunday, May 30, 2021 7:00 PM
To: jdf info
Subject: Radio tower Otter point

Attn. Crd PLanning.

Please accept this letter stating our disapproval of the Rogers tower going on sec 42 (PID 009-497-790). We think there are better locations on hills in the rural resource lands. or lands west of here with less or no surrounding settlement. The tower is visual pollution and will sit center of a radius to about 20 -50 homes., not to mention the 10 or so immediate homes within a stone's(or three) throw in addition to the proposed subdivision of sect. 42. There are likely other areas where it can sit close to no houses. We are not able to unequivocally say the increased frequency of cellular radio waves will be bad for our health, but we can certainly say it will not improve our nor our neighbor's health. I imagine one day this tower could allow upgrades to the very contentious 5g, again we do not want this over us.

We appreciate your audience on this matter.

Regards,
Paul and Glyse Clarkson
[REDACTED]

Applicant's Response #9

We understand that the closest residence is approximately 350 meters away -- a relatively large setback especially given that there are many mature trees in the area. Also, similar to other infrastructure, we need to be sited in reasonable proximity to the end users who may be connecting to our network.

Below is some general feedback regarding health and safety.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thank you,

Brian Gregg | SitePath Consulting Ltd.

Submission #10: Anja Zschau

From: [Anja Zschau](#)
To: [jdf.info](#)
Subject: Rogers Tower Otter Point
Date: Monday, May 31, 2021 12:38:31 PM

Dear Sir or Madam,

we were notified about the planned construction of a Rogers Cell Tower less than 500 m from our home. We STRONGLY OBJECT to the planned cell tower in such close proximity to children, organic farming and an Apiary. The monetary gain of one person should never have an impact on so many other people.

The adverse reactions and health effects of Electro-Magnetic Frequencies are widely known and have been connected to the development of cancer in human beings. Wildlife and bees are known to be affected or, in the case of the pollinators even to disappear.

We are certain that a more suitable location for the cell tower can be found and we appeal to you to stop the building of the planned tower.

We would like you to forward our concerns to whom it may concern.

Thank you,

Anja Zschau

Applicant's Response #10

This commenter appears to be concerned about the proximity of the tower to residences and other land uses as well as health. I will respond to these topics below.

Tower Siting Adjacent to Residences, Agricultural Land and Pollinators

The subject property was selected as we trust that it is respectfully sited over 300 meters away from the nearest residences while also achieving Rogers' technical objectives. The subject property also has reasonable proximity to supporting infrastructure including power and access, mitigating the need for Rogers to clear additional land. We believe this is an environmentally sensitive approach to infrastructure siting.

I can also confirm that we have thousands of cell sites located in agricultural areas including directly on farm land where there presumably are pollinators such as bees. Indeed, the Agricultural Land Commission (ALC) recently advised me that our telecommunications infrastructure is exempt from a need for their approvals as long as we do not exceed 1000 sq. m of fill coverage. While we are not experts on insects or bees specifically, we are not aware of any policies or protocols that reflect a concern about radiocommunication facilities causing harmful effects to bees. You may wish to consult the Minister of Agriculture or a subject matter expert, however Rogers will comply with all applicable laws.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thanks,

Brian Gregg | SitePath Consulting Ltd.

Appendix E: Evaluation Criteria

Evaluation Criteria:

The CRD Board may consider the following when reviewing an application for an antenna system:

1. Rationale for proposed location;
2. Proximity to residential uses, institutions and public lands;
3. Visibility and measures to integrate the antenna system into the local surroundings;
4. Security measures;
5. Alternatives and/or mitigation measures;
6. Hazardous areas;
7. Environmentally sensitive areas;
8. Transport Canada's aeronautical safety requirements;
9. Referral responses including compliance with BC Building Code, if applicable;
10. Comments received through public notification;
11. Potential impact on the community if the application is approved.
12. Designs that address the following guidelines:
 - i) antenna systems are as unobtrusive and inconspicuous as possible;
 - ii) the visual aesthetic impacts on the community is minimized;
 - iii) landscaping or screening is incorporated;
 - iv) displays of any type of lighting are avoided except where required by Transport Canada. Where lighting is proposed for security reasons, it shall be shielded from adjacent properties and kept to a minimum intensity by being of capped, downward facing and motion-sensory designs;
 - v) antenna systems are set back at least three times the height of the antenna system from adjacent dwellings. The CRD may request a different setback due to factors such as buffering topography and vegetation, transportation and utility corridors, watercourses, or public comments.

6. Radio Communication and Broadcasting Antenna Systems Application

a) LP000021 - Section 42, Otter District (2540 Aythree Way)

Iain Lawrence spoke to the staff report for the application received by Rogers Communications for a 45 m radio communication tower with attached antennas and satellite dishes for the purpose of expanding telecommunications services.

Iain Lawrence highlighted the subject property map, site plan and images showing properties within 500 m of the proposed tower site and the distance of the proposed tower site to the closest residential property, located beyond the eastern boundary of the subject property (343.20 m from the tower), and to the closest dwelling, located to the south of the subject property (350.19 m from the tower).

Iain Lawrence outlined the public consultation process required by the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy.

Iain Lawrence directed attention to the submissions included in the supplementary agenda. It was advised that concerns that pertain to health and Health Canada's Safety Code 6 fall outside the scope of local government consultation.

The Chair confirmed that the application representatives were present.

Brian Gregg, representative for Rogers, stated:

- Rogers is working in partnership with the Province and with private property owners and First Nations to provide contiguous service from Sooke to Port Renfrew
- area has been historically under-served
- the Province is providing funding support for this initiative without which, the project would likely not be financially viable given the low density of cell traffic in the area
- tower sites in the service corridor will be linked
- tower sites are selected to be respectful of existing land uses and residences
- at this time, eight sites are being considered for this initiative

Gord Horth, Capital Region Emergency Telecommunications (CREST), responded to questions from the LUC advising that:

- CREST anticipates co-locating on five to eight towers of the proposed Rogers towers
- opportunity to co-locate will be determined once sites are secured
- CREST does not have the financial means to provide services without the opportunity to co-locate

Brian Gregg responded to a question from the public advising that twenty-one antennas for current and future technologies are anticipated for the subject tower.

Iain Lawrence responded to questions from the public and the LUC advising that:

- the CRD Board supports co-location for emergency service telecommunications
- the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy states that antenna systems are set back at least three times the height of the antenna system from existing adjacent dwellings
- the closest existing residence to the proposed tower is approximately 300 m away which is greater than the CRD Policy guideline of 135 m

The Chair reported that he visited the subject property. One house can be viewed from the subject location. The subject location is buffered by trees.

MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That a statement of concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580.

CARRIED

7. Development Permit with Variance Applications

a) DV000077 – Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641 (6606 Mark Lane)

Iain Lawrence spoke to the staff report for the application for a development permit with variance to address the Steep Slope development permit (DP) guidelines and to vary the front yard setback requirement for the purpose of constructing an accessory building in the Community Residential - One (CR-1) zone.

Iain Lawrence highlighted the subject property map and site plan with proposed garage location. It was advised that the staff recommendation should note that the request is to reduce the front setback from 6 m to 1.3 m.

Iain Lawrence directed attention to the submissions of support included in the supplementary agenda.

The Chair confirmed that the applicant was not present.

MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.3 m for construction of a carport be approved.

CARRIED

b) DV000079 – Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413 (6402, 6410, and 6340 Cerantes Road)

Iain Lawrence spoke to the staff report for the application for a development permit with variance to address the Shoreline Protection development permit (DP) guidelines, to vary the maximum height of an accessory building, and to address the minimum required exterior side yard setback for the purpose of authorizing a two lot subdivision and construction of a garage.

Iain Lawrence highlighted the subject property map, proposed subdivision plan and site plan with variance. It was advised that the staff recommendation should state that the requested variance is to increase the maximum height of an accessory building from 4.8 m to 6.9 m, not 5.6 m as was noted in the staff report.

Iain Lawrence confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair confirmed that the applicant was not present.

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

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**

**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

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

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**

**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**

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

Chair

Corporate Officer

Appendix C: Referral Comments

CRD Regional & Strategic Planning:

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 | [Facebook](#) | [Twitter](#) | [YouTube](#)



Making a difference...together

CRD Bylaw Enforcement:

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 |

CRD Protective Services:

Wendy Miller

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

From: Wendy Miller
Sent: Tuesday, June 08, 2021 9:17 AM
To: Jonathan Reimer <jreimer@crd.bc.ca>
Cc: 'shirleychief@shaw.ca' <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
June 7, 2021

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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.

Chair

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

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**

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

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

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

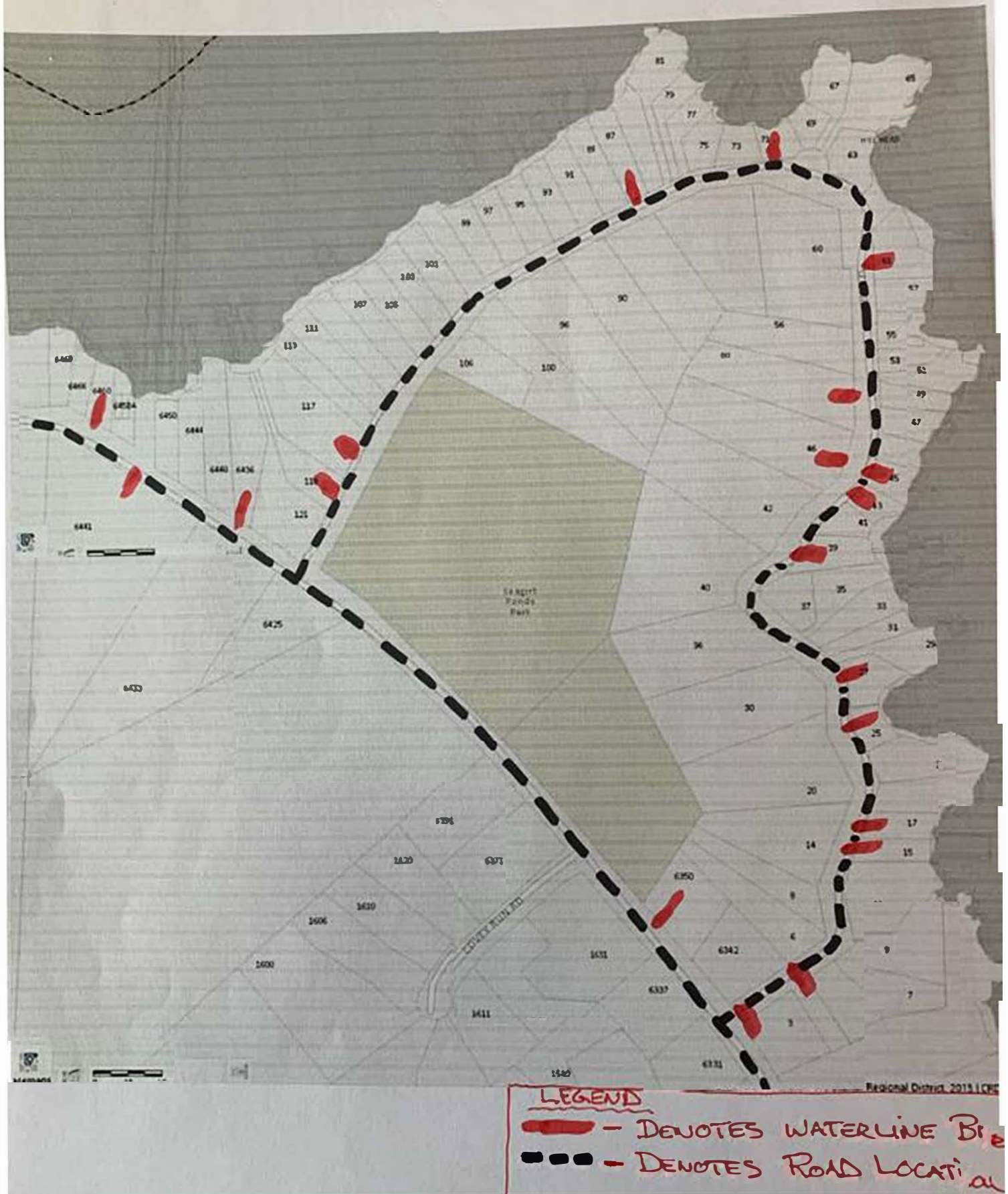
A majority of property owners favour Option 4, which is to have the SWD convert to the CRD and have the CRD undertake construction of the new waterline as proposed in the Colquitz Report, with the understanding that the cost will be borne by the property owners financed by MFA. The cost of the new waterline 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 3rd, 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.

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 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).

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. 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. 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.

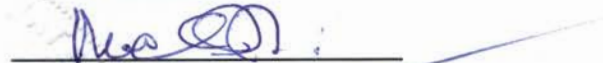
Dated this 16th day of June 2021

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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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.

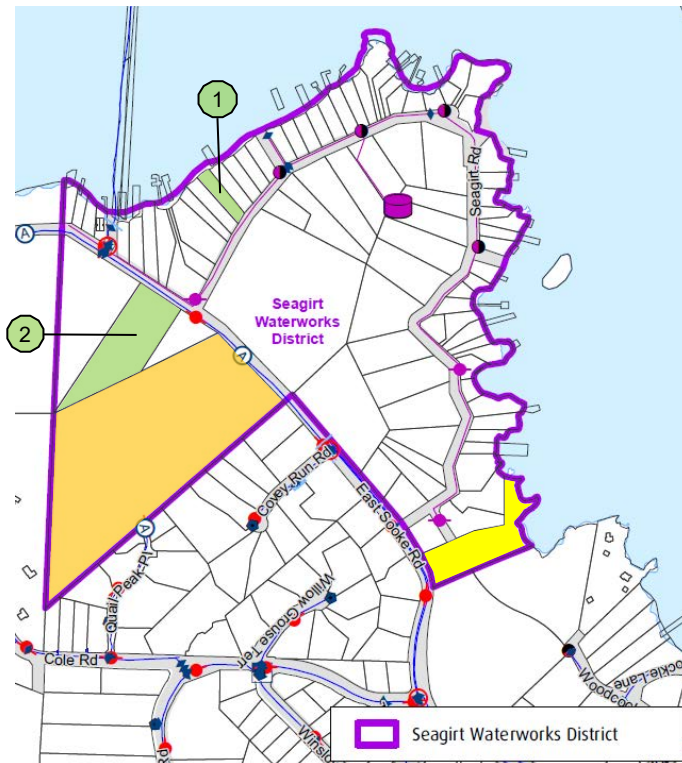


Figure 2-1: SID Water System

(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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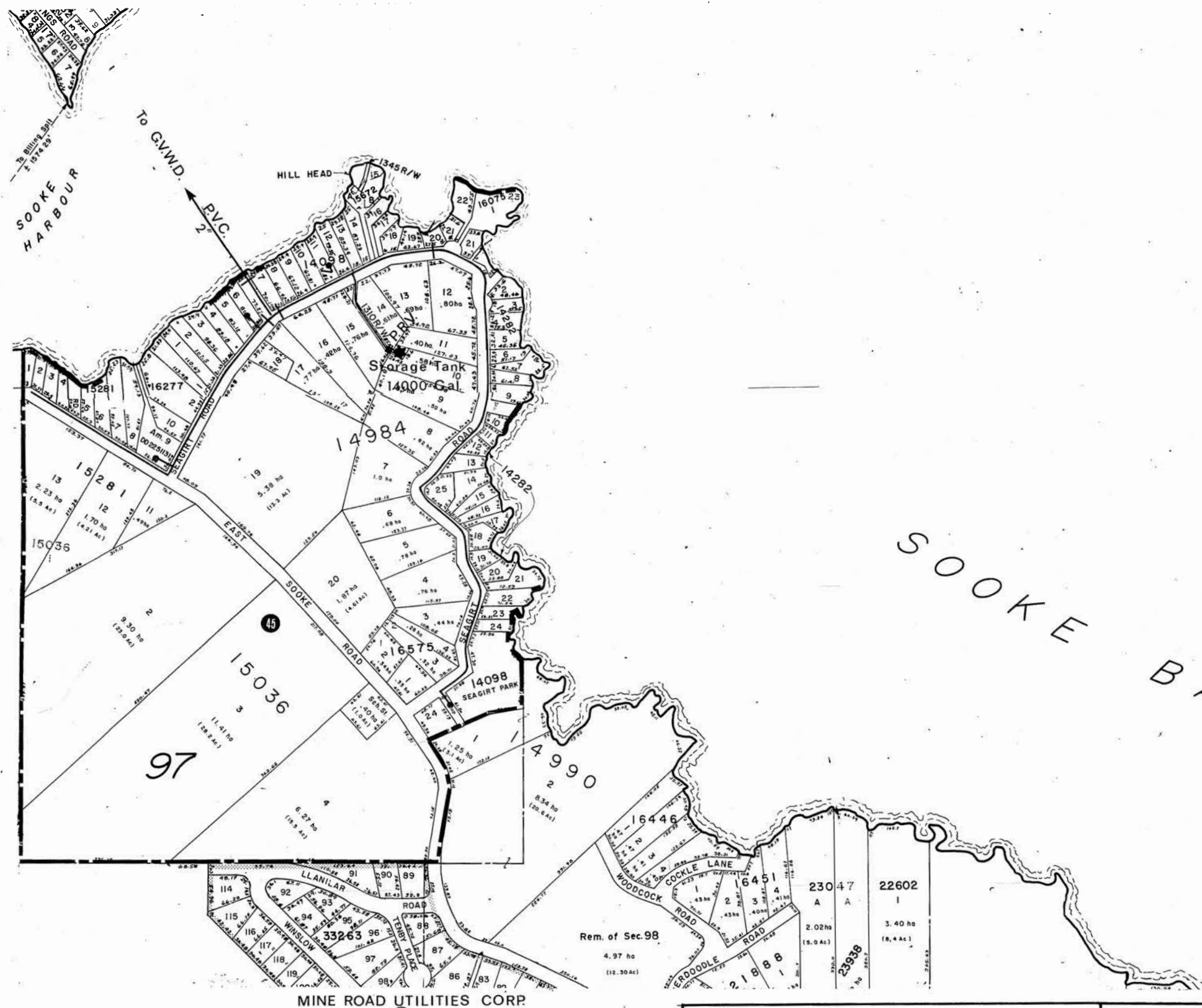
Revision History

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

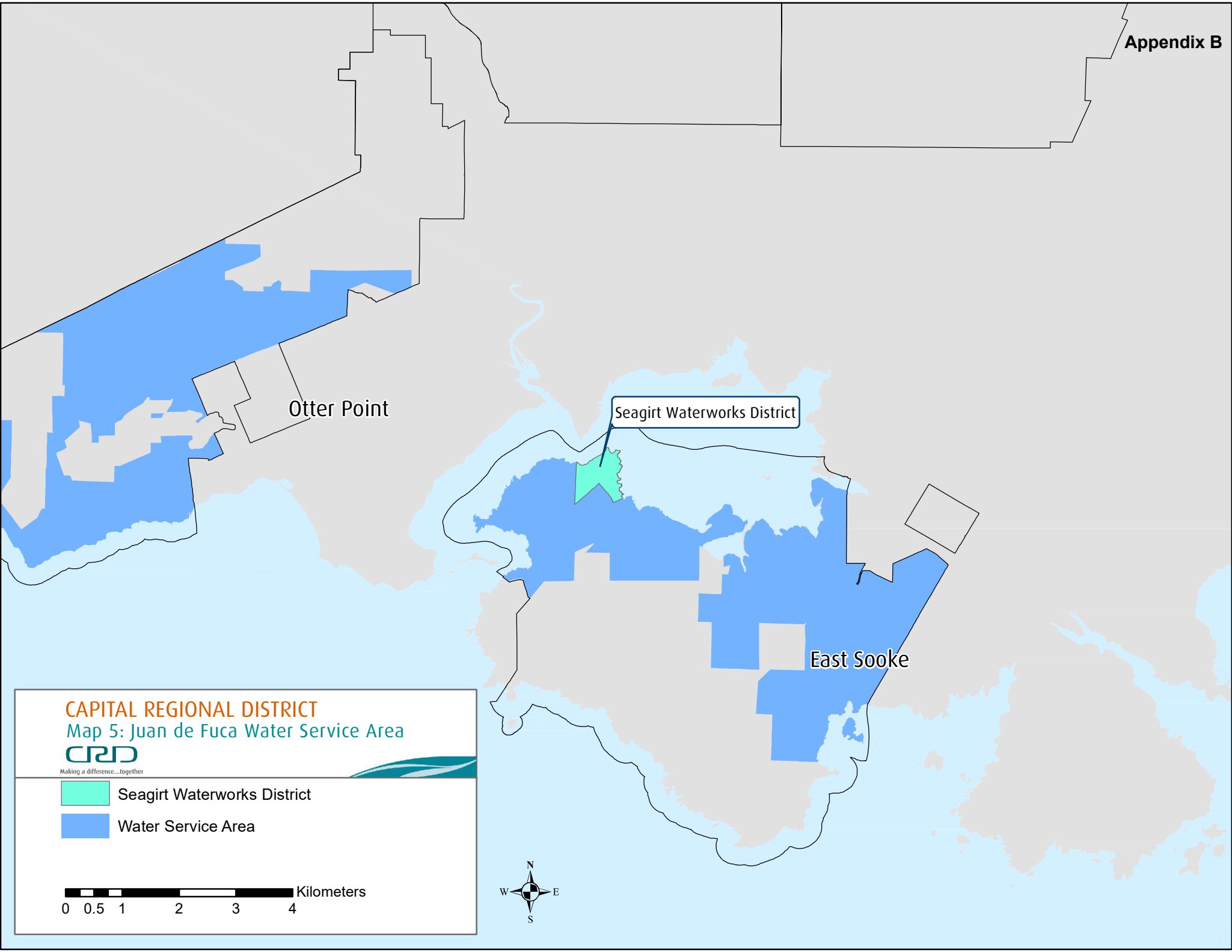
Class 'C' Opinion of Probable Construction Costs

 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
1	Engineering					
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.
	Subtotal				\$195,000	
2	Waterworks - Contractor					
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	
	Subtotal				\$1,240,830	
3	Waterworks - CRD					
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	
	Subtotal				\$82,400	
SUBTOTAL ITEMS 1 TO 3					\$1,518,230	
Contingency				25%	\$379,558	
TOTAL AMOUNT (excl. GST)					\$1,897,800	

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

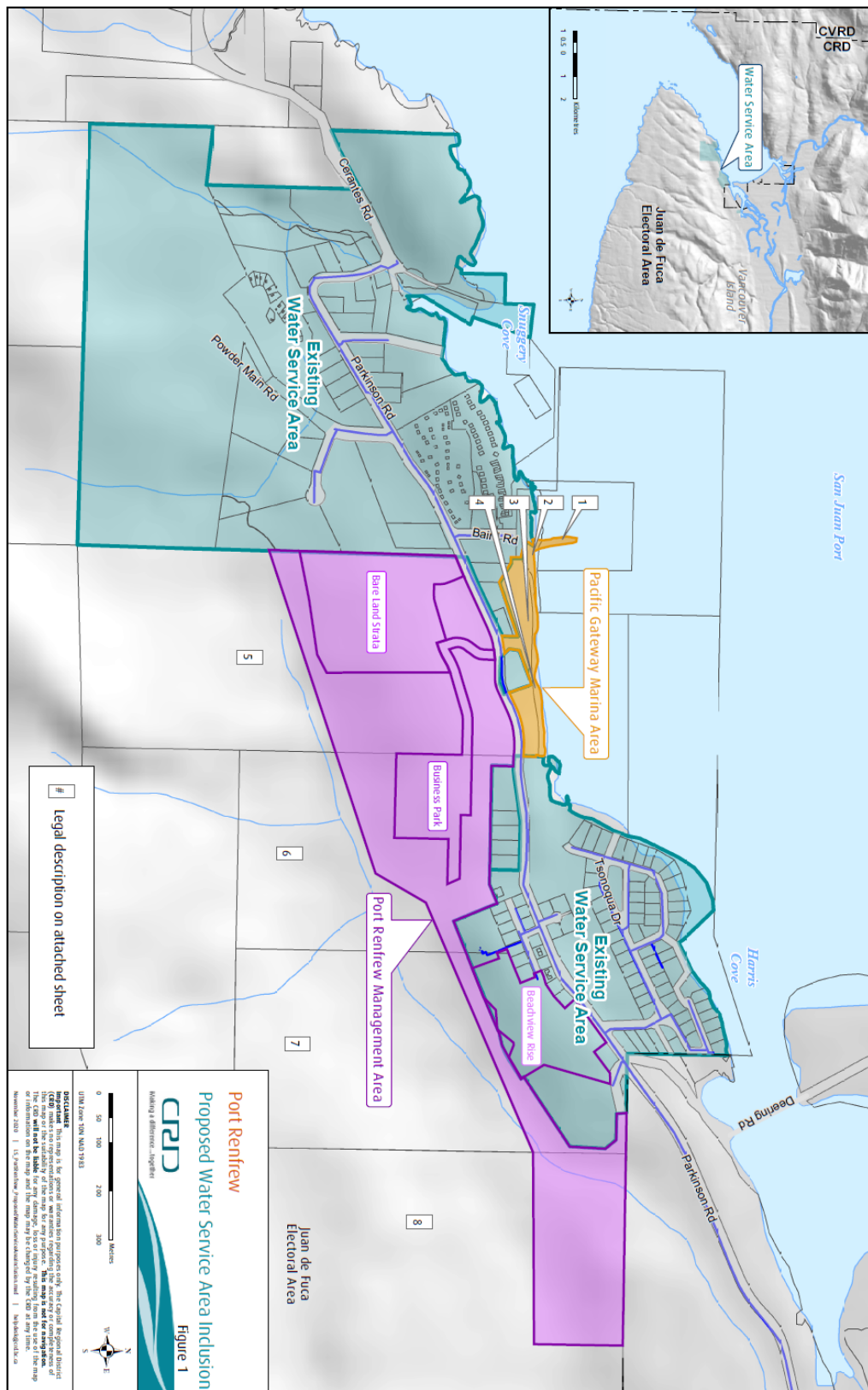
SCHEDULE "A"

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

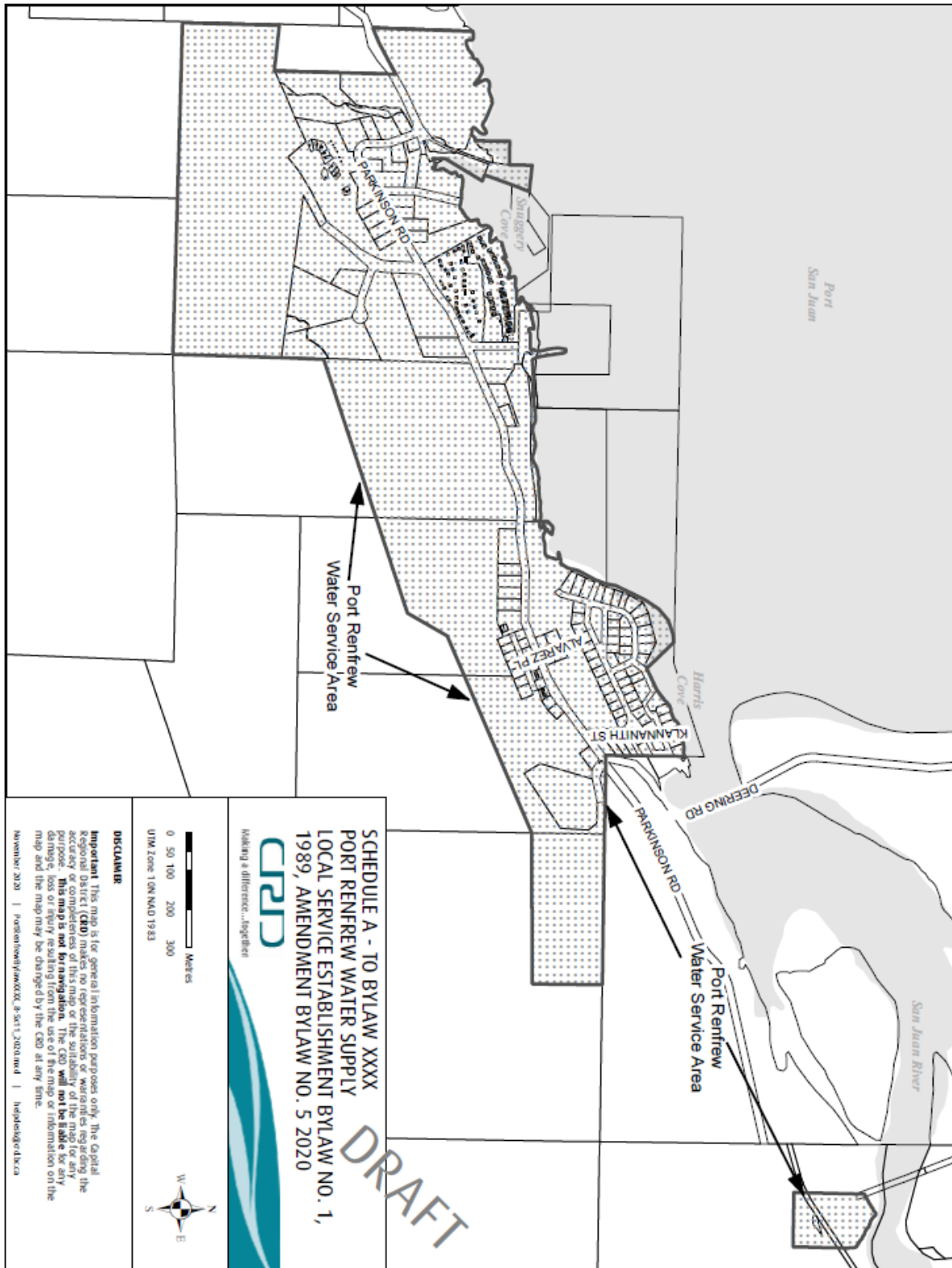
- 1) PIN 528031 (Crown Land), BLOCK A, DISTRICT LOT 751, RENFREW DISTRICT
- 2) PIN 10247701 (Crown Land), BLOCK B, DISTRICT LOT 751, RENFREW DISTRICT
- 3) PID: 028-991-125, LOT 1, SECTION 97, RENFREW DISTRICT, PLAN EPP24972
- 4) PID: 009-592-342, THAT PART OF SECTION 97, RENFREW DISTRICT AS SHOWN COLOURED 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

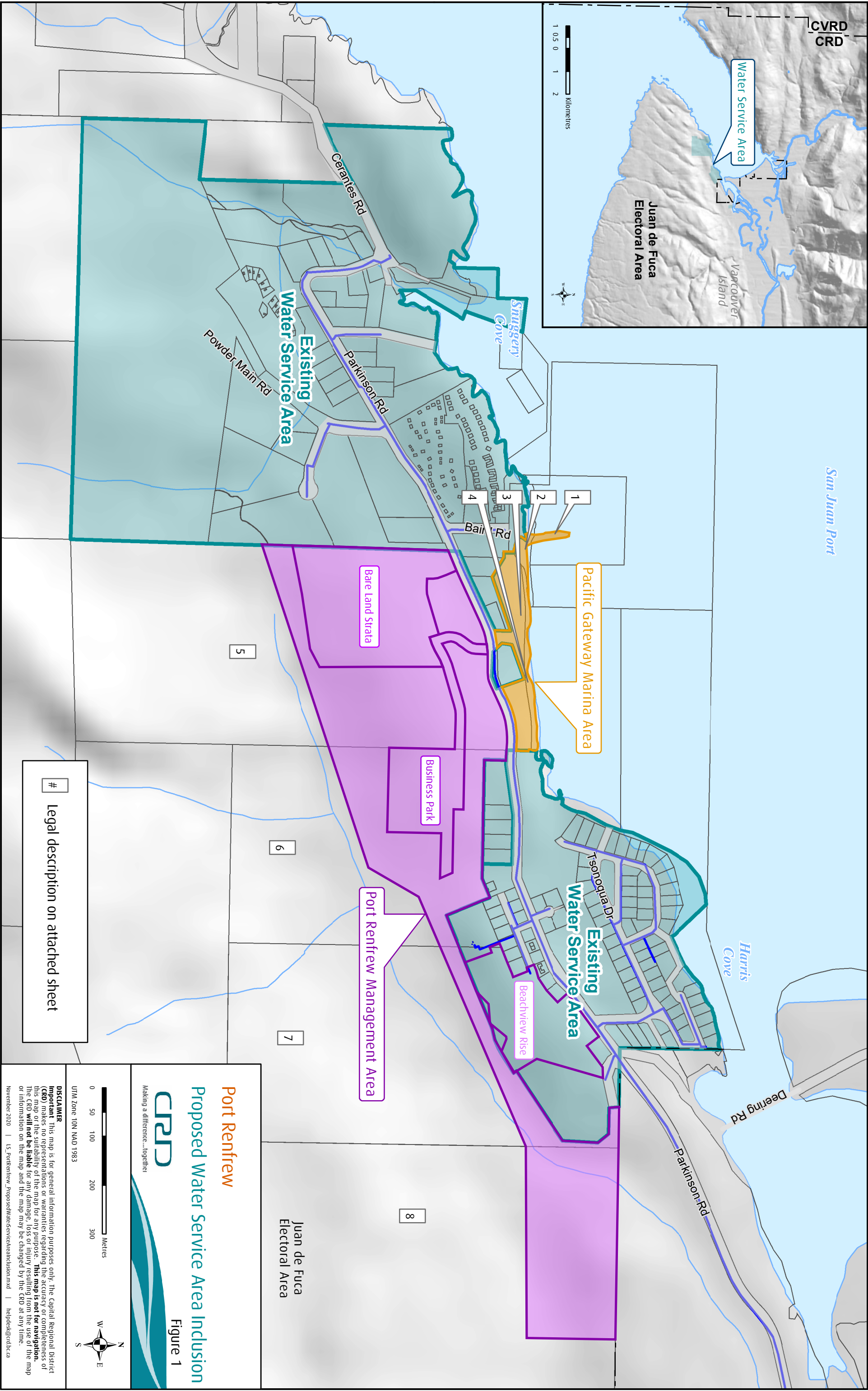
That the Port Renfrew Utility Services Committee recommends the Electoral Areas Committee recommend to the Capital Regional District Board:

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



Port Renfrew

Proposed Water Service Area Inclusion

Figure 1

CRPD

Making a difference...together!

0 50 100 200 300 Metres

UTM Zone 10N NAD 1983



Legal description on attached sheet

DISCLAIMER This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. **This map is not for navigation.** The CRD **will not be liable** for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

November 2020 | ES: PortRenfrew_ProposedWaterServiceAreaInclusion.mxd | helpdesk@crd.bc.ca

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

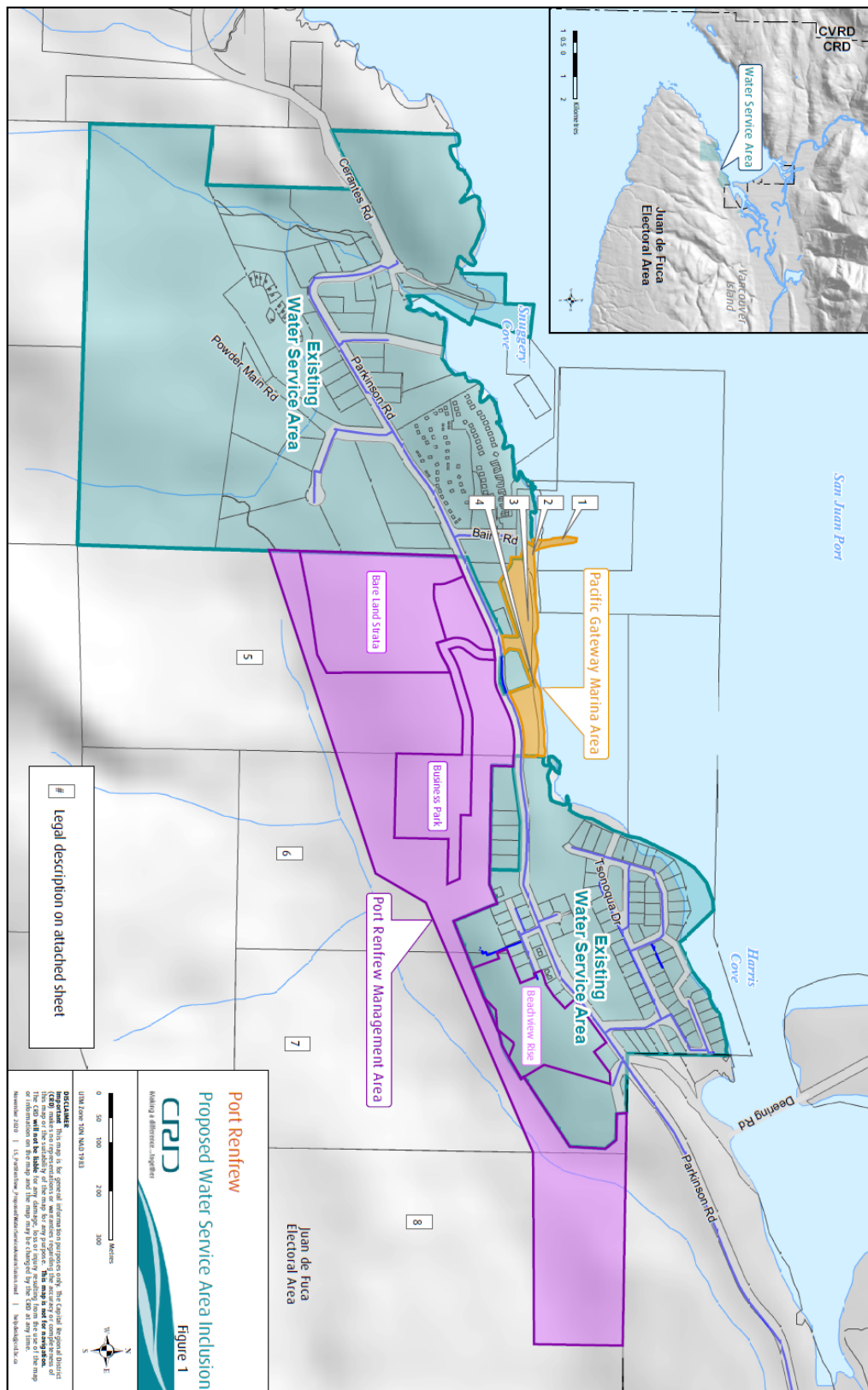
SCHEDULE "A"

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

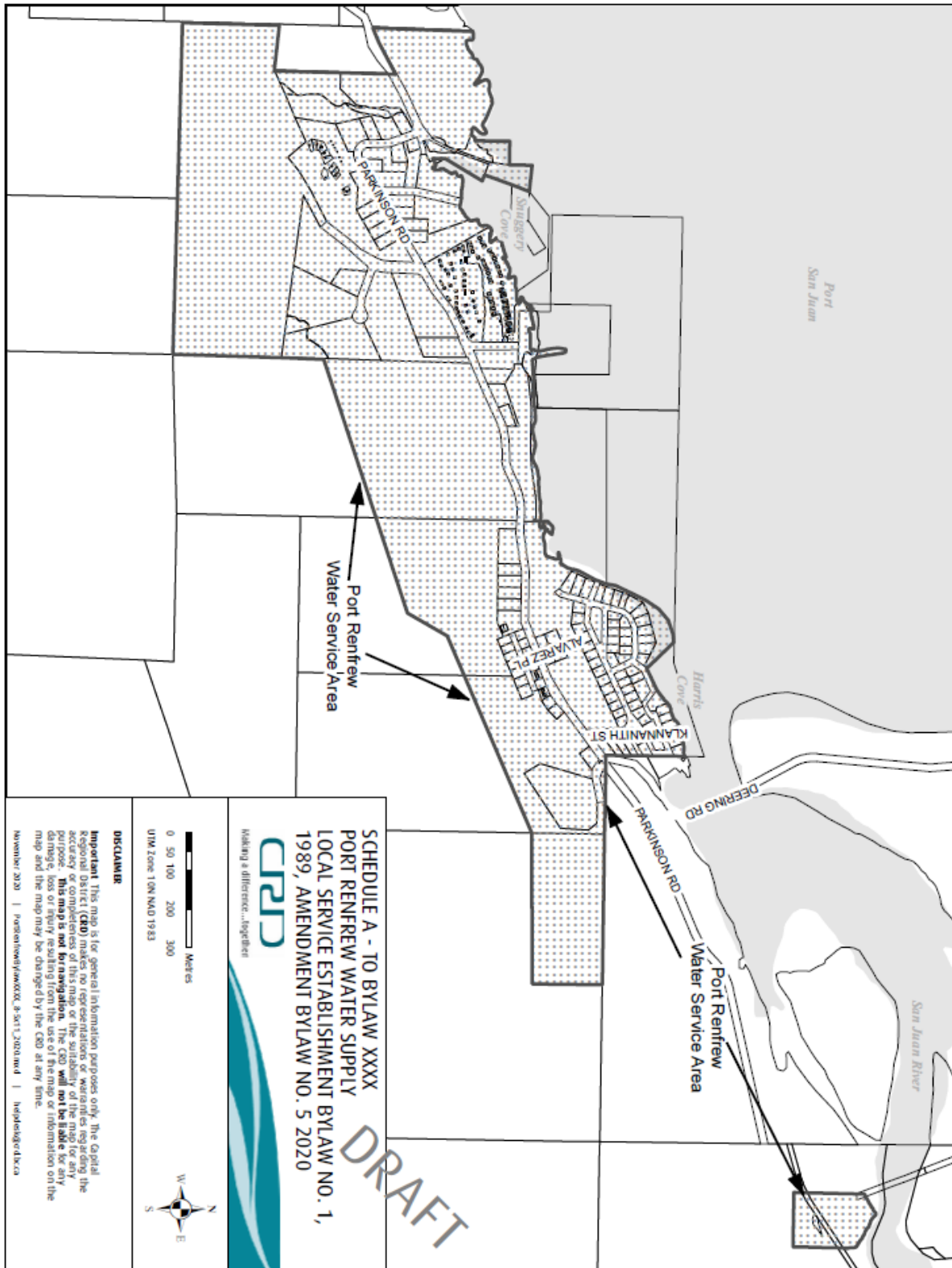
- 1) PIN 528031 (Crown Land), BLOCK A, DISTRICT LOT 751, RENFREW DISTRICT
- 2) PIN 10247701 (Crown Land), BLOCK B, DISTRICT LOT 751, RENFREW DISTRICT
- 3) PID: 028-991-125, LOT 1, SECTION 97, RENFREW DISTRICT, PLAN EPP24972
- 4) PID: 009-592-342, THAT PART OF SECTION 97, RENFREW DISTRICT AS SHOWN COLOURED 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,

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.

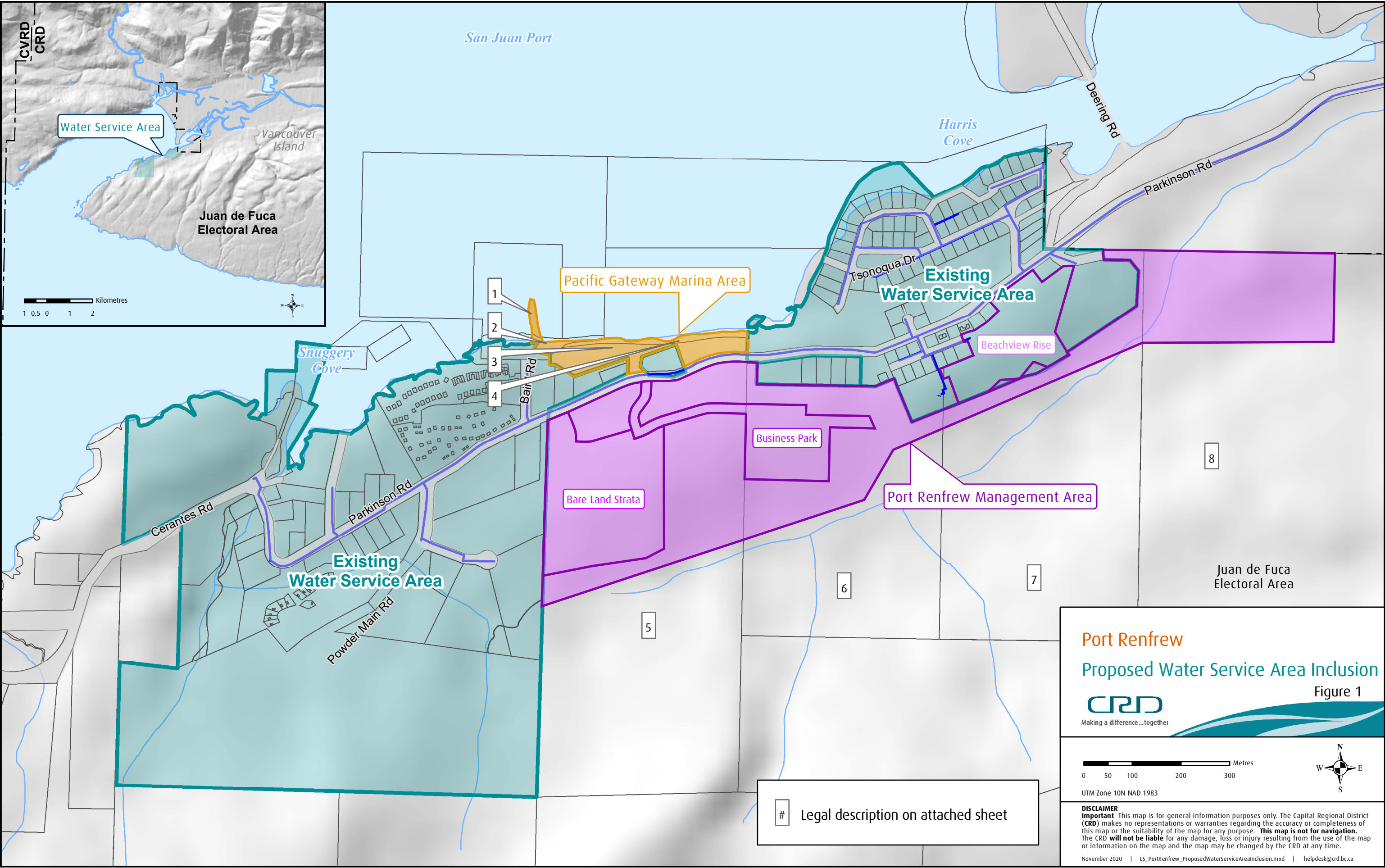
IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (page 1) and Form D (page 2) attached hereto.

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.



2021 Appointments

Board and Committee Membership

Capital Regional District | September 2021

Capital Regional District Board

Chair: Director Plant

Vice-Chair: Director Mersereau

Capital Regional Hospital District Board

Chair: Director Blackwell

Acting Chair: Director Plant

Capital Region Housing Corporation Board

Chair: Director Helps

Vice-Chair: Director Screech

Standing Committees

The following appointments are made by the Board Chair in consultation with the Vice-Chair.

Core Area Liquid Waste Management

Membership consists of all 15 Board members from the seven municipal participants in the Core Area Liquid Waste Management Plan.

Chair: Director Blackwell

Vice Chair: Director Seaton

Director Brice

Director Mersereau

Director Desjardins

Director Murdoch

Director Haynes

Director Plant

Director Helps

Director Screech

Director Isitt

Director Taylor

Director Loveday

Director Young

Director Martin

Councillor Joni Olsen – Tsartlip First Nation

Electoral Areas

Membership consists of all 3 Electoral Area Directors.

Chair: Director Hicks

Vice-Chair: Director Holman

Director Howe

Board Chair (ex-officio)

Councillor Joni Olsen – Tsartlip First Nation

2021 Appointments

Board and Committee Membership

Capital Regional District | September 2021

Environmental Services

Chair: Director Desjardins

3. Director Blackwell
4. Director Helps
5. Director Hicks
6. Director Holman
7. Director Orr

Vice-Chair: Director Taylor

8. Director Ranns
9. Director Williams
10. Director Windsor

Board Chair (ex-officio)

Councillor Joni Olsen – Tsartlip First Nation

Finance

Chair: Director Brice

3. Director Blackwell
4. Director Howe
5. Director Loveday
6. Director Orr
7. Director Screech

Vice-Chair: Director Williams

8. Director Taylor
9. Director Windsor
10. Director Young

Board Chair (ex-officio)

Councillor Joni Olsen – Tsartlip First Nation

First Nations Relations

Chair: Director Tait

3. Director Desjardins
4. Director Haynes
5. Director Howe
6. Director Isitt
7. Director Orr

Vice-Chair: Vacant

8. Director Ranns
9. Director Seaton
10. Director Williams

Board Chair (ex-officio)

Councillor Joni Olsen – Tsartlip First Nation

Governance

Chair: Director Murdoch

3. Director Brice
4. Director Desjardins
5. Director Isitt
6. Director Martin
7. Director McNeil-Smith

Vice-Chair: Director Windsor

8. Director Ranns
9. Director Tait
10. Director Young

Board Chair (ex-officio)

Councillor Joni Olsen – Tsartlip First Nation

Hospitals and Housing

Chair: Director Helps

3. Director Blackwell
4. Director Brice
5. Director Haynes
6. Director Holman

Vice-Chair: Director Orr

7. Director Loveday
8. Director Murdoch
9. Director Screech

Board Chair (ex-officio)

Councillor Joni Olsen – Tsartlip First Nation

2021 Appointments

Board and Committee Membership

Capital Regional District | September 2021

Planning & Protective Services

Chair: Director McNeil-Smith

3. Director Haynes
4. Director Hicks
5. Director Loveday
6. Director Mersereau
7. Director Murdoch

Vice-Chair: Director Martin

8. Director Tait
 9. Director Williams
 10. Director Windsor
- Board Chair (ex-officio)
Councillor Joni Olsen – Tsartlip First Nation

Regional Parks

Chair: Director Mersereau

3. Director Holman
4. Director Isitt
5. Director Martin
6. Director Ranns
7. Director Screech

Vice-Chair: Director Young

8. Director Seaton
 9. Director Tait
 10. Director Taylor
- Board Chair (ex-officio)
Councillor Joni Olsen – Tsartlip First Nation

Transportation

Chair: Director Screech

3. Director Brice
4. Director Desjardins
5. Director Haynes
5. Director Howe
6. Director Isitt
7. Director McNeil-Smith

Vice-Chair: Director Loveday

8. Director Martin
 9. Director Mersereau
 10. Director Seaton
 11. Director Tait
 12. Director Taylor
- Board Chair (ex-officio)
Councillor Joni Olsen – Tsartlip First Nation

Sub-Committees

Solid Waste Advisory Committee (reporting to the Environment Services Committee). Term is for four years.

Chair: Director Desjardins	Vice-Chair: Elected from amongst the membership
Public Members Appointed by the Board in 2018 until 2021	Board Chair (ex-officio)

Royal and McPherson Theatres Services Advisory Committee (reporting to the Finance Committee). Term is for two years.

Participant	Board Member
Saanich	Colin Plant
	Susan Brice
Victoria	Marianne Alto
	Sharmarke Dubow
Oak Bay	Kevin Murdoch

2021 Appointments

Board and Committee Membership

Capital Regional District | September 2021

Regional Arts Facilities Select Committee (reporting to the CRD Board). Annual appointments.

Director Plant (Chair)	Director Screech (Vice-Chair)
Director Helps	Director Mersereau
Director Holman	Director Murdoch
Director Loveday	Director Taylor
Director Martin	Director Williams
Director McNeil-Smith	

Other Appointments - *Either Board Chair or Board confirmed appointments*

Greater Victoria Harbour Authority Board

Board Chair nominates one Director of CRD Board to be nominated as GVHA Director. Board to also appoint Member representative.

Member Representative	Member Representative - Alternate	Board Nominee
Rob Martin	None	Susan Brice

Community Liaison Committee - Greater Victoria Harbour Authority

GVHA Member Representative to be appointed.

Member Representative	Member Representative - Alternate
Rob Martin	None

Greater Victoria Labour Relations Association

Representative & AGM Delegate	Alternate
Rob Martin	None

ICET - Central South Island Regional Advisory Committee

Member Representative	Board Nominee
Mike Hicks	None

Island Corridor Foundation

Board appoints one Director as Local Government Designated Representative annually. Board nominates one Director for election to the Foundation Board (could be the same person as the Member Representative) at its AGM, held in April, for a two-year term.

Member Representative	Nominee
Barbara Desjardins	Lanny Seaton

Municipal Finance Authority

Board appoints two Directors as representatives and two Directors as alternates. Term is for one year.

Director	Alternate
Geoff Young	None
Ken Williams	None

2021 Appointments

Board and Committee Membership

Capital Regional District | September 2021

Regional Representative to the Te'mexw Treaty Advisory Committee

Representative	Alternate
Ryan Windsor	None

Royal and McPherson Theatres Society

Appointed by member Councils. Term is for one year.

Participants	Board Member	Alternate
Oak Bay	Hazel Braithwaite	Cairine Green
Saanich	Ned Taylor	None
Victoria	Stephen Andrew	None

Saanich Peninsula Water Commission

Members from each of the participants. Appointed by each of the member councils. Term is for one year.

Participant	Commissioner	Alternate
Central Saanich	Zeb King	Chris Graham
Central Saanich	Ryan Windsor	Niall Paltiel
North Saanich	Geoff Orr	Heather Gartshore
North Saanich	Murray Weisenberger	Celia Stock
Sidney	Sara Duncan	Peter Wainwright
Sidney	Cliff McNeil-Smith	Barbara Fallot

Sooke and Electoral Area Parks and Recreation Commission

Appointed by member Councils. Term is for one year.

Participants	Commissioner	Alternate
Juan de Fuca	Mike Hicks	Dan Quigley
Sooke	Al Beddows	Dana Lajeunesse
	Maja Tait	Jeff Bateman

Traffic Safety Commission

Board appoints one Director as a Representative, and one Director as an Alternate. Term is for two years.

Representative	Alternate
Fred Haynes	Colin Plant

Vancouver Island Regional Library Board

Board appoints. Only Juan de Fuca Area participated in this service function. Term is for one year.

Representative	Alternate
Mike Hicks	Dan Quigley

2021 Appointments

Board and Committee Membership

Capital Regional District | September 2021

Continuing Appointments *The following appointments continue or were revised in 2021*

Arts Commission

Members from each of the participants. Term is four years for Directors, two years for Non-Directors.

Participant	Representative	Alternate
Esquimalt	Lynda Hundleby	Meagan Brame
Highlands	Karel Roessingh	None
Metchosin	Sharie Epp	None
Oak Bay	Cairine Green	None
Saanich	Colin Plant	Ned Taylor
Sooke	Dana Lajeunesse	None
Southern Gulf Islands	Wendy Gardner	TBD
Victoria	Jeremy Loveday (Chair)	Sharmarke Dubow
View Royal	Gery Lemon	None

Climate Action Inter-Municipal Task Force

Task Force consists of one elected representative of each municipality and the three electoral areas. Term is for four years unless otherwise noted.

Local Government	Representative	Alternate
Central Saanich	Niall Paltiel	None
Colwood	Michael Baxter	None
Esquimalt	Jacob Helliwell	None
Highlands	Ann Baird	Gord Baird
Metchosin	Andy MacKinnon	Marie-Terese Little
North Saanich	Patricia Pearson	Murray Weisenberger
Oak Bay	Tara Ney	None
Saanich	Judy Brownoff	None
Sidney	Sara Duncan	Barbara Fallot
Sooke	Tony St-Pierre	None
Victoria	Jeremy Loveday	None
View Royal	Gery Lemon	John Rogers
Salt Spring Island	Gary Holman	None
Southern Gulf Islands	David Howe	None
Juan de Fuca	Mike Hicks	None

2021 Appointments

Board and Committee Membership

Capital Regional District | September 2021

CREST (Capital Region Emergency Service Telecommunications)

The CRD appoints the 3 Directors representing the Electoral Areas for shareholder votes (proxies are appointed on an annual basis).

Appointed CRD Shareholder	Proxy
Mike Hicks	Jeri Grant
Gary Holman	Charles Nash
Dave Howe	Rob Reeleder

Emergency Management Committee

Board appointment of the 3 EA Directors, ELT & Senior Manager, Protective Services. Term is for four years.

Electoral Areas	Representative	ELT + Management		
Juan de Fuca	Mike Hicks	Bob Lapham	Larisa Hutcheson	Shawn Carby
Southern Gulf Islands	David Howe	Kevin Lorette	Ted Robbins	
Salt Spring Island	Gary Holman	Nelson Chan	Kristen Morley	

Greater Victoria Coalition to End Homelessness

For the Society Board, 3 Directors from the CRD to include the Mayor of Victoria who will be the CRD Co-Chair on the Board.

Corporate representation will include the 3 names, and up to 4 others including staff.

Appointed Directors:	Corporate Member Representative:
Lisa Helps (Mayor of Victoria)	Kevin Lorette, GM, Planning & Protective Services
Geoff Orr	Don Elliott, Senior Manager, Regional Housing
Ned Taylor	Melanie Hope, Manager, Housing Initiatives & Programs

Gulf Islands National Park Reserve Advisory Board

One of the 7 Park Advisory Board members is to be an elected regional Director from the CRD. CRD membership is updated following each local/regional government election. Board typically appoints SGI representative and an alternate.

Representative	Alternate
Dave Howe	Larisa Hutcheson, GM, Parks & Environmental Services

Peninsula Recreation Commission

Appointed by member Councils. Term is for two years.

Participants	Commissioner	Alternate
Central Saanich	Niall Paltiel	Gord Newton
Central Saanich	Ryan Windsor	None
Central Saanich	Ted Daly	
North Saanich	Geoff Orr	Celia Stock
North Saanich	Heather Gartshore	Jack McClintock
North Saanich	Ross Imrie	
Sidney	Chad Rintoul	Scott Garnett

2021 Appointments

Board and Committee Membership

Capital Regional District | September 2021

Sidney	Cliff McNeil-Smith	None
Sidney	Karen Frost	

Regional Housing Trust Fund Commission

One Council member is appointed by each participating municipality. Appointments come forward to the Board Chair from the Senior Manager, Regional Housing and are included with appointments made by Board Chair. The Salt Spring Island and Southern Gulf Islands Electoral Area Directors are also members. Term is for two years.

Participant	Commissioner	Alternate
Central Saanich	Bob Thompson	Zeb King
Esquimalt	Meagan Brame	None
Highlands	Ann Baird	Karel Roessingh
Metchosin	Marie-Térèse Little	None
North Saanich	Celia Stock	Heather Gartshore
Oak Bay	Eric Wood Zhelka	Hazel Braithwaite
Saanich	Zac de Vries	None
Salt Spring Island	Gary Holman	None
Sidney	Terri O'Keefe	Sara Duncan
Sooke	Ebony Logins	None
Southern Gulf Islands	Dave Howe	Ben Mabblerley
Victoria	Sarah Potts	None
View Royal	David Screech	None

Regional Water Supply Commission

Members from each of the participants. Term is for four years.

Participant	Commissioner	Alternate
Central Saanich	Chris Graham	Zeb King
Colwood	Gordie Logan	Cynthia Day
Esquimalt	Tim Morrison	Lynda Hundleby
Highlands	Gord Baird	Karel Roessingh
Juan de Fuca EA	Mike Hicks	Dan Quigley
Langford	Roger Wade	Matt Sahlstrom
	Lillian Szpak	Norma Stewart
Metchosin	Kyara Kahakuawila	Marie-Térèse Little
North Saanich	Celia Stock	Heather Gartshore
Oak Bay	Eric Zhelka	Esther Paterson
Saanich	Karen Harper*	Judy Brownoff, Susan Brice, Colin Plant
	Rebecca Mersereau*	Susan Brice, Colin Plant, Judy Brownoff
	Natalie Chambers*	Colin Plant, Judy Brownoff, Susan Brice

2021 Appointments

Board and Committee Membership

Capital Regional District | September 2021

	Zac de Vries	Judy Brownoff, Susan Brice, Colin Plant
	Ned Taylor	Susan Brice, Colin Plant, Judy Brownoff
Sidney	Sara Duncan	Terri O'Keeffe
Sooke	Tony St. Pierre	Megan McMath
Victoria	Sharmarke Dubow	Sarah Potts, Stephen Andrew, Marianne Alto
	Jeremy Loveday*	Sarah Potts, Stephen Andrew, Marianne Alto
	Ben Isitt	Sarah Potts, Stephen Andrew, Marianne Alto
	Geoff Young	Sarah Potts, Stephen Andrew, Marianne Alto
View Royal	John Rogers	David Screech

*Assignment of one additional vote

Juan de Fuca Water Distribution Commission

Members from each of the participants. Appointed by each of the member councils. Term is for four years.

Participant	Commissioner	Alternate
Colwood	Gordie Logan	Cynthia Day
Highlands	Gord Baird	Karel Roessingh
Juan de Fuca EA	Mike Hicks	Dan Quigley
Langford	Lillian Szpak	Norma Stewart
	Roger Wade	Matt Sahlstrom
Metchosin	Kyara Kahakauwila	Marie-Térèse Little
Sooke	Ebony Logins	Megan McMath
View Royal	John Rogers	Ron Mattson

Saanich Peninsula Wastewater Commission

Members from each of the participants. Appointed by each of the member councils. Term is for two years.

Participant	Commissioner	Alternate
Central Saanich	Zeb King	Chris Graham
Central Saanich	Ryan Windsor	Niall Paltiel
North Saanich	Geoff Orr	Heather Gartshore
North Saanich	Murray Weisenberger	Celia Stock
Sidney	Sara Duncan	Peter Wainwright
Sidney	Cliff McNeil-Smith	Barbara Fallot

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, SEPTEMBER 08, 2021**

SUBJECT **AAP Results & Adoption for Bylaw 4379 – JDF Water Distribution Service Loan Authorization**

ISSUE SUMMARY

To report back on the results of the Alternate Approval Process for Bylaw No. 4379 and advance the bylaw for adoption.

BACKGROUND

At its meeting held October 14, 2020, the CRD Board gave three readings to the following bylaw attached as Appendix A:

- Bylaw No. 4379, “Juan de Fuca Water Distribution Facilities Loan Authorization Bylaw No. 5, 2020” to authorize the borrowing of \$14,800,000 for the purpose of acquiring, designing and constructing water distribution facilities in the western communities of the Juan de Fuca Water Distribution Local Service Area.

On July 14, 2021, the CRD Board established that elector assent be obtained by Alternative Approval Process (AAP) for the electors in the entire service area in accordance with section 345 of the *Local Government Act (LGA)*. The number of registered electors was determined to be 69,419, of which 10% is 6,942 electors [the number needed to voice opposition]. Notice was published on July 21 and July 28 in Black Press newspaper publications in accordance with section 345(2) of the *LGA*.

The CRD received 2 valid response forms indicating opposition to the adoption of the bylaw by the closing date of August 30, 2021. As the response rate was less than 10% of electors, elector approval was received for Bylaw No. 4379. In accordance with section 86(8) of the *LGA*, the Corporate Officer’s certification of results is attached as Appendix B.

ALTERNATIVES

Alternative 1

1. That the attached Certificate of Results of Alternative Approval Process for Bylaw No. 4379 (Appendix B) be received; and
2. That Bylaw No. 4379, “Juan de Fuca Water Distribution Facilities Loan Authorization Bylaw No. 5, 2020” be adopted.

Alternative 2

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

CONCLUSION

On August 30, 2021, elector approval was obtained by an Alternative Approval Process for Bylaw No. 4379. The purpose of the bylaw is to borrow up to \$14,800,000 for the purpose of acquiring,

designing and constructing water distribution facilities in the western communities of the Juan de Fuca distribution system. The Bylaw is now ready for adoption, having received approval from the Inspector of Municipalities and the electors in the local service area.

RECOMMENDATION

1. That the attached Certificate of Results of Alternative Approval Process for Bylaw No. 4379 (Appendix B) be received; and
2. That Bylaw No. 4379, “Juan de Fuca Water Distribution Facilities Loan Authorization Bylaw No. 5, 2020” be adopted.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Ross Cameron B.Sc, CRM, ABCP, Acting General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4379

Appendix B: Certificate of Results for Bylaw No. 4379

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4379

**A BYLAW TO AUTHORIZE THE BORROWING OF FOURTEEN MILLION EIGHT HUNDRED
 THOUSAND DOLLARS (\$14,800,000) FOR THE PURPOSE OF ACQUIRING, DESIGNING
 AND CONSTRUCTING WATER DISTRIBUTION FACILITIES IN THE WESTERN
 COMMUNITIES OF THE JUAN DE FUCA DISTRIBUTION**

WHEREAS:

- A. Under Bylaw No. 2538, "Water Distribution Local Service Area Establishment Bylaw No. 1, 1997", as amended, the Capital Regional District established a local service for the purpose of distributing water in the Regional District;
- B. It is deemed desirable to fund works relating to the acquiring, designing and constructing water distribution facilities in the Western Communities of the Juan de Fuca distribution system, and the work shall include the planning, study, public consultation, site selection, design, land and material acquisition, construction, supply and installation of all material, equipment and components and all construction necessary for the preparation and works relating to the acquiring, designing and constructing water distribution facilities in the Western Communities of the Juan de Fuca distribution system;
- C. The estimated cost of acquiring land, designing and constructing the water works facilities including expenses incidental thereto, is the sum of Fourteen Million Eight Hundred Thousand Dollars (\$14,800,000);
- D. Pursuant to sections 345, 403, and 407 of the *Local Government Act*, required elector approval shall be obtained by alternative approval process, after which the bylaw will be referred to the Inspector of Municipalities for review and approval; and
- E. The financing is to be undertaken by the Municipal Finance Authority of British Columbia;

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

- 1. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the acquisition of land, planning, study, design and construction of buildings, plant, mains, dams, and other water works facilities and equipment herein before described and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the Capital Regional District a sum not exceeding Fourteen Million Eight Hundred Thousand Dollars (\$14,800,000); and
 - b) to acquire all such real property, easements, rights-of-way, leases, licenses, rights or authorities as may be requisite or desirable for or in connection with the acquisition of land, planning, study, design and construction to add, replace,

upgrade water works facilities and all related ancillary works, studies and equipment deemed necessary in connection with construction of the said facilities.

- 2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 15 years.
- 3. This Bylaw may be cited as “Juan de Fuca Water Distribution Facilities Loan Authorization Bylaw No. 5, 2020”.

READ A FIRST TIME THIS	14 th	day of	October	2020
READ A SECOND TIME THIS	14 th	day of	October	2020
READ A THIRD TIME THIS	14 th	day of	October	2020
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	17 th	day of	February	2021
APPROVED BY ALTERNATIVE APPROVAL PROCESS PER S.345 OF THE LOCAL GOVERNMENT ACT THIS	30 th	day of	August	2021
ADOPTED THIS	__th	day of		202__

CHAIR

CORPORATE OFFICER



Making a difference...together

CORPORATE OFFICER'S CERTIFICATION

I, the undersigned Deputy Corporate Officer, as the person assigned responsibility for corporate administration under section 236 of the *Local Government Act*, certify the results of the alternative approval process that was conducted to obtain the approval of the electors for Capital Regional District **Bylaw No. 4379, "Juan de Fuca Water Distribution Facilities Loan Authorization Bylaw No. 5, 2020"**, as follows:

69,419	Estimated number of eligible electors
2	Number of elector response forms submitted by the deadline
0	Number of elector response forms rejected
2	Number of elector response forms accepted
0%	Percentage of estimated electors who validly submitted elector response forms

and in accordance with section 86 of the *Community Charter*, the approval of the electors was obtained.

Dated this 31st day of August, 2021

A blue ink signature of Marlene Lagoa, written in a cursive style.

Marlene Lagoa, Deputy Corporate Officer

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, SEPTEMBER 08, 2021**

SUBJECT **AAP Results & Adoption for Bylaw 4382 – Regional Water Supply Service Loan Authorization**

ISSUE SUMMARY

To report back on the results of the Alternate Approval Process for Bylaw No. 4382 and advance the bylaw for adoption.

BACKGROUND

At its meeting held November 18, 2020, the CRD Board gave three readings to the following bylaw attached as Appendix A:

- Bylaw No. 4382, “Regional Water Supply Water Works Facilities Loan Authorization Bylaw No. 5, 2020” to authorize the borrowing of \$46,000,000 for infrastructure replacements and improvements outlined in the Regional Water Supply capital plan.

On July 14, 2021, the CRD Board established that elector assent be obtained by Alternative Approval Process (AAP) for the electors in the entire service area in accordance with section 345 of the *Local Government Act (LGA)*. The number of registered electors was determined to be 293,733 of which 10% is 29,374 electors [the number needed to voice opposition]. Notice was published on July 21 and July 28 in Black Press newspaper publications in accordance with section 345(2) of the *LGA*.

The CRD received 4 valid response forms indicating opposition to the adoption of the bylaw by the closing date of August 30, 2021. As the response rate was less than 10% of electors, elector approval was received for Bylaw No. 4382. In accordance with section 86(8) of the *LGA*, the Corporate Officer’s certification of results is attached as Appendix B.

ALTERNATIVES

Alternative 1

1. That the attached Certificate of Results of Alternative Approval Process for Bylaw No. 4382 (Appendix B) be received; and
2. That Bylaw No. 4382, “Regional Water Supply Water Works Facilities Loan Authorization Bylaw No. 5, 2020” be adopted.

Alternative 2

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

CONCLUSION

On August 30, 2021, elector approval was obtained by an Alternative Approval Process for Bylaw No. 4382. The purpose of the bylaw is to borrow up to \$46,000,000 for infrastructure replacements and improvements outlined in the Regional Water Supply capital plan.

The Bylaw is now ready for adoption, having received approval from the Inspector of Municipalities and the electors in the local service area.

RECOMMENDATION

1. That the attached Certificate of Results of Alternative Approval Process for Bylaw No. 4382 (Appendix B) be received; and
2. That Bylaw No. 4382, "Regional Water Supply Water Works Facilities Loan Authorization Bylaw No. 5, 2020" be adopted.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Ross Cameron B.Sc, CRM, ABCP, Acting General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4382

Appendix B: Certificate of Results for Bylaw No. 4382

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4382

**A BYLAW TO AUTHORIZE THE BORROWING OF FORTY SIX MILLION DOLLARS
(\$46,000,000) FOR THE PURPOSE OF ACQUIRING, DESIGNING AND CONSTRUCTING
WATER WORKS FACILITIES OF REGIONAL WATER SUPPLY**

WHEREAS:

- A. Under Bylaw No. 2537, "Water Supply Local Service Area Establishment Bylaw No. 1, 1997", the Board of the Regional District established a local service for the purpose of supplying water in the Regional District;
- B. It is deemed desirable to fund works relating to the acquiring, designing and constructing water distribution facilities in the Regional District water distribution system, and the work shall include the planning, study, public consultation, site selection, design, land and material acquisition, construction, supply and installation of all material, equipment and components and all construction necessary for the preparation and works relating to the acquiring, designing and constructing water distribution facilities in the Regional District water distribution system;
- C. The estimated cost of the works is the sum of forty-six million dollars (\$46,000,000) dollars;
- D. Pursuant to s. 407 of the *Local Government Act*, participating area approval is required for this borrowing and shall be obtained by alternative approval process under s. 345 of the *Local Government Act*;
- E. Financing is proposed to be undertaken by the Municipal Finance Authority of British Columbia pursuant to agreements between it and the Capital Regional District;

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

1. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the acquisition of land, planning, study, design and construction of buildings, plant, mains, dams, and other water works facilities and equipment herein before described and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the Regional District a sum not exceeding Forty Six Million Dollars (\$46,000,000);

- b) to acquire all such real property, easements, rights-of-way, leases, licenses, rights or authorities as may be requisite or desirable for or in connection with the acquisition of land, planning, study, design and construction to add, replace, upgrade water works facilities and all related ancillary works, studies and equipment deemed necessary by the Board.
2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 15 years.
3. This Bylaw may be cited as "Regional Water Supply Water Works Facilities Loan Authorization Bylaw No. 5, 2020".

READ A FIRST TIME THIS	18 th	day of	November	2020
READ A SECOND TIME THIS	18 th	day of	November	2020
READ A THIRD TIME THIS	18 th	day of	November	2020
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	18 th	day of	June	2021
APPROVED BY ALTERNATIVE APPROVAL PROCESS PER S.345 OF THE LOCAL GOVERNMENT ACT THIS	30 th	day of	August	2021
ADOPTED THIS	—	day of		202_

 CHAIR

 CORPORATE OFFICER



Making a difference...together

CORPORATE OFFICER'S CERTIFICATION

I, the undersigned Deputy Corporate Officer, as the person assigned responsibility for corporate administration under section 236 of the *Local Government Act*, certify the results of the alternative approval process that was conducted to obtain the approval of the electors for Capital Regional District **Bylaw No. 4382, "Regional Water Supply Water Works Facilities Loan Authorization Bylaw No. 5, 2020"**, as follows:

293,733	Estimated number of eligible electors
4	Number of elector response forms submitted by the deadline
0	Number of elector response forms rejected
4	Number of elector response forms accepted
0%	Percentage of estimated electors who validly submitted elector response forms

and in accordance with section 86 of the *Community Charter*, the approval of the electors was obtained.

Dated this 31st day of August, 2021

A blue ink signature of Marlene Lagoa, written in a cursive style, is positioned above the name.

Marlene Lagoa, Deputy Corporate Officer

**REPORT TO ARTS COMMISSION
MEETING OF WEDNESDAY, JULY 28, 2021**

SUBJECT Outcomes of Board Initiative 12a-1 to Explore Partnerships to Support 100% Participation in the CRD Arts Function

ISSUE SUMMARY

The Arts Commission was directed by the Capital Regional District (CRD) Board to report on the potential for 100% participation in the CRD arts function. This report provides information on the outcomes of that initiative.

BACKGROUND

At their meeting of October 9, 2019, the CRD Board directed the Arts Commission to report on the potential for 100% participation in the Arts & Culture Support Service (Arts Service). This initiative is related to Board Initiative 12a-1 in the 2019–2022 Corporate Plan. Nine jurisdictions currently participate in the Arts Service.

Following preliminary contact with mayors and individual councilors by the Chair of the Arts Commission, formal correspondence was sent to non-participating municipalities that included Central Saanich, Colwood, Langford, North Saanich and Sidney. The correspondence provided information on the benefits of joining the Arts Service and a request to present to council for the purpose of asking them to join. Electoral area directors for Juan de Fuca and Salt Spring Island were approached directly by the Chair.

As a result of this initial outreach, Sidney and Colwood councils requested a presentation. The Arts Commission Chair and Arts Service staff made presentations to councils on September 8 and October 26, 2020, respectively. North Saanich declined the offer of a presentation. Electoral area directors from Juan de Fuca and Salt Spring Island expressed their decision to not join the service directly to the Arts Commission Chair.

At their Committee of the Whole meeting of March 29, 2021, Colwood supported a motion that the Arts Service not be funded in 2021. Correspondence from Sidney staff of June 5, 2021, informed the Arts Service that Sidney Council did not support joining the Arts Service, deciding instead to provide a donation to the service in support of regional arts.

In May 2021, follow-up correspondence was sent to those jurisdictions that had yet to respond to the initial request. Langford Council considered this correspondence at their June 21, 2021, regular meeting but declined the request for a presentation. Central Saanich did not respond to either request.

Since the establishment of the Arts Service in 2001, efforts to recruit new participants have been repeated as councils have changed through election cycles. From its establishment, participation has increased from four to nine jurisdictions. This most recent effort was initiated by Board initiative 12a-1. While several of the seven non-participating jurisdictions gave due consideration, all have declined to join the service at this time.

ALTERNATIVES

Alternative 1

The Arts Commission recommends to the Capital Regional District Board:

That the Outcomes of Board Initiative 12a-1 to Explore Partnerships to Support 100% Participation in the CRD Arts Function report be received for information.

Alternative 2

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

IMPLICATIONS

Alignment with Board & Corporate Priorities

The Arts Commission's exploration of partnerships to support 100% participation the CRD arts function was directed by the CRD Board as contained in initiative 12a-1.

Financial Implications

The nine current participants in the Arts Service contribute as either "Group 1" or "Group 2" with apportionment based on 50% population and 50% converted assessments. Group 2 participation is a lower level of contribution and is calculated as 30% of the Group 1 level for a given jurisdiction. Appendix A "Simulation for adding all regional members as participants to Group 1 Membership" shows the current cost sharing for the 2021 budget year and a hypothetical cost sharing arrangement if all CRD jurisdictions contributed at the Group 1 membership level.

CONCLUSION

The CRD Board charged the Arts Commission with the task of exploring partnerships to support 100% participation in the Arts & Culture Support Service. Although participation has grown from four to nine CRD jurisdictions since the inception of the service, this recent initiative to increase membership resulted in no new participation.

RECOMMENDATION

The Arts Commission recommends to the Capital Regional District Board:

That the Outcomes of Board Initiative 12a-1 to Explore Partnerships to Support 100% Participation in the CRD Arts Function report be received for information.

Submitted by:	James Lam, Manager, Arts & Culture Support Service
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Simulation for adding all regional members as participants to Group 1 Membership

Prepared 20-Jul-21

Simulation for adding all regional members as participants to Group 1 Membership

		2021 Current Participation			2021 Estimated Requisition and Cost SharingSimulaton				
Municipalities		2021 Estimated Arts Dev Requisition	2021 Per Capita	2021 Cost Sharing %	50% 2021 BC Assessment 2021 Final Roll Converted Assessments	50% 2021 2020 Estimated Population By Planning Dep	2021 Estimated Arts Dev Requisition	2021 Per Capita	2021 Cost Sharing %
Group 1	City of Victoria	1,002,891	10.62	36.76%	4,028,366,938	94,415	661,910	7.01	24.26%
	Township of Esquimalt	159,625	8.39	5.85%	494,698,049	19,015	105,402	5.54	3.86%
	District of Saanich	1,154,271	9.23	42.31%	4,032,489,613	125,107	762,022	6.09	27.93%
	District of Oak Bay	223,661	11.82	8.20%	976,933,117	18,918	147,591	7.80	5.41%
	Town of View Royal	106,954	9.04	3.92%	364,952,707	11,829	70,611	5.97	2.59%
	Colwood				522,210,174	19,373	108,990	5.63	4.00%
	Highlands				93,126,687	2,451	16,174	6.60	0.59%
	Langford				1,439,488,822	44,069	270,101	6.13	9.90%
	Metchosin				152,964,252	5,049	29,892	5.92	1.10%
	Sooke				382,206,437	15,083	82,708	5.48	3.03%
	Sidney				551,412,679	12,312	88,616	7.20	3.25%
	North Saanich				633,855,362	11,965	94,754	7.92	3.47%
	Central Saanich				682,091,870	18,353	119,767	6.53	4.39%
	Salt Spring Island				496,992,287	11,329	80,624	7.12	2.96%
	Southern Gulf Island				364,679,725	4,958	48,256	9.73	1.77%
	Juan De Fuca				258,067,513	5,444	40,439	7.43	1.48%
Total Group 1		2,647,402		97.05%	15,474,536,232	419,670	2,727,857		100.00%
Group 2	District of Metchosin (30%)	13,583	2.69	0.50%	30% 0	30% 0	0	% added	0.00%
	Sooke (30%)	37,576	2.49	1.38%	0	0	0		0.00%
	SGI (30%)	21,945	4.43	0.80%	0	0	0		0.00%
	District of Highlands (30%)	7,351	3.00	0.27%	0	0	0		0.00%
Total Group 2		80,455		2.95%	0	-	0		0.00%
Total Participants		2,727,857		100.00%	15,474,536,232	419,670	2,727,857		100.00%
					1,363,928.50	1,363,928.50	2,727,857.00		
Unit Rate					8.81402E-05	3.250002383			

Data Enter **2,727,857.00**
2021 Total Requisition

Note: Maximum Levy: - Greater of \$1,980,000
Or 0.102/1000 actual assessment of Group 1 Participants

Assumptions used in this simulation:

- 1). 2021 Requisition Amount used to calculate the unit rate
- 2). 2021 Revised Roll Assessment Data (Hospital) used for this simulation, but real requisition will be based on revised roll assessment.
- 3). 2020 estimated. Population data provided by CRD Planning Department.
- 4). Bylaw BL4127 Cost Sharing method used

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, SEPTEMBER 08, 2021**

SUBJECT **Adding Non-Participating Jurisdictions to the Arts and Culture Support Service at Group 2 Membership Level**

ISSUE SUMMARY

The Arts Commission has requested supplementary information detailing implications of adding non-participating jurisdictions at the Group 2 membership level for the Arts and Culture Support Service through a regional alternative approval process.

BACKGROUND

The nine current participants in the Arts and Culture Support Service contribute as either “Group 1” or “Group 2” members (see Table 1 for list), with apportionment based on 50% population and 50% converted assessments. Group 2 member participation is a lower level of contribution and is calculated as 30% of the Group 1 membership level.

Table 1. Participation by Membership Level in the Arts and Culture Support Service

Group 1 Participants	Group 2 Participants	Non-Participants
Esquimalt	Highlands	Central Saanich
Oak Bay	Metchosin	Colwood
Saanich	Sooke	Juan De Fuca
Victoria	Southern Gulf Islands	Langford
View Royal		North Saanich
		Salt Spring Island
		Sidney

On July 28, 2021, the Arts Commission received the staff report, “Outcomes of Board Initiative 12a-1 to Explore Partnerships to Support 100% Participation in the CRD Arts Function”, which included “Appendix A: Simulation for adding all regional members as participants to Group 1 Membership”. The Arts Commission clarified to staff that it would continue to support Board initiative 12a-1 through amendments to the establishing bylaw that would keep existing participants at their current membership levels and add non-participating jurisdictions at the Group 2 membership level. The Arts Commission requested a supplementary report and financial simulation to reflect this approach.

There were motions arising at the July 28, 2021, Arts Commission meeting as follows:

The Arts Commission recommends to the Capital Regional District Board:

1. That staff be directed to prepare amendments to the establishing bylaw to gain full regional participation in the Arts and Culture Support Service, with non-participating electoral areas and municipalities added as Group 2 Participating Areas;
2. That the Board proceed by way of a regional alternative approval process; and
3. That staff include a report with the removal of the 2-year exit clause and include additional service requisition scenarios that reflect 30% participation for new members and a general increase to the service budget.

ALTERNATIVES

Alternative 1

1. That staff be directed to prepare amendments to the establishing bylaw to gain full regional participation in the Arts and Culture Support Service, with non-participating electoral areas and municipalities added as Group 2 Participating Areas; and
2. That staff include a report with the removal of the 2-year exit clause and include additional service requisition scenarios that reflect 30% participation for new members and a general increase to the service budget.

Alternative 2

The Arts Commission recommends to the Capital Regional District Board:

1. That staff be directed to prepare amendments to the establishing bylaw to gain full regional participation in the Arts and Culture Support Service, with non-participating electoral areas and municipalities added as Group 2 Participating Areas;
2. That the Board proceed by way of a regional alternative approval process; and
3. That staff include a report with the removal of the 2-year exit clause and include additional service requisition scenarios that reflect 30% participation for new members and a general increase to the service budget.

Alternative 3

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

IMPLICATIONS

Financial Implications

By adding the seven non-participating jurisdictions at the Group 2 membership level, the requisition (and additional service funding) for the Arts and Culture Support Service budget would increase by approximately \$365,000 or 13% (see Supplemental Appendix A for full simulation). These funds would be available through the five granting programs detailed below.

The nine existing participants of the service would continue to contribute at their current level. The average cost per household to the seven newly added participants (calculated based on average residential assessment) ranges from \$4.45 to \$7.29, depending on jurisdiction, with the median average cost estimated at \$5.71.

Service Delivery Implications

The Arts and Culture Support Service delivers five granting programs: Operating Grants, Project Grants, IDEA Grants, Incubator Grants, and Equity Grants. Non-profit organizations within participating jurisdictions are eligible to apply to these programs to fund arts activities.

Currently, non-profit organizations based in Central Saanich, Colwood, Langford, North Saanich, Sidney, Juan De Fuca, and Salt Spring Island are not eligible to apply because these are non-participating jurisdictions. A preliminary scan of arts groups in these jurisdictions by staff indicates that there are at least 27 non-profit organizations with an arts and culture mandate that could be

eligible for grants, as well as several more non-profits that do not have an arts and culture mandate but may produce arts and culture activities and may also be eligible for certain grants.

Alignment with Board & Corporate Priorities

This initiative is aligned to Board Initiative 12a-1 in the 2019-2022 Corporate Plan:

“Facilitate a discussion of the region’s art facility needs & explore partnerships to support 100% participation in the CRD arts functions.”

Legislative Implications

Choosing an electoral approval process requires that the bylaw, or amendments to the bylaw, are prepared and presented to the CRD Board for consideration. This initiative has not yet reached that stage. Before the amendments to the bylaw creating a full regional service can be adopted, they must receive approval of the electors and the Inspector of Municipalities. The *Local Government Act (LGA)* provides ways to obtain approval, in the form of referendum, alternative approval process, or consent by municipal councils with alternative approval processes in electoral areas.

If the CRD Board directs staff to prepare amendments to the establishing bylaw, then those amendments would be brought back to the CRD Board with a staff report on options for selecting an electoral approval process.

CONCLUSION

The Arts Commission at their meeting on July 28, 2021, requested more information accompany their recommendations to the CRD Board. This information includes a new financial simulation that shows current participating jurisdictions at their existing contribution level and adds non-participating jurisdictions at the Group 2 membership level. The approach in these recommendations would increase the budget of the Arts and Culture Support Service by approximately \$365,000 or 13%. The next steps, if approved, would be for staff to draft the amendments to the current bylaw, making this a fully regional service.

RECOMMENDATION

1. That staff be directed to prepare amendments to the establishing bylaw to gain full regional participation in the Arts and Culture Support Service, with non-participating electoral areas and municipalities added as Group 2 Participating Areas; and
2. That staff include a report with the removal of the 2-year exit clause and include additional service requisition scenarios that reflect 30% participation for new members and a general increase to the service budget.

Submitted by:	Chris Gilpin, MPA, Manager, Arts and Culture Division
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

ATTACHMENT(S)

Supplemental Appendix A: Updated Simulation for Adding All Non-Participating Regional Members at Group 2 Membership

Supplemental Appendix A: Updated Simulation for Adding All Non-Participating Regional Members at Group 2 Membership

		2021 Current Participation			2021 Estimated Requisition and Cost Sharing Simulation for Full Regional Participation			Change in Cost
Municipalities		2021 Actual Arts & Culture Requisition	2021 Average Cost Per Household	2021 Cost Sharing %	2021 Estimated Arts & Culture Requisition	2021 Average Cost Per Household	2021 Cost Sharing %	
Group 1	Esquimalt	\$159,625	\$25.20	5.85%	\$159,652	\$25.20	5.16%	\$27
	Oak Bay	\$223,661	\$32.69	8.20%	\$223,629	\$32.69	7.23%	-\$33
	Saanich	\$1,154,271	\$24.83	42.31%	\$1,154,355	\$24.83	37.32%	\$84
	Victoria	\$1,002,891	\$21.07	36.76%	\$1,002,833	\$21.07	32.42%	-\$58
	View Royal	\$106,954	\$22.27	3.92%	\$106,964	\$22.27	3.46%	\$10
Subtotal Group 1		\$2,647,402		97.05%	\$2,647,433		85.59%	
Group 2 30%	Highlands	\$7,351	\$6.80	0.27%	\$7,351	\$6.80	0.24%	\$0
	Metchosin	\$13,583	\$7.82	0.50%	\$13,584	\$7.82	0.44%	\$1
	Sooke	\$37,576	\$5.37	1.38%	\$37,583	\$5.37	1.22%	\$7
	Southern Gulf Island	\$21,945	\$3.16	0.80%	\$21,939	\$3.16	0.71%	-\$7
	Central Saanich				\$54,456	\$6.44	1.76%	\$54,456
	Colwood				\$49,527	\$6.66	1.60%	\$49,527
	Langford				\$122,750	\$5.71	3.97%	\$122,750
	North Saanich				\$43,072	\$7.29	1.39%	\$43,072
	Sidney				\$40,278	\$5.18	1.30%	\$40,278
	Juan De Fuca				\$18,381	\$4.45	0.59%	\$18,381
	Salt Spring Island				\$36,646	\$5.47	1.18%	\$36,646
Subtotal Group 2		\$80,455		2.95%	\$445,567		14.41%	
Total		\$2,727,857		100.00%	\$3,093,000		100.00%	\$365,143

Assumptions and Notes for this simulation:

- 1). 2021 Requisition amount used as the base for existing members.
- 2). 2021 Revised Roll Assessment Data (Hospital) used for this simulation.
- 3). 2020 estimated population data provided by CRD Planning Department
- 4). Bylaw BL4127 Cost Sharing method used 50% by Assessment, 50% by Population
- 5). Average Cost Per Household is the average residential assessment. It does not include rental households.
- 6). Change in Cost estimates for participating jurisdictions is due to rounding.

**REPORT TO CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE
MEETING OF WEDNESDAY, JULY 28, 2021**

SUBJECT **Residuals Treatment Facility – Bylaw No. 4414 – Other Municipal Solids Tipping Fees and Charges Bylaw No. 1, 2021**

ISSUE SUMMARY

Approval of the tipping fees bylaw for processing of regional wastewater residuals at the Residuals Treatment Facility (RTF) that are generated outside of the core area service.

BACKGROUND

The Core Area Wastewater Treatment Project included the construction of the RTF, located adjacent to the Hartland Landfill. The RTF was built to produce Class A biosolids from wastewater residuals generated at the new McLoughlin Point Wastewater Treatment Plant. The RTF also has the capacity to accept wastewater residuals from other facilities within the capital region but located outside of the core area through the Other Municipal Residual Solids (OMS) receiving station. Staff estimate that OMS could represent approximately 10% of the total solids processed through the RTF.

The OMS station is designed to receive residuals from transfer trucks and incorporate them into the larger RTF process stream, as follows:

- Dewatered Residuals: high solids content (greater than or equal to 10%) residuals are loaded into the OMS reception hopper and then directed into the main sludge pump reception hopper.
- Pumpable Residuals: low solids content (less than 10%) residuals are pumped to either the residual storage tank or directly into the digester.

Annual revenue generated from the OMS is an economic opportunity for the core area to offset a portion of the fixed annual capital and operational costs for the RTF. Based on the five-year budget for 2021, projected fees could recover about 10% of the total annual operating and capital cost of the RTF.

CRD Bylaw No. 4414 (Appendix A) provides the administrative mechanism to receive these other municipal solids at the RTF.

ALTERNATIVES

The Core Area Liquid Waste Management Committee recommends to the Capital Regional District Board:

Alternative 1

1. That CRD Bylaw No. 4414, “Other Municipal Solids Tipping Fees and Charges Bylaw No. 1, 2021”, be introduced and read a first, second, and third time; and
2. That CRD Bylaw No. 4414 be adopted.

Alternative 2

That CRD Bylaw No. 4414 be referred back to staff for additional information.

IMPLICATIONS

Financial Implications

Selection of appropriate and competitive fees is an important consideration in maximizing the use of the RTF for other municipal solids. Fees are structured on a cost recovery basis while reflecting the region's need to meet regulatory requirements for wastewater management. In addition, the tipping fees incorporate an understanding of the cost (per tonne) to produce and beneficially reuse biosolids generated at the RTF. With no operational data available, there is a level of uncertainty around the Capital Regional District's (CRD) current estimated costs. Primary sources of uncertainty include estimates for anaerobic digester solids reduction volumes, dried biosolids beneficial reuse costs and timing of a future plant expansion. Given these uncertainties, staff are recommending tipping fees be designated for a three-year performance period of 2021-2024. After this performance period, appropriate OMS fees can be established based on collected RTF operational data and generated OMS revenue. Once the evaluation is complete, if required, an amendment to Bylaw No. 4414 will be put forward for consideration.

Provided below are the recommended fees developed to recover costs for disposal of OMS dewatered and pumpable residuals for the period of 2021-2024:

- Dewatered Residuals - \$225 per wet tonne: This fee accounts for RTF costs to process dewatered residuals into a dried Class A biosolid and beneficial use under the CRD's biosolids beneficial use strategy. The rate is set to be equivalent to the estimated per tonne cost for the RTF to produce and beneficially reuse biosolids from core area wastewater residuals.
- Pumpable Residuals - \$45 per wet tonne: This fee was selected to be competitive with the current market place costs for liquid waste processing, and hence provides an economically viable alternative at the OMS station. The rate considers costs to process residuals into a dried Class A biosolid, use of the centrate return line for excess liquids and beneficial reuse of biosolids.

The proposed fee structure represents an estimated annual revenue stream of approximately \$1.1-\$1.3 million, if all potential municipal or sub-regional facilities use the OMS station. This projected revenue represents roughly 10% of the budgeted annual operational and capital costs of the RTF facility and represents a full recovery of the estimated 10% capacity usage. OMS disposal and beneficial use is subject to changes in processing costs, transportation costs and capital outlay, which may be reflected in future rate adjustments.

Environmental & Climate Implications

Beneficial use of residuals at the RTF has many positive climate implications (e.g., displacing coal as fuel in cement kilns, promoting plant growth for carbon sequestration and methane capture of landfill gas). Directing residuals within the capital region to the RTF also ensures their beneficial reuse conforms to all provincial and regional regulatory requirements.

Since 2011, a temporary allowance has been provided to facilities within the capital region to deposit wastewater residual solids at the Hartland Landfill. This allowance runs counter to the Ministry of Environment & Climate Change Strategy requirement for beneficial reuse of wastewater residuals, and consumes valuable airspace in the landfill. The OMS receiving station represents an available beneficial reuse option in the region. Furthermore, staff anticipate that the landfill allowance for other facilities will be rescinded upon stable operation of the RTF.

CONCLUSION

Through the Other Municipal Residual Solids (OMS) receiving station, the Residuals Treatment Facility has capacity to accept wastewater residuals from municipal and sub-regional facilities located outside of the core area. Annual revenue generated from the OMS station is an economic opportunity for the Core Area Wastewater Service to offset a portion of the fixed annual capital and operating costs for the Residuals Treatment Facility. Selection of appropriate and competitive OMS fees is an important consideration in maximizing the use of this option. Bylaw No. 4414 outlines recommended tipping fees of \$225 per wet tonne for dewatered residuals and \$45 per wet tonne for pumpable residuals. Given uncertainties in operational and financial data, the developed tipping fees in Bylaw No. 4414 are designated for a three-year performance period to be revisited in 2024.

RECOMMENDATION

The Core Area Liquid Waste Management Committee recommends to the Capital Regional District Board:

1. That CRD Bylaw No. 4414, “Other Municipal Solids Tipping Fees and Charges Bylaw No. 1, 2021”, be introduced and read a first, second, and third time; and
2. That CRD Bylaw No. 4414 be adopted.

Submitted by:	Glenn Harris, Ph.D., R.P.Bio., Senior Manager, Environmental Protection
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B.Sc., C.Tech., General Manager, Integrated Water Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: CRD Bylaw No. 4414, “Other Municipal Solids Tipping Fees and Charges Bylaw No. 1, 2021”

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4414

**A BYLAW TO PROVIDE FOR FEES AND CHARGES FOR TIPPING WASTEWATER SOLIDS
 FROM OTHER MUNICIPALITIES AT THE RESIDUAL SOLIDS TREATMENT FACILITY**

WHEREAS:

- A. Pursuant to section 397 of the *Local Government Act*, the Board may, by bylaw, impose a fee or charge payable in respect of all or part of a service of the regional district, or the use of regional district property.
- B. The Capital Regional District established wastewater services and facilities to collect, convey, treat and dispose of sewage within the Core Area for participating municipalities of Colwood, Esquimalt, Langford, Oak Bay, Saanich, Victoria and View Royal, under *Liquid Waste Management Core Area and Western Communities Service Establishment Bylaw No. 1*, 1995 (Bylaw No. 2312), and constructed a Residual Solids Treatment Facility.
- C. The Board wishes to authorize and impose the fees and charges payable for the tipping of wastewater solids generated at other facilities in the capital region at the Residuals Solids Treatment Facility.

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

Tipping Fees

- 1. The Board hereby authorizes and imposes fees and charges for the tipping of wastewater solids at the Residuals Solids Treatment Facility from other Municipal sources, as set out in the attached Schedule "A" – Other Municipal Solids Tipping Fees.

Conditions of Access and Use

- 2. No party shall dispose of wastewater solids at the Residuals Solids Treatment Receiving Facility except in accordance with this Bylaw.
- 3. The Residuals Solids Treatment Receiving Facility is located at 280 Willis Point Road. Wastewater solids are defined as described in Schedule "A", Table 1.
- 4. All deliveries made by covered and secure trucks to prevent spillage and unnecessary odours.
- 5. All trucks must enter and exit through the Hartland north road access unless otherwise directed.
- 6. All trucks must weigh in and weigh out.
- 7. Every party depositing wastewater solids at the Residuals Solids Treatment Receiving Facility shall pay to the Capital Regional District the applicable fees in the amounts as set out in the attached Schedule "A".

8. **Credit.** Parties depositing liquid waste at the liquid waste site on a regular basis may apply to the Regional District for credit. If the Treasurer is satisfied of the credit worthiness of the party, credit may be granted to that party, in which case payment of the charge imposed under this bylaw shall be made and credit extended on the following conditions:
- i) The party receiving credit shall pay to the Regional District all fees in full within thirty (30) days of the last day of the month for which an invoice has been submitted. The Regional District will invoice monthly for liquid waste delivered during the preceding month. The invoice amount will be based on the total quantity of the waste delivered during the month, and the posted rates in effect at the time of delivery.
 - ii) Late payment(s) will be subject to an interest penalty of 1 1/2 % per month.
 - iii) The Regional District reserves the right to cancel, upon five (5) days' notice, the credit offered herein for late payment, non-payment or other justified cause as judged solely by the Regional District.
9. The fees and charges established under this Bylaw shall come into effect on the date of adoption of this bylaw.
10. A failure to comply with a condition of site access set out in ss. 2 to 7, or on conditions of use set out in section 7, is an offence.
11. This Bylaw may be cited as "Other Municipal Solids Tipping Fees and Charges Bylaw No.1, 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

Schedule “A”

Other Municipal Solids Tipping Fees and Charges

Table 1:

Wastewater Solids	Description	Tipping fee
Pumpable Residuals	Low solid content (less than 10%) residuals solids are pumped to either the Residual Storage Tank or directly into the Residuals Treatment Facility Digester	\$45 / wet tonne
Dewatered Residuals	High solids content (equal to or greater than 10%) residuals are loaded into the Other Municipal Solids Reception Hopper and then directed into to the main dewatered sludge hopper	\$225 / wet tonne



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REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD MEETING OF WEDNESDAY, SEPTEMBER 8, 2021

SUBJECT Public Hearing Report on Bylaw No. 4381, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020”

ISSUE SUMMARY

To receive the Report of the Public Hearing held August 10, 2021, for proposed Bylaw No. 4381, and to consider Bylaw No. 4381 for third reading.

BACKGROUND

At its meeting of July 14, 2021, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4831, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020” and passed a resolution to delegate authority to the Regional Director to hold a public hearing with respect to Bylaw No. 4381.

Bylaw No. 4381 (Appendix A) will amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, by adding “food and beverage processing” and “country market” as principal uses and “onsite store”, picnic area, lounge and special event area accessory to a manufacturer liquor licence, subject to the *Liquor Control and Licensing Act* as accessory uses to the Wildwood Terrace Neighbourhood Commercial (C-1A) zone; and by deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace 4 (WT-4) Zone, and adding to the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone and by deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone, and adding to the Wildwood Terrace 4 (WT-4) Zone.

On August 10, 2021, a public hearing was held for Bylaw No. 4381. There were approximately nine people in attendance at the hearing. Two submissions of non-support were received in response to the notice of public hearing. No written submissions or comments were received at the hearing for Bylaw No. 4381. The Report of the Public Hearing is attached (Appendix B).

ALTERNATIVES

Alternative 1

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4381, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on August 10, 2021, for Bylaw No. 4381, be received;
- b) That Bylaw No. 4381 be read a third time; and
- c) That adoption of Bylaw No. 4381 be withheld pending:
 - i) Confirmation that a Contaminated Site Release has been issued by the Province;
 - ii) Confirmation that a commercial access permit has been issued by the Province;
 - iii) Registration of a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring that a fire suppression sprinkler system be installed in all buildings and structures; and
 - iv) Confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector.

Alternative 2

That the minutes that form the Report of the Public Hearing for Bylaw No. 4381, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on August 10, 2021 for Bylaw No. 4381, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020”, be received.

IMPLICATIONS

Legislative Implications

Section 21 of the *Private Managed Forest Land Act* restricts local government authority regarding uses of private managed forest land so as not to have the effect of restricting a forest management activity. Staff referred the proposal to the Managed Forest Land Council and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for comment.

As the property has been used for industrial gravel pit and processing uses, as well as forestry, a site profile has been submitted pursuant to the *Environmental Management Act*.

A license is required for non-domestic groundwater use pursuant to the *Water Sustainability Act*.

The brewery use will require a manufacturer licence (brewery) in accordance with the *Liquor Control and Licensing Act*. Endorsement applications for an on-site store, picnic area, lounge and special events are subject to local government and public consultation.

Regional Growth Strategy

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. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Shirley-Jordan River Official Community Plan (OCP) area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. The intent of the proposed brewery and lounge, and country market is to meet the interests of both the travelling public and local residents, which is in keeping with the commercial and tourism objectives of the Shirley-Jordan River OCP. An OCP amendment to update the Commercial and Industrial Development permit area for the subject property will follow as a separate bylaw, and will require review by the CRD Board to determine consistency with the RGS.

Land Use

The Shirley-Jordan River Official Community Plan, Bylaw No. 4001, designates the subject property as Pacific Acreage. The objectives of this designation are to support rural residential uses, as well as agriculture, home based business, small-scale neighbourhood commercial activities, small-scale tourism, community parks and civic uses, with an average density of one parcel per two hectares within a plan of subdivision. Pacific Acreage policies are supportive of small-scale commercial uses serving local needs.

The C-1A zone was established in 2013 for this 3.3 ha portion of the subject property to permit a convenience store and limited retail uses. This portion of the property remains vacant and the applicant is proposing to add *country market* and *food and beverage processing* as permitted uses in the C-1A zone for the purpose of establishing a brewery facility with on-site tasting, lounge and retail sales. The applicant is also proposing to shift the zone boundary slightly west to avoid an area used for forestry and gravel processing not permitted in the C-1A zone.

The brewery use will require a manufacturer licence (brewery) in accordance with the *Liquor Control and Licensing Act*. A manufacturer licence allows sale of products to licensees through an agreement with the Liquor Distribution Branch, marketing and promotion of products offsite to licensees and the public, serving of samples to patrons, and guided tours of the manufacturing facility, which may include service and sale of samples. Separate endorsement applications are

available to manufacturing licence holders for an onsite store, picnic area, lounge and/or special event area. The serving of food is required in conjunction with a lounge endorsement. The picnic area, lounge and special event endorsements are subject to additional local government, First Nation and public consultation. Endorsements are in-line with the neighbourhood commercial/retail uses in the C-1A zone subject to future public consultation and local government approval as part of the endorsement license applications.

Staff have prepared proposed Bylaw No. 4381 to add *food and beverage processing*, accessory onsite sales, picnic area, lounge and special event areas subject to the *Liquor Control and Licensing Act*, and associated parking requirements to the C-1A zone (Appendix A). The definition of *food and beverage processing* is defined in Bylaw No. 2040 as follows:

FOOD AND BEVERAGE PROCESSING means the use of a building or structure where food and beverages are processed or otherwise prepared for human consumption. Includes the production of beer, wine and spirits in accordance with all applicable Provincial regulations. Includes tasting and retail sales accessory to the principal food and beverage processing use. Includes catering operations, but does not include a restaurant use.

In addition to the *food and beverage processing* use, the applicant is also requesting the addition of a *country market* use in the C-1A zone in response to public input at an open house hosted by the applicant in response to the Advisory Planning Commission meeting. Staff propose including the requested use along with an updated definition as follows:

COUNTRY MARKET means a food and craft market with multiple vendors in a fixed location occurring on a temporary basis offering goods for sale that are grown, processed or produced by the vendors that may include fruits, vegetables, herbs, flowers; baked products, and original crafts, as well as the sale of prepared food for human consumption on the premises, on-site preparation of foods and operation of a movable food stand; excludes the sale of used or second hand material or antiques or commercial products for resale.

The construction of a commercial building will require issuance of a development permit for the form and character of commercial buildings, as outlined in Section 550 of Bylaw No. 4001. The Shirley/Jordan River Advisory Planning Commission (APC) did not support the increase in floor area from 1000 m² to 4000 m² in the C-1A zone and that more information be provided by the applicant regarding the overall scale and design of the proposal in the form of a public information meeting for residents. The applicants held a public open house and have stated that 1,000 m² is not sufficient for their needs. Through discussions with the applicant, staff have revised Bylaw No. 4381 to permit a total floor area for principal buildings of 2,000 m². This is equivalent to a lot coverage of 6% if built-out on a single storey. Should the rezoning be approved, an OCP amendment will be required to realign the commercial development permit area. The proposed location for the brewery is outside of any DPAs established for protection of the environment or for protection from hazardous conditions.

Pacheedaht First Nation has expressed interest in updates to the OCP that reflect the Nation's cultural history and landholdings in Jordan River. Staff met with members of Pacheedaht about the proposed updates and bring forward an OCP amendment at a later date. Items pertaining to water use and the social and environmental impacts of the brewery and lounge uses will be addressed through the processes administered by the respective provincial licensing and approving agencies.

The Shirley/Jordan River APC provided support for the brewery use, but was not supportive of the proposed endorsements for an onsite store, picnic area, lounge and special event area. Staff are of the opinion that the proposed endorsements add the required neighbourhood commercial character to align with the Pacific Acreage policy, whereas food and beverage processing alone may not provide this quality. Endorsements under the manufacturer's licence for a brewery require additional provincial, local government and public consultation that will be considered separate from the rezoning.

Concern was raised in the two submissions forming part of the public hearing record regarding the use of groundwater. Section 414 of Bylaw No. 4001 outlines policies for water use and protection. Policy 414B states that in consideration of a development proposal, the protection of aquifers and water resources from contamination and depletion will be ensured. Policy H indicates that industrial or commercial uses proposed for areas with aquifers at high risk of contamination will provide a hydrological assessment. Provincial groundwater data included in Map 3 in Bylaw No. 4001, identifies the subject property as having high intrinsic aquifer vulnerability. Section 414, also includes policies regarding rainwater collection and the use of water-efficient fixtures, as well as improvements to ensure there is adequate water capacity to handle fire-fighting efforts (Policies K, L and N). These policies are addressed through provincial licensing and oversight as the applicant will require a water licence for the commercial use in accordance with the *Water Sustainability Act*, and the contaminated sites review through the Ministry of Environment includes measures to ensure site contaminants do not enter the ground. Confirmation of an approved water supply and septic system will be a requirement of the building permit process.

Section 434 of the OCP outlines the location and type of desired parks and trails in the community. Statutory park dedication has been provided for the subject property as part of previous subdivision developments. Section 454 of the OCP indicates that as part of a rezoning proposal, routes and facilities for alternative transit options such as walking and cycling will be taken into consideration and that increased connectivity between neighbourhoods for walking and cycling be considered. Establishment of neighbourhood commercial uses is noted in section 493 as a means of reducing greenhouse gas emissions from vehicles by providing goods within the community. Also, Policy 464 K identifies the need for a local site for meetings and activities, which could occur on the subject property as the C-1A zone permits Civic uses. Proposed Bylaw No. 4381 has been prepared to include on-site parking requirements for the brewery use. The Ministry of Transportation & Infrastructure regulates commercial access requirements in the Electoral Area and requires the applicant obtain an access permit.

There is one building permit record for a steel building on the property; however, CRD Building Inspection has confirmed that additional permits are required for existing buildings. Staff recommend that approval of the rezoning be subject to confirmation that outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector. Any new buildings proposed will also require building permits and on-site sewerage systems.

CONCLUSION

A public hearing was held on August 10, 2021, for Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020". The minutes are attached as the Report of the Public Hearing.

There were approximately nine people in attendance at the hearing. Two written submissions of non-support were received in response to the notice of public hearing. No written submissions or comments were received at the hearing for Bylaw No. 4381.

Staff recommend Alternative 1 to receive the minutes and for the proposed bylaw to be given third reading and that adoption of the bylaw be withheld subject to confirmation that a Contaminated Site Release and commercial access permit has been issued by the Province; subject to registration of a covenant requiring that a fire suppression sprinkler system be installed in all buildings and structures; and subject to any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector.

RECOMMENDATIONS

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4381, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on August 10, 2021, for Bylaw No. 4381, be received;
- b) That Bylaw No. 4381 be read a third time; and
- c) That adoption of Bylaw No. 4381 be withheld pending:
 - i) Confirmation that a Contaminated Site Release has been issued by the Province;
 - ii) Confirmation that a commercial access permit has been issued by the Province;
 - iii) Registration of a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring that a fire suppression sprinkler system be installed in all buildings and structures; and
 - iv) Confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Acting Chief Administrative Officer

ATTACHMENTS

Appendix A: Proposed Bylaw No. 4381

Appendix B: Report of the Public Hearing August 10, 2021

Appendix A: Proposed Bylaw No. 4381

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4381**

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 – DEFINITIONS

- (a) By deleting the definition of "COUNTRY MARKET" and replacing it with a new definition as follows:

"COUNTRY MARKET means a food and craft market with multiple vendors in a fixed location occurring on a temporary basis offering goods for sale that are grown, processed or produced by the vendors that may include fruits, vegetables, herbs, flowers; baked products, and original crafts, as well as the sale of prepared food for human consumption on the premises, on-site preparation of foods and operation of a movable food stand; excludes the sale of used or second hand material or antiques or commercial products for resale;"

B. SCHEDULE A, PART 2, SECTION 6G.0 WILDWOOD TERRACE NEIGHBOURHOOD COMMERCIAL ZONE – C-1A

- (a) By amending section 6G.01 Permitted Uses by adding new subsections under Principal Uses as follows:

"(d) food and beverage processing;

(e) country market;"

- (b) By amending section 6G.01 Permitted Uses by adding a new subsection under Accessory Uses as follows:

"(g) Onsite store, picnic area, lounge and special event area accessory to a manufacturer liquor licence subject to the *Liquor Control and Licensing Act*;"

- (c) By amending section 6G.07 Maximum Size of Principal Buildings by deleting "1,000 m²" and replacing with "2,000 m²."

C. SCHEDULE A, PART 3 – PARKING AND LOADING REQUIREMENTS

- (a) By amending section 5.0 by inserting after "Equipment sales/Rentals" the following:

"Food and Beverage processing 1 per 2 employees"

D. SCHEDULE B, MAP NO. 2 – SHIRLEY JORDAN RIVER ZONING MAP

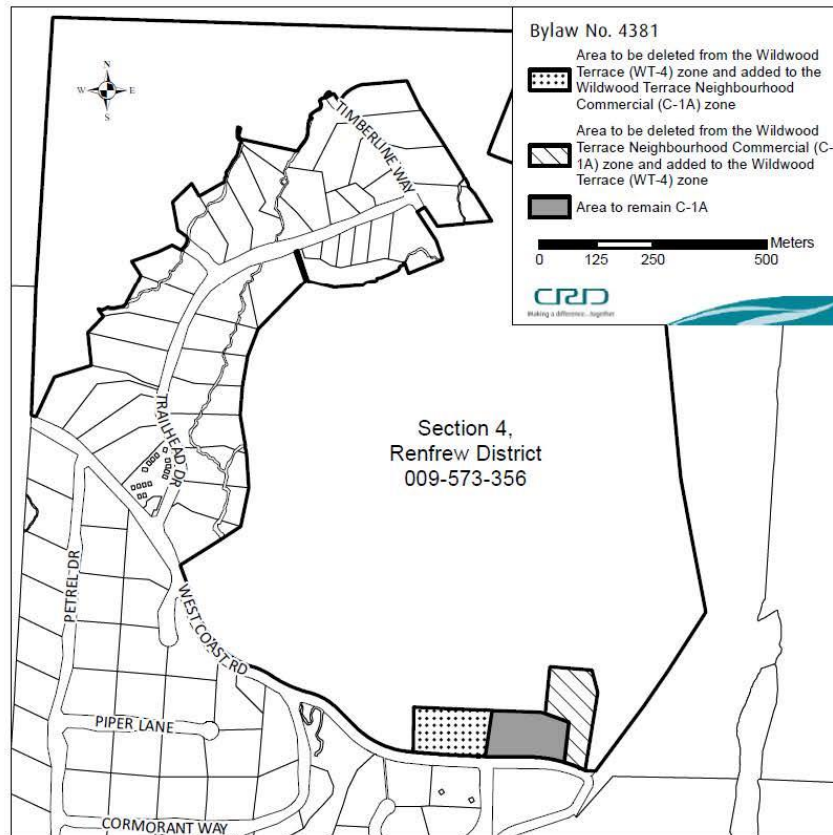
- (a) By deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace 4 (WT-4) Zone, and adding to the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone, as shown on Plan No. 1.

- (b) By deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone, and adding to the Wildwood Terrace 4 (WT-4) Zone, as shown on Plan No. 1.

CRD Bylaw No. 4381

2

Plan No. 1 of Bylaw No. 4381, an amendment to Bylaw No. 2040



2. This bylaw may be cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020”.

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: Report of the Public Hearing

REPORT OF PUBLIC HEARING

held at the Juan de Fuca Local Area Services Building
3-7450 Butler Road, Otter Point, BC
August 10, 2021 at 7:00 pm

SUBJECT: **BYLAW NO. 4381**, cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020”

PRESENT: **Director M. Hicks** (EP), Chair by Resolution of the Capital Regional District Board on Wednesday, July 14, 2021
CRD Staff: I. Lawrence, Manager; JdF Community Planning (EP);
W. Miller, Recorder (EP)

PURPOSE OF THE HEARING:

Bylaw No. 4381 will amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, by adding “food and beverage processing” and “country market” as principal uses and “onsite store”, picnic area, lounge and special event area accessory to a manufacturer liquor licence, subject to the Liquor Control and Licencing Act” as accessory uses to the Wildwood Terrace Neighbourhood Commercial (C-1A) zone; and by deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace 4 (WT-4) Zone, and adding to the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone and by deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone, and adding to the Wildwood Terrace 4 (WT-4) Zone.

NOTICE: Notices were inserted in two (2) consecutive issues of the Sooke News Mirror appearing on July 29, 2021, and August 5, 2021.

ATTENDANCE: Approximately 9 EP

EP – Electronic Participation

The Chair declared the public hearing open at 7:01 pm.

The guidelines and procedures of the public hearing and the Notice of Public Hearing were read to those present.

I. Lawrence advised that two submissions of non-support were received in response to the notice of public hearing. The submissions from Burly Phillips and Brian Kenny will be recorded into the record of public hearing.

The Chair called three times for further discussion on the bylaw and hearing none closed the public hearing on Bylaw No. 4381 at 7:05 pm.

CHAIR, Director M. Hicks

Wendy Miller

From: Burly Phillips
Sent: Thursday, August 05, 2021 9:46 AM
To: Wendy Miller
Subject: Re: Zoning Amendment Application RZ000270 (Brewery - 12036 West Coast Road)

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

Thanks for the email Wendy and as a resident of I am completely opposed to having a brewery in the neighbourhood! I moved here in particular for rural quiet living not for accommodating tourist type transient people drinking in my neighbourhood! Also I am particularly concerned about water consumption and contamination from something like this on our local residents! We all live off shallow surface wells in this area so any ground water contamination would become well water contamination plus we don't have a lot of water in these drought times anyway!! Thanks Burlin Phillips

----- Original Message -----

From: Wendy Miller <wmiller@crd.bc.ca>
To:
Sent: Thu, 05 Aug 2021 10:33:16 -0600 (MDT)
Subject: Zoning Amendment Application RZ000270 (Brewery - 12036 West Coast Road)

Good Morning,

I email to advise that a public hearing is scheduled for Bylaw No. 4381 (Zoning Amendment Application RZ000270):

Date: Tuesday, August 10, 2021
Time: 7:00 pm

PLEASE NOTE: During the COVID-19 situation, the hearings will be held electronically. To register to attend please contact the Juan de Fuca Community Planning Office by email at jdfinfo@crd.bc.ca <<mailto:jdfinfo@crd.bc.ca>>.

Written submissions should be sent to Juan de Fuca Community Planning before noon on August 10, 2021, to ensure availability at each public hearing.

Thank you,

Wendy Miller
Administrative Clerk | JdF Community Planning | 250.642.8100 JDF Local Area Services Building | Capital Regional District
3 - 7450 Butler Road, Sooke, BC V9Z 1N1

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately, and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you. Please consider the environment before printing this email.

Wendy Miller

From: Brian Kenny
Sent: Monday, August 09, 2021 10:01 PM
To: Wendy Miller
Subject: Re: Zoning Amendment Application RZ000270 (Brewery - 12036 West Coast Road)

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

Hello Wendy. We as permanent residents in this area of Jordan river directly across the highway from the proposed brewery are very against this idea. The consumption of water used by micro breweries is astounding, written at about 5-10litres per 1 litre of beer produced. This is very concerning to us here due to the fact we are all on well water and plenty of the wells in this area already dry out through the summer months. That's only one of the problems we see with this, the brewery and lounge in our area with no sidewalks, taxi services, bus routes etc only leads us to believe the drinking and driving will increase around our growing families and young kids. This area could use a store, yes , but starting a commercial space with a brewery will only bring more problems to our area. I have lived in this area for 24 years and have seen licensed restaurants here which is less of a threat to our area than a water consuming alcohol promoting establishment. Many of our kids get picked up from the bus drop off across the road from this proposed brewery with enough of a problem that speeding is out here add alcohol and I'm sure it won't be any better. If this goes ahead from the CRD zoning what is our next step with water rights to fight this proposal or do we have that option? This in my opinion is not a way to "start" a community for the people who feel that's necessary when in fact most people who live here and have for years enjoy the tranquility this space has. Thanks Brian.

Not sure if I needed to send this to another email but If so could you please copy and paste for me.

On Thu, Aug 5, 2021 at 9:32 AM Wendy Miller <wmiller@crd.bc.ca> wrote:

Good Morning,

I email to advise that a public hearing is scheduled for Bylaw No. 4381 (Zoning Amendment Application RZ000270):

Date: Tuesday, August 10, 2021

Time: 7:00 pm

PLEASE NOTE: During the COVID-19 situation, the hearings will be held electronically. To register to attend please contact the Juan de Fuca Community Planning Office by email at jdfinfo@crd.bc.ca.



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**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, SEPTEMBER 8, 2021**

SUBJECT **Public Hearing Report on Bylaw No. 4407, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021”**

ISSUE SUMMARY

To receive the Report of the Public Hearing held August 10, 2021, for proposed Bylaw No. 4407, and to consider Bylaw No. 4407 for third reading.

BACKGROUND

At its meeting of July 14, 2021, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4831, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021” and passed a resolution to delegate authority to the Regional Director to hold a public hearing with respect to Bylaw No. 4407.

Bylaw No. 4407 (Appendix A) will amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, by amending the Forestry (AF) zone to add a site specific provision to permit an accessory portable sawmill and associated log and lumber storage uses on That Part of Lot 87, Renfrew District, Lying to the East of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending From a Point on the Northerly Boundary of Said Lot Distant 10 Chains from the North East Corner of Said Lot and to the South of the Northerly Boundary of Plan 109 RW, Except Part in Plan 16260.

On August 10, 2021, a public hearing was held for Bylaw No. 4407. There were approximately nine people in attendance at the hearing. Four submissions were received in response to the notice of public hearing. One submission stated support for the proposal. Two submissions outlined concerns about the proposal and stated objection to the proposal. The final submission, which included a petition with ten signatures, outlined concerns about the proposal and stated objection to the proposal. One member of the public in attendance spoke in favour of the proposal; a second member of the public spoke in opposition to the proposal. The Report of the Public Hearing is attached (Appendix B).

ALTERNATIVES

Alternative 1

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4407, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on August 10, 2021, for Bylaw No. 4407, be received;
- b) That Bylaw No. 4407 be read a third time; and
- c) That adoption of Bylaw No. 4407 be withheld pending:
 - i. Removal of the Notice on Title and confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector; and
 - ii. Approval of an access permit to the subject property by the Ministry of Transportation & Infrastructure.

Alternative 2

That the minutes that form the Report of the Public Hearing for Bylaw No. 4407, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on August 10, 2021 for Bylaw No. 4407, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021”, be received.

IMPLICATIONS

Legislative

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 *Local Government Act (LGA)*. The Shirley/Jordan River APC considered the application at its meeting April 6, 2021.

A license is required for non-domestic groundwater use pursuant to the *Water Sustainability Act*. This approval is issued by the Province and is not a precondition for rezoning.

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. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Shirley-Jordan River Official Community Plan (OCP) area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. The proposed zoning amendment is consistent with the policies of the Shirley-Jordan River OCP.

Land Use

The Shirley-Jordan River OCP, Bylaw No. 4001, designates the subject property as Coastal Upland. The intent of this designation is to support the continued use of these lands for forestry. Section 484(S) supports industrial uses associated with forestry on lands designated Coastal Upland. In addition, Section 444(R) outlines that rezoning applications for resource processing related to forestry are to consider the potential impacts on neighbouring properties and that adequate setbacks and screening requirements are implemented.

The property is zoned AF in Bylaw No. 2040, which permits silviculture, residential and ancillary uses. Portable sawmills are permitted as a Home Industry subject to Part 1, Section 4.06 of Bylaw No 2040.

The owner of the sawmill operation has requested this zoning amendment in order to expand beyond the scope of the Home Industry regulations by amending the AF zone to add the operation of an accessory portable sawmill as a site specific permitted use on the subject property.

During the referral process, concerns regarding noise from the operation were raised by a neighbouring property owner. The applicant has installed a sound proofing fence adjacent to the portable mill in an effort to reduce the sound level. During the APC's deliberations, it was also recommended that the hours of operation be limited during the day. Other adjacent neighbours commented during the initial referral and through the APC that they have not found noise from the mill to be intrusive. The applicant has agreed to modify proposed Bylaw No. 4407 since the original referral to limit the scale of the proposed portable sawmill operation and to address noise and nuisance concerns through the implementation of a noise level limit, hours of operation and visual screening.

Proposed Bylaw No. 4407 would permit a portable sawmill as accessory to the principal residential use of the property. Regulations for operation of an accessory portable sawmill are included that:

- limits the area on which the activity may occur to no greater than 0.5 ha;
- limits the total floor area for accessory buildings and structures related to the portable sawmill use to 60 m².
- requires that the operation be set back at least 30 m from the parcel boundaries;
- requires that the operation be screened by vegetation or a solid fence no less than 2.5 m in height;

- limits hours of mill operation to 9:00 am to 3:00 pm, Monday to Friday; and
- restricts noise associated with the sawmill to 55 dB when measured at the property line.

CRD Building Inspection has highlighted outstanding building permit items on the property; therefore, staff recommend that these items be addressed to the satisfaction of the Chief Building Inspector and that the Notice on Title be removed prior to consideration of approval of this rezoning application.

The Ministry of Transportation & Infrastructure requires a Type 1A access be developed and a permit obtained. Staff recommend that this requirement be satisfied prior to consideration of approval of Bylaw No. 4407.

Section 414 of the Shirley-Jordan River OCP outlines policies for water use and protection. Policy 414(B) states that in consideration of a development proposal, the protection of aquifers and water resources from contamination and depletion will be ensured. The Water Protection Section of Forests, Lands and Natural Resource Operations and Rural Development confirmed that non-domestic use of groundwater requires a provincial licence and that measures to ensure contaminants to not enter the aquifer be in place.

Section 414, also includes policies to ensure there is adequate water capacity to handle fire-fighting efforts. Comments received from the CRD Protective Services Division and the Shirley Volunteer Fire Department indicate that there are appropriate fire mitigation resources in place for the proposed use.

CONCLUSION

A public hearing was held on August 10, 2021, for Bylaw No. 4407, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021”. The minutes are attached as the Report of the Public Hearing.

There were approximately nine people in attendance at the hearing. Four submissions were received in response to the notice of public hearing. One submission stated support for the proposal. Two submissions outlined concerns about the proposal and stated objection to the proposal. The final submission, which included a petition with ten signatures, outlined concerns about the proposal and stated objection to the proposal. One member of the public in attendance spoke in favour of the proposal; a second member of the public spoke in opposition to the proposal.

Based on changes to the bylaw to limit the scale of the operation, hours of operation and maximum allowable noise levels at the property line, as well as efforts by the owners to install sound proofing to ameliorate the current noise level, staff recommend Alternative 1 to receive the minutes and for the proposed bylaw to be given third reading and that adoption of the bylaw be withheld subject to removal of the Notice on Title and confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector; and approval of an access permit to the subject property by the Ministry of Transportation & Infrastructure.

RECOMMENDATIONS

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4407, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on August 10, 2021, for Bylaw No. 4407, be received;
- b) That Bylaw No. 4407 be read a third time; and
- c) That adoption of Bylaw No. 4407 be withheld pending:
 - i. Removal of the Notice on Title and confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector; and
 - ii. Approval of an access permit to the subject property by the Ministry of Transportation & Infrastructure.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Acting Chief Administrative Officer

ATTACHMENTS

Appendix A: Proposed Bylaw No. 4407

Appendix B: Report of the Public Hearing August 10, 2021

Appendix A: Proposed Bylaw No. 4407

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4407**

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 2, SECTION 3.0 FORESTRY ZONE – AF

- (a) By adding a new paragraph 3.01(h) as follows:

“(h) portable sawmill accessory to a principal residential use on That Part of Lot 87, Renfrew District, Lying to the East of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending From a Point on the Northerly Boundary of Said Lot Distant 10 Chains from the North East Corner of Said Lot and to the South of the Northerly Boundary of Plan 109 RW, Except Part in Plan 16260, PID: 006-452-230.”;

- (b) By deleting subsection “3.03 Density” in its entirety and replacing with the following:

3.03 Density

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

- (c) By deleting subsection “3.07 Yard Requirements” in its entirety and replacing with the following:

3.07 Yard Requirements

- a) The front, side, rear and flanking yards for an accessory portable sawmill use shall be a minimum of 30 m;
- b) For all other buildings and structures, the front, side, rear and flanking yards shall be a minimum of 15m.

- (d) By adding a new subsection “3.08 Screening” as follows:

3.08 Screening

- a) A vegetative screen, consisting of coniferous vegetation native to the region that is not less than 2 m high and 5 m deep and spaced no less than 2 m apart, or a solid fence, at least 2.5 m in height, shall be located and maintained around the perimeter of the portable sawmill operation.

- (e) By adding a new subsection “3.09 Portable Sawmill” as follows:

3.09 Portable Sawmill

- a) Persons employed at a portable sawmill operation are limited to persons normally resident in the dwelling unit to which it is incidental plus up to three non-resident employees;
- b) A portable sawmill shall operate between the hours of 9 am and 3 pm, Monday to Friday, excluding statutory holidays;

2

2. This bylaw may be cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021”.

CHAIR

CORPORATE OFFICER

Appendix B: Report of the Public Hearing

REPORT OF PUBLIC HEARING

held at the Juan de Fuca Local Area Services Building
3-7450 Butler Road, Otter Point, BC
August 10, 2021 at 7:00 pm

SUBJECT: **BYLAW NO. 4407**, cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021”

PRESENT: **Director M. Hicks** (EP), Chair by Resolution of the Capital Regional District Board on Wednesday, July 14, 2021

CRD Staff: I. Lawrence, Manager; JdF Community Planning (EP);
W. Miller, Recorder (EP)

PURPOSE OF THE HEARING:

Bylaw No. 4407 will amend Bylaw No. 2021, “Juan de Fuca Land Use Bylaw, 1992” by amending the Forestry (AF) zone to add a site specific provision to permit an accessory portable sawmill and associated log and lumber storage uses on That Part of Lot 87, Renfrew District, Lying to the East of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending From a Point on the Northerly Boundary of Said Lot Distant 10 Chains from the North East Corner of Said Lot and to the South of the Northerly Boundary of Plan 109 RW, Except Part in Plan 16260.

NOTICE: Notices were inserted in two (2) consecutive issues of the Sooke News Mirror appearing on July 29, 2021, and August 5, 2021.

ATTENDANCE: Approximately 9 EP

EP – Electronic Participation

The Chair declared the public hearing open at 7:05 pm.

The guidelines and procedures of the public hearing and the Notice of Public Hearing were read to those present.

I. Lawrence advised that four submissions were received in response to the notice of public hearing. One submission stated support for the proposal. Two submissions outlined concerns about the proposal and stated objection to the proposal. The final submission, which included a petition with ten signatures, outlined concerns about the proposal and stated objection to the proposal. The submissions from Christian Knoglinger, Tony White, Gerard LeBlanc and Brenda Mark will be recorded into the record of public hearing.

Chuck Minten, Shirley, stated:

- has been a resident of Shirley for 45 years
- family has been in Shirley for 100 years
- supports the proposal as the portable sawmill operation will support economic development by being a local supplier and local employer

Tony White, Shirley, stated:

- has lived across the street from the subject property for 28 years
- the proposal will increase the sawmill operation from 30 days in a 12-month period to five days a week
- the sawmill operation will impact his property value
- the sawmill operation creates a high pitch sounds that causes his ears to ring
- concerns have not been addressed through CRD Bylaw Enforcement
- he is tired of the noise
- another location should be considered for the sawmill operation

The Chair called three times for further discussion on the bylaw and hearing none closed the public hearing on Bylaw No. 4407 at 7:12 pm.

CHAIR, Director M. Hicks

jdf info

From: Christian Knoglinger
Sent: Sunday, August 08, 2021 6:11 PM
To: jdf info
Subject: 2040-4407-1992-150-2021

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

To whom it may concern:

Re: Bylaw No. 4407, Juan de Fuca Land Use Bylaw Amendment
Date: Tuesday, August 10, 2021
Time: At or near 7 pm
Place: Juan de Fuca Local Area Services Building, 3-7450 Butler Road, Otter Point, BC

To consider adoption of an amendment to Bylaw #2040: Bylaw No. 4407 - cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021".

This is a Letter of Support.

Even though I am not directly affected by the operation of an accessory portable sawmill and associated log and lumber storage due to the great distance to my house from said location I do want to express my support for the amendment.

I am a carpenter and when I source my wood I look for local sources: To support the local economy first, not some franchise or big-box store.

The Enterprise is a value-added business, a business that is desirable, considering how many raw logs are exported daily.

I have inspected the noise mitigation solutions that have been implemented at the expense of the operator, and I consider them of high quality and effect. Other equipment has been moved to the rear of the property to reduce the incident noise.

With all these improvements I can confidently say that the noise from the milling operation is much lower than the noise caused by traffic on Hwy 14.

I have stood at the entrance to Shirley Community Hall during the operation of the mill and I was annoyed by the Diesel pick-up trucks speeding by but not the mill in operation.

Full disclosure: My family are good friends of the

Please note: No-one asked me to write this letter.

I firmly believe that when one lives rurally on an acreage and provides a service to the community one should be allowed to do so within reason; such as a firm schedule of hours of operation, to allow quiet enjoyment after hours to anyone peripheral to said operation.

Sincerely (without wax :)

Chris Knoglinger
Jordan River,

Aug 4, 2021

(10 of 3)

I Tony White From
we Have lived Hear For 29 Years. we live
a cross the street From the noisy saw mill.
Why would any Body want a saw mill close
To there Home. we Hear the noise ~~and~~ daily
it is makeing us sick. ask your self
would you want a saw mill next to your
Home. my Realtor Told me a saw mill
across the Road From Your Home will affect your
Property Value. For ever. it Has Been 10 months
and the noise Has not stopped. I reached out
To oak Bay Hearing clinic about 55 dB it could
Be a problem when it is on a Daily occurrence.
For 6 Hours aday at a High Frequency sound.
Like a sawmill, my ear Ring for Hours after
The mill shuts Down. Oak Bay Hearing told
me that High Frequency sound at a Long Period
of time will cause Ringing of the ears
and mild Head aches.

(2 of 3)

The sawmill does not belong
next to my house.

CONCERNS

Loss of property value
noise/nuisance

Ringing of the ears
from High Frequency sound - at
55dB From electric Diesel

Sawmill That we Hear Daily

(Sof3)

The property is approximately
3.5 Ha lots Between 1 and 4 Ha
a portable saw mill can operate
For not more than 30 Days a year
But it runs 5 Day a week
and By Law Just Lets it Happen.

I Have phoned CRD By Law and
nothing is Being Done and no call Backs -
and noise just keeps Playing 5 Day a week

Would You want a sawmill 350 Feet
From Your House?

signature Yes/no signature Yes/no signature Yes/no signature Yes/no

Jim S.	No							
[Signature]	No							
Michael Davis	NO!							
[Signature]	NO!							
Michael [Signature]	NO!							
Ken D	NO							
Nicholas D	NO							
Charika D	NO!							
Supakorn	No.							
Sam McGowan	No							

Wendy Miller

From: Gerard LeBlanc
Sent: Tuesday, August 10, 2021 9:56 AM
To: Wendy Miller
Subject: RE: Zoning Amendment Application RZ000271 (Portable Sawmill - 9662 West Coast Road)

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

Good morning and thank you for the notification of tonight's public hearing regarding Bylaw No. 4407. Unfortunately I will not be able to attend but want to voice my opinion on the proposal.

A saw mill is currently permitted on the property subject to conditions. A mill has operated on the property for a number of years and can continue to operate without a need to rezone if current zoning conditions are met. Because the use is a permitted use in the existing zone any noise coming from that use during its hours of operation must be expected and tolerated. The neighbourhood has lived with that for some time.

An expansion of the sawmill and its hours of operation through this rezoning will likely result in an increase in noise as well as the length of time noise is generated and will increasingly impact the adjacent neighbourhood uses. I feel this is not appropriate in terms of impacts on these surrounding uses – the Shirley community hall, Shirley heritage park, adjacent residential uses and possibly Shirley Delicious patrons, where outside seating is available to restaurant users.

I do not find the provision for a maximum decibel reading at the property line an adequate means of measuring, monitoring and controlling noise from the proposed expanded mill. From which property lines will measurements be taken? Will it be from the immediately adjacent residential uses or the property line at the rear of the property some distance from the operating mill?

I also believe that traffic movements on Highway 14 could be impacted as a result of the mill expansion. Any additional pick-ups and deliveries will add traffic to an already busy highway at a location where visibility can be limited to the east in the direction of Kirby Creek.

It is my position that it would be best if the use remained at its existing scale and hours of operation but with improved noise controls and mitigation implemented to improve and ensure compatibility with other uses in the neighbourhood. It's my opinion that the proposed sawmill expansion is inappropriate for the neighbourhood and I object to the adoption of the proposed zoning bylaw amendment that would permit it.

Yours truly,

Gerard

Gerard LeBlanc

Shirley, BC,

Public Hearing August 10 2021 Re: proposed Bylaw 4407, Amendment Bylaw #150, 2021 to amend Zoning Bylaw 2040, for a sawmill at 9662 West Coast Road.

I am not in favor of proposed Bylaw 4407 because I do not believe the noise issues have been adequately considered and addressed.

A sawmill is considered high on the list of adverse noise generation and negative influences on property values. Regarding the current operation of this sawmill, of 4 immediately adjacent property owners, 2 have stated they are not bothered by the noise or other aspects, 1 did not comment, and 1 is extremely affected by the noise. He is in a direct line from the mill, and his quiet and peaceful enjoyment of his property has been spoiled, and he is justifiably worried about his property value if he were to sell. He is perhaps home more during the day, and one wonders if the others are not there to experience the full effects of the sawmill when it is operating.

There is no board fence, whatever height, which would be adequate to effectively reduce the sound of this type of mill from 30 metres away. The only kind of fence which might work is a proper noise reduction solid concrete fence such as is used along highways. Or preferably, enclosing the mill in a building. **The owners of the mill stand to gain considerable economic benefit from a rezoning that allows them to operate with greatly increased hours, and should be required to take the most effective measures to mitigate noise.**

On reading the proposed Bylaw 4407, **Schedule A, (e) 3.09 Portable Sawmill (e)** states that the mill cannot create noise that exceeds a level of 55dB at the property line. This is a very good measure, but the question is how will it be monitored and enforced?

CRD Bylaw Officer made good recommendations regarding follow up on complaints about unacceptable noise. He also suggested the **CRD could consider retaining the right to rescind agreements if violations are not corrected.** That may offer more protection for current and future residents, and since Bylaw has already attended the property regarding non-compliance, it may be warranted.

Thank you

Brenda Mark, Shirley BC

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

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. Juan de Fuca 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 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.

Juan de Fuca 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 & 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**

**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**

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

Chair

Corporate Officer

Appendix C: Referral Comments

CRD Regional & Strategic Planning:

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 | [Facebook](#) | [Twitter](#) | [YouTube](#)



Making a difference...together

CRD Bylaw Enforcement:

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 |

CRD Protective Services:

Wendy Miller

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

From: Wendy Miller
Sent: Tuesday, June 08, 2021 9:17 AM
To: Jonathan Reimer <jreimer@crd.bc.ca>
Cc: 'shirleychief@shaw.ca' <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
June 7, 2021

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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.

Chair

Iain Lawrence highlighted the subject property map, proposed subdivision plan (SU000711) and proposed Bylaw No. 4423.

Iain Lawrence responded to a question from the LUC advising that the area subject to the rezoning application could be subdivided into four lots under Bylaw No. 4423.

The Chair confirmed that the applicant was presented.

The applicant stated that the owner wishes to rezone the Industrial Sawmill (M-3) zoned area to permit a broader range of uses as the M-3 area exceeds the area needed for sawmill use.

Heather Phillips, Otter Point:

- Bylaw No. 4423 proposes a range of new uses/business types
- referral will allow the community to comment on the number and type of uses
- the District of Sooke is identified as a referral agency and borders the subject property
- the riparian area is part of the King Creek system which feeds past ALM Farm

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that staff be directed to refer proposed Bylaw No. 4423, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021" to the Otter Point Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro

District of Sooke

FLNR - Archaeology Branch

FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development

FLNR - Water Protection Section

Island Health

Ministry of Environment & Climate Change Strategy – Environmental Protection and Sustainability

Ministry of Transportation & Infrastructure

Otter Point Fire Department

RCMP

Sooke School District #62

Sc'ianew

T'Sou-ke First Nation

CARRIED

9. 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)**

Iain Lawrence 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.

Iain Lawrence advised that the LUC directed referral of the proposal to agencies and to the Shirley/Jordan Advisory Planning Commission (APC) at its May 18, 2021, meeting.

Iain Lawrence outlined the referral comments as included in the staff report and advised that the Shirley/Jordan River APC and Pacheedaht Nation submitted comment in support of proposed Bylaw No. 4412 and 4413. It was advised that Bylaw No. 4413 has been amended to permit parks, hiking trails, horse trails and bicycle paths as uses permitted in all zones, in response to comment received through the referral process.

Heather Phillips, Otter Point:

- LUC comment was made at a previous meeting regarding supporting continued use of ATVs through private agreement
- proposed bylaws do not address this use

Iain Lawrence responded to questions from the LUC advising that:

- Bylaw No. 2040 and 3602 apply to both private and public land
- public land use is not necessarily restricted by local government bylaws as the Province may approve certain land uses contrary to local government zoning
- forestry use on Managed Forest Land is not regulated by local government bylaws until such time that the land is removed from the Managed Forest Land program
- amending land use bylaws to permit ATV use requires more in-depth review

MOVED by Stan Jensen, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommends to the Capital Regional District 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.

CARRIED

The meeting adjourned at 8:32 pm.

Chair

**REPORT TO PERFORMING ARTS FACILITIES SELECT COMMITTEE
MEETING OF WEDNESDAY, SEPTEMBER 08, 2021**

SUBJECT **Proposed Performing Arts Facilities Service: Establishing Bylaw No. 4445 and Service Plan**

ISSUE SUMMARY

The Performing Arts Facilities Select Committee directed staff to prepare a service plan and draft an establishing bylaw to plan, develop and fund regional performing arts facilities through a new region-wide service.

BACKGROUND

On April 14, 2021, the Capital Regional District (CRD) Board approved a Governance Committee recommendation to create a Performing Arts Facilities Select Committee. Approved Terms of Reference give the Select Committee a mandate to “provide recommendations to the CRD Board on the scope of a service that will plan, develop and fund regional performing arts facilities in order to provide staff direction in the creation of an establishing bylaw.”

On May 19, 2021, the Performing Arts Facilities Select Committee provided direction that “staff develop a service bylaw, service plan and a process to consult with municipalities, electoral areas, arts organizations, and other bodies.” See Appendix A for proposed Bylaw No. 4445, to establish a regional performing arts facilities service, and Appendix B for the proposed Service Plan.

Consultations

In 2020, the CRD Regional Arts Facilities Select Committee commissioned Strategic Moves to conduct consultations and provide a report on performing arts facilities. The resulting report stated:

Regional Performing Arts Facilities are important to the social, cultural, economic health and well-being of all across the region... This Stage One process has made clear that there is a great need and desire among participants and survey respondents for full regional participation in arts and culture, in general, and performing arts, in particular. Proliferating ad hoc facility arrangements is not going to provide the strategic and coordinated service that will help the arts community grow and develop its work.

This report confirmed strong community support for the CRD to take on an expanded role in supporting performing arts facilities, specifically in providing capital funding to build new facilities and for ongoing annual operating expenses to support existing facilities.

Current CRD Funding for Performing Arts Facilities

Through two sub regional services, the CRD provides a total of \$1,330,000 in operating and minor capital funding for the Royal Theatre and McPherson Playhouse (see Table 1 for overview and Appendix C for additional details). The Royal Theatre is owned by the CRD and the McPherson Playhouse is owned by the City of Victoria. Both facilities are managed by a non-profit organization, the Royal and McPherson Theatre Society.

Table 1. Current CRD Funding for Royal Theatre and McPherson Playhouse

Performing Arts Facility	Operating Funding	Minor Capital Funding*	Participants
Royal Theatre	\$100,000	\$480,000	Oak Bay, Saanich, Victoria
McPherson Playhouse	\$350,000	\$400,000	Victoria

* Minor Capital Funding refers to building maintenance, renovation, and accessibility.

Additionally, through the Arts and Culture Support Service, the CRD supports several performing arts production companies who operate performing arts facilities. CRD funding is directed to support the public programming component of their organization, not the operation and maintenance of their facilities. However, this CRD funding allows these organizations to direct other streams of revenue to support their facilities, indirectly supporting the capacity of organizations to operate and maintain performing arts facilities.

Government Funding for Performing Arts Facilities

The Stage One report notes that to be eligible for federal operational funding requires a curatorial presentation program. This is also true of operational funding from provincial sources, such as the BC Arts Council. The result is that performing arts producing companies that operate facilities have access to public funding from multiple levels of government for both operations and capital. It also means there is a notable funding gap for organizations that operate performing arts facilities in the “roadhouse” model which means a venue available for rental or use by travelling and local productions, and not possessed or controlled by a single performing arts producing company or organized group of such companies (see Table 2).

Table 2. Government Funding for Operators of Performing Arts Facilities in CRD

Organization Type	CRD		Provincial		Federal	
	Operating	Capital	Operating	Capital*	Operating	Capital*
Non-profit Producer	Yes, Indirect	No	Yes, Indirect	Yes	Yes, Indirect	Yes
Non-profit Roadhouse	Partial**	Partial**	No	Yes	No	Yes

* Provincial and Federal capital funding is on a project basis through highly competitive grant programs.

** Royal Theatre and McPherson Playhouse only.

In summary, non-profit organizations that operate performing arts facilities in the roadhouse model do not have access to operating funding from provincial or federal levels of government, making them reliant on local and regional governments for financial sustainability.

Support for Full Regional Participation

Several jurisdictions have signaled support for the concept of this new service, while others have indicated that they are not interested in participating. On June 21, 2021, Langford sent a letter to the CRD Board, indicating that Langford City Council “does not support the establishment of a new performing arts service” (see Appendix D for full letter). On July 14, 2021, Director Holman read into the record a Motion with Notice: Electoral Areas Exclusion from New Regional Arts Facility Service that “the proposed new regional arts facility service exclude electoral areas, while leaving open the possibility that they can opt into the service voluntarily (see Appendix E for full text).

ALTERNATIVES

Alternative 1

The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4445, "Regional Performing Arts Facilities Service Establishing Bylaw No. 1, 2021", be read a first, second, and third time;
2. That staff canvas participants of the Royal Theatre and McPherson Playhouse services to gauge interest in participation in the regional service to be established by Bylaw No. 4445;
3. That if service participants of the Royal Theatre and McPherson Playhouse services informally consent to creation of the service to be established by Bylaw No. 4445, staff are directed to forward Bylaw No. 4445 to the Inspector of Municipalities for review and approval; and
4. That staff be directed to initiate a region-wide Alternate Approval Process (AAP) in accordance with Sections 342(4) and 345 of the *Local Government Act* to meet the legislated requirement for elector approval of Bylaw No. 4445.

Alternative 2

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

IMPLICATIONS

Financial Implications

The estimated starting expense of the new service is \$3,060,000. This would absorb the existing expenses of \$1,330,000 in the core budget to fund the Royal Theatre and McPherson Playhouse. The net fiscal impact to the CRD core budget would be \$1,730,000 (see Appendix F: Financial Simulation of Full Regional Participation).

The cost sharing simulation has been calculated based on 50% assessment and 50% population, the same formula used for the existing Arts and Culture Support Service. The average cost per household of the new service (calculated based on average residential assessment) ranges from \$7.80 to \$24.20, depending on jurisdiction, with the median average cost estimated at \$16.16.

This simulation includes a contribution to the Charlie White Theatre at 10% of their operating budget, which is comparable to an average of the current operating funding levels for the Royal Theatre and McPherson Playhouse. Minor capital funding for the Charlie White Theatre has been estimated according to the current municipal contribution to the Capital Improvement Fund. Funding levels through the proposed Performing Arts Facilities Service for the Charlie White Theatre would be reviewed, in consultation with North Saanich and Sidney, as part of the budget planning process once the new service has been adopted.

The legislative processes of approving and adopting this new bylaw may involve additional costs, depending on the approval route and staff capacity required. The choice of elector approval process, as well as the timeline of bylaw and service plan revisions, will affect when these costs will be incurred. There is no viable approval process to have this new service and its cost recovery incorporated into the CRD Budget for 2022.

Service Delivery Implications

The proposed new service would launch four new programs to meet the mandate to plan, develop and fund regional performing arts facilities (see Table 3 for overview, see Appendix B for details).

Table 3. Overview of Programs in Performing Arts Facility Service

Function	Program	New or Expanded	Annual Budget
Plan	Planning Grants	New	\$120,000
Develop	Major Capital Access Program	New	\$1,000,000
	Minor Capital Grants Program	Expanded*	\$1,180,000
Fund	Operating Grants	Expanded*	\$630,000

*Includes service levels and expenses from current Royal Theatre and McPherson Playhouse services.

The proposed service would also provide grant-writing support for groups pursuing new performing arts facilities to apply to provincial and federal infrastructure funding programs.

These services focus solely on regional performing arts facilities, which have certain distinguishing attributes. A regional performing arts facility must attract audiences from beyond its local area and must have the capacity to present a wide range of community and commercial productions. The building must have been designed or adapted so that its primary purpose is the presentation of performing arts productions with specialized equipment and spaces necessary to support a wide variety of shows (i.e. audiovisual systems, seating, lobby, loading dock, dressing rooms, etc.). Additional eligibility criteria are the result of funding gap analysis, which indicates that the CRD should focus on performing arts facilities in the roadhouse model (see Appendix B – Service Plan for detailed eligibility criteria).

Alignment with Board & Corporate Priorities

The Performing Arts Facilities Select Committee was established as an outcome of Board Initiative 12a-1 in the 2019-2022 Corporate Plan:

“Facilitate a discussion of the region’s art facility needs & explore partnerships to support 100% participation in the CRD arts function.”

Legislative Implications

Service Impacts

A new Performing Arts Facilities Service would impact several current bylaws, including:

- Bylaw No. 2587, “Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998”, which permits the operation and funding of the Royal Theatre on behalf of Victoria, Oak Bay, and Saanich;
- Bylaw No. 2685, “McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999”, which permits the operation and funding of the McPherson Playhouse on behalf of the City of Victoria.

The new Performing Arts Facilities Service is proposed to absorb the existing Royal Theatre and McPherson Playhouse services operated under Bylaws No. 2587 and 2685, meaning it would

begin providing the annual minimum operating and capital funding required by both theatres to existing established levels, with the option to increase such funding in future. Those two services would need to be repealed with consent of the service participants, and assets currently held by the services transferred to the participants of Bylaw 4445. A condition could be placed on the transfer of the assets from the two theatre services that they would revert back to the current participants should they cease to be used for performing arts facilities purposes. Alternatively, should the participants in the Royal and McPherson services not wish to transfer assets to the new service, the two services could requisition operating and capital funds under the new facilities granting service but continue to exist. This may address a potential concern of the existing participants of the theatre services that the equity they have put into the ownership and operation of the theatre facilities since service establishment are not transferred without consideration into the new regional service, where potentially (however unlikely) participants in the new service may choose to dispose of these assets. It may also make governance of the two facilities simpler, in that it would split the governance of the theatres from the governance of the facilities granting service.

Further, in order to dissolve the existing Royal and McPherson services and incorporate assets into the new service, consent of the participants of those respective services would need to be obtained. It is recommended that prior to conducting an alternative approval process on the creation of a new service, Victoria, Saanich, and Oak Bay councils be canvassed for their willingness to incorporate the operation of the Royal (and in Victoria's case, the McPherson) into a new regional service, including transfer of existing assets—such as the Royal Theatre and associated trade fixtures—to the new service. The consent of two municipal participants would be required for the Royal service, while only Victoria's consent is necessary for a change to the McPherson service.

Due to timing issues surrounding participant approval for the creation of the new service and for the winding up of existing services—three separate processes, one for each service—there may be a period of time where one or both of the Royal Theatre or McPherson Playhouse are not fully encompassed in the new service. As such, the draft establishing bylaw is set up to adjust the requisition amount to ensure the new service participants are not charged for amounts requisitioned under the existing services, while those services exist. This may also provide the option for the Royal and McPherson Theatre Services to choose to keep the services on the books to hold the assets, and merely accept contribution from the regional service for continued operation of the facilities.

Operations and Management of Royal and McPherson Theatres

At present, the Royal and McPherson Theatre Services permit the CRD to operate and fund the two theatres, as well as undertake activities associated with the operation of such theatres. The CRD undertakes operations by way of a management agreement with the Royal and McPherson Theatre Society, a non-profit society staffed with theatre management professionals, where CRD and the service participants appoints a majority of its governing body and manage the use of the public funds by way of contribution agreement. It is not expected nor recommended to change this relationship as a result of creation of a new service.

Were the new regional service to undertake the supervision of the management of the service, the Royal and McPherson Theatres Services Advisory Committee's terms of reference may need

updating to accommodate new participants in the service, or be replaced with a commission or standing committee with a focus on regional arts facilities granting and operations. Some changes may be necessary to modify the structure of the society (for example, at present, each municipal participant is able to appoint members to the society's board of directors). The Royal and McPherson Theatres Society itself is an independent non-profit: while local governments may appoint a majority of directors to the society, the society through its membership would need to approve of any proposed fundamental governance change to its constitution or bylaws.

Governance of the Service

The existing Royal and McPherson Theatre Services are overseen by the Royal and McPherson Theatres Society Advisory Council. The inclusion of the two theatres in the Performing Arts Facilities Service would change this.

At the present time, it is proposed that the administration of the new regional service be undertaken by the Capital Regional District Board, which would include supervision of the operation of the Royal and McPherson Theaters. A proposed governance structure may include the administration of the service in a commission model, or supervision of the service by way of a standing committee, or the delegation of portions of the service (such as approving grants) could be undertaken once the service is underway at its one year review. It is also possible a single committee or commission could be created to oversee this proposed service and other arts granting services.

Participant Approval Process

Before the new service bylaw can be adopted, it must receive approval of the electors and the Inspector of Municipalities. The *Local Government Act (LGA)* provides three ways to obtain approval, to be decided by the Board:

1. *LGA* Section 344: Referendum;
2. *LGA* Section 345: Alternative Approval Process (AAP);
 - A region-wide AAP requires Board resolution and two-thirds majority Board acceptance; or
3. *LGA* Section 346: Consent by Municipal Counsel (on behalf of electors) and by AAP within the Electoral Areas (Municipal Consent/EAs).

The choice on the method of participating area approval for a regional service is made by the Board, but subject to review of the Inspector of Municipalities at the time of Inspector approval of the bylaw.

Procedural Considerations

An AAP process requires two rounds of advertising followed by a 30-day window for eligible voters to register their opinion that the matter is of such significance that a referendum should be held. Typically, if more than 10% of eligible voters sign a petition, either a referendum is conducted or no further action is taken to pursue a service.

Timing and Cost Implications

A region-wide AAP would take approximately three to five months and would cost approximately \$15,000. This cost includes advertising and establishing areas for drop off throughout the region.

A referendum would take four to six months and would likely cost more than \$250,000. Even if deferred, running a referendum in conjunction with the 2022 local government elections is not likely to result in significant savings, as the CRD cannot require municipalities to participate nor can the CRD be assured that the question provided on the ballot would be the same throughout the region.

Municipal consent/EA AAP would take approximately three to five months and is estimated to cost approximately the same as the region-wide AAP depending on the level of support requested by the municipalities and electoral areas. This timing and cost assumes that the bylaw is approved on a first go-around.

Under a municipal consent/EA AAP, lack of support from even one part of the region would mean that the establishing bylaw would have to be amended to reflect a smaller service area, then again sent out for approval. It is possible that some who supported the bylaw when all were party to the service may not support if one or more chose not to participate. The multiple iterations (if pursued) would increase costs. This dynamic renders this method of elector approval an unpromising option for gaining elector approval for a regional service. Lack of support by even one municipality or EA would prevent the service from being established region-wide.

Staffing

While a region-wide AAP can be coordinated through CRD's Legislative Services Division using existing staff, it is possible additional resources and temporary staffing would be required if there is a high level of elector response. In addition, Legislative Services has other elector approval processes currently planned or running in the region for the remainder of 2021. Early in 2022 staff will begin the work required for the General Local Election in October.

A region-wide referendum would require temporary staff and contractors.

Proposed Region-Wide Service

Participation of all municipalities and EAs is necessary to obtain the region-wide engagement and focus of this proposed service. A region-wide AAP can be advanced by the Board with a two-thirds majority vote of Directors, and is most likely to achieve the Board priority of establishing a region-wide service.

CONCLUSION

The Stage One: A Public Conversation about Performing Arts Facilities report showed strong community support for the CRD taking on an expanded role in supporting performing arts facilities with regional impact. The current service levels for the Royal Theatre and McPherson Playhouse, as well as the capital requirements for new and existing facilities, are key considerations. A framework for a new Performing Arts Facilities Service that includes four funding programs has

been brought forward by staff. The Performing Arts Facilities Select Committee will provide feedback on the draft service and accompanying process for consultation.

RECOMMENDATION

The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4445, “Regional Performing Arts Facilities Service Establishing Bylaw No. 1, 2021”, be read a first, second, and third time;
2. That staff canvas participants of the Royal Theatre and McPherson Playhouse services to gauge interest in participation in the regional service to be established by Bylaw No. 4445;
3. That if service participants of the Royal Theatre and McPherson Playhouse services informally consent to creation of the service to be established by Bylaw No. 4445, staff are directed to forward Bylaw No. 4445 to the Inspector of Municipalities for review and approval; and
4. That staff be directed to initiate a region-wide Alternate Approval Process (AAP) in accordance with Sections 342(4) and 345 of the *Local Government Act* to meet the legislated requirement for elector approval of Bylaw No. 4445.

Submitted by:	Chris Gilpin, Manager, Arts and Culture Division
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Steven N. Carey, B.Sc., J.D., Acting General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Establishing Bylaw No. 4445
Appendix B: Service Plan
Appendix C: Arts and Culture Funding throughout the CRD
Appendix D: Letter from Langford
Appendix E: Notice of Motion by Director Holman
Appendix F: Financial Simulation of Full Regional Participation

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4445**

**A BYLAW TO ESTABLISH A REGIONAL PERFORMING ARTS FACILITIES
OPERATION, FUNDING, AND GRANTING SERVICE**

WHEREAS:

- A. Under Bylaw No. 2587, Royal Theatre Local Service Area Establishment Bylaw No. 1, the Regional Board on behalf of the municipalities of Victoria, Oak Bay, and Saanich established a service to fund, operate, and maintain the Royal Theatre;
- B. Under Bylaw No. 2685, McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999, the Regional Board established a local service on behalf of the City of Victoria to fund, operate, and maintain the McPherson Playhouse;
- C. By regional alternative approval process pursuant to ss. 342 and 345 of the *Local Government Act*, the region's electors have approved the creation of a regional performing arts facilities funding service to encompass both the services set out in Bylaws No. 2587 and 2685, as well as the operation and funding of other performing arts facilities with regional impact;
- D. The Board wishes to establish a service to operate and fund the planning, development, capital, and operation of performing arts facilities with regional impact;

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

Definitions

- 1. The following definitions are used in this bylaw, both in plural and singular:
 - (a) A "performing arts facility with regional impact" and "regional performing arts facility" means a public venue that:
 - i. is located within the boundaries of the service area, that is, the Capital Regional District;
 - ii. is designed for the primary purpose and function of performing arts presentations;
 - iii. attracts audiences from beyond its local area (e.g. regional or multi-regional draw);
 - iv. functions as a roadhouse-style presentation venue that is available for bookings from a wide range of commercial and community user groups on a year-round basis;
 - v. is not embedded within an educational, religious, or for-profit organization; and
 - vi. is owned or operated by a public authority, non-profit, registered charity, or local government, or a combination thereof.
 - (b) "roadhouse-style presentation venue" means a venue available for rental or use by travelling and local productions, and not possessed or controlled by a single performing arts producing company or organized group of such companies.

Service

- 2. The Capital Regional District hereby establishes a service for the purpose of recreation, leisure, and community use in relation to operation and funding of performing arts facilities with regional impact, including the operation and funding of the planning, development, capital and operating costs of performing arts facilities with regional impact.

3. The scope of the service includes, without limiting the foregoing:
- (a) Annual capital and operating funding for the Royal Theatre and McPherson Playhouse to established minimum levels, being:
 - i. \$400,000 in capital and \$350,000 in operating for the McPherson Playhouse; and
 - ii. \$480,000 in capital and \$100,000 in operating for the Royal Theatre,where capital amounts may be used for but are not limited to the renovation, reconstruction, or rebuilding of the respective theatre facilities, machinery, equipment, reserve fund transfers or annual debt servicing, and where annual operating amounts may also include capital expenditures of the same nature if necessary or desirable;
 - (b) Operation of grant programs benefitting performing arts facilities with regional impact, including:
 - i. for regional facility planning projects;
 - ii. for major and minor capital improvements to regional performing arts facilities, including payment of debt; and
 - iii. for operations of such regional performing arts facilities;
 - (c) Establishment of a capital reserve fund to benefit performing arts facilities with regional impact, including the construction of new facilities, renovation of existing facilities, and payment of debt for capital projects; and
 - (d) Operation of a grants assistance program, to apply for grants on behalf of the CRD for regional performing arts facilities associated with or operated by the service and to assist regional performing arts facilities in applying for planning, capital, operating, and other grants.

Boundaries

4. The boundaries of the Service Area are the boundaries of the Capital Regional District, including all municipalities and electoral areas.

Participating Area

5. The participating areas for the service are the electoral areas and municipalities making up the Capital Regional District: the Electoral Areas of Salt Spring Island, Southern Gulf Islands, and the Juan de Fuca; and the Municipalities of Victoria, Oak Bay, Esquimalt, Saanich, Central Saanich, North Saanich, Sidney, View Royal, Highlands, Colwood, Langford, Sooke, and Metchosin.

Cost Recovery

6. As provided in Section 378 of the *Local Government Act*, the annual costs of providing the Service, net of grants and revenue, shall be recovered by one or more of the following:
- (a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*], Part 11 of the *Local Government Act*;
 - (b) fees and charges imposed under Section 397 of the *Local Government Act*;
 - (c) revenues raised by other means authorized under the *Local Government Act* or another Act;
 - (d) revenues received by agreement, enterprise, gift, grant or otherwise.

Cost Apportionment

7. The annual costs recovered by requisition in accordance with this bylaw shall be apportioned among the participants by dividing the costs into two equal parts, one part apportioned on the basis of population, where population is the total population estimate as determined annually by the Regional

District; and one part apportioned on the basis of assessments, where assessments are the annual converted value of land and improvements in the participating areas.

Maximum Requisition

8. In accordance with Section 339(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
- (a) Three Million and Sixty Thousand dollars (\$3,060,000); or
 - (b) An amount equal to the amount that could be raised by a property value tax rate of \$0.023 per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the Service.

Transition of Services

9. Despite section 8, if the services established by Bylaw No. 2587, Royal Theatre Local Service Area Establishment Bylaw No. 1, and Bylaw No. 2685, McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999 are still operating and are used to requisition funds, the requisition for this service shall be reduced in proportion by the amounts requisitioned under the respective services under Bylaw No. 2587 and 2685. For clarity, should services under Bylaw No. 2587 or 2685 continue to be operated and no requisition of funds occurs under the respective service, the maximum requisition for this service shall not be reduced.

Agreement

10. The Capital Regional District may enter into agreements with one or more organizations to operate regional performing arts facilities held or operated by the service.

Citation

11. This Bylaw may be cited as the "Performing Arts Facilities Service Establishing Bylaw No. 1, 2021".

READ A FIRST TIME THIS	th	day of	20
READ A SECOND TIME THIS	th	day of	20
READ A THIRD TIME THIS	th	day of	20
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	th	day of	20
APPROVED BY PARTICIPANTS BY ALTERNATIVE APPROVAL PROCESS	th	day of	20
ADOPTED THIS	th	day of	20

CHAIR

CORPORATE OFFICER

Service Plan for Establishment of a Performing Arts Facilities Service

Capital Regional District

Revised: August 27, 2021



Making a difference...together

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1 Overview

1.1 Division & Service Summary

WHY

- On April 14, 2021, the CRD Board approved a Governance Committee recommendation to create a Performing Arts Facilities Select Committee “whose purpose will be to define the scope and functions of a regional service that will lead to the drafting of an establishing bylaw for the Performing Arts Facilities Service.”
- On May 19, 2021, the Performing Arts Facilities Select Committee provided direction that “Staff develop a service bylaw, service plan and a process to consult with municipalities, electoral areas, arts organizations, and other bodies.”

WHAT

A regional service to Plan, Develop, and Fund performing arts facilities that have regional impact.

A Regional Performing Arts Facility (RPAF) is defined as a venue that:

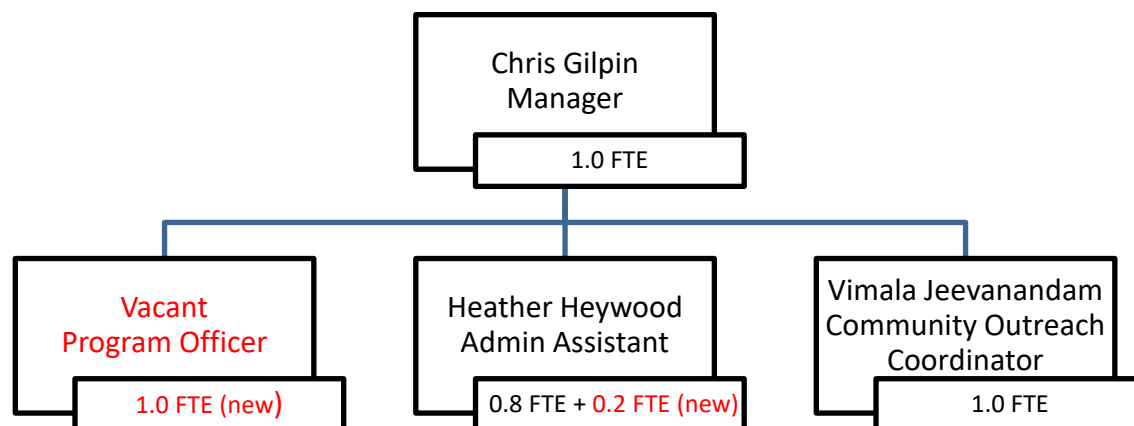
- Is located within the boundaries of the Capital Regional District;
- Is designed for the primary purpose and function of performing arts presentation;
- Attracts audiences from beyond its local area (i.e. has a regional draw);
- Functions as a roadhouse-style presentation venue that is available for bookings from a wide range of commercial and community user groups on a year-round basis;
- Is not embedded as part of an educational, religious, or for-profit organization; and
- Is owned and operated by a non-profit or local government (or combination thereof).

HOW

Function	Implementation	Financial / Service Implications
Plan	Planning Grants Program to support: feasibility plans, business plans, renovation or expansion plans, or construction plans. Maximum request amount = 50% of project expenses	Grants administered by CRD to non-profits or local governments. Annual program budget = \$120,000/yr Unspent rolls into next year's budget.
Develop	1. Major Capital Access Program to support major capital projects (construction, expansion) and Minor Capital Grants Program (maintenance, accessibility). 2. Staff support for external grants to apply to provincial and federal funds.	\$1,000,000/yr contribution toward growing reserve fund for major capital projects. Royal Theatre (\$480,000) + McPherson Playhouse (\$400,000) + Charlie White Theatre (TBD, ~\$300,000) = \$1,180,000 for existing minor capital expenses. Annual total budget = \$2,180,000/yr
Fund	Operating Grants Program to existing RPAF at current or comparable level of existing contribution.	Royal Theatre (\$100,000) + McPherson Playhouse (\$350,000) + Charlie White Theatre (TBD, ~\$180,000) Annual program budget = \$630,000/yr
Governance	CRD Board for first year. Reviewed and new committee or commission model could be proposed for some or all of service.	Depends on outcome of review.
CRD operations	1.2 FTE support in Arts and Culture division	Administers granting programs. \$130,000/yr (with benefits).
		Total Requisition = \$3,060,000
		Existing Requisition Included= \$1,330,000
		Total New Fiscal Impact = \$1,730,000

1.2 Organization Chart

Proposed staffing for both existing Arts and Culture Support Service and new Performing Arts Facilities Service (new required capacity in red).



Arts and Culture Division would require 1.2 net new FTE to deliver the Performing Arts Facilities Service:

- 0.2 FTE new capacity added to Administrative Assistant (currently at 0.8 FTE)
 - Rationale: higher volume of applications requires additional capacity for data input and processing, as well as secretariat support for committees and adjudications.
- 1.0 FTE new position – Program Officer
 - Rationale: four additional grant programs requires a dedicated program officer to support applicants, adjudication process, and evaluate outcomes, and to draft CRD applications for provincial and federal funding to major infrastructure programs in collaboration with local governments and/or non-profit clients.

The new Performing Arts Facilities Service will also receive staff support from existing roles in finance, information technology, corporate services, and other cross-departmental administrative areas.

1.3 Key Trends, Issues & Risks – Service Specific

A study commissioned by the Capital Regional District (CRD) Regional Arts Facilities Select Committee titled, *Stage One: A Public Conversation about Performing Arts Facilities in the CRD*, proposed a unified decision-making framework for planning, development and funding of regional performing arts facilities. The report highlighted the economic and social value of investing in the arts and confirmed community support for CRD funding and leadership with a priority on performing arts infrastructure.

Facilities and arts programming across the region are varied, with local, sub-regional services or inter- municipal agreements currently governing operational or capital funding. Municipalities and regions would need to be engaged to explore how existing and future states of arts facilities would be integrated into the new service. Specifically, Sidney and North Saanich would need to be consulted on how this service would affect their current inter-municipal arrangement to fund the Charlie White Theatre in the Mary Winspear Centre.

The COVID-19 virus and the corresponding Provincial Health Officer restrictions on events and gatherings has posed major challenges to the performing arts sector throughout 2020 and 2021. Many performing arts facilities have been completely closed or, if open, staged performances in limited ways. The COVID-19 pandemic has also spurred some performing arts organizations to innovate new methods of connecting to audiences online through upgraded livestreaming experiences and to retrofit or upgrade HVAC systems and other health-related infrastructure in their facilities.

On July 1, 2021, the Province of B.C. moved to Step 3 of the four-step restart plan, which allowed indoor gatherings of up to 50 people or 50% venue's total capacity, whichever is greater. This allowed some performing arts organizations to restart in-person performances. The Province also announced that all restrictions on indoor gatherings would be lifted in Step 4, which was scheduled to begin as early as September 7, 2021, encouraging performing arts facilities to book shows for fall/winter 2021 and 2022. Since the Step 3 announcement, the impact of new virus variants has led to decreased optimism about reopening plans and increased uncertainty. The Provincial Health Officer has indicated that Step 4 will not begin, in full, on September 7, 2021, but instead that the timeline for Step 4 is being evaluated on an on-going basis.

While significant uncertainty remains over the path to reopen performing arts facilities at full capacity, the Province's vaccine card policy, announced on August 23, 2021, has been greeted by the arts community as a key tool in making it safe for audiences to return to indoor performing arts facilities. Ticket sales at performing arts venues for future shows in late 2021 and 2022 have been robust, showing strong renewed consumer demand for performing arts activities, although the level of this demand is clearly connected to trends in COVID-19 virus transmission at the local and provincial levels. According to recent studies, culture goers increasingly plan to return to indoor cultural events as soon as they reopen with public health guidelines in place. Over 50% of culture goers said that vaccinated audiences are the main precaution necessary to make them feel comfortable in attending indoor cultural events.¹

The Arts and Culture Support Service is guided by its 2020-2023 Strategic Plan, which is co-created with the arts community through consultations. The Performing Arts Facilities Service could have significant implications for the next round of strategic planning, but in the meantime is in alignment with and builds off of current Vision, Mission, Goals and Priorities.

1.4 Link to Board Strategic Priorities

The establishment of a regional performing arts facilities service is in fulfillment of Initiative 12a-1 of the *CRD 2019-2022 Corporate Plan*:

“Facilitate a discussion of the region’s art facility needs & explore partnerships to support 100% participation in the CRD arts function.”

¹ Business in the Arts / Nanos. (June 2021). *Optimism for in-person activities continues to increase among culture-goers*, p. 8.

2 Services

2.1 Service Levels

	Service Level Adjustments in Role/Scope				
Service	Base year	Year 1 (2022)	Year 2 (2023)	Year 3 (2024)	Year 4 (2025)
Plan: Planning Grants Program		Design Planning Grants Program. Deliver pilot version.	Deliver Planning Grants Program.	Deliver Planning Grants Program.	Deliver Planning Grants Program.
Develop: Major Capital Access Program		Design Major Capital Access Program.	Deliver Major Capital Access Program.	Deliver Major Capital Access Program.	Deliver Major Capital Access Program.
Develop: Minor Capital Grants Program		Design Minor Capital Grants Program. Transition from current services funding Royal & McPherson.	Deliver Minor Capital Grants Program.	Deliver Minor Capital Grants Program.	Deliver Minor Capital Grants Program.
Fund: Operating Grants Program for Existing Facilities		Design Operating Grants Program. Transition from current services funding Royal & McPherson (2587 & 2685).	Deliver Operating Grants Program.	Deliver Operating Grants Program.	Deliver Operating Grants Program.
Committee Support	Provide support to Performing Arts Facilities Select Committee	Provide support to Performing Arts Facilities Select Committee for service development and CRD Board.	Provide support for governance review and potential to form new standing committee or commission.	Provide support to committee or commission responsible for oversight of service.	Provide support to committee or commission responsible for oversight of service.
Information Resource and Data Collection	Consultations, as necessary.	Privacy Impact Assessment conducted as part of grant program design.	Application form information and data collected by Arts and Culture Division.	Application form and final report information and data collected by Arts and Culture Division.	Application form and final report information and data collected by Arts and Culture Division.

2.2 Workforce Considerations

Workforce (FTEs)					
Service	Base year 2022	Year 1 (2023)	Year 2 (2024)	Year 3 (2025)	Year 4 (2026)
Total	1.0 FTE Total for half-year (1.0 FTE Program Officer)	1.2 FTE Total (1.0 FTE Program Officer 0.2 Admin Assistant)	1.2 FTE Total	1.2 FTE Total	1.2 FTE Total

3 Divisional Initiatives & Budget Implications

Title & Estimated Completion Date	Description	Priority	Budget Implications
2021			
Establish Service	Acting on Board direction to “begin the process of establishing a regional service for the purposes of planning, developing and funding of performing arts facilities that have regional impact.” - Draft establishing bylaw and service plan. - Conduct consultations with municipalities, electoral areas, performing arts facilities and user groups, as necessary.	12a-1	\$150,000 (core)
2022			
Approval Process	- Electoral approval process. - Authorization by Inspector of Municipalities. - Bylaw comes into force.	n/a	TBD
Existing Bylaws Amended or Repealed	- Royal Theatre bylaws (2587, 2855) - McPherson Playhouse bylaws (2685, 3270)	n/a	Funding for Royal Theatre and McPherson Playhouse absorbed into new service, but still in effect for Budget 2022
Governance Review	- Governance Committee examines possible standing committee or commission models.	n/a	None
Programs Designed	-Draft program guidelines and application forms for Planning Grants, Major Capital Access Program, Minor Capital Grants Program, and Operating Grants.	n/a	None
CRD Board Oversees Establishment	- CRD Board establishes service parameters. o Reviews grant program design. o Reviews Budget 2023 allocations.	n/a	Service levels for Charlie White Theatre determined.
Staff Support	- Hire and train new Program Officer.	n/a	1.0 FTE staff capacity required for half-year. \$50,000 (funded from 2021 feasibility reserve).

Title & Estimated Completion Date	Description	Priority	Budget Implications
2023			
Planning Grants Program Launched	-1 st intake for planning projects	n/a	\$120,000 (core)
Major Capital Access Program Launched	-1 st intake for major capital projects	n/a	\$1,000,000 contributed to Capital Access Reserve Fund (core)
Minor Capital Grants Program Launched	-1 st intake for minor capital projects	n/a	Royal Theatre (\$480,000) + McPherson Playhouse (\$400,000) + Charlie White Theatre (TBD, \$300,000 approx.) = \$1,180,000 Total (core)
Operating Grants Program Launched	-1 st intake for operating grants	n/a	Royal Theatre (\$100,000) + McPherson Playhouse (\$350,000) + Charlie White Theatre (TBD, \$180,000 approx.) = \$630,000 Total (core)
Staff Support	- Programs integrated into core budget - Program Officer (1.0 FTE) - Admin Assistant (0.2 FTE)	n/a	1.2 FTE \$130,000 (core)
2024			
Programs Evaluated	- Full program review after 1 st year of programs - o Improvements recommended - o Guidelines and application forms revised	n/a	None
Planning Grants Program Delivered	-2 nd intake for planning projects	n/a	\$120,000 (core)
Major Capital Access Program Launched	-2 nd intake for major capital projects	n/a	\$1,000,000 contributed to Capital Access Reserve Fund (core)
Minor Capital Grants Program Launched	-2 nd intake for minor capital projects	n/a	Royal Theatre (\$480,000) + McPherson Playhouse (\$400,000) + Charlie White Theatre (TBD, \$300,000 approx.) = \$1,180,000 Total (core)
Operating Grants Program Launched	-2 nd intake for operating grants	n/a	Royal Theatre (\$100,000) + McPherson Playhouse (\$350,000) + Charlie White Theatre (TBD, \$180,000 approx.) = \$630,000 Total (core)
Staff Support	- Program Officer (1.0 FTE) - Admin Assistant (0.2 FTE) - Supports committee and delivers programs	n/a	1.2 FTE \$130,000 (core)

4 Goals & Performance Indicators

	Service Goals	Performance Indicators
2022	1. Design four new programs (guidelines and application form) 2. Conduct consultations with potential applicants and impacted user groups to inform program design.	1. Guidelines and application forms for new programs endorsed. Privacy Impact Assessment completed. 2. Targeted consultations conducted. 3. Funding levels established for Royal Theatre, McPherson Playhouse, and Charlie White Theatre in Minor Capital Grants and Operating Grants programs through Budget 2023 planning process.
2023	1. Merge existing Royal Theatre service and McPherson Playhouse service into new Performing Arts Facility Service. 2. Deliver four new programs • Planning Grants Program • Major Capital Access Program • Minor Capital Grants Program • Operating Grants Program	1. Consistent funding levels to Royal Theatre and McPherson Playhouse maintained with no disruption to funding support. 2. At least two applicants to Planning Grants Program.
2024	1. Deliver four programs.	1. Two or more applicants to Planning Grants Program. 2. Equal or greater number of applicants to other three programs.
2025	1. Deliver four programs.	1. Two or more applicants to Planning Grants Program. 2. Equal or greater number of applicants to other three programs.

Contact

Name: Chris Gilpin
Title: Manager, Arts and Culture Division
Contact information: 250.360.3205

Appendix C: Current CRD and Local Government Arts and Culture Funding

Municipality or Electoral Area	Population 2019	CRD Arts Service	Arts Service Status	Royal Theatre	McPherson Theatre	Artspring & SSI Arts Council	Mary Winspear	Other Local Gov't Arts and Culture	Average Cost Per Household
Southern Gulf Islands	4,800	\$22,000	Group 2 (30%)						\$3.17
Salt Spring Island	11,100					\$118,000			\$17.61
North Saanich	12,300	\$5,000	Donation to CRD				\$185,000	\$17,500	\$35.14
Sidney	12,700						\$325,000	\$74,860	\$51.44
Central Saanich	18,400								\$0.00
Highlands	2,500	\$7,000	Group 2 (30%)					\$550	\$6.99
Saanich	124,400	\$1,126,000	Group 1 (100%)	\$276,000				\$25,000	\$30.69
Victoria	93,600	\$1,000,000	Group 1 (100%)	\$249,000	\$750,000			\$322,815	\$48.78
Oak Bay	19,600	\$216,000	Group 1 (100%)	\$55,000				\$11,300	\$41.26
Esquimalt	19,200	\$153,000	Group 1 (100%)					\$8,653	\$25.51
View Royal	11,500	\$106,000	Group 1 (100%)						\$22.07
Colwood	18,500							\$8,640	\$1.16
Langford	39,400							\$34,685	\$1.61
Metchosin	5,100	\$13,000	Group 2 (30%)					\$5,913	\$10.89
Sooke	14,400	\$36,000	Group 2 (30%)						\$5.15
Juan de Fuca	5,000								\$0.00
Total	412,500	\$2,684,000		\$580,000	\$750,000	\$118,000	\$510,000	\$509,916	

- Notes:**
- 1) "Other Local Gov't Arts and Culture" amounts drawn from 2020 municipal statements of financial information (SOFI).
 - 2) Highlands 2020 SOFI is not available; amount is the 2021 approved grants.
 - 3) Average Cost Per Household is the average residential assessment. It does not include rental households.

2021/06/21

E-Mail: crdboard@crd.bc.ca

CRD Board
625 Fisgard Street
Victoria, BC V8W 2S6

Dear Board Members,

RE: New CRD Regional Performing Arts Service

At the City of Langford's regular meeting of Council held on June 21, 2021, a report was brought forward to discuss the new CRD regional performing arts service.

At that meeting Council directed staff to provide this letter to you advising that the City does not support the establishment of a new performing arts service.

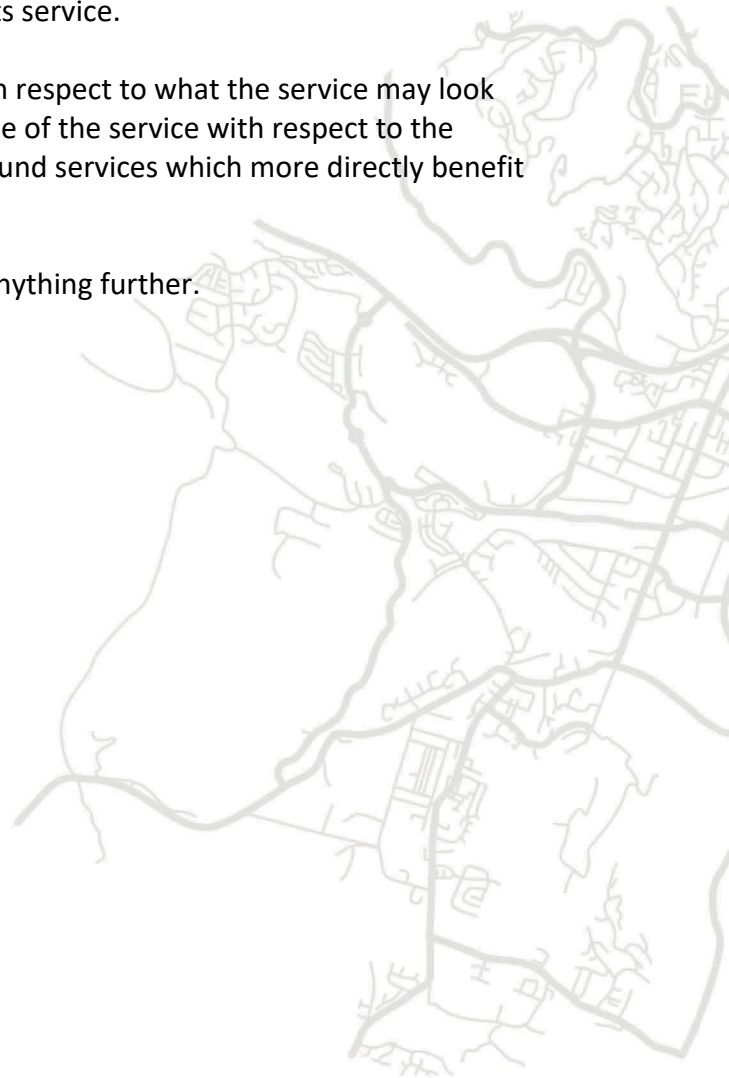
This decision was based on the lack of information with respect to what the service may look like, the potential costs related to the service, the scope of the service with respect to the number and types of facilities and the City's desire to fund services which more directly benefit its residents.

Please don't hesitate to contact me should you need anything further.

Sincerely,



Marie Watmough
Manager of Legislative Services



Appendix E: Notice of Motion by Director Holman

The following notice of motion was read into the record by Director Holman at the July 14, 2021 Electoral Areas Committee meeting, for consideration at the next regular meeting on September 8, 2021:

Motion with Notice: Electoral Areas Exclusion from New Regional Arts Facility Service (Director Holman)

Whereas electoral areas would not have arts facilities with sufficient scale or accessibility to be considered regionally significant, and;

Whereas regional arts facilities located in Greater Victoria would not generally be easily accessible to residents of electoral areas;

Therefore be it resolved that the proposed new regional arts facility service exclude electoral areas, while leaving open the possibility that they can opt into the service voluntarily.

Appendix F: Financial Simulation of Full Regional Participation in New Performing Arts Facilities Service

		2021 Current Participation for Royal and McPherson Theatre Services		2021 Estimated Requisition and Cost Sharing Simulation for New Performing Arts Facilities Service			Change in Cost	Change in Cost %
Municipalities		2021 Actual Theatre Services Requisition	2021 Average Cost Per Household	2021 Estimated New Service Requisition	2021 Average Cost Per Household	2021 Cost Sharing %		
	Central Saanich			134,350	15.90	4.41%	134,350	n/a
	Colwood			122,261	16.43	3.37%	122,261	n/a
	Esquimalt			118,235	18.66	3.20%	118,235	n/a
	Highlands			18,143	16.79	0.60%	18,143	n/a
	Langford			302,989	14.09	9.30%	302,989	n/a
	Metchosin			33,531	19.31	0.99%	33,531	n/a
	North Saanich			106,292	18.00	4.10%	106,292	n/a
	Oak Bay	52,804	7.72	165,561	24.20	6.31%	112,757	213.54%
	Saanich	278,826	6.00	854,806	18.38	26.06%	575,980	206.57%
	Sidney			99,405	12.79	3.56%	99,405	n/a
	Sooke			92,778	13.27	2.47%	92,778	n/a
	Victoria	998,370	20.98	742,504	15.60	26.03%	(255,866)	(25.6%)
	View Royal			79,209	16.49	2.36%	79,209	n/a
	Juan De Fuca			45,363	10.99	1.67%	45,363	n/a
	Salt Spring Island			90,441	13.50	3.21%	90,441	n/a
	Southern Gulf Island			54,132	7.80	2.36%	54,132	n/a
Total Group 1		1,330,000		3,060,000		100.00%	1,730,000	130.08%

Assumptions used in this simulation:

- 1). Projected Requisition Amount used to calculate the unit rate.
- 2). 2021 Revised Roll Assessment Data (Hospital) used for this simulation.
- 3). 2020 estimated Population data provided by CRD Planning Department.
- 4). Cost Sharing method used is 50% by Assessment, 50% by Population
- 5). Average Cost Per Household is the average residential assessment. It does not include rental households.

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4416**

**A BYLAW TO CONVERT THE ANIMAL CONTROL FUNCTION OF DIVISION XXII OF THE
SUPPLEMENTARY LETTERS PATENT OF THE CRD TO SERVICES
OPERATED UNDER AN ESTABLISHING BYLAW**

WHEREAS:

- A. Under Supplementary Letters Patent (SLP), Division XXII, OIC 446, dated February 16, 1979, the Regional Board was granted the function of animal control for all electoral areas in the regional district, a regulatory service;
- B. The municipalities of Colwood, Langford, Metchosin, View Royal and Sooke were subsequently incorporated and, as a result, no longer participate in the service as participants, other than as clients by contract, with the only remaining participants being the electoral areas of Salt Spring Island, Southern Gulf Islands, and Juan de Fuca; and
- C. The *Local Government Act* authorizes the Capital Regional District Board to convert a function established by SLP to a service exercised under the authority of a bylaw establishing the service;
- D. The Board wishes by bylaw adopted in accordance with the *Local Government Act*, to convert the service operated under SLP Division XXII to a service exercised under the authority of an establishing bylaw and, by the same bylaw, amend the power to the extent that it could if the power were in fact exercised under the authority of the establishing bylaw;
- E. The written consent of at least two thirds of participants has been obtained in accordance with the *Local Government Act*, by way of Electoral Area Director consenting on behalf of the electors;

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

Service

- 1. The function of animal control as granted by Division XXII of Supplemental Letters Patent dated February 16, 1979 by Order In Council 446/1979 is hereby converted and established as the Regional District Animal Control Service.

Boundaries

- 2. The boundaries of the service area are the boundaries of the Salt Spring Island Electoral Area, Southern Gulf Islands Electoral Area, and Juan de Fuca Electoral Area.

Participating Areas

3. The participants in the service are the Salt Spring Island Electoral Area, Southern Gulf Islands Electoral Area, and Juan de Fuca Electoral Area.

Cost Recovery

4. As provided in Section 378 of the *Local Government Act*, the annual costs of providing the Service, net of grants and revenue, shall be recovered by one or more of the following:
 - (a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*], Part 11 of the *Local Government Act*;
 - (b) Fees and charges imposed under Section 397 of the *Local Government Act*;
 - (c) Revenues raised by other means authorized under the *Local Government Act* or another Act;
 - (d) Revenues received by agreement, enterprise, gift, grant or otherwise.

Cost Apportionment

5. The annual cost of the service, net of grants and other revenues, shall be apportioned on the basis of the converted value of land and improvements in the service area among the participating areas of the service.

Service Powers

6. In providing the service established by this Bylaw, the Regional District may, without limiting the generality of section 1 and in accordance with its powers under the *Local Government Act* and other applicable enactments:
 - (a) Acquire, design, construct, operate, maintain, and administer pounds, kennels, and other animal impoundment or containment facilities;
 - (b) Enter into an agreement with a municipality or public authority on such terms as are mutually agreed to provide animal control services to that municipality or public authority;
 - (c) Make regulations for the purpose of animal control;
 - (d) Operate a system of dog licensing;
 - (e) Seize, impound, detain, and sell unlicensed dogs, and dogs and other animals unlawfully at large which the Regional District has the authority to regulate; and
 - (f) Declare dogs dangerous in accordance with the *Community Charter* and other applicable enactments.

Citation

7. This Bylaw may be cited for all purposes as "Animal Control Service Establishing Bylaw, 2021".

READ A FIRST TIME THIS	9 th	day of	June	2021
READ A SECOND TIME THIS	9 th	day of	June	2021
READ A THIRD TIME THIS	9 th	day of	June	2021
APPROVED BY TWO-THIRDS OF PARTICIPANTS THIS	14 th	day of	June	2021
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	28 th	day of	July	2021
ADOPTED THIS	-	day of	-	2021

CHAIR

CORPORATE OFFICER

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4417**

**A BYLAW TO ESTABLISH A LIVESTOCK INJURY COMPENSATION
SERVICE FOR THE JUAN DE FUCA ELECTORAL AREA**

WHEREAS:

- A. Under *Animal Regulation and Impounding Bylaw No. 1*, 1986 (Bylaw No. 1465), the Capital Regional District has a program to compensate livestock owners whose animals are injured or killed by a dog over the age of four months, whose owner cannot be identified after diligent search and where the livestock owner has taken all reasonable precautions to avoid the loss as permitted by the *Local Government Act*;
- B. Whereas the Capital Regional District wishes to continue this program as three separate services, one for each electoral area, while maintaining a single animal control service;

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

Definitions

- 1 In this Bylaw unless the context otherwise requires, the definitions set out in the *Animal Regulation and Impounding Bylaw No. 1*, 1986 (Bylaw No. 1465), as amended, apply.

Livestock Injury Compensation Service

- 2 A service is established for payment of claims of the owners of livestock killed or injured by a dog over the age of four months, the owner of which is unknown and, after diligent inquiry, cannot be found, as permitted by the *Local Government Act*.

Boundaries

- 3 The boundaries of the service area are those of the Juan de Fuca Electoral Area.

Participating Area

- 4 The participating area is the entirety of the Juan de Fuca Electoral Area.

Cost Recovery

- 5 As provided in Section 378 of the *Local Government Act*, the annual costs of providing the service may be recovered by one or more of the following:
 - a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*], Part 11 of the *Local Government Act*;

- b) revenues raised by other means authorized under the *Local Government Act* or another Act;
- c) revenues received by agreement, enterprise, gift, grant or otherwise.

Citation

6 This Bylaw may be cited for all purposes as "Livestock Injury Compensation Service (Juan de Fuca) Bylaw No. 1, 2021".

READ A FIRST TIME THIS	9 th	day of	June	2021
READ A SECOND TIME THIS	9 th	day of	June	2021
READ A THIRD TIME THIS	9 th	day of	June	2021
APPROVED BY ELECTORAL AREA DIRECTOR THIS	14 th	day of	June	2021
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	28 th	day of	July	2021
ADOPTED THIS	-	day of	-	2021

CHAIR

CORPORATE OFFICER

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4418**

**A BYLAW TO ESTABLISH A LIVESTOCK INJURY COMPENSATION
SERVICE FOR SALT SPRING ISLAND**

WHEREAS:

- A. Under *Animal Regulation and Impounding Bylaw No. 1, 1986* (Bylaw No. 1465), the Capital Regional District has a program to compensate livestock owners whose animals are injured or killed by a dog over the age of four months, whose owner cannot be identified after diligent search and where the livestock owner has taken all reasonable precautions to avoid the loss as permitted by the *Local Government Act*;
- B. Whereas the Capital Regional District wishes to continue this program as three separate services, one for each electoral area, while maintaining a single animal control service;

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

Definitions

- 1 In this Bylaw unless the context otherwise requires, the definitions set out in the *Animal Regulation and Impounding Bylaw No. 1, 1986* (Bylaw No. 1465), as amended, apply.

Livestock Injury Compensation Service

- 2 A service is established for payment of claims of the owners of livestock killed or injured by a dog over the age of four months, the owner of which is unknown and, after diligent inquiry, cannot be found, as permitted by the *Local Government Act*.

Boundaries

- 3 The boundaries of the service area are those of the Salt Spring Island Electoral Area.

Participating Area

- 4 The participating area is the entirety of the Salt Spring Island Electoral Area.

Cost Recovery

- 5 As provided in Section 378 of the *Local Government Act*, the annual costs of providing the service may be recovered by one or more of the following:
 - a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*], Part 11 of the *Local Government Act*;

- b) revenues raised by other means authorized under the *Local Government Act* or another Act;
- c) revenues received by agreement, enterprise, gift, grant or otherwise.

Citation

6 This Bylaw may be cited for all purposes as "Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021".

READ A FIRST TIME THIS	9 th	day of	June	2021
READ A SECOND TIME THIS	9 th	day of	June	2021
READ A THIRD TIME THIS	9 th	day of	June	2021
APPROVED BY ELECTORAL AREA DIRECTOR THIS	14 th	day of	June	2021
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	28 th	day of	July	2021
ADOPTED THIS	-	day of	-	2021

CHAIR

CORPORATE OFFICER

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4419**

**A BYLAW TO ESTABLISH A LIVESTOCK INJURY COMPENSATION
SERVICE FOR THE SOUTHERN GULF ISLANDS**

WHEREAS:

- A. Under *Animal Regulation and Impounding Bylaw No. 1*, 1986 (Bylaw No. 1465), the Capital Regional District has a program to compensate livestock owners whose animals are injured or killed by a dog over the age of four months, whose owner cannot be identified after diligent search and where the livestock owner has taken all reasonable precautions to avoid the loss as permitted by the *Local Government Act*;
- B. Whereas the Capital Regional District wishes to continue this program as three separate services, one for each electoral area, while maintaining a single animal control service;

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

Definitions

- 1 In this Bylaw unless the context otherwise requires, the definitions set out in the *Animal Regulation and Impounding Bylaw No. 1*, 1986 (Bylaw No. 1465), as amended, apply.

Livestock Injury Compensation Service

- 2 A service is established for payment of claims of the owners of livestock killed or injured by a dog over the age of four months, the owner of which is unknown and, after diligent inquiry, cannot be found, as permitted by the *Local Government Act*.

Boundaries

- 3 The boundaries of the service area are those of the Southern Gulf Islands Electoral Area.

Participating Area

- 4 The participating area is the entirety of the Southern Gulf Islands Electoral Area.

Cost Recovery

- 5 As provided in Section 378 of the *Local Government Act*, the annual costs of providing the service may be recovered by one or more of the following:
 - a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*], Part 11 of the *Local Government Act*;

- b) revenues raised by other means authorized under the *Local Government Act* or another Act;
- c) revenues received by agreement, enterprise, gift, grant or otherwise.

Citation

6 This Bylaw may be cited for all purposes as "Livestock Injury Compensation Service (Southern Gulf Islands) Bylaw No. 1, 2021".

READ A FIRST TIME THIS	9 th	day of	June	2021
READ A SECOND TIME THIS	9 th	day of	June	2021
READ A THIRD TIME THIS	9 th	day of	June	2021
APPROVED BY ELECTORAL AREA DIRECTOR THIS	14 th	day of	June	2021
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	28 th	day of	July	2021
ADOPTED THIS	-	day of	-	2021

CHAIR

CORPORATE OFFICER

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4264**

**A BYLAW TO AMEND THE ANIMAL REGULATION AND IMPOUNDING BYLAW
(BYLAW NO. 1465)**

WHEREAS:

- A. Under Animal Regulation and Impounding Bylaw No. 1, 1986 (Bylaw No. 1465), the Capital Regional District has a program to compensate livestock owners whose animals are injured or killed by a dog over the age of four months, whose owner cannot be identified after diligent search and where the livestock owner has taken all reasonable precautions to avoid the loss;
- B. Whereas the Capital Regional District wishes to continue this program as three separate services, one for each electoral area, while maintaining a single animal control service;
- C. Whereas the Board of the Capital Regional District wishes to amend Bylaw No. 1465 to remove this program on a date the service establishment bylaws for the three new services are adopted;

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

- 1. Bylaw No. 1465, Animal Regulation and Impounding Bylaw No. 1, 1986 is hereby amended as follows:
 - (a) As of January 1, 2022, by replacing sections 19 to 23 in their entirety with the following:

COMPENSATION SERVICES IN EACH ELECTORAL AREA

- 19. (1) Three separate services are established for livestock injury compensation as set out in the *Local Government Act* (collectively the "Compensation Services"):
 - (a) Juan de Fuca Electoral Area – Livestock Injury Compensation Service (Juan de Fuca) Bylaw No. 1, 2021 (Bylaw No. 4417);
 - (b) Salt Spring Island Electoral Area – Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021 (Bylaw No. 4418); and
 - (c) Southern Gulf Islands Electoral Area – Livestock Injury Compensation Service (Southern Gulf Islands) Bylaw No. 1, 2021 (Bylaw No. 4419).
- 19. (2) For each Compensation Service, the Regional Board shall pay compensation to the owner of any sheep, goat, poultry for the purpose of providing meat and eggs, domestic rabbits, animals of the bovine species, swine, horses or fur-bearing animals as defined in the *Fur Farm Act* (the "Livestock") killed or injured by any dog apparently over the age of four (4) months, the owner of which is unknown, and after diligent enquiry cannot be found in the amount of the lesser of:
 - (a) SEVENTY-FIVE (75%) PERCENT of the decrease in the market value of the animal as a result of its death or injury, or

(b) SEVEN HUNDRED AND FIFTY (\$750) DOLLARS.

20. The total annual maximum payable in each Service Area for these Compensation Services shall be as follows:

- (a) The Juan de Fuca Compensation Service: \$3,000
- (b) The Salt Spring Island Compensation Service: \$3,000
- (c) The Southern Gulf Islands Compensation Service: \$3,000

21. (1) All claims pursuant to the provisions of this Bylaw shall be filed with the Animal Control Officer within three business days of the discovery of the animal's injuries in the form attached hereto as Schedule "D".

21. (2) No claim shall be authorized under this Bylaw unless:

- (a) The Regional Board is satisfied that the owner submitting the claim has taken all reasonable precautions for protecting such Livestock;
- (b) The loss is reported to the Animal Control Officer within three (3) business days of the discovery of the animal's injury in the appropriate form; and
- (c) In the event the claim is more than the amount the Animal Control Officer is permitted to authorize under Section 22, confirmation from a veterinary professional that the injuries were caused by a dog over the age of four months.

22. The Animal Control Officer is hereby authorized to approve any claim under this Bylaw up to the amount of TWO HUNDRED AND FIFTY (\$250) DOLLARS. Any claim in excess of that amount shall be referred to the Regional Board.

23. Claims properly filed under the former compensation program shall be paid by the Regional Board in accordance with sections 19 to 22 if the injury was properly reported on or before December 31, 2021. Claims reported on or after January 1, 2022 shall be handled as claims under the respective Compensation Services.

2. This Bylaw may be cited for all purposes as "Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 11, 2021".

READ A FIRST TIME THIS	9 th	day of	June	2021
READ A SECOND TIME THIS	9 th	day of	June	2021
READ A THIRD TIME THIS	9 th	day of	June	2021
ADOPTED THIS	- th	day of	-	2021

CHAIR

CORPORATE OFFICER