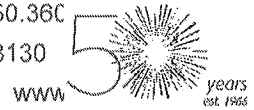




Making a difference...together

Core Area Wastewater Treatment Project Board T: 250.360
PO Box 1000, 625 Fisgard Street F: 250.360.3130
Victoria, BC, V8W 2S6



Mayor DesJardins
Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC
V9A 3P1

October 13, 2016

Dear Mayor DesJardins,

Re: Zoning, Development and Permitting Considerations for Proposed Wastewater Treatment Plant

In light of the decision of the CRD Board at its meeting on September 14, which the Project Board acknowledges with appreciation, we would like to engage with the Township of Esquimalt and establish a way forward that is workable for both your Council and staff.

As noted in our report (*Core Area Wastewater Treatment Project Board Final Report, September 7, 2016*), following approval by the CRD of the Business Case, the federal and provincial governments have confirmed their funding subject to final review. In parallel, the Project Board is engaged with Harbour Resource Partners to finalize a plan to enter into a project agreement for the wastewater treatment plant by January of 2017. Assuming the required permitting is in place, the construction schedule anticipates breaking ground in February of 2017; though tight, that timing would allow commissioning of the plant in time to meet the regulatory requirement of December 2020.

Given the tight timeline, we would like to engage with you as soon as possible to plan the next steps. It will be important for both the senior funding partners and Harbour Resource Partners to understand our plan to address the land use and permitting requirements.

In order to begin the dialogue, and to facilitate discussion, we thought it might be helpful to summarize what, in our view, should be the next steps:

1. The Project Board will provide the Township with a detailed description and plans of the Project as proposed (as reflected in the Business Case approved by the CRD Board) as well as a submission outlining what steps have been taken by the Project Board to ensure that the proposed wastewater treatment plant addresses Zoning Bylaw 1992 No. 2050 and Official Community Plan Bylaw 2006 No. 2646. Staff may request, and the Project Board supports, reasonable pre-application meetings to review details and clarify relevant aspects of the submission.
2. The Township will review its bylaws to advise as to what, if any permits or other approvals are required from the Township to get to the construction stage, and during construction other than the Development Permit and the Building Permit.

3. The Project Board and Township staff will meet to discuss the submission described in (1) above and to formally outline the timeline for completion of the following development milestones in relation to the McLoughlin Point property:
- (i) Township staff considers and advises whether the proposed submission will require any variances or amendments to the Official Community Plan and/or Zoning Bylaw 1992 No. 2050. And if so, Township staff advises of the precise process and timeline by which such variation or amendment will take place. The Project Board considers such advice.
 - (ii) Township staff and the CRD staff review and revise as required the form of Host Community Impact 5-year Agreement, S.219 Covenant with Indemnity and the Community Impact Mitigation and Operating Agreement, to reflect the Business Case and current circumstances. This may continue concurrently with review of development applications, with development permit issuance.
 - (iii) The Project Board submits a development permit application along with all required supporting documentation, along with applications for any other applicable approvals of which the Township staff have advised and Terms of Reference for the development to the Township. The development permit application will, among other things, describe how the proposed wastewater treatment plant complies with the development permit guidelines set out in section 9.5 of the Official Community Plan Bylaw, 2006 No. 2646, including the guidelines attached as Appendix H of that bylaw. If variances or other development approval or related applications are required, these will have been communicated, discussed and agreed as part of paragraph 2, above, and the Project Board and Township staff will have discussed and adjusted these steps accordingly. Both parties will act in accordance with the agreed milestones.
 - (iv) In accordance with Township bylaws, Township staff reviews and accepts the Terms of Reference, with or without conditions.
 - (v) The Project Board submits the impact information required by Development Application Procedures and Fees Bylaw No. 2791, 2012 to the Township, in accordance with the accepted Terms of Reference and any conditions imposed by the Township in relation thereto.
 - (vi) The Township reviews the impact information required by Development Application Procedures and Fees Bylaw No. 2791, 2012. The Township may forward any documentation provided for third party professional review, on the understanding that such review, and associated time, will be contemplated by the agreed schedule of milestones.
 - (vii) In accordance with the Township bylaws, the application(s) are referred to the Township's Advisory Planning Commission.

- (viii) In accordance with the Township bylaws, the application(s), the Advisory Planning Commission's recommendations (if any), along with reasons are presented to Council at the same time as the application is presented to Council.
- (ix) The Township's Council considers issuance of a development permit for the proposed wastewater treatment plant, with or without conditions. If and to the extent that conditions are imposed, in order to proceed the Property Owner will satisfy conditions necessary for issuance, including the provision of security in accordance with Development Application Procedures Bylaw and the Local Government Act.
- (x) The CRD, HRP and/or the Project Board secures any other pre building permit approvals as required by Provincial legislation or Township bylaws, as advised by the Township per the above steps.
- (xi) The CRD, as owner of the McLaughlin Point property or its authorized agent submits a building permit application to the Township, and the Township reviews and approves in the normal course.
- (xii) Post building permit approvals, if any, as advised by the Township, per paragraph 2 above, to proceed in the normal course.

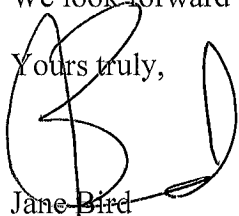
Please advise whether you believe that the steps outlined above are appropriate next steps and, if so, when the Township is available to meet with the Project Board. Once a meeting date has been set, we will provide the Township with the Project description and submission described in (1) above. If you do not believe that the steps outlined above are appropriate next steps, please advise how you envision this project proceeding through the Township's development processes.

Also, once we have agreed on the steps, we suggest agreeing on a timeline (including any pre application meetings) to achieve the above milestones, so that all parties can respond accordingly.

As a final note, the Project Board appreciates that the completion of all of the development milestones outlined above by February 2017 will require significant efforts by Township officials and staff. To this end, the Project Board is willing to provide resources necessary to assist Township officials and staff in reviewing and processing the development and building permit applications for the project including, without limitation, by paying independent consultants to assist the Township in this process and by paying the Township's legal fees during this process.

We look forward to your response.

Yours truly,



Jane Bird

CC: Lurie Hurst CAO