



TOWN OF VIEW ROYAL

COUNCIL REPORT

TO: Council

DATE: April 24, 2013

FROM: J. Davison, MCIP
Planner

MEETING DATE: April 30, 2013

FILE NO: 3060-20-2013/01

150 ISLAND HIGHWAY – ENVIRONMENTAL DEVELOPMENT PERMIT

RECOMMENDATION

THAT Council approve Development Permit 2013/01 to permit the construction of a Pump Station at the property within the provincial foreshore referred to as 150 Island Highway;

AND THAT the Development Permit include a variance to the setback from the natural boundary to the sea from 15m to 0m.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS

I concur with the recommendation.

DIRECTOR OF DEVELOPMENT SERVICES' COMMENTS

I concur with the recommendation.

DIRECTOR OF ENGINEERING'S COMMENTS

I concur with the recommendation.

PURPOSE OF REPORT

The purpose of this report is to present the application for DP2013/01 to permit the construction of a CRD Pump Station and associated structure within the Portage Inlet foreshore.

BACKGROUND

An existing pump station is located on the Shoreline Middle School property adjacent to Shoreline Dr. It has reached capacity and needs upgrading.

This is a unique application in that it is being made by the CRD for a portion of untitled land which is above the high water mark but legally still within the foreshore (and therefore under Provincial ownership). The CRD has a License of Occupation with the Province for the siting and operation of the pump station, and several Statutory Rights-of-Way over adjacent properties (154 Island Highway and the Shoreline Community Middle School/School District 61) for the same purpose.

The works are proposed over two separate Development Permit Areas:

- **Sensitive Terrestrial Ecosystems DP Area** (over a portion of the Shoreline Community Middle School property)
- **Natural Watercourse and Shoreline Areas DP Area** (15m above and below the natural boundary to the sea).

This issue first arose in a Council resolution dated February 21, 2006:

"That staff be directed to work in conjunction with the CRD for their acquisition of the filled foreshore for park purposes and siting of the pump station"

A report presented at the June 13, 2006 Committee of the Whole meeting addressed the installation of the new pump station and outlined the following requirements:

- The crown land acquisition process must be completed.
- Upland owners must be consulted, specifically the owners of 154 Island Highway and School District 61.
- An Environmental Development Permit is needed, but no zoning regulations apply.
- Driveway access permit will be required for the additional traffic (amount and type of) generated.
- An easement (a statutory right of way, really) over SD 61 property may be needed in addition to that over 154 Island Highway's property.

Committee moved the recommendation:

"THAT the CRD proposal to relocate the Craigflower Sewer Pump Station from School District 61 property at Shoreline Drive to an area of filled foreshore (Crown land) at the southwest end of Portage Inlet be referred to the Planning and Development Advisory Committee, the Parks, Recreation and Environment Advisory Committee and the Transportation Advisory Committee for comments and recommendations."

The application went no further.

PROJECT INFORMATION

Proposal

This DP focuses on the consideration of development requiring a Building Permit within an Environmental Development Permit area. The proposed is a structure housing the mechanical components of the Pump Station and the associated infrastructure and landscaping.

The applicant has submitted the following information in support of their application:

1. **Applicant's Statement** – CRD Engineering Design Services – December 14 2012
2. **Building Elevations and Perspective Renderings** – Toby Russell Buckwell & Partners Architects
3. **Environmental Impact Screening Assessment** – CRD Harbours and Watersheds Coordinator – December 2012
4. **Technical Memorandum No. 1-2** – Associated Engineering – November 2005
5. **Stage 1 & Stage 2 Preliminary Site Investigation, the proposed Craigflower Pump Station** – Golder Associates – December 7, 2006
6. **Report of Geotechnical Investigation Associated Engineering Ltd/Capital Regional District Craigflower Pump Station** – Levelton Engineering Solutions – January 4 2007
7. **Geotechnical Investigation Summary of Factual Findings Proposed Craigflower Sewer Line** – October 31 2007
8. **Final Report on Archaeological Impact Assessment for Proposed Craigflower Sewer Line** – October 15 2007
9. **Craigflower Pump Station 100% Design Submission** – Associated Engineering – July 2008
10. **Northwest Trunk – Western Craigflower Pump Station 100% Design Submission Drawings** 11x17 format – Associated Engineering and CRD Environmental Services – June 11 2008
11. **Traffic Management Plan** – Boulevard Transportation Group – October 24 2006
12. **Correspondence and title instruments** – December 18 2007

Issues and Analysis

Filled Foreshore

This application is unique in that it is being made for an untitled portion of Provincial Crown foreshore within Portage Inlet. The land itself is physically above the high water mark but not legally designated as an uplands parcel. The land has been used as a dumping ground in the past, and the Environmental Impact Screening Assessment done by the CRD identifies some mild site contamination as a result. The CRD will be placing pipes connecting the existing pump station with the proposed pump station, and a portion of those pipes cross the foreshore and the deep waters of Portage Inlet. The placement of servicing is a Development Permit exemption activity and staff feels comfortable that any DP conditions it would have otherwise, with respect to Environmental Protection, are satisfied in those areas through the existing provincial and federal processes.

Soil contamination issues have been identified, but are covered under Provincial regulation for remediation. Staff is comfortable that this process will be followed and is confident that this process will clean up the minor contamination which currently exists.

The CRD has a License of Occupation over those lands to construct and operate the pump station until January 1, 2018 (the grant and term are described in detail within the License of Occupation). The CRD has a Statutory Right of Way (SRW) for access and for the placement of servicing over both the School District property and 154 Island Highway's private driveway. The CRD has commenced the process of acquiring an SRW over the foreshore with the intention of it

establishing a permanent solution for the siting of the pump station. They expect issuance of the SRW in June-July 2013 (2-3 months from the date of the report).

Development Permit Area

The issue for Council to address is limited to whether the project meets the Environmental Development Permit (DP) guidelines for the natural watercourse and shoreline areas and for the sensitive terrestrial ecosystem, and also whether the variance is appropriate. The DP guidelines in question are for the protection of the natural environment 15m above and below the natural boundary to the sea, and for protection of a sensitive terrestrial ecosystem over the westernmost portion of the school property. This latter portion will be used as staging area during construction.

Staff is of the opinion that the application requires a variance to the setback from the natural boundary to the sea from 15m to 0m, despite the 2006 Committee of the Whole recommendation, based on counsel the Town has since received. While there is no specific zoning over the lands in question (we have no zoning in the foreshore) the 15m special setback from the natural boundary is expressed within the General Regulations portion of Land Use Bylaw No. 35, 1990 and not tied to a specific zone. Staff is erring on the side of caution in identifying this variance.

The existing pump station on the Shoreline Community Middle School property is at capacity and while functioning properly it needs upgrading. The existing pump station will remain in place in its current capacity for approximately one year, and will function as a backup to the new one. The CRD has an SRW registered over the School District lands for the purpose of installation of servicing. Once the CRD is confident that the new pump station is working properly the existing one will either be repurposed or decommissioned.

The applicant has submitted a Landscape Plan as part of the drawings accompanying the application. It identifies a number of trees to be removed, but these trees are not trees which would require a Tree Removal Permit (they are not protected trees and are not of a diameter greater than 30cm at chest height). Should the applicant wish to remove a protected tree they will require a Tree Removal Permit in advance of doing so.

Public Engagement

The CRD has a public engagement component to the project and has engaged the community in several ways, including holding a public open house in February 2013 as well as speaking to adjacent and nearby landowners and listening to their concerns.

Analysis

Staff believes this application will be a general benefit to the community. The facility will clean up an area which is of environmental and social concern for the Town, and provide a more reliable servicing solution for the region. The structure and the landscaping will be very high quality, and the pump station mechanicals themselves are of a high quality and will ensure quiet, odourless operation.

RECOMMENDATION


THAT Council approve Development Permit 2013/01 to permit the construction of a Pump Station at the property within the provincial foreshore referred to as 150 Island Highway;

AND THAT the Development Permit include a variance to the setback from the natural boundary to the sea from 15m to 0m.

SUBMITTED BY


J. Davison, MCIP, Planner

REVIEWED BY

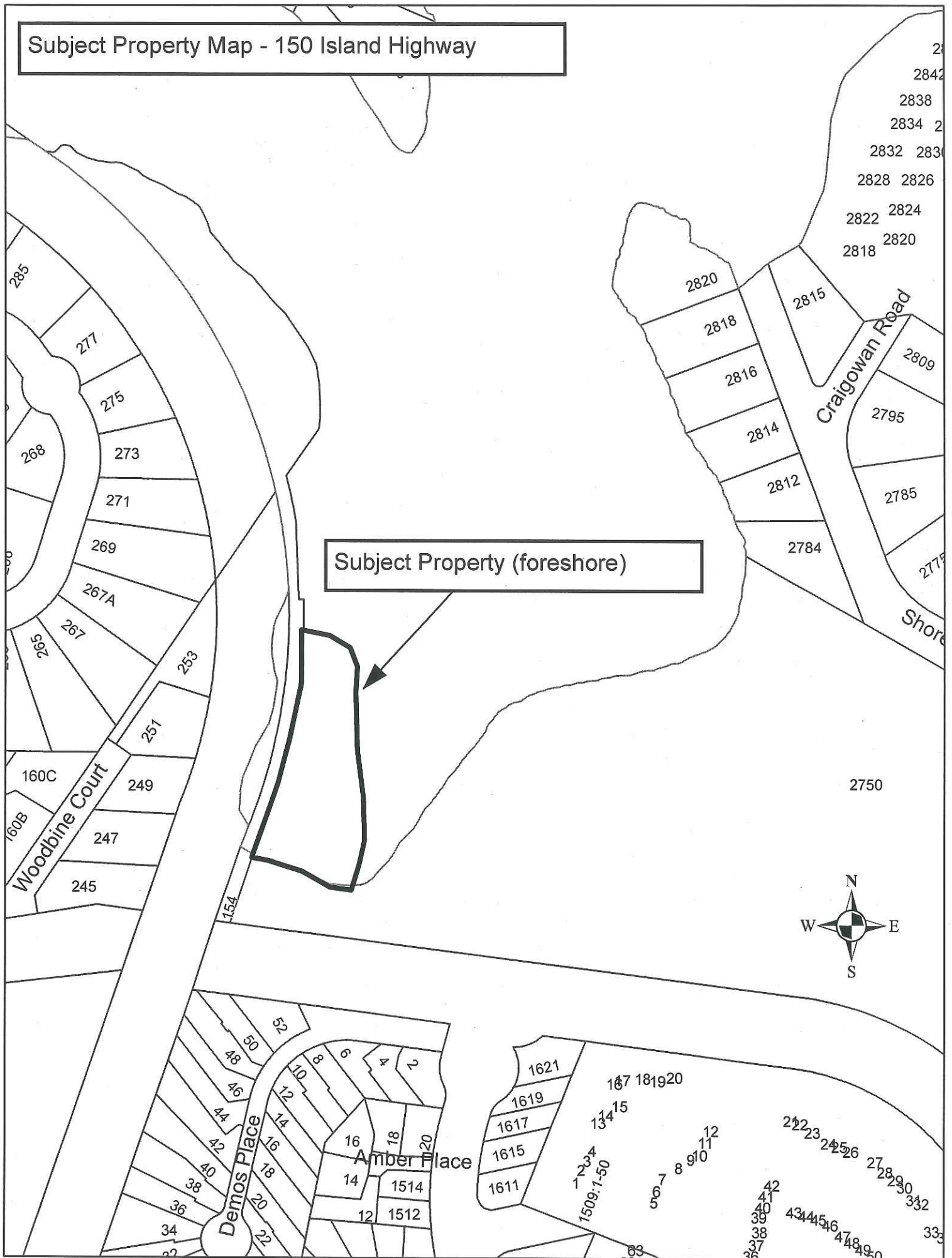

L. Chase, MCIP, Director of Development Services

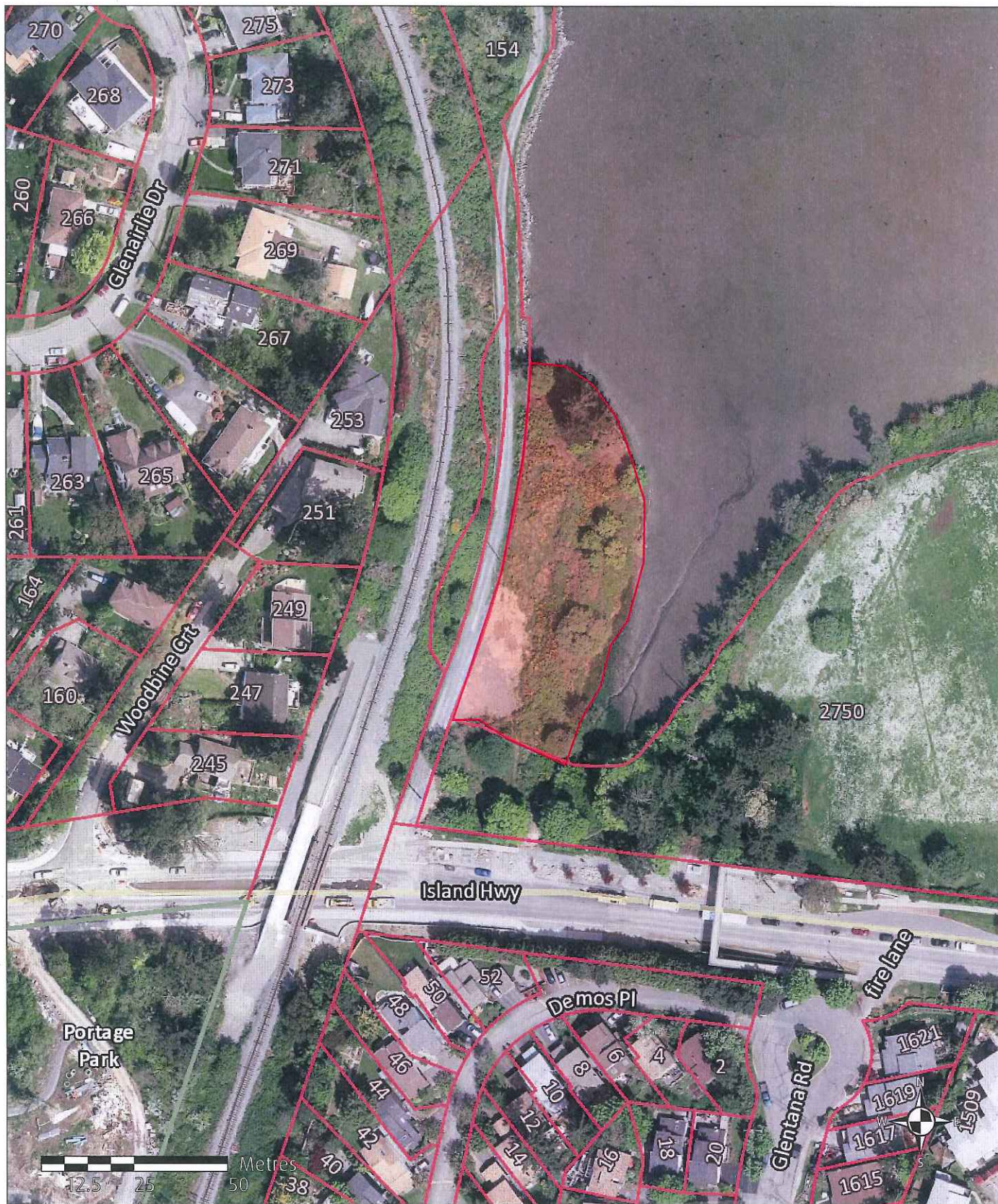
ATTACHMENTS

1. Subject Property Map – February 2013
2. Subject Property Orthophoto – February 2013
3. Development Permit Areas Illustration – Staff – February 2013
4. Applicant's Statement – December 14 2012 – CRD
5. Craigflower Pump Station Project Information Sheet – January 2013 – CRD
6. Building Elevations and Perspective Renderings – Toby Russell Buckwell & Partners Architects
7. Location Plan – June 2008 – CRD
8. Key Plan – June 2008 - CRD
9. Site and Grading Plan – June 2008 – CRD
10. Landscape Plan – June 2008 - CRD

Subject Property Map - 150 Island Highway

Subject Property (foreshore)





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.

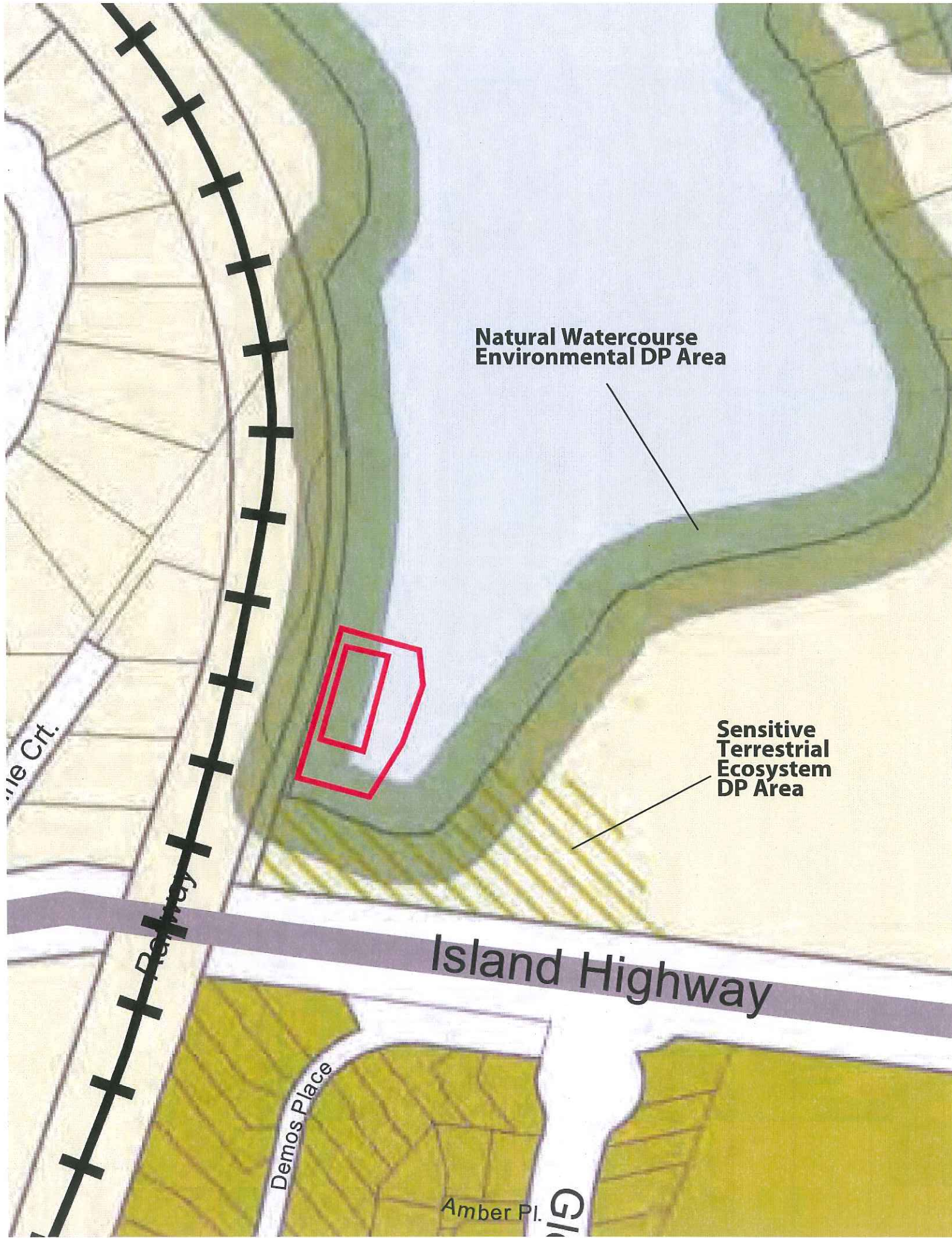
150 Island Highway

Subject Property Orthophoto

Intramap 2.0

Capital Regional District
gis@crd.bc.ca
<http://www.crd.bc.ca>

CRD
Taking a different path together



Natural Watercourse
Environmental DP Area

Sensitive
Terrestrial
Ecosystem
DP Area

Island Highway

Demos Place

Amber Pl.

GI



Making a difference...together

Environmental Sustainability
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3078
F: 250.360.3079
www.crd.bc.ca

December 14, 2012

File: Craigflower
3060-02

Mayor Graham Hill and Council
Town of View Royal
45 View Royal Avenue
Victoria, BC V9B 1A6

Dear Mayor Hill and Council:

RE: CRAIGFLOWER PUMP STATION -- DEVELOPMENT PERMIT APPLICATION

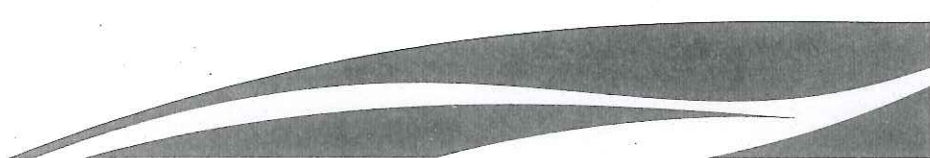
Please find attached a Development Permit Application for the proposed Craigflower Pump Station to be constructed at 150 Island Highway. The original Craigflower pump station was built in 1971 and serviced a small area in View Royal as well as some First Nation lands and the Esquimalt panhandle. Over the years the pump station has been upgraded to accommodate sewer service expansion to the West Shore and View Royal. The pump station has now reached its design capacity and due to its constrained size, age, and condition it is not feasible or cost effective to upgrade the existing station.

Therefore, a new pump station is required to prevent overflows into Portage Inlet and to provide reliable long-term service to residents. The proposed pump station is located on a filled foreshore, non-residential area with convenient access from an existing driveway off Island Highway adjacent to the 4-mile bridge. In keeping with past award-winning pump stations in Oak Bay and Victoria, this proposed building has a very aesthetic "west coast" architectural look using natural wood, stone and glass (see the architectural rendering attached to this letter). The pump station will house equipment of the latest technology which will be sustainable and energy efficient.

Attached with the development application are the following documents as requested:

- Four (4) complete 11x17 sets of design drawings including floor plans, elevations, site servicing plan, landscape plan and all the technical details.
- One (1) CD containing digital copies of all the plans.
- One (1) copy of the Licence Agreement received from the BC Integrated Land Management Bureau to permit the filled foreshore land to be used for the pump station.
- Four (4) copies of all supplementary reports including: geotechnical reports by Levelton Engineering and Golder Associates, Environmental Overview Assessment by CRD, Archaeological Impact Assessment by Golder and Stage 1 & 2 Preliminary Site Investigation by Golder, and Sustainable Design Initiatives and 100% Design Report by Associated Engineering.

The proposed Craigflower pump station has been approved by the CRD Board and was endorsed by the Town of View Royal at a prior Committee of Whole meeting. The new pump station will not only be a beautiful facility, but it will improve service to View Royal and surrounding communities and protect the environment by preventing overflows into Portage Inlet.



Town of View Royal – December 14, 2012

Re: Craigflower Pump Station Development Permit Application

Page 2

In order to commence with the work during an ideal construction window and take advantage of good market conditions, it would be greatly appreciated if this application could be reviewed and approved as soon as possible. Meanwhile, should you have any questions or require further information regarding this project, please call or email the undersigned at 250.360.3066 or mcowley@crd.bc.ca.

Yours truly,



Malcolm Cowley, P.Eng.
Manager, Engineering Design Services
Environmental Sustainability

MJC/mer

Enclosures

cc: T. Brcic, Deputy Project Director, CRD Wastewater Treatment Program
L. Hutcheson, P.Eng., General Manager, Environmental Sustainability, CRD
D. Telford, P.Eng., Senior Manager, Environmental Engineering, CRD

Managing Construction Impacts

Projects of this size and complexity will create some construction-related impacts. The CRD will work with municipal staff and the public to ensure that impacts are kept to a minimum and opportunities are identified for enhancement and mitigation.

Some of the more typical concerns include:

Construction Duration:

- It is anticipated that construction will start in the summer 2013 and will take about one (1) year to complete.
- Peak construction activity will occur in the first few months during excavation and pouring concrete. After this, the work will be similar to 'house-like' construction.

Safety:

- A traffic management plan will address traffic disruptions, truck traffic, and maintain access to nearby residences and Shoreline School.
- Fencing and warning signs will be installed around the construction site.
- When required, flag persons will direct vehicles and pedestrians around the construction area.
- Construction drivers will observe speed limits and exercise caution near the school.
- Work within the school field area will be scheduled during summer vacation.

Noise:

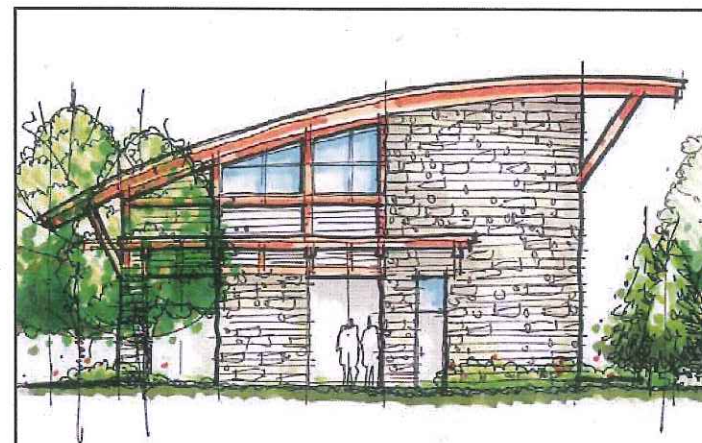
- Construction activities will comply with the Town's noise bylaw for hours of work and noise levels.
- Work will usually occur on weekdays from 7 a.m. - 6 p.m. with minimal work on Saturdays and no work on Sundays, or holidays, (except in an emergency or where a critical piece of work must be completed promptly to reduce impacts).

Dust/Mud:

The CRD Code of Practice for "Construction and Development Activities" will be used to mitigate environmental impacts that may arise from dust and mud.

Communication:

Information letters (with contact names and phone numbers) will be provided at the start of construction and updated, if required, throughout the project.



**South Elevation of Proposed
Craigflower Pump Station**

Further Information

Keeping you informed is a priority.

Prior to construction of the pump station, the CRD will provide information about the project and opportunities for the public to ask questions and have their concerns addressed.

A Public Open House to discuss the Pump Station will be held:

When: Tuesday, February 26, 2013, 5 - 8 p.m.

Where: Shoreline School, 2750 Shoreline Drive

Additional information will be posted on the CRD web site at: www.crd.bc.ca/wastewater/madeclear.htm

Malcolm Cowley, PEng.

T: 250.360.3066 | Fax: 250-360-3071 Email: mcowley@crd.bc.ca

Postal Address: Core Area Wastewater Treatment Program

510 - 1675 Douglas Street, Victoria, BC V8W 2G5

CRD

Information Sheet Craigflower Pump Station Project

January 2013



Perspective View of Proposed Craigflower Pump Station

Project Background

The Capital Regional District (CRD) is working with staff from View Royal, the Gorge Waterway Initiative and other community groups on plans for a new pump station at 150 Island Highway (adjacent to 4-mile bridge). The proposed pump station will be designed to accommodate existing and future sewerage system capacity needs in View Royal, Colwood, Langford, Esquimalt panhandle; and Esquimalt and Songhees First Nations. Funds for the new facility was approved as part of the Core Area Wastewater Treatment Project. This new pump station (which will replace the existing station that was built in 1971) is necessary to prevent wastewater overflows into Portage Inlet and to protect human health and the environment.

In consultation with the School District and with engineering and planning departments, the CRD assessed numerous sites for the proposed pump station using the following criteria: proximity to Shoreline School and residences, construction feasibility, environmental and social considerations, operational access, cost and other factors. The preferred location for the proposed pump station is shown on the site plan on the next page. Above is a perspective view of the proposed Craigflower Pump Station.

Our Record

The CRD has a long history planning, designing, operating and maintaining pump stations within existing neighbourhoods. An award-winning example is the Currie Road Pump Station adjacent to Windsor Park in Oak Bay. That pump station complements its surroundings while meeting all of the project's technical requirements through innovative applications of engineering technology, architecture and local resident input.



Currie Road Pump Station

CRD
Making a difference...together

Design Criteria for the Craigflower Pump Station

Noise Control

A noise control consultant was retained to develop appropriate noise level criteria for the pump station. A 24-hour noise level measurement at the proposed pump station site found that the lowest nighttime background noise level was 42 - 45 decibels. On that basis, the consultant has recommended and is designing the pump station for a 40-decibel noise level at the property line. This is accomplished by acoustical silencing of the pumps, motors, and fans, and emitting the dampened noise through acoustical louvers placed in discrete locations.

Odour Control

An odour control specialist has designed a comprehensive odour control system to contain and suppress odour by:

- incorporating sophisticated ventilation and scrubbing systems;
- maintaining the wet well area of the pump station at negative pressure to draw air into the scrubber; and
- directing all wet well air through an activated carbon absorber system prior to discharge.

Security

Once constructed, the new pump station will be owned and operated by the CRD. Staff will visit the site regularly and the building will be remotely monitored on a 24/7 basis by the CRD's supervisory control and data acquisition (SCADA) monitoring system.

To discourage vandalism and negative activity on the pump station site, a combination of robust but aesthetic materials including fencing, lighting, and landscaping has been incorporated into the design. Regular upkeep will ensure that the building and site are maintained in excellent condition.

Aesthetics

It is important the pump station fit into the surrounding area. The size of the site and the proposed footprint of the station provide ample opportunity for screening and landscaping. As depicted in the sketches, (see front page and on back), the above ground structure will be one-storey or about 8 meters (26 feet) high with a gentle curved roof towards the E&N Railway.

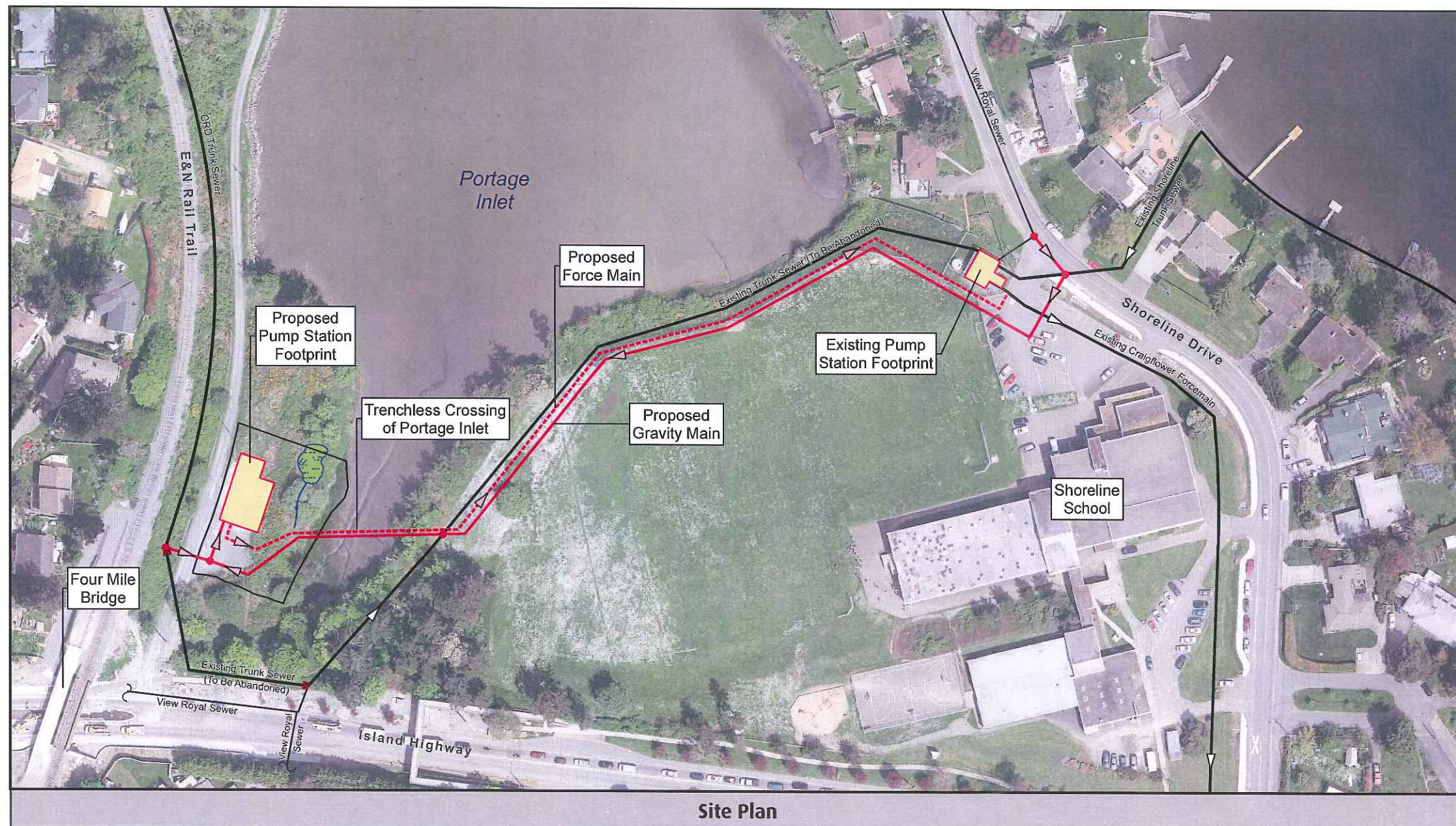
A combination of stone and wood cladding and glass windows will be incorporated around the building façade to provide a West Coast look to "fit in" and enhance the look of the neighborhood. Most of the existing large trees will be retained, with new and attractive landscaping introduced.

Access from Island Highway into the site will be from an existing driveway and the side yards will be used as parking for maintenance vehicles. Generally only pick-up trucks will visit the site, with larger vehicles used only on an infrequent basis to remove or repair equipment.

"Green" Design Elements

The design of the pump station is consistent with sustainable design practices including: specifying ecoSmart concrete, applying leadership in energy and environmental design (LEED) principles, adopting an energy efficient design, and using Powersmart electrical equipment. Other sustainable design initiatives that are recommended include:

- erosion and sediment control plans implemented during construction,
- rainwater run-off control on-site by means of a bio-swale and rain garden,
- native plants to reduce future maintenance and irrigation once plants are established,
- low level lighting to minimize light pollution, and
- windows designed to allow daylight in to minimize indoor lighting requirements,
- trenchless pipe crossing of the Portage Inlet mud flats.

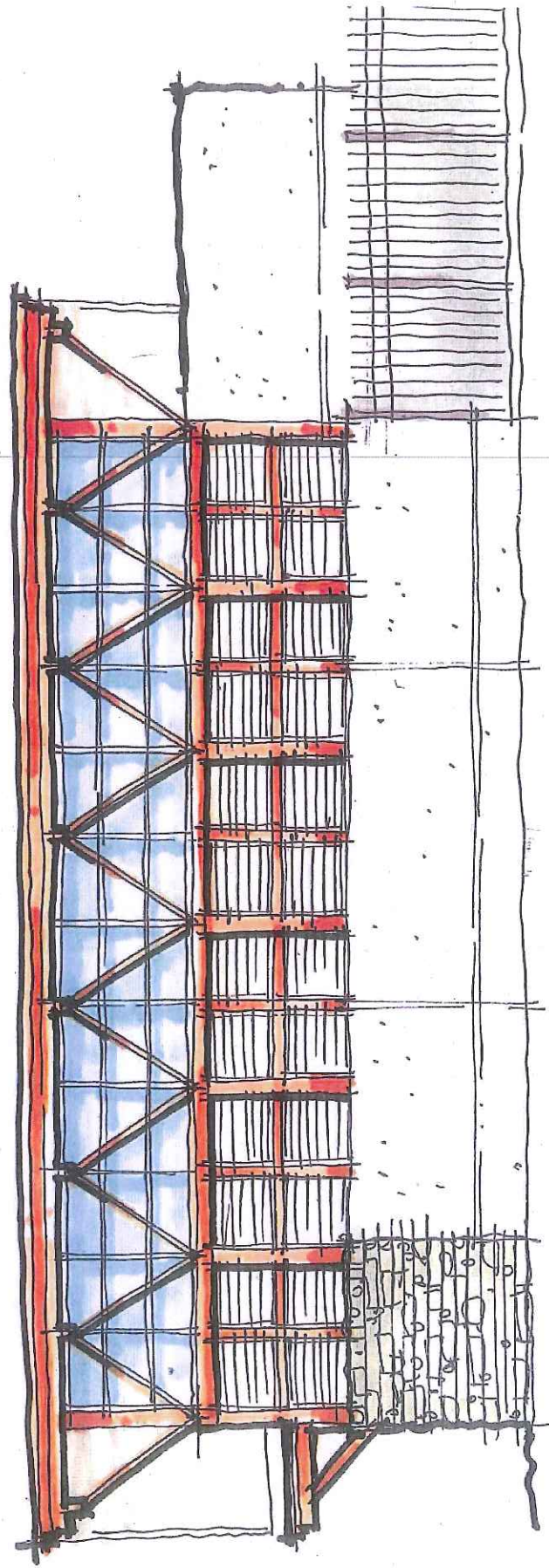




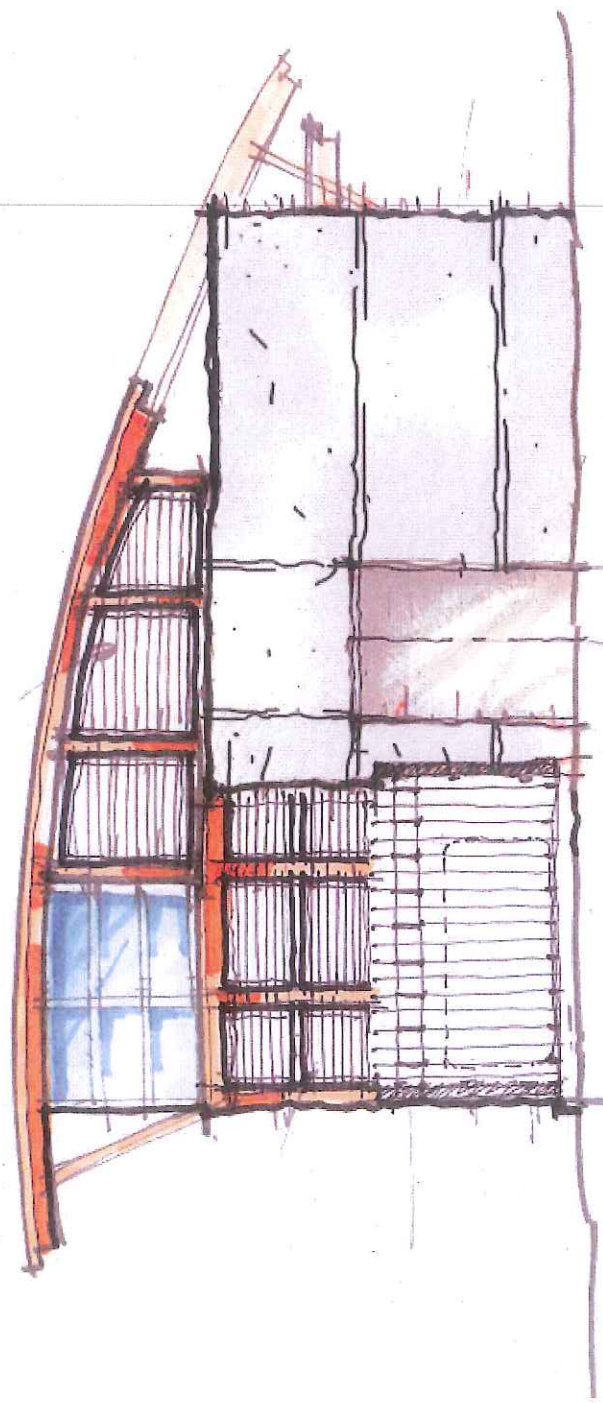
PROPOSED CRAIGHFLOWER PUMP STATION



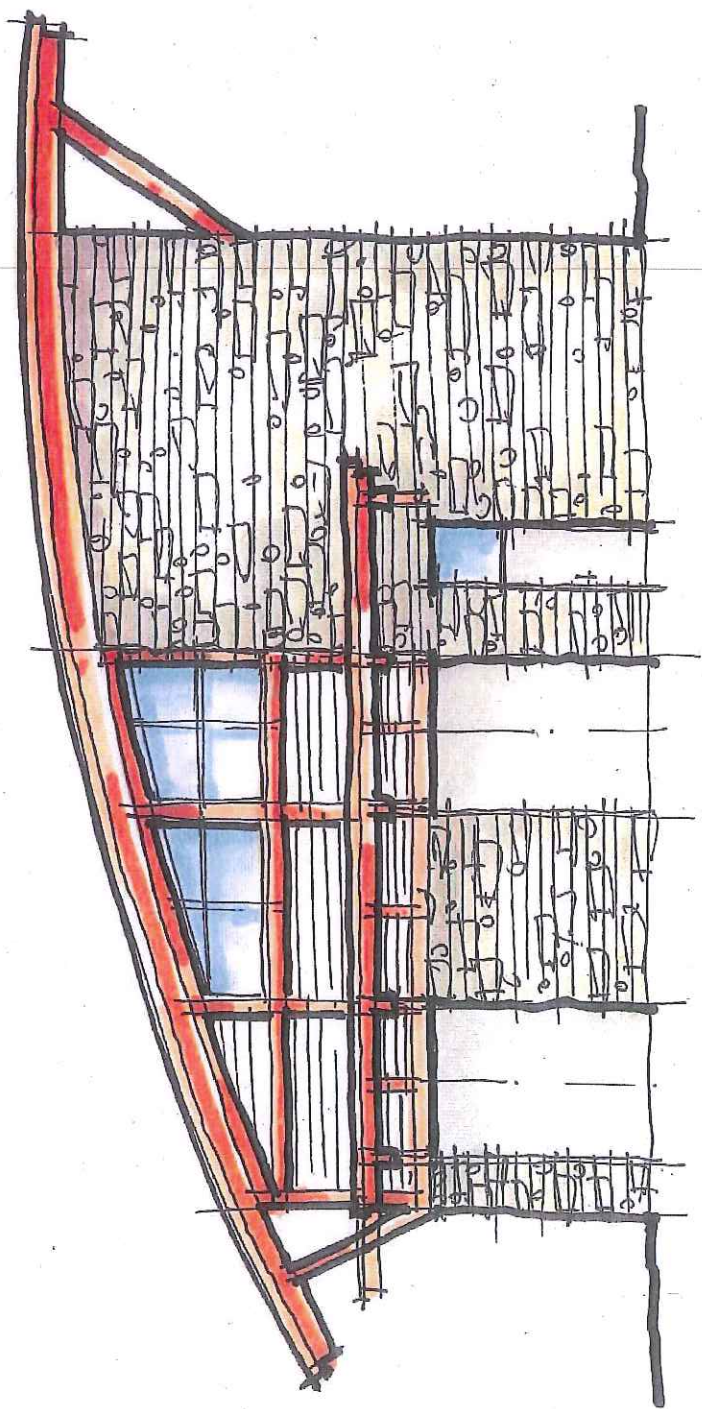
TOBY RUSSELL BUCKWELL & partners architects



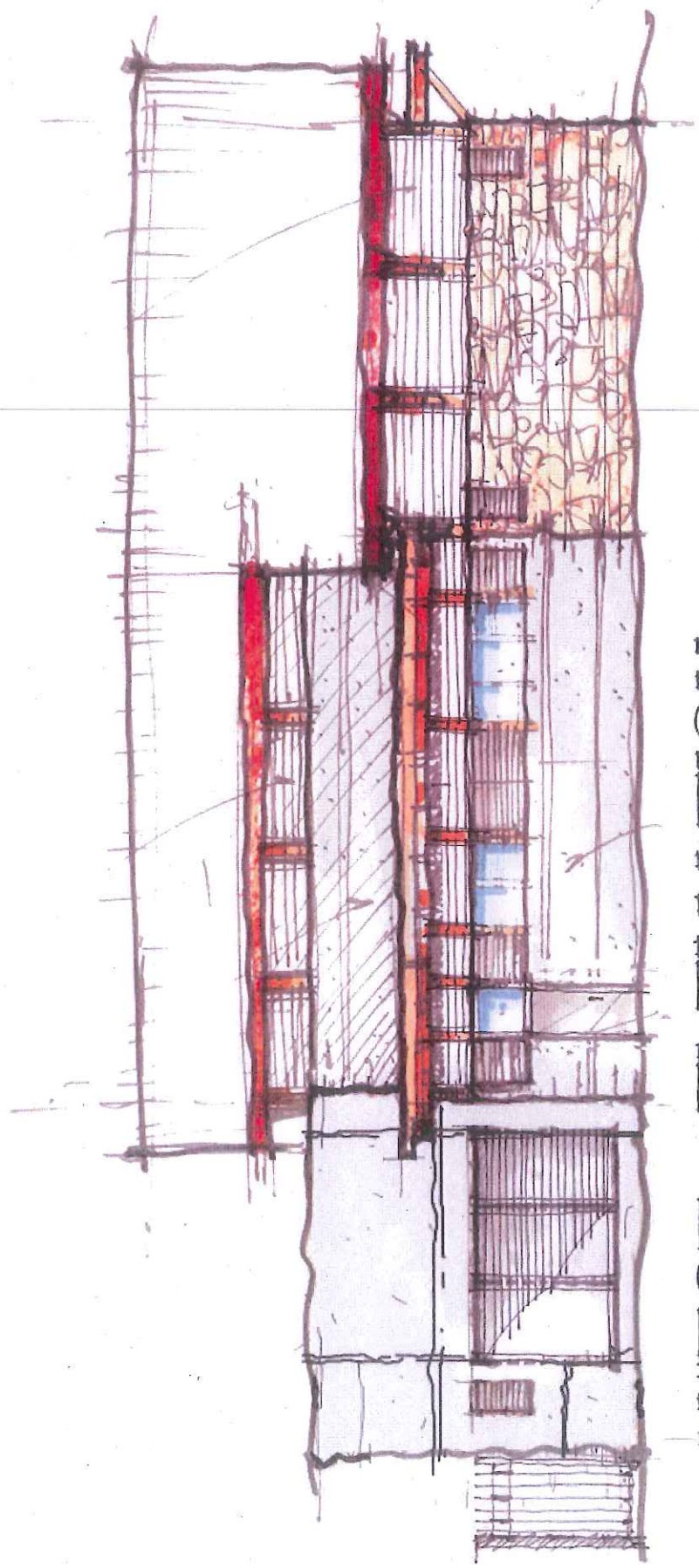
EAST ELEVATION



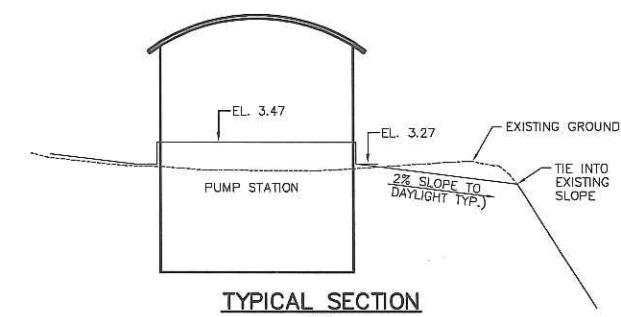
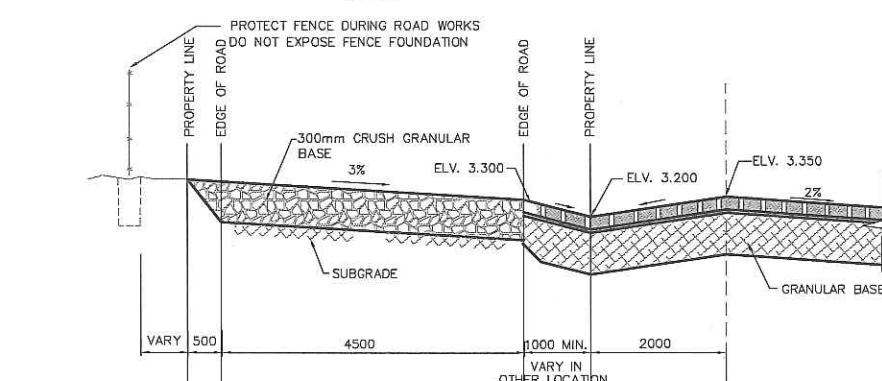
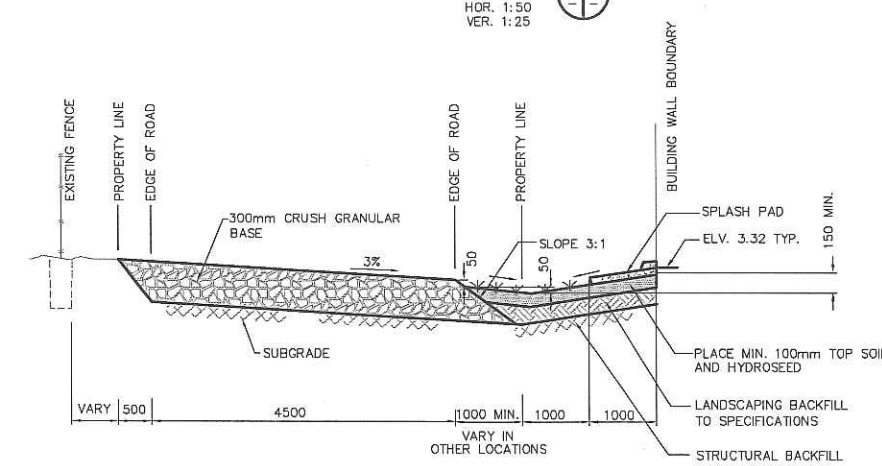
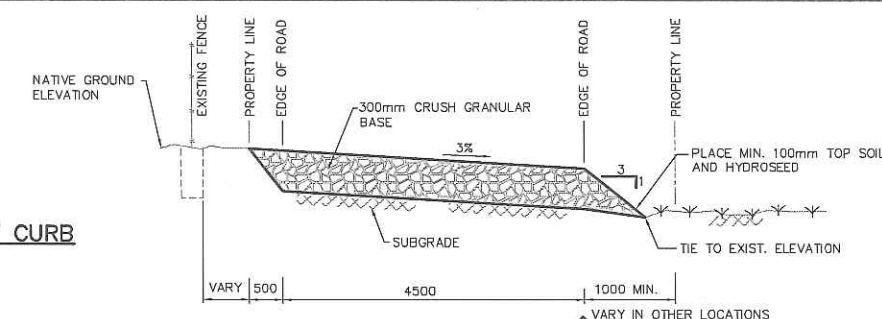
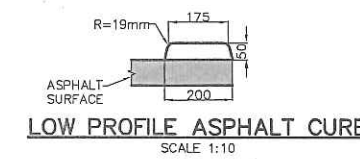
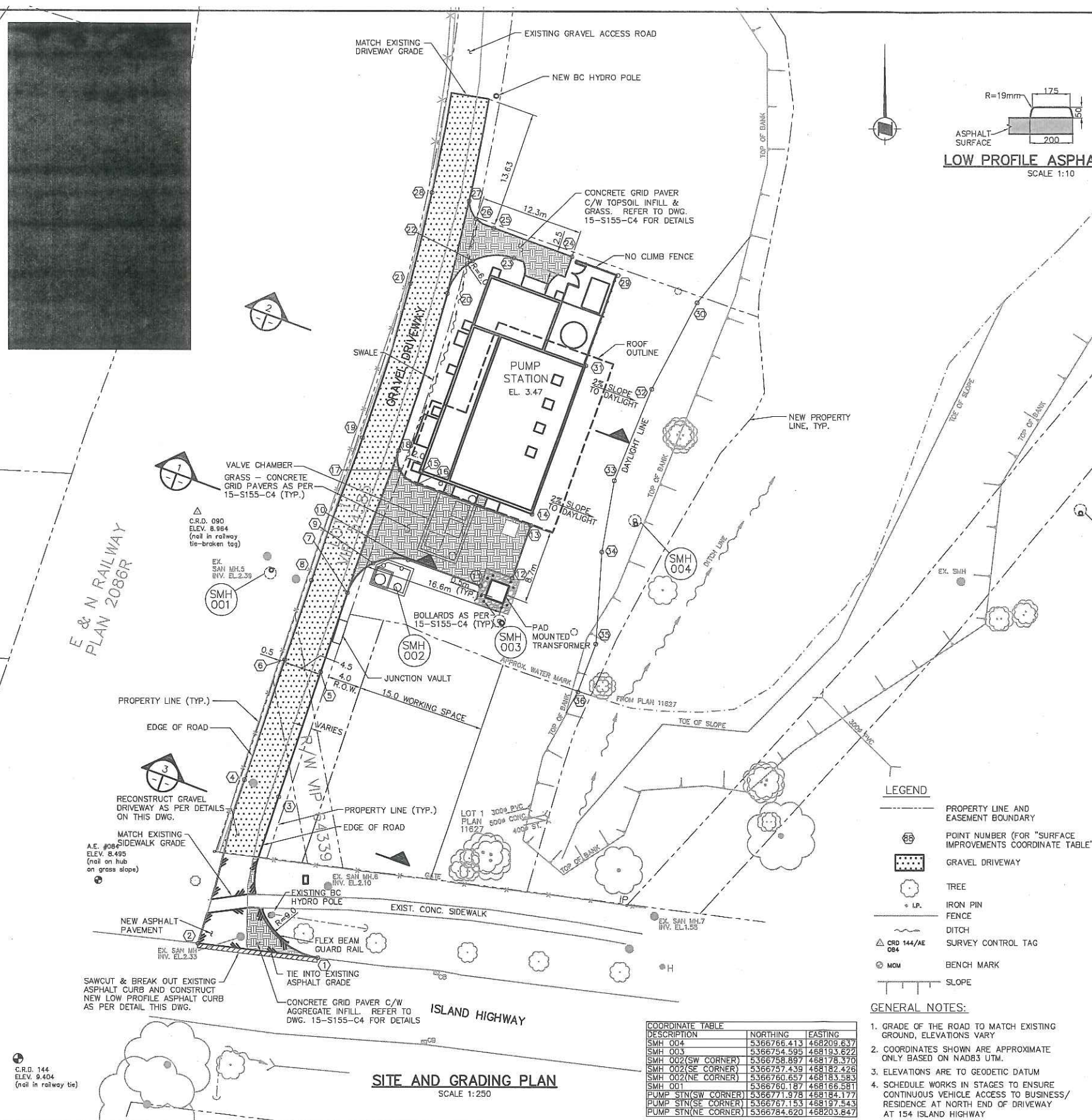
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



- LEGEND**
- PROPERTY LINE AND EASEMENT BOUNDARY
 - POINT NUMBER (FOR "SURFACE IMPROVEMENTS COORDINATE TABLE")
 - GRAVEL DRIVEWAY
 - TREE
 - IRON PIN
 - FENCE
 - DITCH
 - SURVEY CONTROL TAG
 - BENCH MARK
 - SLOPE

- GENERAL NOTES:**
- GRADE OF THE ROAD TO MATCH EXISTING GROUND, ELEVATIONS VARY
 - COORDINATES SHOWN ARE APPROXIMATE ONLY BASED ON NAD83 UTM.
 - ELEVATIONS ARE TO GEODETIC DATUM
 - SCHEDULE WORKS IN STAGES TO ENSURE CONTINUOUS VEHICLE ACCESS TO BUSINESS/ RESIDENCE AT NORTH END OF DRIVEWAY AT 154 ISLAND HIGHWAY

COORDINATE TABLE	NORTHING	EASTING
SMH 004	5366766.413	468209.837
SMH 003	5366754.595	468193.622
SMH 002(SW CORNER)	5366758.897	468178.370
SMH 002(SE CORNER)	5366757.439	468182.426
SMH 002(NW CORNER)	5366760.657	468183.583
SMH 001	5366760.187	468166.581
PUMP STN(SW CORNER)	5366771.978	468184.177
PUMP STN(SE CORNER)	5366767.153	468197.543
PUMP STN(NW CORNER)	5366784.620	468203.847

SITE AND GRADING PLAN
 SCALE 1:250

VERIFY SCALES
 BAR IS 20mm ON
 0 20mm
 IF NOT 20mm ON THIS SHEET, ADJUST SCALES ACCORDINGLY

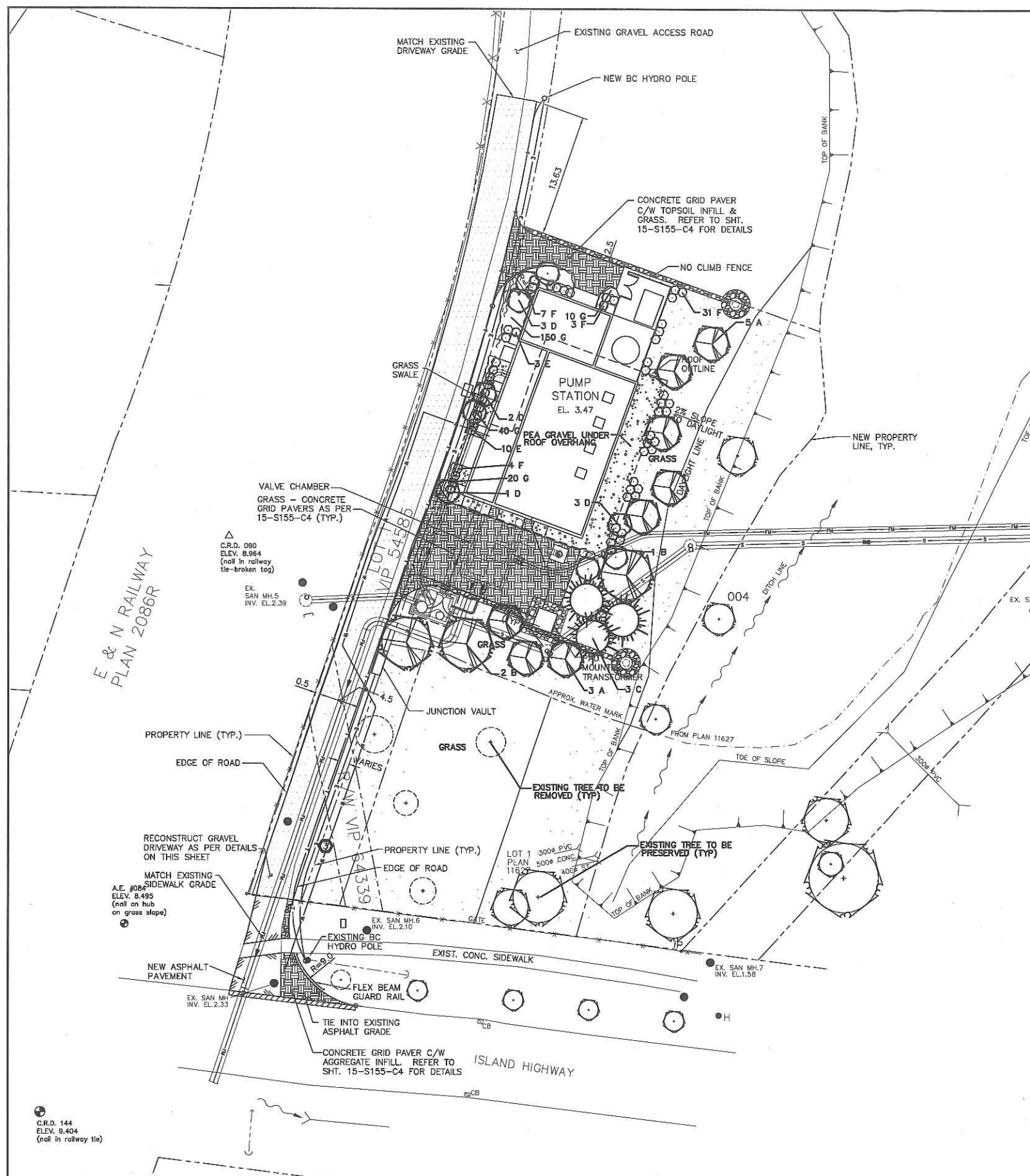
Associated Engineering
 AE PROJECT No. 052728

BY	DATE	No.	REVISION	ENG.	No.	DATE	ISSUE
	13/06/08	0					100% DESIGN SUBMISSION

CRD CAPITAL REGIONAL DISTRICT
Environmental Services

DESIGNED	V.K.	SURVEYED	J. TAIT	NORTHWEST TRUNK - WESTERN			
DRAWN	D.H.	DATE	03/26/07	CRAIGFLOWER PUMP STATION			
SCALE HORIZONTAL	AS SHOWN	CHECKED	P.D.	CIVIL SITE AND GRADING PLAN			
SCALE VERTICAL	AS SHOWN	APPROVED	L.P.	CONTRACT NUMBER	15-S155-C3	DRAWING NUMBER	15-S155-C3
				ISSUE	0	SHT. No.	9 OF 104

Time: 8:00
 Date: 03/26/07
 Plot: Scale: 1"=1' (Paper Space)
 AutoCAD File: C:\052728\CIVIL\15S155C3.DWG (AK)
 Xrefs: 15S155R001, 15S155R002



PLANT LIST

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOTS	COMMENTS
A	8	ACER CIRCINATUM	VINE MAPLE	2.5 M HT.	B & B	MULTI-STEM, MIN. 3 STEMS
B	3	CORNUS NUTTALLII	PACIFIC DOGWOOD	5 CM CAL.	B & B	FULL
C	3	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	2.5 M HT.	B & B	FULL, NOT SHEARED
D	9	AMELANCHIER ALNIFOLIA	SASKATOON BERRY	1.8 M HT.	B & B	MULTI-STEM, MIN. 3 STEMS
E	13	MAHONIA AQUIFOLIUM	OREGON GRAPE	30 CM. HT.	21 CM. POT	FULL
F	45	ROSA NUTKANA	NOOTKA ROSE	30 CM. HT.	21 CM. POT	FULL
G	220	ARCTOSTAPHYLOS UVA-URSI "VAN. JADE"	VANCOUVER JADE KINNICKINICK	30 CM. SPR.	10 CM. POT	PLANT 45 CM O.C.

NOTES

- CONTRACTOR TO REPORT ALL ERRORS, OMISSIONS AND DISCREPANCIES TO LANDSCAPE ARCHITECT IMMEDIATELY AND PRIOR TO COMMENCEMENT OF WORK.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND SERVICES AND ANY DAMAGE TO SAME CAUSED BY HIS WORK.
- CONTRACTOR TO ENSURE SMOOTH CONTINUOUS POSITIVE DRAINAGE AWAY FROM STRUCTURES TO ALL DRAINAGE PICKUP POINTS.
- CONTRACTOR RESPONSIBLE FOR MAKING GOOD ANY DAMAGE INSIDE AND OUTSIDE LIMIT OF GRADING.
- ALL GRASS AREAS TO BE HYDRO SEEDED UNLESS OTHERWISE INDICATED.
- PEA GRAVEL TO CONSIST OF 10 MM DIA CLEAN WASHED PEA GRAVEL WHERE PEA GRAVEL ABUTS GRASS OR PLANTING BEDS PROVIDE 2 X 4 EDGER STAKED 1.2 M O.C. AND AT ALL CORNERS AND JOINTS W/ 500 MM LENGTH STAKE. ALL WOOD TO BE PRESSURE TREATED FIR. TOP OF STAKE TO BE 15 MM BELOW TOP OF EDGER.
- FOR HARD LANDSCAPE AND SITE GRADING REFER TO CIVIL.



Associated Engineering AE PROJECT No. 052728	VERIFY SCALES BAR IS 20mm ON 0 20mm IF NOT 20mm ON THIS SHEET, ADJUST SCALES ACCORDINGLY	SEAL	BY DATE No.	REVISION	ENG. No. DATE	0 08/07/08 100% DESIGN SUBMISSION	Environmental Services	DESIGNED J.P. DRAWN D.H. SCALE HORIZONTAL 1:250 SCALE VERTICAL	SURVEYED J. TAIT DATE 03/26/07 CHECKED J.P. APPROVED	NORTHWEST TRUNK - WESTERN CRAIGHOWER PUMP STATION LANDSCAPE LANDSCAPE PLAN	CONTRACT NUMBER XX-XXXX DRAWING NUMBER 15-S155-L1 ISSUE 0 SHT. No. 22 OF 104

April 25, 2013

To the Mayor and Council of View Royal,

Please accept this letter as my submission against the application by the Capital Regional District for a Development Permit with Variance 2013/01 with regards to the proposed Craigflower Pump Station. I am one of the two landowners at 154 Island Highway, adjacent to the land subject to the Application.

The chief argument against the application is the siting of this large structure within one of the last undeveloped shoreline areas of Portage Inlet, an area designated for environmental protection by the Town of View Royal. The application runs counter to the View Royal Official Community Plan and environmental guidelines that do not permit the approval of this application.

If the application is not rejected on the above basis, then other procedural and technical concerns about the application must be addressed. I include submissions on owner authorization and impact on adjacent landowner rights, lack of a land survey, and notice requirements.

Finally, I submit that this application is not urgent and does not require immediate approval. The fault for any perceived urgency rests upon the applicant, poor time management and poor site selection.

Inconsistency with Official Community Plan

1. The application is completely inconsistent with the View Royal Official Community Plan (September 2011) ("OCP").
2. Broadly, the OCP states at page 166 that "all shoreline and riparian zones should be kept in a natural state." Specifically, at page 171, the OCP states that "Use of marsh shore areas should be limited to park or conservation uses that do not require structural intrusions."
3. This portion of the OCP makes it immediately clear that the application, for a structure with a 3,014 square foot footprint and spanning approximately five stories top to bottom, must not be granted. I will walk through the specific OCP guidelines as they relate to shoreline development for further clarity.
4. The proposed site falls within both "Natural Watercourse and Shoreline Areas" as well as "Sensitive Terrestrial Ecosystem Area." The OCP outlines specific types of shoreline and provides guidelines for permits for each type at page 170.
5. The three types are rocky shores, beach shores and marsh shores, with the guidelines becoming more stringent moving from rocky to marsh shores. While a variation to the 15m setback may be considered in the rocky shore area, such a variation is not available for the beach shore. Marsh shores are identified as highly sensitive and are granted even greater protection.

6. The shoreline area of this proposed development is a Marsh Shore, characterized by mudflats as acknowledged in the environmental report submitted with the application. An application for this type of shore requires property specific assessments regarding setbacks and shore protection systems. These are not thoroughly addressed in the application materials, which do not fully outline the impact of reducing the setback to zero metres, nor the embankment and shore protection measures.
7. Analysis of the proposed shore protection and setback assessments is, however, unnecessary given the overriding guideline of approved uses for this type of shoreline area. The use of the land for a large scale pumping station, with accompanying structural intrusion, is precluded by the OCP.
8. The application is to build a structure with a footprint greater than 3,000 square feet. It would rise 25 feet above ground and extends the same again below ground, to a total of approximately 50 feet. This is a massive structural intrusion and completely inconsistent with the park and conservation use guideline in the OCP.
9. This inconsistent use of protected shoreline should be enough reason to reject the application. In addition, the proposed variance of the 15-metre setback to no setback whatsoever brings the application in further conflict with the OCP.
10. The provision of the 15 metre setback in the OCP has increased importance in the untitled foreshore. Since this land is not subject to zoning, it does not currently have setback requirements, including setbacks from other properties, as are found in regularly zoned areas. The Development Permit and Variance is the only way to regulate the use of this land.
11. If a new pump station is required to meet capacity issues, the solution is to build it in a location where zoning and/or OCP guidelines support this type of land use. The provision of a park or conservation guideline for this area was made following extensive consultation and debate and must not be overridden. Indeed there is no precedent for completely overriding such a clear guideline.

Flaws with the Application- Owner Authorization and Adjacent Landowner Rights

12. The staff report to the Committee of the Whole dated April 4, 2013 (the "April 4th Report") sites several staff concerns with the application and recommended that conditions be added to any grant of the Development Permit with Variance.
13. These concerns and recommendations were omitted from the follow-up Council Report dated April 10, 2013 (the "April 10th Report"). Instead, six days later the staff report was changed to recommend granting the application and to completely overlook the concerns regarding the License of Occupation and remediation.

14. The problems with the limited term nature of the License of Occupation are noted at page 4 of the April 4th Report. Staff indicated that they would like to see assurances about this extension of the term.
15. Staff further noted that it was not satisfied that owner authorization had been sufficiently addressed, as the submitted License of Occupation does not convey property rights. "Staff is concerned that the uplands owner's common law riparian rights might be infringed upon without sufficient landowner consent for the project."
16. As the uplands owner, I am familiar with a Statutory Right of Way granting the applicant rights to use a portion of my driveway. I do not believe the Statutory Right of Way signed over any common law riparian rights as referred to in the April 4th Report.
17. As neither this Statutory Right of Way, nor the one that I assume is attached to the School Board's piece of property, is included in the Application, I do know whether the other property owner is similarly affected in their common law riparian rights.
18. I was only granted access to the application and Reports last week pursuant to my Freedom of Information request of February 18, 2013. As such, I have only just learnt of this potential impact on my mother's and my rights, I have not had time to consult a property lawyer on the subject. I have asked the previous owner of 154 Island Highway about the granting of the Right of Way and she told me that she is bound by a confidentiality agreement and is not permitted to discuss the specifics of the agreement that she made with the CRD.
19. This is of particular relevance because, despite staff concerns about these deficiencies, the concerns were ultimately removed from the April 10th Report that is presented to Council, is included in the agenda and is readily available to the public. To read this report, one would think that the staff had no concerns whatsoever.
20. I also note that a further recommendation in the April 4th Report at page 3 called for a further condition that is absent from the April 10th Report. That recommendation stated "it will be a condition of the Development Permit that the soil be mediated to the satisfaction of the Director of Engineering prior to the issuance of the Building Permit." Within 6 days, the new report neglected to include this condition.
21. The exclusion of both sets of concerns and recommendations from the April 10th Report is troubling. When considered with other aspects of this application referred to later in this letter, it suggests that the Town is under such pressure to grant the Development Permit and Variance that it is willing to overlook genuine problems in order to facilitate the process. It is this oversight and sober consideration by Council and staff that residents of View Royal rely upon. The local government structure enables municipalities to resist steamrolling by larger governments by following proper process and providing time for full consideration of the issues.

22. Even following the limited recommendations of prerequisites to the Permit and Variance smacks of putting cart before the horse. Instead, if not rejecting the application outright, Council should require the applicant to satisfy the conditions first and then return with those assurances and plans in place and request the permit at that time.

Flaws with the Application- Lack of Survey

23. At the open house for the proposed pump station held on February 26, 2013, CRD Engineer Malcolm Cowley indicated that the site of the proposed project had yet to be surveyed. He stated that the plan was to build the station and then complete a survey of the lands.
24. This sequence defies logic, as it puts a 3,000 square-foot cart before the property survey horse and places the property rights of neighbouring land owners at risk.
25. In particular, any project must maintain the driveway width for the property at 154 Island Highway. This property is bordered by the E & N Railway land and the foreshore in question. The pump station, in drawings, is sited as almost immediately abutting the driveway, without any clearance.
26. Without a proper survey, including a survey of where the E & N lands extend to, the proposed project could mistakenly cut far into the driveway and leave the driveway without sufficient land to serve its purpose.
27. At a minimum, the applicant should complete the survey and then study the siting of the proposed structure to ensure that it does not cut into the driveway access. It seems wholly irresponsible to build on a site without first surveying the boundaries of the land.
28. This prerequisite is all the more necessary because the land is not subject to zoning. Without zoning, there is no regulation about placement of the structure on the land and setbacks from other properties. At a minimum, the land must be properly surveyed.

Notice

29. Notice requirements under s.922 of the *Local Government Act, B.C.* state that notice of the Development Permit and Variance application must be mailed or delivered to owners within a distance specified by bylaw.
30. The View Royal Development Procedural Bylaw states that owners within 100 metres must be notified of a Development variance application. This is significantly lower than the 400-metre notice requirement set out in the Bylaw for zoning changes.
31. I submit that in this case, the 100-metre notice is too low to provide effective notice to the community. In this case, it amounts to notification of only six residential properties in total (myself and the residents of Woodbine Court). Notice to the owners of the railway land must also be provided, and I am not sure if that notice has occurred.

32. This is a major project that proposes the construction of a structure greater than 3,000 square feet and spanning five stories on some of the last undeveloped shoreline of Portage Inlet. While the foreshore is not zoned, this proposal is akin to a zoning application, and at a minimum, that area should be notified.
33. I submit that a project of this size should be subject to voluntarily broad notification so that more residents will be alerted to the project. I propose that a rezoning application style billboard be posted to alert the community of these plans. In addition, notice should be sent out to all residents of View Royal, or those falling within a larger radius.
34. I note as well that this application is being heard at a Special Council Meeting. There was no meeting originally scheduled for April 30th. With the minimal notice provided and the scheduling of the application on a date that was previously an un-noted date, the application will have unusually minimal public engagement. Notice for Special Meetings is an even lower threshold than regular Council meetings.

Against the Urgency Argument

35. At the April 16th Council meeting, I suggested that the application should be adjourned to a date later than the next council meeting in order to allow the public time to prepare submissions. I noted that the Applicant has taken over 8 years with a trained professional staff to prepare the application, and the public should be permitted more than 10 days to respond.
36. In response a council member at that meeting suggested that there was urgency to this application because the construction has to be started while the school is out for summer. Any urgency for this summer's plans lies solely at the feet of the Applicant.
37. The Applicant previously made this application in 2006, only to withdraw it. Having waited seven years to re-apply, and beginning the process only in December of 2012, the Applicant has set up an unrealistic timeline for the project.
38. I submit that it is disingenuous to claim urgency when the applicant's own actions have been the cause of the delay. To push the application through without proper public consultation, consideration and on the basis of the Applicant's poor time management places an unfair burden upon the residents of View Royal.
39. The hearing of the Application at a Special Meeting is itself troubling, as it indicates that for some reason the usual application procedure is not being followed. Special Meetings themselves have a lower notice threshold. As of April 23rd, no notice of the Special Meeting is on the Town of View Royal website.
40. If the Town Council is being pressured to hear the Application on an urgent basis, it is all the more reason for cooler heads to prevail.

Conclusion

41. I acknowledge that, under the current CRD plan to build a single waste treatment centre in Esquimalt, a new pump station may be necessary. It is not necessary, however, to build it on the environmentally protected shoreline of Portage Inlet. It is a particularly poor choice of location and one that can be easily rectified by siting it elsewhere.
42. The Official Community Plan reads clearly against the approval of this plan. Official Community Plans are effective ways for municipalities to plan and guide their own developments. The plan does not permit support this project.
43. If this project is considered despite the inconsistency with the Official Community Plan, there are many deficiencies that must be addressed. A claim of urgency by the applicant does not justify an incomplete approach to the permitting process.
44. Before a Permit and Variance can be issued, the applicant must satisfy the ownership and remediation issues identified in the April 4th Report by staff, as well as satisfy the land survey issues that I have raised.
45. Finally, the entire process should occur in an open and unhurried environment. Applying before the open house, as the applicant attempted on February 19th, scheduling the application before notice was mailed out, as happened on April 16th, and now hearing the application on a Special Meeting day, all smack of a lack of transparency and steamrolling. This should not be part of a modern approach to the approval process. If the application is not rejected today due to the very clear inconsistencies with the Official Community Plan, then it should be further examined at return at a later date once the deficiencies have been addressed.

Sincerely,

(signed electronically)

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