



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Text

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### REQUEST FOR DECISION

**DATE:** March 1, 2017

Report No. DEV-17-016

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Bill Brown, Director of Development Services

**SUBJECT:**

Development Permit for the excavation of contaminated soil from the Esquimalt Town Square property.

**RECOMMENDATION:**

That Council:

1. Exempt Development Permit No. DP000084 (Appendix "B") from being referred to the Advisory Planning Commission; and
2. Approve Development Permit No. DP000084 authorizing the excavation of contaminated soil from the Esquimalt Town Square site as outlined in the Development Permit and that staff be directed to issue the permit and register the notice at the Land Title Office.

**RELEVANT POLICY:**

Official Community Plan

Zoning Bylaw, 1992, No 2050

Development Application Procedures and Fees Bylaw, 2012, No. 2791

**STRATEGIC RELEVANCE:**

The proposed development permit is directly related to the strategic priority to, "Continue to work with development partner on Esquimalt Town Square project."

**BACKGROUND:**

Appendix A: Subject Property Map

Appendix B: DP000084

Appendix C: Map showing extent of contaminated soils to be excavated

The subject site had historically been used for a public works yard from the 1910's until the mid 1990's when it was relocated to its current site at 601 Canteen Road. During that time the soil became contaminated with a variety of chemicals typically associated with a public works yard. Following the removal of the public works yard and Township office from the site, the Township

explored the idea of redeveloping the site as a Town Square. A major milestone in the redevelopment process occurred on July, 11, 2016 when Council adopted an amendment to the Official Community Plan that, among other things, designated the site as Development Permit Area No. 6 - Esquimalt Town Square. This new designation prohibited the alteration of the lands without a development permit. Therefore, it is necessary for the Township to obtain a development permit in order to excavate the site to remove the contaminated soils.

The proposed development permit would meet the only relevant guideline in Development Permit Area No. 6; namely:

9.8.5 (e) Pollution management protocols (including sedimentation and oil- removal), as well as recycling programs should be followed during demolition, excavation and construction of the project.

The extent of the contamination is shown on the map attached as Appendix "C". Areas labeled "A", "B", and "C" will be excavated. Areas labeled "E" and "F" may be excavated depending upon the conditions exposed through the excavation. Areas labelled "D" are unlikely to be contaminated and therefore will not be excavated.

## **Context**

Applicant: Township of Esquimalt  
Owner: Township of Esquimalt  
Property Size: 0.809 ha  
Zoning: CD No. 99 [Comprehensive Development District No. 99 (Esquimalt Town Square)]  
Existing Land Use: Parking lot, playground, standalone garage, and public open space  
Surrounding Land Uses: North: Commercial  
South: Residential  
East: Institutional (Municipal office, day care, health unit)  
West: Institutional (Fire hall, police station), commercial,  
residential

## **ISSUES:**

1. Rationale for Selected Option  
The Township is responsible for the removal of contaminated soil from the site. Because Development Permit Area No. 6 Esquimalt Town Square does not allow site alterations without a development permit, it is necessary for the Township to obtain one before the excavation commences.
2. Organizational Implications  
There are no significant organizational implications.
3. Financial Implications  
The costs associated with the excavation are detailed in Staff Report EPW-17-006 which is on the same Council agenda as this Report.
4. Sustainability & Environmental Implications

The clean-up of site contamination is an important component of environmental stewardship.

**5. Communication & Engagement**

As there are no variances required, there is no formal public notification required; however, there will be regular notices issued via our website to keep the community informed about upcoming activities on the site including the closure of the parking lot and the commencement of the excavation.

**ALTERNATIVES:**

**1. That Council:**

- 1) Exempt Development Permit No. DP000084 (Appendix "B") from being referred to the Advisory Planning Commission; and
- 2) Approve Development Permit No. DP000084 authorizing the excavation of contaminated soil from the Esquimalt Town Square site as outlined in the Development Permit and that staff be directed to issue the permit and register the notice at the Land Titles Office.

**2. That Council deny approval of Development Permit No. DP000084 citing reasons for the denial and what is required to obtain an approval.**