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5220-20

Township of Esquimalt
1229 Esquimalt Rd,
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Attention: Bill Brown

Request for additional information and the preparation of Terms of Reference in relation to the proposed amendment to the Esquimalt Zoning Bylaw relating to the McLoughlin Point Special Use Zone

Further to your letter of February 28, 2014, as requested, the Capital Regional District (CRD) is providing the Terms of Reference for the additional information as follows:

1. Tsunami Wall Height

A third party review of all of the information that the CRD has submitted in support of the 6.1 m high tsunami wall with the purpose of ascertaining whether or not the information provided and the analysis of such information represents an adequate consideration of the following parameters:

- a) Existing site parameters;
- b) Existing conditions of the surrounding ocean floor in relation to how it could affect the height of a tsunami;
- c) Whether or not sufficient scenarios have been analyzed to ascertain an appropriate height for the Tsunami wall;
- d) Whether or not an appropriate measurement of risk has been considered in the analysis;
- e) Whether or not the analysis of risk included an analysis of the probability of mortality;
- f) Whether or not conducting a risk analysis of the probability of mortality is appropriate in this situation;
- g) Whether or not the analysis submitted includes the latest information from the Province of British Columbia related to anticipated sea level rise;
- h) Whether or not the analysis submitted included appropriate timeline for the life of this project;
- i) Potential impact of the liquefaction of the seabed;
- j) Potential impact of submarine landslides;
- k) The need to consider other scenarios in addition to the single scenario of a 9.0 magnitude earthquake along the Cascadia Subduction Zone;
- l) The site specific behaviour of tsunami waves as they approach McLoughlin Point;
- m) Whether or not the cumulative impacts of concurrent high tides, storm surges, and tsunami events have been appropriately calculated by the Capital Regional District;
- n) Whether and how zoning bylaw regulations (such as grade, height, setbacks, including requested reduced setbacks) may be impacted and otherwise affect the analysis;

- o) Any additional information that the approved third party believes should be included in the review.

Third Party review will be conducted by a firm or firms that have expertise in the analysis of tsunamis. Stantec will be excluded from the list of firms eligible to conduct this review because they prepared the report that details the safety factors utilized by the CRD.

2. A map showing the route or possible routes of the biosolids conveyance pipeline to Hartland landfill.
 - i. This map will detail the route of the pipeline within Esquimalt that is under discussion with Esquimalt staff.
3. A map showing the route of the upgraded electrical transmission and distribution lines from the Esquimalt Substation to the proposed wastewater treatment plant including details of proposed voltage increases from existing, location of any new transformers, and the location of any new switching boxes.
 - i. This map will be prepared based on the ongoing negotiations with BC Hydro and Esquimalt staff.
4. A map showing the route of the upgraded water transmission and distribution system from its entry into Esquimalt to the proposed wastewater treatment plant.
 - i. This map will be prepared based on the ongoing negotiations with the City of Victoria and Esquimalt staff.
5. A letter from the City of Victoria Water Works Department commenting on or otherwise relevant to the proposed alignment and upgrades to the water transmission and distribution system for the proposed Wastewater Treatment Plant.
6. A letter from the BC Hydro commenting on or otherwise relevant to the proposed upgrade and alignment of the electrical transmission and distribution system associated with the proposed Wastewater Treatment Plant.
7. A letter from the Provincial Ministry of Health commenting on or otherwise relevant to the evidence related to the propagation of antibiotic resistant bacteria in secondary wastewater treatment plants and based on this evidence they support the construction of a secondary wastewater treatment plant at McLoughlin Point.
8. A letter from the Chief Public Health Officer for Island Health commenting on or otherwise related to the propagation of antibiotic resistant bacteria in secondary wastewater treatment plants and the construction of a secondary wastewater treatment plant at McLoughlin Point.
9. From a third party, a detailed analysis of the costs associated with treatment of storm water from Oak Bay and how these costs are paid for. The analysis will include a calculation related to how the volume of storm water from Oak Bay affects the size and capacity of the proposed wastewater treatment plant at McLoughlin Point. The analysis is to also ascertain whether or not the treatment of storm water at McLoughlin Point is consistent with all of the CRD policies and programs related to inflow and infiltration.
10. From a third party, a detailed analysis of the potential implications on the design of the proposed sewage treatment plant if a treatment plant is built in Colwood now or in the near future, further to Colwood's request, instead of in 2030. The analysis to include the impacts of Langford having its sewage treated at the proposed Colwood plant.

The CRD is astonished and extremely disappointed that only now are we being advised that the information submitted in support of the application in January 2013—that was considered sufficient to enable Esquimalt to adopt Bylaw No. 2806 which actually rezoned the five principal CRD-owned legal parcels required for a wastewater treatment plant use, and further updated in December 2013 at Esquimalt's request—is being characterized as insufficient and/or requiring independent review. The CRD has had a rezoning application before Esquimalt for 13 months. At no time prior to now has the CRD been given any indication that there would be a request for a comprehensive 'Terms of Reference' added to the rezoning process, much less such a request long after the lands needed for the wastewater treatment plant have been the subject of a rezoning. Given the nature of the revisions to our original application that do not actually change the use of the five principal CRD-owned parcels, and extend that use to two extraordinarily small parcels to permit installation of a public walkway, the CRD is certainly of the view that the majority of the concerns now being raised could have been addressed following the previous public hearings last year. This delay will result in additional costs to taxpayers, not just in terms of costs of providing the information, but in the ongoing cost increases anticipated for the entire project.

Most of the information submitted to date has been prepared by third parties under contract with the CRD. While we will endeavour to obtain the information prior to the continuation of the Public Hearing, we are subject to receiving certain information from third parties not directly under our control.

This letter is intended to be responsive to your letter of February 28, 2014 and is the CRD's attempt to articulate what the CRD understands Esquimalt is seeking as the Terms of Reference referred to in the letter. If there is more information that Esquimalt is looking for in relation to its request for Terms of Reference, please advise immediately, with particulars, as your letter of February 28, which repeated sections of the bylaw, is not clear, and further delays are extremely prejudicial to the taxpayer.

At this point, while having every intention of meeting the information requests set out above, the CRD is reserving its right to request a reconsideration of this decision under Part VI of the Development Application Procedures and Fees Bylaw No. 2791, 2012, pending your response regarding any additional scope to satisfy your request for Terms of Reference in connection with this matter.

Yours truly,



Robert Lapham, RPP, MCIP
Chief Administrative Officer

cc CRD Board Members
Albert Sweetnam, Program Director, Seaterra CRD
Michael Peckham, Program Manager Wastewater Treatment Seaterra CRD
Laurie Hurst, CAO, Township of Esquimalt

