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## REPORT TO JUAN DE FUCA WATER DISTRIBUTION COMMISSION MEETING OF TUESDAY, JULY 8, 2025

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**SUBJECT**     **Bylaw No. 4670 and Proposed Amendments to the Water Supply Agreement Between the Capital Regional District and the City of Langford (Westhills Development)**

### **ISSUE SUMMARY**

The City of Langford (Langford) has requested removal of six parcels of land from the Juan De Fuca (JDF) Water Distribution service area and an amendment to the water supply agreement between the Capital Regional District (CRD) and Langford that defines the terms of sale of water from the CRD Regional Water service to the Langford bulk water connection, that in turn, provides water to the Westhills Development area exempt lands.

### **BACKGROUND**

Since May 2, 2007, Langford and the CRD have had a water supply agreement (Agreement) which defines terms and conditions for the sale of water directly from the Regional Water Service (RWS) to the Langford bulk water connection, which then in turn provides water to a private water system owned by Langford and operated by Sustainable Services Ltd. (SSL) on behalf of Langford. SSL then services those lands known as the Westhills Development. As a result of this arrangement, the JDF Water Distribution System is not required to provide water service to these lands.

Langford is proposing amendments to the Schedule A of the Agreement (Appendix A), which defines the jurisdictional boundaries where water may be provided by SSL. Due to the constraints set by the Capital Region Water Supply and Sooke Hills Protection Act, along with the Local Government Act's requirements for removing parcels from service areas, the process can only be achieved by amending the service establishing bylaw for the Juan de Fuca Water Distribution Service, Bylaw No. 2538, "Water Distribution Local Service Area Establishment Bylaw No. 1, 1997".

### **Proposed Amendment**

Langford is requesting an expansion of the Westhills Water Service Area by including the following six additional parcels of land which are currently within the JDF Water Distribution service area (Appendix G):

1. 2941 Irwin Road – PID 032-201-079 Lot 1 Section 26 Goldstream District Plan EPP 123732
2. 2940 Irwin Road – PID 031-867-464 Parcel A (Being a Consolidation of Lots A and B see CB 402267) Section 26 Goldstream District Plan 38777 Except Plan EPP 123732
3. 1289 Valemount Court - PID 025-020-625 - Lot 3 Section 87 Metchosin District Plan VIP 72303
4. 1277 Valemount Court - PID 025-020-617 - Lot 2 Section 87 Metchosin District Plan VIP 72303

5. 1265 Valemount Court - PID 025-020-587 - Lot 1 Section 87 Metchosin District Plan VIP 72303
6. 1253 Valemount Court – PID 024-841-269 - Lot A Section 87 Metchosin District Plan VIP 71289

The request from Langford is attached (Appendix B). Letters have also been received from the existing landowners requesting to be excluded from the JDF Water Distribution service area and to be included in the Langford/SSL service area (Appendix C).

### Required Actions

The following actions are required to fulfill Langford's request:

1. The JDF Water Distribution Commission would need to recommend that the CRD Board amend the existing JDF service area bylaw (Bylaw No. 2538) to exclude amendment areas from the existing service area. The amending Bylaw No. 4670 is included in Appendix D.
2. The RWS Commission would need to approve the proposed amendment areas to the Agreement (Appendix E).
3. Because Bylaw 2538 is an establishing bylaw, any amendments to it require approval of the participating areas. However, as this is a *Capital Region Water Supply and Sooke Hills Protection Act* bylaw, changes to the service area only require Provincial approval, as an alternative to typical participating area approval processes. The approval process can commence after the CRD Board approves the first three readings of the amending Bylaw No. 4670 and the ministerial approvals are obtained, which typically takes approximately 5 months to complete.

### Approval Status

At its June 18, 2025 meeting, the RWS Commission approved the following recommendations presented in a staff report (Appendix F):

*The Regional Water Supply Commission recommends to the Capital Regional District Board:*

1. *That Bylaw No. 4670, "Water Distribution Local Service Area Establishment Bylaw No. 1, 1997, Amendment Bylaw No. 6, 2025", be read a first, second, and third time.*
2. *That staff be directed to prepare an amended agreement to the existing "Water Supply Agreement between Capital Regional District and the Corporation of the City of Langford" executed May 2, 2007, to include the six parcels as requested in the City of Langford's December 20, 2024 letter subject to successful adoption of Bylaw No. 4670.*
3. *That, on execution of an amended water supply agreement, Bylaw No. 4670 proceed to obtain participating area approval based on the Provincial approval process set out in the Capital Region Water Supply and Sooke Hill Protection Act, and if successful, that Bylaw No. 4670 be forwarded to the Inspector of Municipalities for approval.*

## **ALTERNATIVES**

### *Alternative 1*

The Regional Water Supply Commission and Juan de Fuca Water Distribution Commission recommends to the Capital Regional District Board:

1. That Bylaw No. 4670, “Water Distribution Local Service Area Establishment Bylaw No. 1, 1997, Amendment Bylaw No. 6, 2025”, be introduced and read a first, second, and third time.
2. That staff be directed to prepare an amended agreement to the existing “Water Supply Agreement between Capital Regional District and the Corporation of the City of Langford” executed May 2, 2007, to include the six parcels as requested in the City of Langford’s December 20, 2024 letter subject to successful adoption of Bylaw No. 4670.
3. That, on execution of an amended water supply agreement, Bylaw No. 4670 proceed to obtain participating area approval based on the Provincial approval process set out in the *Capital Region Water Supply and Sooke Hill Protection Act*, and if successful, that Bylaw No. 4670 be forwarded to the Inspector of Municipalities for approval.

### *Alternative 2*

That this report be referred back to staff for additional information.

## **IMPLICATIONS**

### *Alignment with Existing Plans & Strategies*

Exempting properties in the Westhills Development area, which cannot be serviced or economically serviced by the JDF Water Service but can be serviced by Langford and SSL, aligns with past CRD goals and practices.

### *Financial Implications*

These properties will be exempt from JDF Development Cost Charges as a result of removal from the JDF service area.

### *Legal Implications*

The service participants for the JDF Water Distribution Service are the City of Colwood; the City of Langford; the District of Metchosin; the District of Highlands; the District of Sooke; the Town of View Royal; and the Juan de Fuca Electoral Area. As an establishing service area bylaw, Bylaw No. 2538 may be amended by two-thirds vote of the participants, or by whatever method was used to adopt the bylaw in first instance. It has been confirmed with the Province that the approval process used for adoption of the bylaw – that is, Provincial approval only – may be pursued. If this does not occur in a timely fashion, it is recommended that municipal and electoral area director consent on behalf be used, given the cost of an Alternative Approval Process and the low-likelihood of failure of this otherwise administrative change given the two-thirds threshold.

## **CONCLUSION**

The City of Langford (Langford) has requested the removal of six parcels of land from the Juan De Fuca Water Distribution service area and an amendment to the existing water supply agreement between the Capital Regional District (CRD) and Langford specific to the Westhills

Development area. Due to the constraints set by the Capital Region Water Supply and Sooke Hills Protection Act, along with the Local Government Act's requirements for removing parcels from service areas, the process can only be achieved by amending the service establishing Bylaw No. 2538 for the Juan de Fuca Water Distribution Service. Staff recommend proceeding with amending the water supply agreement between the CRD and Langford and amending Bylaw No. 2538 to exempt the requested parcels from the Juan de Fuca Water Distribution Service area.

### **RECOMMENDATION**

The Regional Water Supply Commission and Juan de Fuca Water Distribution Commission recommends to the Capital Regional District Board:

1. That Bylaw No. 4670, "Water Distribution Local Service Area Establishment Bylaw No. 1, 1997, Amendment Bylaw No. 6, 2025", be introduced and read a first, second, and third time.
2. That staff be directed to prepare an amended agreement to the existing "Water Supply Agreement between Capital Regional District and the Corporation of the City of Langford" executed May 2, 2007, to include the six parcels as requested in the City of Langford's December 20, 2024 letter subject to successful adoption of Bylaw No. 4670.
3. That, on execution of an amended water supply agreement, Bylaw No. 4670 proceed to obtain participating area approval based on the Provincial approval process set out in the *Capital Region Water Supply and Sooke Hill Protection Act*, and if successful, that Bylaw No. 4670 be forwarded to the Inspector of Municipalities for approval.

Submitted by:	Joseph Marr, P. Eng., Senior Manager, Infrastructure Engineering
Concurrence:	Alicia Fraser, P. Eng., General Manager, Infrastructure and Water Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

### **ATTACHMENT(S)**

Appendix A: Water Supply Agreement (May 2, 2007)  
Appendix B: Request from City of Langford to Remove Parcels  
Appendix C: Request from Property Owners to Remove Parcels  
Appendix D: Bylaw No. 4670  
Appendix E: Water Supply Agreement Amendment No. 2 (2025)  
Appendix F: Staff Report to Regional Water Supply Commission (June 18, 2025)  
Appendix G: Map of Parcels