

February 28, 2014
File: 3- VICT

Robert Lapham, Chief Administrative Officer
Capital Regional District
625 Fisgard Street
Victoria, BC
V8W 1R7

Dear Mr. Lapham:

RE: Additional Information Required prior to the March 20, 2014 Resumption of the Public Hearing for Bylaw 2805

Based on information presented at the public hearings for Bylaw 2805, the Township requires the submission of further information prior to the resumption of the public hearing on March 20, 2014.

Please note that we have sought to address this so that the consideration of the bylaws can be expedited in an appropriate context. It is regrettable that: the CRD was not prepared to proceed last Fall 2013 as the Township was; you submitted a dated Tsunami Report, with incorrect Executive Summary; and further that the CRD waited more than three (3) years after the 2010 Liquid Waste Management Plan Amendment No.8 before submitting its rezoning application for McLoughlin Point (and that it chose not to discuss the matter constructively before July 2013, and then only after direction from the Province). The Township has sought to resolve the issues in a constructive and open manner, and continuing in that vein it is incumbent to have a number of confusions, applicant oversights and miscommunications redressed. We request:

- 1) A third party review of all of the information that the Capital Regional District has submitted in support of the 6.0 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:
 - Existing site parameters;
 - Existing conditions of the surrounding ocean floor in relation to how it could affect the height of a Tsunami;
 - Whether or not sufficient scenarios have been analyzed to ascertain an appropriate height for the Tsunami wall;
 - Whether or not an appropriate measurement of risk has been considered in the analysis;
 - Whether or not the analysis of risk included an analysis of the probability of mortality;
 - Whether or not conducting a risk analysis of the probability of mortality is appropriate in this situation;
 - Whether or not the analysis submitted includes the latest information from the Province of British Columbia related to anticipated sea level rise;
 - Whether or not the analysis submitted included an appropriate timeline for the life of this project;
 - Potential impact of the liquidification of the seabed;
 - Potential impact of submarine landslides;

- The need to consider other scenarios in addition to the single scenario of a 9.0 magnitude earthquake along the Cascadia Subduction Zone;
 - The site specific behaviour of tsunami waves as they approach McLoughlin Point;
 - Whether or not the cumulative impacts of concurrent high tides, storm surges, and tsunami events have been appropriately calculated by the Capital Regional District;
 - Whether and how zoning bylaw regulations (such as grade, height, setbacks, including requested reduced setbacks) may be impacted and otherwise affect the analysis;
 - Any additional information that the approved third party believes should be included in the review.
- 2) A map showing the route or possible routes of the biosolids conveyance pipeline to the Hartland landfill.
 - 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.
 - 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.
 - 5) 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) 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) 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) 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 storm water from Oak Bay and how these costs are paid for. The analysis must include a calculation related to how the volume of storm water from Oak Bay affects the size and capacity of the proposed Core Area Liquid Waste Management 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 Capital Regional District's 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 above has been required not only to redress matters raised at or in advance of Public Hearing, including the CRD's previous submission of a dated Tsunami Report, but also as an expeditious means of addressing the Township development approval information requirements under Development Application Procedures and Fees Bylaw No. 2791, 2012. That is, this letter should, at the minimum be considered a request for a Terms of Reference, but also expedites that request given the applicant's pressing deadlines, by identify particularly relevant information requirements. The Director considers that the information submitted to date with respect to the above-noted matters has been insufficient and/or requires independent review. Relevant excerpts of the Township bylaws include:

16. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Terms of Reference must include those matters in the scope of the information that is to be prepared:

- (a) the natural environment of the area affected including adjacent marine areas, surface drainage, ecosystems and biological diversity, with particular emphasis on areas of unusual environmental sensitivity and any rare plant or animal species;
- (b) local highways, fire protection systems, water supply systems, municipal solid waste disposal and recycling facilities, energy and communications utilities, and local parking facilities;
- (c) local school facilities; local, regional and provincial parks; hospitals and other health care services; local transportation services including public transit;
- (d) local commercial services and employment opportunities, but the question of market demand for the activity or development need not be dealt with when the application is for a development permit;
- (e) property tax revenues of the Township;
- (f) energy and water conservation;
- (g) natural hazards including tsunami hazards and the effects of sea level rise;
- (h) cultural heritage resources including resources of historical, archaeological, paleontological or architectural significance whether on land or underwater; and
- (i) aesthetic values including the appearance of the development and the effect of any artificial lighting proposed.

17. In addition to any matter listed in Section 16, the applicant may include in the Terms of Reference any matter on which the applicant considers information ought to be provided to the Township to permit a full understanding of the Impact of the proposed activity or development on the community. ...

26. For every matter within the scope of Section 16 that is included in the Terms of Reference, the applicant must

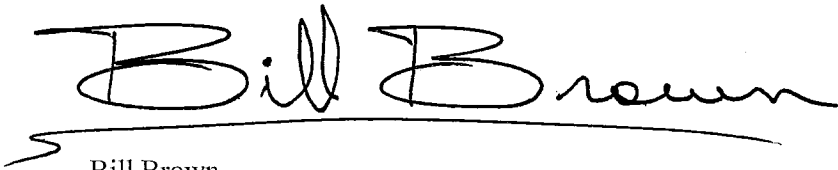
- (a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
- (b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development of which the Director has provided advice under Section 23;
- (c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
- (d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided

all in accordance with generally accepted impact assessment methodology.

The applicant can request Council reconsider this matter in accordance with Part VI of the Development Application Procedures and Fees Bylaw No. 2791, 2012. In the interest of the expeditious consideration of rezoning Bylaw 2805, including its reduced setbacks, we trust you will accept the wisdom in providing this information in a timely manner.

Please do not hesitate to contact me if you have any questions.

Yours truly,

A handwritten signature in black ink that reads "Bill Brown". The signature is written in a cursive style with large, bold letters. Below the signature is a horizontal line that starts with a small flourish on the left and ends with a small flourish on the right.

Bill Brown
Director of Development Services

cc. Laurie Hurst, Chief Administrative Officer, Township of Esquimalt,
Mayor and Council, Township of Esquimalt,
Albert Sweetnam, Program Director, Core Area Wastewater Treatment Program,
Michael Peckham, Program Manager, Wastewater Treatment Plant Seaterra Program,