

Memorandum of Understanding
handyDART Facility at 2401 Burnside Road West

This Memorandum of Understanding (“MoU”), dated for reference January 22, 2020, is between:

British Columbia Transit (“BC Transit”)
520 Gorge Rd. E
Victoria, BC V8T 2W6

and

Town of View Royal
45 View Royal Avenue
Victoria, BC V9B 1A6

Collectively known as “the Parties”

WHEREAS:

- A. BC Transportation Financing Authority (BCTFA) is the registered owner of land located at 2401 Burnside Road West in the Town of View Royal and more particularly described as that part of Section 6, Lake District (Lying Partly in Esquimalt District) included within Plan VIP71333, Except that Part in Plan VIP88964, PID 024-850-225 (the “Land”);
- B. BC Transit will be constructing a new regional handyDART operations and maintenance facility (the “Transit Facility”) and intends to develop approximately a 3-acre portion of the Land for the Transit Facility;
- C. BC Transit is not subject to the Town of View Royal’s land use regulations. BC Transit commits to work in cooperation with the Town of View Royal to make all reasonable efforts to ensure the development and operation of the Transit Facility is consistent with all relevant policies, bylaws and regulations of the Town of View Royal, including those that would apply to the Transit Facility but for section 14(2) of the *Interpretation Act*;
- D. Other than the requirement to apply for re-zoning (which is not a requirement as the fee simple title has been vested in the BCTFA), BC Transit agrees to complete and submit the applications that are required by the Town of View Royal for this type of development for consideration and input by View Royal staff. BC Transit will pursue the spirit and intent of all of the Town of View Royal’s development processes, permitting and bylaws; however, as an agent of the Provincial government these processes and or requirements will not bind the project to municipal approvals and or requirements; and
- E. BC Transit has agreed to provide a community amenity and benefits as described in this MOU, to ensure the Transit Facility is built and operated in the interests of the Town of View Royal, the Capital Region and the Province.

THEREFORE, the Parties agree as follows:

Non-binding Nature

- 1) The Parties agree to abide by the terms of this MoU and at all times to make all reasonable efforts to cooperate for their mutual benefit, for the benefit of the citizens of the Town of View Royal, and for the benefit of regional transit users, in all matters respecting the Transit Facility.

Public Engagement

- 2) Within four (4) weeks of the Parties signing this MoU, BC Transit will host, at its sole expense, early and ongoing community engagement events including the creation of a BC Transit sponsored neighbourhood project working group. BC Transit will make substantive efforts to receive and record comments from the community in respect of BC Transit's plans for the Transit Facility in order to provide current and complete information about the project, renew relationships with key stakeholders and communicate the opportunity for residents to participate in providing project input.

Copies of all comments received by BC Transit and minutes from the project's neighbourhood project working group shall be provided to the Town of View Royals' Chief Administrative Officer for the period of public engagement. The Town of View Royal will also share comments received from the general public during the public engagement period.

Pre-Application

- 3) Prior to submitting Environmental Development Permit documents, BC Transit agrees to provide project information to the Town of View Royal on the following matters:
 - (a) anticipated noise impacts from the Transit Facility on surrounding properties and measures to reduce or attenuate noise impacts;
 - (b) traffic impacts and a traffic management plan;
 - (c) local air quality impacts and measures to address any such impacts; and
 - (d) A robust detailed project lighting plan will be completed which highlights dark skies friendly principles to ensure light pollution mitigation objectives are achieved while also achieving safe site operations.

Environmental Development Permit

- 4) The Town's Natural Watercourse and Shoreline Development Permit Area was established to facilitate implementation of the provincial Riparian Areas Regulation. The overarching goal of both is the protection of fish-bearing freshwater streams and waterbodies.

At least 12 weeks prior to the start of any construction work on the Land, BC Transit will complete and submit Environmental Development Permit documents to the Town of View Royal staff. BC Transit will work with the Town of View Royal staff to ensure that reasonable concerns raised by staff have been addressed prior the start of any construction work on the Land.

- 5) BC Transit will pay to the Town of View Royal an application fee for the Environmental Development Permit documentation in an amount to be calculated in accordance with the Town's Fees and Charges Bylaw No. 958, 2016.
- 6) BC Transit will also include in its Environmental Development Permit documentation all of the information reasonably required by the Town of View Royal's Director of Development Services to determine compliance with the applicable guidelines in the Town's Official Community Plan, and will also include information in respect of the following matters:
 - (a) landscaping plans to include clearing of invasive species and replanting for screening, aesthetics and restoration purposes;
 - (b) proposed stormwater management and treatment; and
 - (c) riparian area protection and enhancement.
- 7) BC Transit will construct the Transit Facility on the Land only in accordance with the terms and conditions of any Environmental Development Permit, subject to such minor changes as may be authorized by the Town of View Royal's Director of Development services, acting reasonably and having regard to the applicable Development Permit Guidelines included in the Town's Official Community Plan, and the matters listed above.

Building Permit and Construction Standards

- 8) The Town of View Royal and BC Transit shall enter into a Servicing Agreement to address the requirements of Subdivision and Development Servicing Bylaw No. 985, 2017.
- 9) BC Transit shall apply for a Building Permit prior to initiating any construction and will pay to the Town fees calculated in accordance with the Town of View Royal's Building Bylaw No.786, 2010.
- 10) Development Cost Charges, Building permit fees, and connection charges shall be paid by BC Transit to the Town of View Royal coincident with issuance of the Building Permit including the Capital Regional District (CRD) Development Cost Charges.
- 11) BC Transit will construct a building that meets or exceeds a LEED Gold certification or equivalency, and Step 3 of the BC Energy Step Code.
- 12) If any enactment of the Province would require the Transit Facility to meet a higher standard in respect of design, construction or ecological sensitivity than any similar enactment of the Town of View Royal, BC Transit will meet or exceed the standards of that provincial enactment.

Air Quality

- 13) BC Transit commits to not using the Transit Facility for the operation or maintenance of any diesel-powered transit vehicles, unless with endorsement of the staff of the Town of View Royal.

Other benefits / Items

- 14) BC Transit will work with the CRD for potential Galloping Goose Trail improvements including realignment of the trail as it approaches the Burnside and Watkiss Intersection, and if supported by the CRD, an amendment of the Statutory Right of Way in favour of the CRD to accurately capture the location of the regional trail.

- 15) As established by the service plan received and approved by the Victoria Regional Transit Commission at their November 5, 2019 meeting, BC Transit will introduce a route 53 commuter service that will provide year-round service between Atkins Road and downtown Victoria. Subject to funding approvals, commuter service will initiate in fiscal 2020/21. BC Transit will also actively explore new options for transit improvements in View Royal through the ongoing Esquimalt-View Royal Local Area Transit Plan. More specifically, BC Transit will explore transit system improvements to the Thetis Vale and Chilco neighbourhood, and provide enhanced service recommendations to the Victoria Regional Transit Commission.
- 16) BC Transit will pay to the Town of View Royal a grant in lieu of taxes as provided by the Municipal Aid Act notwithstanding B.C. Reg. 219/96, O.C. 894/96.

Community Amenity

- 17) BC Transit will provide \$150,000 for Community Amenity improvements.

Town of View Royal
by its authorized signatories:



Chief Administrative Officer

Date: January 27, 2020



Deputy CAO/Director of Corporate Services

Date: January 27, 2020

BC Transit
by its authorized signatories:



President & CEO

Date: January 23, 2020



Vice President, Asset Management & CSO

Date: January 22, 2020